

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

Tuesday, November 12, 1996

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)).

Executive Session 11/04/96 - Moved by Elrich; seconded by Rubin. Council convened in Executive Session by unanimous vote at 9:30 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. STAFF PRESENT: Habada, Sartoph, Silber. Council continued a discussion regarding further steps on litigation; no action was taken. All staff persons left the meeting. The Council continued its discussion of the City Administrator's evaluation (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8) and (1)(i)).

OFFICIALS PRESENT:

Mayor Sharp

Councilmember Chavez

Councilmember Davenport

Councilmember Elrich

Councilmember Porter

Councilmember Rubin

Councilmember Williams

City Administrator Habada

Assistant City Administrator Hobbs

City Clerk Sartoph

Acting Police Chief Wortman

Lieutenant Rosenthal

Sergeant Coursey

Lieutenant Creamer

Solid Waste Manager Braithwaite

Planning Center Coordinator Ludlow

Public Works Team Leader McKenzie

The City Council convened at 7:38 p.m. on Tuesday, November 12, 1996, in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, these remarks were made:

COUNCIL COMMENTS

Mayor Sharp said that he was pleased to participate in a ribbon-cutting ceremony for a new grocery store in Takoma-Langley shopping plaza--the space once occupied by a liquor store. He noted that the store's stock is predominantly Indian food but there are also other items.

Councilmember Davenport remarked that he and Councilmember Rubin remain the only persons who have volunteered to serve on the Martin Luther King, Jr., Commemoration Committee. He encouraged interested persons to contact the City Administrator's office.

ADOPTION OF MINUTES

The Council Meeting Minutes from 9/24, 10/14 and 10/28 were adopted unanimous.

CITIZEN COMMENTS

AnnaMaria Basile, 512 Boston Avenue, stated that her comments are a result of the article regarding the site options for a consolidated fire station (i.e., park land at Philadelphia/Chicago/Boston) in last month's Newsletter. She said that while she understands that the recent recommendation of the Fire Service Working Group does not impact this site, neighbors are still concerned that every couple of years, the park is threatened in one way or another. She presented a petition signed by residents in the area of the park which petitions the City Council to "(1) enter into negotiations with Montgomery County to facilitate the ceding of park land located at the intersections of Boston and Chicago and Philadelphia Avenues to the City of Takoma Park; (2) to further designate that park land for the sole purpose of recreation; and (3) given the paucity of available green spaces in our neighborhood to maintain that land as park land in perpetuity."

Benjamin Onyeneke, Maple Avenue, commented on injustices against women and children, and tragic incidents involving missing and abducted children. He noted a recent incident in Prince George's County with a missing child. He supported instituting policies to provide longer maternity leave for women. Mr. Onyeneke offered statistics about the dangers of smoking and the relationship between cigarettes and accidental fires. He called on the Fire Chief to educate the community about how smoking in buildings can cause fires.

PUBLIC HEARINGS

Mr. Rubin noted that people from Takoma Community Development Corporation (TCDC) are outside in the lobby and have asked if the Worksession item regarding Takoma Junction development can be moved up to the top of agenda, so that this discussion can be held back-to-back with the first public hearing. These items are related.

Mr. Sharp responded that he is reluctant to move the Worksession item to the top of the agenda, and that he would prefer that Council complete the Regular Session agenda first.

Councilmember Porter noted that there are other people in the audience here for items on the Regular Session agenda, and added that she does not believe the Takoma Junction item will move as quickly as others preceding it might.

#1 Fire & Rescue Commission's Future Fire Service Recommendations for Takoma Park and Silver Spring.

Public Works Team Leader Braithwaite noted that she and Mr. Rubin have served as the City's representatives on the Montgomery County Fire and Rescue Commission's working group. She explained the focus of the working group, and commented on the meetings held over the past year. She noted that the working group reached a consensus in October regarding the recommendation to be made to the Fire and Rescue Commission. It was to recommend that the Takoma Park station be rebuilt on or near the existing station site on Carroll Avenue, and to consolidate Station 1 (currently on Georgia Avenue) and Station 19 (now located on Seminary Road just off Georgia Avenue) into one station at a site on Spring Avenue east of Georgia Avenue, behind the Maryland National Capital Park and Planning Commission office. She noted that the County does not anticipate beginning fire station construction for many years and has suggested it may be more than five years away.

Mr. Sharp questioned whether there has been any discussion about what will happen with the spaces currently occupied by the two stations which will be consolidated.

Ms. Braithwaite noted that the property is owned by the volunteers, and that the County will have to enter into negotiations with these incorporated groups to decide the disposition of these properties.

Benjamin Onyeneke, Maple Avenue, supported the recommendations, especially in regards to rebuilding the Takoma Park station at or near its current location.

Robert Jarboe, President of Takoma Park Volunteer Fire Department, offered his assistance in responding to any questions.

| Catherine Tunis, 900 block Larch Avenue, said that she is here tonight in response to last month's Newsletter article, but that she understands that the recommendation has changed. She noted that within the next year, new areas will be joining Montgomery County with unification, and that the County will have to provide fire service to these areas. She remarked that in light of this, she wants the City's station to stay on its current location. It has been a historic landmark for decades and should be preserved.

Sandra Filippi, 501 Belford Place, provided testimony in response to the three options outlined in the last edition of the Newsletter. She supported rebuilding the City's station, cautioning that there have been significant advancements in vehicles and equipment since the time the station was first built, and that consequently, a complete rehaul of the building may be necessary to make it

accommodate more modern equipment. She suggested that someone should consider the feasibility of rebuilding versus relocation. Ms. Filippi stated that she does not support the second of the two options. She referred to statistics that rank the service demand on the City's station, and questioned how these statistics might change with unification. She commented in opposition to the "old" option of a consolidated station at Philadelphia/Chicago/Boston Avenues, noting the possible impact if the Mega Mall is developed.

Buddy Daniels, 19 Sherman Avenue, supported keeping the City's station at its current site. He pointed out that attention should be given to related traffic concerns.

Benjamin Rivera, 7201 Flower Avenue, noted that he is the son of the two persons who perished in the fire at 7201 Flower Avenue last year. He said that he is interested in hearing the basis of studies done to justify a change in the stations. The decision should be made based on manpower studies and logistics. He remarked that he is concerned, however, that this discussion has only occurred on the political level. He commented that residents need to be educated about how their tax dollars are used in relation to projects like this. Mr. Rivera suggested ways to deal with the financial problems related to building stations in close proximity to service areas. Better use of technology and volunteers would help in this process. He said that his family is interested in helping, financially, through a foundation they are creating (to be called SAFE) to educate the community and fire fighters about fire safety. The priority is to save lives. He explained that a fire safe community program could investigate how to use technology to identify emergencies and notify neighbors of danger. The system may even be able to guide firemen to an address in the shortest time. He encouraged persons interested in the SAFE foundation to contact him at (301) 270-1111.

#2 Community Oriented Policing.

Mr. Sharp provided a brief history of the Public Safety Citizens Advisory Committee (PSCAC) and its charge and work. He said that the Council wants a wider ranging discussion about the kind of police service the City would like to have. Mr. Sharp remarked that instead of just focusing on defining "community oriented policing," he would prefer to talk about what Takoma Park wants for its police services.

