

**PRESENTATION, PUBLIC HEARINGS, REGULAR MEETING,
WORKSESSION & EXECUTIVE SESSION
OF THE CITY COUNCIL**

Monday, September 8, 1997

OFFICIALS PRESENT:

Mayor Sharp

Councilmember Chavez

Councilmember Davenport

Councilmember Elrich

Councilmember Porter

Councilmember Rubin

City Administrator Habada

Assistant City Administrator Hobbs

City Clerk Sartoph

Corporation Counsel Silber

Senior Planner Schwartz

Construction Specialist Kowaluk

OFFICIAL ABSENT:

Councilmember Elrich

Councilmember Williams

The City Council convened at 7:43 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:

COUNCIL COMMENTS

Mayor Sharp announced that Councilmember Williams is representing the City on business out-of-town, and Councilmember Elrich is visiting with his father who is still in the hospital and to whom we send best wishes.

Councilmember Davenport commented on the beautiful day yesterday at the Takoma Park Folk Festival. He remarked that while at the festival, he met the Chairperson for the Child Development Center who asked that he announce that there are scholarships available to assist parents with covering the costs of childcare at the center (for information call 301-270-6824). He said that County Councilmember Steve DelGiudice, University of Maryland Professor Dr. William Hanna, and he have formed an International Corridor Corporation. He described the general goal of the corporation. Mr. Davenport stated that for this reason, he will not be seeking re-election this November, and thanked constituents for their support over the past four years.

Mr. Sharp echoed Mr. Davenport's comments about the Folk Festival, noting that the Hodges

Heights Citizen Association worked very hard to ensure that the site and facilities were clean for the event. Additionally, a great deal of gratitude is owed to the City's Department of Public Works and City Administrator Habada, who as always, was on the scene making sure that everything was in order. Mr. Sharp urged residents to get involved in efforts to plan next year's events, noting that there will be different challenges, since the school will be under renovation.

Councilmember Rubin remarked about the work of the Hodges Heights Citizens Association, describing how members "fought and clawed" with the County for the right to work hard to do the clean-up in the first place.

Mr. Sharp announced that he will not be running for Mayor in November. He commented that he has been in elective office in the City for 12 consecutive years, now, and that he feels it is time to move on and focus on other things in his life. He said that it has been a great honor to serve the fine citizens of this fine City. Mr. Sharp assured the audience that while he will not be running for office this November, he intends to wholeheartedly support Councilmember Porter in her campaign for the Mayoral seat. He remarked that he has worked with her for a number of years, and is confident that she has a deep understanding of the concerns of citizens of the City. (The audience gave him a round of applause).

Councilmember Porter stated that she is sorry that Mr. Sharp will no longer be representing the City as Mayor. She added that in large part, it is because of his leadership that the City has accomplished so much over the past several years. She said that Mayor Sharp has always made an effort to make sure that Councilmembers feel welcome to place items on the agenda. Ms. Porter concluded that with his usual foresight and grasp of things going on in the City, he is correct in saying that she is running for Mayor this November.

Councilmember Chavez attributed his being a Councilmember to Mayor Sharp's encouragement for him to run for office four years ago. He thanked Mr. Sharp for his assistance, and said that he has appreciated the opportunity to work with him on the City Council.

Mr. Rubin remarked that he did everything he knew to do, in an effort to try to persuade Mayor Sharp to run for office this November. Mr. Rubin noted that he was unsuccessful, but added that he understands the Mayor's reasons for declining the opportunity. Mr. Rubin said that from the Mayor, he has learned a tremendous amount about the mechanics of serving in public office and lessons in integrity in serving the public in a small community. He thanked Mayor Sharp for his inspiration.

Mr. Davenport said that it is difficult to express in words the amount of respect he has for Mayor Sharp. He commented that never having had serious political aspirations until elected to the Council, he did not realize the scope of being a Councilmember. Mr. Davenport remarked that Mayor Sharp and members of Council embraced him with encouragement and assistance. He thanked the Mayor for his personal outreach and understanding, and concluded that he hopes that next Mayor will continue in this vein. He wished Mayor Sharp the best and said that he will miss

him.

ADOPTION OF MINUTES

Moved by Davenport; seconded by Chavez.

The Council Meeting Minutes from 7/21 and 7/28 were adopted unanimously (ABSENT: Elrich, Williams).

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), thanked Mayor Sharp for leading the Council, and congratulated Mr. Davenport on his aspirations to continue working on initiatives for the City. Mr. Onyeneke stated that he had a dream that Councilmember Porter is going to run for Mayor, and expressed support for her candidacy. He said that he hopes that the new Mayor will work with the teens and youth of the City. Mr. Onyeneke then described a proposal for the City to condemn the Nigerian government in South Africa, similar to how the City has adopted sanctions against Burma and nuclear arms producers and subsidiaries. He remarked that he will present his proposal in writing for distribution, tomorrow. Mr. Onyeneke also commented that he looks to the *Washington Post* to find some peaceful resolution with the D.C. school principal and staff member who were recently found guilty of assaulting a reporter and police officers.

Jay Levy, 7431 Baltimore Avenue, expressed his regret that residents will not see Mayor Sharp's name on the November ballot, and wished him luck on all endeavors he might pursue. Mr. Levy thanked the Council and City for allowing him and his wife to represent the City at the Peace Conference in Hiroshima. He remarked about the presentations they made, adding that they were well received. People asked for copies of the City's NFZ Ordinance. He said that he and his wife presented several gifts from the City to the Mayor of Hiroshima, and that they also received gifts in return. These items will be on display in the Library. He commented that they were interviewed by news media--two major international newspapers (articles written in Japanese), and noted that he has written articles for the *Takoma Voice* and the *City Newsletter* so that residents will know of the work that they did in Japan.

Mr. Rubin thanked Mr. Levy and his wife for representing the City, and asked how many cities were represented.

Mr. Levy responded that there were 125 cities, noting that he made close contact with several Mayors and will be exchanging communications in the future. He said that it would be nice for the Council to recognize these Mayors individually, should they ever visit the metro area. Mr. Levy commented that attending the conference was one of the most gratifying experiences he has had, even having worked for the U.N. for several years.

Paula O'Hinger expressed concern about an incident that happened to her in February. She explained that she parked in an un-metered space on Takoma Avenue, and was ticketed for an expired meter. How could this be true? She said that she attempted to address the problem by coming to the City with the a statement that a meter did not exist at the space where she had parked. She also had statements from students and photos illustrating that there was not a meter. She remarked that she came in to the City office and requested a court date, at which time she was told that it might be as late as July before a date would be assigned.

In the interim, she received a letter from a collections agency in California for the subject ticket and another one which was over three years old. She stated that she immediately contacted the collections agency and came in to talk to City staff. At that time she was told that it would be taken care of. However, she received a second letter from the agency not long after. This caused her to become very upset.

She noted that she had made verbal requests to three different people in the City, that the Public Works records be examined to prove that the meter did not exist at the time the ticket was issued. She requested that documentation be produced. After the second notice, she came in and talked to Ms. McArthur who asked for a written detail of the events. She said that she prepared the written statement, and mailed copies to the City and the agency in California, but that she heard nothing in return. Finally, she did receive a court date. She remarked that during the course of these events, she had occasion to meet with City Administrator Habada who is the bright light in this story. Ms. Habada was very helpful. However, she stated that she has never received a response from the Department of Public Works to her request for documentation.

She described why the issued court date was extremely inconvenient, and that despite her efforts to reschedule the date, she was told that she had to appear. As it turns out, the Police officer did not show up, and the case was dismissed. She expressed frustration that she had missed a half day of work and several important meetings to appear for a hearing on a ticket which she was prepared to prove had been issued in error.

The fine was only \$10.00; however, the ticket has cost her much more than that (e.g., time, registered mail, travel, missed work, etc.) She said that she is concerned by the City's lack of responsiveness, the six month process if took before a court date was issued, and the fact that she had to go to court without the documentation that should have been public record. She added that she had made six requests to Public Works for the documentation and never received a response.

She commented that she (1) does not understand why the ticket was issued, (2) why the ticket could not have been voided, (3) why there was no response from various City officials after repeated attempts at contact and requests for information, (4) why City officials are not held accountable in the same way that citizens are expected to be accountable. Who is held accountable in this case? She stated that she did not expect the City to be so irresponsible and non-responsive. To date, she has received four letters from the California collections agency.

She noted that she has recently, requested copies of her credit report from four major credit companies to make sure that this incident has not had a damaging impact on her personal credit.

She asked for a response to why City parking tickets are being handled by a collection agency in California, as if they are bad debts. There needs to be better accountability and responsiveness on the part of the agency and the City. She remarked that she wants to know why the ticket was issued when clearly, there was no meter, no curb painting, and no signage.

Mr. Sharp agreed with her anger, saying that she has a right to feel the way she does. He explained that the City Council made a very conscious decision to make an effort to go back and collect tickets that have been outstanding for some time. This was to be an aggressive effort and as part of that effort, the City contracted with the out-of-area agency to do the collections. He said that he has been concerned all along that care be taken such that a notice not be sent from the agency until after a court date has been issued. When this happens, it raises a question about whether we should be dealing with this company at all. He stated that the City should question why this happened before there was an opportunity for adjudication (day in court). With regard to the writing of the ticket for a place where it should not have been written, it seems that it would be appropriate for the officer who wrote the ticket to explain why the ticket was written. With regard to voiding tickets after they get into the system, there is a concern that tickets could get fixed too easily and the States Attorney is reluctant to allow voiding of tickets. He requested that the City Administrator investigate the issue which have been raised, and report back to the Council.

Ms. Habada remarked that the City has had some embarrassing instances where tickets have been written for spaces where meters had been missing, but then replaced when someone may have been parked there. During the replacement interim, the Police may not have been appropriately notified that the meter was being replaced, but came by and saw an expired meter and issued a ticket to the vehicle.

Paula O'Hinger said that she has a problem with the notion that a ticket for an expired meter was issued for a vehicle parked in a space where there was not meter. The issuing Police officer should have seen that there was not a meter, regardless of whether communication between departments had failed. The meter number on the ticket was that of the meter for the space behind the one in which she was parked. She was not even parked in the space noted on the ticket.

Mr. Sharp said that he is sorry for what has happened to her, and again requested that the City Administrator report to the Council on this matter.

Catherine Tunis thanked Mr. Sharp for his service as Mayor. She commented that it has been a pleasure to work for the Council and City Staff, and that she thinks this attributable to the tone that the Mayor sets.

Rino Aldrighetti congratulated the Mayor, adding that he is going out as a “winner”. Twelve years is a long time. Mr. Aldrighetti focused on one situation he recalls with the Mayor. The night that several residents met to discuss a third round of lobbying for Unification. He recalled arguing for a three-year strategy, but said that Mayor Sharp pressed for a one-year strategy. Not only was the issue won, but it was won on Mayor Sharp’s watch. The work on this issue brought the City together; it brought together a lot of factions. He extended his congratulations to Mayor Sharp, concluding that his stepping down is a time for celebration of accomplishments.

Tom Gagliardo said that he never had voted for Mayor Sharp, but that he never had doubted that Mr. Sharp approached the responsibility of being Mayor with a high degree of care, competence, and ability. He thanked Mayor Sharp for improving the “commonweal”, and for the time and attention that he has given to the job.

PRESENTATION

Ray Messick, Lions Club, stated that he has been a citizen of Takoma Park for 42-43 years and a member of the Lions Club for longer. He commented that the Lions Club has given a lot of donations to the City and that this time, they were approached for an automatic external defibrillator. He expressed his hope that the device help the Takoma Park Volunteer Fire Department (TPVFD) and Emergency Medical Staff (EMS) to save lives. This is one item that the Lions Club is very proud to give to the City. He presented the device to Chief Jarboe, and noted that Steve Novick is also in attendance.

Chief Jarboe, TPVFD, thanked the Lions Club, and invited Mr. Novick to explain the function of the device.

Steve Novick, TPVFD, explained that the device enables crews to arrive on the scene and immediately diagnose the status of a patient. It will diagnose how well the heart is functioning, and can be used to gauge whether the heart should be shocked back into action. He thanked Mr. Messick for the device.

Chief Jarboe thanked the Mayor for all of his work, especially in regards to the new fire station, and said that he hopes the Council will continue in successful efforts, in this regard.

Mr. Sharp thanked the Lions Club for the donation.

PUBLIC HEARINGS

1. Amendment to Open Space Plan. Senior Planner Schwartz stated that the amendment concerns the eminent domain discussion in the current Open Space Plan. The amendment provides some conditions under which the Council would consider eminent domain. The

language reflected in the memorandum was discussed and agreed to by Council in Worksession prior to the Council's summer recess.

Mr. Sharp modified Ms. Schwartz's statement, clarifying that the Council agreed to put forward language for public comment. He further commented that the issue is to try to explain the circumstances under which the City might choose to use eminent domain. He read the proposed language.

There were no citizen remarks. The public hearing was closed at 8:35 p.m.

2. Speed Hump Request -- Jackson Avenue (between Minter and Garland).

Ann Riley, Chair of the Traffic Committee in Longbranch-Sligo, thanked the City and particularly, Venita George, for her assistance in assisting the neighborhood with traffic interventions. Streets are safer and quieter than before. She noted that this street was discussed in the original plan, but was not part of the multi-speed hump proposal that was presented a year ago. Jackson Avenue is not considered a cut-through street. However, the problems observed on Jackson are speeding and the running of stop signs. She said that residents had hoped that by putting in speed humps on other streets, it would calm traffic on other neighborhood streets. However, problems have arisen. She noted that the residents on Jackson were very active in the Traffic Plan. They did not simply "miss the boat." There are several families with children in this area. She concluded by saying that there was overwhelming support for this speed hump, noting that there may have been only two households in opposition.

Joe Jenkins, 908 Jackson Avenue, stated that he and his family have lived at this address since 1993. As a result of the other speed humps being installed in the neighborhood, he noted that there has been a reduction in speeders and stop sign runners on streets with the humps. He commented on the responsiveness of Police when he has occasioned to call them about motorists. Mr. Jenkins concluded that the speed hump will have a positive impact on the community.

The public hearing was closed at 8:40 p.m.

3. Request to Remove Designated Permit Parking Area for 8000-8005 (inclusive) Maple Avenue.

Councilmember Elrich stated that he saw the original petition, and that everyone seems to be in accord with this action. The original permit parking area was put in when there was construction at the hospital. The construction has long since ended, and there does not seem to be a problem anymore. The residents would like a restoration of a more normal parking situation.

