

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

Monday, January 13, 1997

Executive Session 12/09/96 - Moved by Rubin; seconded by Davenport. Council convened in Executive Session by unanimous vote at 10:30 p.m., in the Conference Room. OFFICIALS PRESENT: Davenport, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Sharp, Chavez. STAFF PRESENT: Habada, Sartoph. Council discussed land acquisition. Staff was asked to obtain additional information on the subject property (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Porter	City Clerk Sartoph
Councilmember Rubin	Corporation Counsel Silber
Councilmember Williams	Assistant Corporation Counsel Perlman
	Engineer Monk

OFFICIALS ABSENT:

Councilmember Davenport	Community Development Coordinator Sickle
Councilmember Elrich	Housing Services Coordinator Walker
	Executive Director COLTA Lee-Bryant
	Acting Chief Police Wortman

The Council convened at 7:42 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland 20912.

Following the Pledge of Allegiance, these remarks were made:

ANNOUNCEMENTS

Mayor Sharp welcomed Councilmembers back from their holiday season recess. He noted that Councilmember Davenport's wife gave birth to a baby girl (Chandler Frances) last week and that Mr. Davenport will not be here this evening. Also, Councilmember Elrich is sick and will not be attending the meeting.

ADOPTION OF MINUTES

The Council Meeting Minutes from 11/12, 11/25 and 12/02 were adopted unanimously.

ADDITIONAL ITEMS

Councilmember Rubin requested that a brief discussion of the meeting with Gaithersburg City officials regarding strategic planning be added to the Worksession agenda.

Councilmember Williams asked that a resolution regarding the airing of the “Shades of Grey” show on same-sex marriage by Montgomery County Public Schools Cable TV also be added to the agenda.

Mr. Rubin urged citizens to attend the Martin Luther King, Jr. Commemoration Celebration on Wednesday, January 15, which will begin at 6:30 p.m., in the Municipal building. He described some of the activities on the agenda.

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue, (Generation X) read a definition of “club” and described some of the activities of clubs. He explained the mission of his “club” (Generation X). He said that “X” represents that we are the children from all corners of the world--the generation to change the society. He described an incident which resulted in him being apprehended based on a complaint from a woman who alleged that he harassed her. Mr. Onyeneke remarked about the crime in the City. He urged the Mayor to call a meeting to end the stereotypes against black people in the City. Mr. Onyeneke expressed sadness over the recent murder of the child beauty queen in Colorado, and commented on the evils of entering children in contests and pageants. He turned attention to the case between the reporter and school principal in D.C., adding that the case should not be tried in criminal court. He suggested that the parties seek mediation in this case.

Paul Roat, 6505 Kansas Lane, expressed concerns about tree cuttings associated with the Feldman development in the Pine Crest neighborhood. He recalled that Mr. Feldman unlawfully cut some trees down, which remain fallen on the property. He said that the area has become overgrown with grass and that it is likely that rodents are living in the debris. Mr. Roat remarked that he would like to see the mess cleaned up, and that regardless of the reason for leaving the cut trees on the property, the purpose has surely been served by this time. He suggested that some residents might even be interested in cleaning up the property--cutting the fallen trees for firewood.

City Administrator Habada said that she does not believe there has been any Code enforcement action related to the tree debris, but that staff can talk to Mr. Feldman about cleaning up the trees.

Mark Robinowitz, 209 Spring Avenue, stated that water from the stream that flows through the Feldman property used to be bottled as spring water. He noted that City recently voted to approve development of the Feldman property, and that development will destroy the stream which eventually flows into the Anacostia River. The City is currently considering proposals that will affect Takoma Junction and Sligo Creek Parkway and further deplete the urban forest. In contrast, the City of Greenbelt is taking the opposite point of view. They are fighting development on

government land. If the City wants to protect green space, the Council needs to rescind approval of the clear-cut on the Feldman property. Mr. Robinowitz stated that the City should acquire the land on Domer street, and refuse to support other projects resulting in cutting trees. He commented that otherwise, the Council should drop the image that we are protecting the trees in the City. He concluded that it would be nice to fine the developer for illegally cutting the trees on the Feldman property.

Mr. Sharp remarked that it is misleading to state that the council voted to cut down trees, since the Council does not make those decisions. This discussion has been conducted on the internet and at prior Council meetings. He commented that he doubts there is more to be learned by continued discussions of the development project. He noted that the Council adopted an Open Space Plan two years ago, and that with State money we have acquired two pieces of property identified by the plan which shall be preserved as open space.

BRIEFING AND PUBLIC HEARING

#1 Storm Water Utility Rate Structure. (CH2M Hill representatives: Laurens Van der Tak and Fernando Pasquel)

Mr. Van der Tak provided a briefing on the storm water utility rate structure. The rate structure is based on parcel impervious area, which contributes stormwater runoff. He defined base unit and its relation to the calculation of impervious area per parcel. He said that the recommended fee per base unit is \$25 and \$28, for revenues of \$200,000 and \$225,000, respectively. These figures allow for a 10-15% delinquency and billing corrections. Mr. Van der Tak explained several charts and graphs illustrating (1) Frequency Distribution of Total Impervious Area for Residential Parcels in Takoma Park, (2) Distribution of Account Types in Takoma Park, (3) Number of Base Units by Land Use in Takoma Park, and (4) Estimated Revenue for Stormwater Management Fees in Takoma Park. He described the approach to estimating impervious areas, and outlined next steps.

Mr. Sharp asked whether the allowance for delinquency rate is based on past experience.

Mr. Van der Tak explained that the figure is based on experience with other jurisdictions, and that it is expected to go down over time.

Mr. Rubin questioned how much the average residential consumer (homeowner) will be paying under the new system compared to the tax system.

Ms. Habada stated that residents were paying approximately \$18.00/year, and that they would be paying about \$25.00/year (figure accounts for delinquency).

Mr. Rubin noted that consequently, residents will have less to deduct from Federal tax returns under the new system. He asked for further clarification of the recommended fee per base unit.

Mr. Van der Tak stated that the \$25.00 figure is based on a slightly higher revenue (\$200,000) than the City received last year. The tax generated about \$180,000/year.

Councilmember Porter commented that one of the main reasons Council agreed to go to this system was to include tax-exempt properties and have them pay for storm water management. Consequently, the base of parcels from which we can collect has increased. She said that she does not understand how the individual cost/unit can then also be higher.

Mr. Sharp agreed that this does not make sense. There is a logical disconnect. He said that the consultants need to illustrate how much revenue accumulated under the tax rate, and how much would have been collected under the utility rate system.

Ms. Porter remarked that if the base is expanded and the per unit cost rises, this has to result in increased revenue.

Mr. Pasquel noted that the tax rate varied in the neighborhood of 3 cents to 8 cents over several years. He remarked that an 8 cents tax rate would equate to approximately \$60/unit. He acknowledged that this comparison should be made more clear for the Council.

Ms. Porter stated that a direct comparison would be helpful. One that uses the same amount of revenue under (1) tax system and (2) utility fee system.

Mr. Pasquel said that the basic assumption of the fee system is to distribute the cost of storm water management in a more equitable way.

Mr. Rubin agreed.

Mr. Van der Tak commented that they are preparing a final report to be completed by the end of this week, and that the comparison information can be included. He explained that while it is correct that the number of parcels will be increased, the fee is based on a different premise (i.e., impervious area).

PUBLIC HEARING

The Public Hearing was called to order at 8:18 p.m.

Mark Robinowitz, 209 Spring, stated that he likes the idea of charging per area of impervious surface. He encouraged the Council to take a look at the impact of impervious areas on the urban forest, and commented on the impact to Sligo Creek. He said that if the Council wants residents to support the fee structure, the Council should ensure that the revenue is put toward conservation efforts (e.g., reforming how construction is done, removing some existing impervious areas, etc.). He said that the reason Lake Street was never developed is because it is too wet, and that this is the reason the City acquired it as open space. Mr. Robinowitz remarked that the City needs to

protect the Feldman property. Pavement and streams are incompatible. He urged the Council to address this problem, and consider a moratorium on development in the City. Mr. Robinowitz said that he lives on a tributary along Sligo Creek, and that there is no life in the stream. Some big Poplars are about to topple down. Runoff from driveways, roofs and streets are killing the streams. There needs to be a moratorium on pavement.

Mr. Rubin responded that he is not sure that all of the green space areas that the City has preserved are on 45 degree slopes like the Lake Street property described by Mr. Robinowitz. He said, in fact, that the first area acquired under the Open Space Plan, was willed to the City by a resident, and that it is a nice flat area. There are other areas like this which are preserved in the City as open space.

The Public Hearing was closed at 8:26 p.m.

REGULAR MEETING

#2 Resolution re: Nuclear-Free List. Moved by Williams; seconded by Rubin. Mr. Sharp explained the resolution.

Mr. Williams asked whether there have been any big moves on/off the NFZ list.

Terry Berkeley, Kennebec Avenue, (NFZ Committee) said that the list looks fine, and that generally, it is unchanged from last year's list. He noted that the Council will later be considering a single reading ordinance authorizing the purchase of police cruisers, and that the manufacturer of the cruisers is not on the list. Mr. Berkeley commented that later in the year, the NFZ Committee does want to further discuss with Council computer upgrades, radio issues, and possibly others matters that come up with unification. He noted that the members of the committee were provided with copies of the NFZ and Burma lists, and that the lists might "cross" at some points (i.e., vendors appearing on both lists).

Mr. Rubin noted that the City has received a number of "kudos" from other jurisdictions regarding our Nuclear-Free Ordinance.

Mr. Berkeley acknowledged the importance of the legislation and the recognition that it brings to the City. He commented on how difficult it can be to get in touch with Nuclear Free America, Inc., and noted that they now have an E-mail address which might facilitate more successful contact. He remarked that Reuben Snipper observed that the City was mentioned in a positive way during a recent radio presentation.

Ms. Habada confirmed that Jay Levy (present in audience) has been contacted by Lt. Rosenthal about the police radio repeater.

Jay Levy stated that he is meeting with Lt. Rosenthal about this issue on Thursday evening.

Resolution #1997-1 was adopted unanimously, adopting the fiscal year 1995 Nuclear Free America Listing of Parent Companies of U.S. Departments of Defense and Energy Nuclear Weapons Contractors (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich).

RESOLUTION #1997-1
(Attached)

#3 2nd Reading Ordinance re: FY97 Budget Amendment #1. Moved with amendments by Williams; seconded by Chavez.

Mr. Sharp noted the amendments since first reading. (NOTE: Amendments are noted on the ordinance. Deletions are [bracketed]; additions are underlined.)

Ms. Porter questioned what was decided, in terms of how to make future Councils aware of the money being set aside to pay for purchases the bond money is now covering.

Mr. Sharp suggested that an account could be set up.

Ms. Habada remarked that there could be a reporting mechanism included in the quarterly financial statements.

Ms. Porter commented that she would like to see a fund balance reflected for this money. Something to identify over a period of time the money being set aside.

Ordinance #1996-42 was adopted unanimously, authorizing the FY97 Budget amendment (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich).