Ed Kindler, 1013 Hopewell Avenue, (SOSCA) described a few experiences the community and he, personally, has had with the COP program. (1) The COP officer worked with SOSCA to put together a phone tree. There was a lot of talk in the beginning of the COP program about how communities needed to do their part and be committed to the program. SOSCA tried to put together a phone tree. Letters were sent out asking people to get on board. In the area south of Ethan Allen, 20% signed-up; 15 people came forward from the same area volunteering for citizen foot patrols. In the area north of Ethan Allen there was less commitment. No one volunteered for the foot patrols, and only 4-5% volunteered to be part of the phone tree. He said that he feels the lesson is two-fold--people in areas with more crime are more motivated to get involved, and regardless of crime levels, people are willing to get involved on some level. (2) When SOSCA

took on the phone tree project as a neighborhood association a few months ago, there was a lot of excitement and officers came out to meetings. However, it has lost momentum over the last 8-10 months. The phone tree has not been used. He suggested that it should be used in some way, at least to show how people are important in this process. Mr. Kindler remarked that there needs to be a mechanism to keep building bridges between the community and the police. He proposed that officers could contact key persons in the community on a regular basis, just to keep communication flowing. (3) He said that the third experience he wishes to describe was a personal experience he had with the COP program. During the last weekend in August, a neighbor, driving in his car, was pursued by another motorist who was firing shots at him. The following evening, a car again drove through the neighborhood firing shots. Neighbors were frightened and outraged, and got together to do what we thought might be helpful (e.g., got name of person shot at, collected bullet shells, tried to identify the license plate number, etc.). Neighbors called the police, and there was no response. The call was not returned by the COP officer for several days--he was on vacation. Mr. Kindler suggested that maybe, there need to be primary and secondary COP officers assigned to each neighborhood. He noted that even though another COP officer tried to respond to the community, the neighbors did not get satisfaction. This officer had his own community's issues to address. Mr. Kindler remarked that when their COP officer returned to work, he did not follow-up by contacting the neighbors or taking any action related to the report. Mr. Kindler stated that this was an opportunity to create a positive relation between the community and COP officer, but that it did not happen. Although COP is a great concept, we are not there yet. He commented that he thinks what Sgt. Coursey is doing "online" is a good service, and suggested that there may be some way to incorporate voice mail into the phone tree--i.e., COP officer leaves message on voice mail for phone tree members to retrieve.

Ms. Porter stated that Mr. Kindler is the main person in SOSCA who deals with crime issues and the COP related efforts. She added to the record a letter he wrote regarding the incident described in his testimony.

Sandra Filippi, 501 Belford Place, noted that she is the block captain on the telephone tree for her neighborhood and a member of the foot patrol. She said that speaking as an individual, she is having a problem understanding how the COP program fits into policing. She noted that Officer Wayne Jackson is the neighborhood COP officer. There was a feature in the September 1995 edition of the Newsletter, describing Officer Jackson as one of the grant officers assigned to the COP program. She quoted from the article. However, despite this article very few neighbors knew of this officer's mission in the community. In the beginning, Officer Jackson seemed to have difficulty returning calls, recalling names, etc.; he was probably overwhelmed. She remarked, however, that the program has improved dramatically since Officer Jackson has begun attending more community meetings. He consistently follows through on phone calls and complaints. She related a story about a parked vehicle blocking her driveway. She called the dispatcher who said that an officer would be sent to respond. Later that evening, the car was still there, and when she called the dispatcher she learned that the police had been busy and an officer was not able to respond. The next day, the car was still there, and she again called the police.

Ms. Filippi noted that the dispatcher explained that an officer supposedly came by and there was no violation. At this point, Ms. Filippi stated that she asked to leave a message for Officer Jackson. On the third day, the car was finally towed, and Officer Jackson left a message apologizing for the late response. She concluded that there seems to be a problem with "who is responsible"--COP officer or police department. She recognized that the COP officers are grant funded positions. She related comments from her husband about how the community's expectations of the COP program are unrealistic. A COP officer works 8 of 24 hours a day; citizens forget this limiting factor. In order for the program to work, each beat needs three COP officers to cover each shift around the clock. These officers need to be relieved of non-COP duties, and should be encouraged to walk beats and ride bikes. She said that the point is to increase police presence and to discourage criminal activity. She suggested that multiple methods of notifying residents of the COP program and assigned officers need to be employed (e.g., Internet, flyers, Takoma Voice, recorded messages with safety advice, warnings, etc.). She referred to systems used by Prince George's and Baltimore Counties.

Benjamin Onyeneke, Maple Avenue (Generation X), commented on the crime prevention efforts of Generation X in the City. He said that community oriented policing involves police working with residents. Mr. Onyeneke described how the New York City program works. He urged the police officers not to prejudice persons by their clothing, appearance, vehicle, etc. He thanked Mr. Davenport and Officer Coates for their assistance in the Maple Avenue corridor, and stated that if an officer knows a resident is in trouble he/she should approach that person and offer assistance. He described an incident where he attempted to intercept illegal activities and was attacked by some young people. He said that the unfortunate end to the incident was that he spent several days in jail for trying to defend himself. Mr. Onyeneke stated that he was framed. He encouraged the police to develop a program that will involve teens, and whereby residents can give positive messages to the beat officer or police department. He supported creation of a telephone tree. Mr. Onyeneke remarked that the police should get to know which residents are involved in fighting neighborhood crime, and should not discriminate or stereotype these persons but instead, work with them. He noted that he stands on the sidewalk along Maple Avenue during before/after school hours to monitor children going/coming from school, and that he calls the police if he witnesses suspicious activities. Mr. Onyeneke stated that 45-50 percent of residents in Ward 4 are smokers or drug addicts. He said that this problem needs to be addressed. He encouraged police outreach to youth and seniors, and suggested that officers attend regular meetings with residents.

Mr. Davenport stated that while he appreciates Mr. Onyeneke's words and opinion, he disagrees with the statistics about the number of people in Ward 4 smoking drugs or involved in crime.

Buddy Daniels, 19 Sherman Avenue, remarked that the COP program hinges on a one-on-one relationship between relations and police officers. He thanked Officers Gilbert and Coursey for attending neighborhood meetings. He noted that last spring, a neighbor on Sherman Avenue was robbed. Shortly after the incident, Officer Gilbert attended and facilitated a community meeting. Officer Gilbert helped with safety education and initiated an effort to form a crime phone tree. It

was an education process, and residents on Sherman and Hancock, and throughout S.S. Carroll, were very thankful for Officer Gilbert's coaching. Throughout the summer things seem to have calmed down in the neighborhood. Mr. Daniels said that he would like to think that through the efforts of Officers Gilbert and Coursey, the word is getting out there. He noted that these officers attended meetings on their own time, and thanked them for their help.

Allison Porter, 6812 Belford Drive (Forest Park, Hampshire Knolls--Southern part of SOSCA), presented a written statement from Martha Feldman who cannot be here this evening (attached). Ms. Porter said that residents seem more comfortable about communication, in general, between residents and the police, and response to calls. She noted that Officer Jackson is the community COP officer. She expressed appreciation for the efforts on the part of the police (e.g., attending meetings, providing information to the community, etc.). She said, however, that there are several areas where improvement is still needed. (1) Residents would like a more visible presence of police in the neighborhood (i.e., drive throughs, foot and bike patrols). (2) Residents want to form better relations with beat officers. The COP and beat officers should walk the neighborhood so residents can get to know them by sight; this would work well during leaf raking season when people are outside on the weekends. (3) Information could be distributed to residents introducing their COP and beat officers, and explaining what residents can do to cut down on crime. (4) She said that residents are experiencing frustration when they report crimes and do not get a follow-up call. She suggested that maybe the COP could return calls. (5) A back-up COP officer should be designated for each community. (6) Residents are asking that officers spend more time in the neighborhoods. (7) People realize there are financial limitations; however, if needed, more resources should be dedicated to the Police Department. (8) She concluded that crime is a priority issue among residents.

