

**PUBLIC HEARINGS, REGULAR MEETING, WORKSESSION
AND EXECUTIVE SESSION**

Monday, October 14, 1996

PROPERTY OF
TAKOMA PARK MD. LIBRARY

Executive Session 9/24/96 - Moved by Rubin; seconded by Chavez. Council convened in Executive Session by unanimous vote at 10:05 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Davenport. STAFF PRESENT: Habada, Hobbs, Phillips. Council received a briefing about personnel matters; no action was taken (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(I)).

Executive Session 10/7/96 - Moved by Davenport; seconded by Chavez. Council convened in Executive Session by unanimous vote at 10:55 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Porter, Rubin, Williams. OFFICIALS ABSENT: Elrich. Council continued discussion of the City Administrator's evaluation (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
Deputy City Administrator Grimmer
Assistant City Administrator Hobbs
City Clerk Sartoph
COLTA Executive Director Lee-Bryant
Housing Services Coordinator Walker
Community Planner George
Streets & Parks Supervisor Shafer

The City Council convened at 7:40 p.m. on Monday, October 14, 1996, in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, these remarks were made:

MAYOR'S COMMENTS AND PRESENTATIONS

General Election Day - November 5, 1996. Councilmember Davenport reminded the audience

that November 5, 1996, is Election Day, and urged all persons who registered prior to the deadline to cast a vote on election day.

CITIZEN COMMENTS

Rino Aldrighetti, 7213 Central Avenue, expressed concerns about crime in the City and the probable impact increased crime will have on insurance rates for residents. He commented on equipment that is now available which would enable a Police Officer to look a license number from his/her patrol car. Currently, the police have to call in to the dispatcher for a license check, making it less likely that they will take the time to conduct routine license checks. He said that he believes the new equipment is expensive (i.e., \$5000/car), but that the City needs to investigate and employ technology to better City services. He suggested that a proposal for acquisition of this equipment should be presented as part of a very public campaign to improve safety and quality for residents. He thanked the Council, and especially Councilmember Porter, for addressing the burnt-out property on Flower Avenue.

Marie Ritzo, Central Avenue, endorsed Mr. Aldrighetti's remarks, adding that his suggestion seems like a worthwhile effort. She also expressed thanks regarding attention to the burnt-out property.

Ms. Porter said that in regards to insurance rates, residents have started calling their insurance companies inquiring how unification will impact their rates. It appears that Prince George's County residents who will unify into Montgomery County, will experience a reduction in some insurance rates.

Mickey McGuire, 7344 Carroll Avenue, commented on the Hiker/Biker path which has been constructed along Sligo Creek Parkway. He noted that between Piney Branch Road and Maple Avenue, there are nine bridge crossings over the creek (within .9 mile). He questioned the necessity for so many crossings.

Mayor Sharp explained that this is a project being conducted by WSSC which has been underway for many years (approximately 12). He commented on the history of the project, and noted that it is now coming to a conclusion.

PUBLIC HEARINGS

#1 Metricom Request to Hang Communication Devices from PEPCO Utility Poles.

John McClintock (Representative from Metricom) gave a brief presentation regarding the request, and showed the equipment to the audience. He explained how the devices operate. Mr. McClintock noted agreements that have been reached with other jurisdictions, and some others that are being discussed.

Rino Aldrighetti, remarked that it sounds like a nifty service, but asked about the benefits, other than access, to the City.

City Administrator Habada said that the agreement would be handled the same way that the Cable franchise is handled. As far as benefits to the City go, staff could enjoy the same benefits as City residents, i.e., wireless data transmission by modem.

Mr. Aldrighetti questioned whether there would be any revenue coming into the City.

Ms. Habada responded that there would be some franchise fee (e.g., 5% of total revenues) which would be part of the agreement.

Mr. McClintock noted that the service costs \$29.95/month, and while a person can purchase a modem for \$200+, it can be leased for about \$10/month.

#2 Amendments to City Code Chapter 6. Housing, Article 7. Landlord-Tenant Relations. Executive Director COLTA Lee-Bryant provided a brief introduction to the four areas of discussion: (1) appeal time for rent increase petitions, (2) rent escrow for rent increase petitions, (3) downward adjustment of rents after expiration of amortization periods for rent increase petitions, and (4) technical changes.

Tad Baldwin, (President, Montgomery Housing Partnership) 11160 Viers Mill Road, thanked the City for helping with the Edinburgh House rehabilitation project. He commented on the positive nature of the partnership that has evolved with the City and his desire to see it replicated in other areas. He suggested that the clause regarding a downward adjustment of rents (topic #3) be deleted. When borrowing for real estate, you assume that you borrow against a 30 year cash flow. Many property owners will experience difficulties when faced with rents that dip lower over time. Mr. Baldwin remarked about rent escrow (topic #2). The amortization begins as soon as the rehab is completed (loan become due immediately), yet the process of getting the work done and the application in, takes a period of months. He said that landlords would prefer not to wait for the rent petition process to be completed before being able to effect a rent increase. He volunteered to work with the City regarding the Montgomery Housing Partnership properties. He commented on the success of the partnership concept, and announced an upcoming fundraiser to be held at the Blair Mansion Inn.

Larry Ravitz, 111 Lee Avenue, commented on the City's rent control law. He said that only two members of the current Council were present when the law was drafted. Consequently, they are not familiar with the previous discussions. Also, some problems related to rent control are only evident to someone in the business. He remarked that there are problems with rent control--rental housing and quality of applicants are deteriorating. The highly qualified applicants look at properties outside the City. He stated that activities related to rent control add to the increased tax burden. Mr. Ravitz said that a landlord cannot make it in Takoma Park with the current restrictive law, and emphasized that the law must be changed.

Michael Mead (owner Hancock Gardens Apartments), said that he has been a landlord since April 1979 (predates rent control) in City, and that he has experienced a lot of problems due to different provisions in Article 7. He described the difficulties he has had trying to secure a rehab loan for his building. Because the bank is afraid of not being able to foreclose, it will not lend the money. He said that he was told by a mortgage broker who has done business in the City, that he will no longer do business related to properties in the City after coming to a full understanding of the City's law. Mr. Mead referred to the comments he faxed to Ms. Walker (see supplement to Agenda Item #2). He explained how he has had to risk his personal home/property to secure a loan for improvements to his rental property. He agreed with Mr. Ravitz's comments that there has to be a fundamental change in the City's law. Mr. Mead provided a hand-out to the Councilmembers (spreadsheet "Comparison of Long Term Compounded Effects of Being Nice to a Long-Term Tenant vs. Being Greedy"), and elaborated on situations arising from having long-term tenants who pay rent at the old rate and the inability to increase that rate such that it becomes comparable to other units in the building. He suggested that there be some language in the law to allow a landlord to raise all rents by a certain "dollar" amount, instead of basing an increase on a "percent." He remarked that in his case, there is no legal way for him to get the same rent for the "exception" apartment in his building (long-term tenant), even though he was promised, when the rent control law was first adopted, that he would be able to increase the rent on this unit so that it would catch-up with the others over time. The law changed. Mr. Mead said that had he known his written comments would be forwarded to Council, he would have gone into more detail. He offered to answer any questions the Councilmembers might have. He said that he originally bought a building in the City because he liked the ideals and "mix" in the City, but that he is now sorry that he did because he has been hurt financially.

Jean Saucer, tenant Lee Avenue, commented on crime and suspicious activities in her neighborhood. She urged the Council to do what is necessary to help the landlords.

Morton (unintelligible), 250 Manor Circle, said that he has lived in rental properties on the West and East coasts, some with and some without rental control, and that there does not seem to be an advantage to having rent control. He noted that the building where he lives is in disrepair.

#3 Transportation Management Temporary Report for S.S. Carroll and Surrounding Community.

Councilmember Williams provided a chronology of events related to traffic issues of S.S. Carroll and the surrounding community.

Greg Seekins, 409 Ethan Allen Avenue, stated that he moved to Takoma Park in 1972 and has lived in his present home since 1975. Since that time, the City Council has authorized speed humps and stop signs in areas where he did not see a problem. When Manor Circle was closed, he had to change his primary route to get to his sister-in-law's house. He said that he is concerned about the continued process of closing side streets to thru-traffic, which includes

himself (a resident). He remarked that apparently, only the concerns of the side street residents are being heard.

Dean Parris, 250 Manor Circle, asked what is being done to Sligo Creek Parkway.

Ms. Porter explained that the parkway was dug-up to replace sewer pipes under the road. When the work is finished, the road will be repaved. There will also be a separate hiker/biker trail.

Mr. Parris noted that he lives on Manor Circle. With it closed off, he has been forced to find an alternate route. Other considerations could have been made in regards to closing Manor Circle. He remarked that in order to get out of Manor Circle a motorist is forced to merge with the traffic on Ethan Allen Avenue. He commented that he has also experienced delays in turning onto Carroll Avenue.

Kerry Blackmore, 321 Ethan Allen Avenue, remarked that she is concerned about the placement of sign which would restrict left turns onto Jackson. This would make it very difficult for some residents to back out of their driveways. It seems that a lot of action is recommended for side streets; however, it also seems that nothing is never really done on Ethan Allen Avenue. She described accidents that have taken place at Jackson/Ethan Allen intersection. Ms. Blackmore commented that she accepts the fact that she lives on a busy street, but that she pays taxes and feels that more attention needs to be given to Ethan Allen Avenue traffic concerns.

Ms. Porter noted that there was a meeting last Thursday evening of residents who live on Ethan Allen Avenue to discuss traffic concerns.

Morton (unintelligible), 250 Manor Circle, said that it seems that this study is a bit premature. It is hard to judge traffic trends with the parkway closed. By blocking off all streets, there is an increase in traffic going into downtown Takoma Park. He noted that by closing off access to Jackson Avenue, only one access route to Manor Circle will remain.

Megan Waters, 315 Ethan Allen Avenue, said that she strongly supports keeping Manor Circle closed. There has been a tremendous increase in traffic on Ethan Allen--people cutting across from county-to-county. A lot of things lie outside of our control; however, Ethan Allen is a small, curving road that needs to be addressed. People need to look at traffic as a community issue. The speed of traffic on Ethan Allen is a concern. Since the Manor Circle/Ethan Allen Avenue intersection has been closed, there have still been some accidents, but not as many. She urged the Council to approve permanent barricade of this intersection.

Stuart Leven, 411 Boyd Avenue, agreed with all recommendations made by the traffic engineer, except for the construction of additional speed humps on Boyd and Jackson. Speed humps do not deter cut-thru traffic. He questioned whether the speed humps are being viewed as a traffic deterrent or a device to slow traffic. There are already some speed humps on the street, and they are not working. He said that he would oppose any additional speed humps because he does not

think that they will help. He said that if the speed humps are being proposed to reduce speeding, then he would contend that we do not know that speed is a problem. He suggested a study of speed on the stretch of road between Ethan Allen and Boyd, on Jackson, and added that someone should also analyze "who is speeding."

Paul Plant, 7411 Carroll Avenue, stated that he has lived here for a long time, and that it seems like traffic gets worse and worse. The City is becoming a non-friendly place for motorists and residents. The closing of Manor Circle made a lot of people mad. By doing this, problems were created on other streets. He remarked that the ironic part of it is that traffic is less than what he remembers it to have been 20 years ago. There are fewer motorists on the streets. He referred to the survey figures, and said that motorists need to have access to side streets in the event of a traffic jam. Motorists need to have a place to go. He commented that he questions all of the recommendations. Most of the people who conducted this study are people who want the solution to be changed. He said that more speed humps should be put in place on Boyd. They are an inconvenience, but they are there for a reason. There should be something done on Jackson; traffic needs to be slowed. He proposed more aggressive police enforcement of speed limits, adding that the speed limit on side streets should be 25 instead of 30 miles per hour. Changing traffic, closing streets, making one-way streets, restricting turns during certain hours, etc., only hurts the residents and essentially takes rights away from citizens of the City.

Kent Abraham, 7401 Carroll Avenue, noted that he has been involved in the traffic study for some time. He commented on the history of the study, and how participants have always tried to get as many neighbors involved as possible. The initial study indicated that one of the most addressable problems was origin of traffic onto Sherman Avenue which was identified as coming from the intersection of Ethan Allen and Manor Circle. He commented on the temporary closure of Manor Circle and the follow-up studies that are part of the evaluation process. About 1/3 of the traffic that used Manor Circle has been diverted to Jackson and Boyd (way to evade intersection at Ethan Allen/Carroll). He assured the audience that the information before the Council this evening is a product of a very exhaustive process.

Saul Schniderman, 306 Lincoln Avenue, remarked that he has been part of this process, and that he supports the recommendations. He extended special appreciation to Councilmembers Porter and Williams, Community Planner George and other staff for assisting with this process. He said that in regards to Manor Circle, "where you sit defines what is the problem." People do not want to be inconvenienced; however, we have a traffic problem in our area. He concluded that he thinks this is a good start and wants to support the recommendations.

Sally Taber, 703 Auburn Avenue, (President of SOSCA), related the concerns of SOSCA residents. (Testimony submitted - attached).

Faith Horowitz, Boyd Avenue, remarked that the closing of Manor Circle has turned her street into a major cut-thru. Neighbors are here this evening to express concern about the safety for children. The volume of traffic has increased dramatically, especially the daytime and weekend

traffic. The speed of traffic has also increased. Where the Jackson/Boyd park is located (intersection of Jackson and Boyd) drivers disregard stop signs. Manor Circle residents now use Jackson and Boyd to get home. She remarked that Jackson/Boyd residents have met countless times with Manor Circle residents to address these concerns, but that they have come to believe that there is no win-win solution and Manor Circle residences want the circle to remain closed. She concluded that it is time to repeal the temporary closing of Manor Circle, and suggested that as an alternative, there should be restrictive signs to control turning traffic.

Erin O'Brien, 345 Boyd Avenue, noted that there are some speed humps on Boyd Avenue which were put in place before the closing of Manor Circle, and that speed humps do help control traffic, somewhat, in that people have to slow down to get over the humps. The traffic on Jackson is very fast; people do not stop at the stop sign. She said that the traffic is constant and not just during rush hours. She commented that she would prefer to see restrictions from 7:00 a.m. - 7:00 p.m. seven days a week, and encouraged the Council to come to a conclusion regarding new sidewalk construction. She requested that, at the very least, the sidewalks be fixed, and also urged the completion of the sidewalk where a gap currently exists. She noted the total number of cars during the morning hours on Jackson/Boyd and other locations. Ms. O'Brien stated that she thinks that the restrictions will help some, but that she has to agree with Ms. Horowitz and other neighbors that Manor Circle needs to be reopened.

Betsy Brown, 328 Boyd Avenue, said that speed humps do slow cars down. However, some commuters have discovered that if you maintain an aggressive speed, the speed hump is not effective. Several houses on Boyd do not have driveways and residents have to park cars across the street. She said that it is difficult to get to the park (Jackson/Boyd) without walking in the street, and urged the Council to consider the overall situation logically.

Mark Gulezian, 349 Boyd Avenue, questioned whether it is neighborly for one neighborhood to solve their problem by passing it off to another. He expressed his agreement with his neighbors that Manor Circle should be reopened, and that the same restrictions proposed for Jackson should be applied to Manor Circle. The Manor Circle trial does not work for the community as a whole.

Ronald Long, 7307 Jackson Avenue, asked whether it is fair to divert traffic from one area to another. The traffic increase has been 160% since the closing of Manor Circle. This is unfair. He said that we live in an urban environment and we have to contend with traffic. We cannot eliminate traffic; we must strive to control it. He concluded that the Council needs to do what is fair to everyone and not favor any one area or street.

Deborah Billings, 7311 Jackson Avenue, said that speed is a problem on Jackson Avenue, and that there are a lot of children who use the park. She stated that there was not the same problem a year ago, and urged the Council to think about the consequences of closing a street before taking action to do so. She commented that the light at Ethan Allen and Carroll is part of the problem and should be addressed. She also noted that there is a sign just east of Jackson Avenue, broadcasting that Manor Circle is closed, which serves as an invitation to motorists to turn onto

Jackson Avenue. Ms. Billings urged the Council to remove this sign, in the very least.

Mamie Bittner, 318 Boyd Avenue, noted that her husband has been active in this traffic study process, and that the process has taken a long time because of the complexity of the problem. Having children makes you look at this problem somewhat differently. She expressed her appreciation to the Council for all it is doing to address this problem, but stated that she thinks it will be an ongoing problem. Residents will have to deal with traffic whether Manor Circle remains closed or is reopened.

