

**PRESENTATION, BRIEFING, PUBLIC HEARING, REGULAR MEETING,  
WORKSESSION AND EXECUTIVE SESSION  
OF THE CITY COUNCIL**

**Monday, March 9, 1998**

**OFFICIALS PRESENT:**

Mayor Porter	City Administrator Habada
Councilmember Chavez	Assistant City Administrator Hobbs
Councilmember Elrich	City Clerk Sartoph
Councilmember Hawkins	Police Chief Anderson
Councilmember Rubin	Major Wortman
Councilmember Stewart	Corporal McAuley & "Credo"
Councilmember Williams	Community Planner George
	Public Works Team Leader McKenzie

The City Council convened at 7:43 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

**COUNCIL COMMENTS**

Mayor Porter apologized for the hoarseness of her voice, explaining that she has a bad cold. She noted, however, that there are a lot of important items on the evening's agenda, and that she will attempt to conduct the meeting without losing her voice.

Councilmember Williams noted the death of Cindy Fee, business owner of Knee High to a Grasshopper. Ms. Fee died a week ago Saturday. A memorial service will be held on March 15th.

**ADOPTION OF MINUTES**

The City Council Meeting minutes from 2/23/98 were adopted unanimously (VOTING FOR: Porter, Chavez, Rubin, Stewart, Williams; ABSENT: Elrich, Hawkins).

**CITIZEN COMMENTS**

Benjamin Onyeneke, Maple Avenue (Generation X), commented on the *Gazette's* coverage of issues impacting the City. He called for the county to improve pedestrian/bike paths which lead to schools (e.g., Blair High School), and stated that he does not want the county to cut funds for

school bus transportation.

## **PRESENTATION**

### **1. Police K-9 Unit. Recognition of awards received by Police K-9 Unit (Corporal McAuley and "Credo") from United States Police Canine Association--Region Three.**

Mayor Porter characterized the presentation as a very special item on the evening's agenda, and said that she is very pleased to present the special awards to Corporal McAuley and "Credo", the City's Police dog. She asked Police Chief Tom Anderson to join her on the stage, and then invited Corporal McAuley and "Credo" to come forward. She commented on the individual recognitions which have been awarded to the K-9 team, and described one of the police cases (tracking and apprehension of a criminal) for which "Credo" is being recognized. Corporal McAuley and "Credo" proudly accepted the awards.

## **BRIEFING**

### **2. Cable Franchise. Update on cable franchise negotiations (presented by : Adele Abrams).**

Adele Abrams, City's representative to the Montgomery County Citizens Cable Advisory Committee, thanked the Council for appointing her to the Board. She provided an update on recent events related to discussions about the cable franchise agreement. There was a public hearing held by the County Executive on March 2, and Councilmember Elrich did a fine job of representing the City at that hearing. The County Executive decided not to hold a down-county hearing; consequently, those who spoke at the March 2<sup>nd</sup> hearing may not have been representative of the diverse citizenry of the "down-county" area. Comparatively speaking, there was a small turn-out at hearing. Ms. Abrams suggested that the City might pursue holding another public hearing in coordination with other down-county jurisdictions. While the official comment period for the March 2<sup>nd</sup> hearing closed today, Mr. Pasternak from Montgomery County indicated that the City should indicate any further concerns between now and next week--the time when the County Executive's recommendation will be transmitted to the County Council. Ms. Abrams reminded the audience that the City is a co-franchiser in this matter, and noted that the County Council will hold a hearing sometime near the end of May. She explained that some of the concerns raised by Councilmember Elrich and others, are really outside the "four corners" of the franchise agreement. They are concerns more appropriately addressed with the county. She remarked that the City should get some commitment from the county on several issues before an agreement is signed, and encouraged the City to submit comments to the County Executive before March 16. Ms. Abrams distributed written comments for the City Council.

Ms. Porter noted that she sent a letter to County Executive requesting a second public hearing in the down-county area. His response was that he will not be holding another hearing, but that the City could hold one. Ms. Porter said that if Ms. Abrams thinks there is sufficient interest from other municipalities involved in the franchise discussions, then we could host a public hearing.

One of the big issues we are concerned with is the “fee split”. She explained her understanding that there is a bill before the County Council to address this issue, and that she believes the County Executive supports the bill. This would mean additional monies from the franchise agreement for the City.

Councilmember Rubin stated that at the last MML Montgomery County Chapter meeting at which the County Executive stated that he would not be holding a second down-county hearing on this matter, he observed the group as being supportive of holding our own hearing.

Ms. Abrams commented that she had the same observation and would be happy to work with staff to set-up a hearing for “down-county” jurisdictions.

Councilmember Chavez questioned the current status of negotiations regarding the “fee split.”

Ms. Abrams stated that currently, the split is being discussed as 60% county and 40% City. We are working on flipping this ratio to 75% City and 25% County.

## **PUBLIC HEARING**

**3. Request for International Deli to Change Locations.** Ms. Porter described the issue and invited persons to testify. The public hearing was opened at 8:05 p.m.

James Panetta, owner of International Deli (912 East-West Highway), observed that Planning Center Coordinator Ludlow’s recommendation is to deny the request. He addressed several concerns which have been raised in regards to the relocation of the deli. In reference to the issue of “noise”, Mr. Panetta stated that it is his understanding that the current owner will have to sell the Kwik Check Mart. Another business will move to the site, whether it is the International Deli or some other commercial entity. Regarding the complaint that there is presently a lot of trash in the vicinity of the deli, he remarked that the deli does not control the pedestrian and vehicular traffic that is littering the sidewalk. Regarding the alcoholic beverage license, there are several types of licenses, and the deli’s permits sale of only beer and wine. Regarding the comparison to Julissa’s Restaurant, Mr. Panetta emphasized that there is no “comparison.” The only people who are loitering in front of the deli are persons waiting on the bus. There is a bus stop directly in front of the deli. He stated that he is concerned about the negative points that have been raised about his business. Mr. Panetta said that he runs a clean business, and that he has confirmed this perspective with the Police, earlier this evening.

Benjamin Onyeneke, 7667 Maple Avenue, expressed strong support for the relocation of the deli, adding that better business brings more opportunities for employment to the City. He recalled concerns that have been raised about other businesses which were previously located at the site. The City should encourage small business development. He also observed that there is a family involved in this issue--the family of the business owner, and stated that he has never observed problems with people hanging around the entrance to the deli.

Allison Porter, 6812 Belford Drive (President of SOSCA), provided some perspective on this issue by recalling history of Julissa's. She remarked about some of the efforts that went into bringing forth concerns about Julissa's. Unfortunately, if the relocation is approved, the deli would retain its alcoholic beverage license, as was the case with Julissa's which also had an alcohol license. In the case of Julissa's, there were problems with people hanging around after-hours. People were urinating, behaving in a rowdy manner, and littering in the vicinity of the establishment. Ms. Porter commented that if the deli would not be keeping its alcohol license, then the community's concerns might be different.

Melissa Abel-Grasse, 505 Ethan Allen Avenue, opposed the request to relocate the deli. The main issue is the Beer and Wine license held by the deli. She said that otherwise, she does not have a complaint about the business. She observed, however, that the deli would be moving from a commercial strip to a more residential area, and expressed concern for the youth in the neighborhood who would have greater access to alcohol.

Joann Gabay, 632 Ethan Allen Avenue (next door to the Kwik Check Mart), commented that she has nothing personal against the owner of the deli, and that had she had a voice at the time the Kwik Check Mart was considering locating at 6900 New Hampshire Avenue, she would have opposed it also. She described problems she has had with patrons of the Kwik Check Mart vomiting and urinating in her yard, and using her property as a cut-through to the opening in the fence behind the Kwik Check Mart. Ms. Gabay noted that she has asked the owner to work with her to put up a closure around the property, but that he has not been responsive. She encouraged the City to take action to require the property owner to fence-off the commercial site. She said that she is definitely opposed to an establishment where there could be drinking of alcoholic beverages on the premises. There are currently problems with noise from the Kwik Check Mart site. Ms. Gabay remarked that she is a single woman living next door to a commercial establishment, and that she is opposed to beer and wine establishment moving into her "front yard".

Velma Dzidzienyo, 618 Ethan Allen Avenue, supported the comments and concerns of Ms. Gabay and Brenda Johnson, who will be speaking next.

Brenda Johnson, 630 Ethan Allen Avenue, stated her opposition to the relocation of the deli to the corner of Ethan Allen and New Hampshire Avenues. She commented that she has witnessed people walking through her lawn and driveway to get to the Kwik Check Mart--partially, because of the opening in the fence and people finding it a convenient cut-through. Even if the opening were not there, she proposed there would still be a problem with people urinating against the fence. Ms. Johnson commented on the volume of noise, noting that even the previous business (gas station) did not generate the volume of noise that the market generates. The Kwik Check Mart is using a part of the lot for used cars. Ms. Johnson expressed concern about a commercial business (e.g., deli) that will generate "lingering" traffic, adding her belief that the deli will generate "stand around" traffic. She concluded with her concerns about an establishment with an alcoholic beverage license being located on a site so close to a residential neighborhood.

Sally Taber, 703 Auburn Avenue, stated that since hearing of this issue from Ms. Ludlow, she put a question about the request out on e-mail. Immediate responses were received. Copies of the responses were provided to the Council. Ms. Taber stated her opposition to the request. It is not something that will improve the neighborhood. There is already a problem with people littering on the way to other establishments in the area that sell beverages. She commented on her belief that a store selling alcoholic beverages will draw more pedestrian/vehicular traffic. Ms. Taber noted that there is a huge sign in the deli's window "You can Drink Here or Carry-out", and that a week ago, there was still a "KENO" sign in the window. She said that she has not checked on these issues lately because she has been involved in school-related issues, but concluded by saying that she has a lot of concerns about the pending request.

Catherine Tunis, 907 Larch Avenue, expressed opposition. She said that residents and the Council need to think about the kinds of businesses we want in neighborhoods and the kinds of clientele we want to encourage. She noted recent discussions on the Internet regarding the deli "flaunting" minor laws. She added her support to the comments and concerns of the neighbors.

Phyllis Moore, 624 Ethan Allen Avenue, opposed the request because there are a lot of children in the neighborhood. In the townhouse neighborhood, there is a service road/driveway where the children play basketball. She commented that she does not want her children and others to have exposure to an establishment that has a license to sell alcohol. It might be a great move for the business, but it will not be a great move for the residents in the area, especially the children.

Mr. Panetta stated that most of the complaints stated this evening are directed at the Kwik Check Mart. He acknowledged that the sign is still in his window (drinking on-site or carry-off), but that drinking on-site has not been allowed for the past 18 months. The economic reality is that the Kwik Check Mart will have to sell, and some business will move into the site. He said that he would be happy to take care of the hole in the fence, noting that he did not know it exists. Mr. Panetta stated that there are other options for re-location sites--other than the Kwik Check Mart site. Some type of business will move onto the site, and there are other businesses that will generate possibly worse concerns. He encouraged neighbors to consider all of the alternatives.

Ms. Tunis stated that she is troubled by Mr. Panetta's statement that he is not responsible for the litter on the sidewalk in front of his business. This is an indication of the type of person he is and his level of responsiveness. Also, the sign that has not been removed from the window in 18 months is just another indication that this is not the kind of alcoholic beverage retailer that we want in the neighborhood.

Ms. Johnson addressed Mr. Panetta's statement about other options, and encouraged him to explore the other options. Regarding other businesses that might consider the site, she said that the neighborhood will consider future options on a case-by-case basis. The neighborhood would like to see a florist shop on the site--one which draws infrequent stops. She commented that the deli is trying to move to the site to attract more business--the last thing that residents want close to their homes.

Mr. Onyeneke said that he views the comments made this evening as “prejudice” against Mr. Panetta. He responded to the concerns about perceived smoking and drinking in the proximity of the deli should it move to the Kwik Check Mart site. He challenged the persons who have testified to claim that they have never smoked or taken a drink in front of children.

Ms. Moore stated that she neither smokes or drinks, and that she does not want it sold within 100 feet of the home where her child lives. She commented on a parent’s responsibility to control their consumption at parties and even in their homes. Ms. Moore reiterated her opposition to the relocation of the deli to the Kwik Check Mart site.

Ms. Porter closed the public hearing at 8:43 p.m.

## **REGULAR MEETING**

### **4. Resolution re: Relocation of International Deli.** Moved by Elrich; seconded by Williams.

Ms. Porter proposed the addition of a Whereas clause (after the first clause on the second page) stating that the City held a public hearing on this issue and that there was wide-spread opposition to the deli relocating to 6900 New Hampshire Avenue.

