

**REGULAR MEETING, WORKSESSION AND CLOSED SESSION
OF THE CITY COUNCIL**

Monday, November 9, 1998

Closed Session 11/02/98 - Moved by Rubin; seconded by Stewart. Council voted unanimously to convene in Executive Session at 8:55 p.m. in the Conference Room. **OFFICIALS PRESENT:** Porter, Hawkins, Rubin, Stewart, Williams. Item #1 -- **STAFF/OTHERS PRESENT:** Habada, Hobbs, Sartoph, Shafer, David Miller. The Council received a briefing on a personnel matter, and concurred with the staff recommendation. Item #2 -- **STAFF/OTHERS PRESENT:** Habada, Hobbs, Sartoph, Sanford. The Council discussed the purchase of 718 Maplewood, and asked staff to continue investigating options. Item #3 -- **STAFF/OTHERS PRESENT:** Robert Slavin. The Council discussed the selection of a City Administrator, considered information on candidates, and made a decision on the process (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i), (3) and (1)(i)).

OFFICIALS PRESENT:

Mayor Porter

Councilmember Chavez

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

Assistant City Administrator Hobbs

City Clerk Sartoph

Corporation Counsel Silber

Library Director Robbins

The City Council convened at 7:48 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

COUNCIL COMMENTS

Mayor Porter announced that the company (MFS) which dug holes along Route 410 to put in conduits for fiber optic cables will be laying the cables next week. The work will be done in the evening, and Takoma Park Police will be on site at times when equipment is impeding the flow of vehicular traffic.

Councilmember Rubin welcomed the Boy Scout Troop visiting this evening. They are working

on getting their Citizenship Merit Badge (one requirement is to attend a public meeting). This is a good way to see government operate at a level closest to the people.

ADDITIONAL AGENDA ITEMS

Ms. Porter noted a proclamation that will be taken-up at the beginning of meeting.

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), thanked Councilmember Rubin for inviting the scouts here this evening, and welcomed them to the meeting. He said that he was once a scout member, and remarked about the motto "to always be prepared." Mr. Onyeneke commented on the attributes of scouts. He observed that the PSCAC is not represented in Ward 4, and questioned why there is not representation. He prophesied about world catastrophes to come. He stated that impersonation is wrong (men pretending to be women); people should not be "false". These people should address themselves.

Buddy Daniels, 19 Sherman Avenue (Democratic Precinct Chair, Precinct 13-21), remarked about election day. He thanked the Mayor and Council for their assistance in having the polling place moved to the Municipal Building. Mr. Daniels commented on the primary and general elections turnouts; over 1000 voters came to the polls on November 3rd. He said that the Parker Memorial Baptist Church would have been too small for this turn-out. Mr. Daniels thanked city staff for parking away from the building on election day. A plenty of parking was available to the voters. In particular, he thanked members of the Administration Office staff, by name, and extended thanks to Recreation and Public Works staff for the quick clean-up of the upstairs following the break-down of the Haunted House. He added thanks to the Library for enduring the parking overflow into its lot. Without the help of City Clerk Sartoph, he said that he is not sure that the polling place would have been moved. He noted that Ms. Sartoph worked two days in a row while with the flu, before finally going home after she was comfortable that the election was going well. Mr. Daniels thanked Terry Seamens for transporting voters to-and-from the polls, and thanked the Cable office for "getting the word out." He noted an upcoming event--"Takoma Park Hurricane Mitch Relief Concert for Central America"--to be held on Saturday, November 14th. He referred to a flyer, and further commented on the fund raiser.

Ms. Porter thanked Mr. Daniels for his efforts. She said that she was listening to the news this evening, and relayed that the word is that monetary donations are needed in this effort.

Mr. Daniels said that checks should be made out to the American Red Cross (with note on the bottom "Hurricane Mitch"); checks can be mailed c/o the Administration Office. He said that he is working on simultaneous broadcasts of the event, and thanked the Council and City for their help.

Terry Seamens, Ritchie Citizens Association, added that one of the co-sponsors is the Maryland State Commission on Hispanic/Latin Affairs, and said that there will also be a trash pick-up effort in the stream area this weekend. He remarked that they look forward to having some of the youth groups take part in the clean-up effort. Today's *Takoma Voice* has a ballot in it for the renaming of the middle school to "Lee Jordan Middle School." He encouraged residents to participate in the survey.

PROCLAMATION

Mayoral Proclamation - "Festival of Praise" Event being hosted by the Sligo Seventh-Day Adventist Church on Saturday, November 21, 1998.

Ms. Porter introduced the proclamation.

Councilmember Stewart read the proclamation for the record. She thanked the Mayor for the proclamation, and accepted it on behalf of the Sligo Seventh Day Adventist Church.

REGULAR MEETING

1. Resolution re: Appreciation – Tanner Wray. Moved by Williams; seconded by Chavez.

Councilmember Williams said that he has known Tanner for most of the time that he has lived in the City, and that he has appreciated Tanner's many efforts, particularly in conjunction with the Library. Mr. Williams remarked that he is sorry to see him go.

Ms. Porter commented that Mr. Wray was probably the first person to get her involved with the Friends of the Takoma Park Maryland Library (FOTPML). He has been very dedicated. Ms. Porter said that she is sure he was responsible for getting many people involved.

Resolution #1998-56 was adopted unanimously, expressing appreciation to Tanner Wray for his many contributions and dedicated service to the Library and the Takoma Park community (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

RESOLUTION #1998-56 (Attached)

Mr. Wray thanked the Council and Ellen Robbins for this honor.

Library Director Ellen Robbins stated that she did not want to miss this opportunity to thank Tanner on behalf of the Library staff. She recalled that the first year he was President of the

Board, she would tell him that the meetings were the high-point of her month. The "Friends" have been a core of people who are very supportive, creative and energetic. Having this resource stimulates a really wonderful and great feeling. Tanner was very much a part of creating the special report between Library staff and this group. He made it a special point to get to know everyone on the Library staff.

