

THE CITY OF TAKOMA PARK, MARYLAND

REGULAR MEETING OF THE MAYOR AND CITY COUNCIL

March 8, 1982

AGENDA

CALL TO ORDER: Mayor Abbott

ROLL CALL: Councilmember Garcia
Councilmember Holland
Councilmember Patrick
Councilmember Ramsey
Councilmember Ricks
Councilmember Saloma
Councilmember Weisman

PLEDGE

READING AND APPROVAL OF THE MINUTES OF SPECIAL MEETING OF JANUARY 18, 1982

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Proclamation in observance of International DeMolay Week
2. Mayor's comments

SHOW CAUSE HEARING ON WHY 7709 CARROLL AVENUE SHOULD NOT BE DECLARED A NUISANCE

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

1. Communications
2. Administrative Reports and Recommendations for Council Action:
 - (1) Administrative reports:
 - Update on progress of Takoma Old Town
 - (2) Second reading of a proposed ordinance setting up a Historical Preservation Committee and setting forth scope of activities
 - (3) PG/MC 16-82: to change County boundaries to include all of the Maryland portion of Takoma Park in Montgomery County
 - (4) Proposed purchase of 718 Maplewood Avenue by Montgomery County for use as a quarterway house for recovering alcoholics
 - (5) Proposed demolition of Washington Adventist Hospital's San Building
 - (6) Variance appeal #6322, to construct dwelling on lot and validate existing garage at 308 Elm Avenue (Hearing: 6:30 PM, 3-10-82, Room 1040, County Administration Building, Upper Marlboro)
 - (7) Ethics Ordinance -- final reading
 - (8) Second reading of an ordinance amending Secs. 6-48 and 6-51 of the City Code to provide for warnings at excavation sites
 - (9) First reading of an ordinance dealing with snow removal from sidewalks
 - (10) Appointments to Landlord-Tenant Commission
 - (11) Proposed ordinance appointing Election Judges
 - (12) Proposed purchase and rehab of 7777 Maple Avenue

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
March 8, 1982

City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember Garcia	Assistant City Administrator Schnuer
Councilmember Holland	Administrative Assistant Tyree
Councilmember Patrick	Police Lieutenant Gowin
Councilmember Ramsey	Public Works Director Robbins
Councilmember Ricks	Recreation Director Ziegler
Councilmember Saloma	Corporation Counsel Gingerich

EXCUSED: Councilmember Weisman

The Mayor and Council of Takoma Park met on March 8, 1982, at 8:15 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made and duly seconded to approve the minutes of the Special Council Meeting held January 18, 1982; motion carried.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

A proclamation declaring March 14-21 International DeMolay Week and saluting members of the organization was presented by Mayor Abbott to Master Councilor David Smith of Samuel Gompers Chapter of DeMolay.

Mayor Abbott related that the Bill to end Double Taxation looked promising for passage through the State legislature; however, the Maryland Association of Counties was working diligently to kill the Bill. Said Councilmembers will be assigned certain legislators to contact at the appropriate time to lobby for passage, and widespread support from citizens will be needed as well. Commented that Montgomery is one of the few counties willing to work with municipalities on this issue; said there is no great problem of opposition from either Montgomery or Prince George's County delegates, but major lobbying will be required aimed at Eastern Shore delegates.

SHOW CAUSE HEARING ON WHY 7709 CARROLL AVENUE SHOULD NOT BE DECLARED A NUISANCE

City Administrator Nichols related background information on the property and events leading to the hearing; said Code Enforcement has inspected it and determined it is in a state of disrepair and is a hazard to the health, safety, and well-being of residents of the community, and in accordance with the City Code, the owner has been requested to appear and show cause why the nuisance should not be ordered to be abated.

1. James Kelley, 7507 Mandon Road, Greenbelt, Maryland, owner: related that he purchased the property in February 1978 as an investment, then went through ZTA 77003; property contained 11 units at time of purchase; after inspections and citing of numerous code violations by Montgomery County inspectors, the number of units had to be reduced to 7. Said he eventually had to move tenants out totally and gutted the building, with an investment to date of approximately \$10,000. Subsequently, had plans drawn for conversion to a single family dwelling and expected to begin construction on April 1 with a projected construction period of one year. Assured he would clean up the yard and board up the building until construction could be started. In response to query by City Administrator Nichols regarding the length of the construction period, Mr. Kelley explained that the cost of reconstructing the house would be approximately \$75,000; he did not have the total amount required, and was having difficulty with financing. Said he was financially able to begin work such as roughing-in plumbing, pouring a new concrete floor, roughing-out new interior walls, etc., and by the time that was complete, felt confident he would have approval for financing to complete the reconstruction.

2. Rino Aldrighetti, 7213 Central Avenue, Longbranch-Sligo Citizens' Association: reiterated the association's position of preferring to see the house rehabilitated rather than torn down, however, expressed concern about the time frame. Suggested periodic progress

reviews with a report to Council on a 90-day basis. This suggestion was acceptable to Mr. Kelley.

3. Phil Vogel, 7117 Garland Avenue: requested that Council make it a requirement that Mr. Kelley secure the house, i.e., board up the doors and windows until such time as construction commences.

Following discussion, Councilmember Ricks made a motion, duly seconded by Councilmember Garcia, and unanimously passed, that Mr. Kelley be required to immediately board up the house; be required to furnish Council with a written projected work schedule; and Council will take the testimony presented by Mr. Kelley and citizens under advisement and notify the property owner (Mr. Kelley) of its decision in due course. Mr. Kelley was advised to obtain a building permit and furnish proof of same to Council as further evidence of his good intentions.

CITIZENS' REMARKS

1. Marc Elrich, 8217 Roanoke Avenue: addressed the issue of unification of the City; requested Council to take positive action supporting the Bill pending before the State legislature requiring a referendum on the issue; indicated he personally favors unification. Requested Council to approach Washington Adventist Hospital on the subject of demolition of the San Building; said at the hospital's briefing on the proposed ambulatory care center and parking facility, while it was not stated precisely, but implied, he gained the distinct impression that approval of the proposed construction would guarantee retention of the San Building. Said he felt Washington Adventist Hospital's present plans for demolition are an act of bad faith; Council should take a strong stand and make clear their opposition to these plans.

2. Rino Aldrighetti, 7213 Central Avenue: said that on March 16, Washington Adventist Hospital would be having an information meeting to describe why they intend to tear down the San Building; subsequently, they would request the City's support at the zoning modification hearing so the way can be cleared for construction of the ambulatory care center and parking facility; thereafter, they would ask to use the City's credit to issue the bonds for construction of the addition. Said the hospital's goals are clearly defined, but the question of the City's position remains. Requested that Council (1) establish a preliminary negotiating position, and (2) that the position include asking Washington Adventist Hospital to work with citizens who live near the facility to achieve acceptable design modifications and, additionally, make it clear that unless the hospital chooses to make in-lieu of property tax payments on the addition, the City would institute user charges as an alternative to cover the cost of additional services required to be provided by the City. Said that Harry Learch, senior partner of the law firm that represents the hospital, had personally told him these issues are negotiable. Requested that a committee comprised of citizens and Councilmembers be established to immediately begin discussions with the hospital and report back to Council.

3. Phil Vogel, 7117 Garland Avenue: requested that Council not take any action on the unification of the City issue, but delete the item from the agenda; cited the lack of information to date as to the effect unification would have on schools, taxes, etc. Pointed out that Mr. Wylie's election signs were being destroyed/removed from various locations throughout the City; said something should be done to stop the persons doing it; said it did not appear to be the work of children; suggested the police department be asked to be alert to anyone tampering with the signs. Councilmember Ricks and Mayor Abbott both related problems with their signs being torn down/removed; Mayor Abbott remarked he did not like to see a campaign waged that way and opposed such destruction.

Mayor Abbott clarified that Council would not be addressing the pros and cons of unification at the present meeting; said the Bainum Bill was one that would require a referendum in November 1982, which would allow ample time for discussion among citizens and Council.

Mr. Vogel reiterated that information is incomplete and expressed concern that if Council took a position favoring the referendum, it would be construed as favoring the change (unification). Said answers to the problems that will be generated by unification should be worked out prior to Council taking a position. Mayor Abbott read a letter from Delegate Bainum dated March 1, outlining several amendments he intended making to the Bill, setting forth possible objections to the legislation, and suggesting that a City committee be appointed to explore and work out possible solutions for problems that a boundary change would generate.

4. Lou D'Ovidio, 7324 Piney Branch Road: said many of Mr. Aldrighetti's points were well taken; that Council needs to use some leverage in the issue of the San Building; reminded that Montgomery County's Historic Commission will be considering the San Building on its March 18 agenda for placement on the Historic Preservation Atlas; felt Council's position on the issue would have significant impact on the county's decision. Thought the study done by Historic Takoma showed that the San Building could be effectively utilized by the hospital and did not need to be destroyed; hoped Council would take a strong stand on the issue. Regarding the unification Bill, stated he supports referendum in both counties; thought Council should take a stand and move on the issue, letting the delegation know that the City wants citizen input on the matter and, meantime, get committees organized to look at the issues that need to be addressed.

5. William Eckert, 61 Walnut Avenue: said that some of his election signs had been vandalized/removed also; that any implication by prior speakers that Mayor Abbott was in any way involved in damage to Mr. Wylie's signs was absurd and should be ignored. Regarding unification of the City, said he supports it, however, pointed out that the major issue at present is bringing the proposal before the voters for a referendum and letting them make the decision; felt Council should support the Bainum Bill for a referendum on the issue.