Joe Wilson, 225 Manor Circle (house that overlooks the Ethan Allen/Manor Circle intersection), said that it is a very dangerous intersection that the police once gave the name "malfunction junction." He said that the closure of Manor Circle has been the only thing that has really worked to reduce accidents at this intersection. He said that he is sorry other areas have been inconvenienced, but that he does not think all of the traffic has been diverted on Boyd/Jackson. Mr. Wilson stated his suspicion that traffic is going up Ethan Allen into the Junction.

Tom Kaufman, 214 Manor Circle, referred to the Traffic Engineer's report and the anticipated effects of reopening Manor Circle. The traffic volume would return to the level it was before the temporary closure. He suggested that the temporary barriers at Manor Circle remain in place while efforts are made to resolve the problems on Jackson/Boyd. Mr. Kaufman said that he hopes that past work on other streets will speed up the process on these streets, and urged the Council to implement the corrections which are proposed in the engineer's report.

Rick Leonard, 208 Manor Circle, strongly supported the closure of Manor Circle. He stated that he also supports continuing to study the issue and seeing what we can do to help the neighboring streets.

Cynthia Terrell, 7401 Jackson Avenue (corner Jackson/Boyd), said that she thinks that traffic needs to be distributed evenly, but that there also needs to be better police enforcement at this stop sign. She suggested that a stop sign be placed at Jackson/Elm.

Cynthia Carter, 240 Manor Circle, said that this is not a local problem. It is a city-wide problem. She remarked that we live in a small town, with friendly neighborhoods, many parks and children, and that she doesn't think we are going to come to something that works until we address the problem as a city-wide issue. She commented that she is grateful for the changes that have been made as a result of the partial closing of Manor Circle, and noted that the closure of the circle was suggested by the traffic engineers, not the residents.

Micky McGuire, 7344 Carroll Avenue, suggested that the City be designated an "automobile-free zone." He added, however, that we need to provide the quickest, most direct path for cut-thru traffic.

| Stuart Tenhoor, 317 Boyd Avenue, said that Manor Circle had a bad problem, but that now

residents on Jackson/Boyd now have a problem. He said that he thinks some of the recommendations are good, but that he is not sure that implementation of all recommendations and keeping Manor Circle closed is the best comprehensive approach. He urged the Council to make a decision and take the next step. If it doesn't work, then the Council should act quickly to take the next step.

Claudia McNules, Manor Circle, recalled that the traffic volume that was measured on Manor Circle was not all rush hour traffic. She stated that in response to the notion that Manor Circle residents "want an oasis," the circle is not an oasis. She said that a simple sign will not address the problem. Keeping Manor Circle closed is a good beginning, and the proposal is also a good approach and should be tried.

Susan Robb, 203 S. Manor Circle, urged the Council to carefully study the memo provided by the engineer, and to also keep in mind that the recommendations that have been presented, have been approved by the S.S. Carroll Neighborhood Association (persons in attendance at last meeting). She encouraged enforcement of speed limits. Ms. Robb said that she is in support of the Manor Circle closure, and remarked that she hopes Council will consider the unique geography of the Manor Circle/Ethan Allen intersection. There are still three ways to get into the circle. She referred to the traffic study--176 cars cut onto Jackson from Ethan Allen (39 cars cut through the parking lot)--and concluded that she does not believe in the "ghost" problem related to the closed parkway.

Bob Casey, Ethan Allen, expressed support for keeping Manor Circle closed. On the accident issue alone, the circle should be kept closed. She said that she is envious of traffic controls on Boyd, but that she is aware that speed humps cannot be placed on Ethan Allen because it is a State road. She remarked that she feels more sympathetic to the residents on Boyd.

The Public Hearing was closed at 9:45 p.m.

Mickey McGuire, 7344 Carroll Avenue, asked whether representatives from the emergency services (e.g., Police and Fire & Rescue) have participated in discussions of this issue, and questioned whether insurance companies will increase rates if they perceive the traffic control devices as creating a hazardous environment.

Mr. Williams responded in the affirmative to Mr. McGuire's first question, noting the composition of the Technical Review Committee (TRC) which has discussed this issue. He noted, for the record, comments he received from a constituent, Ellen Lopez, in support of the recommendations except for the closure of North Manor Circle.

Continued discussion of the Transportation Management Temporary Report for S.S. Carroll and surrounding community is scheduled for November 4.

Councilmember Elrich requested data regarding before/after of traffic bound toward Silver Spring

that jumps off of Ethan Allen.

Community Planner George stated that she plans to have information of this kind, related to specifics, for the worksession discussion.

Mr. Williams noted, as an item of information, that Ms. George, 2 residents of Sycamore Avenue, and he met with State Highway Administration (SHA) representatives last week regarding the Ethan Allen/Carroll traffic light. SHA has tentatively promised, dependent on the amount of data they need to collect and that which we may already have, to hold a meeting on November 21 to discuss recommendations about the timing of signals in Takoma Junction.

REGULAR MEETING

#4 1st Reading Ordinance re: Sanctions Against Burma. Moved by Williams; seconded by Chavez.

Mr. Williams remarked that he hopes that the re-draft that was prepared in consultation with City Clerk Sartoph and Assistant Corporation Counsel Perlman., gets the Council to the place we want to be in regards to establishing a link between the Free Burma Ordinance and the NFZ Ordinance.

Phil Robertson, (Free Burma Campaign of Takoma Park), expressed support for the ordinance.

Ms. Porter stated that she has some concerns about the ordinance, and wishes it were possible to vote “yes” on the purpose, but “no” on the means. She commented that while she thinks the Burma situation is worthy of the strongest action we can take, she does not think this is the best way to respond. She noted that the City Administrator has already notified the Council that a waiver will be necessary for police radios. However, she said that she will vote “yes” on the ordinance because she would not want a “no” vote to be misinterpreted. Ms. Porter stated that she will support implementation of this ordinance, just as she has supported the NFZ Ordinance.

Mr. Sharp noted that at the last worksession, there was a discussion about the impending need for a waiver. He commented that for some people this is troubling, but for him, it is not. There needs to be some way to balance concerns (local versus global). He remarked that the Council will have to recognize that it is sometimes necessary to be less than “pure” in adhering to the ordinance because of practicalities (i.e., need for increased public safety). Mr. Sharp concluded that this does not trouble him that much.

Mr. Elrich commented about the different levels that we act on. The primary job is to effect things within the City, and it is important for the Council to make decisions that effect the people in the City as first priority. He said that if presented with a necessary waiver, he will vote in favor of the waiver, putting forth the safety of citizens as first priority.

Councilmember Rubin remarked that basically, what we are saying through this ordinance is that the people of the City do not want their tax dollars spent supporting a regime that violates human rights and perpetuates drug trafficking. He said that he does not think this is different than other actions the Council has taken to protect our citizens (e.g., want children to have ball fields, but also do not want children to take drugs). He concluded that he does not have a problem with the waiver process.

Mr. Williams reiterated comments made by other Councilmembers, and stated that adoption of the ordinance identifies the moral outrage of the regime in Burma (SLORC).

Councilmember Chavez remarked that he thinks we are on the right track.

The ordinance was accepted unanimously at first reading (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

**ORDINANCE #1996-33
(Attached)**

Mr. Williams noted that during the time that the Council has been discussing this issue, another City has passed a Burma Ordinance (Carboro, North Carolina).

#5 Single Reading Ordinance re: Leaf Mulch Tub Grinder. Moved by Chavez; seconded by Elrich.

Mr. Sharp noted the staff memorandum, and asked for clarification about Hyattsville personnel costs.

Public Works Team Leader Shafer responded that City staff and Hyattsville personnel are used at the same time. If the City purchases a grinder, we will only require one operator to load the machine.

Mr. Sharp concluded that savings are projected to be in the neighborhood of \$10,000/year.

Mr. Shafer said that the costs for the rubber tire loader and Hyattsville personnel will not be incurred if the City buys a grinder. Machine hammers will have to be replaced approximately once a year (\$1500/set). He commented on the costs of other replacement parts and routine maintenance (e.g., belts - every 2 years (\$250)), and estimated these costs to be \$2200/year.

Ms. Porter calculated that the saving would be approximately \$15,000/year.

Mr. Shafer remarked that he wants Council to understand that this can be a high maintenance item in later years. The grinding process is hard on the machine. Consequently, he said that he does

not want to lock himself into \$2200 for replacement/maintenance costs in out years.

Mr. Chavez questioned what brand of grinder is Hyattsville using now.

Mr. Shafer responded that he does not know the exact brand name, but that it is a more expensive grinder that we bid-out for. The City did not consider the brand used by Hyattsville.

Mr. Williams asked if the stress on the machine is only due to the hardness of materials being ground, or does moisture play a role.

Mr. Shafer said that he is not sure about how moisture factors into the equation, but that he knows that brush and larger limbs wear the machine quicker. He noted that the City has the benefit of a very clean operating area (i.e., asphalt pad).

Mr. Williams commented that he had the sense that one benefit of our owning a grinder was that we would not be pressed to conduct grinding at any one or limited time.

Mr. Shafer stated that it is recommended that an air compressor be on site to aid in cleaning the machine, and that if properly maintained (e.g., lubed and adjusted), the grinder will have a longer life span.

Ms. Porter questioned what is the estimated life span of the machine.

Mr. Shafer responded that through discussions with vendors and owners of machines, he has received information that a machine may last 8-15 years--Fairfax County had machine for 10 years; Gran Turk says 8-10 years is life span; and people in Frederick said 15 years can be expected, if only grinding leaves.

Mr. Elrich remarked that he wants the budget to reflect a reduction in the amount of the savings, unless the Council approves these savings being spent on another item.

The Single Reading Ordinance was adopted unanimously (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

ORDINANCE #1996-34
(Attached)

#6 Resolution re: Takoma Park-Silver Spring Food Co-op. Moved by Williams; seconded by Porter.

Mr. Sharp questioned whether the resolution is in accordance with the sample provided by Maryland Department of Housing and Community Development (referenced in their letter).

Ms. Habada responded that the resolution was drafted after a model (i.e., Cynthia Fee application for Knee High to a Grasshopper). The City has received no indication that there was a problem with that resolution.

Carl Elefante, Takoma Community Development Corporation (TCDC), supported the resolution and application made by the TPSSC. This is a model of the type of application the State is looking for. It meets the intention of the Neighborhood Business Development Program.

The resolution was adopted unanimously (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

**RESOLUTION #1996-57
(Attached)**

WORKSESSION

The Council moved into Worksession at 10:15 p.m. Following the Worksession, the Council convened in Executive Session at 11:20 p.m.; after its conclusion, the Council adjourned for the evening.

Executive Session 10/14/96 - Moved by Williams; seconded by Elrich. Council convened in Executive Session by unanimous vote at 11:20 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Davenport. STAFF PRESENT: Habada, Sartoph, Braithwaite, Schwartz. Council discussed possible purchase/sale of land; direction was given to staff (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

Introduced by: Councilmember Williams

RESOLUTION #1996 - 57

Resolution of support for the application submitted by the Takoma Park/Silver Spring Food Co-op under the Maryland Neighborhood Business Development Program.

WHEREAS, the Takoma Junction Commercial Revitalization District was established to facilitate economic development activities using both public and private resources; and

WHEREAS, the City of Takoma Park and the State of Maryland contributed funds for the preparation of a revitalization plan for the Takoma Junction area; and

WHEREAS, support for a food store market was included as a priority in the recommendations made by the consultant, Hammer, Siler, George Associates; and

WHEREAS, the Takoma Park/Silver Spring Food Co-op is negotiating a lease to move into Turner Electric in Takoma Junction and has submitted an application to the Maryland Neighborhood Business Development Program for funding; and

WHEREAS, the expansion of this business is compatible with the vision for this neighborhood commercial area and is a compatible use in conformance to the Montgomery County zoning code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the City supports the application by the Takoma Park/Silver Spring Co-op to the Maryland Neighborhood Business Development Program.

Adopted the 14th day of October, 1996.

Introduced by: Councilmember Williams

1st Reading: 10/14/96
2nd Reading:

ORDINANCE 1996-33

Establishing a policy for the City of Takoma Park prohibiting contracts for personal services with those who do business in or with Burma (Myanmar), and prohibiting the purchase of commodities produced in Burma (Myanmar) or provided by those who do business in or with Burma (Myanmar).

- WHEREAS,** the citizens of the City of Takoma Park, believing that their quality of life is diminished when peace and justice are not fully present in the world, recognize the important role local communities can take to promote universal respect for human rights and fundamental freedoms; **AND**
- WHEREAS,** the City of Takoma Park has a strong and vibrant tradition of organizing local action to affect larger world events, as manifested by the Takoma Park Nuclear-Free Zone Act; **AND**
- WHEREAS,** citizens of Takoma Park have petitioned the City Council requesting that tax monies not be spent in ways that help support the military regime in Burma, currently known as the State Law and Order Restoration Council (SLORC); **AND**
- WHEREAS,** Burma has been singled out year after year by the U.S. Department of State and the United Nation's Human Rights Commission for widespread violations of human rights, and according to the Commission's Special Rapporteur to Burma and other respected human rights monitoring organizations such as Human Rights Watch/Asia and Amnesty International, the military regime in Burma has institutionalized torture and rape as political instruments, embarked upon campaigns of forcible relocation and persecution of ethnic minorities, and incarcerated political opponents including over 20 Members of Parliament elected in 1990, thereby denying the majority of the population the right to participate in the political process, to benefit from the system of justice, or to exercise economic rights; **AND**
- WHEREAS,** the military regime in Burma has been repeatedly rebuked by the International Labor Organization (ILO) for "widespread and extremely serious" use of forced labor for infrastructure projects and denial of the right of the freedom of association and the United States Government continues to deny trade privileges for Burma because of violations of labor rights; **AND**

WHEREAS, both the Drug Enforcement Agency and the Department of State have identified Burma as the largest source of heroin reaching the United States and reported that the military regime in Burma continues to protect narcotics traffickers wanted by the international community; **AND**

WHEREAS, Daw Aung San Suu Kyi, the 1991 Nobel Peace Prize winner and the leader of the democratic forces in Burma, has called on the world community to impose economic sanctions against the military regime in Burma because foreign investment serves to bolster the resources and power of the SLORC; **AND**

WHEREAS, the Aung San Suu Kyi's call for sanctions has been publicly supported by a group of Aung San Suu Kyi's fellow Nobel Peace Prize laureates which is led by Archbishop Desmond Tutu of South Africa and includes Oscar Arias Sanchez, the Dalai Lama, Mairead McGuire and Betty Williams, and Adolpho Perez Esquivel; **AND**

WHEREAS, the military regime in Burma continues to refuse calls from the United Nations General Assembly and political leaders around the world urging them to engage in a political dialogue with Aung San Suu Kyi and the democratic forces led by the National League for Democracy (NLD) Party, which won 82% of the seats in the Parliament in the 1990 elections but was prevented by SLORC from taking power; **AND**

WHEREAS, the United States Supreme Court has upheld the power of a municipality to make legitimate economic decisions without being subject to the restraints of the Interstate Commerce Clause when it participates in the market place as a corporation or a citizen as opposed to exerting its regulatory powers;

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

SECTION 1 THAT Takoma Park joins with the following states and cities -- State of Massachusetts, San Francisco (Ca), Oakland (Ca), Berkeley (Ca), Madison (WI), Ann Arbor (MI) and Santa Monica (Ca) -- in determining that the system of oppression by military regime in Burma is illegal and contrary to international laws and covenants. It being morally repugnant to the citizens of the City of Takoma Park, the City Council of the City of Takoma Park does join these other communities by hereby setting forth a municipal policy prohibiting the City from entering into any contractual agreement for the provision of professional services with any person who is providing or is willing to provide professional services to the military regime in Burma; or any business or corporation organized under the authority of the military regime in Burma; or any person or corporation which has equity ties with any public or private entity located in Burma; **AND**

SECTION 2 THAT the City of Takoma Park is prohibited from entering into any contractual

agreement for the purchase of any commodity that is manufactured, extracted or produced in Burma. The City is further prohibited from purchasing any commodity manufactured, extracted or produced by any person who buys, sells, leases or distributes commodities in the conduct of business with, or who provides services, goods, or professional services to the military regime in Burma; any business or corporation organized under the authority of the military regime in Burma; and any person for the express purpose of investing in business operations or trading with any public or private entity that is located in Burma or has direct investment or employees in Burma; AND

SECTION 3 THAT within sixty (60) days of the effective date of this ordinance, the City Council shall appoint a seven (7) person non-partisan Takoma Park Free Burma Committee to oversee implementation of and adherence to this Ordinance. At least one committee member should be of Burmese origin. Duties and organization of the Takoma Park Free Burma Committee shall adhere to the model of the Nuclear-Free Takoma Park Committee as described in Section 8A-12 of the Takoma Park Code; AND

SECTION 4 THAT this ordinance shall be administered and implemented in accordance with the procedures set forth in the Takoma Park Nuclear Free Zone Act, Section 8A-1 et seq of the Takoma Park Code. Solely for the purpose of implementing this ordinance (hereinafter referred to as the "Free Burma Ordinance"), exceptions and additions to the Nuclear Free Zone Act procedures shall be made as follows:

Sec. [8A-1.] 1. Title.