Rino Aldrighetti, 7213 Central Avenue, remarked that it seems the COP program got off to a difficult start in the City, but that over the last few years people have become more positive about it. He said that he thinks the Council and City are committed to seeing it work. He commented that Officer Rich seems committed to working and getting to know neighbors in his community. Mr. Aldrighetti pointed out that the program is still looking for a single, common definition about what it is and how it can succeed. He said that essentially, we are talking about re-creating the communication networks of the 1950's which existed in predominantly ethnic neighborhoods. An officer needs to be able to relate to the community. He said that in the same way an officer would be trained to take fingerprints, he needs to be trained to be an organizer in his community. Mr. Aldrighetti remarked that the COP concept is not the only part of policing. It is essential for people to learn to communicate. He commented on the police postings being put on the Internet, stating that it is nice to get a regular update. He talked about the kinds of crime problems that the City faces (i.e., number of crimes that take place in stolen cars that come across the D.C. line). He said that he was glad to hear that the City has received a piece of equipment from Montgomery County that allows an officer to check license plate numbers from a patrol car. Communication and technology are great resources. He supported further investigation of technology that enables checking of license numbers.

Sally Taber, 703 Auburn Avenue, (President of SOSCA), said she thinks in SOSCA's discussions about community oriented policing, while a problem with communication between the residents and the COP officer is recognized, the greater problem with communication is with the beat officer. The concept of COP really breaks down when it gets to the beat officer level. These officers need to slow down, wave, and stop to chat with residents. Residents want to know who is their beat officer. She noted that beat officers seems to change with alarming regularity (i.e., every year), and stated that she no longer knows who is her beat officer. Ms. Taber remarked that from her perspective, having Officer Coursey on-line is a real plus, and that he should be encouraged to continue this service. While everyone may not have computer access, there is a large number of people living in the City who do. The Internet is an effective vehicle for communication and should be further explored. She noted Mr. Aldrighetti's remarks about across-the-line crime, and urged the Police Department to work on interactions with Prince George's County Police Department. With unification, the City will be leaving the County, and there is no reason to expect any greater cooperation with them than we currently have. She pointed out that there has long been the question about jurisdiction (where the County takes over) and who is responsible for responding to calls. Residents do not want to hear this response when they call the police. Questions of this nature should become a focus with unification so close.

Mr. Sharp noted that Cpt. Wortman and Lt. Rosenthal are in the audience. He noted that he recently attended a Ward 6 meeting with Councilmember Chavez, at which a concern was raised that the attention Ward 6 is getting from the COP program has declined in the last year. Residents asked whether the installation of the substation reduced the amount of police resources for their neighborhoods. He said that he wants the police to know that this concern was raised.

Mr. Davenport related an experience he had as a child, where in fleeing from another youth, he turned a corner and ran into two officers. The officers were interested in what was going on, and after hearing the story suggested that instead of retaliating, he should make-up and get to know the other boy. He said that he followed their advice. When these officers were present in the neighborhood, illegal activities ceased; these officers seemed to have respect from the community. They were visible, knew the residents, and responded to people. Mr. Davenport stated that he thinks community oriented policing has come back to educate the community about crime, to bring back the personal touch, and to let residents know that police officers are there to organize and teach us how not to become victims. He thanked Officer Gilbert for his work in the community. Mr. Davenport remarked that he would like to think that the friendly officer will come back to the community (i.e., an officer who returns a wave). Citizens need to feel that police officers are earning their pay, and need to feel as important to the officers, as citizens believe them to be to the community. He urged the Police Department to examine these issues, and commented on super jobs being done by Officers Creamer and Coursey. He concluded that in terms of COP, we have a long way to go.

Mr. Sharp encouraged residents to keep in touch with Council and staff about concerns as they come up, and stated that this hearing is not the end of the discussions. He thanked persons for their testimonies, and asked that they encourage their neighbors to speak up about their feelings

regarding community oriented policing.

Continued discussion of community oriented policing is scheduled for December 2.

REGULAR MEETING

#3 Resolution re: On-going Public Safety Citizens Advisory Committee (PSCAC).

Mr. Rubin explained that the resolution continues the work of the former PSCAC which was appointed for limited time to complete a limited number of tasks. He said that one of their recommendations was to create an on-going PSCAC. He read portions of the resolution. Mr. Rubin noted that former Police Chief Phillips recommended a similar committee (i.e., Police Chief Advisory Committee), and that such a committee has been discussed for some time. He stated that the resolution does not set-up a Police Department Oversight Committee. The intent is much broader than that. The committee will expand work to other public safety services. He recalled that at one time there had been a suggestion to set-up a police review committee--a place to bring complaints, but stated that he did not favor that approach because it is negative and in a small town like Takoma Park we enjoy the ability to easily talk to our police department. He said that the establishment of an on-going PSCAC is an attempt to have something that creates a partnership versus an oversight authority.

Benjamin Onycneke, Maple Avenue, supported the resolution. He encouraged the Council to let this committee to be independent--one that is not mingled or interfered with by the Police Department. He commented on the good work of David Bates (member former PSCAC).

Rino Aldrighetti, Central Avenue, questioned how to best communicate--either a Police Chief Advisory Committee or this PSCAC). He noted that a lot of issues have been raised this evening, but that he is not sure the goal should be to make the Police Chief crazy. He said that it will be important how this committee is packaged, so the Chief can hear the issues raised in an open environment.

Mr. Rubin stated that he thinks the comments made by Mr. Davenport during the public hearing are some of the most sensitive and touching remarks that he has heard related to community oriented policing. Mr. Rubin noted that he also grew up in an inner-city neighborhood where residents had a good relationship with neighborhood officers. In regards to Mr. Aldrighetti's comments, Mr. Rubin noted that language in the resolution directs the PSCAC to "design and implement procedures for carrying out charges with input and decisions from the Council, Police Department and other City agencies." This begins to address the issue of communication.

Mr. Williams remarked that as he has thought about this resolution and its establishment of a permanent committee, it has caused him to think further about others areas the Council may want to consider next (i.e., other than public safety). He said that judging from the earlier public hearing comments he believes we still have a ways to go with the community oriented policing

program, but that we need to begin thinking about how this same process could be used to examine all city services.

Mr. Elrich expressed concern about the committee “designing and implementing” things for the Police Department.

Mr. Rubin clarified that the “design and implementation of procedures” only applies to the committee’s operations.

The Resolution was adopted unanimously, establishing a Public Safety Citizens Advisory committee as a permanent committee (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

RESOLUTION #1996-66
(Attached)

#4 Resolution re: Transportation Temporary Report--S.S. Carroll and Surrounding Community.

Mr. Williams noted that a very strong message, from the 100's of people who participated in this process, was that there needs to be strong police enforcement of the things (i.e., turn restriction onto Jackson from Ethan Allen, and attention to speeding on Ethan Allen) being implemented by the plan. He said that he would like to see the police be ready to address the fact that these things need to be enforced, and that this will require particular attention to these areas in the beginning and some follow-up (e.g., random patrolling) on a regular basis. He requested some kind of indication ahead-of-time about what the police think is appropriate to meet this need.

Ms. Porter reinforced Mr. Williams’ remarks. She said that in similar situations, like when a “no left turn” was installed at Kentland/East-West Highway, traffic control devices are not effective in the beginning unless an officer is stationed at the spot to enforce compliance by motorists. She said that it would have been helpful if enforcement of the Kentland/East-West Highway sign had started as soon as the sign was installed because it is important catch and change people’s habits from the beginning. She also encouraged speed enforcement on Ethan Allen Avenue, noting that residents have been meeting to discuss problems on this street which are not being addressed by the traffic plan.

The Resolution was adopted unanimously, adopting the temporary traffic management measures for the S.S. Carroll Avenue Neighborhood Association and surrounding neighborhood (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

RESOLUTION #1996-67
(Attached)

#5 Single Reading Ordinance re: Takoma Avenue Street Lights.