Mr. Chavez suggested that another Whereas clause be added to state that this resolution constitutes no prejudice or discrimination, but that it is being enacted in the context of State law which prohibits the move of the alcoholic beverage license.

Councilmember Elrich expressed concern about making a special point to say that the City Council does not operate or base decisions on prejudice.

Mr. Chavez commented on the possible perception of prejudice since the deli caters to an international community.

Ms. Porter suggested that the Council consider the proposed amendments individually. She made a motion to amend the resolution to add a Whereas clause (after first clause on second page) “the City Council held a public hearing on March 9 and the neighbors who spoke were overwhelming opposed to moving the license.” (Amendment seconded by Elrich.) All Councilmembers voted in favor of the amendment.

Mr. Chavez made a motion to amend the resolution to add a Whereas clause “this resolution constitutes no prejudice or discrimination of the values of the International Deli.” (Amendment was not seconded.)

Councilmember Rubin suggested an amendment that might get at the same point--in the first resolved clause, begin with “...although the City Council appreciates the efforts of the owners of FIFCO to build their business, it urges.....” (Amendment seconded by Porter.)

Mr. Chavez agreed that this language would speak to his concern about not wanting to be accused of discriminating against an "international" deli.

Mr. Elrich proposed that the language be changed slightly "...although the City Council understands the interest of the owners of FIFCO in increase their business." (Amendment to the amendment accepted by Rubin and Porter.)

Ms. Porter restated the proposed amendment to the first Resolved clause "...although the City Council understands the interest of the owners of FIFCO in increasing their business, it urges..." (All Councilmembers voted in favor of the amendment.)

Mr. Rubin recalled Mr. Panetta's statement that the deli had not made a final decision to relocate at 6900 New Hampshire Avenue. This was only one of the options. Therefore, if the proposed new location of the deli has not been specified, what is the County Board of License Commissioners considering?

Community Planner Venita George stated that a hearing date has not been set in regards to the waiver request which would enable the license to be moved to another location.

Mr. Rubin asked whether the License Commissioners would even hold a hearing if a re-location site were not specified. Does the waiver request have to specify the new location?

Ms. George responded that she would need to further research this issue, especially since the owner has stated tonight that he had not made a definite decision to move to the Kwik Check Mart site (6900 New Hampshire Avenue).

Mr. Rubin expressed concern about an "open-ended" request (re-location site unspecified) to move a license.

Ms. George stated that she does not have any information indicating that the deli was looking at any site other than 6900 New Hampshire Avenue.

Ms. Porter clarified that the City Council is holding this evening's public hearing and discussion based on the written request from FIFCO to move the deli to 6900 New Hampshire.

Mr. Rubin asked Mr. Panetta for a full description of the nature of the deli's business, beyond the sale of beer and wine.

Mr. Panetta responded that the deli sells several food items from most of the eastern European block. There is a large contingency of eastern Europeans that frequent the store. He explained that since unification took place, they have been unable to get eastern European beverages through the Montgomery County dispensary system. He noted that the alcoholic beverage license is for the sale of beer and wine only.

Mr. Rubin recalled having a discussion with representatives from the deli (FIFCO) and Montgomery County prior to unification, and that the statement was made that the dispensary would be able to get specific beer and wine beverages.

Mr. Panetta said that they discovered that this was not true. Anything that the dispensary could get would be too costly for the deli to obtain.

Mr. Rubin reiterated that the county did say that they could get the items specified by the deli through the dispensary system at a cost comparable to what the deli had been paying before unification. Has the deli since been told something different by the county?

Mr. Panetta remarked that he cannot answer specifically because Solomon Mazelev does the alcoholic beverage purchasing and knows more about the discussions with the dispensary. While the dispensary might be able to get some of the items, it cannot get all of them and not at affordable prices.

Mr. Rubin questioned whether Mr. Panetta made any attempts to discuss the proposed re-location with the neighboring community associations and neighborhoods prior to submitting the request.

Mr. Panetta commented that he could have filled this chamber with people who would like to see the deli move to the New Hampshire site but instead, he came this evening to address the letters about relocation to the Kwik Check Mart site. He maintained that the deli never specified that it wanted to move to the Kwik Check Mart site. This site was only one of the options.

Mr. Elrich noted that everyone came to that conclusion because there are letters from Senator Dorman and others indicating that the deli is moving across to the Kwik Check Mart site. He added that the deli cannot ask the City or the County License Commissioners to hold a hearing without specifying a re-location site. Mr. Elrich stated his position that different neighborhoods might be more conducive to certain types of businesses, but that in this instance, he would not support moving an establishment which sells alcoholic beverages adjacent to a residential neighborhood.

Mr. Panetta cited the short turn-around time that prompted the deli to specify the Kwik Check Mart site as the choice for re-location.

Mr. Elrich stated that Mr. Panetta (and other members of FIFCO) knew what the deli was getting into with its location at the time of unification. He restated that he does not agree with putting beer and wine establishments in residential areas, when possible. He also commented that he does not feel that it is comforting to have a Police cruiser parked in front of a business. Instead, the presence of a Police cruiser would suggest that there are problems in the area. Mr. Elrich stated that he will vote in favor of the resolution which opposes the relocation of the deli to the Kwik Check Mart site.



Ms. Porter agreed with Mr. Elrich, noting that she will also vote for the resolution. The rules of the game were clear at the time of unification--the liquor license could not be moved. She commented on the special considerations which were given to certain businesses at the time of unification. One of the conditions was that the Prince George's County Liquor License would not be moved within Montgomery County (i.e., the City) but could be moved back to a location within Prince George's County. Ms. Porter commented that there is a problem with a business that sells alcohol from a site close to a residential neighborhood. The 6900 New Hampshire site is not a suitable location for a business that sells alcohol. She explained that the City is being consistent with how it has dealt with similar businesses in the past, by taking into account the proximity of a business with a liquor license to the surrounding residential neighborhoods.

Mr. Williams agreed with Ms. Porter's statements. He said that in terms of the whole effort that the City went through at the time of unification, he made it clear that he would not support the move of any of the Prince George's County Liquor Licenses to different locations in Montgomery County.

Councilmember Stewart commented that as the Council representative for Ward 2, she supports the constituents who have spoken this evening and will also vote to deny the deli's request to relocate to the Kwik Check Mart site.

Mr. Rubin expressed sadness about this situation because when the store first opened, it did not sell spirits at all. He said that he thought the deli was a welcomed addition to the neighborhood. When the alcoholic beverage license came on the scene, he thought it would be an enhancement to the business in its effort to provide unique food and spirits. Mr. Rubin explained that the Council went to great lengths to try and protect the business during the unification transition. If the initial idea behind the business had been kept and carried-out, the objections which have been stated (e.g., people hanging-out and drinking and loitering) would not have been heard this evening.

Mr. Chavez stated his support for the resolution. The Kwik Check Mart site would be too close to the residential neighborhood and is at a "gateway" to the City. He remarked that his decision to vote for the resolution does not have anything to do with religion. He restated his comment that this resolution is not conveying any prejudice against the "international" nature of the deli.

Resolution #1998-5 was adopted unanimously, recommending denial of a request by FIFCO, Inc., to move to a new location within Takoma Park (i.e., 6900 New Hampshire Avenue) (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**RESOLUTION #1998-5  
(Attached)**

**5. Resolution re: Lesbian and Gay Month.** Moved by Williams with a correction to the date

in the first Whereas clause--should be "March 1988." He described the resolution and the contributions of the Takoma Park Lesbian and Gay (TPLAG) organization to the City. Mr. Williams stated that he would like to present the resolution to the group at the TPLAG tenth anniversary brunch which will be held on March 15, 1998. (Seconded by Rubin)

Mr. Chavez expressed support for the resolution, adding that the wording is perfect. He stated that he happy there is no "religious attachment" in this resolution.

Mr. Rubin commented that when such resolutions come before the Council it is a reaffirmation of the diversity of the community. He noted that the City came under attack recently for the "diversity" spirit it so prides. Mr. Rubin referred to specific editorials which were printed in the *Gazette*, and stated that he thinks this resolution is particularly important at this time.

Nelli Moxley, Eastern Avenue, stated that she does not care what anyone does in the privacy of his home, as long as we do our jobs--what we were elected to do. She expressed, however, her concern about how the City is perceived. She said that a man or a woman who has been with another person of the same sex for a long period of time (e.g., 20 years) can be trusted. However, there are too many gays and lesbians who change partners "fly by night." There is too great an incidence of AIDS in today's society. To designate a month for a "race" (e.g., Gays and Lesbians) is not right. Ms. Moxley commented that as an American Indian, she does not have a month recognizing her "race." She emphasized that she is not saying one way of lifestyle is right or wrong, because she is not the one who will ultimately pass judgment. We will all have to answer to God at some point in the future. Ms. Moxley noted that her and her mother's birthday both fall in the month of March. She urged the Council to think long and hard about designating a month as Takoma Park Lesbian and Gay Month. Ms. Moxley stated her opposition to the resolution.

Benjamin Onyeneke, Maple Avenue, commented on the President's position of "Don't Ask, Don't Tell". What is the City doing? Mr. Onyeneke said that he comes by the power of the goddess to judge, suffer and redeem people, and encouraged people to keep their sexual preference to themselves. He urged lesbians and gays to respect themselves and not convince his generation to fall into this trap. Mr. Onyeneke said that he cried out for the mercy of the goddess to deliver the City from a flood this weekend, and that she responded by sparing the residents.

Mr. Rubin commented that in response to Ms. Moxley, his support of this resolution is based on his perception of the highest possible authority.

Ms. Porter said that the month of March also holds her birthday, and that she would be proud to have the month of March designated in this way.

Resolution #1998-6 was adopted unanimously, declaring the Month of March 1998 as Takoma Park Lesbian and Gay Month (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**RESOLUTION #1998-6  
(Attached)**

**6. Single Reading Ordinances re: Police Vehicles.**

**A. Single Reading Ordinance Repealing and Replacing Ordinance #1998-1, Authorizing Procurement of Police Department Vehicles.** Ms. Porter explained the ordinance and the need to repeal the ordinance which was originally adopted by the Council.

Mr. Elrich requested clarification. Ms. Porter recalled the discussion at the time Ordinance #1998-1 was adopted. Tonight's consideration of the CNG vehicle would be for the other marked car, the third vehicle from the original request.

Mr. Elrich questioned whether this adjustment to the fleet will be acceptable. Will this be a way to get a 4-wheel drive vehicle in addition to an approved fleet?

Police Chief Anderson stated that he is not prepared to guess what fleet requirements, in terms of vehicle needs, will exist in the future.

Mr. Elrich asked whether Chief Anderson is prepared to guess about next year's needs (e.g., no additional vehicles).

Chief Anderson responded that the fleet proposal will be presented as part of the CIP for next year. The department is experimenting with a new shift plan which would put more officers on the street. However, there is no ruse here as a means by which to gain a vehicle.

Single Reading Ordinance #1998-5 was adopted unanimously, repealing and replacing Ordinance #1998-1, authorizing procurement of Police Department vehicles--two Ford Crown Victorias (one marked car for \$20,935 and a second unmarked car for \$20,914) from Norris Ford for a total of \$41,849 (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**ORDINANCE #1998-5  
(Attached)**

**B. Single Reading Ordinance re: Dedicated Compressed Natural Gas (CNG) Police Vehicle.** Ms. Porter explained that the issue is whether the City purchases a dedicated CNG vehicle as a marked police car. The purpose of buying a CNG vehicle is to investigate the implications of using CNG vehicles for City purposes, as the use of CNG fuel saves a great deal of energy and reduces global warming. Staff will need to track the maintenance and any other issues that arise.

Mr. Williams noted that the City has had after-market CNG packages installed in vehicles but has never had a factory-installed CNG vehicle. We want to compare the after-market and factory-installed CNG vehicles.

Ms. Porter noted the price difference of approximately \$4,000 (additional) for the CNG vehicle. She observed, however, that there will likely be a savings in fuel costs.

Moved by Elrich; seconded by Williams.

Single Reading Ordinance #1998-6 was adopted unanimously, authorizing the procurement of one Ford Crown Victoria Dedicated CNG from Sheehy Ford of Springfield for \$24,832 (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**ORDINANCE #1998-6  
(Attached)**

**C. Single Reading Ordinance re: 4x4 Ford Explorer for Police Department.** Moved by Williams; seconded by Chavez.

Mr. Rubin stated his support for the ordinance, and thanked Major Wortman for explaining the issue in an understandable way.