2. 1st Reading Ordinance re: Parking Meters. Moved by Chavez; seconded by Rubin. Ms. Porter explained the ordinance.

Mr. Williams asked why the choice was to go with deleting restricted hours on Saturdays, rather than making enforcement consistent on Saturdays.

Ms. Porter suggested that staff come back to Council with the rationale for second reading.

Mr. Rubin recognized that he might be jumping the gun on an item he hopes to be discussing soon, but that he hopes an idea in the works will expand parking meters in Old Town by about 50 spaces. We were thinking that this parking would be in a lot, and that it would be advantageous to have Saturday meters in that one area.

Ms. Porter asked whether Mr. Rubin anticipates this other discussion to be concluded by the next time the Council discusses this ordinance at second reading.

Mr. Rubin explained that it will probably take longer than a couple of weeks, but that this ordinance might have an impact on the other proposal.

Ms. Porter noted that Mr. Williams had also raised the issue of parking meters on Flower Avenue in the vicinity of Piney Branch Road. She said that it would make sense to include these meters in the ordinance, as part of the consideration at second reading.

Mr. Williams commented that he is not sure how many metered spots would be possible, but that they would begin at Flower and Piney Branch (on our side of the road) in front of the commercial area. The other area where meters are being considered is on Chicago Avenue by Montgomery College.

Ms. Porter suggested that the Council go forward with the ordinance at first reading tonight and work-out the remaining issues before second reading. The issues are as follows: (1) uniformly enforce parking meters on Saturday versus not enforcing on Saturday, as proposed, and (2) additional meters (Flower and Chicago).

Mr. Rubin added that there should also be a discussion of the location of a parking lot at Carroll and Willow.

Councilmember Chavez received clarification regarding the proposal.

Mr. Rubin suggested that a third option would be to have some areas enforced on Saturday and some areas not enforced on Saturday. He recognized the Police Department's concern about consistency, but said that there might still be cause to consider enforcing different hours for the proposed lot.

Mr. Chavez noted the meters that are close to the Adventist Church (Old Town) which would be enforced on Saturday.

Ms. Porter acknowledged that this is an important issue to be considered.

Councilmember Elrich proposed that the Council get feedback from the business in Old Town. The businesses usually consider metered parking a detriment to small businesses. He said that he understands meter enforcement during the week (discourage Metro parkers). However, it might be burdensome on the weekends.

Mr. Rubin stated that the Old Town Business Association is involved in the discussions about the parking lot. He said that he brought up this point to leave an opening for the impending proposal regarding a parking lot.

Ms. Porter commented that no one wants to do something that the business association does not support.

Mr. Elrich asked whether the Council could hold the ordinance until all of the information is available.

Ms. Porter responded in the affirmative, but suggested that the Council go forward with first reading and hold the ordinance at second reading until sufficient information has been provided on the outstanding issues.

Ordinance #1998-44 was accepted unanimously, amending the City Code to include specific coinage, including amount of time received, and to delete enforcement on Saturdays for all meters (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

**ORDINANCE #1998-44
(Attached)**

3. 1st Reading Ordinance re: Statutory Committees.

Ms. Porter explained the issue, and noted that City Clerk has provided two different ordinances

which address the issue in different ways. She commented on each. Ms. Porter recalled that this matter came up because Council wanted to have the opportunity to appoint persons with significant ties to the City, who are not necessarily residents of the City, to statutory committees. She provided the example of Erwin Mack (Takoma-Langley CDA), and commented on his contributions to the community.

Mr. Williams stated that he has no preference in regards to the ordinances. One would deal specifically with the membership of the Public Safety Citizens Advisory Committee (PSCAC), and the other would allow flexibility in appointments to all statutory committees. If the Council were to go with the more specific ordinance, it would have to address the Code sections specific to other committees at such times that the Council would want to appoint persons other than residents to the other committees. He supported this approach.

Ms. Porter stated her preference for the other ordinance.

Ms. Stewart remarked that it does not matter.

Ms. Porter explained that if it is the Council's intention to not restrict the member requirements for all statutory committees, then the Council should go with the ordinance which takes a more general approach.

Mr. Rubin received clarification, and agreed with the general approach.

Ms. Porter asked for Ms. Sartoph's preference.

Ms. Sartoph commented on each of the ordinances, and deferred to Corporation Counsel Silber for confirmation that if the Council goes with the general approach, the new Code language would override any existing residency requirements that may be included in the language of ordinances applying to the individual committees.

Corporation Counsel Silber responded that the "general approach" ordinance would work without the language "except as otherwise provided in sections specific to individual committees."

Ms. Porter noted the agenda item cover sheet which outlines individual committees' membership requirements.

Ms. Stewart remarked that the ability to appoint persons other than residents should be consistent across the board.

Mr. Rubin countered that business owners might not be a meaningful category for all committees.

Ms. Porter questioned why the NFZ members should be residents only.

Mr. Elrich explained that the NFZ Committee has the ability to require the Council to go through the waiver process, advise the Council on purchasing decisions, and ultimately have an impact on the City budget. Bodies that require the Council to do something should be composed of residents. He said that he is more comfortable going with the committee-by-committee approach, and opted for the ordinance specific to the PSCAC. Mr. Elrich remarked that he understands the rationale of appointing persons other than residents to the PSCAC, and urged that the Council deal with other committees as situations arise.

Mr. Williams suggested that the Council go forward with first reading of the ordinance specific to the PSCAC, and that the Council might later consider amending the Tree Commission ordinance to change "citizens" to "residents."

Ms. Porter explained that the proposal is to accept the ordinance affecting the PSCAC membership requirements. At some point in the future, the Council will consider another ordinance addressing the Tree Commission.

Moved by Williams; seconded by Elrich.