Mr. Rubin proposed an additional Whereas clause--to be inserted as the second clause--“the lack of street lights along Takoma Avenue has adversely impacted people from throughout the area traveling to and from Jequie Park, Montgomery College’s Takoma Park campus, and the Takoma metro station; AND.” He commented that the Takoma Avenue area is an entrance to the City.

Ms. Porter referred to the staff memorandum, noting the other streets which have requested new installations and lighting upgrades. These projects will be considered in the future.

The Ordinance, as amended, was adopted unanimously, authorizing funds in the amount of \$10,671.00 (to be charged to Account No. 9100-8000) to be paid to PEPCO for lighting improvements on Takoma Avenue, from Baltimore to Buffalo Avenues (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**ORDINANCE #1996-37
(Attached)**

**#6 2nd Reading Ordinance re: Commercial Revitalization District Designation--
Flower/Piney Branch.**

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

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

#7 2nd Reading Ordinance re: Term Expiration Dates--Council Appointed Committees.

Mr. Sharp briefly explained the purpose of the ordinance.

City Clerk Sartoph noted that the ordinance does not include reference to the Free Burma Committee which was established by the Free Burma Ordinance adopted two weeks ago. She explained that once the Free Burma Ordinance is codified and there is a corresponding section in the Code which can be referenced, Section 2-125(b) will have to be amended to include the Free Burma Committee.

Ms. Sartoph will prepare an ordinance at the appropriate time and schedule for Council’s consideration.

The Ordinance was adopted unanimously, amending several sections of the City Code to add

general provisions regarding statutory Council appointed committees, to assign 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 (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

ORDINANCE #1996-36
(Attached)

#8 Resolution re: School District's Facilities Plan. Planning Center Coordinator Ludlow summarized her memo and the recommendations made by Montgomery County School Superintendent Vance to accommodate the elementary school students in the Blair Cluster.

Ms. Porter proposed amendments to the resolution:

Whereas clause #7 -- strike "although not related to the increased school population due to Unification, and not likely to affect many Takoma Park families" and replace with "in addition"; strike "plans for the"; strike "will result" and replace with "not be done in a way that results."

Whereas clause #8 -- strike "although not related to the increased school population due to Unification."

Ms. Porter explained that we do not have to be defensive about Unification. The amendments were accepted without objection.

Mr. Elrich proposed an amendment to delete the first Whereas clause in its entirety.

Ms. Porter remarked that this clause explains the reason (i.e., unification) more children will be coming into the County's school system.

Mr. Elrich stated that it is no longer relevant that the increase in students is related to unification. It does not matter how the students got there; what is important is that they need to be accommodated. The amendment was accepted without objection.

Sally Taber, Auburn Avenue (representative on P.G. County Boundary Committee) stated that she appreciates Council's support on this issue, and that she hopes Council will continue to support this issue. She commented that she has not heard about any problems with the board passing this plan, but that she is concerned about what will happen when it goes forward to the County Council.

The Resolution, as amended, was adopted unanimously, recommending approval of the Superintendent's recommendations regarding City of Takoma Park unification school facility plans (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**RESOLUTION #1996-68
(Attached)**

CONSENT AGENDA

#9(A) Resolution re: Farmers' Market Extended Season. The resolution was adopted unanimously, authorizing the closing of Laurel Avenue between Eastern Avenue and Carroll Avenue for the operation of the Takoma Park Farmers Market on Sundays from December 1 to December 22, 1996, 8:45 a.m. to 2:30 p.m. (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**RESOLUTION #1996-69
(Attached)**

#9(B) Resolution re: Sligo/Cherry Conservation Easement and Minor Lot Line Adjustment. The resolution was adopted unanimously, accepting a conservation easement and recommending approval of a minor lot line adjustment for property located at the intersection of Sligo Creek Parkway and Cherry Avenue (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**RESOLUTION #1996-70
(Attached)**

Mr. Williams commented that he likes consent agendas, and encouraged using them more often.

WORKSESSION

The Council adjourned to Worksession at 9:35 p.m., and later convened in Executive Session at 10:44 p.m. Following the Executive Session, the Council adjourned for the evening.

EXECUTIVE SESSION

Executive Session 11/12/96 - Moved by Williams; seconded by Porter. Council convened in Executive Session by unanimous vote at 10:44 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Chavez, Davenport. STAFF PRESENT: Habada, Sartoph, Silber. Council continued a discussion regarding litigation strategy; no direction to change current strategy (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8)).

Introduced by: Councilmember Elrich

1st Reading 10/28/96
2nd Reading 11/12/96

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 neighborhoods; and

WHEREAS, COMAR 05.13.09A requires that "designated neighborhood" be established by local jurisdiction 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 neighborhood;

- (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 designated 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 12th DAY OF NOVEMBER, 1996.

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

Nay: None

Abstain: None

Absent: None

Introduced by: Councilmember Williams

1st Reading: 10/28/96
2nd Reading: 11/12/96

ORDINANCE #1996 - 36

AMENDING SEVERAL SECTIONS OF THE CITY CODE TO ADD GENERAL PROVISIONS REGARDING STATUTORY COUNCIL APPOINTED COMMITTEES, TO ASSIGN 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 12th day of November, 1996.

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

NAY: None

ABSENT: None

ABSTAIN: None

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

Introduced by: Councilmember Rubin

Single Reading: 11/12/96

Ordinance No. 1996-37

LIGHTING IMPROVEMENT ON TAKOMA AVENUE

- WHEREAS, the FY-97 Capital Budget allocated \$30,000 to address requests for improved street lighting; AND
- WHEREAS, the lack of street lights along Takoma Avenue has adversely impacted people from throughout the area traveling to and from Jeque Park, Montgomery College's Takoma Park campus, and the Takoma metro station; AND
- WHEREAS, complaints have been received from residents on Takoma Avenue relative to the adequacy of street lighting; AND
- WHEREAS, it is a genuine concern of the North Takoma Citizens Association to provide for the safety and welfare of its residents; AND
- WHEREAS, the City received a formal request from the North Takoma Citizen's Association to improve the street lighting along Takoma Avenue; AND
- WHEREAS, the City met with representatives of the North Takoma Citizens Association and PEPCO to address these improvements; AND
- WHEREAS, agreement was reached by these parties on the course of action to take to best address their concerns; AND
- WHEREAS, the City requested that PEPCO, a sole source provider, develop a cost estimate for these improvements; AND
- WHEREAS, the City has received this cost estimate from PEPCO in the amount of \$10,671.00.
- NOW THEREFORE BE IT RESOLVED, THAT the Public Works Department will provide PEPCO with the approval to proceed with these lighting improvements on Takoma Avenue, from Baltimore to Buffalo Avenues; AND
- THAT funds in the amount of TEN THOUSAND SIX HUNDRED AND SEVENTY ONE DOLLARS (\$10,671.00) be authorized for this expenditure and that it be charged to Account No. 9100-8000.

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

Introduced by: Councilmember Rubin

RESOLUTION #1996-66

ESTABLISHING A
PUBLIC SAFETY CITIZENS ADVISORY COMMITTEE
AS A PERMANENT COMMITTEE

WHEREAS, in 1994, the City Council established the Public Safety Citizens Advisory Committee to be in existence until a number of tasks were completed; AND

WHEREAS, this Committee has completed its tasks and has, among other recommendations to Council, called for the establishment of a permanent Public Safety Citizens Advisory Committee to work with City agencies and residents to address ongoing citizens public-safety concerns and to advance Community-Oriented Policing; AND

WHEREAS, the Council recognizes the value of on-going collaborative efforts between residents, business owners, public safety agencies, and City government.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, hereby establishes a permanent Public Safety Citizens Advisory Committee to provide input and advice to the Council and the City's public safety agencies about how the City can better meet the ongoing needs and concerns of residents in the area of police services and public safety.