6. Mr. James DiLuigi, 7106 - 13th Avenue: spoke on the issue of unification; said the Bainum Bill will allow the people to speak for themselves and express their opinions. Said a survey conducted among 2,000 residents in Prince George's County by Delegate Mooney indicated 41% for and 41% against unification. Hoped Council would support the referendum.

7. Lynne Bradley, 8112 Flower Avenue: stated she was in agreement with statements made by Mr. D'Ovidio and Mr. Aldrighetti regarding quickly forming a group that could establish dialogue and negotiate with Washington Adventist Hospital; suggested the committee might include representatives from Historic Takoma, Ward 5, Council, and others. Said it was critical that communication be established with Washington Adventist Hospital.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. City Administrator Nichols announced that Police Chief Carter was recently appointed to the State's Attorney's Task Force on Violent Crime in Montgomery County. Said he would be working with other police administrators in the county attempting to address problems of the incidence of such crime in the area.

2. City Administrator Nichols made a special announcement concerning an upcoming City-sponsored seminar on Landlord-Tenant/Code Enforcement affairs, the purpose of which is to bring together landlords and tenants on a non-adversarial basis for discussion of problems and an opportunity for questions to be answered by Code Enforcement and Landlord-Tenant personnel; mentioned an article regarding the seminar would be in the April issue of the City Newsletter.

3. City Administrator Nichols stated that the Police Department had conducted a very successful training seminar last year, attended by officers from other jurisdictions as well as our own, and would be

doing so again in latter March/early April at Montgomery College.

4. On the issue of double taxation, City Administrator Nichols said the City is in the process of negotiating with Montgomery County; stated they are one of the few counties in Maryland willing to negotiate the matter with municipalities; said to date, a general understanding has been reached on formulas that, hopefully, would be dealt with by the County Council sometime during March. Said the City has added in their request for rebate such operations as Code Enforcement, Landlord-Tenant Affairs, and Parks, not formerly included. Said equivalent progress has not been achieved with Prince George's County, but a meeting is scheduled with the County Executive to attempt to get more equitable treatment. Said that, in terms of the rebate the City could expect from Montgomery County, the request has been based on a per capita expenditure basis for services not provided by the county; gave illustrative figures and rough estimates of what could reasonably be expected; reminded, however, that there are no guarantees as to what amount would be rebated.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Update on progress of Takoma Old Town. City Administrator Nichols gave a brief resume of the project; stated progress has reached the point that it is hoped construction on public improvements could be commenced this summer; said the next step would be to request proposals for architectural and engineering services; said the City has been allocated approximately \$390,000 under the CDBG program for public improvements in the area.

2. Proposed ordinance setting up a Historical Preservation Committee. Following discussion, it was decided this would be a continued first reading of the ordinance, the second reading to be held subsequent to public hearing on April 26.

3. Prince George's/Montgomery Counties Bill 16-82: Referendum to change county boundaries to include all of the Maryland portion of Takoma Park in Montgomery County. Mayor Abbott made a motion, seconded for discussion by Councilmember Garcia, that Council adopt a position of supporting referendum (by both counties). Mayor Abbott spoke on the Bainum Bill and matters related to unification; said it would be difficult to find a more equitable way of settling the issue than through a referendum of the citizens of both counties involved; hoped Council would vote on the idea of the referendum and leave debate of the pros and cons of unification for a time subsequent to adoption of the Bill (should it be adopted) and prior to the actual referendum. Councilmember Garcia spoke in opposition to a referendum being held until such time as vital questions are answered; said people could not reasonably form an opinion pro or con the issue until they have answers; said this is too important an issue to be pressured into making a hasty decision. Councilmember Patrick expressed agreement with Councilmember Garcia's statements. Councilmember Holland suggested an amendment to Mayor Abbott's motion, rejected by the Mayor, adding the words "advisory" referendum; said an advisory referendum would give an indication of citizens' wishes but would not be binding. Councilmember Ricks stated he favors the people having freedom of choice in the issue; remarked that there has been little display of public interest by the citizens of the Prince George's County portion of the City on this matter to date; said public hearings should be held, more information brought forward so that people could make a reasonable decision.

Councilmember Saloma stated she favored Delegate Bainum's suggestion that City committees be established to address the problems involved in unification; said those committees should have hearings on their findings prior to referendum. Said she supports the Bainum Bill; feels, however, that it is important that the two-thirds of the City population who reside in Montgomery County not be able to impose their will in this matter on the one-third who live in the Prince George's County portion; raised the question of possible rearrangement of the

time frame to allow more time for public education prior to referendum.

Councilmember Ramsey expressed support for the referendum.

Jan Schwartz, 7309 Garland Avenue: expressed support for a referendum in November; suggested concentrated public education on the issue after passage of the Bill and prior to the referendum.

Councilmember Ricks questioned whether there existed a legal requirement for public hearings, briefings, and public education prior to referendum; Mayor Abbott stated negative. Councilmember Ricks requested that legislators be asked to include a statement that the law will require at least four official public hearings be held in the City prior to referendum, at least two of which must be held in Prince George's County. Mayor Abbott accepted Councilmember Ricks' provision as an amendment to his motion; restated his motion to include Delegate Bainum's amendments to the Bill and Councilmember Ricks' amendment requiring public hearings, with the understanding that advisory committees would be established. The motion was passed with Councilmembers Ramsey, Ricks, Saloma, and Holland voting Aye; Councilmembers Garcia and Patrick voting Nay, Councilmember Weisman excused. For the record, Councilmember Garcia reiterated that he is not opposed to referendum, but felt the time frame is too short and should be extended to ensure that all citizens are adequately informed prior to voting; registered objections to the referendum being restricted to registered voters, felt all property owners should be permitted to have a voice in this decision.

4. Proposed purchase by Montgomery County of 718 Maplewood Avenue for use as a quarterway house for recovering alcoholics. City Administrator Nichols stated he had spoken with representatives from the County Health Department; was given to understand that Group Counseling Services did not have sufficient funds to consummate purchase of the property; Montgomery County still had funds appropriated from when they intended to make that purchase last year, so offered to purchase it with the understanding that Group Counseling would operate the facility. Montgomery County said they would take into consideration the idea of making their money available to Group Counseling so they could go ahead with the purchase. Councilmember Holland made a motion, duly seconded by Councilmember Ricks, that Council's approval of the Special Exception for the property extended to Mr. Evans/Group Counseling Service be withdrawn until such time as clarification is made of who will be the actual purchaser of the property, in light of Council's opposition to purchase of the property by the county. Mayor Abbott clarified that the reason Council supported the Special Exception being granted to Mr. Evans was that should he dispose of the property at a later date, or cease to operate it as a group facility, it would revert back to single-family dwelling status; whereas, if the county owned the property, they could utilize it as they wished, without Special Exception, and the City would have no control. Councilmember Garcia indicated he did not feel the ownership was of vital importance; supported its use as a quarterway house; questioned Council's objections. Councilmember Ricks stated he did not object to the rehabilitation of alcoholics, but did object to the large number of group homes being placed in the City by the county and that once they were given Council's approval for the purchase and use, it would be extremely difficult to remove them, if so desired. The motion was passed with Councilmembers Ricks, Patrick, Saloma, and Holland voting Aye; Councilmember Garcia voting Nay; Councilmember Ramsey Abstained; Councilmember Weisman Excused.

5. Proposed demolition of Washington Adventist Hospital San Building. A motion was made by Councilmember Ricks, duly seconded by Councilmember Holland, and passed unanimously, that Council vigorously oppose demolition of the San Building. Councilmember Saloma spoke in support of suggestions made by Mr. Aldrighetti, including writing Washington Adventist Hospital that Council would like them to begin meeting with neighbors of the hospital; considering in-lieu payments for profit-making sections of the hospital; and establishing a committee to discuss/negotiate with Washington Adventist Hospital. Mayor

Abbott suggested perhaps Mr. Aldrighetti would work with a Council committee to draft something appropriate to Washington Adventist Hospital prior to the March 16 informational hospital meeting. Councilmember Saloma stated that Council should be represented at the March 18 hearing at which consideration will be given to placement of the San Building on Montgomery County Historic Preservation Committee's Historic Atlas. Councilmember Ramsey made a motion, duly seconded by Councilmember Saloma, and passed unanimously, that Council favor placement of the San Building on the Montgomery County Historic Atlas. Following discussion, Councilmember Ramsey made a motion, duly seconded by Councilmember Holland, and unanimously passed, that a committee comprised of two Councilmembers and at least three citizens be established to initiate discussions with Washington Adventist Hospital. Councilmembers Ramsey and Saloma volunteered to represent Council on the committee. A related motion was made, duly seconded, and passed unanimously, appointing Rino Aldrighetti, John Walsh, and Jean Davis as citizen members on the committee; Shawn Boyle and Kate Walsh as alternates. Mayor Abbott suggested Travis Price as architect/technical advisor to the committee.

6. Variance Appeal #6322, to construct dwelling on lot and validate existing garage at 308 Elm Avenue. City Administrator Nichols commented on the very short time period between receipt of the notice of hearing (February 24, 1982) and the actual hearing date (March 10, 1982). A motion was made by Councilmember Holland, duly seconded by Councilmember Patrick, and unanimously passed, to send a letter to the County Board of Appeals expressing Council's strong protest at the Board not providing advance notice and ample time for any sort of a judgment to be made and requesting the hearing date be deferred to at least 30 days from March 10, 1982.

7. Final reading of Ethics Ordinance. Upon motion by Councilmember Holland, duly seconded by Councilmember Ricks, the ordinance, incorporating new Section 2A-4(a)(4) outlined in the City Administrator's memorandum dated March 5, 1982, was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, and Saloma. NAY: None. EXCUSED: Councilmember Weisman.