Ordinance #1998-45 was accepted unanimously, amending the City Code to allow for the appointment of persons other than City residents to the Public Safety Citizens Advisory Committee (PSCAC) (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

**ORDINANCE #1998-45
(Attached)**

4. Resolution re: Montgomery County Dr. Martin Luther King, Jr., Commemoration Committee.

Ms. Porter explained the resolution. Moved by Hawkins; seconded by Stewart.

Ms. Hawkins noted that she spoke on behalf of the City at last year's commemoration event in Montgomery County, and said that it was a wonderful ceremony, very beautifully done. She remarked about the wide range of speakers and talent, and concluded that it was a very worthwhile way to spend the day. She encouraged the audience to attend the upcoming events.

Resolution #1998-57 was adopted unanimously, recommending appointments of City representatives to the Montgomery County Dr. Martin Luther King, Jr., Commemorative Committee (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

**RESOLUTION #1998-57
(Attached)**

5. Resolution re: Tree Commission.

Ms. Porter explained the resolution, and suggested that Deborah Bonsack be entered as the appointment to the vacancy.

Ms. Hawkins questioned Ms. Porter's reasoning for suggesting Ms. Bonsack over Ms. Kabel.

Ms. Porter said that there has been some discussion about asking the other applicant to get involved with the Committee on the Environment.

Ms. Hawkins questioned whether it has been discussed with the other applicant.

Ms. Porter responded that she does not believe it has, but that the appointment to the committee is a Council decision.

Mr. Williams stated that he is happy with the suggestion to appoint Ms. Bonsack.

Ms. Hawkins said that she was particularly pleased with Ms. Kabel's interview, and that she remembers her interview more clearly, since it was conducted more recently. She questioned whether there would be an upcoming vacancy, in the near future, on the commission.

Ms. Porter responded that there may well be an upcoming vacancy, and that the Council could consider appointing Ms. Kabel at that time.

Moved by Stewart; seconded by Chavez.

Resolution #1998-58 was adopted unanimously, effecting an appointment to the Tree Commission (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Stewart, Williams; ABSENT: Rubin).

**RESOLUTION #1998-58
(Attached)**

WORKSESSION / CLOSED SESSION

The City Council moved into Worksession at 8:30 p.m. and later convened in Closed Session at 9:15 p.m. Following the Closed Session, the Council adjourned for the evening.

Closed Session 11/09/98 - Moved by Chavez; seconded by Rubin. Council voted unanimously to convene in Executive Session at 9:15 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams. STAFF/OTHERS PRESENT: Hobbs, Sartoph, Silber, Ellis Koch, Sickle. (1) The Council discussed land acquisition and provided direction to legal counsel. (2) The Council received a briefing on the progress of union negotiations and gave direction to the Assistant City Administrator (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3) and (9)).

PROCLAMATION

WHEREAS, on October 3, 1863 Abraham Lincoln issued a proclamation that set the precedent for America's national day of Thanksgiving setting the last Thursday of November "as a day of Thanksgiving and Praise"; AND

WHEREAS, the Sligo Seventh-Day Adventist Church, in recognition of this national holiday, will hold its annual "Festival of Praise" on Saturday, November 21, 1998; AND

WHEREAS, this Festival is a tradition in this faith community; dedicating the church services to gathering the harvest of food that will sustain members of this community who are in need; AND


WHEREAS, the groceries brought by church members will be distributed to families in the City as well as neighboring communities, in time for the Thanksgiving holiday.

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND ON BEHALF OF THE CITIZENS, COUNCIL AND STAFF OF THE CITY, DO HEREBY RECOGNIZE THIS FESTIVAL OF PRAISE EVENT AND COMMEND THE PEOPLE OF THIS CONGREGATION FOR TAKING AN ACTIVE ROLE IN OFFERING FOOD AND OTHER GIFTS TO THOSE IN NEED DURING THIS HOLIDAY SEASON.

Dated this ninth day of November, 1998.


Kathryn H. Porter, Mayor

ATTEST:


Catherine E. W. Sartoph, CMC/A&E
City Clerk

**RESOLUTION 1998-56
IN APPRECIATION OF TANNER WRAY**

WHEREAS, Tanner Wray, an outstanding citizen of Takoma Park, is leaving the City after eight years; AND

WHEREAS, Mr. Wray has been a strong supporter of the City Library, acting as a key organizer of the Friends of the Takoma Park Maryland Library, and serving as its first President from 1994 to 1996, and subsequently as Membership Chair and Treasurer; AND

WHEREAS, he has been an articulate advocate for the Library at budget hearings and in other forums, and has assisted at book sales and numerous fund-raising and outreach activities, and designed the Friends Web Pages; AND

WHEREAS, he brought stability, organization, tact and good humor to the Friends during its critical formative period; AND

WHEREAS, Mr. Wray will be missed and fondly remembered by Library staff, his colleagues and many friends throughout Takoma Park for his thoughtfulness, insight, energy and commitment.

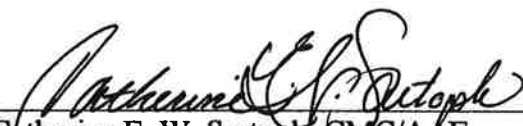
NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Takoma Park, Maryland, on behalf of its employees and citizens, commends and thanks Tanner Wray for his many contributions and dedicated service to the Library and the Takoma Park community, and extends its best wishes to him in his new home in Wisconsin.

Dated this ninth day of November, 1998.