ORDINANCE #1996-42
(Attached)

#4 Single Reading Ordinance re: Police Cruisers. Mr. Sharp explained the ordinance. Moved by Chavez; seconded by Williams.

Ms. Porter recalled that during the last budget discussion, the Police Department identified as a problem that they have a predominance of rear wheel drive vehicles. She pointed out that the Crown Victoria is a rear wheel drive vehicle. She questioned whether this is still a concern for the police.

Ms. Habada said that she is not sure what other vehicles can be purchased with the police car package.

Ms. Porter asked whether it is more important to have the Crown Victorias than front wheel drive vehicles.

Ms. Habada explained that we are limited to purchasing Fords, and that the only distinction we have made in the past is the possibility of buying a smaller Ford vehicle (i.e., Contour) that has front wheel drive. She recalled that the Police Department proposed purchase of sport utility vehicles last year.

Ms. Porter questioned whether there are natural gas vehicles that could be purchased.

Ms. Habada said that we can buy bi-fuel vehicles, like the Contour, but that in talking with Public Works, she has learned that the Police Department has expressed concern about the responsiveness of CNG vehicles.

Mr. Sharp asked whether the assumption about responsiveness is based on data. He remarked that he thinks there is a reluctance to look at alternative fuel vehicles because of the concern about performance. He questioned whether the police are still concerned about a CNG tank possibly being hit by bullets and exploding.

Ms. Habada responded that this is no longer a concern. She commented that vehicles which are bi-fuel and converted over to CNG fuel vehicles lose something in the conversion. They are different vehicles.

Ms. Porter confirmed that the Police Department has no dedicated CNG fuel vehicles. She recalled that staff was going to take a look at CNG vehicles and compare performance to regular fuel vehicles. She remarked that unless we go out and do that, we will never be able to make these comparisons.

Ms. Habada noted that staff is keeping data on bi-fuel vehicles now that our CNG fueling station is in place.

Ms. Porter commented that if the Police Department is concerned about performance of CNG vehicles and there is a difference in the performance of dedicated and bi-fuel vehicles, then purchasing the Crown Victories may be the best way to go.

Ms. Habada stated that she thinks this is what the police are saying, but that the Council needs to meet with the police and have them hear your concern, since speculation about performance is all anecdotal at this point. She remarked that there will be some information that can be derived from the data that is being collected on the CNG vehicles.

Jay Levy, (NFZ Committee), recognized the fine cooperation of the Police Department in adhering to the Nuclear-Free Ordinance. He requested specifications on the radio repeaters for the Thursday meeting when members of the NFZ Committee will discuss police communication systems.

Benjamin Onyeneke, Maple Avenue, suggested that the Council should not debate small questions

like this about police vehicles, and that the Council should trust the recommendation of the Police Department. He urged the Council to vote in favor of the ordinance.

Mr. Sharp clarified that the meeting on Thursday will not deal with police cars.

Ms. Porter requested a description from staff regarding what they will do to evaluate CNG vehicles.

Single Reading Ordinance #1997-1 was adopted unanimously, authorizing purchase of two Ford Crown Victories from Ourisman World of Ford for \$40,646, with the funds for this purchase to be charged to Budget Account No. 9100-8000 (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich).

**ORDINANCE #1997-1
(Attached)**

WORKSESSION

The Council adjourned to Worksession at 8:45 p.m. Following the Worksession, the Council convened in Executive Session to discussion matters related to litigation. The Council later adjourned for the evening.

EXECUTIVE SESSION

Executive Session 1/13/97 - Moved by Williams; seconded by Porter. Council convened in Executive Session by unanimous vote at 10:55 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Porter, Rubin, Williams. OFFICIALS ABSENT: Davenport, Elrich. STAFF PRESENT: Habada, Grimmer, Sartoph, Silber, Katz, Singh. Council discussed (1) possible litigation on city contract, and (2) annexation law suit. (1) Direction was given to counsel with regard to contract. (2) Decision was made regarding the annexation law suit (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8)).

Introduced by: Councilmember Williams

RESOLUTION #1997 - 1

ADOPTING THE FISCAL YEAR 1995 NUCLEAR FREE AMERICA LISTING OF PARENT COMPANIES OF U.S. DEPARTMENTS OF DEFENSE AND ENERGY NUCLEAR WEAPONS CONTRACTORS

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

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

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

WHEREAS, Nuclear Free America has provided the City with a listing of companies that are U.S. Departments of Defense and Energy nuclear weapons contractors for fiscal year 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the Nuclear Free America list of "Parent Companies of U.S. Departments of Defense and Energy Nuclear Weapons Contractors," dated Fiscal Year 1995, is hereby adopted.

ADOPTED this 13th day of January, 1997.

Introduced By: Councilmember Davenport

First Reading: 12/9/96
Second Reading: 1/13/97

**ORDINANCE NO. 1996-42
FY97 BUDGET AMENDMENT NO. 1**

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

SECTION 1. The Fiscal Year 1997 Budget be amended as follows:

General Fund - Revenues

1. Appropriate \$1,394,400 to account 0001.3605 for proceeds of bond issuance.
2. Transfer \$[9] 832,400 from account 0001.3011, to undesignated fund balance.
3. Appropriate \$1,150 to account 0001.3684 for the sale of surplus cable equipment.
4. Appropriate [\$9,757] \$7,700 to account 0001.3314 for receipt of a Private Industry Council (PIC), grant for summer youth employment.
5. Appropriate \$6,400 to account 0001.3220 for receipt of funds from Washington Gas for street excavation.

General Fund - Expenditures

1. Appropriate \$18,000 to account 8000.7254 for debt service payments.
2. Appropriate an additional \$1,150 to account 6000.8002 for the purchase of cable television equipment.
3. Appropriate [\$4,476] \$4,370 to account 4000.4010 for salary expenditures for the PIC summer youth career development grant.
4. Appropriate [\$850] \$560 to account 4000.4020 for fringe benefit expenditures for the PIC summer youth career development grant.
5. Appropriate [\$4,431] \$2,770 to account 4000.6151 for operating expenditures for the PIC summer youth career development grant.
6. Transfer \$28,350 from account 1130.4010 to account 1120.4010, salary accounts, for the transfer of one position from Accounting to General Management.
7. Transfer \$7,517 from account 1130.4020 to account 1120.4020, fringe benefits, for the transfer of one position from Accounting to General Management.
8. Appropriate \$300,000 to account 9100.8000 for street rehabilitation.
9. Appropriate \$200,000 to account 9100.8003 for replacement of 2 trash trucks.
10. Appropriate \$14,000 to account 9100.8000 for HVAC controls/energy reduction in various buildings.

11. Appropriate \$30,000 to account 9100.8000 for interior energy reduction/lights in various buildings.

12. Appropriate \$6,400 to account 9000.8001 for street rehabilitation.

General Fund - Transfers to Expenditure Accounts

Transfer \$49,000 from Unappropriated Reserves into account 9100.8000 for the purchase of two police replacement vehicles.

Special Revenue Fund - Revenues

1. Appropriate \$500,000 to account 0010.3905 from a State grant for Takoma Junction site development.
2. Appropriate \$7,500[0] in Program Open Space funds to account 0010.3831 for Colby Park improvements.
3. Transfer \$2,500[0] from Unappropriated Reserves to account 0010.3385 for Colby Park improvements.

Special Revenue Fund - Expenditures

1. Appropriate \$500,000 to account 0010.6854 for Takoma Junction site development.
2. Appropriate \$10,000 to account 0010.7192 for Colby Park Improvements.

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

Adopted this th day of January 1997, by Roll Call vote as follows:

AYE: Sharp, Chavez, Porter, Rubin, Williams

NAY: None

ABSTAIN: None

ABSENT: Davenport, Elrich

deletions are [bracketed]; additions are underlined

Introduced by: Councilmember Chavez

Single Reading: 1/13/97

Ordinance No. 1997 - 1

PROCUREMENT OF POLICE DEPARTMENT VEHICLES

WHEREAS, the FY97 budget identifies funds to purchase two (2) Police Department Vehicles; AND

WHEREAS, these replacement vehicle purchases were included in the FY 97 budget; AND

WHEREAS, two (2) Ford Crown Victorias are available from Ourisman World of Ford for Twenty Thousand Three Hundred Twenty-Three Dollars (\$20,323) each, for a total of Forty Thousand Six Hundred Forty-Six Dollars (\$40,646) through Council of Government cooperative purchasing; AND

WHEREAS, trade-in values are not included in the COG cooperative purchasing prices; AND

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

SECTION 1 that authorization be granted to purchase two (2) Ford Crown Victorias from Ourisman World of Ford for Forty Thousand Six Hundred Forty-Six Dollars (\$ 40,646); AND

SECTION 2 funds for this purchase be charged to Budget Account No.9100-8000 in the amount of Forty Thousand Six Hundred Forty Six Dollars (\$ 40,646).

AYE: Sharp, Chavez, Porter, Rubin, Williams

NAY: None

ABSTAINED: None

ABSENT: Davenport, Elrich

INTERVIEWS, SPECIAL SESSION AND WORKSESSION

Tuesday, January 21, 1997

Executive Session 1/13/97 - Moved by Williams; seconded by Porter. Council convened in Executive Session by unanimous vote at 10:55 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Porter, Rubin, Williams. OFFICIALS ABSENT: Davenport, Elrich. STAFF PRESENT: Habada, Grimmer, Sartoph, Silber, Katz, Singh. Council discussed (1) possible litigation on city contract, and (2) annexation law suit. (1) Direction was given to counsel with regard to contract. (2) Decision was made regarding the annexation law suit (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8)).

OFFICIALS PRESENT:

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

City Administrator Habada
 Deputy City Administrator Grimmer
 Assistant City Administrator Hobbs
 City Clerk Sartoph
 Forester Busciano
 Engineer Monk
 Community Development Coordinator Sickle
 Senior Planner Schwartz
 Community Planner George
 Recreation Director Bluford

OFFICIAL ABSENT:

Councilmember Davenport

The City Council convened at 7:38 p.m. in the Upstairs Meeting Room of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

INTERVIEWS

#1 **Public Safety Citizens Advisory Committee.** The Council interviewed Wolfgang Mergner.

#2 **Free Burma Committee.** The Council interviewed Michael McCarthy and Phil Robertson

#3 **Tree Commission.** The Council interviewed Charles Martin and Jeffrey Trunzo.

#4 **Commission on Landlord-Tenant Affairs (COLTA).** The Council interviewed James French.

ADDITIONAL AGENDA ITEM

Councilmember Williams requested that a resolution supporting the airing of the “Shades of Grey” show on same-sex marriage be added to the agenda.

SPECIAL SESSION

#5 Resolution re: Alcoholic Beverages Legislation. Item was removed from the agenda.

#6 1st Reading Ordinance re: Standards for Right-of-Way Disturbance. City Administrator Habada recalled the ordinance regarding permit fees for disturbance of the right-of-way by utility companies that was put before the Council in December. She explained that adoption of the ordinance was deferred to allow staff time to discuss and recommend a fee structure. Ms. Habada remarked that following the Council’s discussion of the ordinance, the utility companies provided the City with a copy of the Montgomery County standards for right-of-way disturbance. Clearly, there is a strong connection between the standards and any permit process that deals with managing our rights-of-way. She commented that in light of the Washington Gas project that is underway, it seemed important for the Council to consider an ordinance to waive the Administrative Regulation Ordinance, enabling a regulation setting standards to be adopted immediately. She described the ordinance.