ORDINANCE NO. 2599

(Attached)

8. Second reading of an ordinance amending Secs. 6-48 and 6-51 of the City Code to provide for warnings at excavation sites. Upon motion by Councilmember Holland, duly seconded by Councilmember Ricks, the ordinance was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, and Saloma. NAY: None. EXCUSED: Councilmember Weisman.

ORDINANCE NO. 2600

(Attached)

9. First reading of an ordinance dealing with snow removal from sidewalks. Upon motion by Councilmember Ricks, duly seconded by Councilmember Holland, the ordinance was unanimously accepted for first reading, with the proviso that it would be reviewed by the Police Department, Public Works Department, and Corporation Counsel, prior to second reading.

PROPOSED ORDINANCE

ARTICLE 5. SNOW AND ICE REGULATIONS

(Attached)

10. Appointments to Landlord-Tenant Commission. City Administrator Nichols stated that several applicants for the landlord vacancy were interviewed and considered; due to a scheduling conflict, the applicant for the public at large vacancy was unable to appear; appointments would be reconsidered at the next scheduled worksession.

11. Proposed ordinance appointing Election Judges. Upon motion by Councilmember Ricks, duly seconded by Councilmember Garcia, the ordinance was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, and Saloma. NAY: None. EXCUSED: Councilmember Weisman.

ORDINANCE NO. 2601

(Attached)

12. Proposed purchase and rehabilitation of 7777 Maple Avenue. As background, City Administrator Nichols related that the Mayor and Council received a letter from a party interested in purchasing 7777 Maple Avenue, using county low-interest loan funds for the purchase, and obtaining Section 8 certification for up to 40% of the building. The individual needed the consent of Mayor and Council in order for the sale to go forward. Mayor and Council heard a presentation by the party and came to the decision they could not support his plans to purchase the property under those conditions. Councilmember Ricks clarified that Council's feeling was that they could not support additional Section 8 housing on the Maple Avenue corridor; did favor rehabilitation of the building and bringing it up to code standards,

There being no further business to come before the Mayor and Council, the meeting adjourned at 11:55 P.M., to reconvene on March 22, 1982 at 8:00 P.M.

ORDINANCE NO. 2599

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

SECTION 1. THAT the Code of Takoma Park, Maryland, 1972, as amended, be further amended by the addition to Chapter 2 a new article, 2A, entitled "Ethics," as set forth below, to prohibit certain conduct and interests of officials and employees, require financial disclosure, require the registration of lobbyists, and provide for the implementation, administration, and enforcement of the regulations:

[CHAPTER 2, ADMINISTRATION]

ARTICLE 2A

ETHICS

Sec. 2A-1. Applicability.

(a) The provisions of this Article shall apply to all persons described under "Official and/or employee" and "Lobbying" in the next succeeding section and all such persons are covered to the extent set forth in each section of this Article.

Sec. 2A-2. Definitions.

The words used in this article shall be their normal accepted meaning, except as set forth below:

(a) "Business entity" means any corporation, general or limited partnership, sole proprietorship (including a private consultant operation), joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.

(b) "Compensation" means any money or thing of value, regardless of form, received or to be received by any individual covered by this article from an employer for service rendered. If lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties. For reporting purposes, a prorated amount shall be labeled as such.

(c) "Doing business with" means:

(1) Having or negotiating a contract that involves the commitment (either in a single or combination of transactions) of \$5,000 or more of City or City controlled funds; or

(2) Being regulated by or otherwise under the authority of the City; or

(3) Being registered as a lobbyist in accordance with Sec. 2A-6 of this article.

(d) "Financial interest" means:

(1) Ownership of any interest as the result of which the owner has received, within the past three years, or is presently receiving, or in the future is entitled to receive, more than \$1,000 per year; or

(2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than three per cent (3%) of a business entity.

(e) "Gift" means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with the the provisions of Section 1.3(w) of the Charter of Takoma Park, Md.

OVER

(f) "Interest" means any legal or equitable economic interest, whether or not subject to an encumbrance of a condition, which was owned or held, in whole or in part, jointly or severally, directly or indirectly. For purposes of Sec. 2A-5 of this article, "interest" applies to any interests held at any time during the calendar year for which a required statement is to be filed. "Interest" does not include:

(1) An interest held in the capacity of a personal agent, representative, custodian fiduciary, or trustee, unless the holder has an equitable interest therein;

(2) An interest in a time or demand deposit in a financial institution; or

(3) An interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period; or

(4) A common trust fund or a trust which forms part of a pension or profit-sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under Sections 401 and 501 of the Internal Revenue Code of 1954.

(g) "Lobbying" means:

(1) Communicating in the presence of a city official or employee with the intent to influence any official action of that official or employee; or

(2) Engaging in activities having the express purpose of soliciting others to communicate with a city official or employee with the intent to influence that official or employee.

(h) "Official and/or employee" means any person elected to, appointed to, or employed by, any City of Takoma Park department, commission, or similar entity, whether or not paid in whole or in part with City funds and whether or not compensated.

(i) "Person" includes an individual or business entity.

Sec. 2A-3. Implementation and Administration.

The responsibility for implementing and administering the provisions of this article shall be as follows:

(a) Rules and regulations. The Mayor and City Council, by motion, at regular or special meetings, shall adopt such rules and regulations as may be necessary to carry out the provisions of this article. The Corporation Counsel shall review and approve such rules and regulations as to form and compliance with the provisions of this article and Article 40A, Maryland Public Ethics Law, of the Annotated Code of Maryland. Such rules and regulations shall be kept on file with the City Clerk.

(b) Forms. The City Administrator shall prepare and the Corporation Counsel shall approve as to content and form any forms required by this article for reports, statements, or notices.

(c) Preservation of documents. The City Clerk shall receive all reports and documents required by this article and shall retain them as public records for at least four years from the date of their receipt.

(d) Advisory opinions. Any official or other person subject to the provisions of this article may request from the Corporation Counsel an advisory opinion concerning the application of this article. The Corporation Counsel shall respond promptly to these requests, providing interpretations of this article based upon the facts provided or reasonably available to him. Copies of these interpretations, with the identity of the subject deleted, shall be filed with the City Clerk as public records.

(e) Complaints. Any person may file with the City Clerk a complaint alleging a violation of any of the provisions of this article. These complaints shall be written and under oath. The City Clerk shall refer such complaints to the Corporation Counsel for investigation and review. If the Corporation Counsel determines that a violation has not occurred or that there are insufficient facts upon which to base a determination of a violation, that finding shall be filed with the City Clerk and the complainant shall be so advised. If the Corporation Counsel shall determine that there is a reasonable basis for believing a violation has occurred, then the subject of the complaint shall be afforded an opportunity for a hearing conducted by the Mayor and Council in accordance with established rules for the conduct of administrative proceedings. Any member of the Council or the Mayor who is the subject of a complaint shall not participate in the hearing as a member of the hearing body. Any formal determination resulting from the hearing shall include findings of fact and conclusions of law. Upon the finding of a violation, the Mayor and City Council may take any enforcement action provided for in accordance with Section 2A-10 of this article. After a complaint is filed and until a final determination by the Corporation Counsel or the Mayor and Council, all actions regarding a complaint shall be treated confidentially.

Sec. 2A-4. Prohibited Conduct and Interest.

(a) Participation prohibitions. Except as permitted by a regulation of the Mayor and Council or an opinion of the Corporation Council, an official or an employee may not participate in:

(1) Any matter if, to his knowledge, he, his spouse, or dependent child has an interest which would have a direct financial impact, as distinguished from the public generally, except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to the matter.

(2) Any matter, except in the exercise of an administrative or ministerial duty, when any of the following is a party thereto:

(A) Any business entity in which he has a direct financial interest of which he may reasonably be expected to know;

(B) Any business entity of which he is an officer, director, trustee, partner, or employee, or in which he knows any of the above-listed relatives has this interest;

(C) Any business entity with which he or, to his knowledge, any of the relatives listed in paragraph (1) of this section is negotiating or has any arrangements concerning prospective employment;

(D) Any business entity which is a party to an existing contract with the official or employee, or which the official or employee knows is a party to a contract with any of the above-named relatives, if the contract could reasonably be expected to result in a conflict between the private interests of the official or employee and his official duties;

(E) Any entity, doing business with the City, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if he may be reasonably expected to know of both direct financial interests; or

(F) Any business entity which the official or employee knows is his creditor or obligee, or that of any of the relatives listed in paragraph (1) of this section, with respect to a thing of economic value and which, by reason thereof, is in a position to affect directly and substantially the interest of the official or employee or any of the above-named relatives.

(3) If a disqualification pursuant to paragraphs (1) or (2) of this subsection leaves any body with less than a quorum capable of acting, or if the disqualified official or employee is required by law to act or is the only person authorized to act, the disqualified person shall disclose the nature and circumstances of the conflict and may participate or act.

(4) The disqualification arising under this section is suspended if the Mayor or a Councilmember with an apparent conflict files with the City Clerk a sworn statement which describes the circumstances of the apparent conflict and the legislation to which it relates and asserts he is able to vote and otherwise participate in legislative action relating thereto, fairly, objectively, and in the public interest. Whenever the Mayor or a Councilmember files a statement for the suspension of the disqualification, the Council, on its own motion, may request a statement concerning the propriety of the legislator's participation in the particular legislative action, with reference to the applicable ethical standards of this matter, from the Corporation Counsel.

(b) Employment restrictions.

(1) Except as permitted by regulation of the Mayor and Council, when such interest is disclosed or when this employment does not create a conflict of interest or appearance of conflict, an official or employee may not be employed by any entity subject to his authority or that of the City, or any entity which is negotiating or has entered a contract with the City; or hold any other employment relationship which would impair the impartiality or independence of judgment of the official or employee. This prohibition does not apply to a member of the City Council or the Mayor in regard to a financial interest or employment held at the time of election if not otherwise restricted by law, provided it is publicly disclosed; or an official or employee whose duties are ministerial.