Kathy Porter
Mayor

ATTEST:



Catherine E. W. Sartoph, SMC/AAE
City Clerk



Introduced by: Councilmember Hawkins

RESOLUTION #1998-57

RECOMMENDING APPOINTMENTS OF CITY REPRESENTATIVES TO THE MONTGOMERY COUNTY DR. MARTIN LUTHER KING, JR., COMMEMORATIVE COMMITTEE

WHEREAS, Montgomery County, Maryland, Executive Order 192-91, as amended, gives the County Executive authority to appoint a committee to advise the Executive on plans for an annual program or other activities in appreciation of the life and works of Dr. Martin Luther King, Jr.; **AND**

WHEREAS, the Executive Order also provides that the County Executive may appoint an ex-officio voting member from any appropriate public agency/organization include, but not limited to, the City of Takoma Park; **AND**

WHEREAS, on March 23, 1998, the Takoma Park City Council adopted Resolution #1998-12, recommending reappointment of Deputy City Clerk Thomas Espinosa (primary) and appointment of Recreation Specialist Hermione Rhones (alternate), to serve as the City's representatives to the Commemorative Committee; **AND**

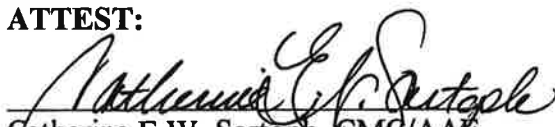
WHEREAS, Mr. Espinosa and Ms. Rhones are no longer employed by the City of Takoma Park; **AND**

WHEREAS, the City Council desires to recommend appointment of Human Resources Assistant Karen Hampton (primary) and Community Programs/Facilities Coordinator Richard Pernell (alternate), to fill these vacancies and provide continued representation from the City on the Commemorative Committee.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, hereby recommends the appointments of Karen Hampton and Richard Pernell as the City's representatives to the Montgomery County Dr. Martin Luther King, Jr., Commemorative Committee.

ADOPTED this 9th day of November, 1998.

ATTEST:


Catherine E. W. Sartoph, CMC/AAE
City Clerk

Introduced by: Councilmember Stewart

RESOLUTION #1998 - 58

**APPOINTING MEMBERS 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, there is currently one expired term and one vacancy on the Commission; **AND**

WHEREAS, Jeffrey Trunzo, whose term expired on September 30, 1998 has expressed interest in reappointment to the Commission and has been interviewed by the Council; **AND**

WHEREAS, the Council has interviewed Debrah Bonsak and Margo Kabel to fill the vacancy.

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

Jeffrey Trunzo of 119 Sherman Avenue (Term Expires 9/30/01).

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

Debrah Bonsak of 909 Sligo Creek Parkway (Term Expires 9/30/99).

ADOPTED this 9th day of November, 1998.

ATTEST:

Catherine E.W. Sartoph, CMC/AAE
City Clerk

Introduced by: Councilmember Chavez

1st Reading: 11/9/98

2nd Reading:

ORDINANCE #1998-44

AMENDING CHAPTER 13. VEHICLES AND TRAFFIC, ARTICLE 4. PARKING METERS, DIVISION 1. PARKING METER ZONES TO INCLUDE SPECIFIC COINAGE, INCLUDING AMOUNT OF TIME RECEIVED AND TO DELETE ENFORCEMENT ON SATURDAYS FOR ALL METERS.

WHEREAS, the City of Takoma Park is committed to providing fair and equitable service to anyone having occasion to use the parking meters located within the City; and

WHEREAS, upon investigation it was noted that some meters excluded enforcement on Saturdays, some included enforcement on Saturdays and the meters on Maple Avenue referenced the post office which no longer exists; and

WHEREAS, the code was inconsistent regarding Saturday enforcement and did not identify the different coinage and amount of time received for such coinage; and

WHEREAS, Police Department enforcement would be more consistent if all meters in the City had the same regulations; and

WHEREAS, amending the Code to remove Saturday enforcement, specifying the specific amount of time received for various coinage, and referencing a street address for the meters on Maple Avenue would enable fair and equitable service to users.

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

Sec. 13-30. Parking meter zones; thirty-minute limit.

(a) Thirty-minute-limit meters shall require twenty-five cents (\$0.25) for thirty (30) minutes, ten cents (\$0.10) for twelve (12) minutes, and five cents (\$0.05) for six (6) minutes, from 7:00 a.m. to 7:00 p.m., except Saturdays, Sundays, and holidays, at the following locations:

(1) Maple Avenue, east curb, directly in front of [the post office building] 7117 Maple Avenue: two (2) meters.

(2) Maple Avenue, east curb, from [post office] driveway at 7117 Maple Avenue, southward towards D. C. line: two (2) meters.

(3) Maple Avenue, east curb, directly in front of 7123 Maple Avenue: one (1) meter.

(4) Holton Lane, south curb, directly in front of the post office building: four (4) meters.

(5) Carroll Avenue, north curb, directly in front of 6950 Carroll Avenue: three (3) meters.

Sec. 13-31. Parking meter zones; one-hour limit.

(a) One-hour-limit meters shall require fifty cents (\$0.50) for one (1) hour, twenty-five cents (\$0.25) for [one-half ($\frac{1}{2}$) hour and fifty cents (\$0.50) for one (1) hour] thirty (30) minutes and ten cents (\$0.10) for twelve (12) minutes, and five cents (\$0.05) for six (6) minutes, from 7:00 a.m. to 7:00 p.m., except Saturdays, Sundays and holidays, at the following locations:

(1) Laurel Avenue, east curb, Eastern Avenue to Carroll Avenue: nine (9) meters.

(2) Carroll Avenue, west curb, between 7056 Carroll Avenue and 7012 Carroll Avenue: thirteen (13) meters.

(3) Carroll Avenue, west curb, Laurel Avenue to driveway entrance: three (3) meters.

(4) Carroll Avenue, west curb, Willow Avenue to D.C. line: three (3) meters.

(5) Maple Avenue, east curb, north of D.C. line: two (2) meters.

(6) Carroll Avenue, west curb, Grant Avenue to Lee Avenue: seven (7) meters.

(7) Grant Avenue, north curb, Carroll Avenue, to driveway entrance: three (3) meters.

(8) Carroll Avenue, east curb, in front of 7003 Carroll Avenue: two (2) meters.

(9) Lee Avenue, west curb, Carroll Avenue to driveway entrance: two (2) meters.

[(b) Subsections (a)(3) and (a)(4) of this section shall be exempted from enforcement on Saturdays in addition to Sundays and holidays.]