Councilmember Porter suggested that a Whereas clause be added to the ordinance to explain the need for the waiver (i.e., standards to apply to current project). Amended Ordinance moved by Porter; seconded by Elrich.

Ms. Habada clarified that the standards and the permit fee structure are being handled separately. There is nothing specific in the standards addressing fees.

Mayor Sharp questioned the status of the fee issue.

Ms. Habada responded that presentation of a proposed fee structure is tentatively scheduled for February 3 (Worksession). She said that staff wants to present to Council next week what is being proposed as a fee schedule. Additionally, the amendments to the Montgomery County standards and a copy of those standards will be provided to the Council for comment. This information will also be sent to the utility companies. She explained that if the Council adopts this ordinance on February 27, the Administrative Regulation authorized by the ordinance could be signed on February 28.

Engineer Monk stated that there has been a pre-construction meeting about the gas company’s work on Garland and Trescott Avenues. There will be another meeting to resolve a tree issue.

Ms. Porter restated the proposal for an additional Whereas clause “impending extensive work planned by Washington Gas Company in Takoma Park requires that standards be in place prior to

the commencement of this work in order to protect the public interest.”

Councilmember Chavez questioned whether Washington Gas should be singled-out in the ordinance.

Councilmember Elrich agreed that the specific reference to Washington Gas should be left out of the language. (The Council reached a consensus.)

Ms. Habada noted that the City cannot regulate WSSC activities.

Councilmember Rubin asked whether the utility companies are prepared to deal with these standards, or will this be a shock.

Ms. Habada responded that the utility companies know that we are looking at the Montgomery County standards, but that they may not know that we are proposing some amendments.

Mr. Rubin stated that he wants to make clear that adopting standards is within the City’s purview, and that the utility companies do not have to agree with our decisions.

Benjamin Onyeneke, Maple Avenue, urged adoption of the ordinance, adding that the matter should not be debated any longer.

Mr. Sharp noted that the ordinance provides a waiver of the Administrative Regulation Ordinance, enabling the City Administrator to adopt a regulation setting the standards. This regulation will remain in effect for six months, or until the regular process prescribed by the Administrative Regulation Ordinance is completed, whichever occurs first. He asked which will occur first.

Ms. Habada responded that staff intends to begin the public notification part of the process in the next Newsletter. The final regulation will be in effect before the expiration of six months.

Ordinance #1997-2 was accepted unanimously, authorizing the City Administrator to adopt standards for right-of-way disturbance to apply to construction work performed in any public right-of-way in the City (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

**ORDINANCE #1997-2
(Attached)**

#7 Single Reading Ordinance re: Lighting Improvements (Longbranch-Sligo Area).
Moved by Porter; seconded by Rubin.

Mr. Rubin asked whether an ordinance will be needed to appropriate monies for the Holly/Cedar lighting project, and questioned the status of the project.

Ms. Habada said that staff has not received information about the cost of the project. She explained that after paying for the lighting improvements in the Longbranch-Sligo area, \$4,000 will remain in the street light funding allocation. She remarked that requests from Holly, Cedar, Maple and Tulip Avenues remain, and that she does not believe that \$4,000 will cover the costs of all of these projects. Consequently, there will need to be a budget amendment ordinance brought before Council at some future time.

Mike Ralston, (Member of Lighting Committee, Longbranch-Sligo Area) urged adoption of the ordinance. He commented that he spent a lot of time walking the neighborhood and exploring areas that are not well lit. He stated that he thinks lighting will address some of the crime-related problems.

Ms. Porter pointed out that the neighborhood effort was begun after the residents received the suggestion for a lighting study from their community officer. She said that she knows residents have spent a lot of time working on the study.

Benjamin Onyeneke, Maple Avenue, supported the ordinance. He explained that he has patrolled the neighborhood after dark, and attested to the poor lighting in some areas. He also commented on after dark activities along Flower Avenue where lighting is of poor quality.

Ordinance #1997-3 was adopted unanimously, approving lighting improvements in the Longbranch-Sligo area, and authorizing funds in the amount of \$14,032 for this expenditure to be charged to Account No. 9100-8000 (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

**ORDINANCE #1997-3
(Attached)**

Ms. Porter asked how long will it take for installation.

Ms. Habada remarked that PEPCO has been moving quickly on our lighting requests since a recent discussion with them about responsiveness. PEPCO has been very cooperative, especially in areas where there are crime problems.

Ms. Porter requested that Public Works Team Leader McKenzie contact PEPCO regarding the time frame for this project.

#8 Resolution re: "Shades of Grey Show". Moved by Williams; seconded by Rubin.

Mr. Williams described the students' attempts to have the program aired on Channel 60, the Montgomery County educational channel. He explained that his original thought was whether the City's station could air the program, but that in talking with the students, they noted that they have a legal case regarding Superintendent's refusal to air the show on Channel 60. The students did say that any resolution of support from the City would be welcomed. Mr. Williams remarked

that he and Mr. Rubin drafted the resolution.

Mr. Williams provided some more history surrounding the program. Originally, the show was supposed to air live as the second, in a series of shows on this topic. However, one reason the show was not permitted to air was because of “conflicts” (differing points of view on the topic of same-sex marriage). The first show of the series presented an all “pro” panel; whereas, the second show would have been more balanced with a panel presenting different views on the topic.

Ms. Porter referred to the Therefore clause language “...that the City use all of its appropriate mechanisms for assuring that...”, and asked Mr. Williams what it is that the City is going to do.

Mr. Williams responded that the statement means that the City supports the airing of the show. He said that he would be willing to consider a change in language (i.e., appropriate mechanisms).

Ms. Porter stated that adopting this resolution seems like the right thing to do, but said that she is a little concerned about the City seeming to tell the County what they should broadcast on their channel. We would not invite the County to tell use what to broadcast on our cable channel. Ms. Porter remarked that she would be more comfortable with a resolution that supports our residents (i.e., students) in this matter, rather than one that suggests that the City has the authority to tell the County what to broadcast.

Councilmember Chavez asked for clarification on the substance of this show, and questioned whether the issue is deserving of a public hearing.

Mr. Elrich noted that the County has funded the show.

Mr. Rubin said that production of the show was at no cost to the City.

Ms. Porter remarked that some of the students who worked on this show are Takoma Park residents. She repeated that the resolution should come from the point of view that the City supports the airing of this program.

Mr. Chavez stated that he is not sure whether all residents would support airing of this program.

Mr. Rubin commented that the subject matter (i.e., same-sex marriages) has already been dealt with. The question that has been raised is about the educational appropriateness of the show. He said that he thinks the show is appropriate, adding that part #1 in the series has already been aired.

Ms. Porter said that she believes Mr. Chavez may be right in saying that some residents would not favor this show being aired, but remarked, however, that she is comfortable with this resolution.

Mr. Williams noted that the show was approved by the faculty and principal of Blair High School.

Mr. Chavez asked whether viewing access will be limited to children of particular age levels.

Mr. Williams responded that Channel 60 is a public, cable channel, and that potentially, anyone could have access to the show.

Mr. Elrich stated that the show is a discussion, and that people ought to be able to handle a discussion.

Benjamin Onyeneke, Maple Avenue, stated his opposition to the resolution, adding that the County officials are not guilty of discrimination in this matter. He noted that the State of Maryland does not support same-sex marriages. He remarked that we should take steps to protect the future of our children, and questioned what kind of message are we trying to convey on an educational channel by allowing the show to air. Mr. Onyeneke defined "marriage" as a union of two parties, a man and woman. He said that he is surprised that the City is going to take a position on this matter when the Montgomery County Superintendent has already opposed it. He concluded that the show should not be aired on Channel 60 because it is not an educational program. Mr. Onyeneke called for a public hearing on this matter.

Jeffrey Trunzo remarked that the show is simply a discussion about same-sex marriage, and that no advocacy is needed on either side of the issue. In response to Mr. Onyeneke's comments regarding safety of children, Mr. Trunzo stated that there is no discussion of child molestation in the show.

Ms. Porter proposed an amendment to the Therefore clause: "...that the City [use all of its appropriate mechanisms for assuring that] supports the broadcast of the "Shades of Grey" program on same-sex marriage and urges that it be aired by MCPS cable television."

Resolution #1997-2 was adopted, supporting the airing of the "Shades of Grey" show on same-sex marriage by Montgomery County Public Schools Cable TV (VOTING FOR: Sharp, Elrich, Porter, Rubin, Williams; NAY: Chavez; ABSENT: Davenport).

**RESOLUTION #1997-2
(Attached)**

WORKSESSION

The Council adjourned to Worksession at 9:18 p.m. Following the Worksession, the Council adjourned for the evening at 11:43 p.m.

Introduced by: Councilmember Williams

RESOLUTION #1997-2

IN SUPPORT OF THE AIRING OF THE "SHADES OF GREY" SHOW ON SAME-SEX MARRIAGE BY MONTGOMERY COUNTY PUBLIC SCHOOLS CABLE TV

WHEREAS, for many years, the students at Blair High School have been producing the television series "Shades of Grey" to air viewpoints about contemporary issues; and

WHEREAS, this series has proven to be an effective tool in both deepening the public's understanding about issues of the day, and in helping students learn to present those issues in ways that lead to constructive discussion; and

WHEREAS, the students recently produced their second show on same-sex marriage, a topic that has been the subject of wide ranging public policy debates, and which is relevant to the lives of the students and the general public in Montgomery County; and

WHEREAS, the educators who work directly with the students who produce the series confirm that the show in question conforms to the goals for the series "Shades of Grey"; and

WHEREAS, the City of Takoma Park places great value on allowing uncensored discussion of all public policy debates.

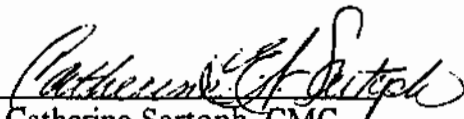
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park, Maryland, on behalf of its residents, many of whom are students at Blair High School, that the City supports the broadcast of the "Shades of Grey" program on same-sex marriage and urges that it be aired by MCPS cable television.

ADOPTED this 21 day of January, 1997.



Edward F. Sharp
Mayor

ATTEST:



Catherine Sartoph, CMC
City Clerk

Introduced by: Councilmember Porter

1st Reading: 1/21/97

2nd Reading:

Effective Date:

ORDINANCE #1997-2

AUTHORIZING THE CITY ADMINISTRATOR TO ADOPT STANDARDS FOR RIGHT-OF-WAY DISTURBANCE TO APPLY TO CONSTRUCTION WORK PERFORMED IN ANY PUBLIC RIGHT-OF-WAY IN THE CITY

WHEREAS, the City has the authority to regulate activities in public rights-of-way within its corporate boundaries; and

WHEREAS, the Council is committed to preserving public rights-of-way and regulating construction work and other disturbances of such rights-of-way; and

WHEREAS, there is a need for the City to develop and adopt standards which shall apply to all construction work and other disturbances within public rights-of-way in the City; and

WHEREAS, it is in the public interest that such standards be in place prior to extensive planned utility work in Takoma Park.