This chapter shall be known as the ["Takoma Park Nuclear-Free Zone Act"] "Takoma Park Free Burma Act."

Sec [8A-2.] 2. Purpose.

The purpose of this Act is to establish the City of Takoma Park, Maryland, as a [nuclear-free zone in that work on nuclear weapons is prohibited within the city limits and that citizens and representatives are urged to redirect resources previously used for nuclear weapons toward endeavors which promote and enhance life, such as human services, including child care, housing, schools, health care, emergency services, public transportation, public assistance and jobs.] city assisting in the restoration of democracy and respect for human rights in Burma in the manner requested by Nobel Peace Prize Laureat Daw Aung San Suu Kyi and the National League for Democracy Party.

Sec [8A-3.] 3. Findings.

It is the finding of the [Mayor and] City Council of the City of Takoma Park,

Maryland, that:

[(a) The nuclear arms race has been accelerating for more than one-third (1/3) of a century, draining the world's resources and presenting humanity with the ever mounting threat of nuclear holocaust.

(b) There is no adequate method to protect Takoma Park residents in the event of nuclear war.

(c) Nuclear war threatens to destroy most higher life forms on this planet.

(d) The use of resources for nuclear weapons prevents these resources from being used for other human needs, including jobs, housing, education, health care, public transportation and services for youth, the elderly and the disabled.

(e) The United States, as a leading producer of nuclear weapons, should take the lead in the process of global rejection of the arms race and the elimination of the threat of impending holocaust.

(f) An emphatic expression of the feelings on the part of private citizens and local governments can help initiate such steps by the United States and the other nuclear weapons powers.

(g) Takoma Park is on record in support of a bilateral nuclear weapons freeze and has expressed its opposition to civil-defense-crisis-relocation planning for nuclear war.

(h) The failure of governments of nuclear nations adequately to reduce or eliminate the risk of ultimately destructive nuclear attack requires that the people themselves, and their local representatives, take action.

(i) In view of the Nuremberg Principles, which hold individuals accountable for crimes against humanity, and the illegality of nuclear weapons under international law, in adopting this chapter, this community seeks to end its complicity with preparations for fighting a nuclear war.]

(a) The citizens of the City of Takoma Park, believing that their quality of life is diminished when peace and justice are not fully present in the world, recognize the important role local communities can take to promote universal respect for human rights and fundamental freedoms.

(b) The City of Takoma Park has a strong and vibrant tradition of organizing local action to affect larger world events, as manifested by the Takoma Park Nuclear-Free Zone Act.

(c) Citizens of Takoma Park have petitioned the City Council requesting that tax monies not be spent in ways that help support the military regime in Burma, currently known as the State Law and Order Restoration Council ((SLORC).

(d) Burma has been singled out year after year by the U.S. Department of State and the United Nation's Human Rights Commission for widespread violations of human rights, and according to the Commission's Special Rapporteur to Burma and other respected human rights monitoring organizations such as Human Rights Watch/Asia and Amnesty International, the military regime in Burma has institutionalized torture and rape as political instruments, embarked upon campaigns of forcible relocation and persecution of ethnic minorities, and incarcerated political opponents including over 20 Members of Parliament elected in 1990, thereby denying the majority of the population the right to participate in the political process, to benefit from the system of justice, or to exercise economic rights.

(e) The military regime in Burma has been repeatedly rebuked by the International Labor Organization (ILO) for "widespread and extremely serious" use of forced labor for infrastructure projects and denial of the right of the freedom of association and the United States Government continues to deny trade privileges for Burma because of violations of labor rights.

(f) Both the Drug Enforcement Agency and the Department of State have identified Burma as the largest source of heroin reaching the United States and reported that the military regime in Burma continues to protect narcotics traffickers wanted by the international community.

(g) Daw Aung San Suu Kyi, the 1991 Nobel Peace Prize winner and the leader of the democratic forces in Burma, has called on the world community to impose economic sanctions against the military regime in Burma because foreign investment serves to bolster the resources and power of the SLORC.

(h) The Aung San Suu Kyi's call for sanctions has been publicly supported by a group of Aung San Suu Kyi's fellow Nobel Peace Prize laureates which is led by Archbishop Desmond Tutu of South Africa and includes Oscar Arias Sanchez, the Dalai Lama, Mairead McGuire, and Betty Williams, and Adolpho Perez Esquivel.

(i) The military regime in Burma continues to refuse calls from the United Nations General Assembly and political leaders around the world urging them to engage in a political dialogue with Aung San Suu Kyi and the democratic forces led by the National League for Democracy (NLD) Party, which won 82% of the seats in the Parliament in the 1990 elections but was prevented by SLORC from taking power.

(j) The United States Supreme Court has upheld the power of a municipality to make legitimate economic decisions without being subject to the restraints of the Interstate Commerce Clause when it participates in the market place as a corporation or a citizen as opposed to exerting its regulatory powers.

[Sec. 8A-4: Nuclear Facilities Prohibited.

(a) The production of nuclear weapons shall not be allowed in the City of Takoma Park. No facility, equipment, components, supplies or substance used for the production of nuclear weapons shall be allowed in the City of Takoma Park.

(b) No person, corporation, university, laboratory, institution or other entity in the City of Takoma Park knowingly and intentionally engaged in the production of nuclear weapons shall commence any such work within the city after adoption of this chapter.

Sec. 8A-5. Investment of City Funds.

The City Administrator in conjunction with the Nuclear-Free Takoma Park Committee shall propose, within six (6) months of the Committee's creation, a socially responsible investment policy and implementation plan, specifically addressing any investments the city may have or may plan to have in industries and institutions which are knowingly and intentionally engaged in the production of nuclear weapons. The proposed policy and plan shall be presented to the Mayor and Council, who shall conduct a public hearing on the policy and plan before considering it for adoption.]

Sec [8A-6.] 4. Eligibility for City Contracts.

(a) The City of Takoma Park and its officials, employees or agents shall not knowingly and intentionally grant any award, contract or purchase order, directly or indirectly, to any [nuclear weapons producer] firm on the Takoma Park Free Burma list.

(b) The City of Takoma Park and its officials, employees or agents shall not knowingly and intentionally grant any award, contract or purchase order, directly or indirectly, to purchase or lease products produced by a [nuclear weapons producer] firm on the Takoma Park Free Burma list.

(c) The recipient of a city contract, award or purchase order shall certify to the City Clerk by a notarized statement that it is not knowingly or intentionally a [nuclear weapons producer] firm on the Takoma Park Free Burma list.

(d) The City of Takoma Park shall phase out the use of any products of a

[nuclear weapons producer] firm on the Takoma Park Free Burma list which it owns or possesses. Insofar as [non-nuclear] non-Burmese alternatives are not available, for the purpose of maintaining a product during its normal useful life and for the purpose of purchasing or leasing replacement parts, supplies and services for such products, Section [8A-6] 4(a) and (b) above shall not apply.

(e) [The City Council, upon advice of the Nuclear-Free Takoma Park Committee, shall within six (6) months of its appointment and annually thereafter establish and publish a list of nuclear weapons producers to guide the city, its officials, employees and agents in the implementation of Section 8A-6(a), (b) and (c) above. Said list shall not preclude application or enforcement of these provisions to or against any other nuclear weapons producer.] The City Council shall annually adopt a Takoma Park Free Burma list to guide the city, its officials, employees and agents in the implementation of Section 4 (a), (b) and (c) above. Prior to such adoption, the Takoma Park Free Burma Committee shall review and suggest any modifications to the Takoma Park Free Burma list. In the event the City Council fails to adopt a list, the prior list shall remain in full force and effect. Said list shall not preclude application or enforcement of these provisions to or against any other firms with a direct investment or employees in Burma.

(f) Waivers.

(1) The provisions of Section [8A-6] 4(a) and (b) may be waived by resolution passed by a majority vote of the [Mayor and] City Council, provided that:

(A) The [Mayor and] City Council shall determine, after a diligent good-faith search, that a necessary good or service cannot reasonably be obtained from any source other than a [nuclear weapons producer] firm on the Takoma Park Free Burma list;

(B) The City Administrator or his/her designee shall notify the [Nuclear-Free Takoma Park Committee] Takoma Park Free Burma Committee of the [Mayor and] City Council's intent to consider a waiver resolution thirty (30) days prior to the formal consideration of such a resolution and that the Committee, upon receipt of such notice, shall provide the City Council with its considered advice; provided, however, that failure to provide such advice shall not prohibit the City Council from taking appropriate action after the thirty-day notification period; and

(C) The City Council shall hold a public hearing prior to the passage of a waiver resolution and no sooner than thirty (30) days after the notification to the Committee of the City Council's intent

to consider such a resolution.

(2) The reasonableness of an alternative source shall be determined upon the consideration of the following factors:

(A) The intent and purpose of this chapter.

(B) Documented evidence establishing that the necessary good or service is vital to the health or safety of the residents or employees of the city, with the understanding that the absence of said evidence shall diminish the necessity for waiver.

(C) The recommendations of the City Administrator and the [Nuclear-Free Takoma Park Committee] Takoma Park Free Burma Committee.

(D) The availability of goods or services from a [non-nuclear weapons producer] firm not on the Takoma Park Free Burma list reasonably meeting the specifications or requirements of the necessary good or service.

(E) Quantifiable substantial additional costs that would result from the use of a good or service of a [non-nuclear weapons producer] firm not on the Takoma Park Free Burma list, provided that this factor shall not become the sole consideration.

Sec. [8A-7.] 5. Exclusions.

[(a) Nothing in this chapter shall be construed to prohibit or regulate the research and application of nuclear medicine or the use of fissionable materials for smoke detectors, light-emitting watches and clocks and other applications where the purpose is unrelated to the production of nuclear weapons. Nothing in this chapter shall be interpreted to infringe upon the rights guaranteed by the first amendment to the United States Constitution nor upon the power of Congress to provide for the common defense.]

[(b)] (a) Nothing in this chapter shall be interpreted, construed or applied to prevent the [Mayor and] City Council or the City Administrator or his/her designee of the City of Takoma Park, Maryland, from acting to remedy, ameliorate or prevent an emergency situation presenting a clear and present danger to the public health, safety and general welfare, as defined in Section 2-6.1 of this Code, provided that should any such emergency situation requires the purchase of products or services from or entry into a contract with a [nuclear weapons producer] firm on the Takoma Park Free Burma list, then the City Administrator

or his/her designee shall notify the Chairperson or his/her designee of the [Nuclear-Free Takoma Park Committee] Takoma Park Free Burma Committee within three (3) working days of the city's actions.

~~[(c)] (b)~~ Nothing in this chapter shall be interpreted, construed or applied to supersede or bypass any procurement regulations, whether those regulations are legislative or administratively promulgated; provided, however, that no procurement regulations pertaining to the granting of any award, contract or purchase order shall alter or abrogate the intent or requirements of this chapter.

Sec. [8A-8.] 6. Violations and Penalties; Other Remedies.

(a) Any violation of this chapter shall be a Class B offense.

(b) Without limitation or election against any other available remedy, the city or any of its citizens of any other aggrieved party may apply to a court of competent jurisdiction for an injunction enjoining any violation of this chapter. The court shall award attorney's fees and costs to any party who succeeds in obtaining an injunction hereunder.

Sec. [8A-9.] 7. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

[(a)] (a) "Component of a nuclear weapon" is any device, radioactive substance or nonradioactive substance designed knowingly and intentionally to contribute to the operation, launch, guidance, delivery or detonation of a nuclear weapon.

(b) "Nuclear weapon" is any device the sole purpose of which is the destruction of human life and property by an explosion resulting from the energy released by a fission or fusion reaction involving atomic nuclei.

(c) "Nuclear weapons producer" is any person, firm, corporation, institution, facility, parent or subsidiary thereof or agency of the federal government engaged in the production of nuclear weapons or their components.

(d) "Production of nuclear weapons" includes the knowing or intentional research, design, development, testing, manufacture, evaluation, maintenance, storage, transportation or disposal of nuclear weapons or their components.

(e) "A product produced by a nuclear weapons producer" is any product which is made wholly or primarily by a nuclear weapons producer, except that products which, prior to their intended purchase by the city, have been previously owned and used by an entity other than the manufacturer or distributor; such products

shall not be considered produced by a nuclear weapons producer if, prior to their purchase by the city, more than twenty-five percent (25%) of the useful life of such product has been used or consumed, or within one (1) year after it has been put into service by the previous nonmanufacturer owner. The "useful life of a product" shall be defined, where possible, by the applicable rules, regulations or guidelines of the United States Internal Revenue Service.]

(a) The "City Administrator" shall mean the City Administrator of the City of Takoma Park, or any authorized representative of the City Administrator.

(b) The "City" or "City of Takoma Park" shall mean the City of Takoma Park, or any entity or official agent acting under the direction of the City Council of the City of Takoma Park.

(c) The "military regime in Burma" (also known as Myanmar) shall mean any public or quasi-public entity sanctioned by the State Law and Order Restoration Council (known by the acronym "SLORC") operating within Burma, including, but not limit to, municipal, provincial, or other governing bodies operating as proxy of SLORC, including all departments and agencies of such bodies, public utilities, public facilities, or any national corporation in which the public sector of Burma has a financial interest or operational responsibilities;

(d) "Person" shall mean any individual, firm, partnership, corporation, association, or any other organization or entity, however formed.

(e) "Professional services" shall mean personal services of members of a licensed or otherwise-recognized profession, including but not limited to accountants, architects, attorneys, auditors, engineers, medical practitioners, surveyors and the like.

(f) "Services and Goods" shall include, but not be limited to, any services, supplies, goods, vehicles, materials, machinery, or equipment.

(g) "Takoma Park Free Burma List" shall be the most current list of all companies with direct investment or employees in Burma as listed by the Investors Research Responsibility Center (IRRC).

Sec. [8A-10.] §. Notification.

[(a) Upon adoption of this chapter and annually thereafter, the Mayor and Council shall present a true copy of this chapter to the President of the United States, to the Premier of the Union of Soviet Socialist Republics, to the ambassadors of all nations at that time possessing nuclear weapons, to the Secretary-General of the United Nations, and to the Director of the International

Atomic Agency.

(b) In addition, true copies of this chapter shall be sent to the Governor of the State of Maryland, to the United States Senators from Maryland, to the United States Representatives representing Takoma Park, to our State Delegates and Senators, to the County Executives of Montgomery and Prince George's Counties, and to the Council members of the respective counties.

(c) The Mayor and Council of Takoma Park, Maryland, shall choose a town or city of approximately seventeen thousand (17,000) inhabitants within twenty (20) miles of Moscow or some other city or town in the Union of Soviet Socialist Republics, as the Mayor and Council may deem appropriate, and shall send a true copy of this Takoma Park chapter and a letter urging the chosen town to take similar action.]

Upon adoption of this ordinance, the City Council shall forward a true copy of this ordinance to the President of the United States, the Secretary of State, Nobel Peace Prize Laureate Aung San Suu Kyi, and the Secretary-General of the United Nations, and the Prime Minister of the National Coalition Government of the Union of Burma (NCGUB).

In addition, true copies of this ordinance shall be sent to the Governor of the State of Maryland, to the United States Senators from Maryland, to the United States Representatives representing Takoma Park, to State Delegates and State Senators representing Takoma Park, to the County Executives of Montgomery and Prince George's Counties, and to the County Council members of the respective counties.

Finally, a true copy of this ordinance shall be sent to the Ambassador of Burma (Myanmar) to the United States for conveyance to the military regime of Burma.

[Sec. 8A-11. (Reserved)]

Sec. [8A-12.] 2. [Nuclear-Free Takoma Park Committee] Takoma Park Free Burma Committee.

[(a) Within sixty (60) days of the effective date of this chapter, the Mayor shall appoint, with the approval of the City Council, a nonpartisan Nuclear-Free Takoma Park Committee to oversee implementation of and adherence to this Act. The Committee shall consist of seven (7) Takoma Park residents, with staffing to be provided by the City Administrator. Committee members shall have collective experience in the areas of science, research, finance, law, peace and ethics.]