Ms. Porter remarked that she will be voting against this ordinance. She explained two concerns: (1) The conditions for which this vehicle is being purchased occur very rarely. She noted that she has also been told that this type of vehicle does not handle well on ice. (2) There are an increasing number of public reports about the safety of this type of vehicle. Ms. Porter commented that she has seen in the news that when sport utility vehicles are involved in multiple vehicle accidents they have a lower fatality rate. However, when involved in single vehicle accidents, the sport utility vehicles have a higher fatality rate. They have a "roll over" problem.

Mr. Williams said that he will be voting in favor of the ordinance, and that he believes that the vehicle will provide service to residents in areas of the City that are difficult to negotiate in inclement weather. In regards to the safety issues, Mr. Williams said that it is his belief that officers will use the vehicle responsibly.

Mr. Chavez added his support for the ordinance. The rationale seems very clear. The Police Department has identified a need for the vehicle, and there is merit owning versus renting a 4x4 vehicle.

Mr. Rubin commented that there are a number of areas in the City which even in the best of weather require an off-road vehicle to access. Mr. Elrich questioned the areas being referred to be Mr. Rubin. Mr. Rubin described streets where there are steep hills.

Mr. Elrich said that the only thing he sees needing a 4-wheel drive vehicle for, is to negotiate the speed humps in the City.

Ms. Stewart recognized the lack of hazardous winter weather this season, but said that she can imagine situations where a 4-wheel drive vehicle could be useful. She expressed support for the ordinance.

Mr. Elrich remarked that the City Administrator handled the need for 4-wheel drive vehicles in the past by renting vehicles when the need arose.

City Administrator Habada clarified that she was not the person who rented the 4-wheel drive vehicles. She went forward with a decision to get a Bob Cat during the big snow a couple of years ago. Major Wortman secured the rental 4x4 vehicles.

Mr. Elrich stated that if the City buys an unmarked vehicle for this purpose, why not buy a "used" vehicle. He questioned why choose the expensive new vehicle, especially since it will not be used the way we use regular police vehicles.

Major Wortman remarked that the Public Works Department has three or four 4-wheel drive vehicles and none have turned-over. He commented that the City has run into problems of not being able to rent 4-wheel drive vehicles. They simply were not available. Officers have had to use personal 4-wheel drive vehicles in the past. The City later found out that LGIT would not cover personal vehicle use. Also, officers have had problems with chained-tires on cruisers getting clogged with snow. He described a couple of incidents where 4-wheel drive vehicles were essential in delivering services. Three years ago, during the terrible snow storm, officers using their own 4x4's were able to come to the aide of a bed-ridden woman. There was a case in which the availability of a 4x4 vehicle made it possible for our officers to apprehend a suspect. The Police Department believes that when there is an emergency and a 4x4 transport is needed, it will be an issue of service.

Mr. Elrich asked whether the proposed vehicle is a 6 or 8 cylinder Explorer. Public Works Team Leader Donna McKenzie responded that it is a 6 cylinder vehicle.

Mr. Elrich noted that he saw an advertisement for an Explorer for \$20,000 in the paper this weekend.

Ms. McKenzie responded that the base price was estimated at \$28,000, and noted that the City has gotten very good pricing on the Explorer bids since we now have a fleet number. We got a good price on this vehicle.

Mr. Elrich observed that the \$24,976 price is still \$4,000+ more than the price he saw in the *Washington Post*. Ms. McKenzie pointed out that the City's Explorer would have the "heavy-up" suspension.

Mr. Williams called the question. Ms. Porter recognized the motion, and asked for citizen comments.

Benjamin Onyeneke, Maple Avenue, supported the ordinance to approve the purchase of the 4x4 vehicle. When it comes to public safety, the recommendations of Police Chief Anderson and Major Wortman should be accepted. He said that the City should use its 4x4 in joint crime prevention efforts with neighboring jurisdictions. Mr. Onyeneke urged Council support of the ordinance.

Single Reading Ordinance #1998-7 was adopted, authorizing the purchase of one 4x4 Ford Explorer from Sheehy Ford of Springfield for \$24,976 (VOTING FOR: Chavez, Rubin, Stewart, Williams; AGAINST: Porter, Elrich; ABSENT: Hawkins).

**ORDINANCE #1998-7  
(Attached)**

**7. 2nd Reading Ordinance re: Parking Permit Fee.** Mr. Elrich questioned whether there has been any word on whether we can get the “year” stickers for persons who wish to extend the 1-year permits. Chief Anderson responded that he had not heard any additional information on this matter.

Mr. Elrich requested that Chief Anderson ask Lieutenant Rosenthal to follow-up with Council on the question of “year” stickers.

Benjamin Onyeneke, Maple Avenue, urged issuance of permits in the form of stickers which can be applied to vehicles. This would help to distinguish residents of the areas from non-residents.

Ms. Porter explained that the Police Department currently issues stickers and will continue to do so.

Mr. Onyeneke expressed support for the ordinance.

Ordinance #1998-4 was adopted unanimously, establishing 1-year and 2-year permits for Permit Parking Areas and setting applicable fees (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**ORDINANCE #1998-4  
(Attached)**

**8. 1st Reading Ordinance re: Parking Permits.** Moved by Williams; seconded by Elrich. City Clerk Sartoph referred to the last page of the ordinance (paragraphs g(3) and g(4)), and suggested that Council consider adding the same second sentence as appears in paragraph “g(3)” to

paragraph "g(4)" to make the sections consistent. The same limit of "no more than three permits per business" was agreed upon by Council during their last discussion of this item.

Ms. Porter moved the amendment as suggested by Ms. Sartoph (seconded by Williams; accepted by Elrich).

Ms. Porter explained the ordinance and the related Administrative Regulation.

Mr. Elrich questioned where the limit on the total number of commercial permits to be issued to the Old Town businesses will be stated. He requested that the limits be set from the beginning to better control the impact on the neighborhoods.

Ms. Sartoph noted that there is a paragraph in the Regulation giving the City Administrator the authority put forth an Executive Order to set provisions for any given commercial area (i.e., limit on total number of permits to be issued, in which designated parking area(s) the business vehicles will park, etc.). She described the provisions which have been approved by the Council for the Old Town commercial area--a limit of 24 total permits; 12 permits for Area 2, and 12 permits for Area 3. Ms. Sartoph also recalled Lieutenant Rosenthal stating that should eight businesses apply for three permits each (maximum) and a ninth business then apply for commercial permits, the matter would be brought to the Council's attention.

Mr. Rubin added to the recollection, and explained that his concern was more about the ninth business being denied permits, than the issue of too many permits being issued and business vehicles overcrowding neighborhoods.

Mr. Elrich suggested that in the case of applicants for home-based business permits, the City should verify that these businesses are on the personal property tax rolls.

Ms. Habada remarked about the counties' methods of updating their records regarding personal property taxes and issuance of business licenses.

Benjamin Onyeneke, Maple Avenue, noted that there are many people who have handicap tags, who are not obviously handicapped. He said that he would love to see an amendment to the ordinance that states that the Police Department will request proof of "handicap" condition from persons who drive vehicles with handicap tags.

Ms. Porter noted that the decision as to whether a person is entitled to a handicapped tag is not made at the City level. It is a decision made by the State.

Mr. Rubin reiterated his understanding that if a business were to be "turned down" for permits, the matter would come to the attention of the Council.

Ordinance #1998-8 was accepted unanimously, as amended, amending the City Code Section 13-

63.1 Parking Permit Areas, to authorize issuance of “Commercial” and “Area-wide” parking permits to City businesses, to authorize issuance of permit to “Non-Profit” entities under the general provisions of the Residential Permit Parking Law, to exempt vehicles with handicap tags from permit parking provisions, and to effect several text amendments (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**ORDINANCE #1998-8**  
**(Attached)**

**9. Resolution re: Non-Statutory Committee Appointments.** Ms. Porter described the resolution, and a recent example of a non-statutory committee wishing to add to its membership. The Committee on the Environment came forward with a list of possible appointments, and questioned whether the Council had to make the appointments.

Moved by Williams; seconded by Stewart.

Resolution #1998-7 was adopted unanimously, authorizing non-statutory committees to make appointments to their committees provided the Council is notified of the appointments (VOTING FOR: Porter, Elrich, Stewart, Williams; ABSENT: Hawkins, Chavez, Rubin).

**RESOLUTION #1998-7**  
**(Attached)**

**10. 1st Reading Ordinance re: Statutory Committee Appointments.** Ms. Porter explained the ordinance. Moved by Williams; seconded by Stewart. Ms. Porter stated the proposed language to amend to the Code.

Mr. Williams confirmed that if the Council does not specifically note the extension of a person’s term, then the assumption should be that the person is only appointed for the short term.

Ordinance #1998-9 was accepted unanimously, defining short-term appointments to Council-appointed statutory committees, and providing that the Council may extend a short-term appointment to include the next full committee term (VOTING FOR: Porter, Chavez, Elrich, Stewart, Williams; ABSENT: Hawkins, Rubin).

**ORDINANCE #1998-9**  
**(Attached)**

**ADDITIONAL AGENDA ITEM**



**11. Resolution re: Fire Service.** Mr. Elrich described the resolution.

Mr. Rubin offered suggestions: (1) first Whereas clause "...opposing any diminution of fire and rescue services in..."; (2) delete the second Whereas clause. In regards to the second Whereas clause, he explained that the issue of excessive service to the Takoma Park/Silver Spring areas has long since been resolved. We should now focus on the statement that there should be no diminution of services. Leaving out the second clause would make the resolution stronger.

Ms. Stewart recognized Mr. Rubin's point, adding that if a new study were done and "new information" was presented it would be contrary to the statement in the clause.

Mr. Elrich suggested that the clause be reworded.

Mr. Rubin remarked that it has been the contention of certain members of the leadership of the Montgomery County Fire and Rescue Commission that our area is over-served, based on the average services in Montgomery County (i.e., per capita and square mile we are over-served in their opinion). This ignores, however, the fact that we have an "over-packed" area with older homes. Including the second clause raises a "red herring."

Ms. Porter stated that she has never heard the claim that we are over-served on a per capita basis.

Mr. Rubin remarked that it has been said that we are over-served for three reasons, including the per capita argument. He noted further suggestions: (3) correct "Fire Board" in the first Resolved clause to read "Fire and Rescue Commission", and (4) delete the word "the" in the second line of the second Resolved clause.

Mr. Williams proposed two amendments: (1) fourth Whereas clause, replace "we" with "the City Council", and (2) second Resolved clause, delete "Duncan".

Ms. Porter commented that by taking out the second whereas clause, the resolution would not address the claim that the down-county area is over-served. Important in the clause is the notion of there being no "new information" to support the claim of over service.

Mr. Elrich maintained that we should say that there is nothing new since the last time this same statement was acknowledged. Mr. Elrich moved the resolution with the amendments (except for the deletion of the second Whereas clause). Ms. Porter restated the proposed amendments. Mr. Williams seconded the motion.

Mr. Elrich commented that some members of the City Council heard County Executive Duncan's comments recently and his statement that he would have to add several dozen firefighters over the next few years. The County Executive is phasing them in because he is still focused on a tax reduction rather than the addition of needed fire fighters. Mr. Elrich said that he would rather not have the tax savings over the needed fire personnel, even in this important election year.

Resolution #1998-8 was adopted unanimously, as amended, opposing any diminution of fire and rescue services in the Takoma Park and Silver Spring communities. (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**RESOLUTION #1998-8  
(Attached)**

**WORKSESSION / EXECUTIVE SESSION / ADJOURNMENT**

The Council moved into Worksession at 10:23 p.m., and later convened in Executive Session at 10:32 p.m. Following the Executive Session, the Council adjourned for the evening at 11:10 p.m.

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Executive Session 3/09/98 - Moved by Chavez; seconded by Elrich. Council convened in Executive Session by unanimous vote at 10:30 p.m., in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Rubin, Stewart, Williams. STAFF PRESENT: Habada, Sartoph. The Council considered whether to pursue litigation on a county rebate issue, and decided to wait and see what rebates are included in the County Executive's budget. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8)).