(2) A former official or employee may not assist or represent another party other than the City, for compensation in a case, contract, or other specific matter involving the City, if that matter is one in which he significantly participated as an official or employee.

(3) An official or employee may not assist or represent a party for contingent compensation in any matter before or involving the City, other than in a judicial or quasi-judicial proceeding, provided, however, that nothing herein shall preclude an official or employee from assisting or representing a party for contingent compensation in any matter before or involving entities where fees are established by law.

(c) Use of prestige of office. An official or employee may not intentionally use the prestige of his office for his own private gain or that of another. The performance of usual and customary constituent services, without additional compensation, does not constitute the use of the prestige of office for an official's or employee's private gain or that of another.

(d) Solicitation or acceptance of gifts.

(1) An official or employee may not solicit any gifts.

(2) An official or employee may not knowingly accept any gift, directly or indirectly, from any person that he knows or has reason to know:

(A) Is doing business with the Mayor and Council, as to members thereof, or, as to other officials or employees, with their office, department, commission, or similar entity; or

(B) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of his official duty.

(3) Unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it or, if of significant value, would give the appearance of doing so, or, if of significant value, the recipient or official or employee believes, or has reason to believe that it is designed to do so, subsection (2) does not apply to:

(A) Meals and beverages;

(B) Ceremonial gifts or awards which have insignificant value;

(C) Unsolicited gifts of nominal value or trivial items of informational value;

(D) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;

(E) Gifts of tickets or free admission extended to an elected official or employee to attend a professional or inter-collegiate sporting event or charitable, cultural, or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the office;

(F) A specific gift or class of gifts which the Mayor and Council exempts from the operation of this section upon a finding in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City, and that the gift is purely personal and private in nature;

(G) Gifts from a person related by blood or marriage, or a spouse, child, ward, financially dependent parent, or other relative who shares the official's or employee's legal residence, or a child, ward, parent, or other relative over whose financial affairs the person has legal or actual control;

(H) Honoraria.

(e) Disclosure of confidential information. Other than in the discharge of his official duties, an official or employee may not disclose or use for his own economic benefit or that of another confidential information which he has acquired by reason of his public position and which is not available to the public.

Sec. 2A-5. Financial Disclosure.

(a) Conflict of interest. The Mayor and each member of the City Council, each candidate for the office of Mayor and City Councilmember, the City Administrator, and every other city official or employee shall file a statement with the City Clerk, describing any personal interest or employment which will present a potential conflict of interest upon an anticipated action being taken or which would require disqualification from participation pursuant to Section 1.6(k) of the City Charter or Section 2A-4 of this article. The statement of disclosure shall be made prior to the taking of an action in which a potential conflict exists or which would require disqualification, and as soon after the person becomes aware that an anticipated action will present a potential conflict with his personal interest or will require disqualification from participation as may be reasonably possible to prepare and file the statement.

(b) Annual report. In addition to the requirements of subsection (a) of this section, on or before April 30 of each year, the Mayor and each member of the City Council and the City Administrator shall file with the City Clerk a report disclosing his financial interests and those of his spouse and dependent children. The report shall include all information for the calendar year ending December 31 immediately preceding each such year in office. The report shall include the following information:

(1) The name, address, and nature of any business, firm, corporation or association, the nature and extent of the interest held, and the names of such other persons who during the report year held an ownership interest in any of the above, in which there is owned, jointly or severally, more than three per cent (3%) of the invested capital or capital stock or in which the ownership interest is valued in excess of one thousand dollars (\$1,000), provided that the names of such other persons need not be disclosed when they number more than one hundred (100).

OVER

(2) The location and description of any real estate in which there is a financial interest and the names of such other persons who may share or have shared during the report year ownership interest in the property, except for the following:

(A) It shall not be required to report the names of persons sharing an ownership interest in the property if they number more than one hundred (100);

(B) It shall not be required to report the real property holdings of any business, firm, corporation or association in which the person filing the report has an ownership interest, jointly or severally, which is either less than three per cent (3%) or ten thousand dollars (\$10,000) of the invested capital or stock;

(C) It shall not be necessary to report the ownership interest in common property or facilities shared by all owners within a subdivision or a development project by means of owning one (1) or more units in the subdivision or project as may be the case in a condominium or cooperative project but only the ownership interest in and the names of other owners sharing an interest in the unit or units of property in which the primary interest exists.

(3) The source, including name, address, and reason for payment of any income in excess of one thousand dollars (\$1,000), except income received from the City of Takoma Park or from interest and dividends received from savings accounts in established financial institutions or interest received from bonds or other securities of a governmental jurisdiction .

(4) The name and address of any person, firm, corporation or association from whom a loan in excess of one thousand dollars (\$1,000) has been obtained. It shall not be necessary to report a loan from a relative or an established financial or lending institution or a business which offers a revolving charge account or credit plan for the installment purchase of goods and services.

(5) A schedule of each gift in excess of fifty dollars (\$50.00) in value or a series of gifts totalling one hundred dollars (\$100.00) or more from any one person received at any time during the year for which the statement is filed by the person making the statement, or by any other person at the direction of the person making the statement, from, or on behalf of, directly or indirectly, any person who does business with the City, provided, however, that neither gifts received from the spouse, children, or parents of the person making the statement need be disclosed. This schedule, as to each such gift, shall include:

(A) The nature and value of the gift; and

(B) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(c) Supplemental report. A supplemental report for the period beginning January first and ending June thirtieth shall be filed by each person required to file an annual report of financial disclosure who has any new or additional ownership interest in business and real estate, sources of income and debts incurred which were acquired or incurred on or after January first and were not reported on the report for the previous calendar year, but which will be required to be reported on the report for the current calendar year. The supplemental report, when required, shall be filed with the City Clerk on or before July thirty-first of each year.

Sec. 2A-6. Lobbying Disclosure.

(a) Any person who personally appears before any city official or employee with the intent to influence that person in the performance of his official duties, and who, in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of five hundred dollars (\$500.00) on food, entertainment or other gifts for such officials or employees, shall file a registration statement with the City Clerk not later than January 15 of the calendar year or within five days after first engages in lobbying activities.

(b) The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to conduct lobbying activities.

(c) Registrants under this section shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of any food, entertainment or other gifts provided to a city official or employee. When a gift or series of gifts to a single official or employee exceeds seventy-five dollars (\$75.00) in value, the official or employee shall also be identified.

Sec. 2A-7. Statements Open to Inspection.

(a) All statements filed pursuant to this article shall be maintained by the City Clerk and shall be made available by the City Clerk, during normal office hours, for examination and copying by the public, subject, however, to such reasonable fee and administrative procedures as may be established from time to time. The City Clerk shall require that any person examining or copying such statements shall record his name, home address, and the name of the person whose disclosure statement was examined or copied.

Sec. 2A-8. Reports to Be Filed Under Oath.

(a) Each person shall file a report as required under Sec. 2A-5, "Financial Disclosure," and Sec. 2A-6, "Lobbying Disclosure," shall subscribe to an oath or reaffirmation before a notary public that the report to be filed is, to the best knowledge of the person filing the report, a complete and full disclosure of all financial interests which are required to be reported as prescribed herein.

Sec. 2A-9. Exemptions and Modifications.

(a) The Mayor and City Council may grant exemptions and modifications to the provisions of Sec. 2A-4, "Prohibited Conduct and Interest," and Sec. 2A-5, "Financial Disclosure," of this article if it determines that application of those provisions would:

- (1) Constitute an unreasonable invasion of privacy;
- (2) Significantly reduce the availability of qualified persons for public service; and
- (3) Not be required to preserve the purposes of this article.

OVER

Sec. 2A-10. Enforcement

(a) Upon direction by the Mayor and City Council, the Corporation Counsel may file a petition for injunctive relief in the appropriate Circuit Court for the purpose of requiring compliance with the provisions of this article. The Corporation Counsel may seek to have the court issue an order to cease and desist from the violation; and/or to void an official action taken by an official or employee with a conflict of interest prohibited by this article when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within ninety (90) days of the occurrence of the official action.

(b) Any person who knowingly and willfully violates the provisions of Sec. 2A-6 of this article is guilty of a misdemeanor and, upon conviction is subject to a fine of not more than \$500.00, or imprisonment for not more than ninety (90) days, or both. If the person is a business entity and not a natural person, each officer and partner of the business entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and, upon conviction, is subject to the same penalties as the business entity.

(c) In addition to any other enforcement provisions in this article, a person who is subject to the provisions of this article and who is found by the Mayor and Council or a court to have violated its provisions may be subject to termination or other disciplinary action as may be warranted, or may be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Mayor and Council or a court.

Sec. 2A-11.

(a) The provisions of this article do not waive the prohibitions against certain acts of the Mayor and Council and employees which are at the time of enactment of this article set forth in the Charter and Code of Takoma Park, Md., 1972, as amended, or which may be enacted in the future.

AND

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

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND MARCH 8, 1982.

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

SECTION 1. THAT Section 6-48 and Section 6-51, of Article 3, Chapter 6, Code of Takoma Park, Md., 1972, as amended, be repealed and reenacted as set forth below:

Sec. 6-48. Obstructions to be lighted; placement.