(a) Within sixty (60) days of the effective date of this ordinance, the Council shall appoint a seven (7) person nonpartisan Takoma Park Free Burma Committee

to oversee implementation of and adherence to this Act. At least one Committee member should be of Burmese origin.

(b) ~~[Residents]~~ Persons appointed to the Committee shall serve two-year terms, except that three (3) of the initial appointees as designated by the ~~[Mayor and]~~ City Council shall serve one-year terms. The Committee shall appoint its own chair and establish its own bylaws, both subject to approval by the ~~[Mayor and]~~ City Council.

(c) The Committee shall have the following duties and responsibilities:

(1) The Committee may review any work within the city which it has reason to believe is not in compliance with ~~[Section 8A-4]~~ of this Act. The Committee shall inform appropriate legal authorities of suspected violation of this Act.

(2) The Committee ~~[shall]~~ may review any existing city contracts, awards, purchase orders and investments and may review proposed contracts, awards, purchase orders and investments to assure compliance with ~~[Sections 8A-5 and 8A-6]~~ Section 4 of this Act. If the Committee finds any contracts, awards, purchase orders or investments in violation of this Act, it shall, in conjunction with the City Administrator, make recommendations to the ~~[Mayor and]~~ City Council regarding the existence of reasonable alternatives.

~~[(3) The Committee, in conjunction with the City Administrator, shall propose a socially responsible investment policy and implementation plan as specified in Section 8A-5 above and , upon adoption of the policy and plan, shall annually thereafter review said investment policy to ensure its conformity to this Act.]~~

~~[(4)]~~ (3) The Committee shall, through a collection of materials, newsletter articles, cable television programming, public forums and other means, provide public education and information on issues related to the intent and purpose of this Act. In performing this task, the Committee shall cooperate with city staff ~~[the Nuclear Freeze Task Force]~~ and other interested community groups and individuals.

~~[(5)]~~ (4) The Committee shall maintain a collection of current materials concerning the ~~[production of nuclear weapons and components thereof]~~ contemporary situation in Burma. From this information and from consultations with individuals and organizations involved in the ~~[nuclear weapons debate]~~ debate regarding Burma, the Committee shall annually prepare and report to the City Council a list of ~~[nuclear weapons~~

producers] firms with a direct investment or employees in Burma to guide the city, its officials, staff and agents in the implementation of [Sections 8A-5 and 8A-6] Section 4 of this Act.

Draft

[(c)] (5) Before a waiver of the provisions of Sections [8A-6] 4 (a), (b) or (c) above pursuant to Subsection [8A-6(f)] 4(f) may be sought, the Committee, in conjunction with the City Administrator or his/her designee, shall conduct a diligent search to determine the availability of reasonable alternative sources for a necessary product or service, except, however, the City Administrator or his/her designee and/or the Committee's unwillingness or inability to conduct such a search shall not preclude actions by the [Mayor and] City Council pursuant to Subsection [8A-6(f)] 4(f).

Sec. 10. Contract Stipulation.

(a) Any person who enters into a contract with the City shall be required as a condition of such contract to certify that said person, and any of its parent or subsidiary entities does not provide services, goods or professional services to the military regime in Burma. This certification shall be required until the City Council determines that the people of Burma have become "self-governing."

(b) In making this determination, the City Council may consult, no less than thirty (30) days in advance of making a determination that the people of Burma have become self-governing, with the representatives of the National Coalition Government of the Union of Burma (NCGUB), and the Free Burma Committee of Takoma Park, in addition to any other reliable persons the Council sees fit to contact.

(c) The provisions of this section shall apply to renewals of existing contracts, as well as to new contracts.

Ordinance No. 1996-34
PURCHASE OF ONE (1) TUB GRINDER
FOR PUBLIC WORKS DEPARTMENT

WHEREAS, the City Council authorized issuance of an RFP to solicit bids for the purchase of a Tub Grinder; AND

WHEREAS, in accordance with City procurement procedures a request for proposals was advertised in the Washington Post on August 18, 1996 and mailed to nine (9) interested vendors and manufacturers of this equipment; AND

WHEREAS, bids were received and publicly opened at 2:00 p.m., August 30, 1996 with four (4) proposals being received, as follows;

Mid Atlantic	\$89,988
GranTurk	\$91,738
Milton Jones	\$96,900
S&M Equipment	\$97,100

WHEREAS, Mid Atlantic Waste Systems has submitted the lowest bid and is considered to be both responsive and responsible; AND

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

SECTION 1. THAT the low bid received from Mid Atlantic Waste Systems in the amount of EIGHTY NINE THOUSAND NINE HUNDRED EIGHTY EIGHT DOLLARS (\$89,988) be accepted; AND

SECTION 2. THAT this purchase in the amount of EIGHTY NINE THOUSAND NINE HUNDRED EIGHTY EIGHT DOLLARS (\$89,988) be charged to Capital Expenditures Account 9100-8003.

SECTION 3 That the City Administrator shall transfer funds as follows to Account 9100-8003, Capital Expenditure:

From Account No. 3400-5350	\$ 5,750
From Account No. 3400-6915	\$ 5,000
From Account No. 3400-5280	\$ 3,000
From Account No. 3500-7165	\$ 3,000
From Account No. 9000-7010	<u>\$ 6,000</u>
Total:	\$22,750

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

**BRIEFING, PUBLIC HEARING, REGULAR MEETING, WORKSESSION
AND EXECUTIVE SESSION**

Monday, October 28, 1996

Executive Session 10/14/96 - Moved by Williams; seconded by Elrich. Council convened in Executive Session by unanimous vote at 11:20 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Davenport. STAFF PRESENT: Habada, Sartoph, Braithwaite, Schwartz. Council discussed possible purchase/sale of land; direction was given to staff (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

Executive Session 10/21/96 - Moved by Williams; seconded by Porter. Council convened in Executive Session by unanimous vote at 10:45 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Porter, Rubin, Williams. OFFICIALS ABSENT: Chavez, Davenport, Elrich. STAFF PRESENT: Habada, Grimmer, Sartoph, Silber. Council discussed matters related to litigation; no action was taken (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8)).

OFFICIALS PRESENT:

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

City Administrator Habada
Deputy City Administrator Grimmer
Assistant City Administrator Hobbs
City Clerk Sartoph
Community Planner Schwartz
Volunteer Coordinator Moffet
Human Resources Assistant Hampton
Technical Services Coordinator Fontem
Housing Services Coordinator Walker
Sergeant E. Coursey
Lieutenant J. Rosenthal

The City Council convened at 7:37 p.m. on Monday, October 28, 1996, 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

Councilmember Rubin remarked that he visited the City's Haunted House yesterday, for the first time, and that it was "spooktacular". He described the haunted house as scary, and complimented and thanked the Recreation Department for their hard work. The children enjoyed it.

He also recalled that a few weeks ago, during a Council Affordable Housing retreat, representatives from Santa Marta, El Salvador, as part of the City's companion cities project, came to meet the Council. They presented the Council with a piece of handwork in appreciation for the work we are doing with them. Mr. Rubin held up the framed handwork for the audience to view, adding that it will be hung in the City building for all to enjoy.

Mayor Sharp noted that City Administrator Habada will be out of town beginning Wednesday, for the rest of this week, attending an awards ceremony in California. Her mother is receiving the "Adventist Woman of the Year" award.

He commented that a resolution regarding support for the repeal of TRIM (Prince George's County ballot Question B) was added to the agenda after last week's mailing. He stated that its omission was an oversight, and described the resolution.

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue, presented copies of the official registration forms for Generation X. He said that he hopes the Council will get a better understanding from this information about the mission of his organization. He thanked the Mayor of Friendship Heights for banning smoking in public spaces, and urged the City to take the same action. He also urged the County to support the Friendship Heights Mayor. On a different subject, he said that teens should be encouraged to volunteer in local businesses and hospitals. This may be an effective way of discouraging teens from ending up in trouble. Montgomery County should pass a curfew for teens to better protect teens from the crime occurring in the City. He concluded that mothers should take responsibility for their children.

INTRODUCTIONS - New Staff

Assistant City Administrator Hobbs introduced Volunteer Program Manager, Lonni Moffet, and Human Resources Assistant, Karen Hampton. He provided a brief biography and summary of education and qualifications for each new staff member.

Councilmember Porter welcomed both Ms. Moffet and Ms. Hampton to staff.

Mr. Sharp commented that Joyce Rivers left "shoes" that will be difficult to fill, but that he is sure

Ms. Hampton will do a great job. He also commented that volunteering is a big deal in Takoma Park and that Ms. Moffet will have an important job. He welcomed both.

BRIEFING

#1 Police Department Survey regarding Police Chief Selection Process. Ms. Habada gave a brief introduction, named the persons on the staff team and thanked them for their work, and commented on the survey and compilation of results.

Sgt. Ed Coursey described the process. Some 52 surveys were distributed; 63% were returned. The staff team determined how to code the responses in a way to give the survey some meaning. He commented that there were two questions on the survey that did not lend well to statistical analysis, and that for these, the responses are listed. The team tried hard to present data without injecting bias.

Ms. Habada invited questions about the process or the team.

Ms. Porter recognized the good response rate, adding that the results should be helpful for the department.

Sgt. Coursey remarked that the team was glad to have gotten such a good response.

Mr. Rubin asked whether there were any questions that could elicit responses regarding services to customers (i.e., citizens).

Sgt. Coursey said that the whole survey was not aimed at the selection process for Chief, and that there were questions about the state of the department as a whole. Some questions focused on challenges being faced by the department, and some focused on how the police communicate, in general.

Mr. Rubin referred to the summary of results regarding responses to “challenges” in the department. He noted that “top” responses all have an internal focus, and asked whether there is anywhere else in the survey that might deal more with service.

Sgt. Coursey pointed out that in the same section as referred to by Mr. Rubin, there were responses that seem to indicate that the police are aware of needing to work toward community relations and better services.

Housing Services Coordinator Walker noted that the team met with all members of the Police Department to present the survey results.

Ms. Habada noted the near even “split” in responses about tapping “internal and external”

resources for selection of a new Chief. She said that she is inclined to repeat a similar process (i.e., panel of staff and residents) as last time, when the City hired Chief Phillips. She projected that appointments may be made to the panel as early as next week.

Mr. Rubin remarked that although Question 2c about “consider both internal/external” was split, Question 2d regarding “competent candidates exist internally” had a strong favorable response.

Mr. Sharp stated that he thinks 2c could be interpreted in different ways, and that consequently, he is not sure how to read these results.

Sgt. Coursey referred to some of the results regarding internal/external candidates, and compared the varied responses.

Ms. Porter said that she thinks there is helpful and important information in these survey results.

Mr. Sharp thanked staff for their efforts and the presentation.

Ms. Habada suggested that this might be an opportunity for any police officers who are present and would like to comment, to come forward.

Officer Joe Perez commented that from a new officer perspective, there was a lot of useful information in the survey results. He said that the results reflect the general consensus in the department. He remarked about the City’s problem with officer retention, and attributed some of this to benefit programs (e.g., retirement plan, no take home cruiser programs, nonaggressive pay scale in later years). He said that new recruits to the City often desire to get their foot in the door and get the good experience the City has to offer. However, they move on to a better agency within a few years. He concluded that the longer an officer stays with the City, the more he/she essentially gets penalized. Officer Perez said that hopefully in the future, the department can present more information to the Council regarding benefits and incentives, and continue a discussion of these matters.

Lt. James Rosenthal thanked the members of the team, noting that the survey results gave command staff some useful insights. He remarked that the team’s thought process and work was great, and that however the Council decides to go is kind of irrelevant at this point, the important thing is that this survey gave officers an opportunity to give and get input.

REGULAR MEETING

#2 Resolution re: Union Contract--AFSCME Local 3399. Mr. Hobbs noted that the contract was negotiated between the management team and a group of employees who represented Local 3399 AFSCME. It was a long but beneficial process. He commented on some of the specifics of the contract (e.g., COLA’s, incentive pay program, etc.). It was hoped that a new pay plan would

be presented by the first of the year, however, if nothing is decided by that time, employees will be given half year merits, effective January 1, 1997.

The resolution was adopted unanimously (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

RESOLUTION #1996-58
(Attached)

#3 Resolution re: Takoma Junction Revitalization Plan. Mr. Sharp explained that the resolution attempts to make note of the existence of the plan and is an acknowledgment of the work done to prepare the plan, but that it is not an endorsement of the plan itself.

Ms. Porter noted that the resolution refers to the plan as an “overview that can help guide the development of Takoma Junction.”

The resolution was adopted unanimously (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

RESOLUTION #1996-59
(Attached)

#4 1st Reading Ordinance re: Commercial Revitalization District Designation-- Flower/Piney Branch Road. Councilmember Elrich recalled that this area did receive some attention from Montgomery County a number of years ago, and that since then, the area has undergone some shaky times. There is the feeling that this area needs attention. It needs to be stabilized as a commercial area. He emphasized that the condition of this area certainly affects perceptions about the City, and encouraged the Council to support the resolution.

Mr. Sharp stated that he is not sure how much attention this area actually received. He noted some of the specific improvements to facades that were made with Montgomery County monies.

Mr. Elrich noted that the County had problems with some of the business owners in the City's portion of this area. They did not want to cooperate with the County.

Ms. Habada clarified that there were problems getting cooperation from owners in the strip of businesses where Tropicana is located.

Councilmember Williams confirmed that the County was willing, however, at that time to also spend money on the City's portion of this area.

Mr. Elrich responded in the affirmative, adding that it was a partially effective effort. The County just had a hard time holding things together.

Ivan Arias, Owner of Flower Theater, clarified that the area being discussed is not the corner where the theater is located. He expressed support for the ordinance, stating that any improvements to the area will affect the success/failure of his business. This area will be a great attraction to people in and out of the immediate neighborhoods, in part with the development of the theater. He said that he thinks that some of the businesses in the area (i.e. Flower gifts) went out of business largely because of reliance on the theater. The theater is a tourist-like attraction and is greatly needed in this area. He requested more information about the effects of the ordinance.

Mr. Rubin said that by designating this area as a Commercial Revitalization District, it will become eligible to receive State funds for development.

Mr. Williams remarked that he appreciates what Mr. Arias' plans for the Flower Theater.

(NOTE: Unknowingly, the Council proceeded without voting on this item. Later in the meeting, Mr. Sharp called for a vote which was recorded as follows:

The ordinance was accepted unanimously at first reading (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**ORDINANCE #1996-35
(Attached)**

#5 Resolution re: Ficker Amendment. Mr. Sharp explained the resolution.

Mr. Rubin said that the proposed amendment, in some form or another, comes up every election year. He remarked that Robin Ficker is aiming at tax restrictions which would turn Montgomery County into another Orange County, Florida. Every responsible organization that has something to do with Montgomery County has gone on record in opposition to the Ficker amendment.

Mr. Williams noted that every time the City Council revises the Charter or Code, we are particularly careful not to put something in that is "restrictive." It is important to maintain flexibility, and this amendment would abolish flexibility for the County.

Mr. Elrich urged anyone considering to vote in favor of the Ficker amendment to consider the impact on their property value. It may make it possible to save some money on an annual basis, but one of the results will be deteriorating quality of schools. A savings of \$100/year in taxes could have a \$10,000+ impact on a person's property value. He made a comparison to what has happened in Prince George's County as a result of TRIM.

The resolution was adopted unanimously (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**RESOLUTION #1996-60
(Attached)**

PUBLIC HEARING

#6 Transfer of Maryland Cable to Jones Communication.

Mr. Hobbs noted that the transfer would only effect persons in the newly annexed areas. He then introduced David Wilson from Maryland Cable.

David Wilson, General Manager from Maryland Cable, provided a brief summary about the proposed transfer.

The public hearing was opened at 8:27 p.m. There were no citizen comments, and the hearing was closed at 8:28 p.m.

#7 Resolution re: Transfer of Maryland Cable to Jones Communication.

Mr. Sharp requested clarification about how this compares to the Montgomery Cable franchise [renewal].

Ms. Habada said that it is her understanding that the timing of the franchise renewal is different.

Mr. Hobbs also noted that the City is a franchiser with Maryland Cable and will be with Jones Communication, but that the City is a co-franchiser with Montgomery Cable.

Mr. Sharp clarified that the Montgomery County side of the City is covered under the Montgomery Cable franchise, and that after unification, there will continue to be two cable franchises providing services for City residents.

Mr. Williams noted that his only experience with Jones Communication was with Jones Computer Network which was on the Montgomery Cable system. He said that if his recollection of their service is any indication of the kind of operation they run, then he favors the transfer.