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

(a) Two-hour-limit meters shall require [twenty-five cents (\$0.25) for one-half (½) hour, fifty cents (\$0.50) for one (1) hour and one dollar \$1 for two hours,] one dollar (\$1) for two (2) hours, fifty cents (\$0.50) for one (1) hour, twenty-five cents (\$0.25) for thirty (30) minutes, ten cents (\$0.10) for twelve (12) minutes, and five cents (\$0.05) for six (6) minutes, from 7:00 a.m. to 7:00 p.m., except Saturdays, Sundays and holidays, at the following locations:

(1) Carroll Avenue, east curb, Laurel Avenue to Eastern Avenue: thirteen (13) meters.

(2) Laurel Avenue, west curb, Carroll Avenue to Eastern Avenue: seven (7) meters.

(3) Willow Avenue, east curb, Carroll Avenue to driveway entrance: four (4) meters.

(4) Westmoreland Avenue, south curb, from center radius of turn at intersection with Carroll Avenue to a point 260 feet southward: seven (7) meters.

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

[(b) Subsections (a)(1), (a)(2) and (a)(3) of this section shall be exempted from enforcement on Saturdays in addition to Sundays and holidays.]

Sec. 13-32.1. Parking meter zones; twenty-minute limit.

(a) Twenty-minute-limit meters shall require twenty-five cents (\$0.25) for twenty (20) minutes, from 7:00 a.m. to 7:00 p.m., except Saturdays, Sundays, and holidays, at the following locations:

(1) Carroll Avenue, west curb, directly in front of 7006 Carroll Avenue: two (2) meters.

Sec. 13-32.2. Parking meter zone; twelve-hour limit.

(a) Twelve-hour-limit meters shall require twenty-five cents (\$0.25) for one hour, one dollar (\$1) for four (4) hours and so forth, up to twelve (12) hours, from 7:00 a.m. to 7:00 p.m., except Saturdays, Sundays and holidays, at the following locations:

(1) Takoma Avenue, west curb, from Albany Avenue south to Baltimore Avenue: thirty-eight (38) meters.

(2) Takoma Avenue, north curb, from New York Avenue to Fenton Street: twelve (12) meters.

[] denotes deletions
__ denotes additions

Introduced by: Councilmember Williams

1st Reading: 11/09/98

2nd Reading:

ORDINANCE #1998-45

AMENDING CITY CODE TO ALLOW FOR APPOINTMENT OF PERSONS OTHER THAN CITY RESIDENTS TO THE PUBLIC SAFETY CITIZENS ADVISORY COMMITTEE (PSCAC)

WHEREAS, the City Council appoints members to all statutory committees; **AND**

WHEREAS, currently, the City Code (Chapter 2. Administration, Article 6. Boards and Commission, Division 5. General Provisions, Sec. 2-155) requires members of the Public Safety Citizens Advisory Committee to be "citizens" of the City; **AND**

WHEREAS, the Council recognizes the importance of a broad representation of interests on statutory committees; **AND**

WHEREAS, the Council desires the flexibility to appoint residents, business and property owners, and other persons with public interest ties to the City of Takoma Park, to committees.

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

SECTION 1. Division 5. Public Safety Citizens Advisory Committee

Sec. 2-155. Composition.

The Committee shall be composed of twelve [citizens] members appointed by the Council. The membership may be composed of residents, business owners, property owners, and others representing groups with public interests in the City. The twelve [citizen] members shall serve staggered two-year terms, with initial appointments of six members to one-year terms and six members to two-year terms. The terms shall begin on October 1 and end on September 30. The members shall elect among themselves a Chair.

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

ADOPTED this ____ day of _____, 1998, by roll call vote.

AYE:

NAY:

ABSTAIN:

ABSENT:

EDITORIAL NOTE: Language to be deleted is [bracketed]; language to be added is underlined.

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

Monday, November 23, 1998

Closed Session 11/16/98 - Moved by Williams; seconded by Rubin. Council voted unanimously to convene in Executive Session at 9:20 p.m. in the Conference Room. **OFFICIALS PRESENT:** Porter, Chavez, Elrich, Rubin, Stewart, Williams. **OFFICIAL ABSENT:** Hawkins. **STAFF/OTHERS PRESENT:** Habada, Hobbs, Sartoph, Silber, Perlman, Anderson. (1) The Council received a briefing on the progress of union negotiations and gave direction to staff on further negotiations. (2) The Council received a briefing on pending and upcoming potential litigation (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9) and (8)).

OFFICIALS PRESENT:

Mayor Porter

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Habada

Assistant City Administrator Hobbs

Program Coordinator Corley

Planning Center Coordinator Ludlow

Community Development Coordinator Sickie

Treasurer McKenzie

OFFICIALS ABSENT:

Councilmember Chavez

Councilmember Elrich

The City Council convened at 7:35 p.m. on Monday, November 23, 1998, in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

COUNCIL COMMENTS

Councilmember Hawkins announced that she will probably be leaving early this evening because she feels like she may have a virus or food poisoning. She noted that she wanted to be here for items #1 and #7, but recognized that she may not make it until item #7.

Councilmember Williams noted that he was pleased to attend his 5th Annual International Network of Gay and Lesbian Officials Conference this last weekend. He enjoyed talking to officials from around the world, and was particularly interested in discussions on public safety. Mr. Williams commented that he brought back some information for the Chief of Police.

Councilmember Stewart noted for those who have been following the situation regarding the house on Flower Avenue, the house has been demolished. Debris has been taken away. The site looks a whole lot better, and many people are happy.

ADDITIONAL AGENDA ITEMS

City Administrator Habada noted that Buddy Daniels will be here later this evening and wants an opportunity to update the Council on what has taken place in regards to the Hurricane Relief Efforts.

Mayor Porter said that she has received requests from a couple of Councilmembers to pull item #3 from the agenda until a later date. Without objection, item #3 will be rescheduled.

ADOPTION OF MINUTES - 10/26, 11/02 and 11/16

Ms. Porter noted corrections to the spellings of some names in the minutes from 10/26, and said that she will forward this information to the Clerk.