There were no citizen comments. The public hearing was closed at 8:43 p.m.

REGULAR MEETING

4. 1st Reading Ordinance re: Speed Hump -- Jackson Avenue. Moved by Porter; seconded by Elrich.

Ms. Porter remarked that the case for the speed hump(s) has been made by the presentations during the public hearing. This request is part of a very systematic approach the neighbors have taken to address traffic concerns in their community, and it has the support of residents and the neighborhood association.

Mr. Rubin noted that he received a call today from a leader of another community, in an unincorporated area of Montgomery County, who was inquiring about how we determine the placement of speed humps. He said that we should be proud that the City is being looked to as a model.

Ordinance #1997-42 was accepted unanimously at first reading, authorizing the installation of a speed hump on Jackson Avenue (between Minter and Garland), the exact number of speed humps and locations to be determined by the City Administrator (VOTING FOR: Sharp, Chavez, Davenport, Porter, Rubin; ABSENT: Williams).

ORDINANCE #1997-42
(Attached)

5. 1st Reading Ordinance re: Removal of Designated Permit Parking Area -- Maple Avenue. Moved by Elrich; seconded by Davenport.

Ordinance #1997-43 was accepted unanimously at first reading, authorizing the withdrawal of a section of Permit Parking Area #4 (8000-8005 (inclusive)Maple Avenue) (VOTING FOR: Sharp, Chavez, Davenport, Porter, Rubin; ABSENT: Williams).

ORDINANCE #1997-43
(Attached)

6. 1st Reading Ordinance re: Nominating Caucus and City Election. Moved by Davenport; seconded by Porter.

Mr. Sharp noted that the ordinance includes information about the use of voting machines for the election. He recalled Council's discussion from last week about the use of the P.G. County machines versus the Montgomery County DataVote system. He said that City Clerk Sartoph presented an analysis of the relative costs, and that it appeared that there is less than a \$200 difference. The Council determined that at least for now, the City would continue as in past

practice to use the print-o-matic voting machines.

City Clerk Sartoph pointed out that the 2nd Reading of the Ordinance is scheduled during Special Session next week to allow for the random drawing of the Caucus order to also occur the same evening. The direction to set the order of the caucus in this manner is included in the ordinance.

Ordinance #1997-44 was accepted unanimously at first reading, setting forth the 1997 Nominating Caucus (9/30/97) and subsequent City Election (11/4/97) (VOTING FOR: Sharp, Chavez, Davenport, Porter, Rubin; ABSENT: Williams).

ORDINANCE #1997-44
(Attached)

7. Resolution re: Free Burma Committee. Moved by Rubin; seconded by Chavez.

Resolution #1997-50 was adopted unanimously, effecting the appointment of Barbara Christophe to the Free Burma Committee (VOTING FOR: Sharp, Chavez, Davenport, Porter, Rubin; ABSENT: Williams).

RESOLUTION #1997-50
(Attached)

8. Resolution re: Personnel Appeal Board. Mr. Sharp noted that there is now a vacancy on the Board, and recalled that there had been a surplus of applicants (i.e., two persons who were not appointed from last round of interviews). He proposed that the item be moved for discussion in Worksession next week.

The Council reached a consensus to discuss the appointment in Worksession on September 15.

WORKSESSION

The Council moved into Worksession at 8:50 p.m. Following the Worksession, the Council immediately convened in Executive Session at 9:35 p.m. The Council later adjourned for the evening.

EXECUTIVE SESSION / ADJOURNMENT

Executive Session 9/08/97 - Moved by Chavez; seconded by Porter. Council convened in Executive Session by unanimous vote at 9:40 p.m., in the Conference Room. OFFICIALS

PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin. **OFFICIAL ABSENT:** Williams.
STAFF PRESENT: Habada, Hobbs, Sartoph, Silber, Schwartz, Kowaluk, Larry Taub (Legal Counsel) and Michael Nagy (Legal Counsel). (1) Council was briefed on issues related to possible open space purchase; direction was given to staff pertaining to possible purchase. (NOTE: Schwartz, Kowaluk, Taub, and Nagy left the room). (2) A brief update was provided regarding the dispute with Greenhorne & O'Mara; no action was taken. (3) Council was briefed on current status of negotiations, and discussed possible actions. Staff was given direction regarding next steps. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3), (8) and (9)).

Introduced by: Councilmember Porter

1st Reading: 9/08/97

2nd Reading:

ORDINANCE #1997-42

**SPEED HUMP PETITION
JACKSON AVENUE**

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:

Jackson Avenue (between Minter and Garland), exact number and location of speed humps shall be at the discretion of the City Administrator; AND

SECTION 2. THAT this Ordinance becomes effective upon adoption.

ADOPTED this ____ day of September, 1997.

AYE:

NAY:

ABSTAIN:

ABSENT:

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

1st Reading: 9/08/97
2nd Reading:

ORDINANCE #1997-43

**WITHDRAWAL OF PERMIT PARKING AREA FOR THE 8000 TO 8005 BLOCK
(INCLUSIVE) OF MAPLE AVENUE, WEST AND EAST SIDE**

WHEREAS, on March 8, 1993, the City Council adopted Ordinance #1993-7 establishing Permit Parking Area #4 which encompassed the residential sections lying to the east of Sligo Creek Parkway (i.e., 600 and 700 blocks of Maplewood Avenue, from Sligo Creek Parkway to Flower Avenue; and 8000-8005 block (inclusive) of Maple Avenue, west and east side); **AND**

WHEREAS, the establishment of Permit Parking Area #4 was in response to a residents petition which cited the existing use of accessible parking spaces by nonresident commuters and staff and visitors of the Washington Adventist Hospital and Columbia Union College, and the traffic impact created by parking on both sides of the street on Maplewood; **AND**

WHEREAS, pursuant to the provisions set forth in Sec. 13-63.1 of the City Code, residents of the 8000-8005 block (inclusive) of Maple Avenue have petitioned the Council requesting that the permit parking area designation be withdrawn from their section of Permit Parking Area #4; **AND**

WHEREAS, the petition, which was verified by the Office of the City Clerk as bearing 100% of the required signatures from eligible households, indicated the view of these residents that Permit Parking Area #4 was initiated during a construction project at Washington Adventist Hospital, and that the residents of this section of Area #4 feel that the parking restriction is not longer need on their block.

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

SECTION 1. the permit parking area designation (section of Permit Parking Area #4) be withdrawn from the 8000-8005 block (inclusive) of Maple Avenue, east and west side; **AND**

SECTION 2. Permit Parking Area #4 will remain in full effect as provided in Ordinance #1993-7 for the 600-700 blocks of Maplewood Avenue, from Sligo Creek Parkway to Flower Avenue; **AND**

SECTION 3. the City Administrator is hereby directed to implement the directives of this Ordinance at the earliest possible date; **AND**

SECTION 4. This Ordinance shall become effective upon adoption.

ADOPTED this _____ day of _____, 1997.

AYE:

NAY:

ABSTAIN:

ABSENT:

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

1st Reading: 9/08/97
2nd Reading:
Effective:

ORDINANCE #1997 - 44

1997 TAKOMA PARK CITY ELECTION

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

SECTION 1. THAT the City Clerk shall call a Nominating Caucus of the citizens for the nomination of candidates for Mayor and Councilmembers on Tuesday, September 30, 1997, at 8:00 p.m., in the Council Chambers at the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland; the said Nominating Caucus shall be conducted as follows:

- a. on September 15, 1997, the City Clerk shall select by random drawing, ward numbers one through six to determine the order in which Ward nominations are received; and
- b. nominations for Mayor shall immediately precede all six ward nominations;
AND

SECTION 2. THAT a City Election shall be held at the Municipal Building on Tuesday, November 4, 1997, between the hours of 7:00 a.m. and 8:00 p.m. for the purpose of electing a Mayor and six Councilmembers, as follows:

- a. The Mayor shall be elected at large, and one Councilmember from each ward shall be elected by the voters of that ward only; and
- b. The election shall be conducted by voting machines; and
- c. Absentee voting shall be available as set forth in Chapter 4D (Elections), Article 5 (Absentee Voting) of the Takoma Park Code; AND

SECTION 3. THAT the City Clerk shall arrange with the Supervisors of Elections of Prince George's County for the use of voting machines at the said election:

- a. no fewer than two machines for use by voters of each of the six wards; a minimum of twelve machines; and
- b. machine(s) for use in the event of malfunction.

The City Clerk shall place the names of the candidates nominated for Councilmember at the Citizens' Meeting on separate ward voting machines, with each machine displaying the names of candidates for one ward only, and shall place the names of persons nominated for the office of Mayor on all voting machines; all of the names of candidates nominated at the Citizen's Meeting shall be so placed, except any who

within three days thereafter may have filed in writing with the City Clerk a declination of candidacy; AND

SECTION 4. THAT if any person registers as a write-in candidate for Mayor or Councilmember in accordance with Section 704.1 of the City Charter, then the City Clerk shall arrange to have her/his name posted in the appropriate voting booth(s) for the purpose of identifying her/him as a candidate for office; AND

SECTION 5. THAT the City Clerk shall arrange for a space on the voting machines for write-in votes; AND

SECTION 6. THAT notice of the Citizens' Meeting/Nominating Caucus and the City Election shall be inserted at least once in the Montgomery County Journal during the two weeks prior to September 30, 1997. In addition, the Clerk shall have inserted in the Montgomery County Journal, during the week preceding the election, a facsimile of the arrangements of the candidates' names and wards which will appear on the voting machines; AND

SECTION 7. THAT voter authority cards and lists shall be prepared for each ward separately, bearing the names, addresses, and election wards of all eligible voters as certified by the Board of Supervisors of Election for Montgomery County, and supplied to the Judges of Election on election day. The voter registration information for all eligible non-U.S. Citizens (names, addresses, and election wards) who have registered with the City Clerk's office to vote in Takoma Park municipal elections will be incorporated with the respective County/ward lists, and a voter authority card will be prepared for each eligible non-U.S. Citizen voter and interfiled with the respective County voter authority cards, and supplied to the Judges of Election on election day; AND

SECTION 8. THAT the City Clerk shall recommend to the City Council the names of persons for designation by the Council as Judges of Election on election day; AND

SECTION 9. THAT the Judges of Election shall meet in the Municipal building as a Board of Election at 7:00 p.m., Wednesday, November 5, 1997, and shall determine and certify the results of the election, as provided in the City Charter; AND

SECTION 10. THAT the City Council shall meet in Special Session at 7:30 p.m., Wednesday, November 5, 1997, to receive the certification of election from the Judges; AND

SECTION 11. THAT this Ordinance becomes effective upon adoption.

Adopted this ____ day of September, 1997, by roll call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

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Introduced by: Councilmember Rubin

RESOLUTION #1997-50

EFFECTING APPOINTMENT TO THE
TAKOMA PARK FREE BURMA COMMITTEE

WHEREAS, in 1996, the City Council established the Takoma Park Free Burma Committee (Ordinance #1996-33) to oversee implementation of and adherence to the Takoma Park Free Burma Act (City Code, Chapter 3A. Burma, Restricted Relations With); AND

WHEREAS, the Code describes the committee as being comprised of seven members, and recommends that at least one member should be of Burmese origin; AND

WHEREAS, persons appointed to the committee shall serve two-year terms, except that three of the initial appointees shall serve one-year terms; AND

WHEREAS, currently, there are two vacancies on the committee; AND

WHEREAS, the Council interviewed a resident who has expressed interest in appointment to the committee.

NOW, THEREFORE, BE IT RESOLVED THAT the following person is hereby appointed to serve on the Takoma Park Free Burma Committee:

NAME	ADDRESS	TERM EXPIRES
Barbara Christophe	206 Philadelphia Avenue	3/31/98

BE IT FURTHER RESOLVED THAT appointments to this Committee shall be effective immediately.

ADOPTED this 8th day of September, 1997.

ATTEST:


Catherine E. W. Sartoph, City Clerk, CMC

**INTERVIEWS, PRESENTATIONS, SPECIAL SESSION AND WORKSESSION
OF THE CITY COUNCIL**

Monday, September 15, 1997

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Assistant City Administrator Hobbs
Councilmember Davenport	City Clerk Sartoph
Councilmember Elrich	Forester Busciano
Councilmember Porter	Gardener Welsh
Councilmember Rubin	Senior Planner Schwartz
Councilmember Williams	Community Development Coordinator Sickle

The City Council convened at 7:36 p.m. in the upstairs meeting room of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

COUNCIL COMMENTS

Mayor Sharp noted that Councilmember Davenport will be arriving at approximately 8:30 p.m., and that Councilmember Elrich is visiting with his father this evening and may be arriving late.

INTERVIEWS

1. Nuclear-Free Takoma Park Committee -- Hans Furth and Carl Smith.

The Council interviewed Hans Furth and Carl Smith who have expressed interest in appointment to the Nuclear-Free Takoma Park Committee.

PRESENTATIONS

2. Enhanced Pension Benefit by State Retirement Agency (Presentation by Howard Plienes of the State Retirement Agency).

Mr. Plienes commented on history of benefits plan, and the process of exploring and recommending amendments to the plan. He noted that the employees plan ranked 49th in the nation, while the teachers plan ranked last in the nation. It is realized that there is a problem with

the plan. He described the steps in the process to get corrective legislation before the Maryland General Assembly.

Mr. Plienes explained that the benefit multiplier is the percent an employee gets of the average salary of his three highest paid years of employment. Maryland has the lowest benefit multiplier (1.07%) for non-contributory plans. He remarked about the components of total active membership and salary levels of active members of the pension system. Teachers make up about half of the persons taking part in the pension system. About 20,000 municipal employees account for one of the remaining thirds of the whole. Mr. Plienes commented on the alternate plan designs--(1) freeze social security integration level, (2) Direct Contribution add-on to existing benefit, (3) 1.5% benefit multiplier, and (4) 1.67% benefit multiplier.

Mr. Plienes responded to several specific questions about the pension system. He explained the impact of the integration level on retirement benefits, and remarked about how increased salaries are reflected in contribution rates.

He concluded that the new proposal would provide for increased benefits, but the employee would be required to contribute.

Councilmember Rubin asked whether anything in the proposal would put a limit on the ability to conduct collective bargaining.

Mr. Plienes stated that at one time, there was a proposal that this whole process be done through collective bargaining, but the proposal is not longer an option.