The resolution was adopted unanimously (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**RESOLUTION #1996-61
(Attached)**

#8 1st Reading Ordinance re: Term Expiration Dates. Mr. Sharp explained the intent of the ordinance. It is an attempt to rationalize the expiration dates of the council appointed committees. The purpose is to have expiration dates of various terms fall on calendar quarters as opposed to the current system which allows for terms to expire at any time during the year. With the new process, there will be an expectation of terms expiring. He commented on the necessity to adjust current terms, and noted that the adjustments are reflected in the attachment to the ordinance. He also explained that the Council is considering adoption of the Free Burma Ordinance which would establish another committee--Free Burma Committee-- that would be covered by this ordinance.

Mr. Sharp recommended that the expiration date of Eugene Pawlikowski's (Tree Commission) term be adjusted to 9/30/98 to preserve the initial intent, at the time the committee was established, to have staggered three-year terms. He added his recollection that Mr. Pawlikowski agreed to his last re-appointment for the purpose of taking part in the hearing process for a specific case at that time, but that Mr. Pawlikowski expressed a desire to not commit to completion of the term.

The ordinance was accepted unanimously at first reading (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**ORDINANCE #1996-36
(Attached)**

#9 Resolution re: Columbia Union College Volunteers. Mr. Sharp read the resolution for the record. He recognized the persons here this evening who have come to receive the resolution, noting that there is always good work to be done in the City. He thanked them for their work on these occasions.

Mr. Rubin remarked that the college has contributed a lot to the City just recently (i.e., the acrobats who participated in the 4th of July parade, and "Mr. Bach" who appeared at the Street Festival). He said that the Council is thrilled by the various things that the college is contributing to the community.

The resolution was adopted unanimously (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**RESOLUTION #1996-62
(Attached)**

Mr. Sharp invited Student Association President, Roy Wu, and Student Association Religious Vice-President, Julie Hutman, forward for presentation of the Resolution.

Mr. Wu expressed his gratitude and honor in receiving this resolution. He cited the college's motto, and thanked the City Administrator, staff and all persons involved for allowing them this opportunity. He said that the enthusiasm among students and staff about this project was wonderful.

#10 Resolution re: Takoma Park Ethics Commission. Mr. Sharp explained the resolution, noting that the Council has interviewed four very capable candidates who we are interested in appointing to the commission.

Mr. Williams noted a correction to the resolution--Jim Douglas now lives on Maple Avenue.

The resolution was adopted unanimously (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**RESOLUTION #1996-63
(Attached)**

#11 Resolution re: TRIM Amendment. Ms. Porter stated that tax limitations, in general, make it difficult to fund public services. She said that we have seen this happen in Prince George's County with education, for example. The funding level does not increase as fast as the need. She explained that on the ballot this November will be a proposal (i.e., Question B) to repeal TRIM. It would also enable the County to generate the funds needed this year. She said that the question has been raised about whether the City should even be interested in this matter since we will be leaving Prince George's County mid-1997. Ms. Porter said that the answer is "yes." The City has a long history of being supportive of education in both counties. We have passed a resolution (Res. #1991-42), in the past, favoring a tax increase to fund education. She commented that even after unification, the health and economic viability of Prince George's County will always be important to the City. She noted that some students living on the Prince George's side of the City will continue to have the option to attend P.G. County schools for a number of years after unification and will be directly impacted by the quality of educational services in the County. She said that she thinks it is important for people to be aware of this and be supportive of Question B.

Mr. Sharp added that the person in Prince George's County most noted for taking the lead on this issue is former City Mayor, Steve DelGiudice. Most recently, the County Executive has weighed in and spelled out how he sees using the additional funds which would be garnered from the removal of TRIM. The vast bulk of resources would go to areas of education and public safety. He said that the School Board is basically in support of repealing TRIM, and that he also thinks the County Council is now in support of the repeal. As with Montgomery County, there is substantial political support for repeal of TRIM. He commented that he attended a citizens meeting last week, where the question was raised "why vote on something that will not affect us within the next year." He said that his response focused on the reality that the prosperity of the County will have an impact on the City. He said that he thinks it is important that people vote in

favor of Question B for reasons which he and Ms. Porter have spelled out.

Councilmember Davenport stated that he is glad to hear the County Executive come out regarding how he desires to spend the money. He noted that the company he works for has been a strong supporter for repealing TRIM, and he urged voters to turn out in support of the repeal.

The resolution was adopted unanimously (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**RESOLUTION #1996-64
(Attached)**

Mr. Sharp thanked staff for working quickly to get this item ready for tonight, noting that he did talk about putting a resolution on the agenda last week when Mayor Sissine was here, and that is was just an oversight that it did not get on the mailed version of this agenda.

Mr. Williams asked about the letter regarding the Hiker/Biker trail.

Ms. Habada responded that it was delivered to the County today, and was accepted into the record.

EXECUTIVE SESSION

The Council convened in Executive Session at 8:55 p.m. to discuss matters related to litigation. Following the Executive Session, the Council reconvened in its Regular Meeting at 9:18 p.m.

Executive Session 10/28/96 - Moved by Rubin; seconded by Davenport. Council convened in Executive Session by unanimous vote at 8:55 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. STAFF PRESENT: Habada, Grimmer, Sartoph, Silber. Council continued a discussion regarding litigation strategy; no action was taken (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8)).

REGULAR MEETING

#12 Resolution re: Departure from Sign Design Standards -- Langley Park Plaza.

Senior Planner Schwartz noted that Ms. LaRocca, Counsel for the applicant is not able to be here this evening but that she has provided comments (distributed to Council). She also explained other items distributed this evening to the Council (i.e., results from the last meeting of the Hampshire Gardens Citizens Association--opposed to application).

Mr. Rubin asked if the Toys R Us signs are mounted on the building in both proposals.

Ms. Schwartz said that there would be two of these signs on the building and one free-standing sign. She pointed out, however, that these signs have already been approved. The Citizens Association has not objected to these signs on the building, because they are essentially a non-issue at this point.

Mr. Sharp explained that the resolution recommends denial of the application, notwithstanding the description on the agenda for a resolution of approval with conditions.

Ms. Schwartz recognized the discrepancy, and stated that staff was directed last week to go back to the applicant and discuss options. However, the applicant did not accept any options. She commented that it was therefore necessary to opt for a resolution of denial.

Mr. Rubin commented on the citizens' concern about the massive print on the building. He said that he is still not convinced that the free-standing signs would hurt the businesses in the building. Mr. Rubin said that he heard the arguments made on behalf of the applicant's plan, but that he is still not in favor of the proposed signage on the building. He expressed his support for the resolution.

Ms. Porter noted that there are a couple of other points on which she supports this resolution for denial. Because of the size of the building, it is the size of a three story billboard, and the sign would be unusually large. The point was made that when you go into a mall you do not know where all of the stores are located. She said, however, shoppers seem to find the stores they are looking for. Businesses would learn how to refer to themselves (e.g., in the Toys R Us building). She said that this argument does not seem to justify erecting such a large sign on the side of the building, and that indeed, there are good reasons not to put up such a highly obtrusive sign.

Mr. Sharp questioned whether Toys R Us is planning to close its store further up University Boulevard.

Ms. Schwartz responded that she is not sure, but that she would find out.

Mr. Sharp remarked that it does seem that this would provide at least an opportunity--if the County denies the application--to revisit the proposal with the applicant, who seems completely uncooperative.

Richard Csarny, New Hampshire Gardens Citizens Association, said that he is here in the absence of the Acting President, and that this resolution of denial expresses the position of the association. He commented that they see the rejection of the waiver as the only way to get a reconsideration of the applicant's plan since the applicant himself is unresponsive to concerns.

Ms. Schwartz noted that the matter is on the Planning Board agenda for October 31.

The resolution was adopted unanimously (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

RESOLUTION #1996-65
(Attached)

Mr. Sharp questioned whether the hearing regarding the Special Exception for the doctor's office (6906 New Hampshire Avenue) has been conducted.

Ms. Schwartz explained that an extension was granted and that the matter will be heard at upcoming hearings on January 30 before the Prince George's County Planning Board (Special Exception #4245, and Departure from Parking & Loading Standards #218), and February 12 before the Zoning Hearing Examiner (Special Exception #4245).

#13 2nd Reading Ordinance re: Burma Ordinance.

Mr. Rubin summarized the purpose of the ordinance--citizens do not want tax monies spent in ways that support and encourage the current regime in Burma (violations of human rights, and lack of coop with anti-drug enforcement programs which we feel hurt our children). The City wants to engage in a policy of selective purchasing.

Mr. Williams proposed an amendment to Section 1, addition of "Carboro (NC)."

Mr. Sharp stated that he continues to have a problem with the establishment of a separate seven-member committee.

Mr. Williams noted that members do not have to be Takoma Park residents, and that the ordinance was drafted to allow this flexibility.

Mr. Sharp responded that he would be reluctant to have a non-Takoma Park person on the committee, explaining that this committee would be responsible for making recommendations about policies to the Council and that this should be an activity reserved for City residents. He commented that he is concerned about sustaining a seven-member committee, and that he is also concerned that the Free Burma Committee and the NFZ Committee could adopt different practices/tones in dealing with same types of things. Mr. Sharp said that he continues to hope there is a way to merge these two groups together.

Mr. Rubin remarked that he would support having the current NFZ Committee increased by two persons who have expertise on Burmese issues. He said, however, that he thinks it will be complicated to merge these committees, and that the Council should pass the Ordinance as drafted and revisit this issue at some later date.

Mr. Chavez questioned whether a Councilmember can be appointed to the Committee.

Mr. Sharp responded that the Council has followed the practice that a Councilmember does not serve on a committee. He noted that there is no provision explicitly stating this restriction, however. He pointed out that Councilmembers have attached themselves to committees, as kind of unofficial members, in the past.

Phil Robertson, Free Burma Campaign of Takoma Park, said that he understands that there is a debate about the Free Burma Committee being separate from the NFZ Committee. He recalled that when members of the Free Burma Campaign first approached the NFZ Committee about monitoring the Burma list, members of the NFZ Committee were a bit concerned about this proposal. They did not feel that they knew the Burmese issues well enough to administer the sanctions, and suggested that the Burma sanctions should be set apart from the nuclear-free sanctions.

Mr. Sharp noted that several members of the NFZ Committee were present for a discussion at last week's Council meeting, and that this matter was raised. He said that he remains interested in talking more with them about this.

Mr. Robertson cautioned that merging the committees could create a conflict among proponents for the two causes, when in fact, these two groups want to be able to work together. He stated that he thinks there are enough people who are capable, strong and willing to advise the Council on this matter. Their work would be more comprehensive and focused on Burmese issues, and for these reasons, it would make more sense to have a separate Free Burma Committee.

Mr. Rubin asked how Mr. Robertson would feel if the NFZ Committee were expanded by two members who were experts on Burma, but working within a larger selective purchasing committee.

Mr. Robertson restated his concern about how the NFZ Committee members would feel about this. He questioned what is their receptiveness to this idea. He commented that there are a number of good people who want to serve on one or the other of these committees. If there are separate committees, more informed opinions could be articulated by each.

Mr. Sharp asked whether seven members is appropriate, adding that he wants to find a workable number of members. He noted that the NFZ Committee has had vacancies over the years with their seven-member composition.

Mr. Robertson responded that he is not opposed to reducing the committee to five members.

Mr. Sharp concluded that we should go with the ordinance as drafted, keeping a separate Free Burma Committee, but stated that we need to have the same approaches between the two selective purchasing committees (i.e., new purchases/replacement parts).

Mr. Rubin concluded that what Mr. Sharp is talking about is having one committee that deals with the various purchasing campaigns the City undertakes.

Mr. Elrich said that he shares Mr. Sharp's concerns about how we resolve these "approaches."

Mr. Sharp remarked that what this means is that members of both committees need to be part of discussions of this nature. The committees may not like the Council's decisions, but they have been given the opportunity to participate.

The ordinance, as amended, was adopted unanimously (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**ORDINANCE #1996-33
(Attached)**

Mr. Chavez commended the persons who have come out for this good cause. He said that some years ago, his country was in this same position, and so many lives were lost. He expressed his understanding of their passion for this cause, and commended their bravery in coming forth. Mr. Chavez said that he is happy to be a part of the adoption of this ordinance.

WORKSESSION

The Council moved into Worksession, and later adjourned for the evening at 10:13 p.m.

Introduced By: Councilmember Rubin

RESOLUTION 1996 - 58

RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT - AFSCME

WHEREAS, the Negotiating Team representing the City of Takoma Park and the Union representing employees of Council 67, Local 3399 of the American Federation of State, County, and Municipal Employees, AFL-CIO, have culminated negotiations with a three-year collective bargaining agreement; AND

WHEREAS, both parties have executed the written agreement; AND

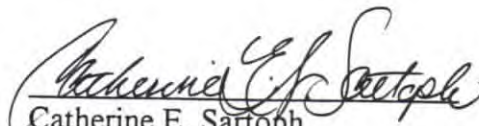
WHEREAS, both parties request that funds necessary to implement the Agreement be approved by the Council pursuant to Section 8B-206 (g) of the Takoma Park Code; AND

WHEREAS, both parties request Council approval of any provisions of this agreement which conflict with City Code, rule, or regulation, pursuant to Section 8B-206 (g) of the Takoma Park Code.

NOW, THEREFORE, BE IT RESOLVED, that the Council ratifies the Collective Bargaining Agreement, effective July 1, 1996 to June 30, 1999 between the City of Takoma Park and the American Federation of State, County, and Municipal Employees, Council 67, Local 3399.

Dated this 28th Day of October, 1996.

ATTEST:


Catherine E. Sartoph
City Clerk

Introduced by: Councilmember Rubin

RESOLUTION #1996 - 60

**OPPOSING THE PROPOSED MONTGOMERY COUNTY CHARTER AMENDMENT,
QUESTION C: FICKER AMENDMENT**

WHEREAS, in 1990, a ballot question requiring the County to reduce the impact of and reliance on property taxes was passed by Montgomery County voters; AND

WHEREAS, 1992 State enabling legislation was adopted to allow counties to "piggyback"--a local tax computed from the state tax income tax bill; AND

WHEREAS, that same year, the Montgomery County Council voted to raise the "piggyback" of a person's state income tax liability from 50 to 60 percent in an effort to reduce dependency on property tax revenues and to help defray the impact of reductions in state aid; AND

WHEREAS, in response to a citizens petition, Question C, the "Ficker Amendment", to amend the County Charter, will appear on the November 1996 ballot; AND

WHEREAS, if approved, Question C would amend the County Charter to:

- require the County Council, when setting rates for the real property tax to reduce the total revenue produced by that tax in any fiscal year by the amount of revenue received during the preceding fiscal year from the county income tax which exceeds the revenue that would have been received if the income tax rate were 56 percent of the state income tax; and
- allow property and income tax rate restrictions to be overridden only in an emergency by a unanimous vote of all Councilmembers; AND

WHEREAS, it is estimated that available revenue will be reduced by 45 million in FY98, a loss which will only increase over the years to come; AND

WHEREAS, this amendment would restrict the local authority from raising sufficient revenues through the "piggyback" income tax, forcing the County to return to a greater dependence on property tax and negatively impacting the County's ability to effectively fund public services.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, opposes ballot Question C, the "Ficker Amendment" and urges voters to vote "No" on this question at the polls on November 5, 1996.

DATED this 28th day of October, 1996.

Introduced by: Councilmember Chavez

RESOLUTION 1996 - 61

**RESOLUTION APPROVING THE TRANSFER OF THE
CABLE TELEVISION FRANCHISE FOR THE CITY OF TAKOMA PARK, MARYLAND
HELD BY MARYLAND CABLE PARTNERS, L.P.**

- WHEREAS, Effective September 5, 1995, the City of Takoma Park, Maryland (the "City") annexed certain areas of Prince George's County, and thereby became the successor franchisor under the franchise (the "Franchise") to construct, own, operate and maintain a cable television system within the areas so annexed (the "System") granted by Prince George's County (The "County") to Storer Communications of Maryland, Inc. ("Storer"), which franchise was transferred to Maryland Cable Corp., d/b/a MultiVision Cable TV ("MCC"); AND
- WHEREAS, Pursuant to that certain Transfer Agreement dated as of September 12, 1994, the County consented to the transfer of the Franchise and the System from MCC to Maryland Cable Partners, L.P. ("Maryland Cable"), and the System and the Franchise were so transferred, such that Maryland Cable is the current and valid holder of the Franchise; AND
- WHEREAS, Maryland Cable has agreed to sell the System to Jones Communications of Maryland, Inc. ("Jones") and Jones has agreed to purchase the System from Maryland Cable; AND
- WHEREAS, Maryland Cable has requested pursuant to Section 5A-124 of the Prince George's County Code that the Council of the City of Takoma Park approve (i) the transfer of the Franchise to Jones or any affiliate of Jones, including any limited partnership of which Jones or any affiliate of Jones is a general partner, or any joint venture or general partnership of which Jones or any such limited partnership or partnerships is a general partner (any such entity being hereinafter referred to as an "Affiliate of Jones"); (ii) the subsequent transfer of the Franchise to any Affiliate of Jones; and (iii) the granting by Jones from time to time of a security interest in its assets, including the Franchise and the System, to an institutional lender or lenders as security for its obligations to such lender or lenders; AND
- WHEREAS, Jones or any Affiliate of Jones then holding the Franchise has agreed to be bound by the terms, provisions and conditions of the Franchise.