The minutes were adopted unanimously (VOTING FOR: Porter, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez, Elrich).

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), expressed dismay at the reactions he received from some members of the audience a couple of weeks ago when he prophesied about world events. He remarked about current world affairs. Mr. Onyeneke challenged all persons to heed the messages of Generation X.

(Councilmember Elrich arrived.)

George French, 510 Albany Avenue, read from written testimony (attached) which focused on the subject of the Silver Spring Armory.

Councilmember Rubin recalled that in the paper, the day after the Armory was 90% demolished, the court stepped in and stopped the demolition.

Mr. French agreed, adding that a restraining order was issued in what turned out to be an unsuccessful effort to save the Head House.

Marcie Stickle, 8515 Greenwood Avenue, said that the presiding judge said that the developer knew that there would be a hearing regarding the demolition. The judge instructed interested parties to call the County Attorney; however, this approach had no hope of success since the county was partnering with the developer. Ms. Stickle said that the final demolition of the Head House occurred during the period of time that the discussions about the restraining order were taking place.

Councilmember Elrich commented that no one should proceed with the demolition of a building that large on the spur of a moment. The county obviously knew what it was going to do, but should have realized that there would be outcries from the community. He remarked about another issue regarding the county's sale of former WSSC property to a developer. There is a pattern developing where the results are being realized in situations, before the county has announced its intentions.

Ms. Stickle noted that she was the founder of "Save our Armory", and that this is a quality of life issue and a habitat of life issue. It is a heritage preservation issue. Ultimately, the demolition was the result of a parking design issue. There were other alternatives. She read Blair Ewing's statement about saving the Armory (attached), and read excerpts from her articles published in the Gazette (attached). She remarked about the day of the surprise demolition of the Armory.

Terry Seamens, Ritchie Avenue, remarked about the late Lee Jordan, a Takoma Park activist. He commented on his work with youth in the community. Letters have been sent to Councilmember Hawkins and School Superintendent Vance requesting that the middle school be renamed to Lee Jordan Middle School. This weekend we learned that many people in the neighborhood feel strongly about keeping the name as "Takoma Park Middle School." The Ritchie Citizens Association made the suggestion to change the name to better memorialize the works of Lee Jordan. He said that as the President of Ritchie Citizens Association, he asked Ms. Kohn and the PTA to stop the vote on the name change. He urged the Council to appoint a committee to suggest an appropriate way to memorialize the works of Lee Jordan.

Ms. Porter said that the PTA might be interested in taking on this charge, but that she will have to check with Ms. Kohn.

Buddy Daniels, Sherman Avenue (Chair of SS Carroll Citizens Association), announced that a Hurricane Mitch Relief Concert was held on Saturday evening in the Council Chambers. It was televised live, and continues to be broadcasted on Cable. The event raised \$4400 and about \$1500 in food and clothing donations. Contributions are still being accepted. He thanked the volunteers who were instrumental in making the event a success. He noted that he just came from a fund raiser in Montgomery County where Daryl Green spoke.

Ms. Porter thanked Mr. Daniels for his work.

Mr. Rubin said that unfortunately, he missed the event. However, his wife attended and said that Buddy was excellent and really kept the whole thing going. It was obvious that the people who participated were concerned about the hurricane. Those who took part in the event, also complimented the success.

Clarence Boatman, 133 Ritchie Avenue, commented on the contributions of the late Lee Jordan with the Boys and Girls Club. His work was so fruitful that several of the boys who fell under his leadership grew to be great young men. Mr. Boatman said that if the leadership of Takoma Park can be of any help, he would like to see the vote on the school naming go forward--even if it results in a negative vote--because he would like to know the sentiment of the community.

Ms. Porter remarked that she understood Mr. Seamens' remark to be that he asked that the consideration of the name change be moved to another venue.

PUBLIC HEARING

1. Development of Property at 117 Ritchie Avenue.

Ms. Porter explained that the City has acquired the property at 117 Ritchie Avenue as a result of the Montgomery County tax sale process. This hearing is to provide citizens the opportunity to comment on what might happen with that property.

Ann Hoffnar, Co-Chair of Committee on the Environment, said that she wants the Council to carefully assess the environmental impacts of development. There are very steep slopes with potential for a lot of water run-off. The Committee wants to protect wildlife and the trees on the site.

Ms. Porter said that one thing the City was considering was a conservation easement on the back of the lot where there is a steep slope.

Terry Seamens, Ritchie Citizens Association, said that the association has discussed the property at several meetings. Members emphasized their interest in getting the property back on the tax rolls, and have voiced cautious support for development of the property, even with two single family homes (if possible and appropriate). The members expressed strong concern that the development not degrade the surrounding neighbors. The new home should be of size and configuration that appropriately fits in with the rest of the community. It should also have a set-back that fits in. The new home should be developed with an eye toward ownership. There should be ample off-street parking. Members mentioned that there are a few people in the neighborhood who are in the home building business--e.g., a person directly across the street has expressed interest in development of the property and has presented plans that he has put

together. The conservation easement is of interest to the association. We want to have the least possible impact on the environment.

Benjamin Onyeneke, Maple Avenue, remarked about development of the property. He said he would like to see the City move forward with a modern development

Clarence Boatman, Ritchie Avenue, commented that he attended the meeting of the association and saw the person who is interested in assisting with the development of the property. That gentleman gave some good solid ideas about development--would like to build something about 1,000-1,300 sq.ft. Mr. Boatman described the neighbor's proposed plan. It seems to be a compatible plan. Mr. Boatman said that he has heard some residents say that they would like to see low income housing developed on the site. He said that while he sympathizes with that desire, he does not agree with all of the low income housing that the City already has. He clarified whether the neighbor across the street from the site is involved in the development at this point.

Ms. Porter responded in the negative, and said that the City will keep the Ritchie Citizens Association informed throughout the process.