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

SECTION 1. Authorization for City Administrator to Adopt Standards for Public Right-of-Way Disturbance; Temporary Waiver of the Requirements of the Administrative Regulations Ordinance.

A. The Council hereby authorizes the City Administrator to adopt standards for right-of-way disturbance in public rights-of-way. Such standards for right-of-way disturbance shall apply to all work and/or construction performed within any public right-of-way in the City.

B. Initial adoption of such standards for right-of-way disturbance by the City Administrator shall not be subject to the prior publication, consideration, and other provisions of Chapter 2, Article 5, Administrative Regulations, of the Takoma Park Code ("Administrative Regulations Ordinance"). Any standards so adopted by the City Administrator pursuant to the authorization set forth in this Ordinance shall remain in effect for six (6) months from the date of adoption or until the standards are promulgated as regulations in accordance with the Administrative Regulations Ordinance, whichever occurs first.

SECTION 2. This Ordinance shall be effective upon adoption.

ADOPTED this ____ day of January, 1997.

AYE:
NAY:
ABSENT:
ABSTAIN:

Ordinance No. 1997 - 3

LIGHTING IMPROVEMENT IN LONGBRANCH-SLIGO AREA

WHEREAS, the '97 Capital Budget allocates \$30,000 to address requests for improved street lighting; AND

WHEREAS, complaints have been received from residents on various streets within the Longbranch-Sligo area relative to the adequacy of street lighting; AND

WHEREAS, it is a genuine concern of the Longbranch-Sligo Citizen's Association to provide for the safety and welfare of its residents; AND

WHEREAS, the City received a formal request from the Longbranch-Sligo Citizen's Association to replace 5 lights on Garland Avenue, Hilton Avenue and Minter Place; AND

WHEREAS, the City received a formal request from the Longbranch-Sligo Citizen's Association for twenty-one (21) new installations on Jackson Ave, Flower Ave, Davis Ave, Garland Ave, Central Ave, Trescott Ave, Chaney Drive and Minter Place to improve the street lighting along Longbranch-Sligo area; 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 \$14,032.

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

SECTION 1 that the Public Works Department will provide PEPCO with the approval to proceed with these lighting improvements on Longbranch-Sligo Areas; AND

SECTION 2 funds in the amount of FOURTEEN THOUSAND AND THIRTY-TWO DOLLARS (\$14,032). be authorized for this expenditure and that it be charged to Account No. 9100-8000.

AYE: Sharp, Chavez, Porter, Rubin, Williams

NAY: None

ABSTAINED:None

ABSENT: Davenport, Elrich

PUBLIC HEARINGS, REGULAR MEETING AND WORKSESSION

Monday, January 27, 1997

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Davenport	City Clerk Sartoph
Councilmember Elrich	Community Development Coordinator Sickie
Councilmember Porter	Senior Planner Schwartz
Councilmember Rubin	Recreation Director Bluford
Councilmember Williams	Engineer Monk

The City Council convened at 7:35 p.m. 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

Mayor Sharp welcomed Councilmember Davenport back from his sleepless nights as a new father, and commented on the fine pictures of the baby which were shared with staff and Council.

Councilmember Davenport thanked all persons who sent cards and called to express congratulations.

Councilmember Rubin commented on the success of the Philadelphia/Eastern Avenue Neighborhood (PEN) Winter Ball, and described the event.

ADOPTION OF MINUTES

The Council Meeting Minutes from 12/09/96 were adopted unanimously.

ADDITIONAL AGENDA ITEMS

Mr. Sharp noted that the Council will consider a resolution effecting appointment of a COLTA commissioner. The item was added to the end of the Regular Meeting agenda.

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue, remarked about a report of children being stalked in the Park Ritchie area. He stated that residents need to take a more active role in preventing harassment of young people, and urged Councilmember Davenport to hold a community meeting in Ward 4 to address crime issues. Mr. Onyeneke referred to the recent tragic death of a young D.C. boy, and commented about gangs in grade schools. He encouraged Councilmember Rubin to investigate extending the cooperative policing efforts that are being done between the City and D.C. police in the area of the metro, to the areas (Prince George's County) adjacent to Ward 6.

PUBLIC HEARINGS

1. Montgomery College Expansion Plan. Senior Planner Schwartz introduced John Carter (M-NCPPC), Heija Wheeler (Montgomery College), Kristin Terchek (Montgomery College), and Joe White (Montgomery College).

Joe White provided a quick overview of the baseline plan and two concept plans. He reviewed the cost estimates.

Mr. Rubin questioned why concept plan #1 (i.e., expansion toward Blair Park/Georgia Avenue) is cheaper than the expansion on Fenton Avenue (baseline plan).

Mr. White explained that the costs are related to land acquisition.

Ms. Schwartz also noted that Doug Wrenn (County Executive staff) and Montgomery County Councilmember Derick Berlage are present in the audience. She noted the dates of upcoming hearings and public forums, and asked the Council to consider whether they wish to have testimony presented at the February 10 hearing.

The public hearing was called to order at 8:03 p.m.

Benjamin Onyeneke, Maple Avenue, said that many residents do not want to see the school move out of the City. He remarked that should the college leave the City, he would like the City to shift some of the grade school classrooms to the college property. He speculated whether City government offices might be moved into vacated buildings (i.e., Mayor and Councilmembers). Mr. Onyeneke encouraged the building of an open-air shelter in the park--a place for students to seek cover. He said that during the last discussion of this matter, he was assured that there would be a security satellite office for the college in the Blair Park/Georgia Avenue area. Mr. Onyeneke urged residents to support the college's efforts to expand.

Jim Evans, 703 New York Avenue (lives right on the campus), commented on this evening's sketchy outline of the three proposed plans, noting that he has not had an opportunity to attend previous meetings. He requested a copy of the consultant's report related to the three proposals.

Paul Christowski, 7708 Takoma Avenue (neighbor to college), recalled that he spoke to Council

on this issue in December, and requested again that a resolution be adopted opposing the campus moving from Takoma Park. He stated that he thinks there is a dearth of information about this process and the plans by the college, and echoed the request for documentation in support of the figures and the increased enrollment--for which he has not seen supportive information. He remarked that he is surprised to find out that one of the alternatives (i.e., baseline plan) has been abandoned, adding that this decision was not publicized and makes one wonder about the process. He commented that he attended a community college, and that in his time they had a different view of community college. There was a bottom-up, participatory process in which people were in a partnership with the college to determine the needs of the community and sources of funds to meet those needs. He urged the Council to take the initiative to forge a partnership between the college and City.

Lorraine Pearsall, 7708 Takoma Avenue, recalled the December 9 presentation to the Council regarding this issue, and observed that the college representatives expressed a lot of excitement about leaving Takoma Park (concept plan #2). She said, however, that she is very much in support of concept plan #1. The college should remain in the City. It would be tremendously destabilizing for the college to leave after becoming an important part of our neighborhood over the past years. She concluded that it does not make a lot of sense for tax payers to foot a large portion of the bill for concept plan #2.

Enid Hodes, 7418 New York Avenue, commented on her use of the college facilities, and said that she is in favor of concept plan #1. She remarked about other practical reasons for not going with concept plan #2--more affordable for tax payers (both Montgomery County and State). She said that she agrees with previous speakers who said they cannot understand why the baseline plan is no longer being considered, and referred to the January issue of the Takoma Park Newsletter where three plans were outlined. She said that she feels that things are happening without community input. On another subject, she remarked about having read that the phone company will be going to 10-digit phone numbers, and asked the Council to confer with the Police Department about any impacts on emergency calls.

Ms. Porter clarified that "911" does work in the City for police and emergency services.

Bernard Aronson, 7611 Takoma Avenue, shared the sentiments with others regarding the process, stating that there should have been community input from the bottom-up. He said that he lives across from the college and considers the college to be a good neighbor who is part of the vitality of the City. He remarked that either the baseline plan or concept plan #1 represents the spirit of "community." It also reaches out to the Blair Park community to forge a relationship with residents who feel isolated from the County. He commented on the value of public dollars and competing needs, noting that the charts do not illustrate the costs to this community if the college were to pull out of the neighborhood. The community does not need to add the uncertainty of the wholesale uprooting and move of the college, to the present concerns about crime. When the college came to the City, it came to a residential community and uprooted many residences. At that time, the college represented itself as a permanent addition to the neighborhood, and now, for

the college to consider leaving the City, its actions are not what was expected in the spirit of a community college. He noted that residents of the City just went through a fairly divisive fight over the American Dream Mall, and concluded that concept plan #2 would guarantee a repeat of just such a fight.

Sally Brucker, 7700 Takoma Avenue, stated that she moved to the City as a part-time instructor at the college, and that she shares the surprise of her neighbors that the baseline plan has been trashed. She remarked that we need the college in the community, and that she thinks the college will lose its diversity if moved to a more urban site.

Paul Crumrine, 105 Devon Court, Silver Spring, commented that he has attended courses on the Takoma Park College Campus, and that he was unable to attend a charrette last June regarding the plans for expansion. He referred, however, to the Silver Spring Sector Plan noting that it does not indicate the college needing to move and lists enrollment as being 4,500 students. He seconded the earlier request for documentation supporting the need for so much new space. Mr. Crumrine suggested that the college may be over estimating its needs. The information supplied to the County in December showed that enrollment has decreased over the past years. He commented on several reasons why this is understandable. In particular, he questioned the need for a 500 seat auditorium. He noted that the Planning Board recommended that the school look to other facilities in the area to provide auditorium space. Mr. Crumrine stated that he believes the baseline plan can work and will keep the college a compact community facility.

Mr. Rubin requested that Mr. Crumrine address a memo to him and cite the references from which he derived the future student population.

Bernard Fagan, 608 Philadelphia Avenue, said that he thought the college represented stability--part of the reason he moved to the City. If concept plan #2 is adopted, it will show the college's irresponsibility to the community. He commented that he would worry about the disposition of the vacant sites. He said that he does not quibble with the need for expansion, and that he thinks the college will continue to play a vital role in the community. However, it seems that there were only two objectives considered by the college, both excluding "community." Mr. Fagan stated that he does not understand why the baseline plan was abandoned. It seemed the most sensible. He remarked that without the baseline plan, he would be left to chose concept plan #1. He concluded by saying that the current campus is attractive and lends a sense of community life to persons who attend the college.

Randy Boehm, 7426 Buffalo Avenue (Co-Chair of Neighborhood Association), stated that the association played a role in getting the State money for the college to conduct the concept studies, and that the community is supportive of the college's efforts. He remarked that he is confident that everyone here can be reasonable. There is potential for divisiveness and emotion, but that it can be overcome. The preference in the neighborhood is to keep the college at the current site. In addition to the history of the college, he senses that the community feels it is a tragedy to see the college leave after having worked so hard to make it work in the community.