Mr. Plienes commented on the evaluation criteria--(1) does the proposal provide adequate benefits, (2) sharing of costs for improvements, (3) is the proposal affordable, and (4) are financing sources prudent. He remarked about the proposed benefit improvements for active pension system members, and noted which components of the proposal have strong backing by the General Assembly (e.g., mandatory 3% employee contribution on all wages). There is an on-going argument about how to handle the transfer of members from the old systems to the new system. Mr. Plienes elaborated, and went on to remark that the implied off-set of social security would be gone. He described a comparison of current and proposed pension system benefits, and explained a pension system reform analysis. It is estimated that the rate for municipalities will go up by approximately 1.01% (approx. \$42,420 for the City, based on past year figures). Mr. Plienes listed some outstanding issues: (1) transfer refund offset, (2) municipal participation, and (3) affect on bond rating. He said that as of today, most municipalities have taken a "wait and see" attitude on participation in the enhanced plan. It will be a greater cost to the municipalities. The increase in the rate would be in addition to the regular contribution level required of the City, and this would be required in addition to the annual payment to resolve the current balance in arrears.

Mr. Plienes stated some benefits derived from improvements--(1) adequate financial security for members during retirement years, (2) increased employee satisfaction, (3) ability to attract quality

teachers and employees, (4) ability to retain quality teachers and employees, (5) decrease in the number of participating employers withdrawing from the system, (6) less costly alternative than ignoring the problem, and (7) requiring employee contributions make members more aware of the benefits the State is providing and plan for retirement earlier rather than later in their career.

Mr. Plienes said that he does not believe that the unfunded liabilities are being paid for by the employer, but that he will get information on this point and provide it to Assistant City Administrator Hobbs.

City Administrator Habada commented on the surplus "pool", and asked whether it would be used to resolve any of the unfunded municipal liabilities.

Mr. Plienes stated that the current recommendation for municipalities is that it would be an "all in" or "all out" option.

3. City Plantings (Presentation by Public Works, Parks Division Team). Mark Busciano remarked about four major projects for 1997--(1) Municipal Building landscaping, (2) Spring Park hillside restoration, (3) B.Y. Morrison Park restoration, and (4) Jequie Park Slope, Phase I of plantings.

City Gardener Welsh briefly described the plantings and gardening work scheduled for fall 1997 and spring 1998.

Councilmember Porter clarified which trees are being referred to along Takoma Avenue.

Councilmember Williams asked whether more soaker hoses will be installed around the City buildings.

Mr. Busciano responded in the negative, explaining why the hoses are only a temporary measure. He stated that a sprinkler system will be installed to replace the hoses currently being used around the Municipal Building.

Mr. Williams questioned whether there are sub-meters on the building, to cut utility sanitary sewer costs.

Mr. Busciano commented that a contractor has been contacted about having one installed.

Mr. Rubin asked where the plaque for the Moscowitz Memorial Playground will be placed.

Mr. Welsh stated that it will be located in the front flower bed of the playground.

Mr. Rubin questioned when work on the City's grounds will be completed.

Mr. Busciano responded that there remains very little work to be done around the Municipal Building, but that there is quite a bit to be done around the Library.

Mr. Welsh said that April 1998 is the target for completion of this work, observing variables which have an impact on the timing (i.e., climate and maturity of plants).

Mr. Welsh invited citizens to get involved in the planning of the City's gardens.

Mr. Williams said that all of the citizen comments he has heard, in concert with his own observations, indicate that residents are very happy with all of the work that is going on around the City.

Mr. Busciano thanked the Council for approving the contract for maintenance of the Upper and Lower Portal areas. Consequently, staff has been able to focus on other areas.

SPECIAL SESSION (Called to order at 8:47 p.m.)

4. 1st Reading Ordinance re: Park Avenue Street Work. Mr. Rubin asked for a description of the work to be done.

Ms. Habada commented on plans for curb and gutter construction.

Moved by Rubin; seconded by Davenport.

Councilmember Davenport questioned the significant variance in the bids, and asked what will happen to any extra project funds.

Ms. Habada stated that she cannot explain the discrepancy between the K&R Construction bid and others, and said that the difference between the available \$31,500 CDBG funds and the \$28,780 project estimate will be used for other work (e.g., curb and gutter) in the same area.

Mr. Williams confirmed that there has been coordination with the utility companies. He remarked that he has always wanted to spend more money on streets, and noted the difficulties experienced with the utility company on the heels of the City completing work on Lincoln Avenue.

Ordinance #1997-45 was accepted unanimously at first reading, awarding a contract to NZI Construction for Park Avenue improvements project in the amount of \$28,780, to be charged to Montgomery County Account No. 0010 6855 (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**ORDINANCE #1997-45
(Attached)**

5. ITEM TABLED ON 7/28/97; Motion needed to place item on the agenda for Council's consideration.) 1st Reading Ordinance re: Requirements for Right-of-Way Improvements.

Moved by Porter; seconded by Elrich. There were no objections to removing the item from the table for consideration.

Mr. Rubin explained that he originally requested that the item be tabled so that staff would have the opportunity to respond to Council's request for additional information. That information has since, been provided.

Ms. Porter explained the intent of the ordinance. It gives flexibility to vary the width of a street, the types of materials used for construction, and also gives protections against things moving too quickly by prescribing a public notification process. She read the requirements regarding public notice, and concluded that the ordinance has a good combination of flexibility in the requirements and public notification provisions.

Moved by Porter; seconded by Rubin.

Councilmember Elrich supported the ordinance, stating that there are instances where a full road may not be the most desirable option.

Senior Planner Schwartz referred to her memorandum and the suggestion regarding additional language for the ordinance which would allow flexibility for construction of a residential driveway on a public right-of-way, provided that the property owner sign an agreement that he and his successors will maintain the driveway. She said that she has discussed this with Corporation Counsel, but that she does not have exact language available this evening.

Ordinance #1997-46 was accepted unanimously at first reading, amending Chapter 11, Streets, Article 2, Construction Requirements, of the Takoma Park Code, to include additional waiver provisions for road improvement standards (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**ORDINANCE #1997-46
(Attached)**

6. 2nd Reading Ordinance re: Nominating Caucus and City Election. Moved by Davenport; seconded by Williams.

Ordinance #1997-44 adopted unanimously at second reading, setting forth the general provisions for the 1997 Nominating Caucus (September 30) and City Election (November 4) (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**ORDINANCE #1997-44
(Attached)**

WORKSESSION / ADJOURNMENT

The Council moved into Worksession at 9:00 p.m. Following the Worksession, the Council adjourned for the evening at 11:03 p.m.

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

1st Reading: 9/08/97
2nd Reading: 9/15/97
Effective: 9/15/97

ORDINANCE #1997 - 44

1997 TAKOMA PARK CITY ELECTION

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

SECTION 1. THAT the City Clerk shall call a Nominating Caucus of the citizens for the nomination of candidates for Mayor and Councilmembers on Tuesday, September 30, 1997, at 8:00 p.m., in the Council Chambers at the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland; the said Nominating Caucus shall be conducted as follows:

- a. on September 15, 1997, the City Clerk shall select by random drawing, ward numbers one through six to determine the order in which Ward nominations are received; and
- b. nominations for Mayor shall immediately precede all six ward nominations;
AND

SECTION 2. THAT a City Election shall be held at the Municipal Building on Tuesday, November 4, 1997, between the hours of 7:00 a.m. and 8:00 p.m. for the purpose of electing a Mayor and six Councilmembers, as follows:

- a. The Mayor shall be elected at large, and one Councilmember from each ward shall be elected by the voters of that ward only; and
- b. The election shall be conducted by voting machines; and
- c. Absentee voting shall be available as set forth in Chapter 4D (Elections), Article 5 (Absentee Voting) of the Takoma Park Code; AND

SECTION 3. THAT the City Clerk shall arrange with the Supervisors of Elections of Prince George's County for the use of voting machines at the said election:

- a. no fewer than two machines for use by voters of each of the six wards; a minimum of twelve machines; and
- b. machine(s) for use in the event of malfunction.

The City Clerk shall place the names of the candidates nominated for Councilmember at the Citizens' Meeting on separate ward voting machines, with each machine displaying the names of candidates for one ward only, and shall place the names of persons nominated for the office of Mayor on all voting machines; all of the names of candidates nominated at the Citizen's Meeting shall be so placed, except any who

within three days thereafter may have filed in writing with the City Clerk a declination of candidacy; AND

SECTION 4. THAT if any person registers as a write-in candidate for Mayor or Councilmember in accordance with Section 704.1 of the City Charter, then the City Clerk shall arrange to have her/his name posted in the appropriate voting booth(s) for the purpose of identifying her/him as a candidate for office; AND

SECTION 5. THAT the City Clerk shall arrange for a space on the voting machines for write-in votes; AND

SECTION 6. THAT notice of the Citizens' Meeting/Nominating Caucus and the City Election shall be inserted at least once in the Montgomery County Journal during the two weeks prior to September 30, 1997. In addition, the Clerk shall have inserted in the Montgomery County Journal, during the week preceding the election, a facsimile of the arrangements of the candidates' names and wards which will appear on the voting machines; AND

SECTION 7. THAT voter authority cards and lists shall be prepared for each ward separately, bearing the names, addresses, and election wards of all eligible voters as certified by the Board of Supervisors of Election for Montgomery County, and supplied to the Judges of Election on election day. The voter registration information for all eligible non-U.S. Citizens (names, addresses, and election wards) who have registered with the City Clerk's office to vote in Takoma Park municipal elections will be incorporated with the respective County/ward lists, and a voter authority card will be prepared for each eligible non-U.S. Citizen voter and interfiled with the respective County voter authority cards, and supplied to the Judges of Election on election day; AND

SECTION 8. THAT the City Clerk shall recommend to the City Council the names of persons for designation by the Council as Judges of Election on election day; AND

SECTION 9. THAT the Judges of Election shall meet in the Municipal building as a Board of Election at 7:00 p.m., Wednesday, November 5, 1997, and shall determine and certify the results of the election, as provided in the City Charter; AND

SECTION 10. THAT the City Council shall meet in Special Session at 7:30 p.m., Wednesday, November 5, 1997, to receive the certification of election from the Judges; AND

SECTION 11. THAT this Ordinance becomes effective upon adoption.

Adopted this 15 day of September, 1997, by roll call vote as follows:

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

NAY: None

ABSTAIN: None

ABSENT: None

\\election.97\election.ord

Introduced by: Councilmember Rubin

ORDINANCE NO. 1997-45

PARK AVENUE IMPROVEMENTS PROJECT

WHEREAS, Montgomery County has allocated \$38,000.00 in Program Year 18 funds reprogrammed from the Housing Rehabilitation Program Program Year 18 to the City through the Community Development Block Grant Program for street improvements for the Two Hundred Block of Park Avenue; AND

WHEREAS, in accordance with City Procurement procedures a Request for bids was advertised in the Washington Post, Dodge Report, and Blue Reports; AND

WHEREAS, five bids were received and publicly opened at 3:00 pm, September 10, 1997; AND

WHEREAS, the apparent low bidder, NZI Construction, is considered to be responsive and responsible; AND

WHEREAS, based on the unit costs of the low bidder, the allocated funds are sufficient to accomplish the authorized work on the street improvements.

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

SECTION 1. THAT the bid received from NZI Construction in the amount of TWENTY EIGHT THOUSAND SEVEN HUNDRED SEVENTY EIGHTY DOLLARS AND ZERO CENTS (\$28,780.00) be accepted; AND

SECTION 2. THAT funds to cover this work in the amount of TWENTY EIGHT THOUSAND SEVEN HUNDRED EIGHTY DOLLARS AND ZERO CENTS (\$28,780.00) be charged as follows:

MONTGOMERY COUNTY ACCOUNT NO. 0010 6855 (\$28,780.00)

ADOPTED THIS th DAY OF SEPTEMBER, 1997

AYES:

NAYS:

ABSTAIN:

ABSENT:

Introduced By: Councilmember Porter

First Reading: 9/15/97

Second Reading:

Effective Date:

ORDINANCE NO. 1997-46

(Amending Chapter 11, Streets, Article 2, Construction Requirements, of the *Takoma Park Code* to include additional waiver provisions for road improvement standards.)

WHEREAS, the street construction requirements in the *Takoma Park Code* currently include a waiver provision of the minimum width requirement, but do not include waiver provisions for curb and gutter or minimum paving or surfacing requirements; and

WHEREAS, the Council finds that compelling reasons may exist for allowing exceptions to varying the curb and gutter or minimum paving or surfacing requirements, such as environmental constraints, tree preservation, lack of need for a full street due to small number of lots served, or other unusual or unique conditions affecting the site; and

WHEREAS, the Council therefore wishes to adopt waiver provisions for curb and gutter and minimum paving or surfacing requirements.

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

SECTION 1. Chapter 11, Streets, Article 2, Construction Requirements, of the *Takoma Park Code*, is amended as follows:

CHAPTER 11. STREETS.

ARTICLE 2. CONSTRUCTION REQUIREMENTS.

Sec. 11-7. Replacement of street excavations; approval.

No person shall leave any excavation in any public street, avenue or other public place without first having received the approval of the ~~Director of Public Works~~, City Administrator or his representative, his/her designee indicating that the repairs or replacement of the excavation has been performed in accordance with the minimum specifications and standards as set forth in this Code. A violation of this section is a Class B offense.

Sec. 11-8. Cost of public work charged to developer.

The entire cost, or any part thereof as may be determined by the Council of any public work required to be performed under this Article, shall be performed at the cost of the subdivider, developer or other individual responsible for the work (the "applicant"). The applicant may also be required to provide a survey, engineered drawings, and other plans and supporting documents.

Sec. 11-9. Street grades.

All streets or roads shall be graded in accordance with the approved profile and to the full width of the right-of-way or as specified by the City Administrator or his/her designee. A violation of this section is a Class B offense.

Sec. 11-10. Curbs and gutters required.

Curb and gutter shall be constructed on each side of the street surface in accordance with plans and specifications approved by unless a waiver is granted by the City Council in accordance with the Director provisions outlined in Section 11-14. Construction shall be done in accordance with plans and specifications approved by the City Administrator or his/her designee. A violation of this section is a Class B offense.

Sec. 11-11. Street drains required.

The permittee applicant shall install all necessary storm drainage pipes, culverts, valley gutters or catch basins requisite to provide adequate storm drainage along or across all streets or roads where natural drainage is affected or where, due to the proposed road, street or highway construction, the absence of the drainage structures would result in the obstruction of a natural drain. All storm drainage structures shall be constructed in accordance with plans and specifications approved by the Director City Administrator or his/her designee. A violation of this section is a Class B offense.