BE IT FURTHER RESOLVED THAT the Public Safety Citizens Advisory Committee shall:

- (1) Act as a conduit between Takoma Park Residents, the Takoma Park Police Department and the City Council by soliciting and conveying information regarding community needs and expectations, long range visions and goals, and any problems and/or specific incidents that might arise.
- (2) Be an active participant in the continuous process of advising the Council and the Police Department regarding the designing and implementing of policies, plans and programs for Community Oriented Policing, Neighborhood Watch, and other neighborhood-based crime prevention activities.
- (3) Prepare and present an annual report to the Council which will include but not necessarily be limited to discussions and descriptions of community needs and expectations in the public safety area, activities being carried out to address these needs and expectations, and recommendations for making further progress.
- (4) (a) Design and implement procedures for carrying out (1) (2) and (3) above.

(b) In designing and implementing procedures, the Committee shall obtain any needed input and decisions from Council, the Takoma Park Police Department, and other City agencies.

BE IT FURTHER RESOLVED THAT the Committee will attempt to provide the Council, the Police Department, and other appropriate City agencies, with suggestions about how services might be funded; AND

BE IT FURTHER RESOLVED THAT The Public Safety Citizens Advisory Committee shall consist of seven (7) City residents, who shall be appointed by the Council; AND

BE IT FURTHER RESOLVED THAT appointments to this Committee shall be effected by a separate resolution.

ADOPTED this 12th day of November, 1996.

Introduced By: Councilmember Elrich

RESOLUTION No. 1996 - 67

Resolution Adopting the temporary traffic management measures for the S. S. Carroll Avenue Neighborhood Association & Surrounding Community which proposes:

- * Continuing the temporary partial closure of Manor Circle;
- * The installation of signs warning motorists who enter Manor Circle from Carroll Avenue that they cannot make a left turn onto Ethan Allen Avenue;
- * The installations of a "NO RIGHT TURN" sign during rush hours (between 7:00 a.m. - 9:00 a.m.) on Ethan Allen Avenue for motorists turning onto Jackson Avenue;
- * The construction of speed humps in the 300 block of Lincoln and Boyd Avenues (between Carroll and Jackson Avenues);
- * The construction of a speed hump on Jackson Avenue between Ethan Allen and Boyd Avenues;
- * Painting crosswalks at the intersection of Jackson and Boyd Avenues (Jackson - Boyd Park area);
- * Posting 25 - MPH speed limitations on neighborhood streets in the study area;
- * Increasing enforcement of traffic regulations on Ethan Allen Avenue; and,

WHEREAS, in 1994, the S. S. Carroll Neighborhood Association requested that the City of Takoma Park arrange for a traffic study for their neighborhood; AND

WHEREAS, the graduate students of the University of Maryland coordinated a traffic volume study and submitted a Traffic Management Report to the City; AND

WHEREAS, the City's traffic engineer consultant reviewed the Traffic Management Report and submitted a Technical Memorandum which proposed restricting Manor Circle to only exiting traffic at Ethan Allen Avenue as a temporary measure to City staff and to the active members of the S. S. Carroll Neighborhood Association; AND

WHEREAS, the members of the S. S. Carroll Neighborhood Association reviewed and endorsed the Technical Memorandum; AND

WHEREAS, the City Council of Takoma Park, MD adopted the Technical Memorandum; AND

WHEREAS, the members of S. S. Carroll Neighborhood Association and residents of surrounding communities attended meetings from January through October of 1996, to discuss implementing additional temporary measures that could reduce the volume and speed of cut - through traffic ; AND

WHEREAS, the members of S. S. Carroll Neighborhood Association and residents of surrounding communities voted and presented temporary traffic measures to City staff and to the City's traffic engineer consultant for review and for professional recommendation; AND

WHEREAS, City staff and the traffic engineer consultant reviewed the measures and endorsed those mentioned above; AND

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK MARYLAND, THAT, the City Council hereby Adopts the above mentioned temporary traffic management measures.

BE IT FURTHER RESOLVED THAT the Council commends the S. S. Carroll Neighborhood Association for its contributions to the preparation of the temporary transportation management measures.

BE IT FURTHER RESOLVED THAT the City Administrator or her designee is hereby directed to prepare an implementing schedule for the temporary transportation management measures.

ADOPTED THIS 12 TH DAY OF NOVEMBER, 1996.

Introduced By: Councilmember Elrich

Resolution No. 1996-68

**Resolution Recommending Approval of the Superintendent's
Recommendations Regarding
City of Takoma Park Unification School Facility Plans**

- WHEREAS, additional elementary school space must be found, in the already overcrowded Blair Cluster, to accommodate students from the portion of Takoma Park that has historically been in Prince George's County and from the French Immersion Program that is to be returned to the Blair Cluster; AND
- WHEREAS, for over a year the Montgomery Blair Cluster Boundary Advisory Committee, made up of Blair Cluster elementary school and Takoma Park area Prince George's County elementary school parent representatives, diligently and thoughtfully reviewed options for accommodating these students within the Blair Cluster; AND
- WHEREAS, in January 1996, the Committee recommended to the Superintendent of Montgomery County Public Schools that the best option for accommodating the elementary school population is to either build a new school or purchase an existing school in or near the City of Takoma Park; AND
- WHEREAS, the Superintendent accepted the recommendations of the Committee and is recommending the purchase of an existing school near the City of Takoma Park to the Montgomery County Board of Education; AND
- WHEREAS, the Council believes that options which would cause large boundary changes, or unpairing or changed pairings of schools, would likely negatively affect efforts to create and maintain diverse school environments and would harm communities throughout and adjacent to the Blair Cluster; AND
- WHEREAS, in addition, the Council is concerned that the remodeling of the current Blair High School into a third cluster middle school will not be done in a way that results in facilities of a quality comparable to that of other area middle schools; AND
- WHEREAS, the Council feels that if long-range population estimates show that a permanent addition is needed to the new Blair High School, that the addition should be built; but if the long-range estimates show that the facilities under construction will be sufficient with only temporary use of portables, the addition should not be built;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, the City Council hereby recommends that the Montgomery County Board of Education **Approve** the Superintendent's recommendations concerning accommodation of elementary school students in the Blair Cluster.

BE IT FURTHER RESOLVED THAT the Council urges that the Superintendent and the Board of Education ensure that the facilities of the third middle school on the Blair/Wayne Avenue site be of comparable quality to that of other area middle schools.

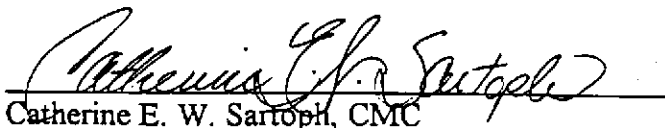
BE IT FURTHER RESOLVED THAT if long-range population estimates show that a permanent addition is needed to the new Blair High School, that the addition should be built; but if the long-range estimates show that the facilities under construction will be sufficient with only temporary use of portables, the addition should not be built.

BE IT FURTHER RESOLVED THAT the Council appreciates the exemplary and tireless work of the Montgomery Blair Boundary Advisory Committee in evaluating facility and program options, balancing student need and financial constraints.

BE IT FURTHER RESOLVED THAT this Resolution be transmitted to the Montgomery County Board of Education, the Montgomery County Council, and all other bodies and agencies responsible for the approval, funding and implementation of the Superintendent's recommendations.

ADOPTED THIS 12TH DAY OF NOVEMBER, 1996.