David Kiser, 110 Ritchie Avenue (Vice-Pres of Ritchie Citizens Association), said that if the property is developed in a way that it does not negatively impact the surrounding properties, he would support development. He suggested that the City put the property up for auction and award the project to the highest bidder. He expressed his concern that the market be allowed to operate and that the City be allowed to receive maximum value for the property, putting it back on the tax rolls.

Ms. Porter closed the public hearing. She explained that the City is just at the beginning of its discussions about what to do with the property, and that the Council wanted to have citizen input. There will be future discussions.

REGULAR MEETING

Ms. Hawkins excused herself from the meeting.

2. Resolution re: Council Recess.

Ms. Porter described the resolution. Moved by Stewart; seconded by Elrich.

Resolution #1998-60 was adopted unanimously, setting forth the Council's 1998 Holiday Recess (VOTING FOR: Porter, Elrich, Rubin, Stewart, Williams; ABSENT: Chavez, Hawkins).

**RESOLUTION #1998-60
(Attached)**

3. 2nd Reading Ordinance re: Parking Meters. Item removed from the agenda.

4. Resolution re: Improvements to Lee Jordan Field.

Ms. Porter explained the resolution.

Matt Corley, Recreation Department Program Coordinator, said that this action will allow the City to get some planning done. The School Board is working on the specifics for the renovations. This would give the City the opportunity to use the current contractor, Bovis, for our work on the fields. He described some of the details of the agreement.

Ms. Porter said that essentially, this proposal is to allow the City to piggy-back on the school system's contract for renovations.

Mr. Elrich asked if we are still on track for development of the two fields.

Mr. Corley responded in the affirmative, noting that there will be two "skin" fields on opposite ends of the site, with a good soccer/football field going through the center, grassy area.

Ms. Porter asked whether the agreement will change the schedule of renovations.

Mr. Corley responded in the negative.

Ms. Porter restated that staff is asking the Council to approve the idea of a MOU which would have to come forth later for consideration.

Mr. Corley confirmed her understanding, explaining that this resolution would allow us to move forward with some of the planning and enable us to piggy-back on the county's contract.

Mr. Rubin questioned whether any of the plans for renovation effect the sledding field.

Mr. Corley responded in the negative.

Moved by Rubin; seconded by Elrich.

Benjamin Onyeneke, Maple Avenue, questioned whether there will be restrictions on whether children can play, at all times, on the fields. He said that he wants to ensure that the fields are for use by the "common children" since the City is investing resources in renovating the field.

Resolution #1998-61 was adopted unanimously, approving a cooperative purchase arrangement

with Montgomery County Public Schools for Lee Jordan Field renovations (VOTING FOR: Porter, Elrich, Rubin, Stewart, Williams; ABSENT: Chavez, Hawkins).

**RESOLUTION #1998-61
(Attached)**

5. Resolution re: Citizens Advisory Committee on Development.

Ms. Porter described the resolution.

Jean Sickle, Community Development Coordinator, said that the resolution is the same as the one presented at the Worksession. It includes the somewhat broader charge that had been discussed and incorporates the names that were included in the memorandum. Upon passage, we would plan to have the committee meet around the beginning of the year to start its organizational discussions and to begin looking at the RFP that the Council will also be discussing in January.

Mr. Porter referred to the third Whereas clause, and proposed that this clause be changed to say that the "the City Council plans to prepare a community economic development plan." The intent of the resolution remains the same.

Mr. Rubin asked whether this would preclude using CDBG funds in the process.

Ms. Porter said that it is simply silent on that issue, and explained that she would like to give Council an opportunity to later discuss that point.

Moved by Williams; seconded by Elrich.

Ms. Stewart confirmed that the appointees have all been asked to accept appointments.

Ms. Porter said that it should be a real good group.

Mr. Elrich requested that staff prepare a summary of efforts to get the county and state involved in this process.

Resolution #1998-62 was adopted unanimously, establishing the Citizens Advisory Committee on Economic Development Strategies (CACEDS) as an advisory panel to the Council on development issues (VOTING FOR: Porter, Elrich, Rubin, Stewart, Williams; ABSENT: Chavez, Hawkins).

**RESOLUTION #1998-62
(Attached)**

WORKSESSION / ADJOURNMENT

The City Council moved into Worksession and later adjourned for the evening.

GEORGE FRENCH, "SAVE OUR ARMORY"
TAKOMA PARK CITY COUNCIL
NOVEMBER 23, 1998

My name is George French. I grew up in Takoma Park and still have my home here.

I found out that I could speak before the Council when I met with Mayor Porter several months ago.

I did not want to speak until I had some clear sense of what the Council could do for me and my cause. But in light of what has occurred and the reluctance of this Council to become involved, I will enter my experience into the record as a warning.

I was actively involved in the reuse of the Silver Spring Armory as a Cultural Community Center between the latest two redevelopment schemes.

Our group gathered letters from social dance instructors, organizations, and promoters, who expressed avid interest in using the Armory as a premiere dance hall.

The Armory Reuse Committee of the MNCPPC was thrilled with our suggestions and encouraged us by stating there was plenty of money for "deferred maintenance," a new roof, and new or refurbished wooden dance floor.

Our work on this endeavor stopped suddenly with the current no Armory redevelopment plan, and most of my energies over the past year have been directed at legally and rightfully fighting against the demolition of the Armory.

The flawed process failed us, and we lost our heritage landmark building used over 300 days a year, user groups scattered to the wind. Architecturally significant with dozens of mature trees surrounding. Built in 1927, young men drilled in its hall, and were sent to Omaha Beach during the "D" day invasion, never to return. A Civic Center for 71 years, and a vision to match the renaissance of Silver Spring, and contribute to its success. Now all tragically lost.

It's interesting to relate how this shameful act occurred. The Montgomery County Executive disregarding critical safeguards to the community of the April 20, 1998 General Development Agreement, including construction financing and required pre-leasing, gave himself permission to destroy the Armory, in a secret contract letter of September 11 - 16 with the developer, exposed in Montgomery County Circuit Court, 10/26. The developer had stated to the Historic Preservation Commissioners he would abide by the requirements, but then eagerly accepted the deal. To this date, these requirements have not been met, and no construction has commenced on any section.