Two big questions need to be considered: (1) potential for destabilizing North Takoma, and (2) stabilizing South Silver Spring. What do you do with North Takoma? Do you/should you care about South Silver Spring? In regards to relocating the campus, expansion into Blair Park would have a more positive psychological effect on the students. He said that the County should not lose sight of the fact that the Canada Dry property is a valuable tax property site. There is a \$40 million difference between concept plan #1 and #2. To this community, where our children are cramped in portables, this price difference is a big deal. Mr. Boehm commended the college for setting up the charrette process, noting that there were 2-3 charrette evenings held at the college. He commented on why the meetings were poorly attended, and said that he feels personally saddened that we are not in front of the State legislature this year lobbying for expansion funds. He said that by and large, the greatest amount of community support is for baseline plan.

Alison Raphael, 507 Albany Avenue, questioned what is the decision making process on the expansion plan, and what role does the Council have in deciding what will happen to the college.

Mr. Sharp stated that the Council will provide input from a political perspective, but that it does not have a formal decision in the process. The Council will make known to the County the citizen concerns. He then invited County Councilmember Berlage to comment.

Montgomery County Councilmember Berlage noted the number of comments made this evening about the importance of community input, and assured the audience that the college and County are interested in community input. He stated that they are at the beginning of the process. Initially, the college has to make a decision about what it wants. This will be done by the Board of Trustees and after consulting with a lot of people, like the residents of Takoma Park. The decision is then forwarded to the Montgomery County Council and County Executive for approval. If approved, the request goes to the State. If the State approves the request, the project may move forward. He explained that half of the college's financing comes from the County, and the other half comes from the State--reason approval is needed at both levels.

Mr. Sharp noted that he and Councilmember Rubin attended a North Takoma meeting a couple of weeks ago, where the question about State representative support for the community was raised. He said that from discussions with our representatives at the MML Legislative Dinner last week, he believes that the State representatives will pay a great deal of attention to the comments from the City's residents.

Ms. Raphael stated that the level of cooperation between the college and the residents has remained good. From her perspective as a leader of a citizens patrol, there has been a positive relationship. She noted that there are rumors going around about the current campus being abandoned under concept plan #2. She questioned why the baseline plan has been abandoned, and why abandonment of the campus is being considered if concept plan #2 is chosen.

Joe White, Montgomery College representative, reminded the audience that this process is concept planning, and assured that the reason representatives are here tonight, in addition to the

planning charrettes and forums, is that the Board of Trustees wants to hear from the residents. He said that the college is a long way from the first step in making the expansion a reality. In regards to why the idea of abandoning the current campus, the idea of concept planning was to look at all the possible alternatives, narrow them down, and give people something to react to. What happens to the current campus if concept plan #2 is chosen, is a matter of speculation. He remarked that he knows that the County is looking for a site for a fire station and also for an elementary school. He stated that beyond those possibilities, he cannot imagine any scenario where the college would walk out and abandon the buildings.

Joyce Jewell, 7424 Buffalo Avenue (alumni of college and current professor at college), opposed concept plan #2, however, supported the college's efforts to expand. She noted recent literature celebrating the anniversary of the college in a "tree covered" area, and pointed out that in the same breath there is talk of moving the campus to a totally urban and industrial site. Students commented during celebration events that they enjoy the community feel of the college campus in Takoma Park. Ms. Jewell commented on the diversity of students in her classrooms. The campus enjoys the microcosm of Takoma Park. These students need the extra push that the Takoma Park faculty tries to provide. A lot of students take the subway from D.C., and the Takoma Park campus fosters human connections because there is a sense of place on the campus. For some students, it is the first sense of community to which they have had exposure. The Takoma Park campus meets the definition of community college the best. The college has become a community resource with many instructors living in the City. She remarked about some of the college's events and classes that are offered, and questioned how many parents will want to drop off their children at the Canada Dry site for certain activities. Ms. Jewell noted that she grew up in Silver Spring, and that she does not believe that you build up one community by tearing down another. The college committed itself to Takoma Park in the early 70's. She said that she thinks it should exhaust all other options before turning to one that will take the college out of the City.

Richard Wheel, 7617 Takoma Avenue (resident of 12 years), stated that the college is a really good neighbor, and that the neighborhood escort program has been helpful to the students. He said that it seems like the baseline plan would do the job. The options for redevelopment of the land are a major consideration. He asked about the timing of the project.

Mr. White remarked that the expansion plan depends on capital funding which has to be fully approved by the County before the proposal can go to the State. The earliest it would go to the State is two years from now. It would then be under consideration through the legislative assembly for 15 months, and funding would likely be approved on a phased basis (in any scenario)--design money one year, skip a year, two year planning process, construction (2003).

{ Jim Benfield, 519 New York Avenue, supported concept plan #1, and urged that the other plan to be taken off the table.

David Kaplan, New York Avenue, joined the chorus of other neighbors, saying that the college is a good neighbor. He stated that he walks the streets once a month to make sure everyone is safe. Mr. Kaplan urged that concept plan #1 or the baseline plan be adopted.

Tom Gagliardo asked the North Takoma community if the location of an elementary or junior high school would be an acceptable re-use of the college campus, if the college does leave the City.

Mr. Christowski responded that either an elementary or junior high school would probably only use 10-20% of the space.

Mr. Gagliardo said that aside from the needs of the immediate neighborhood, there are also the concerns of Silver Spring and the greater Takoma Park. He remarked that as someone who works in Silver Spring, he would not be opposed to the campus expanding (in part/or full) in Silver Spring, and urged residents to free themselves from the notion that the campus has to be located completely on one site. He observed that the comments made this evening suggest that this is not a matter open for discussion. He questioned what would be acceptable alternatives to the community.

| Mr. Benfield stated that if the college had presented to the community some other alternatives, incorporating relocation of a junior high or elementary school, the residents would have listened to those options. He remarked that he thinks the community is speaking from a totally defensible point of view considering what has been presented, and that he believes the college should have thought through these types of options from the beginning, and not just in response to hearing these concerns.

Mr. Boehm addressed Mr. Gagliardo's remarks. He commented that the community is open minded, and that there is a consensus that the college should not leave the City. This is not because there is closed mindedness.

The public hearing was closed at 9:07 p.m.

Mr. Sharp said that in regards to the public forum on February 10 (to be held on the Takoma Park Campus), he does not feel it is crucial to have a position by that date. However, if the view of the Council is otherwise, actions needs to be taken next week.

Mr. Rubin stated that he feels the Council would best serve the residents by having a position on February 10.

Mr. Elrich commented that he likes concept plan #1, and that he thinks the importance of bringing forward a position is to relate the concerns of the neighbors. The message needs to be sent early to County and college, that if they are considering concept plan #2 they need to propose what will happen to the current campus. It would be unacceptable to simply move off of the site and say that at some later time they will consider what to do with the facilities. He proposed that the Council take a position in favor of concept plan #1, and state that if concept plan #2 is chosen, it must be accompanied by a full plan for the current site.

Mr. Sharp agreed. He added that he would like the opportunity to read Mr. Gagliardo's

comments on the Internet.

Mr. Rubin proposed that the Council could take a position next week based on current feelings about the plans, and that if the options change at some later date, the Council could consider a different position.

Mr. Davenport asked whether the baseline plan is still being considered, and whether there has been any consideration about what would happen with the site if concept #2 is chosen.

Mr. White stated that the Planning Group has moved past the baseline plan, because it does not meet the two objectives (1) resolve space needs, and (2) contribute something to the revitalization of South Silver Spring.

Mr. Sharp urged residents to make their views known to the State Representatives (i.e., Senator Ruben, Delegate Dembrow, Delegate Hixson, Delegate Franchot) He thanked the representatives from Montgomery County and the college who are here this evening, stating that they have been informative and responsive to questions.

Ms. Schwartz is to draft (1) resolution regarding Council's position for next week's Council meeting, and (2) testimony for a Councilmember to present on February 10.

#2 Proposed Speed Humps--Maple & Maplewood Avenues. Mr. Sharp explained that a petition was submitted by residents of Maple and Maplewood Avenues. The petition was verified, and this public hearing is part of the process in getting citizen comments on the request for installation of speed humps on these streets.

The public hearing was called to order at 9:14 p.m.

Holly Mines, 8004 Maple Avenue, remarked that she lives right next to where the proposed speed hump would be installed. She spoke in support of speed humps. She described the intersection at Erie and Maple as problematic, one that has been that way for some time. Ms. Mines commented that she frequently witnesses motorists going through the stop sign at 45+ miles/hour, noting that is an area where children wait to get on/off the school bus. She concluded that speed humps seem to have worked well in other communities.

Benjamin Onyeneke, Maple Avenue, supported the request for speed humps. He said that speed humps can contribute to reducing crime if the crime involves carjacking and/or kidnaping.

Abdul Mohammed, Maple Avenue, said that he has two children, in addition to about nine other children who live in on the block between Maplewood and Erie. He remarked about concerns related to the bus stop and pedestrian traffic. He commented on the ineffectiveness of the stop sign, and said he would appreciate the Council considering the request.

Todd Post, 714 Maplewood Avenue, said that in regards to the speed of vehicles on Maple, cars

travel just as fast on Maplewood. It looks like a drag race. He stated that he has never seen anyone get a ticket for speeding on the street. In lieu of an officer stationed on the street to cite traffic offenders, speed humps may be a partial remedy. He supported the speed humps.

The public hearing was closed at 9:23 p.m.

REGULAR MEETING

Mr. Sharp noted that a resolution effecting an appointment to the Commission on Landlord-Tenant Affairs (COLTA) has been added to the agenda. He explained that it was not originally on the agenda because he thought there might still be persons who were interviewed by the Council in the past who were on a waiting list for possible appointment. However, staff has informed him that no one remains on the list and that there is only one applicant for the vacancy.

#3 1st Reading Ordinance re: Speed Humps--Maple & Maplewood Avenues. Moved by Elrich; seconded by Davenport.

Councilmember Elrich stated that the people on Maplewood are as equally concerned about the speed of vehicles, as the residents on Maple. In fact, Maplewood Avenue residents have also been exploring other traffic calming devices. He urged Councilmembers to support the request.

Councilmember Davenport remarked that he does not have a problem with supporting speed humps where a neighborhood consensus has been reached to make the request. He commented, however, that if there is a criminal activity in the neighborhood, speed humps cannot be relied upon to effectively prevent crime.

Councilmember Rubin agreed with Mr. Davenport's first remark. He stated that he can testify from first hand experience about the need for speed humps in this area.

Benjamin Onyeneke, Maple Avenue, supported the speed hump request. He assured the audience that speed humps will slow criminals who are using vehicles in their getaway. He commented on research conducted in New York which indicated how speed humps can slow criminals. He said that a criminal will not use a community with speed humps in his escape route.

Mr. Elrich noted the City Administrator's memorandum and the suggestion that speed hump(s) on Maplewood be delayed until WSSC's work is complete. Installation of speed hump(s) on Maplewood will be in coordination with other work on the street.

Ordinance #1997-4 was accepted unanimously, authorizing installation of speed humps on Maple and Maplewood Avenues (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**ORDINANCE #1997-4
(Attached)**

#4 1st Reading Ordinance re: Use of Public Space. Mr. Sharp explained the ordinance. Moved by Williams; seconded by Davenport.