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Introduced By: Council member Elrich

Resolution No. 1998- 5

**Resolution Recommending Denial of a Request by FIFCO, Inc.  
To Move to a New Location Within Takoma Park**

- WHEREAS, FIFCO, Inc., also known as the International Deli, currently operates a carry out store selling beer and light wine at 912 East-West Highway in Takoma Park; AND
- WHEREAS, a two-year effort by affected business owners, City of Takoma Park officials and Prince George's County representatives resulted in State legislation protecting businesses with alcoholic beverage licenses when the City became unified into Montgomery County in 1997; AND
- WHEREAS, that State legislation, House Bill 878 of the 1997 Legislation Session, created a special Class D-TP (On- and Off-sale) Beer and Light Wine License for the business owned by FIFCO, Inc.; AND
- WHEREAS, House Bill 878 added Subsection 8-216 (d) (2) (v) to Article 2B of the Annotated Code of Maryland, specifically stating that "The Class -TP type licenses are not transferable to other locations but are transferable to other persons, subject to the restrictions on similar transfers for other alcoholic beverages licenses in Montgomery County"; AND
- WHEREAS, Subsection (vi) of the same section, which states that the Montgomery Board of License Commissioners "may waive whatever statutory and regulatory provisions it so chooses for the affected licenses so that equity, fairness, and reasonableness are achieved," was intended to address minor difficulties arising from the transfer of the oversight of licenses from Prince George's County to Montgomery County; AND
- WHEREAS, FIFCO, Inc. has asked the Montgomery County Board of License Commissioners to waive Subsection 8-216 (d) (2) (v), under subsection (vi), so that they may transfer their license to 6900 New Hampshire Avenue, the property at the northwest corner of New Hampshire Avenue and Ethan Allen Avenue in the City of Takoma Park; AND
- WHEREAS, the northwest corner of the New Hampshire Avenue / Ethan Allen Avenue intersection, is a prominent location and a gateway to the City of Takoma Park; AND
- WHEREAS, the proposed new location is immediately adjacent to a residential neighborhood already negatively affected by noise and nuisance from patrons of the existing business

at 6900 New Hampshire Avenue; AND

WHEREAS, the operation of the business by FIFCO, Inc. at that location is likely to increase traffic, noise and nuisance by selling beer and light wine at the property; AND

WHEREAS, the City Council held a Public Hearing on March 9, 1998, and the neighbors, who spoke were overwhelmingly opposed to moving the license; AND

WHEREAS, while FIFCO, Inc. does not intend to allow on-sale consumption of alcoholic beverages at the property they, or future owners of the business, would be allowed to do so under the provisions of the Class D-TP license; AND

WHEREAS, if the present or future owners of the business decided to permit on-sale consumption of alcoholic beverages, even greater traffic, noise and nuisance could be generated by the business; AND

WHEREAS, the owners of FIFCO, Inc. have other location choices available to them in that House Bill 878 allows FIFCO, Inc. to retain their Prince George's County alcoholic beverage license as an open-location license in Prince George's County and they may apply for an alcoholic beverage license for most locations in Montgomery County outside of Takoma Park; AND

WHEREAS, allowing FIFCO, Inc. to transfer its D-TP license to another location in Takoma Park may set a precedent for the three other holders of Class -TP licenses to request permission to change locations, contrary to the intent of Subsection 8-216(d)(2)(v);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT although the City Council understands the interest of the owners of FIFCO in increasing their business, it urges the Montgomery County Board of License Commissioners to **Deny** the request from FIFCO, Inc. to waive the provisions of Subsection 8-216 (d) (2) (v) of Article 2B of the Annotated Code of Maryland to permit a change of location of the Class D-TP alcoholic beverage license.

BE IT FURTHER RESOLVED that if the Montgomery County Board of License Commissioners permits the license to be transferred to the property at 6900 New Hampshire Avenue, that the approval be conditioned on site improvements to screen the property from adjacent residential properties so that noise and nuisance are reduced.

**ADOPTED THIS 9TH DAY OF MARCH, 1998.**

Introduced by: Councilmember Williams

**RESOLUTION #1998-6**

**DECLARING THE MONTH OF MARCH, 1998 AS  
TAKOMA PARK LESBIAN AND GAY MONTH**

- WHEREAS,** The Takoma Park Lesbians and Gays (TPLAG) organization first met and was founded in March, 1988; **AND**
- WHEREAS,** TPLAG has consistently met monthly ever since, to promote cultural activities and to provide social support for the lesbian and gay community of Takoma Park; **AND**
- WHEREAS,** members of TPLAG have and continue to make significant contributions to restore, preserve, and advance neighborhoods and communities throughout Takoma Park; **AND**
- WHEREAS,** members of TPLAG have and continue to make significant financial and leadership contributions to a wide range of civic and nonprofit organizations including the Takoma Foundation, Historic Takoma, Friends of the Takoma Park Library, the Takoma Park Folk Festival, The Takoma Park House and Garden Tour, and the Takoma Park Silver Spring Co-op, among others; **AND**
- WHEREAS,** members of TPLAG have been and continue to be prominent leaders in the architectural, legal, medical, financial, political, and commercial services and professions of Takoma Park; **AND**
- WHEREAS,** TPLAG as an organization has financially and through volunteer efforts supported numerous educational, cultural, civic, and community projects throughout Takoma Park; **AND**
- WHEREAS,** the City of Takoma Park has long supported, celebrated, and embraced the valued contributions of its diverse citizenry.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Takoma Park, Maryland, declares the month of March, 1998 as Takoma Park Lesbian and Gay Month throughout the city, and presents this


**CERTIFICATE OF COMMENDATION AND RECOGNITION**

to the members and friends of The Takoma Park Lesbian and Gay organization at their tenth anniversary brunch on March 15, 1998.

**ADOPTED** this 9th day of March, 1998.

**ATTEST:**

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

  
Kathryn H. Porter  
Mayor

**Introduced by: Councilmember Williams**

**RESOLUTION #1998-7**

**Authorizing Non-Statutory Committees to Make Appointments to Their Committees Provided the Council is Notified of the Appointments**

**WHEREAS,** there are several non-statutory committees which have been established and to which initial appointments have been made by the City Council; **AND**

**WHEREAS,** when vacancies occur or there is a desire to expand the membership, the committees most often identify their own candidates for appointment; **AND**

**WHEREAS,** in the past, the Council has made appointments to non-statutory committees based largely on the recommendations of the committee members; **AND**

**WHEREAS,** the City Council does not feel that it is necessary for the Council to interview applicants and effect appointments by Council resolution to all non-statutory committees; **AND**

**WHEREAS,** the Council, however, recognizes the importance of staying informed of the memberships of all committees established by Council action.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park, Maryland, hereby authorizes non-statutory committees (i.e., Committee on the Environment, Recreation Committee, Takoma 2010), with the exception of the Takoma Junction Development Selection Team, to appoint their own members providing that the Council is notified of an appointment within 30 days of its effective date; **AND**

**BE IT FURTHER RESOLVED THAT** appointments to the Takoma Junction Development Selection Team shall be for a period of time as determined by Council, and that additional appointments to this committee shall be effected by the City Administrator; **AND**

**BE IT FURTHER RESOLVED THAT** at such time that a future non-statutory committee is established, the committee shall have the authority to appoint its own members unless otherwise specified by the City Council.

**ADOPTED** this 9th day of March, 1998.

**Introduced by: Councilmember Elrich**

**RESOLUTION #1998-8**

**FIRE SERVICE**

**WHEREAS,** the City Council of Takoma Park is on record as opposing any diminution of fire and rescue services in the Takoma Park and Silver Spring communities; **AND**

**WHEREAS,** the City Council believes that there is no new information that demonstrates that the level of fire protection services in the these communities is in excess of what is needed; **AND**

**WHEREAS,** the City Council believes that the proper way to provide adequate fire service to the up-county area is providing them with new resources and not by removing resources from the down-county; **AND**

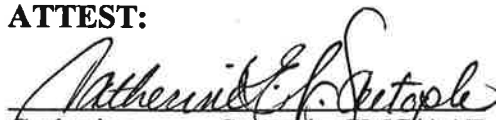
**WHEREAS,** the City Council cannot support reductions in services which threaten the safety and well-being of any of our county's citizens.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park urges the Fire and Rescue Commission to restore the cuts in personnel and equipment that have been forced on the Silver Spring community; **AND**

**BE IT FURTHER RESOLVED THAT** the City Council of Takoma Park urges the County Executive to put in his budget adequate funding for fire services so that all parts of the County can be adequately served without having to reduce services in the down-county area and specifically, Silver Spring.

**ADOPTED** this 9<sup>th</sup> day of March, 1998.

**ATTEST:**

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

  
Kathryn H. Porter  
Mayor

1<sup>st</sup> Reading: 2/23/98

2<sup>nd</sup> Reading: 3/09/98

Introduced by: Councilmember Rubin

**ORDINANCE #1998-4**

**Establishing 1-year and 2-year Permits for Permit Parking Areas, and  
Setting Applicable Fees**

**WHEREAS,** currently, permits for residents living within permit parking areas are renewed on an annual basis, **AND**

**WHEREAS,** a recommendation has been made that 2-year permits be made available for sale to permanent residents (e.g., homeowners) and tenants who have current 2-year lease agreements; **AND**

**WHEREAS,** 1-year permits will continue to be sold to tenants with less than a 2-year lease; **AND**

**WHEREAS,** this change would reduce the costs associated with the annual order for permits by reducing the number of permits needed, and the administrative staff time; **AND**

**WHEREAS,** a modified fee schedule has been recommended to accommodate the 1-year and 2-year permits; **AND**

**WHEREAS,** the City Administrator is authorized to recommend to the Council a fee for permits in an amount sufficient to pay the costs incidental to the issuance of permits (pursuant to Chapter 13. Vehicles and Traffic, Article 7. Stopping and Parking, Section 13-63.1(i). Parking permit areas); **AND**

**WHEREAS,** the permit fee shall become effective upon the affirmative action of the Council.

**NOW, THEREFORE, BE IT ORDAINED THAT** the City Council of Takoma Park, Maryland, hereby accepts and affirms the recommendation of the City Administrator to set the fees for permits to park in residential permit parking areas as follows:

1-year Permit	\$12.50
2-year Permit	\$20.00

**ADOPTED** this 9<sup>th</sup> day of March, 1998

**AYE: Porter, Chavez, Elrich, Rubin, Stewart, Williams**

**NAY: None**

**ABSTAIN: None**

**ABSENT: Hawkins**



Introduced by: Mayor Porter

Single Reading: 3/9/98

Ordinance No. 1998-5

**REPEALING AND REPLACING ORDINANCE 98-1,  
AUTHORIZING PROCUREMENT OF POLICE DEPARTMENT VEHICLES**

WHEREAS, the FY98 Capital Budget identifies funds to purchase three (3) Police Department Vehicles; AND

WHEREAS, the City has the opportunity to buy these vehicles through cooperative purchasing on a State of Maryland contract; AND

WHEREAS, ordinance No. 1998-1 is modified to reflect a change in cost of each vehicle as follows: AND

WHEREAS, two (2) Ford Crown Victorias are available from Norris Ford, one (1) marked car for \$20,935 and second unmarked car for \$20,914, for a total of \$41,849.

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

SECTION 1: that authorization be granted to purchase two (2) Ford Crown Victorias (one marked car for \$20,935 and second unmarked car for \$20,914) from Norris Ford for FORTY ONE THOUSAND EIGHT HUNDRED AND FORTY NINE DOLLARS (\$41,849); AND

SECTION 2: funds for this purchase be charged to Capital Budget Account No. 9100-8000 in the amount of FORTY ONE THOUSAND EIGHT HUNDRED AND FORTY NINE DOLLARS (\$41,849).

Adopted this 9th day of March 1998.

AYE: Porter, Chavez, Elrich, Rubin, Stewart, Williams

NAY: None

ABSTAINED: None

ABSENT: Hawkins

Ordinance No. 1998 -6

PROCUREMENT OF "ONE (1) FORD CROWN VICTORIA  
DEDICATED CNG" FOR POLICE DEPARTMENT

- WHEREAS, the FY-98 Capital Budget identifies funds to purchase one (1) Ford Crown Victoria Dedicated CNG for Police Department; AND
- WHEREAS, in accordance with City procurement procedures bids were solicited from eight (8) qualified Ford Alternative Fuel dealers and advertised on February 22, 1998 in the Washington Post; AND
- WHEREAS, bids were received and publicly opened at 2:00 p.m. on March 6, 1998 with (2) two bids being received; AND
- WHEREAS, Sheehy Ford of Springfield has submitted the lowest bid in the amount of TWENTY FOUR THOUSAND EIGHT HUNDRED AND THIRTY TWO DOLLARS (\$24,832.00); AND
- WHEREAS, the Public Works Team Leader has determined that the lowest bidder is a Ford Certified Alternative Fuel Dealer and is considered to be both responsive and responsible; AND

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

SECTION 1: that authorization be granted to purchase one (1) One Ford Crown Victoria Dedicated CNG from Sheehy Ford of Springfield for TWENTY FOUR THOUSAND EIGHT HUNDRED AND THIRTY TWO DOLLARS (\$24,832.00); AND

SECTION 2: funds for this purchase be charged to Capital Budget Account No. 9100-8000 in the amount of TWENTY FOUR THOUSAND EIGHT HUNDRED AND THIRTY TWO DOLLARS (\$24,832.00).