- (a) No person shall maintain an unlighted obstruction on a public roadway, on a public sidewalk or on any public space as specified in Subsection (b) of this Section.
- (b) All obstructions, which include soil, upright barricades, wood, construction material, construction debris, stone, gravel and pipe, on a public roadway, on any public sidewalk, or on any public space shall exhibit an amber light. When the space occupied by the obstruction extends for three (3) or more feet on or along a public space, lights shall be exhibited at each end of the obstruction and at intervals of twenty (20) feet, positioned visually clear of the obstruction on the side or sides adjoining the public space.
- (c) The Director of Public Works or the Director's representative shall serve, in accordance with Section 6-52.1 upon the person responsible a municipal infraction, for maintaining an unlighted obstruction as specified in this Section.

Sec. 6-51. Excavations to be barricaded; placement.

- (a) No person shall maintain an unbarricaded excavation on a public roadway, on a public sidewalk or on any public space as specified in Subsection (b) of this Section.
- (b) All excavations on a public roadway, on any public sidewalk or on any public space shall be barricaded. Barricade materials used shall be of such quality that will allow it to be effective.
- (c) All excavations with upright barricades shall be considered an obstruction and be lighted in accordance with distances specified in Section 6-48.
- (d) The Director of Public Works or the Director's representative shall serve, in accordance with Section 6-52.1 upon the person responsible a municipal infraction, for maintaining an unbarricaded excavation as specified in this Section.

SECTION 2. THAT Chapter 6, Article 3, be further amended by the addition of "Section 6-52.1 Municipal Infractions; fines; other remedies.", as set forth below.

OVER

Sec. 6-52.1 Municipal Infractions; fines; other remedies.

- (a) The following Sections 6-48 and 6-51 of this chapter have been declared to be a municipal infraction; violation of Sections 6-48 and 6-51 shall cause a twenty-five dollar (\$25.00) fine to be imposed.
- (b) Whenever the person responsible cannot be served personally with the municipal infraction and a copy of the section or sections being violated, the Director of Public Works or the Director's representative shall mail the aforementioned documents described in this Section to the last known address obtained from the city's tax records.
- (c) If the municipal infraction fine has not been satisfied within twenty (20) days as specified, then a formal notice shall be sent by certified mail to the person whose name appears on the fine citation stating that, if the fine is not satisfied within fifteen (15) days, the City of Takoma Park shall request adjudication of the case through the District Court and double the fine from twenty-five dollars (\$25.00) to fifty dollars (\$50.00), in accordance with Section 1-17(b) of the City Code.
- (d) Nothing contained herein shall prevent the City of Takoma Park from filing suit in the appropriate court to enjoin or otherwise require or prevent any action or omission provided for by this Chapter.
- (e) Failure to abate the cited violation within twelve (12) hours after receiving the citation shall cause the violation to be treated as a repeat violation.
- (f) Any individual who has received a municipal infraction fine citation and wishes to stand trial by signing the citation and returning it as specified shall continue to receive additional citations every twelve (12) hours until the violation is abated as the violation is a direct and immediate threat to the safety and well being of vehicular and pedestrian traffic.
- (g) If any provisions of this Article, or application thereof to any person or circumstances, is held invalid, the remainder of the Article and application of such provisions to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.
- (h) The Director of Public Works or the Director's representative shall have the authority to enforce all provisions of this Article.

PROPOSED ORDINANCE

ARTICLE 5. SNOW AND ICE REGULATIONS

Sec. 11-35 Casting snow or ice on streets prohibited; removal.

No changes to Section No. or text of Section.

Sec. 11-36. Sidewalks to be kept free of snow.

- (a) No person shall permit snow to be maintained on a public sidewalk that is adjacent to his or her residential or commercial property as specified in this Section.
- (b) Snow shall be removed from residential public sidewalks as described in Subsection (a) of this Section within twelve (12) hours after the snow has stopped.
- (c) Snow shall be continuously removed from commercial public sidewalks as described in Subsection (a) of this Section between the hours of 9:00 A.M. and 5:00 P.M. If the snow should stop after 5:00 P.M., the snow shall be removed by 8:00 A.M. the following day.
- (d) The Director of Public Works or the Director's representative shall serve upon the person responsible, a Municipal Infraction in accordance with Section 11-42 for maintaining snow on a public sidewalk as specified in this Section.

Sec. 11-37 Sidewalks covered with ice.

- (a) No person shall permit ice or untreated ice to be maintained on a public sidewalk that is adjacent to his or her residential or commercial property as specified in this Section.
- (b) Ice shall be removed from residential public sidewalks as described in Subsection (a) of this Section within twelve (12) hours after the cause of the icing conditions has stopped.
- (c) If after twelve (12) hours the ice cannot be removed without damage to residential public sidewalks, the ice shall be sufficiently covered with abrasives i.e. sand, cinders and ashes; or sufficiently treated with an ice melting substance to ensure the safety and well being of pedestrian traffic. The ice shall be immediately removed after it has softened to the point where removal is possible. Until removal is possible abrasives and melting substances shall be continuously and adequately applied.

- (d) Ice shall be continuously removed from commercial public sidewalks as described in Subsection (a) of this Section between the hours of 9:00 A.M. and 5:00 P.M. If the cause of the icing conditions should stop after 5:00 P.M., the ice shall be removed by 8:00 A.M. the following day.
- (e) If the ice cannot be removed without damage to the commercial public sidewalks, the ice shall be continuously and sufficiently covered with abrasives i.e. sand, cinders and ashes; or continuously and sufficiently covered with an ice melting substance between 9:00 A.M. to 5:00 P.M. to ensure the safety and well being of pedestrian traffic. The ice shall be removed by 8:00 A.M. the next day if the ice has softened to the point where removal is possible.
- (f) The Director of Public Works or the Director's representative shall serve upon the person responsible, a Municipal Infraction in accordance with Section 11-42 for maintaining ice on a public sidewalk as specified in this Section.

Sec. 11-38 Manner of snow and ice removal.

Existing Section 11-42 becomes 11-38 with no changes.

Sec. 11-39 Manner of removal; use of salt.

Existing Section 11-43 becomes 11-39 with no changes.

Sec. 11-40 City to take corrective action.

Whenever the person responsible cannot be found or fails to abate the violation as ordered by the Director of Public Works or the Director's representative as a result of a municipal infraction, the City shall take corrective action and bring the residential and commercial public sidewalk into compliance and charge all cost to the person determined responsible as specified in Section 11-41.

Sec. 11-41 Charges for City taking corrective action.

- (a) If the City has taken corrective action to bring the residential or commercial sidewalks into compliance with a municipal infraction section of the City Code, the Director of Public Works or the Director's representative who has caused the violation to be corrected shall certify the cost to the Treasurer.
- (b) The Treasurer shall examine the certificate and if approved by the Mayor and Council and found correct shall cause the cost as shown

thereon to be charged against the lands. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, the amount to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes. If the person determined responsible does not own the land where the municipal infraction violation occurred, all cost for corrective action taken by the City shall be billed directly to that person.

Sec. 11-42 Municipal Infractions; fines; other remedies.

- (a) The following Sections 11-36 and 11-37 of this chapter have been declared to be a municipal infraction; violation of Sections 11-36 and 11-37 shall cause a twenty-five dollar (425.00) fine to be imposed.
- (b) Whenever the person responsible cannot be served personally with the municipal infraction and a copy of the section or sections being violated, the Director of Public Works or the Director's representative shall mail the aforementioned documents described in this Section to the last known address obtained from the city's tax records.
- (c) If the municipal infraction fine has not been satisfied within twenty (20) days as specified, then a formal notice shall be sent by certified mail to the person whose name appears on the fine citation stating that, if the fine is not satisfied within fifteen (15) days, the City of Takoma Park shall request adjudication of the case through the District Court and double the fine from twenty-five dollars (\$25.00) to fifty dollars (\$50.00), in accordance with Section 1-17(b) of the City Code.
- (d) Nothing contained herein shall prevent the City of Takoma Park from filing suit in the appropriate court to enjoin or otherwise require or prevent any action or omission provided for by this chapter.
- (e) Failure to abate the cited violation within twelve (12) hours after receiving the citation shall cause the violation to be treated as a repeat violation.

- (f) Any individual who has received a municipal infraction fine citation and wishes to stand trial by signing the citation and returning it as specified shall continue to receive additional citations every twelve (12) hours until the violation is abated as the violation is a direct and immediate threat to the safety and well being of pedestrian traffic.
- (g) In cases where the Director of Public Works has determined that the person responsible cannot be found, the violation shall be corrected in accordance with Section 11-40.
- (h) In cases where the Director of Public Works has determined that the person responsible has failed to abate the violation after being ordered to do so, the Director of Public Works or the Director's representative may take corrective action to abate the violation in accordance with Section 11-40.
- (i) If any provisions of this Article, or application thereof to any person or circumstances, is held invalid, the remainder of the Article and application of such provisions to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.
- (j) The Director of Public Works or the Director's representative shall have the authority to enforce all provisions of this Article.

Sec. 11-43 Reserved.

ORDINANCE NO. 2601

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

SECTION 1. THAT the persons named below, all registered voters of the City of Takoma Park, are hereby designated as Election Judges to serve as a Board of Election for the March 23, 1982 City Election:

Harold E. Alston, 7710 Maple Avenue
Jessie H. Bakeman, 214 Domer Avenue
Richard E. Davis, 7710 Maple Avenue
Sara C. Euzent, 724 Boundary Avenue
Robert J. Featherstone, 504 Boston Avenue
Bertha L. Gesell, 8 Lee Avenue
Thomas S. Guins, 1200 Kingwood Drive
Eleanor S. Jaeger, 7213 Trescott Avenue
Floyd W. Kester, 7116 Poplar Avenue
Claire B. Kozel, 7804 Wildwood Drive
Barbara M. McCashin, 925 Sligo Creek Parkway
John Joseph Millett, 216 Hodges Lane
Clem J. Roski, 7203 Holly Avenue
Cicero Satterfield, 6801 Allegheny Avenue
Dorothy Volk Smith, 6913 Westmoreland Avenue
Max S. Solomon, 8005 Wildwood Drive
Neva B. Sterns, 7401 Piney Branch Road
Maureen A. Thompson, 7330 Piney Branch Road
Joseph H. Webb, 8308 Flower Avenue
G. Edward Zerne, 7302 Garland Avenue
Thelma A. Russell, 7402 Carroll Avenue
Helen T. Johnston, 127 Lee Avenue

SECTION 2. THAT the following persons are hereby designated as Alternate Judges, to be called for service by the City Clerk only in the event of unforeseen vacancies:

Mary N. Burger, 7620 Maple Avenue
Steven Rollins, 7520 Maple Avenue
Marvel A. Werner, 17 Darwin Avenue

ADOPTED BY THE MAYOR AND CITY COUNCIL MARCH 8, 1982.