Sec. 11-12. Dimensions of streets and types of material.

(a) Paving or surfacing of roads, streets and highways shall have a minimum width of twenty-six (26) feet between inside faces of curbs, unless this minimum width is waived by the City Council in accordance with the provisions outlined in Section 11-14, and shall conform to the approved cross section and specifications shown on a drawing issued by the Director and shall conform as a minimum to any of the following types: City Administrator or his/her designee. The paving or surfacing shall conform as a minimum to any of the following types unless a waiver is granted by the City Council in accordance with the provisions outlined in Section 11-14.

(1) *Asphaltic concrete base:* Asphaltic plant mix wearing surface. This pavement shall consist of an asphaltic concrete base course having a minimum finished, compacted thickness of four (4) inches and a wearing surface of two (2) inches compacted thickness of an approved asphaltic plant mix, all of the materials to conform to and the pavement to be constructed in accordance with specifications of the Director City Administrator or his/her designee.

(2) *Asphalt penetration macadam:* This pavement shall consist of crushed stone penetrated with a bituminous binder, and having a minimum finished, compacted thickness of six (6) inches, constructed in two (2) courses, in accordance with the specifications of the Director City Administrator or his/her designee.

(3) *Gravel base:* Asphaltic plant mix wearing surface. This pavement shall consist of approved bank gravel having a minimum finished, compacted thickness of eight (8) inches and a wearing surface of two (2) inches finished, compacted thickness of an approved asphaltic plant mix, all of the materials to conform to and the pavement to be constructed in accordance with specifications of the Director City Administrator or his/her designee.

(b) A violation of this section is a Class B offense.

Sec. 11-13. Acceptance of street by city; requirements.

Any highway, road, street or alley in the city shall be accepted for maintenance by the city upon action of the Council after certification in writing by the Director City Administrator or his/her designee that:

(a) The highway, road, street or alley has been completed and constructed in accordance with the plan approved by him or her; and

(b) That there has been full compliance with all of the rules and regulations set forth in this Code.

Sec. 11-14. Exceptions to requirements of Article.

(a) None of the rules and regulations contained in this Article shall apply to any private road ~~serving a bona fide agricultural use~~ or to any portion of a private automobile driveway located wholly on private property and outside of a public right-of-way.

(b) The City Council may, at its discretion, grant a waiver to the curb and gutter requirements in Section 11-10, and/or the minimum width, paving, provision or surfacing requirements in Section 11.12. In order for the Council to do so, the following requirements shall be met:

(1) The applicant shall submit a road improvement plan and a statement of justification for the need to vary from the minimum width standard to the Director of Public Works, with six copies to the Chief of Police of a road improvement plan, survey, and the Fire Chief a statement of justification for the need to vary from the minimum road improvement standards to the City Administrator or his/her designee. The applicant shall also pay a fee of fifty dollars (\$50.) to the Treasurer. The applicant's statement of justification shall show the following:

(A) That compelling reasons exist for varying the minimum width standard standards. These reasons may include environmental constraints, tree preservation, lack of need for a full twenty-six foot street due to small number of lots served, or other unusual or unique conditions affecting the site.

(B) That the degree of variation from the standard standards is the minimum necessary.

(C) That the minimum width standard standards may be waived without endangering public health, safety and welfare, and that the proposed roadway can accommodate necessary emergency vehicles.

(D) That the use of an alternate road improvement standard (such as an alley standard) has been considered and proposed, if appropriate.

(2) The City must hold a hearing within ninety (90) days of receiving a completed request for a waiver of the minimum road improvement standards. The City must give notice of the hearing to the public at least fourteen (14) days in advance by:

(A) Sending a written notice to every person who owns or lives on property that shares a common boundary with the right-of-way in question or is located between the right-of-way and the nearest intersecting streets.

(B) Publishing a notice in the city newspaper of record.

(C) Posting a notice at the right-of-way.

(3) If the Council determines that an emergency exists, they may hold a hearing without giving notice fourteen (14) days in advance. However, they must give as much notice as practical and they must leave the record of the hearing open for written submissions until a decision is made.

(4) If a person fails to receive notice of the hearing under this section, the city's action is still valid unless there are other defects in the proceeding.

(S) After holding a public hearing for which advance written notice is provided to every person who has a financial interest in property or lives on property within two hundred (200) feet of the road, the City Council must make the following findings in order to approve the applicant's road improvement plan, and before the applicant may receive a construction permit under Article 3, Permits and Improvements, of this Chapter:

(A) That a waiver of the minimum width provision standards is justified.

(B) That the minimum width standard standards may be waived without endangering public health, safety and welfare, and that the proposed roadway can accommodate necessary emergency vehicles.

(C) That the degree of variation from the standard standards is the minimum necessary, and that the use of an alternate road improvement standard (such as an alley standard) has been considered.

SECTION 2. This Ordinance shall be effective immediately.

Adopted this ____ day of _____, 1997 by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstain:

EXPLANATION:

1. Additions to the current language of the *Takoma Park Code* are shown by shading.
2. Deletions to the current language of the *Takoma Park Code* are shown by strikeouts.



Bovis Construction Corp.
 c/o Takoma Park Middle School
 7611 Piney Branch Road
 Takoma Park, MD 20910

Phone 301, 563, 6542
 Fax 301, 563, 6543
<http://www.bovis.com>

March 22, 1999

Mr. Ray Marhamati
 Montgomery County Public Schools
 Division of Construction
 850 Hungerford Drive
 Rockville, Maryland 20850

- Albany
- Atlanta
- Boston
- Buffalo
- Charlotte
- Chicago
- Columbia
- Columbus
- Dallas
- Denver
- Indianapolis
- Ithaca
- Los Angeles
- Miami
- Nashville
- New York
- Omaha
- Orlando
- Philadelphia
- Princeton
- Raleigh
- Richmond
- San Francisco
- Seattle
- Washington, DC

RE: Takoma Park Middle School
 Project No. 46,0437.00
 PC #163 - Proposal Request #33

Dear Ray,

We hereby submit for your review and approval a price of TWENTY TWO THOUSAND FOUR HUNDRED NINETY NINE (\$22,499) DOLLARS for the following scope of work :

Provide underground water piping and electrical conduit for future irrigation system

This proposal is based on the following qualifications :

1. This change was originated by and in accordance with Grimm & Parker Proposal Request No. 33.
2. The scope of work for this proposal is included per the attached work sheet along with trade contractors proposals & qualifications only.
3. This proposal excludes permit fees. The requirement for permits must be verified with WSSC.
4. This proposal includes installation of water piping capped underground for future irrigation system only. No device / fixture is included in this proposal for use of water at the fields. Additional work must be done including installation of a backflow preventor, meter and hydrant or irrigation system to energize water to this location. Additional permit fees will also be required.
5. Design fees of \$1500 included with this proposal have been accrued and are due to Grimm & Parker.
6. Construction Management fee only is included in this proposal. Bovis reserves the right to add General Conditions if this proposal is not accepted by April 12, 1999.
7. This work will proceed immediately upon approval of proposal and is estimated to have a three to four week construction duration.



We await approval prior to proceeding with this change.

If this proposal meets with your approval, please sign and return a copy for our records.

Sincerely,
BOVIS CONSTRUCTION CORP.



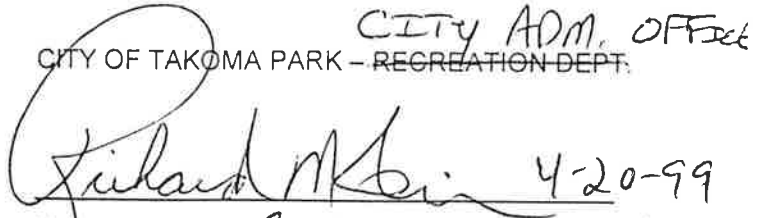
Richard Philipovich
Project Manager

Approvals :

MONTGOMERY COUNTY PUBLIC SCHOOLS

Ray Marhamati

CITY ADM. OFFICE
CITY OF TAKOMA PARK - RECREATION DEPT.


~~Matthew Corley~~ RICHARD M. FINN
CITY ADMINISTRATOR
4-20-99

GRIMM & PARKER ARCHITECTS

Scott Eschbach

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

Monday, September 22, 1997

PROPERTY OF
TAKOMA PARK MD. LIBRARY

OFFICIALS PRESENT:

Mayor Sharp

Councilmember Elrich

Councilmember Porter

Councilmember Rubin

Councilmember Williams

Assistant City Administrator Hobbs

City Clerk Sartoph

Public Works Team Leader Braithwaite

Senior Planner Schwartz

Community Development Coordinator Sickle

OFFICIALS ABSENT:

Councilmember Chavez

Councilmember Davenport

The City Council convened at 7:41 p.m. on Monday, September 22, 1997, in the Council Chambers of the Municipal Building, Takoma Park, Maryland.

Following the Pledge of Allegiance, these remarks were made:

COUNCIL COMMENTS

Mayor Sharp noted that Councilmember Chavez is attending a meeting, and is expected to arrive later in the evening.

Councilmember Williams commented that he has recently attended the ICLEI Conference in Atlanta, Georgia with other representatives from the City (i.e., Community Planner Venita George, Public Works Team Leader Daryl Braithwaite, City resident Albert Nunez). He noted this year's focus, and remarked about some of the presentations. Mr. Williams announced that he also attended a conference on "Kids & Crime" last Thursday which was sponsored by Metropolitan Washington Council of Governments (COG), Human Services and Public Safety Policy Committee. The keynote speaker was the Lieutenant Governor Townsend. There were nine persons attending on behalf of the City. He concluded that it was an interesting and helpful conference.

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), complimented the Recreation Department on the performance of the Dance Academy, and encouraged future activities of this kind for the benefit of the community's youth. He supported the candidacy of Lisa Hawkins for Councilmember Ward 4, saying that he is looking forward to the new Council addressing public safety and youth issues.

(Councilmember Porter arrived at 7:45 p.m.)

Gary Lovett, 38 Philadelphia Avenue, produced a copy of the Montgomery County Code section regarding the size of address numbers on buildings, and said that the City's Code Enforcement Division needs to adhere to the county's standards. He recalled the history of the 1988 law--commercial buildings (6" numbers), residential buildings (5" arabic numbers). The Fire Department is working to remedy this issue. He stated that he presented a copy of this Code section to Councilmember Rubin some time ago, but observed that no action has been taken by the City Council, to date. He requested that the Mayor and Council take the appropriate measures to ensure that the City is in compliance with the County Fire Code. Mr. Lovett noted that Code Enforcement Supervisor Castillo stated that the City uses the BOCA Code (3 ½" numbers) and is not required to meet the requirements of the County Code.

Mr. Sharp requested that Assistant City Administrator Hobbs report back to the Council on this issue. He said that he believes the City can adopt standards other than those in the BOCA Code.

Councilmember Rubin commented that he did take action to correct the size of the numbers on his residence after speaking with Mr. Lovett. He said that he met with City Administrator Habada and also discussed the issue with others. He stated that he is in support of the larger numbers, but observed that there is an issue of "practicality" in terms of requiring all residents to convert to the larger numbers.

Mr. Lovett said that the City has been in violation of this law for 10 years. He urged the Council to take the necessary action to effect a change in the City's law, as necessary, to require residents to comply with the Montgomery County Law.

(Councilmember Elrich arrived at 7:55 p.m.)

ADOPTION OF MINUTES

Moved by Williams; seconded by Elrich. The Council Meeting Minutes from 9/08/97 were adopted unanimously (VOTING FOR: Sharp, Elrich, Porter, Rubin, Williams; ABSENT: Chavez, Davenport).

INTERVIEWS

1. **Ethics Commission.** The Council interviewed Glenn Baly and Jim Douglas who have applied for re-appointment to the commission. Mr. Douglas briefed the Council on the recent meeting of the commission.
2. **Tree Commission.** The Council interviewed Michael Guercin who has expressed interest in reappointment to the commission.

PUBLIC HEARING

3. **Takoma Park Fire Station Renovation Proposal.** Public Works Team Leader Braithwaite clarified that this public hearing is a follow-up to the July presentation of the Quinn-Evans Renovation Report. The proposal responded to questions about whether the new station could be rebuilt on its current site, and what the project would cost. The point tonight was to have a public hearing on the proposal and later consider a resolution. The County is interested in a formal statement by the City Council regarding the proposal. She noted that the Fire and Rescue Commission voted to propose maintaining all three stations.

Mr. Rubin confirmed his understanding that the Fire and Rescue Commission resolution said that the Takoma Park Station should be rebuilt its the current site.

Councilmember Porter asked what is the time frame for the renovation project.

Ms. Braithwaite responded that it is somewhat up-in-the-air. She remarked about the Montgomery County CIP process, concluding that it would be at least several years before anything would be done.

Mr. Rubin said that it would be at least three years before the county would get to the point of making the plan to shovel the first shovel of dirt.

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

Gary Lovett, 38 Philadelphia Avenue, stated that he is a career fire fighter. When he was affiliated with TPVFD, the information that would trickle down to the volunteers regarding fire station renovation was haphazard. He said that he heard a rumor about a proposal to put the station at the site of the current Library, and that he is happy to hear that the proposal is to rebuild on the current site of the TPVFD. He remarked about issues of historic renovation, and commented on the poor repair of the Municipal Gym. Mr. Lovett proposed that the current station be demolished, and that a new station be built on the same site. He envisioned the area behind the current station as a bunk room for the Captain, and general bunk areas for men and women, separately. A very light weight second floor could be built for meeting rooms, keeping a

beautiful facade. He suggested that underground parking be considered. He said that he feels it is mandatory that the station remain on its current site, remarking about the “hilly” landscape of the City and the strategic placement of the station at its current location.

Mr. Rubin requested that a copy of the Quinn Evans proposal be provided to Mr. Lovett.

Lorraine Pearsall, Vice-President Historic Takoma, thanked the City for moving forward with the Quinn Evans proposal. The existing site is the most reasonable, and should be looked at as a historic site. She stated support for Scheme B, and said that Historic Takoma would like to see as much preserved (i.e. stone front and the fire place) as possible, in the renovation. She commented that a community room would be in keeping with the original building, and asked that the Council consider some space in the station for the City’s archives.

Kent Abraham, Carroll Avenue, Board Member on the Takoma Community Development Corporation, commended the Council on the extraordinary act for funding this study. The process, in cooperation with Montgomery County, has been remarkably successful. There was an opportunity to take a very measured look at the current facility, and the result was a carefully crafted proposal. The actions in pursuing this study has put the City on the front burner for future development. The cost of the project has been established, and the feasibility has been proven. He urged the Council to adopt the plan.