Adopted this 9th of March, 1998.

AYE: Porter, Chavez, Elrich, Rubin, Stewart, Williams

NAY: None

ABSTAINED: None

ABSENT: Hawkins

Introduced by: Councilmember Williams

Single Reading: 3/9/98

Ordinance No. 1998 - 7

**PROCUREMENT OF ONE (1) 4X4 FORD EXPLORER FOR  
POLICE DEPARTMENT**

- WHEREAS, the FY-98 Capital Budget identifies funds to purchase one (1) 4x4 Ford Explorer for Police Department; AND
- WHEREAS, in accordance with City procurement procedures bids were solicited from 14 qualified Ford dealers and advertised in the Washington Post; AND
- WHEREAS, bids were received and publicly opened at 2:00 p.m. on March 6, 1998 with (5) five bids being received; AND
- WHEREAS, Sheehy Ford of Springfield has submitted the lowest bid in the amount of TWENTY FOUR THOUSAND NINE HUNDRED AND SEVENTY SIX DOLLARS (\$24,976.00); AND
- WHEREAS, the Public Works Team Leader has determined that the lowest bidder is considered to be both responsive and responsible; AND

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

- SECTION 1: that authorization be granted to purchase one (1) 4x4 Ford Explorer from Sheehy Ford of Springfield for TWENTY FOUR THOUSAND NINE HUNDRED AND SEVENTY SIX DOLLARS (\$24,976.00); AND
- SECTION 2: funds for this purchase be charged to Capital Budget Account No. 9100-8000 in the amount of TWENTY FOUR THOUSAND NINE HUNDRED AND SEVENTY SIX DOLLARS (\$24,976.00).

Adopted this 9th of March, 1998.

AYE: Chavez, Rubin, Stewart, Williams

NAY: Porter, Elrich

ABSTAINED: None

ABSENT: Hawkins

**Introduced by: Councilmember Williams  
(Drafted by: C. Sartoph)**

**1<sup>st</sup> Reading: 3/09/98  
2<sup>nd</sup> Reading:**

**ORDINANCE #1998-8**

**AMENDING CITY CODE SECTION 13-63.1 PARKING PERMIT AREAS, TO AUTHORIZE ISSUANCE OF "COMMERCIAL" AND "AREA-WIDE" PARKING PERMITS TO CITY BUSINESSES, TO AUTHORIZE ISSUANCE OF PERMITS TO "NON-PROFIT" ENTITIES UNDER THE GENERAL PROVISIONS OF THE RESIDENTIAL PERMIT PARKING LAW, TO EXEMPT VEHICLES WITH HANDICAP TAGS FROM PERMIT PARKING PROVISIONS, AND TO EFFECT SEVERAL TEXT AMENDMENTS.**

**WHEREAS,** City staff has put forth several recommendations regarding amendments to the current Permit Parking Guidelines and establishment of provisions for "Commercial", "Area-wide" and "Non-profit" parking permits; **AND**

**WHEREAS,** City Council has discussed the general provisions for each of the proposed categories of parking permits and the other proposed amendments; **AND**

**WHEREAS,** it is necessary to amend the City Code to provide authority to issue "Commercial" and "Area-wide" parking permits which will allow employees of City businesses to park in residential permit parking areas, to address the issuance of parking permits to a non-profit entity located within a residential permit parking area, and to exempt vehicles with handicap tags from the provisions of Section 13-63.1; **AND**

**WHEREAS,** during the course of reviewing Section 13-63.1, a number of text amendments have been identified which would make the language of this section more consistent with that of other sections in the Code; **AND**

**WHEREAS,** the provisions for "Commercial" and "Area-wide" permits and permits issued to non-profit entities, as well as amendments to the existing Permit Parking Guidelines, shall be promulgated in the form of written regulations in accordance with Chapter 2, Administration, Article 5, Administrative Regulations, as required by Section 13-63.1(h).

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

**SECTION 1. Chapter 13. Vehicles and Traffic, Article 7. Stopping and Parking, of the Takoma Park Code is amended as follows:**

### **13-63.1. Parking permit areas.**

(a) The Council finds that the health, safety and welfare of many residents of the city are adversely affected by burdens placed on residents by virtue of the existence of major public facilities and programs. Frequently, the use of streets within residential areas for the parking of vehicles by persons using adjacent commercial, industrial, educational and transit areas and other areas, facilities and programs emanating from planning, zoning and other decisions by government results in hazardous traffic conditions, the overburdening of existing streets, roads and other facilities, air and noise pollution and the inability of residents of certain areas to obtain adequate parking adjacent to or close by their places of residence and to secure ease of access to their places of residence. In order to reduce to the extent possible the aforementioned conditions, to foster the use of mass transit facilities and to promote the safety, peace, good order, comfort, convenience, health and welfare of the residents of the city, the Council deems it essential that the parking permit authorization provided for in this section be enacted.

(b) The City Administrator is hereby authorized to recommend to the Council roads, streets and other areas within the city in which the parking of vehicles may be restricted, in whole or in part, during certain specified times, to holders of valid parking permits issued pursuant to this section. The City Administrator shall consider the institution of a parking permit system upon petition by the residents of a given area. The authority granted herein shall be in addition to and may be exercised in conjunction with any other authority the City Administrator may have to recommend times and conditions of motor vehicle parking.

(c) The designation of a parking permit shall take into account, among other things:

(1) The effect on the safety of residents of the area under consideration from intensive use by nonresidents for parking of vehicles.

(2) The need of the residents of the area to obtain adequate on-street parking adjacent to or close by their places of residence.

(3) The difficulty or inability of residents of the area to secure adequate on-street parking adjacent to or close by their places of residence because of widespread use of available parking spaces in that area by nonresidential transient motorists.

(4) The impact of major public facilities and programs on the health, safety and welfare of the residents of the area and any unreasonable burdens placed on those residents in securing adequate on-street parking and gaining access to their places of residence by virtue of such facilities and programs.

(5) The likelihood of alleviating, by use of a parking permit system, any problem of nonavailability of residential parking spaces.

(6) The desire of the residents in the area for the institution of a parking permit system and the willingness of those residents to bear the administrative costs incidental to the

issuance of permits authorized by this section.

(7) The fact that the residents of a contemplated parking permit area have contributed to the cost of construction and/or improvement of streets and roads in such area either by the direct assessment of costs or indirectly to the extent such costs are reflected in purchase or rental prices paid by those residents.

(8) The need for some parking spaces to be available in the area under consideration for use by visitors and the general public.

(9) Such other factors as shall be deemed relevant.

(d) In order to determine whether a particular area or location should be designated as a parking permit area, the Council, upon receipt of a certified petition requesting the designation [of] or withdrawal of a parking permit area, shall conduct a public hearing prior to such designation or prior to the withdrawal of such designation once it is established, at which time any interested person shall be entitled to appear and be heard. Such hearing shall be held only after due notice has been published in a newspaper of general circulation [throughout Montgomery and Prince George's Counties]. The notice shall clearly state the purpose of the hearing, the exact location and boundaries of the parking permit area under consideration and the reasons why such areas is being proposed for designation or withdrawal of designation as a parking permit area and the proposed parking permit fee that would be charged. In addition to the published notice, a similar notification shall be prominently posted within the area under consideration for designation as a parking permit area.

(e) Within thirty (30) days after the close of the record of the public hearing, the Council shall decide, based on the record of that meeting, whether or not to designate the area under consideration as a parking permit area or to remove the designation in the case of an established parking permit area. The decision of the Council shall be publicly announced in the same manner as the announcement of the hearing.

(f) Following the designation of a parking permit area, the City Administrator or [the City Administrator's] his/her designee shall issue appropriate parking permits and shall cause parking signs to be posted in the area indicating the times, locations and conditions under which parking shall be by permit only. Permits shall be issued only to persons residing on property immediately adjacent to a street or road within the parking permit area. A permit shall remain valid for such time as the holder thereof continues to reside in the area and during the period for which the permit is issued. Permits may be transferred only in accordance with procedures to be established in writing by the City Administrator.

(g) Subject to any regulations prepared by the City Administrator under Subsection (h) of this section[.];

(1) [e]Each holder of a residential parking permit shall be entitled to no more than two (2) permanent visitor parking permits. Visitor parking permits shall be issued under the same terms and conditions as the residential parking permit, except that such visitor parking permits will only be valid if used within five hundred (500) feet of the address for which the residential

parking permit is issued. Nothing in this provision shall prevent the City Administrator or his/her designee from issuing temporary visitor permits in accordance with regulations developed under Subsection (h) of this section.

(2) Non-profit entities located at an address within a designated residential permit parking area may be issued parking permits.

(3) A business located at an address in a commercial area immediately adjacent to a residential permit parking area may apply for a "Commercial" permit. No more than three (3) commercial permits will be issued to any one business.

(4) A business located at an address in the City of Takoma Park may apply for an "Area-wide" permit which would enable a business vehicle bearing the permit to park in any of the designated residential permit parking areas in the City. No more than three (3) area-wide permits will be issued to any one business.

(h) The City Administrator is authorized to promulgate written regulations in accordance with Chapter 2, Administration, Article 5, Administrative Regulations, to implement the provisions of this section.

(i) The City Administrator is authorized to recommend to the Council a parking permit fee for permits to be issued pursuant to this section in an amount sufficient to pay the costs incidental to the issuance of permits authorized by this section. The permit fee shall become effective upon the affirmative action of the Council.

(j) In addition to any other penalties available under law, violations of the City Administrator's written regulations promulgated under Subsection (h) of this section may result in revocation, by the City Administrator or [the City Administrator's] his/her designee, of permits issued by the City Administrator or [the City Administrator's] his/her designee.

(k) Vehicles bearing handicap tags are exempt from the provisions of this section.

**SECTION 2.** This Ordinance shall become effective upon adoption.

**ADOPTED** this \_\_\_\_\_ day of March, 1998 by roll call vote.

AYE:

NAY:

ABSENT:

ABSTAIN:

EDITORIAL NOTE: Language to be deleted is in [brackets]; language to be added is underlined. Language added at time of first reading is highlighted.

**Introduced: Councilmember Williams  
(Drafted by: C. Sartoph)**

**1<sup>st</sup> Reading: 3/09/98  
2<sup>nd</sup> Reading:**

**ORDINANCE #1998-9**

**DEFINING SHORT-TERM APPOINTMENTS TO COUNCIL-APPOINTED  
STATUTORY COMMITTEES, AND PROVIDING THAT THE COUNCIL MAY  
EXTEND A SHORT-TERM APPOINTMENT TO INCLUDE THE NEXT FULL  
COMMITTEE TERM**

**WHEREAS,** the City Council, by resolution, makes appointments to all statutory committees;  
**AND**

**WHEREAS,** there are situations where a committee appointment will be for a period of time that is less than the regular term length for that committee, such as when a committee member resigns and a person is appointed to fill the remainder of the term of the member being replaced, or in the case of a new committee, when a “start-up” term is made shorter in order to establish staggered terms on the committee; **AND**

**WHEREAS,** the Council wishes to define short-term committee appointments as those which will expire in six months or less from the date of the initial appointment, and to have the flexibility of deciding, at the time a short-term appointment is made, to extend that person’s appointment to include the next full committee term.

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

**SECTION 1. Chapter 2. Administration, Article 6. Boards and Commissions, Division 1. General Provisions,** of the Takoma Park Code is amended as follows:

Sec. 2-125. Membership of statutory Council-appointed committees.

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

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



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

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

(2) An initial term of a committee member that will expire in six months or less from the date of appointment shall be considered a short-term appointment.

(3) At the time a short-term appointment is made, the Council may extend the person's short-term appointment to include the next full-term for the committee, as set forth in Section 2-125(b).