*

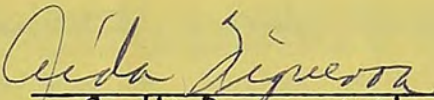
CERTIFIED

*

that an advertisement containing the language annexed hereto was published in

The Washington Post

Publication dates: \$102.00
9/25 & 10/2/83
E-9999 271



Credit Representative

HOUSING REHAB

Community Development Coordi-
nator=\$18,000. Responsible for
housing rehab. loan program con-
tracts, supervise 2 part time staff,
work w/citizens committee. De-
gree & exper. required. Resumes
by 10/14 to: Asst. City Admin., 7500
Maple Ave., Takoma Park, MD
20912. No calls please.

THE CITY OF TAKOMA PARK, MARYLAND

MAYOR AND COUNCIL WORKSESSION

March 15, 1982

The Mayor and Council met in worksession at 7:30 P.M., March 15, 1982, in the Municipal Building. The Mayor and all Councilmembers were present, as were the City Administrator, and the Asst. City Administrator.

The following matters were discussed and acted on as noted:

1. Administrative Reports and Announcements.
2. Landlord-Tenant Commission Interview. The candidate, Alan Freedman, was unable to attend the meeting. The interview was rescheduled for March 22, at 7:30 P.M.
3. Save the Junior High Committee Report. Dr. Faith Stern reported on the current status of activities to prevent the closing of the school. The Mayor and Council requested that Dr. Stern make a brief report at the next Council meeting.
4. Takoma Old Town Report and Recommendations. Richard Schnuer, Director of Community Development updated the Mayor and Council on Old Town progress. Based upon the report, the Mayor and Council raised no objection to the City's proceeding with the Commercial Loan Program, the MICRF application, and limited technical assistance to Area "B", along with Area "A".
5. Appointment to Landlord-Tenant Commission. It was decided that Diane Loya would be appointed to fill the Landlord vacancy on the Commission, at the next Council meeting.
6. Prince George's County Community Mental Health Center. This item was deferred for consideration at a later date.
7. Request for Day Care Center at Heffner Park. Request denied with regret by Mayor and Council. Suggested that party pursue use of Middle School or Junior High.
8. Proposal for automation of City payroll and accounting operations. Approval given by Mayor and Council. Place on regular Council meeting agenda for formal approval.
9. Proposed changes in COG Water Resources Board Charter. Mayor and Council oppose. City Administrator directed to communicate same to COG.
10. Consideration of contract of City Administrator. Approved by Mayor and Council.
11. Proposed ordinance on snow and ice removal. City Administrator study further and bring back recommendations.
12. Report of Special Committee on Washington Adventist Hospital. Special Exception. Discussion by Mayor and Council. No action taken.

APPROVED _____

Sam. A. Abbott
Mayor

ATTEST: _____

Alvin J. Nichols
City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
March 22, 1982

AGENDA

CALL TO ORDER: Mayor Abbott

ROLL CALL: Councilmember Garcia
Councilmember Holland
Councilmember Patrick
Councilmember Ramsey
Councilmember Ricks
Councilmember Saloma
Councilmember Weisman

PLEDGE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

REPORT FROM THE SAVE THE JUNIOR HIGH COMMITTEE (Dr. Faith Stern)

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

1. Communications
2. Administrative Reports and Recommendations for Council Action:
 - (1) Appeal of decision of Landlord-Tenant Commission en re Mendez, 6637 Eastern Avenue
 - (2) Appointments to Landlord-Tenant Commission
 - (3) Zoning Appeal #6181, 7205 Flower Avenue (Kuriakose), operation of 3-unit building in R-35 zone (Public Hearing: 7:15 PM, March 24, 1982, Room 1040, CAB, Upper Marlboro)
 - (4) Proposed ordinance appointing additional Election Judge
 - (5) Report on Prince George's County Council worksession on Takoma Park Master Plan (Councilmember Garcia)
 - (6) Resolution acknowledging terms of appointment of City Administrator
 - (7) Automation of City accounting and payroll functions
 - (8) Proposed resolution authorizing short-term borrowing
 - (9) Second reading of an ordinance dealing with snow removal from sidewalks
 - (10) Resolution authorizing City to accept \$5,000 matching State grant to facilitate Takoma Old Town redevelopment
 - (11) Proposed changes in charter of COG Water Resources Board

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council

March 22, 1982

City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember Garcia	Asst. City Administrator Schnuer
Councilmember Holland	Police Lieutenant Gowin
Councilmember Ramsey	Public Works Coordinator Smith
Councilmember Ricks	Recreation Director Ziegler
Councilmember Saloma	Administrative Asst. Tyree
Councilmember Weisman	Corporation Counsel Gingerich

EXCUSED: Councilmember Patrick

The Mayor and Council of Takoma Park met on March 22, 1982, at 8:00 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

PRESENTATIONS

Report from the Save the Junior High Committee

Dr. Faith Stern related that hearings were held February 20, 24, 26, and 27, before an examiner appointed by the State Board of Education; said 5 attorneys from the firm of Covington and Burling presented the consolidated appeal. Subsequent to the hearings, briefs are being prepared and are due April 1. The committee has received a draft brief and is in the process of reviewing it. Following filing of the final brief on April 1, both sides can file exceptions. The hearing examiner will then make his recommendation, which can be expected around mid-April...If either side objects to the examiner's findings, there can be 15 minutes of oral argument before the State Board, probably scheduled for the 3rd Wednesday in May, a regular meeting of the State Board, and the Board would probably make its decision on the appeals at that same meeting. Stated the committee's treasury was increased by about \$500 as a result of the community benefit dance held; said the support of the community and councilmembers who attended was gratifying; thanked the musicians who donated their time and skill, and those persons who worked at organizing the affair. Said that at the end of February, the committee's treasury reflected a balance of \$3,587, and additional expenses have depleted it somewhat since that time. Mayor Abbott expressed thanks and appreciation on behalf of Council for the quantity and caliber of work done by Dr. Stern and the Committee.

ADDITIONAL AGENDA ITEMS

Request that agenda item (8) be placed first on the agenda (Councilmember Weisman)

Request that agenda item (9) be removed from the agenda until a later date (City Administrator Nichols)

CITIZENS' REMARKS

1. Elaine C. LaVaute, 240 Park Avenue: expressed complaints about receiving parking tickets on Cedar Avenue, in the permit parking area, while displaying handicapped tags on her vehicle; thought the State law exempted persons with handicapped tags from local parking restrictions. Said the City should enforce snow removal from sidewalks, that walking from the Metro station over the winter months was hazardous if walks were not cleared. City Administrator Nichols assured that the State law regarding handicapped parking would be researched, and Mrs. LaVaute's situation rectified if it was inequitable.

2. Joseph Lerner, 7708 Takoma Avenue: expressed concern at coverage given the City recently in the Washington Post; felt it was shabby treatment, unfair; said one recent story was followed by three corrections in the Saturday issue. Said newspapers do not give fair, accurate, and adequate coverage to candidates in City elections; that the City, under its own auspices, should make provision for public debates between candidates.

3. Robert Mandel, 7003 Woodland Avenue: expressed concern about the proposed ordinance authorizing short-term borrowing by the City, said interest rates are extremely high and the market for municipal bonds is very soft. Said the City should make every attempt to avoid deficit financing; suggested taxes may have to be raised, any City positions vacated not filled until the end of the fiscal year, fewer trash collections made, and some cultural/recreational functions deleted. Said the City needs to have a larger cash reserve to meet unexpected expenses that occur.

4. Rino Aldrighetti, 7213 Central Avenue: expressed thanks to Councilmembers for their service. Registered complaints about parking tickets for 72 hour violations, and out-of-state tag notices being issued in his neighborhood; said no warning was issued regarding having to move the vehicle during a 72 hour period and his ticket was issued at 4:30 A.M. City Administrator Nichols stated that he understood from Chief Carter that an officer, unfamiliar with the department's official procedure of first issuing warnings, wrote the ticket and the matter could be rectified through the State's Attorney's Office. Said 72 hour violations are usually ticketed because of neighbor complaints about the car not being moved. Mr. Aldrighetti mentioned that the committee formed at an earlier meeting had met with Washington Adventist Hospital and the hospital was amenable to in-lieu of payments on the proposed ambulatory care addition.