Introduced by: Councilmember Williams

RESOLUTION #1996-59

ACKNOWLEDGING RECEIPT OF THE TAKOMA JUNCTION REVITALIZATION PLAN (PREPARED BY HAMMER, SILER, GEORGE ASSOCIATES), AND RECOGNIZING THE PLAN AS A GUIDE IN THE REVITALIZATION OF TAKOMA JUNCTION

WHEREAS, the City is interested in promoting the economic revitalization of Takoma Junction in a manner consistent with the desires of the community; and

WHEREAS, the City commissioned a study regarding scenarios that would accomplish the revitalization of Takoma Junction; and

WHEREAS, that study has been completed and brought forward through the public hearing process; and

WHEREAS, the Council agrees that the report provides an overview that can help guide the development of Takoma Junction.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, acknowledges its receipt of the Takoma Junction Revitalization Plan and Report and recognizes it as important in helping guide the process of revitalizing Takoma Junction.

ADOPTED this 28th day of October, 1996.


NOW THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park , Maryland that:

1. The City does hereby consent to (i) the transfer of the System and the Franchise from Maryland Cable to Jones or any Affiliate of Jones and (ii) any subsequent transfers to any affiliate of Jones.
2. The City does hereby consent to the grant from time to time by Jones or any Affiliate of Jones then holding the Franchise of a security interest in the System and in all of its rights, powers and privileges under the Franchise and all of its other assets to such lending institution or institutions as may be designated from time to time by Jones or any Affiliates of Jones then holding the Franchise, which lending institution or institutions shall have all of the rights and remedies of a secured party under the applicable Uniform Commercial Code.
3. The foregoing consent to transfer and assignment of the Franchise shall be effective upon the closing of the sale of the System by Maryland Cable to Jones or any Affiliate of Jones. Notice of such closing date shall be given to the City. Any subsequent transfer of the Franchise from Jones to any Affiliate of Jones or between Affiliates of Jones shall be effective upon written notice being given to the City by the entity holding the Franchise.
4. The City hereby confirms that, to its knowledge, (a) the Franchise is currently in full force and effect; (b) Maryland Cable is currently the valid holder and authorized grantee of the Franchise; (c) Maryland Cable is in compliance in all material respects with the Franchise; and (d) no event has occurred or exists which would permit the City to revoke or terminate the Franchise. Subject to compliance with the terms of this Resolution, all action necessary to approve the transfer of the Franchise and the System to Jones or any Affiliate of Jones or to any subsequent transfers to any Affiliate of Jones has been duly and validly taken.

AND BE IT FURTHER RESOLVED, that the City Administrator of the City of Takoma Park is hereby authorized to execute any and all documents necessary to effectuate the intent and purpose of this Resolution.

Adopted this 28th day of October, 1996.

I, Catherine Sartoph, the City Clerk of Takoma Park, Maryland, hereby attest that the foregoing Resolution was approved and adopted by the City Council at a meeting held after due notice on the 28th day of October, 1996.



A handwritten signature in cursive script, reading "Catherine Sartoph", is written over a horizontal line.

RESOLUTION #1996-62

**COLUMBIA UNION COLLEGE
COMMUNITY SERVICE DAY**

WHEREAS, a request was received by the City from student and faculty members of Columbia Union College; **AND**

WHEREAS, this request expressed a desire to perform volunteer services in the City in order for them to give something back to their community; **AND**

WHEREAS, on September 25, 1996, and October 11, 1996, approximately sixty-five enthusiastic students and faculty members of Columbia Union College volunteered their time and effort; **AND**

WHEREAS, these volunteers performed duties i.e., painting curbs, maintenance in Old Town and various parks, and completing the improvements to Jequie Park by spreading mulch, in preparation for dedication of the Moskowitz Playground; **AND**

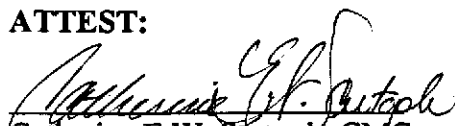
WHEREAS, this experience proved to be so positive that it generated a genuine interest among City employees to continue these efforts whenever given the opportunity; **AND**

WHEREAS, the City desires to extend sincere appreciation for a job well done.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Takoma Park, on behalf of citizens and staff, hereby commends the students and faculty members who participated in this volunteer effort on the exemplary contributions and service they have given to the City of Takoma Park, Maryland.

DATED this 28th day of October, 1996.

ATTEST:


Catherine E. W. Sartoph, CMC
City Clerk

Introduced by: Councilmember Elrich

RESOLUTION #1996 - 63

**REAPPOINTMENTS & NEW APPOINTMENTS TO THE
TAKOMA PARK ETHICS COMMISSION**

- WHEREAS,** Section 2-15, City of Takoma Park Public Ethics Ordinance, of the Takoma Park Code, 1972, as amended, sets forth the provisions for the establishment and duties of an Ethics Commission, to oversee implementation of and adherence to the city's Ethics Ordinance; AND
- WHEREAS,** the Ethics Commission consists of five Takoma Park residents; AND
- WHEREAS,** currently, two terms have expired, one is "vacant" (would expire 12/31/96), and the other two terms will expire on December 31, 1996; AND
- WHEREAS,** only one of the persons whose term will expire in December 1996 has expressed an interest in reappointment, which would leave the other term "vacant" after December 31; AND
- WHEREAS,** the Council has interviewed two persons who are seeking reappointment, and three persons who are interested in new appointments to the Commission; AND
- WHEREAS,** it is the Council's desire to appoint all five of the applicants who have come forward; AND
- WHEREAS,** the Council also wishes to adjust the expiration month/date for all members of the Ethics Commission to September 30; AND
- WHEREAS,** in order to maintain staggered term expiration dates, persons being reappointed/appointed to terms which have already expired (i.e., 12/31/95) will complete terms which should have begun on 1/1/96; AND
- WHEREAS,** for persons being reappointed/appointed to terms which have yet to expire (i.e., 12/31/96), their appointments shall include completion of the current term--except in the case of the term currently held by Ulf Grahn--and appointment to the following term; AND
- WHEREAS,** the term of the person who is appointed to fill Mr. Grahn's position shall become effective on 1/1/97; AND

WHEREAS, all future terms shall expire on September 30 and begin on October 1.

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

Name/Address:	Term Expires:
Jim Douglas Maple Avenue	September 30, 1997
Claudine Schweber 7004 Sycamore Avenue	September 30, 1998

BE IT FURTHER RESOLVED THAT the following persons are hereby appointed, effective immediately, to serve on the Ethics Commission:

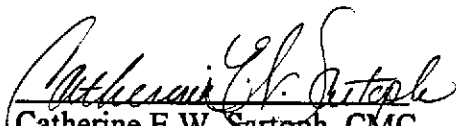
Name/Address:	Term Expires:
Glenn Baly 8308 Flower Avenue #505	September 30, 1997
Philip Doyle 7415 Piney Branch Road	September 30, 1998

BE IT FURTHER RESOLVED THAT the following person is hereby appointed, effective January 1, 1997, to serve on the Ethics Commission:

Greg Lebel 7132 Carroll Avenue	September 30, 1998
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Dated this 28th day of October, 1996.

ATTEST:


Catherine E.W. Sartoph, CMC
City Clerk

Introduced by: Councilmember Porter

Adopted: 10/28/96

RESOLUTION #1996 - 64

TO ENCOURAGE THE REPEAL OF TRIM IN PRINCE GEORGE'S COUNTY

WHEREAS, the citizens of Takoma Park have long supported adequate funding for education and other essential services in Prince George's County, even at the cost of higher county taxes; **AND**

WHEREAS, the TRIM limitation on the Prince George's County property tax rate has been a major factor leading to declining county revenues, restricting the resources available for education and other county services; **AND**

WHEREAS, there is a question on the ballot in Prince George's County for the upcoming election concerning the repeal of TRIM; **AND**

WHEREAS, it is in the interest of the city to promote the economic health of Prince George's County, as it will continue to be our neighboring jurisdiction even after the unification of Takoma Park into Montgomery County; **AND**

WHEREAS, some students living on the Prince George's County side of Takoma Park will continue to have the option to attend Prince George's County schools for a number of years after unification, and will be directly impacted by the quality of educational services in the county.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park, that we support the repeal of TRIM in Prince George's County and encourage Takoma Park citizens living in Prince George's County to vote "yes" on Question B.

ATTEST:


Catherine E. W. Sartoph, CMC

Introduced by: Councilmember Porter

Adopted: 10/28/

RESOLUTION #1996 - 64

TO ENCOURAGE THE REPEAL OF TRIM IN PRINCE GEORGE'S COUNTY

WHEREAS, the citizens of Takoma Park have long supported adequate funding for education and other essential services in Prince George's County, even at the cost of higher county taxes; **AND**

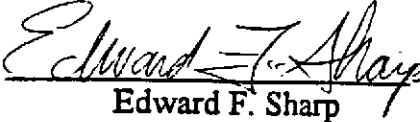
WHEREAS, the TRIM limitation on the Prince George's County property tax rate has been a major factor leading to declining county revenues, restricting the resources available for education and other county services; **AND**

WHEREAS, there is a question on the ballot in Prince George's County for the upcoming election concerning the repeal of TRIM; **AND**


WHEREAS, it is in the interest of the city to promote the economic health of Prince George's County, as it will continue to be our neighboring jurisdiction even after the unification of Takoma Park into Montgomery County; **AND**

WHEREAS, some students living on the Prince George's County side of Takoma Park will continue to have the option to attend Prince George's County schools for a number of years after unification, and will be directly impacted by the quality of educational services in the county.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park, that we support the repeal of TRIM in Prince George's County and encourage Takoma Park citizens living in Prince George's County to vote "yes" on Question B.


Edward F. Sharp
Mayor

ATTEST:


Catherine E.W. Sartoph, CMC
City Clerk

Introduced By: Councilmember Chavez

Resolution No. 1996-65

**Resolution Recommending Denial of
Departure from Sign Design Standards No. 529
8001 New Hampshire Avenue - Langley Park Plaza**

WHEREAS, Langley Park Plaza, Inc. has submitted an application for a departure from sign design standards to the Prince George's County Maryland-National Capital Park and Planning Commission for a three-story commercial retail building located at the northeast corner of the intersection of University Boulevard and New Hampshire Avenue (8001 New Hampshire Avenue - Langley Park Plaza); AND

WHEREAS, this property is located adjacent to 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 in the pertinent staff reports dated October 18 and 25, 1996; AND

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

WHEREAS, the following facts have been established concerning the application:

1. The applicant is requesting a total proposed building sign area of 732 square feet. The maximum permitted building sign area for the property is 400 square feet [Zoning Ordinance, Section 27-613(c)(3)(C)(I)]. Therefore, the applicant is requesting a departure of 332 square feet for the building signage.
2. Of the 732 square feet of proposed building signage, permits have already been obtained for 290 square feet for Toys R' Us signs to be located on the north and south sides of the building.
3. The applicant is also proposing three freestanding signs with a combined sign area of 342 square feet. One of these signs is currently existing. The maximum permitted number of freestanding signs for the property is three [Zoning Ordinance, Section 27-613(d)(2)(A)], and the maximum permitted combined freestanding sign area is 600 square feet [Zoning Ordinance, Section 27-614(c)(3)(A)]. Therefore, the applicant is not utilizing 258 square feet of permitted freestanding sign area, and does not require a departure for the proposed freestanding signs.

WHEREAS, the Council finds that the application does not meet all of the required findings for a departure from sign design standards [Zoning Ordinance, Sec. 27-239.01(b)(9)(A)] for the following reasons:

1. The tenant signs proposed under the Toys R Us sign are unsightly and overly large for the building, creating a billboard effect, detracting from the appearance of the surrounding area, and potentially discouraging quality development.
2. The presentation of tenant information on the proposed building signage will not be easily readable by motorists. Identification of the building tenants would be better achieved through modification of one of the existing or proposed freestanding signs, or through a smaller, lighted panel sign on the building.
3. The proposed tenant signs will create difficulties when tenants change. As stores become vacant, unsightly gaps will result if letters are removed, or an inaccurate listing of merchants will result if letters are not removed.
4. The proposed departure is not the minimum necessary given the specific circumstances of the request. A smaller, combined tenant building sign would be more effective in identifying the first floor interior tenants and would require a smaller departure. In addition, the applicant has 258 square feet of freestanding sign area that is available for tenant identification without applying for a departure.
5. The applicant has in part created the need for the current departure by allowing Toys R' Us to apply for its signage separately and using up almost 75 percent of the permitted building signage.
6. The circumstances of this property are not entirely unique to this site. The 10 stores that will have access to the interior of the building will have an arrangement similar to a mall. It is not typical for malls to have building signage for each tenant unless the tenant has access directly to the outside.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, the City Council hereby recommends that the Prince George's County Planning Board Deny Departure from Sign Design Standards No. 529 as currently submitted because:

1. The purposes of the subtitle will not be equally well or better served by the applicant's proposal.
2. The departure is not the minimum necessary given the specific circumstances of the request.
3. The departure is not necessary in order to alleviate circumstances which are unique to the site.
4. The departure will impair the visual, functional and environmental quality and integrity of the site and the surrounding neighborhood.

BE IT FURTHER RESOLVED THAT the Council does not object to "The Plaza Shops" and the "Toys R' Us" building signs, and also does not object to the "One Price \$7 Clothing Store" sign, provided that the size of the lettering is reduced and the sign is suspended over the store window or the ceramic tile area.

BE IT FURTHER RESOLVED THAT the City Council recognizes that some departure to the sign design standards may be warranted, and is therefore not necessarily opposed to a departure based on a different design. More acceptable options for a revised sign design for the first floor tenants would include the following:

- 1. Modification of one of the existing or proposed freestanding signs.**
- 2. A smaller, lighted panel sign on the building.**

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 28th DAY OF OCTOBER, 1996.

langpkpl.res

Introduced by: Councilmember Williams

1st Reading: 10/14/96
2nd Reading: 10/28/96

ORDINANCE 1996-33

Establishing a policy for the City of Takoma Park prohibiting contracts for personal services with those who do business in or with Burma (Myanmar), and prohibiting the purchase of commodities produced in Burma (Myanmar) or provided by those who do business in or with Burma (Myanmar).