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

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

**SECTION 2.** This Ordinance shall become effective upon adoption.

**ADOPTED** this \_\_\_\_ day of March, 1998 by roll call vote.

**AYE:**

**NAY:**

**ABSENT:**

**ABSTAIN:**

**EDITORIAL NOTE:** Language to be deleted is in [brackets]; language to be added is underlined.

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

**Monday, March 16, 1998**

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Executive Session 3/09/98 - Moved by Chavez; seconded by Elrich. Council convened in Executive Session by unanimous vote at 10:30 p.m., in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Rubin, Stewart, Williams. STAFF PRESENT: Habada, Sartoph. The Council considered whether to pursue litigation on a county rebate issue, and decided to wait and see what rebates are included in the County Executive's budget. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8)).

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**OFFICIALS PRESENT:**

Mayor Porter

Councilmember Chavez

Councilmember Elrich

Councilmember Hawkins

Councilmember Stewart

Councilmember Williams

City Administrator Habada

Assistant City Administrator Hobbs

City Clerk Sartoph

Assistant Corporation Counsel Flynn

Police Chief Anderson

Library Director Arnold-Robbins

Public Works Team Leader Braithwaite

Recreation Director Bluford

Program Coordinator Corley

Community Programs/Facilities Coor. Pernel

Outreach Coordinator Ellis

Housing Services Coordinator Walker

Acting Code Enforcement Supervisor Sanford

Community Planner George

Community Development Coordinator Sickle

The City Council convened at 7:42 p.m. in the upstairs meeting room of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

**ANNOUNCEMENTS**

Mayor Porter announced that Councilmember Rubin who is at home and not feeling well, will not be here this evening.

## INTERVIEWS

**1. Nuclear-Free Takoma Park Committee.** The Council interviewed Terry Berkeley who has expressed interest in continued service on the committee. Mr. Berkeley commented on the work of the committee and its continuous efforts to educate the public with an understanding of the ordinance. The committee is still planning to hold a forum.

Ms. Porter remarked that the next City purchase which may involve a waiver will be related to the police radio system that is being explored by Montgomery County.

Mr. Berkeley agreed. He requested that the NFZ sign on Carroll Avenue be turned around to face the traffic entering the City. Mr. Berkeley stated that technology advances (e.g., computer hardware/software upgrades and new purchases) will always require discussion. He posed the question about what defines "new" purchases versus updates/upgrades to existing hardware and software.

**2. Personnel Appeal Board.** The Council interviewed Sandra Coles-Bell who has expressed interest in appointment to the board. She described her supervisory and management experience, current employment, and interest in appointment.

Ms. Porter noted that the Board is not very active, but that it is available and critical to the City should there be a case that would need to go before the Board. The City has been fortunate in the past few years in that we have not had cases for the Board to resolve. She recognized Ms. Coles-Bell's experience, remarking that her's is the type that the Council wants to see on this Board.

Councilmember Williams asked for an explanation of Ms. Coles-Bell's volunteer work as a reader for the Metropolitan Washington Ear. Ms. Coles-Bell responded.

## SPECIAL SESSION

**4. Single Reading Ordinance re: Police Vehicle.** Ms. Porter described the ordinance. Moved by Hawkins; seconded by Chavez.

Benjamin Onyeneke, Maple Avenue (Generation X), asked for clarification about the bids received by the City.

Ms. Porter explained that since the vendor who supplied the lowest bid has withdrawn his bid, the Council is considering approval of the second-lowest bid which is only \$1 more than the lowest.

Mr. Onyeneke encouraged the Council and staff to purchase a quality vehicle. He noted that there have been recent recalls of Ford Explorers, and expressed his desire that City funds are invested wisely.

Ms. Porter commented that all bids received were for the same vehicle (i.e., Ford Explorer).

Police Chief Anderson remarked that Ford Motor Company is a recognized provider of police vehicles. The company has had factory recalls, as have other companies. He concluded that he does not have any issues in terms of quality with this particular vehicle.

Mr. Onyeneke commented on the Council's divided vote on authorization of this purchase from last week, and asked the Mayor and Councilmember Elrich to consider the benefits of having this vehicle in the police fleet. He encouraged the Council to vote in favor of the ordinance.

Ms. Porter stated that she will vote the same as she did last week, for the same reasons. She commented that she also expects that the vote will turn out the same as last week.

Single Reading Ordinance #1998-10 was adopted (VOTING FOR: Chavez, Elrich, Hawkins, Stewart, Williams; AGAINST: Porter; ABSENT: Rubin).

**ORDINANCE #1998-10  
(Attached)**

**WORKSESSION / EXECUTIVE SESSION / ADJOURNMENT**

The Council moved into Worksession and later, convened in Executive Session. Following the Executive Session, the Council adjourned for the evening.

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Executive Session 3/16/98 - Moved by Williams; seconded by Stewart. Council convened in Executive Session by unanimous vote at 11:10 p.m., in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Stewart, Williams. OFFICIAL ABSENT: Rubin. STAFF PRESENT: Habada, Sartoph. The Council discussed how to approach union negotiations regarding pay plan and pension system. Options were discussed with the Assistant City Administrator. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9)).

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Ordinance No. 1998 - 10

REPEALING & REPLACING ORDINANCE NO. 98-7 AUTHORIZING  
PROCUREMENT OF ONE (1) 4X4 FORD EXPLORER FOR  
POLICE DEPARTMENT

WHEREAS, the FY-98 Capital Budget identifies funds to purchase one (1) 4x4 Ford Explorer for Police Department; AND

WHEREAS, in accordance with City procurement procedures bids were solicited from 14 qualified Ford dealers and advertised in the Washington Post; AND

WHEREAS, bids were received and publicly opened at 2:00 p.m. on March 6, 1998 with (5) five bids being received; AND

WHEREAS, Sheehy Ford of Springfield has submitted the lowest bid in the amount of TWENTY FOUR THOUSAND NINE HUNDRED AND SEVENTY SIX DOLLARS (\$24,977.00); AND

WHEREAS, the Public Works Team Leader has determined that the lowest bidder is considered to be both responsive and responsible; AND

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

SECTION 1: that authorization be granted to purchase one (1) 4x4 Ford Explorer from Sheehy Ford of Springfield for TWENTY FOUR THOUSAND NINE HUNDRED AND SEVENTY SEVEN DOLLARS (\$24,977.00); AND

SECTION 2: funds for this purchase be charged to Capital Budget Account No. 9100-8000 in the amount of TWENTY FOUR THOUSAND NINE HUNDRED AND SEVENTY SEVEN DOLLARS (\$24,977.00).

Adopted this 16th of March, 1998.

AYE: Chavez, Elrich, Hawkins, Stewart, Williams

NAY: Porter

ABSTAINED: None

ABSENT: Rubin

**CITY COUNCIL OF TAKOMA PARK, MARYLAND (FINAL 4/06/98)**

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

**Monday, March 23, 1998**

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Executive Session 3/09/98 - Moved by Chavez; seconded by Elrich. Council convened in Executive Session by unanimous vote at 10:30 p.m., in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Rubin, Stewart, Williams. OFFICIAL ABSENT: Hawkins. STAFF PRESENT: Habada, Sartoph. The Council considered whether to pursue litigation on a county rebate issue, and decided to wait and see what rebates are included in the County Executive's budget. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8)).

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**OFFICIALS PRESENT:**

Mayor Porter

Councilmember Chavez

Councilmember Elrich

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Habada

Assistant City Administrator Hobbs

City Clerk Sartoph

Community Development Coordinator Sickle

**OFFICIAL ABSENT:**

Councilmember Hawkins

The City Council convened at 7:34 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

The following remarks were made:

**ANNOUNCEMENTS**

Councilmember Rubin noted that the first seat in the first row of the Council Chambers is the Brint Dillingham memorial chair. Mr. Dillingham was a Takoma Park activist for many years and was very much involved in fighting for the rights of people in affordable housing. He died of cancer a few years ago, and today is the anniversary of his death.

Councilmember Elrich added that Mr. Dillingham's involvement was greater than just within the City--he also ran for sheriff in Montgomery County. Mr. Dillingham should be remembered for his dedication and commitment to people; he was a very fine and courageous citizen.

Councilmember Chavez commented that a few weeks ago, he lost "man's best friend" his family's dog. He warned citizens to be careful to secure their yards so that dogs and other animals cannot escape the yard. Mr. Chavez encouraged animal owners to enjoy and safe keep their pets.

Councilmember Williams noted for the record and congratulated Councilmember Elrich on his official entry into the Montgomery County Council race.

## **PRESENTATION**

**Mayoral Proclamation designating April 4, 1998 as Arbor Day in the City of Takoma Park.** Mayor Porter read the proclamation for the record.

## **ADOPTION OF MINUTES**

The Council Meeting Minutes from 3/09 and 3/16 were adopted unanimously. Moved by Williams; seconded by Chavez. (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins)

## **CITIZEN COMMENTS**

Benjamin Onyeneke, Maple Avenue (Generation X), described the mission of Generation X (mediation of teen problems, protection of battered and abused women, and resolution of family conflicts). He commented on the importance of having active public safety citizens advisory groups, and described a video series on public safety that will be aired on Montgomery County Cable. Mr. Onyeneke remarked about the questionable activities of some youth in the City. He spoke in favor of human cloning, and urged the Council to support cloning.

## **INTERVIEWS**

**1. Free Burma Committee.** The Council interviewed Raju Charles who expressed interest in reappointment to the committee.

- **Nuclear-Free Takoma Park Committee.** The Council interviewed Joan Jacobs who expressed interest in reappointment to the committee.

- **Personnel Appeals Board.** The Council interviewed Gary Reisner who expressed interest in reappointment to the board.

Ms. Porter noted that the Council is planning to make appointments later this evening.

## **REGULAR MEETING**

**2. Resolution re: National Community Development Week.** Ms. Porter described the resolution. Moved by Elrich; seconded by Chavez.

Mr. Williams referred to the names of Takoma 2010 members listed on the resolution, and questioned whether these are the names of all the persons who were appointed by the Council or are they the names of the persons who have been active on the committee.

Community Development Coordinator Sickle explained that when the committee was originally set-up, staff was given authority to add members as needed to maintain enough members on the committee to enable it to proceed with business.

Benjamin Onyeneke, Maple Avenue, encouraged adoption of the resolution and recognition of the work of Takoma 2010 members.

Mr. Williams read the names of the members of Community Advisory Committee/Takoma 2010 as listed on the resolution.

Ms. Porter thanked members for their service, and stated that she appreciates their continued service.

Ms. Sickle stated that the committee has quite a challenge each year to try to address needs and make recommendations within the priorities established by the Council. She noted that there will be a program in recognition of National Community Development Week which is scheduled for April 10<sup>th</sup> in Takoma Junction at the site of the City-owned lot, since this site has been a focal point for a lot of things coming together (i.e., State, County and private interests). Several officials have expressed interest in attending the event--Congressman Wynn, Montgomery County Executive Duncan, representatives from HUD, etc.

Resolution #1998-9 was adopted unanimously, recognizing National Community Development Week and the success of the Community Development Block Grant Program (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**RESOLUTION #1998-9  
(Attached)**

**3. Resolution re: Appreciation to Congressman Albert Wynn.** Ms. Porter described the resolution. Moved by Rubin; seconded by Chavez.

Benjamin Onyeneke, Maple Avenue, stated that it is Congressman Wynn's responsibility to be supportive of block grant initiatives, and that recognition of this kind is not necessary when it is a person's responsibility to represent his constituency.

Ms. Porter stated that it is appropriate to recognize people who have assisted us with various things.

Mr. Rubin commented that if Congressman Wynn were here this evening, he would likely agree with Mr. Onyeneke's remarks. However, we are trying to market the success of joint work and



the benefits that are derived.

Resolution #1998-10 was adopted unanimously, recognizing Congressman Albert Wynn for his support of the Community Development Block Grant Program (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**RESOLUTION #1998-10  
(Attached)**

**4. Resolution re: Takoma Park Farmers Market.** Ms. Porter described the resolution. Moved by Rubin; seconded by Williams.

Resolution #1998-11 was adopted unanimously, authorizing the closing of Laurel Avenue between Eastern Avenue and Carroll Avenue for the operation of the Takoma Park Farmers Market on Sundays from April 19, 1998 through December 20, 1998, 9:00 a.m. to 2:30 p.m. (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**RESOLUTION #1998-11  
(Attached)**

**5. Resolution re: Montgomery County Dr. Martin Luther King, Jr., Commemorative Committee.** Ms. Porter described the resolution and the work of the committee. She expressed appreciation for Deputy City Clerk Espinosa's past service on the committee, and recognized his continued interest in representing the City. She noted that the resolution also appoints an alternate representative, Hermione Rhones to the committee, and thanked Ms. Rhones for her willingness to serve in this capacity.

Moved by Chavez; seconded by Stewart.

Resolution #1998-12 was adopted unanimously, appointing city representatives to the Montgomery County Dr. Martin Luther King, Jr., Commemorative Committee (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**RESOLUTION #1998-12  
(Attached)**

**6. 2nd Reading Ordinance re: Parking Permits.** Ms. Porter described the ordinance. Moved by Rubin; seconded by Williams.

Benjamin Onyeneke, Maple Avenue, recalled his comments at the time of first reading and again, remarked about people who abuse handicap tag privileges. He requested that the Council emphasize to MVA that people are impersonating handicaps to obtain tags. City Police Officers should focus on violators. Mr. Onyeneke supported more stringent laws regarding violations of handicap tags.

Ms. Porter explained that the determination of people who are issued handicap tags is not made in the City. However, the City does enforce violations of parking in designated handicap spaces.

Ordinance #1998-8 was adopted unanimously at second reading, amending City Code Section 13-63.1 Parking Permit Areas, to authorize issuance of "Commercial" and "Area-Wide" parking permits to city businesses, to authorize issuance of permits to "Non-Profit" entities under the general provisions of the residential permit parking law, to exempt vehicles with handicap tags from permit parking provisions, and to effect several text amendments (VOTING FOR: Porter, Elrich, Rubin, Stewart, Williams; ABSENT: Chavez, Hawkins).

**ORDINANCE #1998-8**  
**(Attached)**

**7. 2nd Reading Ordinance re: Statutory Committees.** Ms. Porter described the ordinance. Moved by Williams; seconded by Stewart.

Ordinance #1998-9 was adopted unanimously at second reading, defining short-term appointments to Council-appointed statutory committees, and providing that the Council may extend a short-term appointment to include the next full committee term (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**ORDINANCE #1998-9**  
**(Attached)**

**CONSENT AGENDA**

Ms. Porter noted that she has received requests to remove all but one of the items on the consent agenda.

**8. Resolution re: Nuclear-Free Takoma Park Committee.** Mr. Williams noted a grammatical correction in the fourth Whereas clause, changing "have" to "has". He moved the resolution as amended (seconded by Stewart).

Ms. Porter commented that the resolution effects the appointments of Adam Frank, Terry Berkeley, Joan Jacobs and Jay Levy to the committee.

Resolution #1998-13 was adopted unanimously, effecting appointments to the Nuclear-Free Takoma Park Committee (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**RESOLUTION #1998-13**  
**(Attached)**

- **Resolution re: Free Burma Committee.** Mr. Williams moved the resolution with the deletion of "Barbara Christophe" from the list of appointments and with amendments to the fifth Whereas

clause (i.e., change both occurrences of “have” to “has”) (seconded by Elrich).

Benjamin Onyeneke, Maple Avenue, supported the appointment of Raju Charles, adding that he is impressed with the strong stand that Mr. Charles takes on the issue of violations against human rights in Burma. He suggested that Mr. Charles be the Chairperson for the committee, and concluded by encouraging adoption of the resolution.

Ms. Porter noted that the resolution appoints Raju Charles and Susanne Lowen to the committee.

Mr. Williams questioned the remaining number of vacancies on the committee.

City Clerk Sartoph responded that there are two vacancies.

Resolution #1998-14 was adopted unanimously, effecting appointments to the Takoma Park Free Burma Committee (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**RESOLUTION #1998-14**  
**(Attached)**

**- Resolution re: Personnel Appeals Board.** Mr. Williams proposed a correction in the fourth Whereas clause, changing “as” to “has”.

Mr. Elrich moved with the resolution with the correction (seconded by Stewart).

Ms. Porter noted that the resolution appoints Gary Reisner and Sandra Coles-Bell to the board.

Resolution #1998-15 was adopted unanimously, effecting appointments to the Takoma Park Personnel Appeals Board (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**RESOLUTION #1998-15**  
**(Attached)**

**- Resolution re: Tree Commission.** Ms. Porter noted that the resolution appoints John Hartmann to the commission.

Resolution #1998-16 was adopted unanimously, effecting an appointment to the Takoma Park Tree Commission (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**RESOLUTION #1998-16**  
**(Attached)**

**WORKSESSION / EXECUTIVE SESSION / ADJOURNMENT**

The City Council moved into Worksession at 8:32 p.m. Following the Worksession, the Council convened in Executive Session at 9:25 p.m. and later adjourned for the evening.

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Executive Session 3/23/98 - Moved by Chavez; seconded by Stewart. Council convened in Executive Session by unanimous vote at 9:25 p.m., in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Rubin, Stewart, Williams. OFFICIAL ABSENT: Hawkins. STAFF PRESENT: Habada, Hobbs, Sartoph. The Council discussed proposals for union negotiations on police pay and benefits, and gave Assistant City Administrator Hobbs direction on negotiations. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9)).

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**PROCLAMATION**

**ARBOR DAY CELEBRATION IN TAKOMA PARK**

**WHEREAS**, the environment is important to the residents of Takoma Park; **AND**

**WHEREAS**, the Committee on the Environment, a City Council appointed body of City residents who advise the City on developing programs and administrative practices that are environmentally responsible, have organized several special events to celebrate Arbor Day; **AND**


**WHEREAS**, these events encourage the local community to participate; **AND**

**WHEREAS**, Arbor Day will be celebrated on Saturday, April 4, 1998 at the Takoma Park Library from 10:00 a.m. to 3:00 p.m., and will include the distribution of free tree seedlings and information on planting and care of trees in the community; **AND**

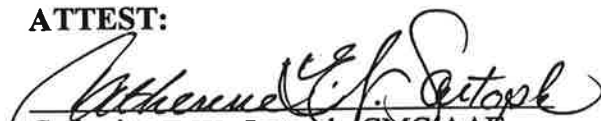
**WHEREAS**, the City of Takoma Park has once again been named a Tree City USA by the National Arbor Day Foundation, and will also receive a Silver PLANT Community Award from the Maryland Community Forest Council and the Maryland Department of Natural Resources for its greening efforts.

**NOW, THEREFORE, I, KATHRYN H. PORTER, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND**, on behalf of the City Council, staff and residents, do hereby support the local environmental celebration of Arbor Day on Saturday, April 4, 1998 presented by the Committee on the Environment, and encourage all residents to participate.

**ADOPTED** this 23<sup>rd</sup> day of March, 1998.

  
Kathryn H. Porter  
Mayor

**ATTEST:**

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

**Introduced by: Councilmember Elrich**

**Resolution No. 1998-9**

**A resolution recognizing National Community Development Week and the success of the Community Development Block Grant Program.**

**WHEREAS,** the week of April 6-12, 1998 has been designated as National Community Development Week, in recognition of the myriad of social service, economic development, and housing programs funded under the Community Development Block Grant program (CDBG); **AND**

**WHEREAS,** in this community, as well as communities throughout the nation, twenty-four years of CDBG program funding has developed a strong network of relationships between local government, residents and the non-profit agencies that provide services to help make possible our commitment to meet community needs; **AND**

**WHEREAS,** this community recognizes that the CDBG program is a partnership of Federal, state, and local government, business, non-profit and citizen efforts, and that the services funded by the Federal CDBG program, administered by the local government and often delivered by local non-profit organizations, relies heavily on the dedication of and good will of our combined efforts;

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT DURING** National Community Development Week 1998, this community will give special thanks and recognition to all participants whose hard work and devotion to our neighborhoods help insure the quality and effectiveness of the Community Development Block Grant program, and that this community petition the U. S. Congress and Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant program, and of its vital importance to the community, and that copies of this resolution be conveyed to the appropriate elected and appointed officials of the Federal government and that this community's name be added to the roll of those committed to the preservation and full funding of the Community Development Block grant program and maintenance of its essential features over the course of the next session of Congress. Further, that the work of the members of Takoma Park's Community Advisory Committee is acknowledged.


Community Advisory Committee/Takoma 2010

Dan Robinson, Chair  
Mary Stover  
Menchu Martinez  
Sandra Fillippi  
Rudy Arredondo

Frank Farley  
Rodges Ankrah  
Lee Feldstein  
Gregory Cichy

Howard Kohn  
Alison Martin  
Simeon Euell  
Kimichelle Burton-Boseman

Adopted this 23<sup>rd</sup> day of March 1998.

  
Kathryn H. Porter  
Mayor

**Introduced by: Councilmember Rubin**

**Resolution No. 1998-10**


**A resolution recognizing Congressman Albert Wynn for his support of the Community Development Block Grant Program.**

**WHEREAS,** the week of April 6-12, 1998 has been designated as National Community Development Week, in recognition of the myriad of social service, economic development, and housing programs funded under the Community Development Block Grant program (CDBG); **AND**


**WHEREAS,** this community recognizes that the CDBG program is a partnership of Federal, state, and local government, business, non-profit and citizen efforts, and that Congressman Albert Wynn has been an advocate for the City of Takoma Park.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT DURING** National Community Development Week 1998, this community will give special thanks and recognition to Congressman Albert Wynn whose hard work and devotion to the Community Development Block Grant program has helped Takoma Park receive funds to undertake community development projects in our neighborhoods which may not have been possible without this type of assistance.

Adopted this 23<sup>rd</sup> day of March 1998.

  
Kathryn H. Porter  
Mayor

**ATTEST:**

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

Introduced by: Council member Rubin

**RESOLUTION NO. 1998 - 11**

**A RESOLUTION AUTHORIZING THE CLOSING OF LAUREL AVENUE BETWEEN EASTERN AVENUE AND CARROLL AVENUE FOR THE OPERATION OF THE TAKOMA PARK FARMERS MARKET ON SUNDAYS FROM APRIL 19, 1998 THROUGH DECEMBER 20, 1998, 9:00 A.M. TO 2:30 P.M.**

Whereas, the City of Takoma Park has operated a farmers market ( the Market) on Sundays on Laurel Avenue in the Old Town Business District since 1983; AND,

WHEREAS, the City and the Takoma Park Farmers' Market, Inc. entered into an agreement providing for the Takoma Park Farmers's Market, Inc. to operate the Market beginning September 7, 1997, and setting forth the terms and conditions for said Market operation; AND,

WHEREAS, the City Council of the City of Takoma Park plans to continue to support the efforts of the Takoma Park Farmers' Market, Inc. to operate the Market on Laurel Avenue in the Old Town Business District; AND,

WHEREAS, in order for the Takoma Park Farmers' Market, Inc. to operate the Market in a safe and effective manner, Laurel Avenue must be closed between Carroll Avenue and Eastern Avenue to accommodate the participating vendors, and their customers; AND,

WHEREAS, Section 11 - 24 (a) of the Takoma Park City Code requires the approval of the City Council prior to closing a street;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT Laurel Avenue between Carroll and Eastern Avenues will be closed to all through traffic for operation of the Market by the Takoma Park Farmers Market, Inc. on every Sunday from and including April 19, 1998 through December 20, 1998, from 9:00 a.m. to 2:30 p.m.**

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

ADOPTED THIS 23<sup>rd</sup> DAY OF MARCH, 1998.



**Introduced by: Councilmember Chavez**

**RESOLUTION #1998-12**

**APPOINTING 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 including, but not limited to, the City of Takoma Park; **AND**

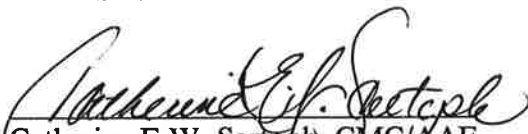
**WHEREAS,** the Montgomery County Executive has requested that the City of Takoma Park appoint a "primary" and "alternate" member to the Montgomery County Dr. Martin Luther King, Jr., Commemorative Committee; **AND**

**WHEREAS,** the City Administrator recommends 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.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park, Maryland, hereby appoints Deputy City Clerk Thomas Espinosa (primary) and Recreation Specialist Hermione Rhones (alternate) as the City's representatives to the Montgomery County Dr. Martin Luther King, Jr., Commemorative Committee.

**ADOPTED** this 23rd day of March, 1998.

**ATTEST:**

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

Introduced by: Councilmember Williams

**RESOLUTION #1998-13**

**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 Committee positions with terms expiring on March 31, 1998; **AND**

**WHEREAS,** each of the incumbents has applied for re-appointment and been interviewed by the City Council; **AND**


**WHEREAS,** there are no additional persons who have expressed interest in appointment to the Committee.

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

<b>Name/Address</b>	<b>Term Expires</b>
Adam Frank 408 Boyd Avenue	3/31/00
Terry Berkeley 630 Kennebec Avenue	3/31/00
Joan Jacobs 7428 Carroll Avenue	3/31/00
Jay Levy 7431 Baltimore Avenue	3/31/00

**ADOPTED** this 23rd day of March, 1998.

**ATTEST:**

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

Introduced by: Councilmember Williams

**RESOLUTION #1998-14**

**EFFECTING APPOINTMENTS 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; AND

**WHEREAS**, currently, there are three Committee positions with terms expiring March 31, 1998; AND

**WHEREAS**, each of the incumbents has applied for re-appointment and has been interviewed by the City Council; AND

**WHEREAS**, there are no additional persons who have expressed interest in appointment to the Committee.


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

<b>NAME</b>	<b>ADDRESS</b>	<b>TERM EXPIRES</b>
Raju Charles	7907 Cole Avenue	3/31/00
Susanne Lowen	7216 Trescott Avenue	3/31/00

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

**ADOPTED** this 23rd day of March, 1998.

**ATTEST:**

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

**Introduced by: Councilmember Elrich**

**RESOLUTION #1998 - 15**

**APPOINTMENTS TO THE TAKOMA PARK  
PERSONNEL APPEALS BOARD**

**WHEREAS,** the Code of the City of Takoma Park provides for the composition of the Personnel Appeals 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,** currently, there are two Board terms expiring on March 30, 1998; **AND**

**WHEREAS,** Gary Reisner has applied for reappointment and Sandra Coles-Bell has applied for appointment to the Board; **AND**


**WHEREAS,** both applicants have been interviewed by the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Takoma Park, Maryland, that the following persons are hereby appointed, effective immediately, to the Takoma Park Personnel Appeals Board:

<b>Name/Address</b>	<b>Term Expires</b>
Gary Reisner 7110 Woodland Avenue	3/31/01
Sandra Coles-Bell 6500 Westmoreland Avenue	3/31/01

**ADOPTED** this 23rd day of March, 1998.

**ATTEST:**

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

Introduced by: Mayor Porter

**RESOLUTION #1998 - 16**

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

**WHEREAS,** John Hartmann, whose term expired September 30, 1997 has expressed interest in reappointment to the Commission and has been interviewed by the Council; **AND**

**WHEREAS,** at this time, there are no applicants for the remaining vacancy.

**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

John Hartmann  
6701 Cockerille Avenue

9/30/00

**ADOPTED** this 23rd day of March, 1998.

**ATTEST:**

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

**Introduced by: Councilmember Williams  
(Drafted by: C. Sartoph)**

**1<sup>st</sup> Reading: 3/09/98  
2<sup>nd</sup> Reading: 3/23/98**

**ORDINANCE #1998-8**

**AMENDING CITY CODE SECTION 13-63.1 PARKING PERMIT AREAS, TO AUTHORIZE ISSUANCE OF "COMMERCIAL" AND "AREA-WIDE" PARKING PERMITS TO CITY BUSINESSES, TO AUTHORIZE ISSUANCE OF PERMITS TO "NON-PROFIT" ENTITIES UNDER THE GENERAL PROVISIONS OF THE RESIDENTIAL PERMIT PARKING LAW, TO EXEMPT VEHICLES WITH HANDICAP TAGS FROM PERMIT PARKING PROVISIONS, AND TO EFFECT SEVERAL TEXT AMENDMENTS.**

**WHEREAS,** City staff has put forth several recommendations regarding amendments to the current Permit Parking Guidelines and establishment of provisions for "Commercial", "Area-wide" and "Non-profit" parking permits; **AND**

**WHEREAS,** City Council has discussed the general provisions for each of the proposed categories of parking permits and the other proposed amendments; **AND**

**WHEREAS,** it is necessary to amend the City Code to provide authority to issue "Commercial" and "Area-wide" parking permits which will allow employees of City businesses to park in residential permit parking areas, to address the issuance of parking permits to a non-profit entity located within a residential permit parking area, and to exempt vehicles with handicap tags from the provisions of Section 13-63.1; **AND**

**WHEREAS,** during the course of reviewing Section 13-63.1, a number of text amendments have been identified which would make the language of this section more consistent with that of other sections in the Code; **AND**

**WHEREAS,** the provisions for "Commercial" and "Area-wide" permits and permits issued to non-profit entities, as well as amendments to the existing Permit Parking Guidelines, shall be promulgated in the form of written regulations in accordance with Chapter 2, Administration, Article 5, Administrative Regulations, as required by Section 13-63.1(h).

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

**SECTION 1.** Chapter 13. Vehicles and Traffic, Article 7. Stopping and Parking, of the Takoma Park Code is amended as follows:

### **13-63.1. Parking permit areas.**

(a) The Council finds that the health, safety and welfare of many residents of the city are adversely affected by burdens placed on residents by virtue of the existence of major public facilities and programs. Frequently, the use of streets within residential areas for the parking of vehicles by persons using adjacent commercial, industrial, educational and transit areas and other areas, facilities and programs emanating from planning, zoning and other decisions by government results in hazardous traffic conditions, the overburdening of existing streets, roads and other facilities, air and noise pollution and the inability of residents of certain areas to obtain adequate parking adjacent to or close by their places of residence and to secure ease of access to their places of residence. In order to reduce to the extent possible the aforementioned conditions, to foster the use of mass transit facilities and to promote the safety, peace, good order, comfort, convenience, health and welfare of the residents of the city, the Council deems it essential that the parking permit authorization provided for in this section be enacted.

(b) The City Administrator is hereby authorized to recommend to the Council roads, streets and other areas within the city in which the parking of vehicles may be restricted, in whole or in part, during certain specified times, to holders of valid parking permits issued pursuant to this section. The City Administrator shall consider the institution of a parking permit system upon petition by the residents of a given area. The authority granted herein shall be in addition to and may be exercised in conjunction with any other authority the City Administrator may have to recommend times and conditions of motor vehicle parking.

(c) The designation of a parking permit shall take into account, among other things:

(1) The effect on the safety of residents of the area under consideration from intensive use by nonresidents for parking of vehicles.

(2) The need of the residents of the area to obtain adequate on-street parking adjacent to or close by their places of residence.

(3) The difficulty or inability of residents of the area to secure adequate on-street parking adjacent to or close by their places of residence because of widespread use of available parking spaces in that area by nonresidential transient motorists.

(4) The impact of major public facilities and programs on the health, safety and welfare of the residents of the area and any unreasonable burdens placed on those residents in securing adequate on-street parking and gaining access to their places of residence by virtue of such facilities and programs.

(5) The likelihood of alleviating, by use of a parking permit system, any problem of nonavailability of residential parking spaces.

(6) The desire of the residents in the area for the institution of a parking permit system and the willingness of those residents to bear the administrative costs incidental to the

issuance of permits authorized by this section.

(7) The fact that the residents of a contemplated parking permit area have contributed to the cost of construction and/or improvement of streets and roads in such area either by the direct assessment of costs or indirectly to the extent such costs are reflected in purchase or rental prices paid by those residents.

(8) The need for some parking spaces to be available in the area under consideration for use by visitors and the general public.

(9) Such other factors as shall be deemed relevant.

(d) In order to determine whether a particular area or location should be designated as a parking permit area, the Council, upon receipt of a certified petition requesting the designation [of] or withdrawal of a parking permit area, shall conduct a public hearing prior to such designation or prior to the withdrawal of such designation once it is established, at which time any interested person shall be entitled to appear and be heard. Such hearing shall be held only after due notice has been published in a newspaper of general circulation [throughout Montgomery and Prince George's Counties]. The notice shall clearly state the purpose of the hearing, the exact location and boundaries of the parking permit area under consideration and the reasons why such areas is being proposed for designation or withdrawal of designation as a parking permit area and the proposed parking permit fee that would be charged. In addition to the published notice, a similar notification shall be prominently posted within the area under consideration for designation as a parking permit area.

(e) Within thirty (30) days after the close of the record of the public hearing, the Council shall decide, based on the record of that meeting, whether or not to designate the area under consideration as a parking permit area or to remove the designation in the case of an established parking permit area. The decision of the Council shall be publicly announced in the same manner as the announcement of the hearing.

(f) Following the designation of a parking permit area, the City Administrator or [the City Administrator's] his/her designee shall issue appropriate parking permits and shall cause parking signs to be posted in the area indicating the times, locations and conditions under which parking shall be by permit only. Permits shall be issued only to persons residing on property immediately adjacent to a street or road within the parking permit area. A permit shall remain valid for such time as the holder thereof continues to reside in the area and during the period for which the permit is issued. Permits may be transferred only in accordance with procedures to be established in writing by the City Administrator.

(g) Subject to any regulations prepared by the City Administrator under Subsection (h) of this section[.];

(1) [e]Each holder of a residential parking permit shall be entitled to no more than two (2) permanent visitor parking permits. Visitor parking permits shall be issued under the same terms and conditions as the residential parking permit, except that such visitor parking permits will only be valid if used within five hundred (500) feet of the address for which the residential



parking permit is issued. Nothing in this provision shall prevent the City Administrator or his/her designee from issuing temporary visitor permits in accordance with regulations developed under Subsection (h) of this section.

(2) Non-profit entities located at an address within a designated residential permit parking area may be issued parking permits.

(3) A business located at an address in a commercial area immediately adjacent to a residential permit parking area may apply for a "Commercial" permit. No more than three (3) commercial permits will be issued to any one business.

(4) A business located at an address in the City of Takoma Park may apply for an "Area-wide" permit which would enable a business vehicle bearing the permit to park in any of the designated residential permit parking areas in the City. No more than three (3) area-wide permits will be issued to any one business.

(h) The City Administrator is authorized to promulgate written regulations in accordance with Chapter 2, Administration, Article 5, Administrative Regulations, to implement the provisions of this section.

(i) The City Administrator is authorized to recommend to the Council a parking permit fee for permits to be issued pursuant to this section in an amount sufficient to pay the costs incidental to the issuance of permits authorized by this section. The permit fee shall become effective upon the affirmative action of the Council.

(j) In addition to any other penalties available under law, violations of the City Administrator's written regulations promulgated under Subsection (h) of this section may result in revocation, by the City Administrator or [the City Administrator's] his/her designee, of permits issued by the City Administrator or [the City Administrator's] his/her designee.

(k) Vehicles bearing handicap tags are exempt from the provisions of this section.

**SECTION 2.** This Ordinance shall become effective upon adoption.

**ADOPTED** this 23rd day of March, 1998 by roll call vote.

AYE: Porter, Elrich, Rubin, Stewart, Williams

NAY: None

ABSENT: Chavez, Hawkins

ABSTAIN: None

EDITORIAL NOTE: Language to be deleted is in [brackets]; language to be added is underlined. Language added at time of first reading is highlighted.

**Introduced: Councilmember Williams  
(Drafted by: C. Sartoph)**

**1<sup>st</sup> Reading: 3/09/98  
2<sup>nd</sup> Reading: 3/23/98**

**ORDINANCE #1998-9**

**DEFINING SHORT-TERM APPOINTMENTS TO COUNCIL-APPOINTED  
STATUTORY COMMITTEES, AND PROVIDING THAT THE COUNCIL MAY  
EXTEND A SHORT-TERM APPOINTMENT TO INCLUDE THE NEXT FULL  
COMMITTEE TERM**

**WHEREAS,** the City Council, by resolution, makes appointments to all statutory committees;  
**AND**

**WHEREAS,** there are situations where a committee appointment will be for a period of time that is less than the regular term length for that committee, such as when a committee member resigns and a person is appointed to fill the remainder of the term of the member being replaced, or in the case of a new committee, when a "start-up" term is made shorter in order to establish staggered terms on the committee; **AND**

**WHEREAS,** the Council wishes to define short-term committee appointments as those which will expire in six months or less from the date of the initial appointment, and to have the flexibility of deciding, at the time a short-term appointment is made, to extend that person's appointment to include the next full committee term.

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

**SECTION 1. Chapter 2. Administration, Article 6. Boards and Commissions, Division 1. General Provisions,** of the Takoma Park Code is amended as follows:

Sec. 2-125. Membership of statutory Council-appointed committees.

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

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

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

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

(2) An initial term of a committee member that will expire in six months or less from the date of appointment shall be considered a short-term appointment.

(3) At the time a short-term appointment is made, the Council may extend the person's short-term appointment to include the next full-term for the committee, as set forth in Section 2-125(b).

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

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

**SECTION 2.** This Ordinance shall become effective upon adoption.

**ADOPTED** this 23<sup>rd</sup> day of March, 1998 by roll call vote.

AYE: Porter, Chavez, Elrich, Rubin, Stewart, Williams

NAY: None

ABSENT: Hawkins

ABSTAIN: None

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