Anna Wynn, 6407 Fourth Avenue, remarked about rational Master Planning and this process. She said that she does not think that this is the best Master Plan. There are better plans that have been presented to the Council, but that they have been censored and not made available to the public. She said that she gave the Council a plan, a year ago, and was immediately called by the City Administrator who asked to whom the study had been given and requested that the report not be further disseminated. She said that there is a great prejudice to remove the current, historic structure, and replace it with a larger structure. She expressed great concern about losing ambience in the community by having such a large building so close to the road. She questioned the “real costs”--losing a fire station for a couple of years and getting what is not the best station possible. Ms. Wynn requested some cost figures--i.e., cost of acquiring the two adjacent residential lots, the cost of moving the fire station for a couple of years, and the cost of not having a station in the City during the renovation period. She asked whether these costs have been ascertained. Ms. Wynn asked for clarification about the next steps in the process.

Mr. Sharp clarified that the Council is considering a feasibility study. This was an effort by the City to assist Montgomery County with realizing the feasibility of rebuilding the station on the current site. It will be up to the county to build the current station. He noted that Ms. Wynn did not present a Master Plan, and explained that a Master Plan is a document that comes out of the Department of Park & Planning. He observed that she may have just made a mistake in calling her plan a “Master Plan.”

Ms. Wynn defended her plan as a “Master Plan”, and said that she would like to see the City’s

Master Plan and know how the City's Junction lot fits with the fire station proposal.

Benjamin Onyeneke, Maple Avenue (Generation X), spoke in the support of the Quinn Evans proposal. He remarked about the positive steps that have been taken by the City to work with Montgomery County in regards to the fire station plan. He said that residents need to consider the station as the "home" of the volunteers, and favored separate bunk areas for men and women.

Carl Elefante, 6667 Westmoreland, President of Takoma Community Development Corporation, commended the Council for having taken the context in which this was set in, and for having followed through in the way it has been conducted. He recalled the history of discussions about the fire station and discussions about the commercial revitalization of the Junction. He commented that he is pleased that the Council has found a way to bridge the "either/or" choice by finding a "both end" solution--fire service to sustain the City for years to come, and way to revitalize the area at the same time. The City got involved early, using City resources, to make a real difference in an issue that is so important to the community.

REGULAR MEETING

4. Resolution re: Takoma Park Fire Station Renovation. Moved by Rubin; seconded by Porter.

Mr. Rubin referred to Mr. Elefante's remarks, and said that thanks to Mr. Elefante and Mr. Abrams, the Council stayed on the right track. He recalled the very constructive comments that Mr. Elefante raised during the early discussions about the fire station and development of the Junction. The entire TCDC played a very important role in the Council's discussions.

Ms. Porter recapped the events leading up to the study. The Council wanted to determine, before putting anything on the City lot, that the City would not be building on the only alternative site to the current station location. She noted the concerns about moving the station further toward Silver Spring. The Council wanted to move the process forward, as soon as possible. The study showed very convincingly that it was feasible to put a renovated station on the current site. The County was happy to accept the report, and the cooperative effort was successful. Ms. Porter thanked Ms. Wynn for the report that she submitted to the Council, explaining that it was not widely circulated because the Council did not feel that any of the alternatives were feasible. She said that the Council did appreciate Ms. Wynn's efforts, and that she is sorry Ms. Wynn feels otherwise.

Mr. Rubin agreed, noting that he was the person who originally requested that Ms. Wynn do the pro bono study.

Mr. Williams asked where the convey is in terms of providing service during the renovation period.

Ms. Braithwaite stated that the proposal is on the front page of Neal Shorb's list to discuss how service will be provided during the renovation project.

Mr. Elrich noted that a station was renovated on Dale Drive, and that it might be looked to as an example.

Ms. Braithwaite commented that this is something that the County will have to work out.

Mr. Williams said that he hopes the County Council will provide the City an opportunity for input, early in the planning process, to help propose solutions for the renovation project.

Benjamin Onyeneke, Maple Avenue, questioned why the TPVFD Chief could not be here this evening to provide comment. He supported the project, and favored renovation of the municipal gym in the building. He urged the Council to adopt the resolution.

Resolution #1997-51 was adopted unanimously, supporting the renovation and expansion of the Takoma Park Fire Station at the current site to meeting Montgomery County Class II Standards (VOTING FOR: Sharp, Elrich, Porter, Rubin, Williams; ABSENT: Chavez, Davenport).

**RESOLUTION #1997-51
(Attached)**

5. Resolution re: InterCounty Connector (ICC). Moved by Porter; seconded by Williams.

Mr. Elrich said that even with the recent action regarding the ICC, there are more options alive than were actually killed. The only thing that was pulled is the Master Plan alignment which had been proposed some years ago. There are still a couple of hybrid alignments that are on the table.

Ms. Porter added that the issue is bigger than the alignment. There are also numerous environmental concerns. She stated her belief that the most serious issue, however, is the problem of "sprawl" development. The ICC would open some currently undeveloped areas to low-density development, constraining options future transportation planning to provide for mass transit. It goes in the opposite direction of sensible land use planning.

Mr. Williams recalled that when the beltway was built in the early 1960's, the rationale was to provide a way for interstate traffic to go around Washington. Little consideration was given to how it would impact development and residents around the area.

Mr. Elrich noted that he has testified a number of times, each time with an understanding of the original Master Plan. He remarked that the Land Use Attorneys keep insisting that the ICC is in keeping with the Master Plan. However, there were other things in the Master Plan--i.e., commercial area along I-270 corridor to be served by mass transit--which have not been realized.

It has been hard to get the development along I-270 when the county keeps opening up other arteries. A wave of development precipitates a new wave of roads. He supported going ahead with some local road improvements, and re-considering the zoning for the "wedge" (area to the North bounded by I-270, the beltway, and I-95). There need to be zoning and transportation policies that force things to move in a responsible direction.

Benjamin Onyeneke, Maple Avenue, Member of Transportation and Public Safety Commission of Montgomery County, stated that he does not support the resolution in opposition to the ICC. He remarked about environmental impacts, and suggested that any "corridor" should include a bicycle path. If the construction takes place, it will reduce crime by providing an alternate route.

David Rothman remarked that the first step in effecting a reasonable rate of development is not to rule out some kind of "connector". He asked if there could be some relief by putting regulatory controls on development and providing traffic relief.

Mr. Elrich commented about how the counties lower road standards to allow more development and vehicular traffic. The numbers presented by the State do not justify a high cost link (east-west). He remarked about traffic patterns in Prince George's County.

Mr. Roth said that the long range solution has to do more with zoning, rather than maintaining congested roadways.

Ms. Porter said that as the City's representative to the COG Transportation Planning Board, for a number of years now, she has learned that there is a link between transportation and land use issues. Tackling land use issues is incredibly complicated and political, but is the place to start.

Resolution #1997-52 was adopted unanimously, expressing opposition to the building of the InterCounty connector (VOTING FOR: Sharp, Elrich, Porter, Rubin, Williams; ABSENT: Chavez, Davenport).

**RESOLUTION #1997-52
(Attached)**

Ms. Porter requested that staff prepare the final resolution and forward it to Montgomery County, and appropriate State and Federal agencies, tomorrow.

6. Resolution re: Thomas-Siegler Carriage House and Garden Property. Moved by Rubin; seconded by Porter. Mr. Sharp explained the resolution.

Mr. Rubin remarked that this Memorandum of Understanding has been a long time in the making, and that there was opportunity during the development process to involve Historic Takoma, City staff, and area residents in the discussions. The agreement recognizes the important historic

quality of the site, and represents the City's commitment to keeping the site a historic site (monument for public use). He commended everyone for the job well done.

Mr. Williams asked whether this MOU would supersede any previous MOU's regarding the Thomas-Siegler Carriage House and Garden Property.

Mr. Rubin responded in the affirmative, adding that this agreement stabilizes the different roles related to the property.

Lorraine Pearsall, Historic Takoma, recalled that there had been a resolution in the past, but that she does not think that there was a previous MOU.

Mr. Sharp remarked that if there is a question about whether this MOU supersedes previous agreements, the resolution should address this point.

Mr. Elrich suggested that there be an additional "Resolved" clause stating that the this MOU supersedes any and all previous "understandings." (There were no objections to the amendment.)

Ms. Porter commented on the opening of the Carriage House, and spoke favorably about the joint efforts to upkeep this historic site for the City.

Resolution #1997-53 was adopted unanimously, authorizing execution of Thomas-Siegler Carriage House and Garden Property Memorandum of Understanding (VOTING FOR: Sharp, Elrich, Porter, Rubin, Williams; ABSENT: Chavez, Davenport).

**RESOLUTION #1997-53
(Attached)**

Mr. Rubin suggested that Mr. Sharp and Ms. Pearsall sign the agreement.

Mr. Sharp stated that he would like to talk with City Administrator Habada before actually signing a copy of the MOU, to make sure that it is her understanding that this is the correct text.

7. 2nd Reading Ordinance re: Requirements for Right-of-Way Improvements. Moved by Porter; seconded by Williams. Senior Planner Schwartz noted the language added to Section 11-14(b) since first reading.

Mr. Williams asked whether this change is consistent with the action taken in regards to Boyd Alley.

Ms. Schwartz responded that it may not be entirely the same, but it would apply to similar cases.

Ms. Porter described the ordinance to the audience. It would give the City flexibility in road requirements for a person building a new development needing right-of-way access. This would allow the City discretion to permit a less than full width road and less than standard roadbed construction. The additional language would also allow the City to permit a private driveway which would be maintained by the property owner. There are a number of "protections" for residents in the form of public notice requirements and a public hearing. The process would not be carried out without full public notice. It is a good compromise to provide the City flexibility while providing information about the process to residents.

Mr. Elrich pointed out that the criteria for waiving standards are mentioned in the second "Whereas" clause, but not included in the language of the actual ordinance. He suggested that some mention of the compelling reasons be added to the body of the ordinance.

Ms. Schwartz referred to Section 11-14(b)(1)(A) where the criteria are included in the ordinance.

Ms. Porter stated that similar language also needs to be carried over to Section 11-14(b)(5), and suggested that a new section (A) be added, with a renumbering of the other subsections (change to (B) through (D)). (There were no Council objections to the proposed amendment.)

Ordinance #1997-46 was adopted unanimously at second reading, amending Chapter 11, Streets, Article 2, Construction Requirements, of the *Takoma Park Code* to include additional waiver provisions for road improvement standards (VOTING FOR: Sharp, Elrich, Porter, Rubin, Williams; ABSENT: Chavez, Davenport).

ORDINANCE #1997-46
(Attached)

8. Resolution re: Open Space Plan Amendment. Sharp explained the resolution. He noted that there has been a public hearing, and two prior discussions of this matter. Moved by Rubin; seconded by Williams.

Mr. Rubin remarked that this resolution clarifies what has always been the practice. It does not justify a "change" at all.

David Rothman, 7301 Garland Avenue, said that he thinks that it is a change, and that he is concerned. He commented that he thinks it may be related to some development that is going on behind his property. Being right next door to this situation, he said that he is concerned that the developer in question may not be entirely getting a fair shake, because this is happening after the fact. He stated that he does not understand what the Council's power is to determine what is/not Open Space. He further described his lot and the adjacent Jackson/Garland lots.

Mr. Sharp explained that the restrictive nature of this resolution, noting that the Council already

has the power to declare eminent domain. Right now, there is really no limit, as long as there is a public purpose for the activity. This resolution, however, is focused on open space properties as identified in the City's Open Space Plan. He shared Mr. Rothman's concerns about the power of eminent domain being scary. This resolution does not change the power that the government already has; it tries to explain a little more clearly where the City is coming from.

Mr. Rothman stated his belief that the change in the language precipitates some action.

Mr. Rubin commented that this action does not relate to the situation that is being referred to by Mr. Roth. He clarified that this resolution effects only the properties identified in the Open Space Plan, and commented on the long process to get a property into the Plan.

Mr. Rothman remarked that he believes that Lot 10 is a subdivided lot, a part of which was declared as Open Space. He urged the Council to consider the resolution gravely before taking a vote.

Mr. Elrich stated that the Council would have left the language alone, but that the Council is doing this to make clear the Council's intention for use of eminent domain. He added that like the Mayor, he does not like the idea of using eminent domain.

Mr. Rothman questioned whether the Council can cite any examples in the recent past when eminent domain has been used.

Mr. Sharp said that he could not think of any cases while he has been on the Council.

Mr. Rubin added that he does not believe the City has ever used eminent domain.

Mr. Williams noted that there was an instance where the possibility of exercising eminent domain came up, but that the Council spent over a year trying to find a way of not using eminent domain.

Mr. Sharp recalled the same, adding that the Council actually got criticism for not exercising the right.

Ms. Porter said that she will vote for the resolution, but that she doesn't think that it does a lot, except to cause some undue confusion.

Mr. Rubin said that it is a "feel good" resolution, and that he is sorry to find out that it does not have this effect for some residents.

Resolution #1997-54 was adopted unanimously, amending the 1994 adopted Open Space Plan to clarify the intended use of eminent domain in property acquisition (VOTING FOR: Sharp, Elrich, Porter, Rubin, Williams; ABSENT: Chavez, Davenport).

RESOLUTION #1997-54
(Attached)

9. 2nd Reading Ordinance re: Park Avenue Street Work. Moved by Rubin; seconded by Williams.

Mr. Rubin noted that this item was previously discussed in Worksession, and that it happens to effect the block he lives on where the work is definitely needed.

Ordinance #1997-45 was adopted unanimously at second reading, awarding a contract to NZI Construction for Park Avenue Improvements Project in the amount of \$28,780 to be charged to Montgomery County Account No. 0010 6855 (VOTING FOR: Sharp, Elrich, Porter, Rubin, Williams; ABSENT: Chavez, Davenport).

ORDINANCE #1997-45
(Attached)

10. Resolution re: Community Development Block Grant (CDBG) Proposals. Mr. Sharp summarized the Council's discussion from Worksession last week. He recalled the issues related to the **Essex House Computer Lab** proposal. He noted that the amendment to make the program only targeted for children, and not adults, has been accepted, and pointed out that there are about 32 eligible youth at the Essex House.

The Council reached a consensus to support the proposal, as amended.

Mr. Sharp noted, however, that the Council has not reached a consensus regarding the **Economic Development Strategy** proposal.