5. Steve Pappas, 7420 Buffalo Avenue: said he was in agreement with remarks made by Mr. Mandel; that any major budget decisions should be deferred until the new Mayor and Council take office.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. City Administrator Nichols stated a communication had been received from Robert Cardy, an Assistant Chief Administrative Officer with the Montgomery County Executive's Office, which reports that the County Health Department did hold a public hearing on 718 Maplewood Avenue which the county is considering purchasing for use as a quarter-way house for alcoholics. The record of the hearing will be open until March 26 and any additional comments on the proposed purchase should be sent to the Executive Office Building, Rockville, Maryland 20850 to the attention of Mr. Cardy. Mayor Abbott reminded that Council had withdrawn their approval of the purchase and special exception after learning that the county, not Mr. Evans/Group Counseling Services, would be the actual purchaser, and had expressed their opposition to the county. Said he felt it was a direct insult that the county would move ahead with their plans, ignoring the City's opposition, and was indirect violation of the agreement that the City Council, the hospital, and the county reached a year ago. Councilmember Holland reminded that if the property was purchased by a private individual and later resold, the special exception would be lifted and the property would revert to a single family dwelling; whereas if the county was the purchaser, the special exception could exist in perpetuity. A motion was made by Councilmember Holland, duly seconded by Councilmember Weisman, that the City contact Washington Adventist Hospital and request that they deny the sale of 718 Maplewood Avenue to Montgomery County per the City's agreement with the hospital, and that the County be notified of Council's opposition. The motion was passed with Councilmember Garcia voting Nay; Councilmember Ramsey abstained; balance of Council voted Aye.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Proposed resolution authorizing short term borrowing. City Administrator Nichols stated the necessity for the ordinance is to pro-cash flow. Said most of the City's revenues come in around September, early in the fiscal year, when property tax assessments are received, other revenue is received sporadically. Said a minimal amount of revenue is received in the March to June period. This year's budget is a current funds budget, money being spent is money coming in on the current budget's revenues. Because most of the anticipated money has

come in and been expended, the balance of money will not come in until June, the City is in a cash flow shortage, will be short of funds to meet expenses. The problem will be compounded at the onset of the new fiscal year in July and won't be alleviated until September when taxes start coming in. Said this is not an unusual problem for municipalities. Upon query from Councilmember Ricks, the City Administrator clarified that the City would not borrow the entire \$700,000, but only what is needed periodically. Councilmember Holland suggested borrowing initially only the amount required to carry the City through the end of the current fiscal year; City Administrator Nichols estimated that amount to be \$400,000. Following discussion, a motion was made by Councilmember Garcia, duly seconded by Councilmember Holland, that the ordinance be changed to reflect the \$400,000 figure. Motion carried with Councilmembers Ramsey, Garcia, Holland, and Weisman voting Aye; Councilmembers Ricks and Saloma Nay; Councilmember Patrick Excused. (See item #7.)

2. Appeal of decision of Landlord-Tenant Commission en re Mendez, 6637 Eastern Avenue. Landlord-Tenant Coordinator Tyree summarized the case and COLTA's findings. Mr. Mendez, the appellant/respondent in the case was present; Ms. Ko Tangen, complainant, was not. Questions were referred to Quincy Robinson, investigator in the case. Mr. Mendez stated he did not concur with COLTA's findings. Following discussion, a motion was made by Councilmember Garcia, duly seconded by Councilmember Holland, and passed unanimously, that Council take the matter under advisement and notify Mr. Mendez and COLTA of their decision prior to the new Council taking office (April 12).

3. Appointments to Landlord-Tenant Commission. A motion was made by Councilmember Saloma, duly seconded by Councilmember Garcia, that Diane Loya be appointed Landlord Representative to the Commission. Motion carried with Councilmembers Garcia, Holland, Ramsey, Saloma, and Weisman voting Aye; Councilmember Ricks Nay; Councilmember Patrick Excused. Councilmember Ricks stated for the record that his opposition was based upon the fact that an alternate would normally move into the position; remarked upon Barry Stimmel's performance in the position. Councilmember Saloma remarked that Mr. Stimmel, present alternate on the commission, was also interviewed for the opening and requested a letter be sent thanking him for applying, expressing appreciation for the work he has done on the commission, and clarifying that the reason he wasn't appointed was because Council felt it was necessary the appointee have highrise experience. It was agreed the letter would be sent. A motion was made by Councilmember Holland, duly seconded by Councilmember Weisman, and unanimously passed, that Alan Freedman be appointed alternate on COLTA to fill the existing Public-at-Large vacancy.

4. Zoning Appeal #6181, 7205 Flower Avenue: The City Administrator explained that this was a request for an extension of the grace period for cessation of operation of a 3-unit dwelling in a single-family semi-detached and 2-family detached zone (R-35); said the hearing on the extension request would be held in Upper Marlboro on March 24; related the history of the case, reminded that Council had in the past expressed their opposition to this operation. Councilmember Holland made a motion, duly seconded by Councilmember Ramsey, and passed unanimously, that Council reiterate their vehement opposition to the granting of any extension and to any Special Exception application.

5. Proposed ordinance appointing additional Election Judge. Upon motion by Councilmember Holland, duly seconded by Councilmember Weisman, the ordinance was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Ramsey, Saloma, and Weisman; NAY: None; EXCUSED: Councilmember Patrick; DISQUALIFIED: Councilmember Ricks (by himself, on the grounds the individual is Nancy J. Ricks).

ORDINANCE NO. 2602

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

SECTION 1. THAT the citizen named below, a registered voter of Takoma Park, is hereby appointed to serve as an Election Judge in the March 23, 1982 City Election:

Nancy J. Ricks, 5 Lee Avenue

6. Report on Prince George's County Council, March 16, 1982, worksession on Takoma Park Master Plan. Councilmember Garcia stated he attended the meeting accompanied by Rev. Albaugh; reported the following:

(1) Study area A, Mr. Joseph Pietanza's plan - Mr. Pietanza withdrew the R-55 zoned access lot facing on East-West Highway from his plan; County Council agreed with him to zone balance of his lots C-0, thus he can do whatever he wants that conforms with that zoning.

(2) Study area D - University Boulevard between Anne Street and Merrimac Drive - County Council voted to support C-0 zoning rather than mixed zoning, contrary to the City's request.

(3) Study area E - Catherine Scott - wanted her property rezoned R-18 to permit retention of a 4-unit apartment; County supported the Master Plan, property will remain R-55 and Mrs. Scott will have to give up one apartment. She has an appeal pending before the Board of Appeals; they had deferred a decision to see what the County Council would do on the issue, so her appeal will probably be denied.

(4) Property at 7401 Flower Avenue - almost a duplicate of Mrs. Scott's request; it was requested the zoning be changed from R-55 to R-18; will remain R-55.

(5) Fire Chief Estep had a representative present. The text is being modified under "Public Safety" to read: "Fire and rescue services are provided to the City by the Takoma Park Volunteer Fire Department. Pursuant to the Mutual Aid Agreement, vehicles are dispatched from Prince George's and Montgomery County stations across the City/County boundaries, depending upon the location of the fire and availability of equipment." Also included is the statement "Police protection is provided by the City."

7. Proposed ordinance authorizing short term borrowing. (agenda item #1). The amended ordinance was reintroduced, the authorized monetary amount having been changed to \$400,000, and related appropriate wording changes effected. Upon motion by Councilmember Ricks, duly seconded by Councilmember Holland, the ordinance was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Ramsey, Ricks, and Weisman; NAY: Councilmember Saloma; EXCUSED: Councilmember Patrick.

ORDINANCE NO. 2603

(Attached)

8. Resolution acknowledging terms of appointment of City Administrator. Councilmember Ricks read the resolution of accord prepared subsequent to Mr. Nichols' appointment by a Council committee comprised of Councilmembers Ricks, Saloma, and Weisman, accepted March 1, 1982 by Alvin J. Nichols, the Mayor, and aforementioned Council committee members. Upon motion by Councilmember Ricks, duly seconded by Councilmember Saloma, the resolution was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Ramsey, Ricks, Saloma, and Weisman; NAY: None; EXCUSED: Councilmember Patrick. (Corporation Counsel suggested that, as the resolution carried an obligation, it

should be adopted by roll call vote.)

9. Automation of City accounting and payroll functions. The City Administrator stated that this issue has been researched over a several month period and the best proposal for the service is from Metropolitan Washington Council of Governments (COG). It would provide instant access to financial and accounting data on the City, automatic payroll processing, and should ultimately save the City money in terms of personnel services, as well as being useful as a management and policy tool. Said the cost will be \$200/month, no fee for installation and set up (including 80 hours of program set up, data input time). A motion was made by Councilmember Holland, duly seconded by Councilmember Ramsey, that the City move to implement the automation of their accounting and payroll functions through GOG's offer. Motion carried unanimously. Upon query from Councilmember Garcia, it was clarified the system would be implemented July 1, 1982 and would be a budget item in the FY 82-83 budget.

10. Resolution authorizing City to accept \$5,000 matching State grant to facilitate Takoma Old Town redevelopment. Upon motion by Councilmember Holland, duly seconded by Councilmember Saloma, the resolution was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Ramsey, Ricks, Saloma, and Weisman. NAY: None. EXCUSED: Councilmember Patrick. Councilmember Holland clarified that the City would have to match the \$5,000 from the State with an equal amount from appropriated CDBG funds (not City money); expressed thanks to the Phipps for coming up with this revenue source.

RESOLUTION

WHEREAS, the Mayor and Council of Takoma Park, Maryland have designated Takoma Old Town as a Commercial Revitalization Area; AND

WHEREAS, the City commitment to commercial revitalization extends to the provision of funds as a match to MICRF technical assistance funds; AND

WHEREAS, MICRF has the potential to assist and accelerate the new development planned for Takoma Old Town; AND

WHEREAS, the City Administrator has the authority to execute agreements on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

THAT \$5,000 of CDBG monies be set aside as the necessary matching funds for a MICRF technical assistance grant to be executed by the City Administrator.

11. Proposed changes in charter of COG Water Resources Board. A motion was made by Councilmember Holland, duly seconded by Councilmember Weisman, and passed unanimously, that Council oppose the proposed charter change and express their opposition in writing to COG. Councilmember Holland stated that the proposed changes could have a negative impact on municipalities and would not be in the best interest of the City. Mayor Abbott commented that the changes dilute the authority of municipalities and most cities are unanimously against it.