We asked repeatedly of County Government officials when the Armory would be torn down, and were met with evasiveness. The Armory was destroyed clandestinely on October 19 before our Appeals process had run its course. An Executive Office Administrator stated that groundwater contamination was a factor. We exposed this as a complete deception, and it was not brought up in Court.

We feel we have not been treated fairly, honestly, or ethically by our elected Government officials. If the current project fails for **any** reason, we will be left without an Armory, Civic Center or retail development. Even if some of the project is constructed, we could still be left without a Civic Building, if you read the Development Agreement carefully. Even if the Civic Building is eventually built 2 - 5 years from now, it will not contain a sprung wooden dance floor.

And it would never be able to replace the historical and architectural significance of the Silver Spring Armory.

Some people have wondered why a Takoma Park Citizen should be involved in a quote "Silver Spring" issue. I would like to point out that 2 of our citizens were highly involved in the destruction of the Armory. One is a Silver Spring Committee Co-Chair; the other is an Historic Preservation Commissioner. Also, Rockville is a lot further away from Silver Spring than Takoma Park.

I would appreciate your comments.

George French, "Save Our Armory"
510 Albany Ave., Takoma Park, MD 20912
301-585-3817

Introduced By: Councilmember Stewart

RESOLUTION #1998 - 60

SETTING FORTH THE CITY COUNCIL'S 1998 HOLIDAY SEASON RECESS

WHEREAS, in order to accommodate vacation schedules of members of the City Council, a holiday season recess shall be called; **AND**


WHEREAS, this recess shall commence following adjournment of the Special Session on Monday, December 7, 1998; **AND**

WHEREAS, the Council will reconvene in Worksession on Monday, January 4, 1999.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby sets forth its 1998 Holiday Season Recess from December 8, 1998, through January 3, 1999.

ADOPTED this 23rd day of November 1998.

ATTEST:


Catherine E. W. Sartoph, CMC/AAE
City Clerk

RESOLUTION NO. 1998-61

**(Resolution Approving a Cooperative Purchase Arrangement with
Montgomery County Public Schools for Lee Jordan Field Renovations)**

WHEREAS, the City of Takoma Park ("City") will be renovating, constructing, and providing equipment for Lee Jordan Field at the Takoma Middle School (hereinafter referred to as the "Lee Jordan Field renovations"; and

WHEREAS, the cost of the Lee Jordan Field renovations will be funded through a grant provided by Montgomery County and administered by the City; and

WHEREAS, Bovis Construction ("Bovis") is in the process of reconstructing Takoma Park School under a contract with Montgomery County Public Schools; and

WHEREAS, Bovis Construction already has its construction equipment on the Takoma Middle School site and is willing and able to perform some of the tasks for the Lee Jordan Field renovations, such as plumbing work and construction of a storage shed; and

WHEREAS, Montgomery County Public Schools is willing to add the Lee Jordan Field renovations to its contract with Bovis; and

WHEREAS, pursuant to Section 9A-13(e) of the Takoma Park Code, the City Administrator may enter into contracts or agreements for cooperative purchasing with other governmental units, without the requirement of competitive bidding and subject to the review and approval of the City Council by resolution prior to any actual purchase being made; and

WHEREAS, in addition, in consideration of the City performing the Lee Jordan Field Renovations and agreeing to maintain Lee Jordan Field, the Montgomery County Office of Community Use Public Facilities ("CUPF") will relinquish its scheduling responsibility for Lee Jordan Field and grant the City exclusive use of the Lee Jordan Field subject to terms and conditions which will set forth in a Memorandum of Understanding among the City, Takoma Middle School, and CUPF; and

WHEREAS, entering into a Memorandum of Understanding on the scheduling, use, and maintenance of Lee Jordan Field at Takoma Middle School will lead to improved conditions at Lee Jordan Field which will benefit the citizens of the City; and

WHEREAS, assuming control over the scheduling and use of Lee Jordan Field will help the City meet the field needs of Takoma Park neighborhood sports teams and leagues.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT a cooperative purchase with Montgomery County Public School for Bovis to perform all or part of the Lee Jordan Field renovations is hereby approved.

THIS RESOLUTION IS ADOPTED THIS 23RD DAY OF NOVEMBER, 1998.

Introduced By: Councilmember Williams

RESOLUTION NO. 1998 - 62

Resolution to establish the Citizens Advisory Committee on Economic Development Strategies (CACEDS) as an advisory panel to the Council on development issues.

WHEREAS, The City of Takoma Park has many types of businesses located in the City which provide a wide array of goods and services; and

WHEREAS, City Council wants to make the most effective use of available resources to support these businesses and maintain a healthy commercial environment for the benefit of the citizens of the community; and

WHEREAS, City Council plans to prepare a community economic development plan; and

WHEREAS, The input from community stakeholders will be important to the development of a useable plan that serves the needs of the community; and

WHEREAS, Citizen committees have provided a valuable service to the community.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND that the Citizens Advisory Committee on Economic Development Strategies (CACEDS) be established to be an advisory panel for the preparation of a Takoma Park Community Economic Development Plan with special responsibility for facilitating community input. Further the CACEDS will provide comments on the plan and implementation recommendations for Council's consideration. In addition, Council may from time to time request the Committee to take on other responsibilities related to development issues.

FURTHERMORE, the following persons are hereby appointed to serve on the Committee for a two-year term:

Jim DiLuigi
Tom Salyers
Ken Abraham
Joseph Klockner
Linda Pompa
John Urciolo
Crescencia J. Torres

Charlotte Sobel
Lorraine Pearsall
Susan Robb
Bruce Moyer
T.C. Williams
Beth Applegate

John Urciolo will serve as the Chair of the Committee.

Adopted this 23rd day of November, 1998.