Mr. Elrich commented that he is dead set against this expenditure. The staff memo does not provide any more clarification than what was provided last week. He said that he feels this is a pointless exercise. Mr. Elrich recalled the point raised by staff regarding businesses that feel there are obstacles when working with the City to locate here. He said that he would like staff to do an informal survey to identify the "obstacles."

Ms. Porter expressed her belief that the City does have some responsibility for economic development, and acknowledged that there are some things that the City could do better to market for development. However, she said that she is still unclear about what the point of the study would be, and that she would need a much clearer sense of what the problem is before going out and trying to solve it. She added that she would be willing to go ahead with the proposal to designate \$20,000 (not "to spend") for a study along these lines with the understanding that it would have to come back before the Council for approval prior to any

related expenditures.

Mr. Williams stated that he would be comfortable with the approach proposed by Ms. Porter.

Mr. Rubin reserved some concern, admitting that he may just be too focused on the Old Town area, an area in which it would not be difficult to identify some things that need to happen. More small businesses need to be attracted. He said that he does not see what the "question to be studied" is, and that he is not sure what the expenditure of \$20,000 would go toward in the "doing of it" versus the "studying of it." He concluded that he would rather see funds used to effect some needed changes and/or activities.

Mr. Williams agreed, in the context of Old Town, but not in terms of the commercial "annexation" area.

Mr. Rubin accepted this observation.

Mr. Elrich said that even in that area, he does not think that the expenditure of \$20,000 is feasible for a study. If this allocation were to be seed money for a small business loan program, it would be an interesting proposal. He emphasized that he is not interested in allocating funds for a study.

Dan Robinson commented on a tour last week of the Park & Planning Office, and stated that he would like to know how much of his property taxes goes toward Park & Planning expenses, observing how little money is being spent on the City by Park & Planning. He recommended that the Council approve this proposal, and urged the Council to identify ways that some of the Park & Planning money can be channeled back into the City.

Mr. Sharp recognized Mr. Robinson's point about Park & Planning, noting that the Council has felt for some time that the City has not gotten much attention from this agency. He agreed that the City should continue to try to get more work out of Park & Planning and other County services.

Mr. Elrich said that this ought to be the year that the City turns its attention to the County to get our fair share of services. He said that \$20,000 will not get us the type of study we need, and that we need to look to the County to fund this kind of study--it will benefit the City and the County. He remarked that the City needs to emphasize the County's role in economic development.

Mr. Williams commented that one area where we have seen some results in a small way, that we can build on, is in the cooperation from Montgomery County on funding for the Food Co-op. He said that he would now like to see continued cooperation on other projects.

Mr. Robinson commented that the Council has a good handle on what is going on, and that he hopes the Council continues in this vein. However, there is a need for a good, well thought-out

economic strategy for the City.

Ms. Sickle stated that everyone recognizes that there are limited resources compared to the number of requests for resources for economic development. It would be easier to address these requests if the priorities were clear. The proposed study would help to get us to that point. She said, however, that she would agree with Ms. Porter's proposal that the \$20,000 proposal be approved as a "place holder" with the understanding that further details about the strategy study be brought back to the Council before funds are spent.

Mr. Sharp stated that he would agree to putting it in as a "place holder."

Mr. Rubin asked whether some language to this effect should be added to the resolution.

Ms. Porter commented that it would not be necessary to change the resolution.

Resolution moved by Williams; seconded by Porter.

Mr. Sharp explained the source of CDBG funds, and called for additional Council discussion.

Mr. Rubin asked whether it would be in order, under activity #4, to explain the intention to designate and not allocate funds, and make clear that the City Council will play an active role in any implementation of this proposal.

Mr. Sharp pointed out that the Council has to approve the award of contracts (e.g., Lee Avenue physical improvements).

Ms. Sickle agreed, noting that for the first two activities (Sophia House and Essex House Computer Training) the Council would not have to take any further action to expend the funds.

Mr. Rubin remarked that since the Council has not reached a consensus about what kind of "work" will be done related to the Economic Development Strategy proposal, he wants something to ensure that the proposal will come back to the Council for further discussion prior to implementation.

Ms. Sickle noted that a general description of the proposals needs to go forward to the County, but the specifics of the "scope of work" can be worked out later.

Mr. Elrich questioned how much was spent on the Hammer, Siler, George (HSG) Study.

Ms. Sickle stated that it cost approximately \$35,000.

Mr. Elrich observed the shortcomings of the HSG study, in particular that it did not identify resources for implementation. He concluded that there is a likelihood that \$20,000 will not afford

a useful study.

Ms. Sickle explained that a big variable in this proposal is the data collection, and stated that there can be some coordination with the County's Master Plan process.

Mr. Sharp suggested that the Council adopt the resolution as it is, and that a resolution be brought back in two weeks that addresses Mr. Rubin's concern and clarifies what will be the Council's role as related to this proposal. He suggested that Mr. Rubin work on the language with Ms. Sickle.

Resolution #1997-55 was adopted unanimously, adopting the recommendations of the Community Advisory Committee regarding funding proposals to Montgomery County for Program Year 24 and to authorize staff to submit proposal applications (VOTING FOR: Sharp, Porter, Rubin, Williams; AGAINST: Elrich; ABSENT: Chavez, Davenport).

RESOLUTION #1997-55
(Attached)

11. 2nd Reading Ordinance re: Jackson Avenue Speed Hump. Moved by Porter; seconded by Williams. Mr. Sharp described the ordinance.

Ms. Porter recalled the citizen comments from the public hearing.

Ordinance #1997-42 was adopted unanimously at second reading, authorizing the installation of speed hump(s) on Jackson Avenue (VOTING FOR: Sharp, Elrich, Porter, Rubin, Williams; ABSENT: Chavez, Davenport).

ORDINANCE #1997-42
(Attached)

12. 2nd Reading Ordinance re: Removal of Designated Permit Parking Area -- Maple Avenue. Moved by Elrich; seconded by Williams. Mr. Sharp described the ordinance.

Ordinance #1997-43 was adopted unanimously at second reading, withdrawing the permit parking area designation (section of Permit Parking Area #4) from the 8000-8005 block (inclusive) of Maple Avenue, east and west sides (VOTING FOR: Sharp, Elrich, Porter, Rubin, Williams; ABSENT: Chavez, Davenport).

ORDINANCE #1997-43
(Attached)

13. 1st Reading Ordinance re: 1997 Election Judges. Moved by Williams; seconded by Porter.

Ordinance #1997-47 was accepted unanimously at first reading, appointing the 1997 Election Judges (VOTING FOR: Sharp, Elrich, Porter, Rubin, Williams; ABSENT: Chavez, Davenport).

**ORDINANCE #1997-47
(Attached)**

14. Resolution re: Ethics Commission. Moved by Sharp with the names of Glenn Baly and Jim Douglas. Seconded by Williams.

Resolution #1997-56 was adopted unanimously, effecting re-appointments to the Ethics Commission (VOTING FOR: Sharp, Elrich, Porter, Rubin, Williams; ABSENT: Chavez, Davenport).

**RESOLUTION #1997-56
(Attached)**

15. Resolution re: Takoma Park Tree Commission. Moved by Sharp with name of Michael Guercin. Seconded by Elrich.

Resolution #1997-57 was adopted unanimously, effecting a re-appointment to the Tree Commission (VOTING FOR: Sharp, Elrich, Porter, Rubin, Williams; ABSENT: Chavez, Davenport)

**RESOLUTION #1997-57
(Attached)**

16. Consent Agenda. Moved by Porter; seconded by Rubin. The following items were adopted unanimously (VOTING FOR: Sharp, Elrich, Porter, Rubin, Williams; ABSENT: Chavez, Davenport).

Resolution #1997-58 was adopted unanimously, effecting an appointment to the Personnel Appeal Board.

**RESOLUTION #1997-58
(Attached)**

Resolution #1997-59 was adopted unanimously, effecting two appointments to the Nuclear-Free Takoma Park Committee.

**RESOLUTION #1997-59
(Attached)**

Ms. Porter said that she would like staff to contact Ms. Sutton about possible involvement on another City committee.

ADDITIONAL AGENDA ITEM

Mr. Sharp raised the question about whether the Council will meet on Monday, September 29, and noted that there will not be a meeting on November 3, the day before the election.

Ms. Porter moved that the Council not meet again until October 6; seconded by Elrich. (There were no objections.)

EXECUTIVE SESSION / ADJOURNMENT

The Council convened in Executive Session at 10:03 p.m. and later adjourned for the evening at 11:15 p.m.

Executive Session 9/22/97 - Moved by Rubin; seconded by Williams. Council convened in Executive Session by unanimous vote at 10:05 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Elrich, Porter, Rubin, Williams. OFFICIAL ABSENT: Chavez, Davenport. STAFF PRESENT: Hobbs, Sartoph, Silber, Anderson. Council was briefed on personnel disciplinary matters. No action was taken. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(ii)).

Introduced by: Councilmember Rubin

RESOLUTION #1997- 51

In Support of Renovating/Expanding the Takoma Park Fire Station At The Current Site
To Meet Montgomery County Class II Standards

WHEREAS, the City of Takoma Park contracted with the firm of Quinn Evans Architects to complete a feasibility study to evaluate renovating and/or expanding the Takoma Park Fire Station to meet County Fire and Rescue Commission standards and the needs of the fire station volunteers; and

WHEREAS, on Monday, July 28th, Quinn Evans presented their final report to the Council and produced detailed proposals for two renovation/expansion schemes; and

WHEREAS, the Quinn Evans report indicated that the station can be renovated at the existing site to meet the County and volunteer requirements for a Class II station and the construction costs for such a project would fall below the Montgomery County Department of Facilities and Services construction cost estimates for Class II stations of 4 million dollars; and

WHEREAS, in the preparation of the report, Quinn Evans worked closely with five project stakeholders representing Montgomery County Fire and Rescue Commission, the County Department of Facilities and Services, Takoma Park Volunteer Fire Department, City Public Works and Planning staff and the Takoma Community Development Corporation; and

WHEREAS, all stakeholders approved of the findings of the feasibility study and favored the renovation scheme B which detailed a one story fire station, recalling the 1928 facade of the original fire station. This option would require the purchase of two adjacent residential lots; and

WHEREAS, the City Council has received letters of support for scheme B from Historic Takoma, Inc. and the Takoma Community Development Corporation; and

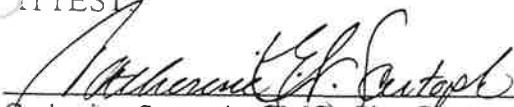
WHEREAS, a Public Hearing on the feasibility study was held on September 22, 1997 to allow for additional public comment on the study.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City Council accepts the findings of the feasibility study completed by Quinn Evans Architects which confirms that a state of the art fire station can be cost effectively created by renovation and expansion of the existing fire station; and

BE IT FURTHER RESOLVED THAT the City Council prefers the renovation/expansion option detailed in scheme B of the feasibility study.

ADOPTED this 22nd day of September, 1997.

IN WITNESS


Catherine Sartoph, CMC, City Clerk

Introduced by: Councilmember Porter

RESOLUTION #1997-52

IN OPPOSITION TO THE BUILDING OF THE INTER COUNTY CONNECTOR

WHEREAS, the citizens of Takoma Park are affected by development and transportation projects in Montgomery County that increase automobile traffic, damage the environment, and lead to unwise development; AND

WHEREAS, the building of the Inter County Connector, along any of the proposed alternatives, would contribute to increased sprawl development by providing access to areas that are largely undeveloped; AND

WHEREAS, the ICC would offer no significant relief for the traffic congestion affecting existing roads in Montgomery County; AND

WHEREAS, the building of such a major roadway would have a negative impact on environmentally fragile areas that lie in its path, regardless of how the roadway is constructed; AND

WHEREAS, urban areas in other parts of the country have reduced traffic congestion without building major roadways by altering land use patterns and expanding transit facilities; AND

WHEREAS, although recent decisions by county and state agencies have altered some of the routing options under consideration, the new alternatives would have many of the same drawbacks as the previous options.

THEREFORE, BE IT RESOLVED, by the Council of the City of Takoma Park, that we urge our representatives at the county, state, and national levels to discontinue all plans to build the Inter County Connector; AND

BE IT FURTHER RESOLVED, that we encourage county planning agencies to remove the ICC from county master plans and preserve as parkland the publically-owned land in the ICC right-of-way.

ADOPTED this 22nd day of September, 1997.

Introduced by: Councilmember Rubin

RESOLUTION #1997-53

AUTHORIZING EXECUTION OF THOMAS-SIEGLER CARRIAGE
HOUSE AND GARDEN PROPERTY MEMORANDUM OF UNDERSTANDING

WHEREAS, Council has determined that all public and private activity conducted on any part of the Thomas-Siegler Carriage House and Garden property shall be for educational or recreational purposes consistent with the historical significance of the property; AND

WHEREAS, Council has reached an understanding with Historic Takoma, Incorporated which sets forth guidelines which shall govern the use of the Thomas-Siegler Carriage House and Garden property; AND

WHEREAS, the understanding also clarifies the respective responsibilities of the City and Historic Takoma, Incorporated with regard to the administration and preservation of the property; AND

WHEREAS, the Council has reviewed and approves of this understanding as set forth in writing in the Memorandum of Understanding Between the City of Takoma Park and Historic Takoma, Inc.

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Takoma Park, Maryland, hereby authorizes the execution of the Memorandum of Understanding Between the City of Takoma Park and Historic Takoma, Inc.

BE IT FURTHER RESOLVED THAT this aforementioned Memorandum of Understanding shall supercede any previously adopted agreements, resolutions, Memoranda of Understanding, or the like, pertaining to the administration of the Thomas-Siegler Carriage House and Garden Property.

Adopted this 22nd day of September 1997.

ATTEST:


Catherine Sartoph, City Clerk

Thomas-Siegler Carriage House and Garden Property

Memorandum of Understanding Between the City of Takoma Park and Historic Takoma, Inc.

I. Purpose

This Memorandum of Understanding (MOU) between the City of Takoma Park (the City) and Historic Takoma, Incorporated (HTI) delineates guidelines which shall govern the use of the Thomas-Siegler Carriage House and Garden property located on Tulip Avenue near the intersection with Cedar Avenue, and including the carriage house, garage, gardens, and encompassing grounds. This MOU also clarifies the respective responsibilities of the City and HTI with regard to the administration and preservation of the property, as addressed in City Resolution #1993-76, dated July 26, 1993, which is incorporated by reference into this MOU. The terms of this MOU shall remain effective until revised or dissolved by mutual agreement between the City and HTI.