- WHEREAS, the citizens of the City of Takoma Park, believing that their quality of life is diminished when peace and justice are not fully present in the world, recognize the important role local communities can take to promote universal respect for human rights and fundamental freedoms; AND
- WHEREAS, the City of Takoma Park has a strong and vibrant tradition of organizing local action to affect larger world events, as manifested by the Takoma Park Nuclear-Free Zone Act; AND
- WHEREAS, citizens of Takoma Park have petitioned the City Council requesting that tax monies not be spent in ways that help support the military regime in Burma, currently known as the State Law and Order Restoration Council (SLORC); AND
- WHEREAS, Burma has been singled out year after year by the U.S. Department of State and the United Nation's Human Rights Commission for widespread violations of human rights, and according to the Commission's Special Rapporteur to Burma and other respected human rights monitoring organizations such as Human Rights Watch/Asia and Amnesty International, the military regime in Burma has institutionalized torture and rape as political instruments, embarked upon campaigns of forcible relocation and persecution of ethnic minorities, and incarcerated political opponents including over 20 Members of Parliament elected in 1990, thereby denying the majority of the population the right to participate in the political process, to benefit from the system of justice, or to exercise economic rights; AND
- WHEREAS, the military regime in Burma has been repeatedly rebuked by the International Labor Organization (ILO) for "widespread and extremely serious" use of forced labor for infrastructure projects and denial of the right of the freedom of association and the United States Government continues to deny trade privileges for Burma because of violations of labor rights; AND

WHEREAS, both the Drug Enforcement Agency and the Department of State have identified Burma as the largest source of heroin reaching the United States and reported that the military regime in Burma continues to protect narcotics traffickers wanted by the international community; **AND**

WHEREAS, Daw Aung San Suu Kyi, the 1991 Nobel Peace Prize winner and the leader of the democratic forces in Burma, has called on the world community to impose economic sanctions against the military regime in Burma because foreign investment serves to bolster the resources and power of the SLORC; **AND**

WHEREAS, the Aung San Suu Kyi's call for sanctions has been publicly supported by a group of Aung San Suu Kyi's fellow Nobel Peace Prize laureates which is led by Archbishop Desmond Tutu of South Africa and includes Oscar Arias Sanchez, the Dalai Lama, Mairead McGuire and Betty Williams, and Adolpho Perez Esquivel; **AND**

WHEREAS, the military regime in Burma continues to refuse calls from the United Nations General Assembly and political leaders around the world urging them to engage in a political dialogue with Aung San Suu Kyi and the democratic forces led by the National League for Democracy (NLD) Party, which won 82% of the seats in the Parliament in the 1990 elections but was prevented by SLORC from taking power; **AND**

WHEREAS, the United States Supreme Court has upheld the power of a municipality to make legitimate economic decisions without being subject to the restraints of the Interstate Commerce Clause when it participates in the market place as a corporation or a citizen as opposed to exerting its regulatory powers;

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

SECTION 1 THAT Takoma Park joins with the following states and cities -- State of Massachusetts, San Francisco (Ca), Oakland (Ca), Berkeley (Ca), Madison (WI), Ann Arbor (MI), Santa Monica (Ca) and Carboro (NC) -- in determining that the system of oppression by military regime in Burma is illegal and contrary to international laws and covenants. It being morally repugnant to the citizens of the City of Takoma Park, the City Council of the City of Takoma Park does join these other communities by hereby setting forth a municipal policy prohibiting the City from entering into any contractual agreement for the provision of professional services with any person who is providing or is willing to provide professional services to the military regime in Burma; or any business or corporation organized under the authority of the military regime in Burma; or any person or corporation which has equity ties with any public or private entity located in Burma; **AND**

SECTION 2 THAT the City of Takoma Park is prohibited from entering into any contractual

agreement for the purchase of any commodity that is manufactured, extracted or produced in Burma. The City is further prohibited from purchasing any commodity manufactured, extracted or produced by any person who buys, sells, leases or distributes commodities in the conduct of business with, or who provides services, goods, or professional services to the military regime in Burma; any business or corporation organized under the authority of the military regime in Burma; and any person for the express purpose of investing in business operations or trading with any public or private entity that is located in Burma or has direct investment or employees in Burma; AND

SECTION 3 THAT within sixty (60) days of the effective date of this ordinance, the City Council shall appoint a seven (7) person non-partisan Takoma Park Free Burma Committee to oversee implementation of and adherence to this Ordinance. At least one committee member should be of Burmese origin. Duties and organization of the Takoma Park Free Burma Committee shall adhere to the model of the Nuclear-Free Takoma Park Committee as described in Section 8A-12 of the Takoma Park Code; AND

SECTION 4 THAT this ordinance shall be administered and implemented in accordance with the procedures set forth in the Takoma Park Nuclear Free Zone Act, Section 8A-1 et seq of the Takoma Park Code. Solely for the purpose of implementing this ordinance (hereinafter referred to as the "Free Burma Ordinance"), exceptions and additions to the Nuclear Free Zone Act procedures shall be made as follows:

Sec. [8A-1.] 1. Title.

This chapter shall be known as the ["Takoma Park Nuclear-Free Zone Act"] "Takoma Park Free Burma Act."

Sec [8A-2.] 2. Purpose.

The purpose of this Act is to establish the City of Takoma Park, Maryland, as a [nuclear-free zone in that work on nuclear weapons is prohibited within the city limits and that citizens and representatives are urged to redirect resources previously used for nuclear weapons toward endeavors which promote and enhance life, such as human services, including child care, housing, schools, health care, emergency services, public transportation, public assistance and jobs.] city assisting in the restoration of democracy and respect for human rights in Burma in the manner requested by Nobel Peace Prize Laureat Daw Aung San Suu Kyi and the National League for Democracy Party.

Sec [8A-3.] 3. Findings.

It is the finding of the [Mayor and] City Council of the City of Takoma Park,

Maryland, that:

[(a) The nuclear arms race has been accelerating for more than one-third (1/3) of a century, draining the world's resources and presenting humanity with the ever mounting threat of nuclear holocaust.

(b) There is no adequate method to protect Takoma Park residents in the event of nuclear war.

(c) Nuclear war threatens to destroy most higher life forms on this planet.

(d) The use of resources for nuclear weapons prevents these resources from being used for other human needs, including jobs, housing, education, health care, public transportation and services for youth, the elderly and the disabled.

(e) The United States, as a leading producer of nuclear weapons, should take the lead in the process of global rejection of the arms race and the elimination of the threat of impending holocaust.

(f) An emphatic expression of the feelings on the part of private citizens and local governments can help initiate such steps by the United States and the other nuclear weapons powers.

(g) Takoma Park is on record in support of a bilateral nuclear weapons freeze and has expressed its opposition to civil-defense-crisis-relocation planning for nuclear war.

(h) The failure of governments of nuclear nations adequately to reduce or eliminate the risk of ultimately destructive nuclear attack requires that the people themselves, and their local representatives, take action.

(i) In view of the Nuremberg Principles, which hold individuals accountable for crimes against humanity, and the illegality of nuclear weapons under international law, in adopting this chapter, this community seeks to end its complicity with preparations for fighting a nuclear war.]

(a) The citizens of the City of Takoma Park, believing that their quality of life is diminished when peace and justice are not fully present in the world, recognize the important role local communities can take to promote universal respect for human rights and fundamental freedoms.

(b) The City of Takoma Park has a strong and vibrant tradition of organizing local action to affect larger world events, as manifested by the Takoma Park Nuclear-Free Zone Act.

(c) Citizens of Takoma Park have petitioned the City Council requesting that tax monies not be spent in ways that help support the military regime in Burma, currently known as the State Law and Order Restoration Council ((SLORC).

(d) Burma has been singled out year after year by the U.S. Department of State and the United Nation's Human Rights Commission for widespread violations of human rights, and according to the Commission's Special Rapporteur to Burma and other respected human rights monitoring organizations such as Human Rights Watch/Asia and Amnesty International, the military regime in Burma has institutionalized torture and rape as political instruments, embarked upon campaigns of forcible relocation and persecution of ethnic minorities, and incarcerated political opponents including over 20 Members of Parliament elected in 1990, thereby denying the majority of the population the right to participate in the political process, to benefit from the system of justice, or to exercise economic rights.

(e) The military regime in Burma has been repeatedly rebuked by the International Labor Organization (ILO) for "widespread and extremely serious" use of forced labor for infrastructure projects and denial of the right of the freedom of association and the United States Government continues to deny trade privileges for Burma because of violations of labor rights.

(f) Both the Drug Enforcement Agency and the Department of State have identified Burma as the largest source of heroin reaching the United States and reported that the military regime in Burma continues to protect narcotics traffickers wanted by the international community.

(g) Daw Aung San Suu Kyi, the 1991 Nobel Peace Prize winner and the leader of the democratic forces in Burma, has called on the world community to impose economic sanctions against the military regime in Burma because foreign investment serves to bolster the resources and power of the SLORC.

(h) The Aung San Suu Kyi's call for sanctions has been publicly supported by a group of Aung San Suu Kyi's fellow Nobel Peace Prize laureates which is led by Archbishop Desmond Tutu of South Africa and includes Oscar Arias Sanchez, the Dalai Lama, Mairead McGuire and Betty Williams, and Adolpho Perez Esquivel.

(i) The military regime in Burma continues to refuse calls from the United Nations General Assembly and political leaders around the world urging them to engage in a political dialogue with Aung San Suu Kyi and the democratic forces led by the National League for Democracy (NLD) Party, which won 82% of the seats in the Parliament in the 1990 elections but was prevented by SLORC from taking power.

(j) The United States Supreme Court has upheld the power of a municipality to make legitimate economic decisions without being subject to the restraints of the Interstate Commerce Clause when it participates in the market place as a corporation or a citizen as opposed to exerting its regulatory powers.

[Sec. 8A-4. Nuclear Facilities Prohibited.

(a) The production of nuclear weapons shall not be allowed in the City of Takoma Park. No facility, equipment, components, supplies or substance used for the production of nuclear weapons shall be allowed in the City of Takoma Park.

(b) No person, corporation, university, laboratory, institution or other entity in the City of Takoma Park knowingly and intentionally engaged in the production of nuclear weapons shall commence any such work within the city after adoption of this chapter.

Sec. 8A-5. Investment of City Funds.

The City Administrator in conjunction with the Nuclear-Free Takoma Park Committee shall propose, within six (6) months of the Committee's creation, a socially responsible investment policy and implementation plan, specifically addressing any investments the city may have or may plan to have in industries and institutions which are knowingly and intentionally engaged in the production of nuclear weapons. The proposed policy and plan shall be presented to the Mayor and Council, who shall conduct a public hearing on the policy and plan before considering it for adoption.]

Sec [8A-6.] 4. Eligibility for City Contracts.

(a) The City of Takoma Park and its officials, employees or agents shall not knowingly and intentionally grant any award, contract or purchase order, directly or indirectly, to any [nuclear weapons producer] firm on the Takoma Park Free Burma list.

(b) The City of Takoma Park and its officials, employees or agents shall not knowingly and intentionally grant any award, contract or purchase order, directly or indirectly, to purchase or lease products produced by a [nuclear weapons producer] firm on the Takoma Park Free Burma list.

(c) The recipient of a city contract, award or purchase order shall certify to the City Clerk by a notarized statement that it is not knowingly or intentionally a [nuclear weapons producer] firm on the Takoma Park Free Burma list.

(d) The City of Takoma Park shall phase out the use of any products of a

[nuclear weapons producer] firm on the Takoma Park Free Burma list which it owns or possesses. Insofar as [non-nuclear] non-Burmese alternatives are not available, for the purpose of maintaining a product during its normal useful life and for the purpose of purchasing or leasing replacement parts, supplies and services for such products, Section [8A-6] 4(a) and (b) above shall not apply.

(e) [The City Council, upon advice of the Nuclear-Free Takoma Park Committee, shall within six (6) months of its appointment and annually thereafter establish and publish a list of nuclear weapons producers to guide the city, its officials, employees and agents in the implementation of Section 8A-6(a), (b) and (c) above. Said list shall not preclude application or enforcement of these provisions to or against any other nuclear weapons producer.] The City Council shall annually adopt a Takoma Park Free Burma list to guide the city, its officials, employees and agents in the implementation of Section 4 (a), (b) and (c) above. Prior to such adoption, the Takoma Park Free Burma Committee shall review and suggest any modifications to the Takoma Park Free Burma list. In the event the City Council fails to adopt a list, the prior list shall remain in full force and effect. Said list shall not preclude application or enforcement of these provisions to or against any other firms with a direct investment or employees in Burma.

(f) Waivers.

(1) The provisions of Section [8A-6] 4(a) and (b) may be waived by resolution passed by a majority vote of the [Mayor and] City Council, provided that:

(A) The [Mayor and] City Council shall determine, after a diligent good-faith search, that a necessary good or service cannot reasonably be obtained from any source other than a [nuclear weapons producer] firm on the Takoma Park Free Burma list;

(B) The City Administrator or his/her designee shall notify the [Nuclear-Free Takoma Park Committee] Takoma Park Free Burma Committee of the [Mayor and] City Council's intent to consider a waiver resolution thirty (30) days prior to the formal consideration of such a resolution and that the Committee, upon receipt of such notice, shall provide the City Council with its considered advice; provided, however, that failure to provide such advice shall not prohibit the City Council from taking appropriate action after the thirty-day notification period; and

(C) The City Council shall hold a public hearing prior to the passage of a waiver resolution and no sooner than thirty (30) days after the notification to the Committee of the City Council's intent

to consider such a resolution.

(2) The reasonableness of an alternative source shall be determined upon the consideration of the following factors:

(A) The intent and purpose of this chapter.

(B) Documented evidence establishing that the necessary good or service is vital to the health or safety of the residents or employees of the city, with the understanding that the absence of said evidence shall diminish the necessity for waiver.

(C) The recommendations of the City Administrator and the [Nuclear-Free Takoma Park Committee] Takoma Park Free Burma Committee.

(D) The availability of goods or services from a [non-nuclear weapons producer] firm not on the Takoma Park Free Burma list reasonably meeting the specifications or requirements of the necessary good or service.

(E) Quantifiable substantial additional costs that would result from the use of a good or service of a [non-nuclear weapons producer] firm not on the Takoma Park Free Burma list, provided that this factor shall not become the sole consideration.

Sec. [8A-7.] 5. Exclusions.

[(a) Nothing in this chapter shall be construed to prohibit or regulate the research and application of nuclear medicine or the use of fissionable materials for smoke detectors, light-emitting watches and clocks and other applications where the purpose is unrelated to the production of nuclear weapons. Nothing in this chapter shall be interpreted to infringe upon the rights guaranteed by the first amendment to the United States Constitution nor upon the power of Congress to provide for the common defense.]

[(b)] (a) Nothing in this chapter shall be interpreted, construed or applied to prevent the [Mayor and] City Council or the City Administrator or his/her designee of the City of Takoma Park, Maryland, from acting to remedy, ameliorate or prevent an emergency situation presenting a clear and present danger to the public health, safety and general welfare, as defined in Section 2-6.1 of this Code, provided that should any such emergency situation requires the purchase of products or services from or entry into a contract with a [nuclear weapons producer] firm on the Takoma Park Free Burma list, then the City Administrator

or his/her designee shall notify the Chairperson or his/her designee of the [Nuclear-Free Takoma Park Committee] Takoma Park Free Burma Committee within three (3) working days of the city's actions.

[(c)] (b) Nothing in this chapter shall be interpreted, construed or applied to supersede or bypass any procurement regulations, whether those regulations are legislative or administratively promulgated; provided, however, that no procurement regulations pertaining to the granting of any award, contract or purchase order shall alter or abrogate the intent or requirements of this chapter.

Sec. [8A-8.] 6. Violations and Penalties; Other Remedies.

(a) Any violation of this chapter shall be a Class B offense.

(b) Without limitation or election against any other available remedy, the city or any of its citizens or any other aggrieved party may apply to a court of competent jurisdiction for an injunction enjoining any violation of this chapter. The court shall award attorney's fees and costs to any party who succeeds in obtaining an injunction hereunder.

Sec. [8A-9.] 7. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

[(a)] (a) "Component of a nuclear weapon" is any device, radioactive substance or nonradioactive substance designed knowingly and intentionally to contribute to the operation, launch, guidance, delivery or detonation of a nuclear weapon.

(b) "Nuclear weapon" is any device the sole purpose of which is the destruction of human life and property by an explosion resulting from the energy released by a fission or fusion reaction involving atomic nuclei.

(c) "Nuclear weapons producer" is any person, firm, corporation, institution, facility, parent or subsidiary thereof or agency of the federal government engaged in the production of nuclear weapons or their components.

(d) "Production of nuclear weapons" includes the knowing or intentional research, design, development, testing, manufacture, evaluation, maintenance, storage, transportation or disposal of nuclear weapons or their components.

(e) "A product produced by a nuclear weapons producer" is any product which is made wholly or primarily by a nuclear weapons producer, except that products which, prior to their intended purchase by the city, have been previously owned and used by an entity other than the manufacturer or distributor; such products

shall not be considered produced by a nuclear weapons producer if, prior to their purchase by the city, more than twenty-five percent (25%) of the useful life of such product has been used or consumed, or within one (1) year after it has been put into service by the previous nonmanufacturer owner. The "useful life of a product" shall be defined, where possible, by the applicable rules, regulations or guidelines of the United States Internal Revenue Service.]

(a) The "City Administrator" shall mean the City Administrator of the City of Takoma Park, or any authorized representative of the City Administrator.

(b) The "City" or "City of Takoma Park" shall mean the City of Takoma Park, or any entity or official agent acting under the direction of the City Council of the City of Takoma Park.

(c) The "military regime in Burma" (also known as Myanmar) shall mean any public or quasi-public entity sanctioned by the State Law and Order Restoration Council (known by the acronym "SLORC") operating within Burma, including, but not limit to, municipal, provincial, or other governing bodies operating as proxy of SLORC, including all departments and agencies of such bodies, public utilities, public facilities, or any national corporation in which the public sector of Burma has a financial interest or operational responsibilities;

(d) "Person" shall mean any individual, firm, partnership, corporation, association, or any other organization or entity, however formed.