Benjamin Onyeneke, Maple Avenue, questioned how fees would apply to a non-profit organization that wants to schedule a “neighborhood” meeting. He stated that he understands it is time for the City to charge fees. He asked whether the ordinance specifies fees or the organizations to which fees will apply.

Councilmember Porter explained that the fee schedule is not laid out in the ordinance. The ordinance gives staff the authority to establish guidelines and a fee schedule. She commented that the ordinance restricts the use of public spaces by setting up reasonable rules, and noted that community-based groups will be exempt from certain rules that would otherwise apply to persons and/or groups using public space.

Mr. Oneyenke supported the ordinance.

Mr. Elrich suggested that smoking should not be allowed on/around ball fields. He said that it is a bad example for young people who are using the fields to see on-lookers smoking. He remarked that this restriction is not in the current ordinance, and that he does not think it is the kind of thing that should be added to the ordinance at first reading with no prior notice to the public. He said, however, that he will bring this issue up again in the future.

Mr. Rubin referred to Section 8-24(b)(13) regarding prohibition of “regularly scheduled religious services”, and confirmed his understanding that the section is written this way to allow discretion for permitting occasional or one-time events like memorial services.

Ordinance #1997-5 was accepted unanimously, amending the Code to authorize adoption of a fee schedule and guidelines for use of public space and facilities, and to exempt community-based groups from certain sections of the Article (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**ORDINANCE #1997-5
(Attached)**

#5 Resolution re: Reprogramming Community Development Block Grant (CDBG) Funds. Moved by Davenport; seconded by Porter.

Ms. Porter explained the resolution. She said that the resolution will enable an exchange of CDBG and city funds to provide funding for a feasibility study of the fire station. She commented that the Council wants to know the feasibility of rebuilding the fire station on its current site before making commitments about how the City’s site will be developed.

Benjamin Onyeneke, Maple Avenue, supported the resolution. He said that some of the streets in the City need to be reconstructed (e.g. Sligo Creek Parkway), and that he looks forward to streets being reconstructed with bicycle paths and sidewalks.

Resolution #1997-3 was adopted unanimously, authorizing reprogramming of CDBG funds for street construction (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**RESOLUTION #1997-3
(Attached)**

#6 Resolution re: VFW Hall Special Exception. Mr. Sharp noted points raised in Senior Planner Schwartz's memo.

Senior Planner Schwartz remarked that the Urban Design Committee did not meet today to discuss the landscape plan and alternative compliance. They are planning to meet tomorrow. She said that she has not received a draft of the County staff report, yet. The VFW has revised the landscape plan according to the comments provided by staff and in accordance with the landscape manual. Staff has not had time to carefully review the plan, but from a cursory review, it looks as if the concerns are addressed.

Ms. Porter asked if there have been any more discussion about extension of the sidewalk.

Ms. Schwartz replied in the negative.

Mr. Rubin referred to point #8 of the revised resolution, noting that it speaks to the issue of the sidewalk (i.e., VFW would give the City the right-of-way, and the City would later consider what to do with it).

Ms. Porter confirmed that the bracketed sections in the resolution are "options", not deletions.

Mr. Rubin suggested that the bracketed section in #8 to be deleted.

Ms. Schwartz noted that it is the Engineer's position that sidewalk extension is feasible.

Mr. Rubin moved the resolution without the bracketed clause in #8, but including #7. Seconded by Williams.

Lou Gignac, Commander of VFW Post 350, said that when the Post began this project with the sidewalk as a consideration, it was for the safety of the children in the area and to improve accessibility to the facility. The extension of the sidewalk up to the property line presents a funding problem. The Post is willing to dedicate that portion of the land to the City.

Mr. Williams stated that in regards to the extension of the sidewalk, he appreciates staff alerting Council to the option of getting sidewalks when development takes place. He said that he wants staff to continue to make these observations. However, in this case, after looking at the site, the topography does not seem conducive for sidewalks. Also, the set backs on the properties further up the street are pretty small and installation of a continuous sidewalk would cut back into the properties quite a bit.

Paul Roat, Pine Crest Civic Association, remarked that the Association has been trying to sort out what-is-what on this issue, and that he would like to see the questions in their letter addressed. He stated that most of their comments have to do with the extra curricula activities, not the membership. As for the sidewalk, if the extension is required, it will eliminate a number of trees. He noted his concern with a statement in staff's memo that only one resident expressed concerns about the plan. Mr. Roat clarified that he speaks on behalf of the Association's membership. He noted that it has been said publicly that no gambling will be made available to outside groups, and that he thinks this is a good policy. He commented that the issue of serving drinks to non-members has not been addressed, nor has the policing of outside groups been addressed. He questioned how the size of a party can be regulated if no one is policing the activity. Mr. Roat said that he thinks that a limit on the number of persons for an event will help in regards to parking concerns.

Mr. Gignac said that there is no gambling in the hall. He explained that he does not think there will come a point where the Post has overflow parking. In regards to alcohol sales, there will be no alcohol brought into the Post from outside sources. Alcohol can only be sold by the Post to persons entering the facility. He assured the audience that the officers of the Post will police the Post, but that they would not be responsible for breaking up a fight during an event, for example.

Mr. Sharp confirmed that an officer of the Post would be present in the facility during an event sponsored by an outside group.

Mr. Gignac explained that the Post is Chartered through the National VFW Association, and said that the Post would lose its Charter if the members were to violate certain rules.

Nate Williams, Vice-President of Pine Crest (Chairman of Committee overseeing VFW concerns), said that the problem that keeps cropping up, is whether new activities of the VFW will become a nuisance to the community. He stated that there needs to be something more binding than what is being stated here this evening. He commented that he believes this could be resolved if the VFW Post were required to put the policy in writing.

Benjamin Onyeneke, Maple Avenue, supported the VFW Hall expansion. He said that he has been to the VFW Post in College Park, and assured the Council that events held at a Post are very calm. In regards to sidewalks, the Post wants to put in some sidewalks to add to the safety of children. He urged the Council not to pressure the VFW about the sidewalk extension.

Mr. Roat asked if it is permissible to serve drinks to non-VFW members.

Jerome Franklin, 6426 Fourth Avenue (across from Post), stated that he has lived there for 15 years and has dealt with all the Commanders who have been at the Post. He said that he has found them to be very responsible to the community, and feels confident that the VFW will continue to conduct its facilities in a responsible manner. He noted that the Post has so much to lose if they do not (i.e., Charter, liquor license).

Mr. Gignac stated that no alcohol will be brought into the Post, and that the Post will control the liquor that is served in the Post.

Mr. Sharp questioned whether persons renting space in the hall could consume alcohol if it is provided by the Post.

Mr. Gignac responded in the affirmative. He stated that the VFW Charter should serve as an adequate "written policy." In regards to statements about Bingo paraphernalia being brought into the Post, the Post has never run a Bingo operation.

Nate Williams noted that Mr. Franklin is also a member of the Association's committee on this issue. He clarified that the Association is not trying to put up a road block for the VFW Hall, but that they just want clarification on certain issues to enable them to provide answers to residents.

Mr. Chavez asked whether there have been problems in the past related to activities held at the VFW Hall.

Mr. Roat responded in the negative.

Ms. Porter said that in regards to the sidewalk extension matter, she agrees with Mr. William's sentiment that staff should make these types of proposals. However, she remarked that in this case she has a concern that no one in the community has come forward and asked for the sidewalks.

Mr. Williams remarked that in a general sense, there is interest in sidewalks, but in this specific case he has not heard interest expressed.

Nate Williams commented that he discussed the sidewalk issue with Ms. Schwartz, and asked if it were possible to extend the sidewalk to the property line. He took responsibility for raising the question. He commented that after learning the sidewalk extension would be a considerable, additional cost, the idea was not pushed.

Ms. Porter concluded then that there is some community favor for the sidewalks, but not a strong sentiment.

Nate Williams confirmed this conclusion.

Mr. Rubin commended staff for having sidewalks in their minds as a general thing.

Resolution #1997-4 was adopted unanimously, recommending conditional approval for Special Exception No. 4248 and Departure from Parking and Loading Spaces No. 219, Veterans of Foreign Wars Takoma Post No. 350 (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

RESOLUTION #1997-4

(Attached)

#7 Resolution re: Silver Spring Urban Renewal Plan. Ms. Schwartz noted an additional hand-out provided to Council this evening. She explained that the review time on this item has been much less than adequate, but that she has done her best in the time available. She noted the upcoming hearings on the matter, and that Councilmember Elrich will attend and testify at both hearings. She pointed out that Doug Wrenn from the S.S. Redevelopment Office is here to answer questions, and that Randy Boehm is also present from the neighborhood.

Moved by Ms. Porter; seconded by Elrich.

Mr. Rubin proposed an amendment to Resolved clause, paragraph #1 “in accordance with the standards for

Ms. Porter stated that there is language in the resolution that addresses this concern.

Mr. Rubin accepted this point, and retracted his proposed amendment.

Mr. Elrich referred to the map, and requested clarification on the parking garage.

Mr. Wrenn stated that the amendment would incorporate parking garages that support City Place to be brought into the development area.

Mr. Elrich questioned whether the garage then becomes a possible redevelopment site.

Mr. Wrenn stated that it could become a redevelopment site, but that parking would still have to be provided for any replacement use. He said that there would have to be a very compelling argument to replace the garage.

Mr. Elrich remarked that it was the Council’s desire not to expand the urban development area. The Council is not opposed to expanding the urban boundaries for the purpose of coordinating development areas, but would be opposed to demolition and reconstruction. He referred to Resolved clause, paragraph #2, and proposed an amendment, “The City supports extension of the urban renewal area beyond its previously defined boundaries for the purpose of facilitating the coordination of development within the urban renewal area.”

{ Ms. Porter suggested that the language be “the City supports....for the purpose of”. Mr. Elrich agreed.

Mr. Rubin stated that he has had long and aggravating discussions about this with Mr. Boehm.

Mr. Sharp called for additional Council discussion.

Mr. Elrich noted the Council’s opposition to set-backs and changes to building heights. He said

that with the American Dream Mall project out of the way, it is important to stay with the original building heights. He stated that he would like to see there be some capacity for developments to occur outside of the development area, so that other sites might be more effectively utilized. Mr. Elrich commented that with the current density, it might be worth renovating some sites, and that the Council's position on "heights" has to do with immediate aesthetics and redevelopment as a whole.

Randy Boehm remarked that he was going to say, before the amendment was made, that this is a mean-spirited document. He explained that City Place would have been excluded had the amendment not been made. He said there are still some elements in the resolution which are ill-conceived, and suggested that the "only for coordination" phrase be deleted. Mr. Boehm said that this requirement would force a developer to move the armory or throw up their hands. He commented about the height limits. He concluded that by locking development into a rigid position, some proposals will not even be solicited. He recalled that during the American Dream discussions, residents along Cedar stated that they did not oppose the height of the development. He suggested that we need to be more flexible if we are going to attract anything to that redevelopment area. Mr. Boehm referred to paragraph #3 as a rigid and arbitrary formula, and questioned what would be the City's reaction if someone placed this requirement on it in the case of Takoma Junction. He stated that the County should not have to commit funds in advance, but that on the other hand, there are some very commendable things in the resolution (i.e., concern for traffic conditions, long-term cap on parking, environmental protection material submitted by Committee on the Environment). Takoma Park should get a little bit more in the development mainstream.