ATTEST:



Catherine E. W. Sartoph, CMC
City Clerk

Introduced by: Councilmember Elrich

RESOLUTION NO. 1996-69

A RESOLUTION AUTHORIZING THE CLOSING OF LAUREL AVENUE BETWEEN EASTERN AVENUE AND CARROLL AVENUE FOR THE OPERATION OF THE TAKOMA PARK FARMERS MARKET ON SUNDAYS FROM DECEMBER 1 TO DECEMBER 22, 1996, 8:45 A.M. TO 2:30 P.M.

WHEREAS, the City of Takoma Park sponsors the Takoma Park Farmers' Market (the "Market") on Laurel Avenue in the Takoma Old Town Business District; AND

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

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

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

Sundays between (and including) 1 December 1996 - 22
December 1996, from 8:45 a.m. (local time) to 2:30 p.m.
(local time)

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

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

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

ADOPTED THIS 12th DAY OF NOVEMBER, 1996.

Introduced By: Councilmember Elrich

Resolution No. 1996-70

**Resolution Accepting a Conservation Easement
and Recommending Approval of a
Minor Lot Line Adjustment for Property Located
at the Intersection of Sligo Creek Parkway and Cherry Avenue**

- WHEREAS, the City of Takoma Park ("the City") adopted an Open Space Plan on December 12, 1994 containing recommendations and policy concerning vacant land within the City; AND
- WHEREAS, the Kingston Construction Company ("Kingston") owns Lots numbered Nineteen (19) and Twenty (20) in Block numbered Thirty-four (34), in a subdivision known as "B. F. GILBERT'S ADDITION TO TAKOMA PARK," located in the southeast quadrant of the intersection of Sligo Creek Parkway and Cherry Avenue in Takoma Park ("Property"); AND
- WHEREAS, the City's adopted Open Space Plan recommends a conservation easement along the Sligo Creek Parkway frontage of the Property in order to protect the existing slopes and woods along the Parkway, and to provide a buffer for Sligo Creek; AND
- WHEREAS, in fulfillment of this recommendation of the City's adopted Open Space Plan, Kingston is willing to grant a perpetual conservation easement along the frontage of the Property on Sligo Creek Parkway, thereby restricting and limiting the use of the easement area of the Property, and the City is willing to accept such conservation easement; AND
- WHEREAS, the terms and conditions of this agreement are set forth in a Conservation Easement to be recorded in the official records of Prince George's County, Maryland; AND
- WHEREAS, the City is willing to accept this Conservation Easement under the terms and conditions described in the Conservation Easement, and is a "qualified organization" within the meaning of Section 170(h)(3) of the Internal Revenue Code; AND
- WHEREAS, Kingston is also seeking approval of a minor lot line adjustment from the Prince George's County Maryland-National Capital Park and Planning Commission; AND
- WHEREAS, the minor lot line adjustment will support the purposes of the Conservation Easement by allowing access to Lot 19 from Cherry Avenue instead of from Sligo Creek Parkway, thus eliminating the need to construct a driveway in the easement area; AND
- WHEREAS, the minor lot line adjustment will not increase the current number of lots on the Property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, as an absolute gift of no monetary consideration (\$0.00) but in consideration of the mutual covenants, terms, conditions and restrictions set forth, the City Council agrees to ACCEPT the Conservation Easement that Kingston unconditionally and irrevocably agrees to grant and convey unto the City, its successors and assigns, forever and in perpetuity of the nature and character and to the extent set forth in the Conservation Easement agreement, with respect to the Property.

BE IT FURTHER RESOLVED THAT the City Council SUPPORTS the minor lot line adjustment requested by Kingston, and recommends that the Prince George's County Maryland-National Capital Park and Planning Commission APPROVE the minor lot line adjustment, with the Conservation Easement noted thereon.

BE IT FURTHER RESOLVED THAT the City Council commends and expresses its appreciation to Kingston's president and vice-president, Robert M. Lipovsky and Alan Abrams, for their willingness to voluntarily grant the Conservation Easement on the property, thus preserving and protecting the environment and the dominant scenic, woodland and riparian character of the easement area.

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 12th DAY OF NOVEMBER, 1996.

REGULAR MEETING, WORKSESSION AND EXECUTIVE SESSION

Monday, November 25, 1996

Executive Session 11/12/96 - Moved by Williams; seconded by Porter. Council convened in Executive Session by unanimous vote at 10:44 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Chavez, Davenport. STAFF PRESENT: Habada, Sartoph, Silber. Council continued a discussion regarding litigation strategy; no direction to change current strategy (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8)).

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Davenport	Assistant City Administrator Hobbs
Councilmember Porter	City Clerk Sartoph
Councilmember Rubin	Community Development Coordinator Sickle
Councilmember Williams	Senior Planner Schwartz
	Engineer Monk

OFFICIAL ABSENT:

Councilmember Elrich

The City Council convened at 7:40 p.m. on Monday, November 25, 1996, in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, these remarks were made:

COUNCIL COMMENTS

Mayor Sharp noted that Councilmember Elrich is testifying before the Montgomery County School Board this evening, and that he may be arriving later. He commented that yesterday, some members of the Council toured rental properties in the City to look at quality and maintenance of multiple tenant buildings. Mr. Sharp said that Councilmembers had some opportunities to talk with building owners about rent control and other City policies. He remarked that Councilmembers Rubin and Williams were unable to participate in the tour, and that a second tour has been scheduled for Sunday, December 1. He stated that hopefully, the tour will cover the same buildings as the first, since it will be important for all Councilmembers to have knowledge of common buildings and similar experiences to base future discussions of rental properties.

Councilmember Williams announced the unexpected death of long time City resident Mary Rodriguez who was in her 90's. He noted that most recently, Ms. Rodriguez had appeared before the Council as an applicant to COLTA. Mr. Williams also explained that he was unable to attend the rental properties tour because he was in Los Angeles, California, attending the 12th Annual Conference of the International Network of Lesbian and Gay Officials. This was the third year he has attended this conference which was held in West Hollywood. He described some of the impacts rent control had on the West Hollywood community in the past, and how current California law deals with rent control.

Councilmember Davenport repeated that he and Councilmember Rubin are still the only persons who have volunteered to serve on the Martin Luther King, Jr., Commemoration Committee. He welcomed volunteers, and encouraged them to contact the City Administrator's office, Mr. Rubin or him.

Mr. Sharp explained that one of the Executive Session discussions (i.e., land acquisition) is being moved up, prior to the beginning of the Worksession. There will be a second Executive Session later in the evening to discuss the City Administrator's evaluation.

Mr. Sharp noted that at the request of Mr. Davenport, adoption of the Council Meeting Minutes of 11/12/96 will be postponed.

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), supported the U.S. Congress and Senate focus on schools. He suggested that public officials work to rebuild the education system from "Headstart" programs to elementary to high school. He encouraged support for a school uniform policy as a means to enforce more discipline in schools. Mr. Onyeneke said that he looks forward to the government focusing on the safekeeping of children. He referred to recent articles which appeared in a local newspapers about tragedies involving young people, and urged people to be more sensitive to the "cries for help" coming from youth.

Jack Mitton, 501 Philadelphia Avenue, recalled the presentation given at the October 28 meeting by Officer Coursey about the Police Department Survey regarding the Police Chief selection process. He said that subsequently, he requested information from the City Administrator's office related to the survey. The information given to him did not include two attachments. He described conversations with staff and efforts he made to obtain copies of the attachments over the next few days. Mr. Mitton stated that Assistant City Administrator Hobbs provided him with an explanation that information contained in the attachments is restricted according to personnel regulations. Mr. Mitton remarked that he only wanted the survey responses pertaining to certain questions which he could not understand being restricted. He asked several questions. At what point did the information become restricted? Who determined this? Presumably, the staff review team saw the information, yet it is not being made available to citizens. Why was the information given to the committee members? Mr. Mitton noted that the advertisement of the Police Chief

position vacancy has appeared in the *Washington Post*. He again, posed several questions. Who sets the “negotiable salary”? Who makes the hiring decision, and when will it be made?