12. Report on briefing at Washington Adventist Hospital. Councilmember Holland stated he had attended the recent public briefing at Washington Adventist Hospital; related the following: The hospital presented two plans, different from ones presented earlier. One was an ambulatory care facility on a significantly smaller scale than originally proposed with surface parking (no parking garage); the other, a detached ambulatory care facility located near Maplewood Avenue and the tennis courts. The strong feeling projected by citizens was that

they would prefer the facility be located on the east side of the hospital, near the present San Building, retaining the front portion of that building and melding it in with the care center, with parking provided on the Carroll Avenue side near the creek. The hospital indicated they would take these wishes under consideration.

Upon motion, duly seconded, the meeting adjourned at 10:52 P.M. to reconvene on Monday, April 12, 1982, at 8:00 P.M.

RESOLUTION

WHEREAS, Alvin J. Nichols was appointed City Administrator of Takoma Park, Maryland, effective November 16, 1981, by action of the Mayor and Council on November 9, 1981, AND

WHEREAS, Councilmembers Ricks, Saloma, and Weisman were appointed by Mayor Abbott to arrange with Mr. Nichols the terms of said appointment; AND

WHEREAS, Mr. Nichols and said Councilmembers have reached a satisfactory arrangement, dated March 1, 1982, and acknowledged thereon by Mr. Nichols, Mayor Abbott, and Councilmembers Ricks, Saloma, and Weisman.

NOW, THEREFORE, BE IT RESOLVED that the accord dated March 1, 1982 between Alvin J. Nichols and the City of Takoma Park is hereby deemed to be the employment agreement between Alvin J. Nichols and the City of Takoma Park, and that the City Clerk is hereby directed to place a copy of the employment agreement in the City records and in the personnel records of Alvin J. Nichols, along with an acknowledged copy of this resolution.

THE ABOVE IS HEREBY CERTIFIED TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND, ON MARCH 22, 1982, BY ROLL CALL VOTE RECORDED AS FOLLOWS: AYE: COUNCILMEMBERS GARCIA, HOLLAND, RAMSEY, RICKS, SALOMA AND WEISMAN; NAY: NONE; EXCUSED: COUNCILMEMBER PATRICK.

M. Sibyl Pusti, City Clerk

ORDINANCE NO. 2603

WHEREAS, the budget of the City of Takoma Park adopted for the Fiscal Year 1981-82 includes revenues to be received from the State of Maryland, Montgomery County and Prince George's County; AND

WHEREAS, a substantial part of the revenues due the City of Takoma Park from the State of Maryland, Montgomery County and Prince George's County have not been received as of this time; AND

WHEREAS, because of increased costs incurred in the operation of the City of Takoma Park due to inflation and unanticipated governmental activities, the total expenditures of the City during Fiscal Year 1981 exceeded the total resources available to the City; AND

WHEREAS, the City of Takoma Park has utilized its emergency funds in the day-to-day operations of the City government; AND

WHEREAS, the City of Takoma Park requires that it borrow up to \$400,000 to meet payroll and current day-to-day obligations of the City for the period April 15, 1982 through June 30, 1982; AND

WHEREAS, Section 1.7(h) of the Charter of the City of Takoma Park provides that "The Council may issue interest-bearing certificates of indebtedness, not to exceed in amount the annual revenue of the City, less the amount of all sinking funds previously provided for, said certificates and interest to be paid only from such revenue and within one (1) year from the date of their issue; and such certificates may be issued in pursuance of an ordinance duly passed without submitting the question to the registered voters of the City"; AND

WHEREAS, the City Administrator, pursuant to the request of the Mayor and Council, shall negotiate with the banking institutions, doing business within the City of Takoma Park and others outside the City to determine the best rate that may be obtained on certificates of indebtedness when issued; AND

WHEREAS, the City Administrator shall receive in writing offers or bids, which shall become part of the records of the City of Takoma Park, to purchase interest-bearing certificates of indebtedness up to \$400,000.

NOW, THEREFORE, IT IS ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK:

SECTION 1. THAT the City of Takoma Park issue from time to time between April 15, 1982 and June 30, 1982, interest-bearing certificates of indebtedness not to exceed a total of \$400,000 outstanding at any one time to the institution which submits the responsible offer or bid with the lowest rate of interest.

SECTION 2. THAT each certificate of indebtedness shall be payable at any time without penalty but in any event each certificate of indebtedness issued to be due and payable within one (1) year from date of issue.

SECTION 3. THAT the certificates of indebtedness shall be payable from the revenues of the City.

SECTION 4. THAT the certificates of indebtedness when issued shall be signed by the City Administrator on behalf of the City of Takoma Park and attested to by the City Clerk.

ADOPTED BY THE MAYOR AND CITY COUNCIL ON MARCH 22, 1982.

THE AFOREGOING IS HEREBY CERTIFIED TO BE A TRUE AND CORRECT COPY OF AN ORDINANCE ADOPTED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND ON MARCH 22, 1982.

M. Sibyl Pusti, City Clerk

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and Council
March 24, 1982

MEETING OF MAYOR AND COUNCIL TO RECEIVE MARCH 23,
1982 ELECTION RESULTS FROM THE JUDGES OF ELECTION

The meeting was called to order at 8:00 PM, March 24, 1982, with Mayor Abbott in the Chair. Others present were: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks and Saloma; City Administrator Nichols; City Clerk Pusti; Chairman of the Judges of Election, Pastor Floyd W. Kester; and Election Judges Harold E. Alston, Jessie H. Bakeman, Sara C. Euzent, Robert J. Featherstone, Thomas S. Guins, Eleanor S. Jaeger, Claire B. Kozel, Barbara M. McCashin, John Joseph Millett, Neva B. Sterns, Maureen A. Thompson, G. Edward Zerne, and Helen T. Johnston.

The Chairman of the Judges of Election presented the following report to the Mayor and Council:

March 24, 1982

Mayor and City Council
City of Takoma Park
7500 Maple Avenue
Takoma Park, Maryland 20912

Mayor and Councilmembers:

The duly appointed and qualified Judges of Election are pleased to submit the following report of the City Election held on the 23rd day of March 1982, in the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

The Board was organized with the selection of Floyd W. Kester, Chairman; Harold E. Alston, Jessie H. Bakeman, Richard E. Davis, Sara C. Euzent, Robert J. Featherstone, Bertha L. Gesell, Thomas S. Guins, Eleanor S. Jaeger, Helen T. Johnston, Claire B. Kozel, Barbara M. McCashin, John Joseph Millett, Nancy J. Ricks, Clem J. Roski, Thelma A. Russell, Dorothy Volk Smith, Max S. Solomon, Neva B. Sterns, Maureen A. Thompson, Joseph H. Webb and G. Edward Zerne as Judges, after having taken the prescribed Oath of Office before Mayor Abbott. The polls were opened at the legal hour of 7:00 AM, and closed at the legal hour of 8:00 PM.

The following candidates for Mayor received the number of votes set opposite their names:

Sammie A. Abbott	2055
Ronald J. Wylie	1521

Candidates for Councilmember received the number of votes set opposite their names below:

WARD 1, Montgomery County:

Louis H. D'Ovidio	450
Mary Anne Leary	213

WARD 2, Montgomery County:

Carlton A. Iddings	362
Jennifer L. Saloma	265

WARD 3, Montgomery and Prince George's Counties:

William A. Eckert	338
James F. Holland	279

WARD 4, Montgomery County:

Vernon H. Ricks, Jr.	138
Herman Williams	155

WARD 5, Montgomery County:

Lynne E. Bradley	129
Marc B. Elrich	117
Lynn McKinney	121
Donald D. Ramsey	46

WARD 6, Prince George's and Montgomery Counties:

Frank V. Garcia	314
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WARD 7, Prince George's and Montgomery Counties:

Joseph A. Faulkner	291
Janet R. Schwartz	223

The following candidate for Mayor received the highest number of votes, and was duly elected Mayor for a period of two years from the second Monday in April 1982:

Sammie A. Abbott

The following candidates for Councilmember received the largest number of votes in their respective wards and were duly elected Councilmembers for a period of two years from the second Monday in April 1982:

WARD 1:

Louis H. D'Ovidio

WARD 2:

Carlton A. Iddings

WARD 3:

William A. Eckert

WARD 4:

Herman Williams

WARD 5:

Lynne E. Bradley

WARD 6:

Frank V. Garcia

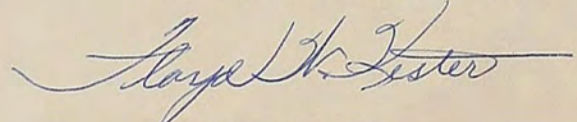
WARD 7:

Joseph A. Faulkner

The election returns indicate that 3611 registered voters cast their votes, 102 of which were cast by absentee ballot. The City Clerk informs us that there were a total of 7725 certified registered voters, 5442 of whom are registered in Montgomery County and 2283 in Prince George's County.

Certificates of Election in accordance with the results stated above have been prepared, and it is my pleasure to present them at this time.

Respectfully submitted,



Floyd W. Kester
Chairman

In response to Councilmember Garcia's questions regarding the announcement of the election results, Pastor Kester explained the procedure which had been employed. Expressions of appreciation were made by Councilmember Ricks and Mayor Abbott to the Judges, the City Clerk, and to all others who had been instrumental in bringing about a successful transfer to election of councilmembers by wards.

There being no further business to come before the Mayor and Council, the meeting adjourned at 8:15 PM.

APPROVED: _____
Mayor

ATTEST:

City Clerk