Benjamin Onyeneke, Maple Avenue, asked what is the reaction from Montgomery County regarding the amendments.

Ms. Schwartz stated that the hearing held on December 5 only dealt with the Planning Board portion of the plan. The Executive portion of the document has also received some revisions, but they have not been discussed. She noted that she did not go through all of the changes made by the Planning Board in her memo, but that she only addressed the concerns of the Council.

Mr. Onyeneke urged the Council to wait for the Montgomery County Council's reaction. He remarked about possibilities for development in Silver Spring (e.g., cultural, recreational, etc.), and suggested that the Council wait for results from the February hearing.

Mr. Elrich said that the notion that this resolution represents something small or a throwback to anything that the County wants to do, is an unfair characterization. The resolution allows for a reasonable footprint size for development. The building height limitation was adequate for a development which could allow for a lot of office space. He noted that he was a member of the Sector Plan Committee, and explained that the plan was rewritten with anticipation of a major development in the corridor. Every effort was made to treat Silver Spring comprehensively. He said that he does not see where the Sector Plan inhibits the ability of Silver Spring to be redeveloped. Mr. Elrich commented in regards to committing dollars in advance, that when

sitting on the last committee, they were told that the reason other proposals were not competing was because the Ghermazias (i.e., American Dream Mall developers) were bringing their own money to the table. He said that persons later found out that other developers did not request a fraction of the monies needed by the Ghermazias. Therefore, the County should not say to some people that no contribution will be made and then open the flood gates for other developers who may indeed need money from the County.

Mr. Rubin said that he knows that Mr. Boehm and other members of the Gateway Coalition do not express opinions or make remarks without a lot of research. He commented that he believes this resolution fundamentally represents the City's position on development, a position which has served the City well. In regards to putting limits on proportions of public/private funds, the resolution expresses what has been the Council's position for some time. Mr. Rubin stated that the City is proceeding with Takoma Junction with the exact opposite idea. He concluded that even though the resolution may be considered by some as a stereotyped approach from Takoma Park, he does not believe that we will be dismissed.

Ms. Porter expressed her appreciation for Mr. Boehm's comments. She commented about the undesirability of lifting certain restrictions to allow varied proposals, later dealing with the specifics of each proposal. She said that the City is not dealing with Takoma Junction in this way. There need to be some assumptions in the beginning about what we think might serve the community. She recognized, however, Mr. Boehm's strategic concerns.

There were no objections to the amendment proposed by Mr. Elrich which was slightly altered by Ms. Porter.

Resolution #1997-5 was adopted, expressing Council's position regarding amendments to the Silver Spring Urban Renewal Plan (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSTAIN: Davenport).

**RESOLUTION #1997-5
(Attached)**

#8 2nd Reading Ordinance re: Standards for Right-of-Way Disturbance. Moved by Porter; seconded by Williams. Mr. Sharp explained the ordinance.

Benjamin Onyeneke, Maple Avenue, urged the Council to adopt the ordinance.

Ordinance #1997-2 was adopted unanimously, delegating the City Administrator authority to adopt Standards for Right-of-Way Disturbance (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**ORDINANCE #1997-2
(Attached)**

ADDITIONAL AGENDA ITEM

#9 Resolution re: Commission on Landlord-Tenant Affairs (COLTA) Appointment.
Moved by Williams; seconded by Davenport.

Resolution #1997-6 was adopted unanimously, effecting the appointment of James French to COLTA (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

RESOLUTION #1997-6
(Attached)

WORKSESSION

The Council moved into Worksession at 10:54 p.m., and later adjourned for the evening at 11:36 p.m.

Introduced by: Councilmember Elrich

1st Reading: 1/27/97

2nd Reading:

ORDINANCE #1997-4

**SPEED HUMP PETITIONS
MAPLE & MAPLEWOOD AVENUES**

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

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

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

(a) Maple Avenue (between Maplewood and Erie Avenues), exact number and location of speed humps shall be at the discretion of the City Administrator; AND

(b) Maplewood Avenue (between Maple and Flower Avenues), exact number and location of speed humps shall be at the discretion of the City Administrator.

SECTION 2. THAT this Ordinance becomes effective upon adoption.

ADOPTED this _____ day of _____, 1997.

AYE:

NAY:

ABSTAIN:

ABSENT:

Introduced by: Councilmember Williams

1st Reading: 1/27/97

2nd Reading:

ORDINANCE #1997-5

AMENDING CHAPTER 8. MORALS AND CONDUCT, ARTICLE 3. OFFENSES AGAINST PUBLIC PEACE, DIVISION 1. PUBLIC LANDS, ASSEMBLAGES AND CONDUCT, TO AUTHORIZE ADOPTION OF GUIDELINES AND FEE SCHEDULES FOR USE OF PUBLIC SPACE AND FACILITIES, AND TO EXEMPT COMMUNITY-BASED GROUPS FROM CERTAIN SECTIONS OF THIS ARTICLE.

WHEREAS, the Takoma Park Recreation Department is committed to meeting the needs of Takoma Park residents for use of City-owned indoor facilities, i.e., the Municipal Building, Gym and Heffner Park, and to provide excellent conditions in those facilities for users; and

WHEREAS, there is a need to establish a fee structure that is reasonable and equitable and covers the costs of building management services, expendable materials, utilities and damages; and

WHEREAS, guidelines will also be necessary to, among other things, establish user classifications to contribute to the provision of a consistent and equitable fee structure; and

WHEREAS, the fees shall be charged according to the classification listing, and established after reviewing those of neighboring jurisdictions, to ensure that the City's fees are comparable to other public and private providers that have similar services, and computing direct operational costs; and

WHEREAS, the Council and staff recognizes and appreciates the high level of resident participation in community/neighborhood organizations, interest groups and various committees; and

WHEREAS, the Council and staff desire to provide the opportunity for groups of these kinds to promote and financially support themselves through admission fees or the sale of goods and articles during events held in public parks, space or buildings.

NOW, THEREFORE, BE IT ORDAINED THAT the Takoma Park Code shall be amended as follows:

Sec. 8-15. [Reserved.] Definitions.

A community-based group shall be any group, organization or person, whose membership is primarily composed of City residents, that is not a paid solicitor and;

(1) may be charging admission, soliciting funds or selling goods, for a charitable, educational, non-partisan political, athletic, arts/cultural or other non-commercial purpose; and

(2) is not promoting or selling commercial goods or services for or conducted on behalf of a for-profit business enterprise.

Sec. 8-16. [Reserved.] Applicability; Exemptions.

(a) The provisions of this article shall apply to all persons using public parks, space and/or buildings.

(b) A community-based group which has been granted a permit for use of a public park or building, shall be exempt from the provisions of Sections 8-24(a)(1) and (b)(1).

Sec. 8-17. Fee Schedule and Guidelines for Use of Public Space.

The City Administrator or his/her designee shall have the authority to establish and revise, as necessary, a fee schedule and guidelines which shall apply to all activities covered under the provisions of this Article.

(Editorial note: Numbering of Sections 8-17 through 8-24 is amended. Text of sections 8-17 through 8-21 is not amended and therefore, does not appear in full (below).)

Sec. [8-17.] 8-18. Revocation of permit; restoration of property.

...

Sec. [8-18.] 8-19. Public space use and limitations.

...

Sec. [8-19.] 8-20. Permit required for use of land for amusement purposes.

...

Sec. [8-20.] 8-21. Crowd control at theater or place of public amusement.

...

Sec. [8-21.] 8-22. Permit for temporary barricade; fee.

...

Sec. [8-22.] 8-23. Permit for use of parks and public buildings.

The [Director of Recreation] City Administrator or his/her designee shall issue permits for use of parks and public buildings in consultation with the principal user of the park and/or building[s].

Sec. [8-23.] 8-24. Use of public space and buildings.

(a) All persons using any public park or space shall abide by the following rules and regulations:

(1) To accept no admission fees or to sell or offer for sale any merchandise, article or thing, whatsoever, without the specific consent of the [Mayor and City Council] City Administrator or his/her designee.

(2) Not to practice, carry on, conduct or solicit for any trade, occupation, business or profession without the written permission of the [Mayor and City Council] City Administrator or his/her designee.

(3) To permit no beer, wine or other alcoholic beverages on public property.

(4) To preserve public parks and recreation facilities.

(5) Not to [distribute any handbills or circulars or to] post[, place] or erect any bills, notices, paper or advertising device or matter of any kind.

(6) Not to throw or leave paper or other rubbish anywhere except in the receptacles provided for the purpose.

(7) Not to indulge in riotous, boisterous, threatening or indecent conduct or abusive, threatening, profane, obscene or indecent language.

(8) Not to make or kindle fires except in places provided therefor, and to extinguish all fires, matches, cigarettes, cigars or other burning matter when leaving.

(9) To leave parks clean and orderly [when leaving].

(10) [No one is] Not to remain on a city-owned recreational park after 9:00 p.m., unless especially authorized to do so by the [Chief of Police, or the Director of Recreation], City Administrator, or his/her designee.

(11) No hard ballplaying except on Hodges Field, where only children twelve (12) years of age and under and none others may play hard ball.

[(12) The Director of Public Works City Administrator or his/her designee shall be authorized to erect appropriate signs calling attention to the closing time of the parks.]

(b) All persons using any public building shall abide by the following rules and regulations:

(1) To accept no admission fees or to sell or offer for sale any merchandise, article or thing, whatsoever, without the specific consent of the [Mayor and City Council] City Administrator or his/her designee.

(2) Not to practice, carry on, conduct or solicit for any trade, occupation, business or profession without the written permission of the [Mayor and City Council] City Administrator or his/her designee.

(3) To permit no beer, wine or other alcoholic beverages on public property or buildings.

(4) To preserve public buildings and recreation facilities.

(5) Not to [distribute any handbills or circulars or to] post[, place] or erect any bills, notices, paper or advertising device or matter of any kind.

(6) Not to throw or leave paper or other rubbish anywhere except in the receptacles provided for the purpose.

(7) Not to indulge in riotous, boisterous, threatening or indecent conduct or abusive, threatening, profane, obscene or indecent language.

(8) To leave buildings clean and orderly, to turn off lights, lock buildings and turn thermostat according to instructions above it.

(9) [That] To vacate public buildings [are to be cleaned and evacuated by 12:00 midnight] by the time specified on the permit or no later than 10:00 p.m. (whichever occurs first).

(10) No smoking or carrying of lighted smoking materials [will be] is permitted in public buildings [the Council Auditorium, the Municipal Gymnasium or the assembly areas of the first- and second-floor meeting rooms of the Municipal building]. No food or drink will be permitted in the Council Chamber; no food or drinks in gymnasium except on balcony.

(11) Users are responsible for restoring premises to original conditions, i.e., setting up and replacing tables and chairs. Tables being used for social events, demonstrations, classes, etc., must be covered with paper, plastic or cloth. [Remove] All personal effects must be removed at the time the event is concluded.