II. Uses of the Property

General

All uses of the Thomas-Siegler Carriage House and Garden property shall be consistent with the provisions of City Resolution #1993-76. In particular, all public or private activity conducted on any part of the property must be for educational or recreational purposes consistent with the historical significance of the property.

Carriage House and Garage

The carriage house and garage shall be used to house a museum of Takoma Park history, which shall be named the Thomas-Siegler Carriage House Museum (the Museum). The Museum shall preserve the heritage of the City through the display of artifacts, exhibits, and other educational materials pertaining to the City's history. HTI shall have exclusive responsibility for developing the museum, and shall have exclusive right to open the Museum for public and private viewing, in consultation with the City. Such openings may be accompanied by musical or other entertainment, and/or educational activities (slide shows, lectures, etc.) in accordance with the provisions of this MOU. All requests made to the City for access to the museum shall be referred to HTI for disposition. All openings of the Museum for public or private access shall be monitored on-site by HTI.

City staff and City contractors shall have access to the carriage house and garage to perform routine maintenance and related activities. The City shall inform

HTI at least twenty-four (24) hours prior to such access, and shall provide HTI with the opportunity to be present during such access. Access to the carriage house and garage by emergency personnel shall be permitted at all times.

Grounds

Access to the grounds of the property shall be available without restriction during daylight hours to all individuals and informal groups (e.g. families). HTI shall have oversight responsibilities for the grounds and shall confer with the City as necessary. HTI shall not unreasonably restrict or deny access to the grounds and shall ensure that both public and private events on the grounds are organized, sponsored, and/or hosted consistent with the provisions of this MOU. All requests made to the City for use of the grounds shall be referred to HTI for disposition. All use of the grounds for public or private events shall be monitored on-site by HTI.

Prohibited Activities

No activity shall be permitted to be undertaken on any part of the property which:

- Is in any way disruptive to the overall peace and quiet of the neighborhood.
- Threatens any aspect of the physical property.
- Convenes greater than 50 participants at any point in time.
- Occurs after dusk (with the exception of Halloween events).
- May be expected to produce excessive trash or litter.
- Involves primarily children participants (under thirteen [13] years of age) in the absence of adequate adult supervision.
- Involves sales or solicitations exclusively by for-profit entities.
- Involves the sale or consumption of alcohol or tobacco products.
- Involves automotive vehicles on the property.
- Involves any activity which promotes a political candidate or party or religious sect.

- Violates any guideline issued by the City of Takoma Park pertaining to recreational use of City-owned property, or any City of Takoma Park, Montgomery County, State of Maryland, or Federal, law or ordinance.

III. Maintenance

The City shall assume primary responsibility for the general upkeep and maintenance of the property, including the carriage house, garage, and encompassing grounds. The property shall be maintained by the City in a safe, accessible (including compliance with the Americans with Disabilities Act of 1990 and all related successor legislation), and aesthetically pleasing manner which retains and preserves the property in its natural state to the maximum extent feasible. Maintenance activities shall be conducted by the City in consultation with HTI, which may supplement the City's efforts using HTI resources and volunteers from the community. Specific grounds maintenance activities shall be performed as follows:

Lawn Areas (right-of-way strips; front and back lawns)

- Bi- or tri-weekly mowing by the City, as necessary.
- Lawn areas will **not** be maintained by the City as industrial-type lawns. City efforts to maintain turf will be confined to seeding once every two or three years with a shade-tolerant grass seed mixture if needed, and fertilization with no more than one (1) pound of nitrogen per square foot (this treatment does not include right-of-way strips).

Garden Areas (includes existing and future garden beds)

- All garden bed maintenance and planting shall be carried out by HTI.
- All other special plantings undertaken by HTI shall be maintained exclusively by HTI.

Trees and Shrubs

- Deadwood/hazard reduction of overstory trees shall be assessed by the City on an annual basis. The deadwood pruning schedule will typically occur for each tree on a 3-8 year basis. Removal of dead/dying or hazard overstory trees shall be performed on an as-needed basis. Overstory tree work generally will be performed on a contract basis, with budget requests to the City made accordingly.

- Pruning and shaping of understory trees shall be performed by HTI.
- The City shall prune (up to 14') all trees bordering the sidewalks of the property once every three (3) years. HTI shall provide detailed specifications regarding the height of pruning required. Requested pruning higher than what the City is able to accomplish must be performed by a contractor, with budget requests to the City made accordingly.

Leaf Removal

- Leaves will be collected and removed by the City from the grassy areas, garden areas, driveway, and right-of-way strips twice per year in the fall.

Bamboo

- If requested by HTI, the City will cut back the bamboo on the eastern property border once per year, at a time to be determined by the City.

Mulch

- If requested by HTI, the City will deliver one truck load of the City's leaf mulch up to two times per year, on weekdays. Spreading and cleanup of the mulch, including cleanup of the pile where deposited, shall be the responsibility of HTI.

Driveway Maintenance

- The City will maintain the driveway leading from Tulip Avenue to the garage doors. Such maintenance shall include, but not be limited to: (1) the delivery and spreading of wood chips on an as-needed basis as determined by the City; and, (2) maintenance of a chain gateway with descriptive sign and wood post anchors.

Footpath Maintenance

- If requested by HTI, the City will deliver wood chips or leaf mulch to a predetermined location for lining the property's footpaths. Spreading and cleanup of the material, including cleanup of the pile where deposited, shall be the responsibility of HTI. Wheel barrows may be borrowed from the City's Park's Division for such purpose.

Annual Volunteer Initiative

- Once per year the City Forester or Designee will donate up to four (4) hours of his/her time on a weekend to assist in a volunteer effort to address various garden maintenance issues. At this session, tools may be loaned out to the City to volunteers on an as-needed basis. Tools shall be signed out and shall become the responsibility of HTI. Any such equipment lost or damaged shall be replaced by HTI in a timely manner.

Other

- The City's Park's Division will budget for purchases of up to \$200.00 (including delivery) for plant material for the property on an annual basis. If such funds are approved by the City, the Park's Division will purchase the material via a list submitted by HTI. The Park's Division will deliver the plant material to a predetermined place at the property on a weekday. The delivery may be made by the supplier directly to the property if so desired by HTI.
- The City may provide other plant material as it becomes available through state programs, or other instances when a plant or plants becomes available. No firm commitments regarding this material can be made by the City.

IV. Liability and Insurance

The City shall assume complete liability for any claims alleging personal injury or property damage resulting from any use of the property, and shall assume complete responsibility for insuring the physical property and its contents, whether owned by the City or HTI, for any loss resulting from vandalism, fire, natural disaster, or any other cause. HTI shall provide the City with an annual inventory of the items, and their estimated value, contained within the carriage house and garage. HTI shall notify the City in a timely manner whenever any items of significant value are added to the inventory.

V. Annual Review

The City and HTI shall confer on an annual basis to review the terms of this MOU and to make revisions as appropriate. Such revisions shall be made by mutual consent of both parties. This annual conference shall also serve to establish a schedule of property maintenance functions to be performed by the City in the

subsequent twelve (12) month period.

VI. Conferences

At the request of either the City or HTI, the parties shall confer at any time concerning items related to the administration of the property.

AGREEMENT

We, the undersigned, affirm our authority to represent the City and HTI, respectively, and agree to the terms and conditions of this MOU, and thereby bind the City and HTI to fulfill these terms and conditions to the maximum extent feasible.

Edward F. Sharp, Mayor
City of Takoma Park

Sharon L. Stewart, President
Historic Takoma, Inc.

Date

Introduced By: Councilmember Rubin

Resolution No. 1997-54

Resolution Amending the 1994 Adopted Open Space Plan

- WHEREAS, in 1994, the City Council of Takoma Park adopted the City of Takoma Park Open Space Plan, Part I: Vacant Land Policy and Recommendations; AND
- WHEREAS, the Council now wishes to amend the adopted Open Space Plan to revise the section of the Plan that concerns eminent domain; AND
- WHEREAS, the purpose of this revision is to provide additional conditions on use of the City's eminent domain authority to acquire property specified in the Open Space Plan; AND
- WHEREAS, the City has provided public notice and the Council has taken public comment on this matter;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the City Council hereby amends pages 22 and 23 of the 1994 adopted Open Space Plan as follows (new language is underlined):

4. **Eminent domain**, the government's power to take private land for a public purpose with just compensation, is recommended only as a last resort and only for properties that have been deemed highly environmentally sensitive where all efforts to negotiate with the property owner have been exhausted. It is only appropriate to use eminent domain to acquire property specified in the Open Space Plan for the purpose of preventing private development, preventing property neglect, or preserving existing resources.

ADOPTED THIS 22nd DAY OF SEPTEMBER, 1997.

Introduced by: Councilmember Williams

RESOLUTION 1997- 55

A Resolution to adopt the recommendations of the Community Advisory Committee regarding funding proposals to Montgomery County for Program Year 24 and to authorize staff to submit proposal applications.

WHEREAS, the City anticipates receiving federal Community Development Block Grant (CDBG) funds as a passthrough from Montgomery County for PY 24; AND

WHEREAS, the Community Advisory Committee composed of community representatives has prepared recommendations for Council consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND that the following proposal recommendations for PY 24 CDBG are hereby adopted as listed below and that City staff is hereby authorized to submit applications for funding to Montgomery County:

<u>ACTIVITY</u>	<u>AMOUNT</u>
1. Sophia House	\$ 5,000
2. Essex House Computer Training	5,000
3. Lee Avenue Community Outreach/Organizer	15,000
4. Community Economic Development Strategy	20,000
5. Lee Avenue Physical Improvements	122,000

BE IT FURTHER RESOLVED THAT City staff is hereby directed to apply any additional funds from the passthrough allocation from Montgomery County over the amount requested proportionally and any decrease in the funds received be allocated proportionally to the Ecommunity Economic Development proposal and the Lee Avenue Community Outreach/Organizer.

ADOPTED THIS 22nd DAY OF SEPTEMBER, 1997.

Introduced by: Mayor Sharp

RESOLUTION #1997-56

**REAPPOINTMENTS TO THE
TAKOMA PARK ETHICS COMMISSION**

WHEREAS, Section 2-15, City of Takoma Park Public Ethics Ordinance, of the Takoma Park Code, 1972, as amended, sets forth the provisions for the establishment and duties of an Ethics Commission, to oversee implementation of and adherence to the city's Ethics Ordinance; **AND**

WHEREAS, the Ethics Commission consists of five Takoma Park residents; **AND**

WHEREAS, the terms of two members will expire on September 30, 1997, and both members have expressed interest in reappointment; **AND**

WHEREAS, the Council has interviewed these two persons.

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

Name/Address:	Term Expires:
Glenn Baly 8308 Flower Avenue, #505	9/30/99
Jim Douglas 7112 Maple Avenue	9/30/99

Dated this 22nd day of September, 1997.

ATTEST:

Catherine E.W. Sartoph, CMC
City Clerk

Introduced by: Mayor Sharp

RESOLUTION #1997 - 57

**REAPPOINTING MEMBER TO THE
CITY OF TAKOMA PARK TREE COMMISSION**

WHEREAS, Ordinance #2674, as amended, adopted by the Takoma Park City Council on June 27, 1983, established the Tree Commission for the purpose of preserving, protecting, and promoting the urban forest of Takoma Park; **AND**

WHEREAS, the Commission is composed of five citizens appointed by the Council; **AND**

WHEREAS, the City has received notice from a current member of the Commission, whose term will expire on September 30, 1997, indicating that he is interested in re-appointment to the Commission; **AND**

WHEREAS, the Council has interviewed this person.

NOW, THEREFORE, BE IT RESOLVED THAT the following individual is hereby reappointed, effective immediately, to serve on the Takoma Park Tree Commission:

Name/Address

Term Expires

Michael Guercin
7406 Cedar Avenue

9/30/00

ADOPTED this 22nd day of September, 1997.

ATTEST:

Catherine E.W. Sartoph, CMC
City Clerk

Introduced by: Councilmember Porter

RESOLUTION #1997 - 58

**APPOINTING A NEW MEMBER TO THE TAKOMA PARK
PERSONNEL APPEAL BOARD**

WHEREAS, The Code of the City of Takoma Park provides for the composition of the Personnel Appeal Board for the purpose of hearing employee appeals; **AND**

WHEREAS, Section 8B-181 of the Code provides that the Board shall be composed of five (5) members; **AND**

WHEREAS, Carol Coldren, a former member of the Board, has moved outside of the City's boundaries, making her ineligible to continue serving on the Board as an active member; **AND**

WHEREAS, Consequently, a vacancy exists on the Board; **AND**

WHEREAS, The initial term of the person appointed to fill this vacancy shall be for the remainder of the term of the member being replaced; **AND**

WHEREAS, There remain two persons who expressed interest in appointment to the Board, were interviewed by the Council, but were not appointed following their interviews because there were no remaining vacancies on the Board at that time.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park, Maryland, that the following person is hereby appointed, effective immediately, to the Takoma Park Personnel Appeal Board:

Name/Address	Term Expires
Gary Reisner 7110 Woodland Avenue	March 31, 1998

ADOPTED this 22nd day of September, 1997.

ATTEST:

Catherine E.W. Sartoph, CMC
City Clerk

Introduced by: Councilmember Porter

RESOLUTION #1997-59

**APPOINTMENTS TO THE
NUCLEAR-FREE TAKOMA PARK COMMITTEE**

WHEREAS, Takoma Park's Nuclear Free Zone Act established a seven member Nuclear-Free Takoma Park Committee to oversee implementation of and adherence to this Act; **AND**

WHEREAS, the Committee is composed of seven residents appointed by the Council; **AND**

WHEREAS, currently, there are four vacancies on the Committee; **AND**

WHEREAS, three of these terms expired on March 31, 1997, and one is an incomplete term which will expire on March 31, 1998; **AND**

WHEREAS, two persons have expressed interest in appointment to the Committee, and have been interviewed by the Council.

NOW, THEREFORE, BE IT RESOLVED THAT the following persons are hereby appointed, effective immediately, to serve on the Nuclear-Free Takoma Park Committee.

Name/Address	Term Expires
Hans G. Furth 7313 Cedar Avenue	3/31/99
Carl Smith 632 Kennebec Avenue	3/31/99

ADOPTED this 22nd day of September 1997.

ATTEST:

Catherine E. W. Sartoph, CMC
City Clerk

Introduced by: Councilmember Porter

1st Reading: 9/08/97
2nd Reading: 9/22/97

ORDINANCE #1997-42

**SPEED HUMP PETITION
JACKSON AVENUE**

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:

Jackson Avenue (between Minter and Garland), exact number and location of speed humps shall be at the discretion of the City Administrator; AND

SECTION 2. THAT this Ordinance becomes effective upon adoption.

ADOPTED this 22nd day of September, 1997.

AYE: Sharp, Elrich, Porter, Rubin, Williams

NAY: None

ABSTAIN: None

ABSENT: Chavez, Davenport

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

1st Reading: 9/08/97
2nd Reading: 9/22/97

ORDINANCE #1997-43

**WITHDRAWAL OF PERMIT PARKING AREA FOR THE 8000 TO 8005 BLOCK
(INCLUSIVE) OF MAPLE AVENUE, WEST AND EAST SIDE**

WHEREAS, on March 8, 1993, the City Council adopted Ordinance #1993-7 establishing Permit Parking Area #4 which encompassed the residential sections lying to the east of Sligo Creek Parkway (i.e., 600 and 700 blocks of Maplewood Avenue, from Sligo Creek Parkway to Flower Avenue; and 8000-8005 block (inclusive) of Maple Avenue, west and east side); **AND**

WHEREAS, the establishment of Permit Parking Area #4 was in response to a residents petition which cited the existing use of accessible parking spaces by nonresident commuters and staff and visitors of the Washington Adventist Hospital and Columbia Union College, and the traffic impact created by parking on both sides of the street on Maplewood; **AND**

WHEREAS, pursuant to the provisions set forth in Sec. 13-63.1 of the City Code, residents of the 8000-8005 block (inclusive) of Maple Avenue have petitioned the Council requesting that the permit parking area designation be withdrawn from their section of Permit Parking Area #4; **AND**

WHEREAS, the petition, which was verified by the Office of the City Clerk as bearing 100% of the required signatures from eligible households, indicated the view of these residents that Permit Parking Area #4 was initiated during a construction project at Washington Adventist Hospital, and that the residents of this section of Area #4 feel that the parking restriction is not longer need on their block.

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

SECTION 1. the permit parking area designation (section of Permit Parking Area #4) be withdrawn from the 8000-8005 block (inclusive) of Maple Avenue, east and west side; **AND**

SECTION 2. Permit Parking Area #4 will remain in full effect as provided in Ordinance #1993-7 for the 600-700 blocks of Maplewood Avenue, from Sligo Creek Parkway to Flower Avenue; **AND**

SECTION 3. the City Administrator is hereby directed to implement the directives of this Ordinance at the earliest possible date; **AND**

SECTION 4. This Ordinance shall become effective upon adoption.

ADOPTED this 22nd day of September, 1997.

AYE: Sharp, Elrich, Porter, Rubin, Williams

NAY: None

ABSTAIN: None

ABSENT: Chavez, Davenport

Introduced by: Councilmember Rubin

1st Reading: 9/15/97

2nd Reading: 9/22/97

ORDINANCE NO. 1997-45

PARK AVENUE IMPROVEMENTS PROJECT

- WHEREAS, Montgomery County has allocated \$38,000.00 in Program Year 18 funds reprogrammed from the Housing Rehabilitation Program Program Year 18 to the City through the Community Development Block Grant Program for street improvements for the Two Hundred Block of Park Avenue; AND
- WHEREAS, in accordance with City Procurement procedures a Request for bids was advertised in the Washington Post, Dodge Report, and Blue Reports; AND
- WHEREAS, five bids were received and publicly opened at 3:00 pm, September 10, 1997; AND
- WHEREAS, the apparent low bidder, NZI Construction, is considered to be responsive and responsible; AND
- WHEREAS, based on the unit costs of the low bidder, the allocated funds are sufficient to accomplish the authorized work on the street improvements.

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

SECTION 1. THAT the bid received from NZI Construction in the amount of TWENTY EIGHT THOUSAND SEVEN HUNDRED SEVENTY EIGHTY DOLLARS AND ZERO CENTS (\$28,780.00) be accepted; AND

SECTION 2. THAT funds to cover this work in the amount of TWENTY EIGHT THOUSAND SEVEN HUNDRED EIGHTY DOLLARS AND ZERO CENTS (\$28,780.00) be charged as follows:

MONTGOMERY COUNTY ACCOUNT NO. 0010 6855 (\$28,780.00)

ADOPTED THIS 22nd DAY OF SEPTEMBER, 1997

AYES: Sharp, Elrich, Porter, Rubin, Williams

NAYS: None

ABSTAIN: None

ABSENT: Chavez, Davenport

Introduced By: Councilmember Porter

First Reading: 9/15/97
Second Reading: 9/22/97
Effective Date: 9/22/97

ORDINANCE NO. 1997-46

(Amending Chapter 11, Streets, Article 2, Construction Requirements, of the *Takoma Park Code* to include additional waiver provisions for road improvement standards.)

WHEREAS, the street construction requirements in the *Takoma Park Code* currently include a waiver provision of the minimum width requirement, but do not include waiver provisions for curb and gutter or minimum paving or surfacing requirements; and

WHEREAS, the Council finds that compelling reasons may exist for allowing exceptions to varying the curb and gutter or minimum paving or surfacing requirements, such as environmental constraints, tree preservation, lack of need for a full street due to small number of lots served, or other unusual or unique conditions affecting the site; and

WHEREAS, the Council therefore wishes to adopt waiver provisions for curb and gutter and minimum paving or surfacing requirements.

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

SECTION 1. Chapter 11, Streets, Article 2, Construction Requirements, of the *Takoma Park Code*, is amended as follows:

CHAPTER 11. STREETS.

ARTICLE 2. CONSTRUCTION REQUIREMENTS.

Sec. 11-7. Replacement of street excavations; approval.

No person shall leave any excavation in any public street, avenue or other public place without first having received the approval of the ~~Director of Public Works, City Administrator~~ or his representative, his/her designee indicating that the repairs or replacement of the excavation has been performed in accordance with the minimum specifications and standards as set forth in this Code. A violation of this section is a Class B offense.

Sec. 11-8. Cost of public work charged to developer.

The entire cost, or any part thereof as may be determined by the Council of any public work required to be performed under this Article, shall be performed at the cost of the subdivider, developer or other individual responsible for the work (the "applicant"). The applicant may also be required to provide a survey, engineered drawings, and other plans and supporting documents.

Sec. 11-9. Street grades.

All streets or roads shall be graded in accordance with the approved profile and to the full width of the right-of-way or as specified by the City Administrator or his/her designee. A violation of this section is a Class B offense.

Sec. 11-10. Curbs and gutters required.

Curb and gutter shall be constructed on each side of the street surface in accordance with plans and specifications approved by unless a waiver is granted by the City Council in accordance with the Director provisions outlined in Section 11-14. Construction shall be done in accordance with plans and specifications approved by the City Administrator or his/her designee. A violation of this section is a Class B offense.

Sec. 11-11. Street drains required.

The permittee applicant shall install all necessary storm drainage pipes, culverts, valley gutters or catch basins requisite to provide adequate storm drainage along or across all streets or roads where natural drainage is affected or where, due to the proposed road, street or highway construction, the absence of the drainage structures would result in the obstruction of a natural drain. All storm drainage structures shall be constructed in accordance with plans and specifications approved by the Director City Administrator or his/her designee. A violation of this section is a Class B offense.

Sec. 11-12. Dimensions of streets and types of material.

(a) Paving or surfacing of roads, streets and highways shall have a minimum width of twenty-six (26) feet between inside faces of curbs, unless this minimum width is waived by the City Council in accordance with the provisions outlined in Section 11-14, and shall conform to the approved cross section and specifications shown on a drawing issued by the Director and shall conform as a minimum to any of the following types: City Administrator or his/her designee. The paving or surfacing shall conform as a minimum to any of the following types unless a waiver is granted by the City Council in accordance with the provisions outlined in Section 11-14:

(1) *Asphaltic concrete base:* Asphaltic plant mix wearing surface. This pavement shall consist of an asphaltic concrete base course having a minimum finished, compacted thickness of four (4) inches and a wearing surface of two (2) inches compacted thickness of an approved asphaltic plant mix, all of the materials to conform to and the pavement to be constructed in accordance with specifications of the DirectorCity Administrator or his/her designee.

(2) *Asphalt penetration macadam:* This pavement shall consist of crushed stone penetrated with a bituminous binder, and having a minimum finished, compacted thickness of six (6) inches, constructed in two (2) courses, in accordance with the specifications of the DirectorCity Administrator or his/her designee.

(3) *Gravel base:* Asphaltic plant mix wearing surface. This pavement shall consist of approved bank gravel having a minimum finished, compacted thickness of eight (8) inches and a wearing surface of two (2) inches finished, compacted thickness of an approved asphaltic plant mix, all of the materials to conform to and the pavement to be constructed in accordance with specifications of the DirectorCity Administrator or his/her designee.

(b) A violation of this section is a Class B offense.

Sec. 11-13. Acceptance of street by city; requirements.

Any highway, road, street or alley in the city shall be accepted for maintenance by the city upon action of the Council after certification in writing by the DirectorCity Administrator or his/her designee that:

(a) The highway, road, street or alley has been completed and constructed in accordance with the plan approved by him or her; and

(b) That there has been full compliance with all of the rules and regulations set forth in this Code.

Sec. 11-14. Exceptions to requirements of Article.

(a) None of the rules and regulations contained in this Article shall apply to any private road ~~serving a bona fide agricultural use~~ or to any portion of a private automobile driveway located wholly on private property and outside of a public right-of-way.

(b) The City Council may, at its discretion, grant a waiver to the curb and gutter requirements in Section 11-10, and/or the minimum width, paving, provision or surfacing requirements in Section 11.12. The Council may also, at its discretion, grant a waiver to allow a private road or a private automobile driveway on or partly on a public right-of-way if the affected property owners sign a covenant with the City, which shall run with the land and be recorded in

the land records, agreeing to maintain the road or driveway. In order for the Council to do [so] any of the above, the following requirements shall be met:

(1) The applicant shall submit a road improvement plan and a statement of justification for the need to vary from the minimum width standard to the Director of Public Works, with six copies to the Chief of Police of a road improvement plan, survey, and the Fire Chief a statement of justification for the need to vary from the minimum road improvement standards to the City Administrator or his/her designee. The applicant shall also pay a fee of fifty dollars (\$50.) to the Treasurer. The applicant's statement of justification shall show the following:

(A) That compelling reasons exist for varying the minimum width standard standards. These reasons may include environmental constraints, tree preservation, lack of need for a full twenty-six foot street due to small number of lots served, or other unusual or unique conditions affecting the site.

(B) That the degree of variation from the standard standards is the minimum necessary.

(C) That the minimum width standard standards may be waived without endangering public health, safety and welfare, and that the proposed roadway can accommodate necessary emergency vehicles.

(D) That the use of an alternate road improvement standard (such as an alley standard) has been considered and proposed, if appropriate.

(2) The City must hold a hearing within ninety (90) days of receiving a completed request for a waiver of the minimum road improvement standards. The City must give notice of the hearing to the public at least fourteen (14) days in advance by:

(A) Sending a written notice to every person who owns or lives on property that shares a common boundary with the right-of-way in question or is located between the right-of-way and the nearest intersecting streets.

(B) Publishing a notice in the city newspaper of record.

(C) Posting a notice at the right-of-way.

(3) If the Council determines that an emergency exists, they may hold a hearing without giving notice fourteen (14) days in advance. However, they must give as much notice as practical and they must leave the record of the hearing open for written submissions until a decision is made.

(4) If a person fails to receive notice of the hearing under this section, the city's action is still valid unless there are other defects in the proceeding.

(5) After holding a public hearing for which advance written notice is provided to every person who has a financial interest in property or lives on property within two hundred (200) feet of the road, the City Council must make the following findings in order to approve the applicant's road improvement plan, and before the applicant may receive a construction permit under Article 3, Permits and Improvements, of this Chapter:

(A) That compelling reasons exist for varying the minimum standards. These reasons may include environmental constraints, tree preservation, lack of need for a full street due to small number of lots served, or other unusual or unique conditions affecting the site.

([A]B) That a waiver of the minimum width provision standards is justified.

([B]C) That the minimum width standard standards may be waived without endangering public health, safety and welfare, and that the proposed roadway can accommodate necessary emergency vehicles.

([C]D) That the degree of variation from the standard standards is the minimum necessary, and that the use of an alternate road improvement standard (such as an alley standard) has been considered.

SECTION 2. This Ordinance shall be effective immediately.

Adopted this 22nd day of September, 1997 by roll-call vote as follows:

Aye: Sharp, Elrich, Porter, Rubin, Williams

Nay: None

Absent: Chavez, Davenport

Abstain: None

EXPLANATION:

1. Additions to the current language of the *Takoma Park Code* are shown by shading.
2. Deletions to the current language of the *Takoma Park Code* are shown by strikeouts.

3. Underlining indicates language included at second reading.
4. [Brackets] indicate language deleted at second reading.

strcodch.ord

ORDINANCE #1997 - 47

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

SECTION 1. THAT the persons named below, all registered voters of the City of Takoma Park, are hereby designated as Judges to serve as a Board of Election for the November 4, 1997 City Election:

- (1) Claire B. Kozel, 7804 Wildwood Drive
- (2) Pearl Blacksin, 652 Kennebec Avenue
- (3) June A. Aloï, 14 Sherman Avenue
- (4) Harold Alston, 7710 Maple Avenue, #105
- (5) Verne Wilson, 907 Davis Avenue
- (6) Billie M. Dyhouse, 7051 Carroll Avenue, #617
- (7) Rein S. Parris, 7620 Maple Avenue, #730
- (8) Martin Morse Wooster, 8624 Flower Avenue, #101
- (9) Valerie Dant, 7406 Carroll Avenue
- (10) Joan N. Sidell, 606 Boston Avenue
- (11) Steven A. Breckbill, 7104 Woodland Avenue
- (12) Howard F. Miller, 7725 Carroll Avenue
- (13) Valerie Tonat, 7222 Spruce Avenue
- (14) Carol Clayton, 6706 Allegheny Avenue
- (15) Phil Vogel, 7117 Garland Avenue
- (16) Willie R. Blalock, 7333 New Hampshire Avenue, #1020
- (17) Ruth Abbott, 7416 Holly Avenue
- (18) C.P. Cook, 7206 Carroll Avenue

SECTION 2. THAT this Ordinance becomes effective upon adoption.

Adopted this _____ day of September, 1997 by Roll Call Vote as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT: