

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

Monday, April 12, 1999

Closed Session 3/29/99 - Moved by Chavez; seconded by Stewart. Council voted unanimously to convene in Closed Session at 7:30 p.m. in the Conference Room. **OFFICIALS PRESENT:** Porter, Chavez, Hawkins, Rubin, Stewart, Williams. **OFFICIAL ABSENT:** Elrich. **STAFF PRESENT:** Finn, Hobbs, Sartoph, Shafer, Braithwaite. The Council discussed changes in staffing that would require discussions with Unions. Staff was directed to go forward with discussions on some issues. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9)).

Closed Session 4/5/99 - Moved by Hawkins; seconded by Chavez. Council voted unanimously to convene in Closed Session at 10:35 p.m. in the Conference Room. **OFFICIALS PRESENT:** Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams. **STAFF PRESENT:** Finn, Sartoph, Sickle. The Council discussed acquisition of land in Takoma Junction, and received a briefing on the status of discussions. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

OFFICIALS PRESENT:

Mayor Porter

Councilmember Chavez

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Finn

Assistant City Administrator Hobbs

City Clerk Sartoph

Police Chief Anderson

Public Works Team Leader Shafer

Public Works Team Leader McKenzie

Telecommunications Manager Moffett

Program Coordinator Corley

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

COUNCIL COMMENTS

None.

ADDITIONAL AGENDA ITEMS

None.

ADOPTION OF MINUTES -- 3/15 and 3/29

Mayor Porter reported that she has a couple of minor corrections to the minutes. Councilmember Williams noted that he also has a couple. Ms. Porter asked that the minutes be moved with the five corrections.

Moved by Stewart; seconded by Williams.

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

CITIZEN COMMENTS

Tom Gagliardo, Attorney for Issa Ghoul, read a paragraph from a letter he wrote to the City Council on Friday regarding Mr. Ghoul's applications and experience with the Tree Permit process. At 5:21 p.m. this evening, he received a fax outlining the decision of the Tree Commission, finally granting Mr. Ghoul the permits for which he has applied. Mr. Gagliardo said that there are 15 requirements imposed by the Tree Commission. He commented on the requirements of the commission, citing some of the conditions, and emphasized that he does not see the authority in the City Code for the requirement to have signatures of all contractors, subcontractors, etc., on the order for site development. This requirement seems onerous. He remarked about other requirements of the order--i.e., soil on the property, and observed that there is nothing in the ordinance that permits this condition. Mr. Ghoul only wanted to remove 4 trees for which a permit was required. The Department of Public Works wanted him to remove more trees than he originally wanted to remove. The City's argument was that the foundation of the home would be too close to the trees. This order now requires Mr. Ghoul to post a bond for the potential damage to the eight trees. There is no evidence that the foundation will impact the health of the trees. The representative from the City came to the Tree Commission hearing and produced evidence (which Mr. Gagliardo said he objected to, but which was admitted) that was contrary to information submitted in the past. The staff person then left the hearing and was not present for cross-examination. Mr. Gagliardo questioned the lack of due process, and requested an investigation of the staff person. He noted that he will be addressing concerns in a letter that is forthcoming, but restated that he wants the Council to investigate the conduct of City staff in this process.

Ms. Porter thanked Mr. Gagliardo for his comments. The Tree Commission is not a body under the control of the Council. The Council does not oversee or dictate its findings. In terms of the conduct of the staff, she pointed out that she has also had a number of contacts with Mr. Ghoul on various occasions and that she has talked to staff about their contacts with him. Ms. Porter said that she is of the opinion that staff has dealt with Mr. Ghoul in a very responsible manner.

Mr. Gagliardo responded that this is not the issue. He provided further comment on the document that was presented by staff at the hearing, describing it as information that is different from the document that Mr. Ghoul had notice of and an opportunity to respond to, in the past. He remarked about the liability to the City for actions of staff and the Tree Commission.

Ms. Porter said that she is not familiar with the situation being described as happening during the Tree Commission hearing. She restated that her contacts with City staff on other issues have proven that staff has acted very responsibly.

Mr. Gagliardo commented on aspects of the process that Mr. Ghoul has endured. He pointed out specific conduct of City staff, and called on the Council to investigate these acts.

Benjamin Onyeneke, Maple Avenue (Generation X), said that he received an invitation from the Department of Recreation to participate in a program on Violence & Drugs, and described his reasons for declining. He remarked about Montgomery County and the federal government supporting after school programs and commented on initiatives to address youth crime and drug abuse. He questioned whether funding for education is actually being applied as intended. Mr. Onyeneke commended the Takoma Park Police Department for its approach to crime management, and remarked about international affairs.

Michael Brown, referred to remarks made by Mr. Gagliardo, adding that there are times when it is and when it is not appropriate to remove trees. He said he hopes the City is happy with the money it has gotten from County Executive Duncan, and suggested that a portion be returned to residents in the form of a tax rebate.

INTRODUCTIONS

1. New Employees.

Public Works Team Leader Shafer said that he is thrilled to introduce the new City Arborist and wants to thank the three citizens who were involved in the hiring process. We have found a great candidate and someone who we feel sure will be an asset to the City. Mr. Shafer introduced Todd Nelson.

Police Chief Anderson commented that he is pleased to introduce two new employees. Angelina Guarini joined staff on February 22 as a communications dispatcher. A lifelong resident of

Takoma Park, her mother was a Takoma Park crossing guard and two of her siblings previously were dispatchers. As a student at Montgomery County College and after, she was a security guard on the Takoma Park campus.

Ms. Porter said that she is pleased that someone with as much history with the Police Department and family who has been in Dispatch, would come into this position.

Chief Anderson introduced Diana Dean who joins the Support Services Division on April 5 as the Victim/Witness Coordinator, filling a position vacant since Maria Sivillo's departure. This is a grant-funded position. We are in the second year of funding and anticipate a third year. Ms. Dean is bilingual in English and Spanish, and previously worked in victim services at the Montgomery County Health and Human Services and Montgomery County State's Attorney's office. With more than 20 years of experience in the field. Dean will be a valuable asset to the department.

Ms. Porter welcomed Ms. Dean, remarking that this is an important position and that she is happy we have found someone to fill it.

REGULAR MEETING

2. Resolution re: Allocation of Cable Funds.

Ms. Porter explained the resolution, adding that she is pleased to finally have an agreement.

Telecommunications Manager Moffett said that Ms. Porter should take credit for being a prime motivator in the resolution. She offered her congratulations, explaining that we just need Council's authorization to sign the agreement.

Ms. Porter asked whether Montgomery Municipal Cable has agreed to this.

Ms. Moffett responded in the affirmative and noted that the Rockville City Council will be considering it in two weeks.

Councilmember Stewart questioned whether the City's Corporation Counsel has reviewed the agreement.

Ms. Moffett responded in the negative, explaining that Attorney David Pedulsky prepared the agreement on behalf of the three parties.

Ms. Stewart noted, however, that there is reference to each of the three parties having the agreement reviewed by their counsels.

Ms. Porter requested that the City Administrator have Corporation Counsel review the agreement, but suggested that the Council go forward this evening and endorse the agreement.

Moved by Rubin; seconded by Williams.

Councilmember Hawkins noted that she will abstain from the vote.

Councilmember Rubin remarked that this was a phenomenal job that required many levels of relations and technical know-how.

Ms. Porter added that there were two other entities involved in the negotiations and that everyone came out with less than what they had hoped for in order to come to agreement.

Resolution #1999-19 was adopted (VOTING FOR: Porter, Elrich, Rubin, Stewart, Williams; ABSTAIN: Hawkins; ABSENT: Chavez).

**RESOLUTION #1999-19
(Attached)**

3. Resolution re: Farmers Market (Street Closure).

Moved by Rubin; seconded by Elrich.

Mr. Williams clarified a policy statement regarding Council action being necessary to effect street closures, included in the cover page for the agenda item materials.

Benjamin Onyeneke, Maple Avenue, asked why Laurel Avenue has to be closed for the Farmers Market.

Ms. Porter explained that the City always closes Laurel Avenue so that the vendors can set up in the street.

Mr. Onyeneke said that Ms. Porter's explanation clears up his misunderstanding of the issue.

Michael Brown noted that there is a strip of land between New Hampshire Avenue and Belford Place where a Farmers Market might thrive.

Ms. Porter thanked him for his suggestion.

Resolution #1999-20 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**RESOLUTION #1999-20
(Attached)**

4. Resolution re: Grant Acceptance (Lee Jordan Field).

Program Coordinator Corley noted that we have finally gotten to the phase of getting the grant.

Ms. Porter explained the resolution. She confirmed that the grant can only be used for renovation of this field. She commented on the City's agreement to use the field outside of school hours.

Mr. Williams confirmed that as with standard county contracts, if we do not spend the full amount of the grant, the difference goes back to the county.

Ms. Porter remarked that there is a great deal of work to be done on the field.

Moved by Elrich; seconded by Rubin.

Mr. Rubin stated that he knows that everyone in the City is very eager to have Lee Jordan field back in operation.

Mr. Corley agreed.

Benjamin Onyeneke supported acceptance of the grant but expressed concern about the field becoming a soccer field. He explained his concern about the safety of youth, and suggested that concurrent baseball/softball play might injure players of other sports.

Mr. Corley explained that there will be dual baseball/softball fields and an overlay soccer/football field. There will also be two other backstops with grass fields, so that we could have four games going on at one time.

Mr. Onyeneke suggested seeking more grants for additional fields in other locations.

Resolution #1999-21 was adopted unanimously (VOTING FOR: Porter, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez, Elrich).

**RESOLUTION #1999-21
(Attached)**

5. Single Reading Ordinance re: Lee Jordan Field Renovation.

Ms. Porter explained the ordinance. She referred to the two bottom paragraphs and questioned

the difference in the numbers.

Mr. Corley stated that the correct amount should be \$86,875.

Moved by Williams (with correction--\$86,875); seconded by Hawkins.

Ms. Stewart said that she has never heard of Scotland Yard Inc., and asked whether it is a company with which the City has done business.

Mr. Corley responded that the City has not done business with this company. He explained the bid process and the steps he took to check references. One of the park managers from Park & Planning verified that they have done business with this company and attested to its reputation. Mr. Corley remarked about the work that this company will do--i.e., laser grade the field for drainage, add soil amenities and put in the ballfield clay. They will later come back and do sprigging (a process of plugging-in sod). Mr. Corley explained the difference between sprigging and sodding, noting that he has been forced to look at alternatives because of the high cost estimates that have been received.

Ms. Porter questioned whether the field will be available for 4th of July fireworks if we do not sod the field.

Mr. Corley responded in the affirmative. The project has been discussed with the Independence Day Committee.

Terry Seamens, President Ritchie Citizens Association, asked about the timing of the sprigging and the 4th of July, and questioned the impact of holding an event on the field.

Mr. Corley said that it will be possible to sprig the field on schedule. One of the things being done, to ensure that can do the work on schedule, is putting water on the field. He described why water is a necessity.

Ms. Porter asked whether an irrigation system will be installed.

Mr. Corley responded that a water line will be brought down from the school and hooked up to a water wheel. It will take about four hours to water the field. The sprinkler system will cost \$30,000-40,000, and a water wheel will cost approximately \$5,000.

Mr. Seamens asked whether there is a concern about the fireworks causing damage to the field.

Mr. Corley remarked about discussions with the committee on this issue, and described the area that would be permitted for fireworks.

Ms. Porter commented that the school renovations might not be far enough along in time for the

fireworks. The City is discussing this with the school board.

Michael Brown suggested that the valley behind the field might have a water source. He commented on possible uses for the land.

Ms. Porter said that the land being referred to by Mr. Brown is behind the Lee Jordan Field and is not what the Council is discussing in this proposal.

Benjamin Oneyenke urged the Council to adopt the Ordinance, and suggested that the contractor be required to build a water fountain on the field.

Mr. Corley noted that a water fountain is part of the Bovis Contract, along with an area to wash off shoes.

Mr. Onyeneke said that he would assist with advertising the fields.

Single Reading Ordinance #1999-10 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

ORDINANCE #1999-10
(Attached)

6. Resolution re: Bus Shelters.

Ms. Porter explained the resolution.

Mr. Rubin noted that in the resolution it says that the Council agreed to 16 locations for shelter sites but on the list, there are only 15 listed.

Mr. Williams questioned whether two sites were combined in #12.

Public Works Team Leader Shafer noted the error.

Ms. Porter said that the resolution that the Council seems to be working toward is to put up bus shelters (with advertisements on them) as a way of getting additional shelters in areas of the City where none exist and as a way to get better maintenance in locations where shelters already exist. She noted the differing opinions expressed by residents who testified at the public hearing. In terms of a position, the Council is coming to an agreement to go ahead with shelters in some areas of the City but to put other areas of the City off-limits to shelters with advertising. The Council has agreed to put together a small group of people to hammer-out guidelines about where shelters will not be placed (e.g., historic district, Old Town, Takoma Junction, maybe, other areas).

Mr. Rubin remarked that it would be more fair to say that we decided to establish a committee to

set standards about where we might or might not place shelters. He noted that he talked to Wolfgang Mergner and Lorraine Pearsall since last week's meeting, and that both are very eager to work on this issue. He said it would be a good idea to start the committee concurrently with adoption of this resolution.

Ms. Porter stated that the Council could set up a discussion about formally establishing the committee, or could handle it informally by simply identifying a number of people who are interested and willing to serve.

Mr. Rubin restated that the two people that he spoke with are eager to work on the issue.

Ms. Porter noted that Erwin Mack and Jim DiLuigi both spoke at the hearing and are interested in this discussion. We need to ensure that the business areas are all represented.

Mr. Rubin remarked that Ms. Pearsall might represent Historic Takoma and North Takoma Association. Mr. Mergner is a member of the PSCAC. The informal establishment is the way to go.

Councilmember Elrich asked whether staff considered sites on Houston Avenue.

Mr. Shafer responded in the affirmative, explaining why he did not feel there was enough room to erect a shelter on Houston. The standard bus shelter is 12 feet long. We can get 8 foot shelters if requested.

Mr. Williams asked if they are all the same depth.

Mr. Shafer said that they are the same depth, but that he is not sure about the exact depth. He remarked that he did not do any measurements on Flower Avenue, but that he feels there is limited space.

Mr. Elrich said that he can understand the space issues on Flower, but that he thinks some sites on Houston could work.

Mr. Shafer stated that he will look at Houston again, but that the only place that might be appropriate was at Hudson.

Mr. Williams noticed, on the additional site list, that there are a couple of locations listed as not in the historic district which strike him as sitting right on top of the boundary (site #21). We might want to take a minute to talk about how we want to talk about the boundaries of the historic district (i.e., either the "sense" of the historic district or the exact boundary lines). He noted that #32 and #33 also fit into this discussion.

Mr. Rubin suggested that this be one of the tasks of the committee. This is a point that will likely

be debated. Regarding site #21, most people who deal with the historic district would feel that this location is in their purview.

Ms. Porter agreed. We should put aside any locations that are in close proximity to the historic district.

Mr. Williams agreed, noting that this is consistent with the suggestion that he was making. He asked whether the Council wants to indicate its feeling about this issue.

Ms. Porter and Mr. Elrich proposed that it be left to the committee.

Ms. Porter questioned if each bus stop has the same right to a shelter, then why not locate shelters across the right-of-way from each other.

Mr. Shafer understood the point, but suggested that it may raise an issue of aesthetics. It could depend on the area--e.g., not so much a concern on New Hampshire Avenue.

Ms. Porter asked Ms. Hawkins if she has heard a concern about this along Maple Avenue.

Ms. Hawkins responded in the negative, but said that she has a concern and would like more time to explore residents' reactions.

Ms. Porter said that she is hearing consensus on the Council to go with the 16 sites, and leave discussion of additional sites for recommendation from the committee.

Mr. Shafer urged consideration of more sites, explaining that Culver & Associates was looking for 20 sites. Takoma Park is the first municipality in the State for this company, and we need to help make it a profitable venture.

Ms. Porter asked whether the two test sites are on this list.

Mr. Shafer responded in the negative.

Mr. Rubin recalled that he has asked the company during several discussions about whether they are sure that they want to deal with the City. Time and again, they have said "yes", and that they understand the very high level of neighborhood involvement in the decision process. We do not need to change for them since we were up-front from the beginning.

Mr. Shafer said that he does not dispute this point, but that he thinks we could add two more sites to meet their and our needs. The easy site would be New Hampshire and Poplar, and another easy site would be Merrimac in front of the 7-11.

Ms. Porter noted that there are some sites on the second list that we might want to add-in.

Probably all of the New Hampshire sites should be included.

Ms. Stewart agreed.

Ms. Porter remarked that there may be some public concern about the Ethan Allen and Jackson site, and encouraged the Council not to include this site right now. She suggested that the Council accept the first 16 sites listed (sites #1-15, two sites are listed as #12), sites #16-18 and site #20. Leave the remainder to the committee for discussion. The Council reached a consensus on this proposal.

Ms. Stewart asked what is the time frame for installation.

Mr. Shafer responded that it would take approximately 6-8 weeks. The shelters need to be manufactured. Pads will have to be built on some sites and power needs to be run.

Ms. Stewart questioned the revenue from the 22 shelters.

Mr. Shafer recalled Ms. Habada's statement that each shelter would yield approximately \$1000/year.

Ms. Porter noted that of the 22 shelters, 13 are actually on New Hampshire Avenue. She pointed out the locations of the remaining shelters. All are in either predominantly commercial areas or areas that have housing set fairly far back from the road.

Mr. Williams suggested that staff should encourage, where ever feasible, installation of the larger shelter. The 12 foot shelter is more acceptable than the 8 foot shelter.

Mr. Elrich reminded that the bottom line to this project was always to encourage transit ridership.

Ms. Hawkins asked about the kiosk she has been requesting for Maple Avenue.

Ms. Porter questioned whether Ms. Hawkins has a location in mind.

Ms. Hawkins requested that it be located in the commercial area because it is the most heavily populated. She said that she wants something in the central part of Maple.

Mr. Shafer expressed concern about installing a kiosk in the area in front of the commercial businesses, since there is so much concrete. He explained the construction that would be necessary, and suggested that a better location would be directly across the street on the grassy area. He said that he would discuss this with Culver & Associates.

Ms. Hawkins commented that it would be fine, adding that she is interested in something in that square block area.

Ms. Porter asked what is Council's feeling about the kiosks.

Ms. Stewart said that a newspaper kiosk at the municipal building might work.

Ms. Porter proposed that one of each might be good (newspaper and information).

Mr. Elrich suggested an information kiosk at Roanoke.

Ms. Stewart remarked that the recreation center would also be a good place for a kiosk. She asked if there is a reason that the Council is delaying discussion and action regarding the proposed kiosks.

Ms. Porter invited the Council to discuss the kiosks if it is ready to move forward. The kiosks have not been discussed in detail until this point.

Ms. Stewart asked who would be responsible for the advertisements on the kiosks.

Mr. Shafer explained that 2/3 of the area on the kiosk would be occupied with advertisements posted by Culver & Associates. The City staff would have to maintain the other section.

Ms. Hawkins said that she would be happy to post information on the kiosk in her neighborhood, noting that she envisions the information being similar to the same types of ads as on Cable.

Mr. Williams stated that he is not sure who on staff would maintain the kiosks, but if the Council is serious about its priority of getting information out to residents, then it should go forward and commit to working out the details.

Ms. Stewart questioned the New Hampshire and Kirklyn location.

Mr. Shafer explained that this site was identified for a newspaper kiosk. It has a heavily used bus area.

Ms. Stewart suggested that the Council accept the list of kiosks with the addition of one on Maple Avenue.

Ms. Hawkins asked where the kiosk is envisioned for the police substation.

Mr. Shafer responded that it was just a thought, and that it would service the police as well as patrons who frequent the commercial area.

Mr. Elrich said that he wants an information kiosk on Houston and Roanoke.

Mr. Shafer explained his understanding that the Flower/Piney Branch site does not make a lot of sense.

Mr. Elrich said it should be left on the list.

The Council reached a consensus to accept the listed kiosks with the additions of one on Maple Avenue and one at Houston/Roanoke.

Ms. Porter suggested an amendment to the resolution--(3rd Whereas clause..."Council agrees to 20 locations for shelter sites and 7 kiosk sites, and will be considering additional sites.").

Moved by Stewart (as amended); seconded by Williams.

Benjamin Onyeneke, as member of the Montgomery County Transit Advisory Committee, said he is trying to emphasize to Culver & Associates that we do not want to see the same kind of shelters as on University Boulevard near the Police Substation (cannot accommodate 2-4 passengers). He remarked about the shelter in front of the Rockville courthouse. It is an electronic-type kiosk combined with the shelter. He questioned why these types of shelters are not being put in place in the City by the county. It is a very beautiful shelter.

Michael Brown commented that in talking with staff, he understands that it would cost approximately \$20,000 more to have restroom facilities near bus stops and to install heating units in shelters.

Mr. Shafer suggested that in some locations two structures might be placed next to each other to accommodate more passengers (e.g., shelters side-by-side on New Hampshire).

Ms. Porter remarked that it seems that side-by-side shelters would be an answer to the shelter size concern.

Resolution #1999-22 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

RESOLUTION #1999-22
(Attached)

Ms. Porter said that in terms of the committee, she would be happy with giving the City Administrator the authority to appoint members on an informal basis.

Mr. Rubin agreed, and suggested the appointments of Ms. Pearsall and Mr. Mergner.

Ms. Porter supported the appointments of Mr. DiLuigi and Mr. Mack.

Mr. Williams suggested that Susan Robb might be interested.

7. Single Reading Ordinance re: Street Sweeper.

Postponed.

8. 2nd Reading Ordinance re: Parking Meters.

Ms. Porter said that when this issue last came up before the Council some months ago, we accepted the ordinance at first reading with two additional issues to later be discussed--(1) additional meters on Flower and Chicago and (2) a discussion about whether there would be Saturday enforcement. The ordinance, as accepted at first reading, would eliminate enforcement on Saturday and Sunday.

Mr. Williams remarked that the alternative to not enforcing on Saturday and Sunday was to enforce on Saturday. This might be more helpful to the commercial areas. The Council might make this change with a couple of qualifying points.

Ms. Porter suggested that we not enforce meters immediately adjacent to the church property (Old Town) on Saturday.

Public Works Team Leader McKenzie noted that these meters are not currently enforced, and that she was told that persons attending church primarily use the Kirchiro lot to park.

Mr. Rubin remarked that he thinks they use both the lot and the metered spaces. The problem is that a lot of people feel that if they cannot get a spot on one of those two areas, they have to use a meter down the street where they have to pay. It is a large church with a lot of parishioners.

Mr. Williams confirmed that there is also a church lot a block away.

Mr. Rubin recalled that part of the reason that this ordinance was held up was pending negotiations about the Kirchiro lot. This is no longer an issue.

Ms. Porter asked whether Mr. Rubin's suggestion is to not enforce the meters anywhere in Old Town on Saturday. She said that she believes that the merchants would want Saturday enforcement.

Ms. McKenzie commented that she has received no complaints about Saturday enforcement.

Mr. Rubin stated that he believes this is accurate, because people that go to church are not there too long.

Ms. Stewart asked whether anyone has talked to staff at the church to see what their take is on this issue.

Ms. McKenzie responded in the negative.

Ms. Stewart suggested that this approach be taken.

Ms. Porter said that the Council could decide not to take up this item at this point, but that she would like to put it off to a time certain and with instructions to staff about what is needed for it to come back up.

Ms. Stewart remarked that she would be willing to go with Ms. McKenzie to talk to the church.

Ms. Porter stated that someone should also talk to the merchants in the area.

Mr. Rubin volunteered. If it is not a problem with the church, he would be in favor of Saturday enforcement.

Ms. Porter noted that it sounds as if the Council is headed in the direction of enforcing meters on Saturdays except on the sides of the streets immediately adjacent to the church.

Mr. Elrich added that someone will always be parking down the street (either church goer or business patron) and be required to pay the meter.

Mr. Rubin agreed, but pointed out that if the concern is about the turn-over of the spots, then the church-goers would be leaving after the service.

Ms. Porter asked for the Council's sense about additional meters on Flower and Chicago. The Council reached a consensus to add the proposed meters.

Ms. Porter directed that the ordinance be brought forward at 2nd Reading as accepted at 1st Reading, but with language prepared to address the additional meters and the Saturday enforcement issue. She noted that it will be rescheduled for consideration on April 26th.

Ms. McKenzie asked for clarification about the Saturday enforcement issue.

Ms. Porter explained that the Council is discussing Saturday enforcement in the Old Town area and whether to exempt some spaces.

Mr. Rubin noted three options: (1) don't enforce on Saturday, (2) do enforce entirely, or (3) do enforce with exemption of spaces abutting the church property. If the church does not mind, let's proceed with full enforcement.

Ms. Stewart asked if this would include meters on Willow.

Ms. McKenzie confirmed that these are the City's meters.

Ms. Porter remarked that they should also be taken into consideration.

Mr. Elrich suggested that we find out from the church how many spaces they have available to them versus the number of parishioners.

Ms. Stewart said that she believes they only have one official lot.

9. 1st Reading Ordinance re: Parallel Parking.

Moved by Elrich; seconded by Hawkins.

Ordinance #1999-11 was accepted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**ORDINANCE #1999-11
(Attached)**

WORKSESSION / ADJOURNMENT / CLOSED SESSION

The Council moved into Worksession at 9:18 p.m. and later convened in Closed Session. Following conclusion of the Closed Session, the Council adjourned for the evening.

Closed Session 4/12/99 - Moved by Rubin; seconded by Stewart. Council voted unanimously to convene in Closed Session at 9:27 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Elrich, Hawkins, Rubin, Stewart, Williams. OFFICIAL ABSENT: Chavez. STAFF PRESENT: Finn, Hobbs, Sartoph, Anderson. (1) The Council discussed proposed changes related to employees. The Council agreed to go forward with discussions. (NOTE: Chief Anderson left the meeting.) (2) The Council received information regarding the status of discussion regarding possible land acquisition and agreed to move forward. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9) and (3)).

Introduced by: Councilmember Rubin

Resolution #1999 - 19

WHEREAS, the City of Takoma Park, has granted to Prime Communications - Potomac, L.L.C., a non-exclusive franchise for the operation of a cable communications system within the corporate limits of the City of Takoma Park; and

WHEREAS, as a part of this franchise agreement, the City of Takoma Park operates one (1) access channel on this cable communications system, as have the City of Rockville and the Montgomery County Chapter of the Maryland Municipal League for a total of three (3) government access channels; and

WHEREAS, the three municipal entities have been awarded a Capital Equipment Grant as identified in the Section 7(b) of the Franchise Agreement with Prime Communications - Potomac, L.L.C.; and

WHEREAS, whereas the distribution of the portion of the Capital Equipment Grant apportioned to municipal channel operators is detailed in the attached Agreement Between Jurisdictions; and

WHEREAS, the Council of the City of Takoma Park hereby approves the attached Agreement Between Jurisdictions as attached:

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Takoma Park, Maryland hereby authorizes the City Administrator to execute any and all documents necessary to effectuate the intent and purpose of this Resolution. This Resolution shall be effective immediately.

Adopted this 12th day of April, 1999.

FOR: Porter, Elrich, Rubin, Stewart, Williams
AGAINST: None
ABSTAIN: Hawkins
ABSENT: Chavez

ATTEST:



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

Introduced by: Council member Rubin

RESOLUTION NO. 1999 - 20

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 17, 1999 THROUGH DECEMBER 18, 1999, 9: 00 A.M. TO 3:00 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' 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 Takoma 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 II - 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 17, 1998 through December 18, 1998, from 9:00 a.m. to 3:00 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 12TH DAY OF APRIL, 1999.

Introduced By: Councilmember Elrich

Resolution Date: 4/12/99

RESOLUTION NO.1999- 21

A Resolution Approving a Contact Between Montgomery County Recreation and the City of Takoma Park for a grant of \$230,000 for the renovation of Lee Jordan Field

WHEREAS, the City has agreed to oversee the renovation of Lee Jordan Field; and

WHEREAS, Montgomery County Recreation Department has agreed to provide a grant of \$230,000 for the renovation; and

WHEREAS, As part of the Memorandum of Understanding with the Montgomery County School Board the City has agreed to facilitate the renovation of Lee Jordan Field; and

WHEREAS, by entering into this contract with Montgomery County Recreation Department the City is honoring its commitment to the Montgomery County School Board and the citizens of Takoma Park to Renovate and maintain Lee Jordan Field until the year 2003.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the contract for the grant to renovate Lee Jordan Field between Montgomery County Recreation Department and the City of Takoma Park is hereby approved.

Introduced By: Councilmember Stewart

Resolution Date: 4/12/99

RESOLUTION NO.1999-22

(Resolution Authorizing The City Administrator To Enter Into A Contract Between
The City Of Takoma Park And Culver & Associates For The Placement Of Bus Shelters
Within The City Of Takoma Park)

WHEREAS, Culver & Associates have approached the City with a program to provide and maintain shelters for bus riders and generate revenue through advertisements placed on panels within the shelters; and

WHEREAS, two shelters have been installed since November, 1998 to enable City residents to view them and a Public Hearing was held on April 5, 1999, to receive residents comments on the bus shelters; and

WHEREAS, Council agreed to 16 locations for shelter sites and 7 kiosk sites on April 5, 1999 and will be considering additional sites; and

WHEREAS, the Council has agreed to establish a committee of interested residents to establish guidelines for locating additional sites.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City Administrator is authorized to negotiate and enter into, on behalf of the City, a Contract for the placement of bus shelters within the City.

THIS RESOLUTION IS ADOPTED THIS 12th DAY OF APRIL, 1999

Introduced by: Councilmember Williams

ORDINANCE NO. 1999 - 10
FIELD RENOVATIONS - LEE JORDAN FIELD

- WHEREAS, The Montgomery County Recreation Department has provided the City a Grant of \$230,000 for the renovation of Lee Jordan Field; AND
- WHEREAS, In accordance with City procurement procedures, bids were solicited from 10 qualified vendors and advertised in the Washington Post; AND
- WHEREAS, Bids were received and publicly opened at 2:00 p.m. on Thursday, February 25 1999 with three bids being received; AND
- WHEREAS, Scotland Yard Inc has submitted the lowest bid for this portion of the renovations in the amount of \$86,875.00; AND
- WHEREAS, It has been determined that the lowest bidder is both responsive and responsible; AND
- WHEREAS, Sufficient funds are available to award a contract to the lowest bidder.

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

- Section 1: THAT the bid being received from the lowest bidder, Scotland Yard Inc. in the amount of \$86,875 be accepted; AND
- Section 2: That funds cover this work in the amount of [~~\$86,750.00~~] \$86,875.00 be charged to the grant for Lee Jordan Field renovations.

Adopted this 12th Day of April, 1999

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

NAY: None

ABSTAIN: None

ABSENT: Chavez

Editorial Note: Deletion is [bracketed] ; addition is underlined.

ORDINANCE #1999- 11

ORDINANCE TO AMEND THE TAKOMA PARK CODE, CHAPTER 13, ARTICLE 7, SEC. 13-65(A), MANNER OF PARKING; DOUBLE PARKING PROHIBITED; EXCEPTIONS

WHEREAS, Section 13-65(a) of the Takoma Park Code currently requires that vehicles which are parallel parked must be within six inches of the curb; **AND**

WHEREAS, the Annotated Code of Maryland, Section 21-1004a, Requires vehicles to be stopped or parked within twelve inches of the right curb; **AND**

WHEREAS, the City of Takoma park wishes to resolve the conflicting requirements between the Takoma park Code and the Annotated Code of Maryland; **AND**

WHEREAS, the City of Takoma Park agrees that parking within twelve inches of the curb, as prescribed in the Annotated Code of Maryland is sufficient to preclude parked vehicles from obstructing traffic and desires to conform with the Annotated Code of Maryland,

NOW THEREFORE, BE IT ORDAINED THAT Section 13-65(a) of the Takoma Park Code shall be amended as follows:

Sec. 13.65. Manner of parking; double parking prohibited; exceptions.

(a) Except when necessary in obedience to traffic regulations or traffic signs, the driver or operator of any vehicle shall not stop, park or leave standing the vehicle in any public highway or roadway, other than parallel with the edge of the highway or roadway and headed in the direction of traffic, with his right side to the curb and within [six (6)] twelve (12) inches thereof.

ADOPTED this _____ day of _____, 1999 by roll call vote.

AYE:

NAY:

ABSTAIN:

ABSENT:

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

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

Monday, April 26, 1999

Closed Session 4/12/99 - Moved by Rubin; seconded by Stewart. Council voted unanimously to convene in Closed Session at 9:27 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Elrich, Hawkins, Rubin, Stewart, Williams. OFFICIAL ABSENT: Chavez. STAFF PRESENT: Finn, Hobbs, Sartoph, Anderson. (1) The Council discussed proposed changes related to employees. The Council agreed to go forward with discussions. (NOTE: Chief Anderson left the meeting.) (2) The Council received information regarding the status of discussion regarding possible land acquisition and agreed to move forward. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9) and (3)).

Closed Session 4/19/99 - Moved by Chavez; seconded by Stewart. Council voted unanimously to convene in Closed Session at 10:08 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams. STAFF PRESENT: Finn, Hobbs, Sartoph, Perlman, Ludlow. (1) The Council discussed potential legal issues surrounding annexation. No action was taken. (NOTE: Perlman and Ludlow left the meeting.) (2) The Council received a briefing and provided comments to the City Administrator regarding the reorganization of a City department. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8) and (1)(ii)).

OFFICIALS PRESENT:

Mayor Porter

Councilmember Chavez

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Finn

Assistant City Administrator Hobbs

City Clerk Sartoph

Engineer Monk

Public Works Team Leader McKenzie

Police Chief Anderson

Library Director Arnold-Robbins

Treasurer McKenzie

Telecommunications Manager Moffett

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

COUNCIL COMMENTS

Councilmember Chavez explained that his remarks are related to last week's issue on the Washington Adventist Hospital (WAH), regarding the helicopter noise and frequency of trips, that is being alleged in violation of the agreement with the City. He said that the WAH staff and the Adventist Health Care System are responsible, professional people and that they are committed to their mission in the health ministry. They have been serving this community for 90 years and no doubt, they are valued by the community. Mr. Chavez said that he has lived in the City for 17 years, and that he believes that Takoma Park is one of the small cities which is lucky and blessed to have a community hospital/health facility right in its own backyard. It is a convenience to residents.

Takoma Park is one of the few cities that is close to being an ideal place to live. It is somewhat unique in many ways: (1) we have a community hospital for 90 years, (2) there is a 4 year college and 2 year community college and high school academy, (3) we have a Christian radio station, and (4) overall, it is a city with a good distribution of diverse population. Mr. Chavez said that for all of these reasons, he is grateful that he is a resident of Takoma Park.

On the other hand, regarding the helicopter noise and trip issues, he commented that he is not inclined to believe that in any way, the information provided by the hospital was presented with an intent of deception. In all respect, he remarked that he appreciates their existence. Not only does the hospital aid in the healing and curing of a lot of sicknesses, but it is also busy training medical personnel (e.g., nurses, medtechs, therapists and others). A lot of these individuals are being sent abroad as missionaries. This is what America is all about. This is what democracy is about-- people helping people. For that, WAH is committed too.

Mr. Chavez noted that the latest news is that this hospital is ranked among the top 100 hospitals in the nation, according to the Baltimore-based Health Information Company. The Washington Adventist Hospital's mission is loud and clear--healing the people regardless of race, color, status and religion. They do care.

Councilmember Rubin recalled that he too did not say much during the debate regarding the hospital, but that he listened very closely to both sides. He said that he does not believe that anyone ever questioned the value of the Adventist Church or the hospital to the community (both historically or on that day).

ADDITIONAL AGENDA ITEMS

Mayor Porter noted the addition of two items to the agenda: (1) discussion of revenues under the Budget Worksession, and (2) prior to the discussion of the FY00 Budget, a very brief discussion on the City's position on the library rebate. She noted that a memorandum from Planning Center Coordinator Ludlow to City Administrator Finn on the library rebate issue has been provided to

the Council.

ADOPTION OF MINUTES -- 4/12

Ms. Porter requested that the Council postpone adoption of the minutes, explaining that she has some changes that did not get to the City Clerk in time for the amendments to be made. She said that she wants the Council to review the changes. The Council agreed to postpone the minutes until the next Regular Meeting.

CITIZENS' COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), recalled that at the age of 13, in Bombay (India), he was waiting for a train to Calcutta and a woman he spoke to in English understood what he was saying. She explained that she was able to understand English from having watched television. He commented on animal control ordinances. Mr. Onyeneke remarked about rocks being thrown at him by youth in the park, and how as a result of a recent incident he went to the hospital the next day and was diagnosed as suffering from minor head injuries. He said that he reported the incident to the Takoma Park Police and Park Police, but that he does not feel that his complaint was addressed. Mr. Onyeneke questioned whether complaints of minorities are addressed. He noted last week's tragedy in Colorado, and asked whether people can really feel safe in public places. He remarked about an organization that has been formed in the Laurel area called "LUCIA" (meaning "fight"), and described its members as young people. Our police officers and government needs to address these concerns. He commented on immigrants seeking refuge in this nation (escaping genital circumcision). This fear can affect the immigrants psychologically. Mr. Onyeneke called on the Council to adopt a resolution encouraging the U.S. Justice Department to accept and protect these immigrants who are truly persons suffering from depression.

PUBLIC HEARING

1. Proposed FY00 Budget.

The public hearing was called to order at 7:52 p.m.

Benjamin Onyeneke, Maple Avenue, noted that there is a part-time position cut from the budget. He suggested that this position might be needed in the event a female employee were to be out on maternity leave. Taking away part-time jobs is like taking away rights. In regards to the D.A.R.E. program, it should be shifted to the Recreation Department. The program is not working and is a waste of money. The Recreation Department and/or State could form a different type of program to educate youth regarding drugs or to work with those who have already

experimented with drugs. Mr. Onyeneke explained that he was once found guilty of committing a crime (i.e. planted marijuana as an experiment in his home; he then began drinking it in tea, cooking it in his eggs, etc.). He went on to say that he was arrested and served two years of probation. His conclusion from the experiment was that marijuana would be good for medicinal purposes. He remarked about another drug that he discussed with M.C. Police--the manufacturer of which has not been identified. He suggested that it originates in China Town. The City should use D.A.R.E. monies to open a program to educate youth regarding drugs. He commented on the Library budget and spoke in favor of the discipline that is taught in the Library. There should be a permanent library budget. Regarding the media budget, he said that the Newsletter and cable do not provide adequate information to the public. Programming should be more up-to-date, and there should be a 24-hour news channel.

The public hearing was closed at 7:59 p.m.

Ms. Porter explained that the Council will have the first Budget Worksession discussion this evening at the end of the regular meeting agenda.

REGULAR MEETING

2. Single Reading Ordinance re: Street Sweeper. Engineer Monk summarized the agenda item cover page, and described the bids that were received in response to the RFP. He noted that the Tennet sweeper, although the lowest bid, is not an air sweeper. The model also broke down during the demonstration. Staff is recommending acceptance of the Mid Atlantic bid. The Mid Atlantic interest rate is at 5.1%; making the annual fee \$22,479.

Councilmember Stewart referred to the "exceptions taken" and asked for clarification.

Mr. Monk responded, noting that there were a number of different options available for the sweeper. Some bidders put together a couple of different specifications. He recognized that there would be some exceptions taken by the bidders, and said that he believes that the only exception taken by Mid Atlantic was the drain system.

Ms. Stewart confirmed that the exceptions were the things that staff would ideally like to have on the piece of equipment.

Mr. Monk agreed that inclusion of all exceptions would make the sweeper a "Cadillac" but that a nice "Chrysler" model would do the job.

Councilmember Williams confirmed that we could add-on the "exceptions" at additional costs.

Ms. Porter explained why the recommendation is to not accept the lowest bidder. In this case, the lowest bidder did not meet any of the conditions. She suggested a couple of wording changes to

the ordinance.

Moved by Chavez (as amended); seconded by Elrich.

Mr. Williams suggested that if the Council wants to approve adding one of the exceptions, it should be added to the ordinance. To add the hopper drain system would cost an additional \$787.

City Administrator Finn confirmed that the drain system can be added to the sweeper.

Mr. Williams proposed that the optional drain system (\$787) be added to the total. He noted the changed amount of the total with the addition.

Ms. Porter said that there would also have to be an adjustment to the annual payment. The additional money will come out of the General Budget.

The amendment was moved by Williams; seconded by Stewart.

Ordinance #1999-12 was adopted unanimously, as amended (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

ORDINANCE #1999-12
(Attached)

3. 2nd Reading Ordinance re: Parking Meters. Public Works Team Leader McKenzie recalled the last direction from Council on issues related to this item. Contact was made by Councilmember Stewart with the Adventist Church. They were concerned about having to pay meters on Saturday in Old Town. She noted her own recommendation that the meters be marked for enforcement on Saturday, but that the Police Department be instructed not to enforce the meters during the hours of church services on Saturday. Councilmember Rubin was going to contact the business association; they want the enforcement of meters on Saturday. Ms. McKenzie noted that Mr. Finn instructed that she contact Corporation Counsel to get their thoughts on the wording of the ordinance, regarding whether there would be legal ramifications for singling out enforcement of meters for the church. Assistant Corporation Counsel Perlman sees a problem with this approach, and said that there should not be an official policy regarding no enforcement during specific hours on Saturday. However, Ms. Perlman did not see problem with the language of the ordinance.

Ms. Porter said that she is not worried that we are singling out a particular church or religion because she is not aware of another area where meters are located near an institution (with regularly scheduled events) in the City. There seems to be a difference of opinion between the merchants and the church.

Mr. Rubin responded that their opinions are not really that difference. The way it was discussed, was not in terms of enforcement but in terms of turn-over of parking. Nobody was concerned that there is currently a problem with lack of turn-over.

Ms. Porter asked whether we currently have Saturday enforcement.

Ms. McKenzie remarked that the City is currently losing the revenue that would be collected from the meters after service hours.

Mr. Rubin commented that the businesses are not concerned about whether the meters are enforced or not. He said that it would be sufficient if the meters are in operation.

Ms. Porter remarked that it sounds like there might be a problem with marking meters for Saturday enforcement and then not enforcing during specific hours on Saturday.

Mr. Rubin restated that the businesses want turn-over and in fact, people are not parking all day. In their minds, there is not a problem.

Ms. Stewart said that she had discussions with Pastors DeSilva and Halverson, and that they said they are not currently having a problem with parking--they are getting by right now. They have the lot behind the youth center (120 spaces). There are 1200 members of the church on the books. So, there is potential for problems. The pastors pointed out that the City uses their lot on Sundays for the outdoor market. Use of metered spaces on Saturday is then sort of a trade-off. They said that if we started enforcing meters on Saturday, it would be a problem for the church.

Mr. Williams asked what is currently being done.

Ms. McKenzie noted that the meters are marked for "no enforcement" on Saturday.

Ms. Porter said that most of Old Town is posted for Saturday enforcement.

Councilmember Mr. Elrich questioned the hours of the church service.

Ms. Stewart approximated 8:30 a.m. to 1:00 p.m.

Mr. Elrich suggested then noting the actual hours of enforcement on the meters.

Ms. Porter recalled that the Police Department had a concern about different enforcement for different meters. She asked to hear comments from the Police Department.

Mr. Elrich asked why people couldn't get use to the idea that the meters would be enforced after 1:00 p.m.

Mr. Rubin suggested that the Council does not necessarily have to discuss how the policy is enforced.

Mr. Finn commented on his experience where elected officials have adopted legislation that is selectively enforced and it has resulted in exposing the municipality to potential problems. He suggested that the Council adopt what they are agreeing to (i.e., note which meters will not be enforced).

Mr. Williams pointed out that the ordinance was proposed to address the inconsistency of enforcement of meters. He proposed that the ordinance say that all meters in the City shall be operated Monday through Saturday during the hours as posted on the individual meters. The existing meters in Old Town adjacent to the church should say that enforcement begins at 1:00 p.m.

Mr. Rubin commented that Mr. Williams' is proposing that the ordinance make the status-quo official.

Mr. Elrich disagreed. The meters being discussed are not being enforced at all on Saturday. Now they would be enforced after 1:00 p.m.

Police Chief Anderson supported Mr. Finn's comments. The Council's desire regarding enforcement either way (i.e., no Saturday enforcement or a specific block of hours for Saturday enforcement) could be carried out. The only issue that could come up would be church activities outside the unenforced hours and the questions that might be raised. The church would need to understand this.

Ms. Stewart commented that Pastor DeSilva did mention that they frequently have Saturday afternoon concerts.

Councilmember Chavez suggested that enforcement begin at 2:00 p.m.

Ms. Stewart remarked that the Pastor actually indicated that 1:00 p.m. would be fine. She said that she does not know how to make a concession for the occasional Saturday afternoon concerts.

Ms. Porter noted that the only area with the special enforcement would be the meters immediately adjacent to the church (meters currently not enforced on Saturday). If there is another institution that has a similar concern, she invited them to bring their issues to the Council's attention. This is not being done because this is a religious institution.

Ms. McKenzie noted that sections 13-31 (3) and (4) would need amending to note that these meters would be exempt from enforcement on Saturday 7:00 a.m. to 1:00 p.m. Sections 13-32 (1) and (2) would also need amendments.

Ms. Porter suggested another way to make the amendment--put Section 13-31 (b) back into the ordinance and change the language to "...shall be exempt from enforcement from 7:00 a.m. to 1:00 p.m. on Saturdays..." This would be a cleaner way to make the amendment. The idea would be that Section 13-31(a) would remain as written, and Section 13-31(b) would be put back in. This would probably have to also be done in the case of Section 13-32(b).

Councilmember Chavez moved the ordinance as accepted at 1st Reading; seconded by Stewart.

Councilmember Rubin moved the amendments as discussed; seconded by Williams.

The Council voted to accept the amendments to the ordinance (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

Ordinance #1998-44 was adopted unanimously, as amended (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

ORDINANCE #1998-44
(Attached)

4. 2nd Reading Ordinance re: Parallel Parking. Police Chief Anderson explained that the Maryland State law requires that a vehicle be parked 12 inches from the curb, but that the City Code requires no more than 6 inches. Although we did not enforce 6 inches, when an officer cited someone and used this section of the Code, it gave the perception that we were out measuring the 6 inch distance. We think that the 12 inches is the appropriate distance from the curb which would allow passage along streets. He encouraged the Council to adopt the ordinance.

Ms. Porter recalled that someone had come before the Council with this concern, and that the Council has discussed this issue.

Moved by Stewart; seconded by Chavez.

Ordinance #1999-11 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

ORDINANCE #1999-11
(Attached)

BUDGET WORKSESSION / ADJOURNMENT

The Council adjourned from Worksession at 9:40 p.m.

Introduced by: Councilmember Elrich

1st Reading: 4/12/99

2nd Reading: 4/26/99

Effective: 4/26/99

ORDINANCE #1999- 11

**ORDINANCE TO AMEND THE TAKOMA PARK CODE, CHAPTER 13, ARTICLE 7, SEC. 13-65(A),
MANNER OF PARKING; DOUBLE PARKING PROHIBITED; EXCEPTIONS**

WHEREAS, Section 13-65(a) of the Takoma Park Code currently requires that vehicles which are parallel parked must be within six inches of the curb; **AND**

WHEREAS, the Annotated Code of Maryland, Section 21-1004a, Requires vehicles to be stopped or parked within twelve inches of the right curb; **AND**

WHEREAS, the City of Takoma Park wishes to resolve the conflicting requirements between the Takoma Park Code and the Annotated Code of Maryland; **AND**

WHEREAS, the City of Takoma Park agrees that parking within twelve inches of the curb, as prescribed in the Annotated Code of Maryland is sufficient to preclude parked vehicles from obstructing traffic and desires to conform with the Annotated Code of Maryland,

NOW THEREFORE, BE IT ORDAINED THAT Section 13-65(a) of the Takoma Park Code shall be amended as follows:

Sec. 13.65. Manner of parking; double parking prohibited; exceptions.

(a) Except when necessary in obedience to traffic regulations or traffic signs, the driver or operator of any vehicle shall not stop, park or leave standing the vehicle in any public highway or roadway, other than parallel with the edge of the highway or roadway and headed in the direction of traffic, with his right side to the curb and within [six (6)] twelve (12) inches thereof.

ADOPTED this 26th day of May, 1999 by roll call vote.

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

NAY:

ABSTAIN:

ABSENT:

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

Ordinance No. 1999-12

**PURCHASE OF ONE (1) REGENERATIVE AIR STREET SWEEPER
FOR PUBLIC WORKS DEPARTMENT**

WHEREAS, the City Council authorized issuance of an RFP to solicit bids for the purchase of a Regenerative Air Street Sweeper, AND

WHEREAS, in accordance with City procurement procedures a request for proposals was advertized in the Washington Post on March 21, 1999 and mailed to six (6) interested vendors and manufacturers of this equipment, AND

WHEREAS, bids were received and publicly opened at 2:00 p.m. on April 8, 1999 with five (5) proposals and one (1) "no proposal" being received as follows:

<u>Name of Vendor</u>	<u>Amount</u>	<u>Exceptions to Specs.</u>
Mid Atlantic (Demo Model)	\$101,912.40	5
Atlantic Machinery	\$106,950.00	20
Mid Atlantic Waste	\$108,225.00	2
Maryland Industrial	\$108,800.00	6
Tennet Corp.	\$ 80,474.50	All
MSC Equipment	No Bid	

WHEREAS, the Regenerative Air Sweeper with the addition of the Hopper drain system (\$787) will be purchased on a 5-year lease/purchase at \$22,652.80 per year @ 5.15% for a total of \$102,699.40; AND

WHEREAS, Mid Atlantic has submitted the lowest acceptable bid in the amount of \$102,699.40, and is considered to be both responsive and responsible. AND

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

SECTION 1: THAT the lowest responsive bid received from Mid Atlantic in the amount of ONE HUNDRED TWO THOUSAND SIX HUNDRED NINETY NINE DOLLARS AND 40 CENTS (\$102,699.40) be accepted, AND

SECTION 2: THAT this purchase in the amount of ONE HUNDRED TWO THOUSAND SIX HUNDRED NINETY NINE DOLLARS AND 40 CENTS (\$102,699.40) be charged as follows:

From FY99-FY03 Storm Water Budget Account No.3700-7257	\$ 15,000.00
From FY99-FY03 General Budget Account No. 8000-7257	\$ 7,652.80
Total Annual Payment:	\$ 22,652.80

ADOPTED this 26th day of April, 1999.

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

NAY: None

ABSTAIN: None

ABSENT: None

ORDINANCE #1998-44

AMENDING CHAPTER 13. VEHICLES AND TRAFFIC, ARTICLE 4. PARKING METERS, DIVISION 1. PARKING METER ZONES TO INCLUDE SPECIFIC COINAGE, INCLUDING AMOUNT OF TIME RECEIVED, AND TO DELETE ENFORCEMENT ON SATURDAYS INCLUDE ENFORCEMENT ON SATURDAYS, AND THE PLACEMENT OF ADDITIONAL METERS ON FLOWER AND CHICAGO AVENUES.

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

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

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

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

WHEREAS, City staff has identified areas on Flower Avenue and Chicago Avenue for the placement of additional meters; and

WHEREAS, amending the Code to include Saturday charge, to specify the specific amount of time received for various coinage, to reference a street address for the meters on Maple Avenue would enable fair and equitable service to users; and

WHEREAS, the placement of additional meters on Flower and Chicago Avenues will increase City revenues.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) Flower Avenue, 8600 block between 8638 and 8640: three (3) meters

[(b) Subsections (a)(3) and (a)(4) of this section shall be exempted from enforcement on Saturdays between the hours of 7:00 a.m. to 1:00 p.m. in addition to Sundays and holidays.]

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

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

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

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

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

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

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

[(b) Subsections (a)(1), (a)(2) and (a)(3) of this section shall be exempted from enforcement on Saturdays between the hours of 7:00 a.m. to 1:00 p.m. in addition to Sundays and holidays.]

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

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

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

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

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

(1) Takoma Avenue, west curb, from Albany Avenue south to Baltimore Avenue: [thirty-eight (38)] twenty-six (26) meters.

(2) Takoma Avenue, north curb, from New York Avenue to Fenton Street: [twelve (12)] ten (10) meters.

(3) Chicago Avenue, east curb, from Philadelphia Avenue to New York Avenue, sixteen (16) meters.

Adopted this 26th day of April, 1999

Aye: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams

Nay: None

Abstain: None

Absent: None

[] denotes deletions

_ denotes additions

Shading represents additions since 1st Reading

Strikeout represents deletions since 1st Reading