(12) [All decorations must be put up with masking tape (no other).] No decorations shall be afixed to the ceiling, floor or walls. No confetti or rice may be used in [the] a public building. Nails, screws, tacks or other hanging devices must not be used.

(13) Regularly scheduled religious services shall not be permitted.

(c) The City Administrator or his/her designee shall be authorized to erect appropriate signs calling attention to the closing time of the parks and other rules and regulations governing use of public parks, space and buildings.

[(c)] ~~(d)~~ A violation of this section is a Class C offense.

[Sec. 8-24. Reserved.]

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

ADOPTED this ____ day of _____ 1997.

(NOTE: Additions are underlined, and deletions are [bracketed].)

AYE:

NAY:

ABSTAIN:

ABSENT:

Introduced by: Councilmember Porter

1st Reading: 1/21/97
2nd Reading: 1/27/97
Effective Date: 1/27/97

ORDINANCE #1997-2

AUTHORIZING THE CITY ADMINISTRATOR TO ADOPT STANDARDS FOR RIGHT-OF-WAY DISTURBANCE TO APPLY TO CONSTRUCTION WORK PERFORMED IN ANY PUBLIC RIGHT-OF-WAY IN THE CITY

WHEREAS, the City has the authority to regulate activities in public rights-of-way within its corporate boundaries; and

WHEREAS, the Council is committed to preserving public rights-of-way and regulating construction work and other disturbances of such rights-of-way; and

WHEREAS, there is a need for the City to develop and adopt standards which shall apply to all construction work and other disturbances within public rights-of-way in the City; and

WHEREAS, it is in the public interest that such standards be in place prior to extensive planned utility work in Takoma Park.

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

SECTION 1. Authorization for City Administrator to Adopt Standards for Public Right-of-Way Disturbance; Temporary Waiver of the Requirements of the Administrative Regulations Ordinance.

A. The Council hereby authorizes the City Administrator to adopt standards for right-of-way disturbance in public rights-of-way. Such standards for right-of-way disturbance shall apply to all work and/or construction performed within any public right-of-way in the City.

B. Initial adoption of such standards for right-of-way disturbance by the City Administrator shall not be subject to the prior publication, consideration, and other provisions of Chapter 2, Article 5, Administrative Regulations, of the Takoma Park Code ("Administrative Regulations Ordinance"). Any standards so adopted by the City Administrator pursuant to the authorization set forth in this Ordinance shall remain in effect for six (6) months from the date of adoption or until the standards are promulgated as regulations in accordance with the Administrative Regulations Ordinance, whichever occurs first.

SECTION 2. This Ordinance shall be effective upon adoption.

ADOPTED this 27 day of January, 1997.

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

Introduced by: Councilmember Davenport

RESOLUTION 1997 - 3

A resolution authorizing City Staff to submit a request to Montgomery County for reprogramming of Community Development Block Grant funds.

WHEREAS, the City receives Community Development Block Grant Funds as a passthrough allocation from Montgomery County; and

WHEREAS, these funds can be used for eligible activities to benefit low- and moderate-income households or assist in the elimination of slums and blight; and

WHEREAS, there is the necessity to redirect funds to respond to changes in City needs.

NOW, THEREFORE, BE IT RESOLVED by the City of Takoma Park that a request to reprogram Community Development Block Grant Funds in the amount of \$38,000 (previously authorized in Resolution 1996-75 for reprogramming to the PY 21 Takoma Junction activity) for the purpose of constructing curb and gutter on Park Avenue be submitted to Montgomery County.

Adopted this 27th day of January, 1997.

Introduced By: Councilmember Rubin

Resolution No. 1997-4

**Resolution Recommending Conditional Approval
for Special Exception No. 4248 and Departure from Parking and Loading Spaces No. 219
Veterans of Foreign Wars Takoma Post No. 350**

WHEREAS, the Officers and Members of Takoma Post No. 350, Veterans of Foreign Wars, Inc., (VFW) have submitted an application for a Special Exception and Departure from Parking and Loading Spaces to the Prince George's County Maryland-National Capital Park and Planning Commission for Lots 11-15, Block 4, Pinecrest Subdivision, located at 6420 Orchard Avenue, Takoma Park, Maryland; AND

WHEREAS, the applicants are seeking a special exception and departure from parking and loading spaces for expansion of an existing VFW post in the R-55 zone and a reduction in the required number of spaces in the parking lot; AND

WHEREAS, the applicants are also requesting Alternative Compliance from the Prince George's County Landscape Manual; AND

WHEREAS, this property is located in the City of Takoma Park and the application has therefore been referred to the City for review and comment; AND

WHEREAS, the special exception application has been reviewed by City staff, who provided analysis of the application in the pertinent staff report dated January 17, 1997; AND

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, the City Council hereby recommends that the Prince George's Planning Board and Zoning Hearing Examiner Approve the Special Exception, with the following Conditions:

1. That the overflow parking lot will be gated when not required for use for functions occurring in the building. Attendants will open and close the gates and control parking when the overflow lot is used.
2. That events in the hall requiring use of the overflow parking area will conclude by 10:00 p.m.
3. That the VFW will limit total occupancy of the building to 125 (75 in the meeting hall and 50 in the remainder of the building).

4. That the VFW will make arrangements with its distributors so that no trucks exceeding 30 feet in length will enter the site.
5. That the VFW will not rent the Post facility to outside groups for the purpose of gambling.
6. That the applicants comply with the City Forester's landscaping recommendations; and that they consult with the City Forester prior to beginning landscape work at the site.
7. That the applicants' Landscape Plan and Alternative Compliance requests meet with the acceptance of the Maryland-National Capital Park and Planning Commission.
8. That the portion of the sidewalks on both the Fourth Avenue and Orchard Avenue sides that are on the applicant's property will be dedicated to the City.

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 27th DAY OF JANUARY, 1997.

vfwadpl.res

Introduced By: Councilmember Porter

Resolution No. 1997-5

Resolution Concerning the Amendment to the Urban Renewal Plan for Silver Spring

- WHEREAS, on November 22, the Montgomery County Maryland-National Capital Park and Planning Commission (M-NCPPC) issued a draft Development Plan Chapter, which comprises part of an Amendment to the Urban Renewal Plan for Silver Spring, Maryland (Amendment); AND
- WHEREAS, the Montgomery County Planning Board held a public hearing on the Development Plan Chapter on Thursday, December 5; AND
- WHEREAS, the City Council of Takoma Park provided comments at that public hearing; AND
- WHEREAS, the Office of the County Executive simultaneously issued the remaining portion of the Amendment; AND
- WHEREAS, the Planning Board and Office of the County Executive made revisions to the draft Amendment and issued a new draft on January 22; AND
- WHEREAS, the Montgomery County Planning Board and the Montgomery County Council are scheduled to hold public hearings on the composite revised Amendment on January 30 and February 18, respectively; AND
- WHEREAS, the compressed schedule has provided very limited time to review the Amendment; AND
- WHEREAS, as an integral part of the greater Silver Spring community, the City of Takoma Park recognizes the necessity of stemming the area's decay through the wise and prudent use of limited public funds and through redevelopment projects that create jobs and improve the quality of life for area residents; AND
- WHEREAS, the City of Takoma Park is currently contributing to the redevelopment of the greater Silver Spring area through financial and planning activities aimed at revitalizing Takoma Junction; AND

WHEREAS, the City of Takoma Park has previously stated its position that any redevelopment project for Silver Spring should be aimed first and foremost at serving the needs of area residents through:

- being economically viable;
- creating both small business opportunities and jobs for local area residents;
- protecting the residential nature of the area;
- maintaining the diverse ethnic and racial residential character of the area;
- maintaining the safety and convenience of our streets for pedestrians;
- maintaining levels of traffic flow that minimize air and noise pollution and maximize safety and convenience for local residents traveling locally;
- maintaining strict controls and proactive programs that protect the environment; and
- affording residents meaningful input at all stages of the planning process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the City Council hereby provides the following comments on the revised Amendment to the Urban Renewal Plan for Silver Spring, Maryland:

1. The City does not support the Amendment recommendation to change building heights and setbacks, but supports future development that is in accordance with the building heights and setbacks defined in the Zoning Ordinance and established by the Sectional Map Amendment implementing the Sector Plan for the Silver Spring Central Business District.
2. The City supports extension of the existing urban renewal area beyond its previously defined boundaries for the purpose of facilitating the coordination of development within the Urban Renewal Area.
3. The Amendment should incorporate as a goal that the use of tax monies to pay for private development in the Urban Renewal Area should be kept to a minimum, and that in no case should the public be asked to invest more money in a project than the developers are willing to invest and risk of their own money. The County and the State should publicly state the source and amount of funds they might be willing to provide to any project and the conditions under which such funds would be available so that all competing projects can structure their proposals in a way that reflects any such commitment of public financing.
4. The Amendment should incorporate as a goal that any project or projects in the Urban Renewal Area should protect the diverse ethnic and racial residential character of the area by creating both small business opportunities and jobs for local residents.

5. Any redevelopment project proposed in the Urban Renewal Area must present evidence that the volume of traffic generated will not be greater than the current capacity of Takoma Park streets to handle traffic flow in ways that do not impinge on quality of life of residential neighborhoods. Widening of Takoma Park streets or intersections are not viable solutions to problems created by increased traffic flow. In order to ensure acceptable traffic levels, the City supports the Annual Growth Policy's recommendations to a) reduce the cap on long-term parking in Silver Spring so that the peak-hour car trips are reduced by 2,000; and b) reduce the development ceiling in Silver Spring as currently-approved projects expire.
6. The Amendment should incorporate environmental protection project goals similar to those recommended by the Takoma Park Committee on the Environment for the American Dream Mall.
7. The City wants to ensure that the opportunity for public comment is not diminished, and therefore does not support the recommendation of an alternative expedited redevelopment process.
8. The City strongly supports the reinstatement in the Amendment of the recommendation that site plan review be required under the Standard Development Method.
9. The City supports the reinstatement in the Amendment of the Reuse Flexibility Criterion, and recommends that this criterion be extended to incremental developments in the Urban Renewal Area in addition to large, single-footprint buildings.

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

ADOPTED THIS 27th DAY OF JANUARY, 1997.

Introduced by: Councilmember Williams

RESOLUTION # 1997-6

APPOINTING NEW COMMISSIONER TO COLTA

WHEREAS, there presently exists one vacancy on the City's Commission on Landlord-Tenant Affairs (COLTA); AND

WHEREAS, James Alexander French, a City resident, has applied to fill the vacancy; AND

WHEREAS, Council has interviewed Mr. French and has evaluated his qualifications; AND

WHEREAS, Mr. French has been selected for appointment to fill the vacancy.

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Takoma Park, Maryland, hereby appoints the following individual to fill the vacancy on the Takoma Park Commission on Landlord-Tenant Affairs:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
James Alexander French	310 Boyd Avenue	June 30, 1998

BE IT FURTHER RESOLVED THAT this appointment becomes effective immediately.

Dated this 27th day of January, 1997.

ATTEST:


Catherine Sartopi, City Clerk