(e) "Professional services" shall mean personal services of members of a licensed or otherwise-recognized profession, including but not limited to accountants, architects, attorneys, auditors, engineers, medical practitioners, surveyors and the like.

(f) "Services and Goods" shall include, but not be limited to, any services, supplies, goods, vehicles, materials, machinery, or equipment.

(g) "Takoma Park Free Burma List" shall be the most current list of all companies with direct investment or employees in Burma as listed by the Investors Research Responsibility Center (IRRC).

Sec. [8A-10.] §. Notification.

[(a) Upon adoption of this chapter and annually thereafter, the Mayor and Council shall present a true copy of this chapter to the President of the United States, to the Premier of the Union of Soviet Socialist Republics, to the ambassadors of all nations at that time possessing nuclear weapons, to the Secretary-General of the United Nations, and to the Director of the International

Atomic Agency.

(b) In addition, true copies of this chapter shall be sent to the Governor of the State of Maryland, to the United States Senators from Maryland, to the United States Representatives representing Takoma Park, to our State Delegates and Senators, to the County Executives of Montgomery and Prince George's Counties, and to the Council members of the respective counties.

(c) The Mayor and Council of Takoma Park, Maryland, shall choose a town or city of approximately seventeen thousand (17,000) inhabitants within twenty (20) miles of Moscow or some other city or town in the Union of Soviet Socialist Republics, as the Mayor and Council may deem appropriate, and shall send a true copy of this Takoma Park chapter and a letter urging the chosen town to take similar action.]

Upon adoption of this ordinance, the City Council shall forward a true copy of this ordinance to the President of the United States, the Secretary of State, Nobel Peace Prize Laureate Aung San Suu Kyi, and the Secretary-General of the United Nations, and the Prime Minister of the National Coalition Government of the Union of Burma (NCGUB).

In addition, true copies of this ordinance shall be sent to the Governor of the State of Maryland, to the United States Senators from Maryland, to the United States Representatives representing Takoma Park, to State Delegates and State Senators representing Takoma Park, to the County Executives of Montgomery and Prince George's Counties, and to the County Council members of the respective counties.

Finally, a true copy of this ordinance shall be sent to the Ambassador of Burma (Myanmar) to the United States for conveyance to the military regime of Burma.

[Sec. 8A-11. (Reserved)]

Sec. [8A-12.] 2. [Nuclear-Free Takoma Park Committee] Takoma Park Free Burma Committee.

[(a) Within sixty (60) days of the effective date of this chapter, the Mayor shall appoint, with the approval of the City Council, a nonpartisan Nuclear-Free Takoma Park Committee to oversee implementation of and adherence to this Act. The Committee shall consist of seven (7) Takoma Park residents, with staffing to be provided by the City Administrator. Committee members shall have collective experience in the areas of science, research, finance, law, peace and ethics.]

(a) Within sixty (60) days of the effective date of this ordinance, the Council shall appoint a seven (7) person nonpartisan Takoma Park Free Burma Committee

to oversee implementation of and adherence to this Act. At least one Committee member should be of Burmese origin.

(b) [Residents] Persons appointed to the Committee shall serve two-year terms, except that three (3) of the initial appointees as designated by the [Mayor and] City Council shall serve one-year terms. Terms shall begin on April 1 and expire on March 31. The Committee shall appoint its own chair and establish its own bylaws, both subject to approval by the [Mayor and] City Council.

(c) The Committee shall have the following duties and responsibilities:

(1) The Committee may review any work within the city which it has reason to believe is not in compliance with [Section 8A-4] of this Act. The Committee shall inform appropriate legal authorities of suspected violation of this Act.

(2) The Committee [shall] may review any existing city contracts, awards, purchase orders and investments and may review proposed contracts, awards, purchase orders and investments to assure compliance with [Sections 8A-5 and 8A-6] Section 4 of this Act. If the Committee finds any contracts, awards, purchase orders or investments in violation of this Act, it shall, in conjunction with the City Administrator, make recommendations to the [Mayor and] City Council regarding the existence of reasonable alternatives.

[(3) The Committee, in conjunction with the City Administrator, shall propose a socially responsible investment policy and implementation plan as specified in Section 8A-5 above and , upon adoption of the policy and plan, shall annually thereafter review said investment policy to ensure its conformity to this Act.]

[(4)] (3) The Committee shall, through a collection of materials, newsletter articles, cable television programming, public forums and other means, provide public education and information on issues related to the intent and purpose of this Act. In performing this task, the Committee shall cooperate with city staff [the Nuclear Freeze Task Force] and other interested community groups and individuals.

[(5)] (4) The Committee shall maintain a collection of current materials concerning the [production of nuclear weapons and components thereof] contemporary situation in Burma. From this information and from consultations with individuals and organizations involved in the [nuclear weapons debate] debate regarding Burma, the Committee shall annually prepare and report to the City Council a list of [nuclear weapons

producers] firms with a direct investment or employees in Burma to guide the city, its officials, staff and agents in the implementation of [Sections 8A-5 and 8A-6] Section 4 of this Act.

[(6)] (5) Before a waiver of the provisions of Sections [8A-6] 4 (a), (b) or (c) above pursuant to Subsection [8A-6(f)] 4(f) may be sought, the Committee, in conjunction with the City Administrator or his/her designee, shall conduct a diligent search to determine the availability of reasonable alternative sources for a necessary product or service, except, however, the City Administrator or his/her designee and/or the Committee's unwillingness or inability to conduct such a search shall not preclude actions by the [Mayor and] City Council pursuant to Subsection [8A-6(f)] 4(f).

Sec. 10. Contract Stipulation.

(a) Any person who enters into a contract with the City shall be required as a condition of such contract to certify that said person, and any of its parent or subsidiary entities does not provide services, goods or professional services to the military regime in Burma. This certification shall be required until the City Council determines that the people of Burma have become "self-governing."

(b) In making this determination, the City Council may consult, no less than thirty (30) days in advance of making a determination that the people of Burma have become self-governing, with the representatives of the National Coalition Government of the Union of Burma (NCGUB), and the Free Burma Committee of Takoma Park, in addition to any other reliable persons the Council sees fit to contact.

(c) The provisions of this section shall apply to renewals of existing contracts, as well as to new contracts.

BE IT FURTHER ORDAINED THAT this Ordinance shall become effective immediately.

DATED this 28th day of October, 1996.

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

NAY: None

ABSENT: None

ABSTAIN: None

Introduced by: Councilmember Elrich

1st Reading 10/28/96
2nd Reading

Ordinance #1996-35

AN ORDINANCE concerning Maryland Neighborhood Business Development Program Revitalization Area

WHEREAS, the City desires the designation "Flower Avenue Commercial Revitalization District" as a "designated neighborhood" for participation in the Neighborhood Business Development Program (NBDP) of the State of Maryland Department of Housing and Community Development; and

WHEREAS, COMAR 05.13.01 has established a Neighborhood Business Development Program (the "Program") under the jurisdiction of the Secretary of Housing and Community Development for the purpose of:

- (a) Assisting in the development, redevelopment, or expansion of small business enterprises in designated neighborhoods;
- (b) Stimulating investment by the private sector in designated neighborhoods;
- (c) Investing in small business revitalization projects in designated neighborhoods;
- (d) Stimulating the participation of local jurisdiction in developing and expanding small business enterprises in designated neighborhood; and

WHEREAS, COMAR 05.13.09A requires that "designated neighborhoods" be established by local jurisdictions in accordance with the following factors:

- (a) The availability, cost, and condition of business facilities;
- (b) The age and number of abandoned structures;
- (c) The age and number of substandard structures;
- (d) The income of resident relative to State or regional median incomes, including the number of persons who are welfare recipients or unemployed;
- (e) The extent of unemployment and the availability in the area of jobs

for residents of the designated neighborhood;

- (f) The need for financing for small businesses in order to upgrade the social and economic condition of the designated neighborhoods;
- (g) The neighborhood development or redevelopment strategy of the local jurisdiction for the designated neighborhood;
- (h) Any plans and financial commitment of the local jurisdiction to undertake improvements in the designated neighborhood;
- (i) Standards established for other relevant State or federal programs;
- (j) Local government participation in revitalization activity including whether the local jurisdiction has been designated as an empowerment zone;
- (k) The presence of a special taxing district or historic district;
- (l) Support from community or business organization; and
- (m) Other revitalization projects undertaken in the designated neighborhood; and

WHEREAS, the City, by this Ordinance, wishes to designate the "Flower Avenue Commercial Revitalization District" as delineated in Attachment "A" as a "designated neighborhood" as established by the criteria under COMAR 05.13.09A for participation in the Neighborhood Business Development Program.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND that the City of Takoma Park hereby designates the "Flower Avenue Commercial District" as delineated in Attachment "A" as a "designated neighborhood" as established by the criteria under COMAR 05.13.09A for participation in the Neighborhood Business Development Program.

ADOPTED THIS _____ DAY OF _____, 1996.

Aye:
Nay:
Abstain:
Absent:

ORDINANCE #1996 - 36

AMENDING SEVERAL SECTIONS OF THE CITY CODE TO ADD GENERAL PROVISIONS REGARDING STATUTORY COUNCIL APPOINTED COMMITTEES, TO ASSIGN A SPECIFIC MONTHS/DATES ON WHICH TERMS WILL BEGIN AND END FOR EACH COMMITTEE, AND TO DELETE THE DISTINCTION BETWEEN "PRIMARY" AND "ALTERNATE" MEMBERS OF THE TREE COMMISSION

WHEREAS, the City Council desires to add general provisions regarding statutory Council appointed committees to Chapter 2. Administration, Article 6. Boards and Commissions; AND

WHEREAS, these provisions will address incomplete terms, resignations, and removal, as well as providing a cross-reference to the section in the Code specific to each individual Committee, the length of terms for members of the Committee, and the month/date on which the terms for the Committee expire; AND

WHEREAS, the following sections of the Code will be amended to add language to assign specific months/dates on which terms will begin and end for each Committee:

- Ethics Commission (§2-15(b))
- Nuclear-Free Takoma Park Committee (§8A-12(b))
- Personnel Appeal Board (§8B-181(b))
- Tree Commission (§2-142)

WHEREAS, in order to make the one-time adjustment to the month/date on which terms expire for each committee, it will be necessary to extend the length of some current terms (see Attachment); AND

WHEREAS, for others, where terms need to be reduced in length, the current members shall complete their terms as appointed, and the subsequent terms shall be adjusted (i.e., shortened) to comply with the expiration month/date assigned to the committee (see Attachment); AND

WHEREAS, Section 2-142 (Tree Commission) shall also be amended to delete the language distinguishing "alternate" members of the Committee.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT the following amendments to the City Code shall be effected:

SECTION 1. Chapter 2. Administration, Article 6. Boards and Commissions.

Division 1. [(Reserved)] General Provisions.

[Secs. 2-125 through 2-140. (Reserved)]

Sec. 2-125 (a) Except as otherwise provided in Sections specific to individual committees, all members of committees shall be residents of the City of Takoma Park, and in the event a committee member ceases to reside in the City of Takoma Park, that member is ineligible to serve on the committee as an active member.

(b) The length and expiration month/date of terms for each committee shall be as follows:

<u>Committee</u>	<u>Term</u>	
	<u>Length</u>	<u>Expiration</u>
<u>Commission on Landlord-Tenant Affairs (§6-89)</u>	<u>3 years</u>	<u>6/30</u>
<u>Ethics Commission (§2-15)</u>	<u>2 years</u>	<u>9/30</u>
<u>Nuclear-Free Committee (§8A-12)</u>	<u>2 years</u>	<u>3/31</u>
<u>Personnel Appeal Board (§8B-181)</u>	<u>3 years</u>	<u>3/31</u>
<u>Tree Commission (§2-141)</u>	<u>3 years</u>	<u>9/30</u>

(1) The initial term of a committee member who is appointed to replace a member who cannot complete his/her term shall be for the remainder of the term of the member being replaced.

(2) A committee member who resigns, whose term expires or who ceases to reside in Takoma Park, at the discretion of the committee chairperson, may continue as an inactive member of the committee to complete work on matters in which he/she participated as an active member of the committee.

(c) The Council may, by resolution, remove a committee member before that person's term has expired if the Council determines that the person has become incapacitated or has failed to reasonably perform his/her duties as a committee member.

Secs. 2-126 through 2-140. (Reserved)

SECTION 2. Chapter 2. Administration, Article 2A. Ethics.

Sec. 2-15. Ethics Commission.

(b) The members of the Commission shall be appointed to staggered two-year terms and may only be removed by the City Council for cause. "Cause" shall include neglect of duty,

misconduct in office, a disability rendering the member unable to discharge the powers and duties of the office or a violation of this Article. Initially, three (3) members shall be appointed to a one-year term and two (2) members to a two-year term. The terms shall begin on [January 1] October 1 and end on [December 31] September 30. Any vacancy occurring on the Commission shall be filled for the unexpired term in the same manner as provided for appointments to the Commission. Commission members shall not serve past the expiration date of their term.

SECTION 3. Chapter 8A. Nuclear-Free Zone, Section 8A-12. Nuclear-Free Takoma Park Committee.

Sec. 8A-12. Nuclear-Free Takoma Park Committee.

(b) Residents appointed to the Committee shall serve two-year terms, except that three (3) of the initial appointees as designated by the Mayor and Council shall serve one-year terms. The terms shall begin on April 1 and end on March 31. The Committee shall appoint its own chair and establish its own bylaws, both subject to approval by the Mayor and Council.

SECTION 4. Chapter 8B. Personnel Procedures, Article 1. Civil Service, Division 15. Personnel Appeal Board.

Sec. 8B-181. Establishment and composition.

(b) Except for the initial appointments, the City Council shall appoint the members for terms of three (3) years. Initially, the City Council shall appoint one (1) member for a term of one (1) year, two (2) members for a term of two (2) years, and two (2) members for a term of three (3) years. The terms shall begin on April 1 and end on March 31. Any member appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed only for the remainder of that term.

SECTION 5. Chapter 2. Administration, Article 6. Boards and Commissions, Division 2. Tree Commission.

Sec. 2-142. Composition.

The Tree Commission shall be composed of [~~three (3)~~] five (5) citizens appointed by the [Mayor and] Council [and two (2) citizen members appointed by the Mayor and Council to serve as alternates]. The [~~three (3)~~] five (5) citizen members [and two (2) alternates] shall serve staggered three-year terms, with initial appointments of one (1), two (2), and three (3) years. The terms shall begin on October 1 and end on September 30. The members shall elect among themselves a Chair.

BE IT FURTHER ORDAINED THAT this Ordinance shall become effective upon adoption.

ADOPTED this _____ day of _____, 1996.

AYE:

NAY:

ABSENT:

ABSTAIN:

ATTACHMENT

I. Ethics Commission.

Status of Members

Name	Term Expires	Adjusted Expiration Date
Ulf Grahn	12/31/96	9/30/96 (Expired)
Claudine Schweber	12/31/96	9/30/96 (Expired)
Jim Douglas	12/31/95 (Expired)	9/30/97
Edward Kimmel	12/31/95 (Expired)	9/30/97
VACANT	12/31/96	9/30/96 (Expired)

II. Nuclear-Free Takoma Park Committee.

Status of Members

Name	Term Expires	Adjusted Expiration Date
Jay Levy, Chair	3/21/98	3/31/98
Terry Berkeley	5/23/98	3/31/98
Miles McCord, Jr.	12/14/96	3/31/97
Reuben Snipper	12/14/96	3/31/97
Robert Alpern	2/22/97	3/31/97
Joan Jacobs	3/11/98	3/31/98
Angelia Smith	3/11/98	3/31/98

III. Personnel Appeal Board.

Status of Members

Name	Term Expires	Adjusted Expiration Date
Carol Coldren	1/13/98	3/31/98
Don Houck	1/13/98	3/31/98
Patricia Miller	1/13/97	3/31/97
Milford Sprecher	1/13/97	3/31/97
VACANT	1/13/96 (Expired)	3/31/96 (Expired)

IV. Tree Commission.

Status of Members

Name	Term Expires	Adjusted Expiration Date
Patricia Hill (Primary)	6/30/99	9/30/99
Karyn Molines (Primary)	6/30/99	9/30/99
John Hartmann (Primary)	6/17/97	9/30/97
Eugene Pawlikowski (Alternate)	6/30/99	9/30/98
VACANT (Alternate)	6/17/97	9/30/97