Mr. Mitton recalled a letter that he sent to the Council a year ago regarding leaf collection, and noted that this same letter recently appeared as a Letter to the Editor. He said, however, that the Council never acknowledged his letter. Mr. Mitton remarked that the City stands to learn from the method Rockville determines its leaf collection schedule. He described the schedule as being based on the types and concentration of trees throughout the City.

City Administrator Habada responded to Mr. Mitton’s remarks about the Police Department Survey, explaining that the committee discovered that some of the information that was submitted in the “General Comment” section identified specific personnel. This kind of information is not something appropriate to be shared with the general public. She said that there was no way staff could have anticipated that the committee members would come across this type of information. Once it was discovered, the information from this section was restricted to the Council.

Mr. Sharp asked whether the committee members were counseled on “confidentiality.”

Ms. Habada responded in the affirmative.

Mr. Sharp questioned the timing of the Police Chief hiring process.

Ms. Habada explained that currently, there is a Citizens Advisory Committee reviewing resumes. A decision for second round interviews will be based on the recommendations of the CAC. The time frame is to complete the process sometime in January. She stated that the decision for hiring is in the purview of the City Administrator according to the City Charter. The salary is set in the Executive Pay Plan as adopted by the Council each year. She stated that the salary range was not advertised, but that it is in the range of \$46,000-66,000. Ms. Habada remarked that salary negotiations would stay within this range.

Mr. Sharp accepted Mr. Mitton’s point about not responding to letters, adding that the Council does not have a good procedure for acknowledging letters, at this time. He stated, however, that he will endeavor to see that this changes. Mr. Sharp asked Ms. Habada to find out how the City’s leaf schedule is determined.

Councilmember Porter commented that it is important to find out how the schedule is determined for the City overall, since a certain “timing” might be an advantage to one side of the City, but might not be advantageous to the City overall.

Councilmember Rubin remarked that if Mr. Mitton has specific questions about information contained in the survey responses, it might be easier for staff to assist with his request.

Mr. Sharp questioned whether Ms. Habada can provide information about the “General

Comments” section with the sensitive information deleted.

Ms. Habada responded in the affirmative.

REGULAR MEETING

#1 Resolution re: University of Maryland Volunteers. Mr. Sharp read the resolution for the record. Moved by Sharp; seconded by Porter.

Mr. Sharp noted that the Council adopted a similar resolution extending thanks to students from Columbia Union College, and said that he is similarly grateful to students of the University of Maryland for providing this community service.

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

RESOLUTION #1996-71 (Attached)

Nancy Shapiro, Director of College Park Scholars expressed gratitude on behalf of the students and accepted the resolution. She said that this project was part of a much larger effort of the Scholars and University as a whole to integrate into the community. She remarked that the City welcomed the students and provided the type of service opportunity that they were seeking. Ms. Shapiro thanked the Council, and said that she looks forward to continued work together.

#2 2nd Reading Ordinance re: Takoma/Langley Crossroads Development Authority Board of Directors Composition. Mr. Sharp explained the ordinance. Moved by Davenport; seconded by Chavez.

Mr. Sharp further commented that the Board was looking forward to when the City will unify into Montgomery County with an eye towards maintaining Prince George’s County representation on the Board.

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

ORDINANCE #1996-25 (Attached)

#3 Resolution re: Montgomery Community Television Board of Directors. Mr. Sharp explained the resolution. Moved by Rubin; seconded by Williams.

Mr. Sharp remarked that it is not always easy to get people to serve on committees, and that he is

glad Noreene is willing to continue her service. He commented that she has certainly done well in the past.

Benjamin Onyeneke, Maple Avenue, expressed support for the resolution.

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

RESOLUTION #1996-72
(Attached)

#4 Resolution re: Montgomery County Citizens Cable Advisory Committee. Mr. Sharp explained the resolution. He confirmed that this is the same committee that Mike Strait served on in the past. He stated that he is glad to have Mr. Strait's volunteer service and happy for someone with his expertise to represent the City on this committee.

Assistant City Administrator Hobbs noted that Mr. Strait is attending a meeting of the committee this evening.

Moved by Sharp; seconded by Porter.

Benjamin Onyeneke, Maple Avenue, expressed support for the resolution.

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

RESOLUTION #1996-73
(Attached)

#5 1st Reading Ordinance re: Street Construction Permit Fee. Mr. Sharp explained the ordinance. Moved by Williams; seconded by Porter.

Councilmember Davenport queried the reason for this change.

Ms. Habada recalled the recent experiences the City has had with Washington Gas not coordinating work on several streets where the City had either recently done infrastructure work or was slated to begin work in the near future. A staff process improvement team formed to discuss related procedures and the permitting process. When reviewing the City Code, it was discovered that the City has not been charging the proper fee for street construction permits. She explained that research uncovered that the City's "4% of the estimated cost of the project...as an inspection and engineering fee" does not compare with what other municipalities are charging for this kind of activity in the right-of-way. She noted that she has received calls from Washington Gas and PEPCO about the proposed change, and pointed out that Joan Thaxton (representative

from Washington Gas) is in attendance. Ms. Habada stated that the intent is to address the City's responsibility for engineering and review costs related to projects performed by other entities. She added that the staff team has been trying to address a policy for recovering from damage that has occurred to road surfaces where patches are cut and refilled. The team has not yet come up with an ideal formula, but staff is aiming to have something prepared for presentation to Council in the Spring. Ms. Habada recommended that the Council adopt this ordinance as an interim solution.

Mr. Sharp stated that it sounds like good idea.

Ms. Habada remarked that she expected David Miranda from PEPCO to be here this evening.

Councilmember Williams asked whether 8% is in the range of what other municipalities charge. He asked about ways other jurisdictions are handling street construction permits.

Ms. Habada responded by referring to fee structures based on performance bonds, cost per square foot of disturbed right-of-way, percentage of estimated cost of project, and administrative fees.

| Joan Thaxton (Washington Gas representative) requested clarification about the "estimated cost of the project."

Ms. Habada responded that it is the "cost of the capital project."

| Ms. Thaxton asked whether the 8% fee would include the \$10 fee.

Ms. Habada stated that there is another part of the Code aimed at a \$10 permit fee, and that she believes that section of the Code applies to single line installations. She said that she would need to further discuss this matter with Corporation Counsel and staff, and added that we may also need to explore increasing the fee (\$10.00) in this section of the Code.

| Ms. Thaxton questioned when will this be determined.

Ms. Habada stated that it probably will not be determined by second reading of the ordinance. She remarked that until review of the \$10.00 fee section of the Code is complete, it will be left at the \$10.00 rate and be applied to permits for single line installations.

| Ms. Thaxton asked what fee will apply to blanket permits.

Ms. Habada responded that there will be no more "blanket \$10 fees" for multiple cuts or work on several streets.

| Ms. Thaxton stated that Washington Gas obtains blanket permits from Prince George's County for construction work, and asked whether the City gets a portion of the county permit fee.

Ms. Habada questioned whether the County's fee schedule differentiates between incorporated and unincorporated areas. She said that she will have staff look into whether the County includes a cost for the City in their permit fee.

| Mr. Sharp encouraged Ms. Thaxton to continue this discussion with the City Administrator, adding that we may discover some more interesting things.

Ms. Habada commented that she does not feel that it is the City's intent to require an agency to pay both the City and County for the same permit. She noted that the County does not maintain City streets.

| Ms. Thaxton asked if there would be a refund of "fee dollars" if the estimated cost of a project were overestimated. She requested a meeting with Ms. Habada to continue the discussion.

Mr. Sharp requested that Ms. Habada recommend a way that the City Code can be written to avoid misinterpretation about applicability of permit fees.

| Ms. Habada noted that she has scheduled a meeting with PEPCO representatives for Wednesday afternoon, and asked Ms. Thaxton and other Washington Gas representatives to join that meeting.

The ordinance was accepted unanimously at first reading (VOTING FOR: Sharp, Chavez, Davenport, Porter, Rubin, Williams; ABSENT: Elrich). Second reading of the ordinance will be scheduled for December 9.

ORDINANCE #1996-38
(Attached)

EXECUTIVE SESSION

Executive Session 11/25/96 - Moved by Williams; seconded by Chavez. Council convened in Executive Session by unanimous vote at 8:15 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Porter, Rubin, Williams. OFFICIAL ABSENT: Elrich. STAFF PRESENT: Habada, Grimmer, Sartoph, Sickle, Bill Bailey (Legal Counsel). Council discussed disposition of purchased land; staff directed to explore additional options (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

WORKSESSION

The Council convened in Worksession at 8:50 p.m. Following the Worksession, the Council convened in Executive Session to discuss the City Administrator's evaluation. The Council later adjourned for the evening.

EXECUTIVE SESSION

Executive Session 11/25/96 - Moved by Porter; seconded by Williams. Council convened in Executive Session by unanimous vote at 10:10 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich (arrived late), Porter, Rubin, Williams. STAFF PRESENT: Habada. Council continued discussion of the City Administrator's evaluation; no action taken (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(I)).

RESOLUTION #1996-71

**UNIVERSITY OF MARYLAND
VOLUNTEER SERVICE**

WHEREAS, a request was received by the City from students of the University of Maryland;
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 August 29, 1996, approximately 10 enthusiastic students of the University of Maryland volunteered their time and effort; **AND**

WHEREAS, these volunteers painted various curbs throughout the City; **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 who participated in this volunteer effort on the exemplary contributions and service they have given to the City of Takoma Park, Maryland.

DATED this 25 day of November, 1996.

ATTEST:


Catherine E. W. Sartoph, CMC, City Clerk

Introduced by: Councilmember Rubin

RESOLUTION #1996-72

**APPOINTING CITY REPRESENTATIVE TO THE MONTGOMERY COUNTY
COMMUNITY TELEVISION BOARD OF DIRECTORS**

WHEREAS, the City of Takoma Park is a co-franchisor with Montgomery County on an agreement for cable service to be provided City residents from Cable TV Montgomery; AND

WHEREAS, by virtue of its co-franchise status and the Bylaws of Montgomery Community Television, Inc. (MCT), the City of Takoma Park may appoint an individual to serve as a voting director on the Board of MCT; AND

WHEREAS, the Takoma Park seat on the Board of Directors is currently held by F. Noreene Wells

NOW THEREFORE BE IT RESOLVED THAT F. Noreene Wells of 7315 Cedar Avenue, Takoma Park, Maryland is reappointed to the Board of Directors of Montgomery Community Television for a two-year term commencing on January 1, 1997.

AND BE IT FURTHER RESOLVED THAT this appointment is effective immediately.

Dated this 25th day of November, 1996.

Introduced by: Mayor Sharp

RESOLUTION #1996-73

**APPOINTING CITY REPRESENTATIVE TO THE MONTGOMERY COUNTY
CITIZENS CABLE ADVISORY COMMITTEE**

WHEREAS, the Montgomery County Citizens Cable Advisory Committee (CCAC) was established to provide advice and recommendations on the administration of County and municipal cable television franchise agreements; AND

WHEREAS, the CCAC membership includes one representative selected by the City of Takoma Park; AND

WHEREAS, the Takoma Park representative, Mr. Robert F. Smith has resigned his membership on the CCAC and is no longer a resident of the City; AND

WHEREAS, the City of Takoma Park Council desires to appoint another City resident to serve as the City's representative on the CCAC.

NOW THEREFORE BE IT RESOLVED THAT the Council hereby appoints the following individual to serve as the City's representative on the Montgomery County Citizens Cable Advisory Committee:

Michael Strait

1016 Heather Avenue
Takoma Park, Maryland 20912

AND BE IT FURTHER RESOLVED THAT this appointment is effective immediately.

Dated this 25th day of November, 1996.

Introduced by: Mayor Sharp

First Reading: 7/29/96
Second Reading: 11/25/96

ORDINANCE NO. 1996-25

An ordinance amending City Code to allow for a change in the Takoma/Langley Crossroads Development Authority (CDA) Board of Directors ex officio members, and extending the effective date of the CDA enabling ordinance.

WHEREAS, with the unification of the City of Takoma Park within Montgomery County, Montgomery County should be represented on The Takoma/Langley Board of Directors as ex officio; AND

WHEREAS, the Prince George's County representative would continue as an ex officio member of the Board of Directors, to serve the best interests of the community regardless of jurisdictional boundaries, AND;

WHEREAS, the Takoma/Langley Crossroads Development Authority met on May 9, 1996 and November 14, 1996, and at both meetings a majority of the voting members present voted approval of this change to the Crossroads Development Authority By-Laws, AND:

WHEREAS, the sunset date of the CDA as originally set forth in Ordinance 1987-54 and extended by Ordinance 1991-43 is January 1, 1997, and formal action must be taken to allow the CDA and its valuable work to continue.

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

SECTION 1. THAT Section 4A.1.8(e) be amended to add: "(5) A representative of Montgomery County designated by the County Executive."

SECTION 2. THAT Section 4A-13 - Expiration be repealed and reenacted to read as follows: Unless extended by an ordinance adopted by the Council, Sections 4A1-1 through 4A1-12 will no longer have any effect and are hereby repealed effective January 1, 2002.

SECTION [2] 3. THAT this Ordinance becomes effective upon adoption.

Adopted this 25 day of November 1996, by Roll Call vote as follows:

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

NAY: None

ABSTAIN: None

ABSENT: Elrich

STAFF NOTE: Ordinance will not be considered at second reading until November 18, 1996, following ratification of the amendment to The Takoma/Langley Crossroads Development Authority By-laws by the Board of Directors.

deletions are [bracketed]; additions are underlined

Introduced by: Councilmember Williams

Ist Reading: 11/25/96

2nd Reading:

ORDINANCE #1996-38

AMENDING CHAPTER 11. STREETS, ARTICLE 3. PERMITS AND IMPROVEMENTS, SECTION 11-21. PERMIT FEE, TO EFFECT AN INCREASE IN THE PERMIT FEE

WHEREAS, the importance of protecting public rights-of-way against private and public entities, and ensuring that rights-of-way are restored for safe public use after construction projects is recognized; **AND**

WHEREAS, a staff team has been formed to study and make recommendations regarding street construction permits, fees and conditions; **AND**

WHEREAS, research has discovered that the City of Takoma Park charges a below average permit fee based on a percentage rate of the estimated cost of the project; **AND**

WHEREAS, staff recommends that this rate be increased to a level that more accurately reflects the costs related to infrastructure repairs and improvements.

NOW, THEREFORE, BE IT ORDAINED THAT City Code Chapter 11. Streets, Article 3. Permits and Improvements, shall be amended as follows:

Sec. 11-21. Permit fee.

(a) Before any street, sidewalk, gutter, curb or drainage project (except a project which is entirely a grading project) may be begun on a road or street or within the boundaries of a dedication to the public use, the applicant for a permit to undertake the project shall pay to the Treasurer [four percent (4%)] eight percent (8%) of the estimated cost of the project as determined by the [Director] City Administrator or designee, as an inspection and engineering fee.

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

ADOPTED this ____ day of _____, 1996.

NOTE: Deletions are [bracketed]; additions are underlined.

AYE:

NAY:

ABSTAIN:

ABSENT: