THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Public Hearings on Suggested Uses of FY-84 Revenue Sharing Funds
and Pre-Budget Community Comment on Budget and Public Services

February 14, 1983

AGENDA

CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Bradley
Councilmember D'Ovidio
Councilmember Eckert
Councilmember Faulkner
Councilmember Garcia
Councilmember Iddings
Councilmember Williams

PLEDGE

READING AND APPROVAL OF THE MINUTES OF JANUARY 24, 1983

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

PUBLIC HEARING ON SUGGESTED USES OF FY-84 REVENUE SHARING FUNDS

PRE-BUDGET COMMUNITY COMMENT ON BUDGET AND PUBLIC SERVICES

ADDITIONAL AGENDA ITEMS

CITIZENS' COMMENTS (those not directed at items for Council action)

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

1. Communications
2. Administrative Reports and Recommendations for Council Action
   (1) Administrative reports
      (a) Administrative reports:
         --Police Chief recruitment and selection process
         --Traffic Committee activities/update (Councilman Iddings)
      (b) Corporation Counsel reports:
         --Zoning Appeal #6647, 7403 Garland Avenue
         --Demolition of 6761 Eastern Avenue
         --COLTA v. Mendez

   (2) Second reading of a proposed Charter amendment to change city elections from the fourth Tuesday in March in even-numbered years to the first Tuesday after the first Monday of November in odd-numbered years.
      Citizens' comments
      Council action

   (3) Second reading of an ordinance establishing Parking Permit Area #3 in the Westmoreland-Walnut Avenue area
      Citizens' comments
      Council action

   (4) Approval of Administrative Guidelines for Parking Permit Area #3

   (5) First reading of an ordinance amending the City Code to provide for the installation of six parking meters on Westmoreland near Carroll
      Citizens' comments
      First reading

   (6) Proposed ordinance authorizing the construction of a driveway from Ritchie Avenue to Public Works grounds; appropriation of funds
      Citizens' comments
      Council action

   (7) Commission of Victor King to compose a work for Centennial Year

   (8) Proposed ordinance appropriating $500 toward the purchase of two tubas for the Takoma Park Concert and Marching Band
      Citizens' comments
      Council action

   (9) Proposed ordinance installing stop sign on Jefferson at Lincoln Avenue
      Council action

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
February 14, 1983

City Officials Present:

Mayor Abbott
Councilmember Bradley
Councilmember D'Ovidio
Councilmember Eckert
Councilmember Faulkner
Councilmember Garcia
Councilmember Iddings
Councilmember Williams

City Administrator Nichols
Acting Police Chief Gowin
City Clerk Pusti
Corporation Counsel Gagliardo

The Mayor and City Council of Takoma Park met on February 14, 1983, at 8:20pm 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 Council Meeting held January 24, 1983. The minutes were corrected to read in the last sentence of the first paragraph on page one "Councilmembers Bradley, Iddings, and Faulkner abstained due to their absence from the January 10 meeting." The minutes were approved as corrected. Councilmember Bradley commended the staff for promptness in delivering the minutes after a long meeting.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

The Mayor noted that a Public Hearing on suggested uses for the fiscal 1984 revenue sharing funds was supposed to be held now, but the weather prevented people from attending. It was agreed to hold the record open for the next meeting.

Councilmember Williams requested that item 6 on the agenda be moved up and Councilmember Eckert requested the same for item 3 so citizens present could speak. The City Administrator stated that the Council of Governments was starting an advisory committee for child care programs and was requesting the City to appoint a person to sit on this committee. Staff was asked to contact day care programs in the City to see if a person could be found willing to attend the meetings.

Mayor Abbott reported on the Junior High situation, noting that the Superintendent of Schools has recommended keeping the school open for two more years while weighing community impact criteria. Noted this was unacceptable as it would leave the situation unsettled. Also, no feeder schools would come in. Hearings will be held on February 23 and March 2. We will know on Thursday which date we will be scheduled for and where the hearings will be held. The TV

Committee has prepared a film, slides on demographics are ready and final action is scheduled on March 8. Commended Faith Stern, Carolyn Bassing, and Dorothy Malusky for hard work on this. Spoke of the responsiveness of the Planning Board and the County Executive and their commitment to expanding resources within the beltway.

Remarked that the weather had caused postponement of the consideration of the unification and liquor bills in Annapolis. They will come up this coming Friday. The Council and the Citizens' Committee have been lobbying for the unification bill.

Councilmember Iddings noted that Montgomery County has reduced its suggested rent guidelines from 10% to 8.5% and requested staff to prepare an amendment to the landlord-tenants relations bill and bring it before Council.

CITIZEN'S COMMENTS

1. Mike Haney, 7806 Lockney Avenue, Vice-president, New Hampshire Gardens Citizens Asso.: Suggested that the Mayor and Council appoint a tree committee of citizens, businesses and institutions to encourage planting of trees. Presented model ordinance suggested by the National Arbor Day Foundation. It was noted that the Public Works Dept. is including funds in its budget request for tree planting. Discussion ensued, with it being suggested that an ordinance should also include restrictions on the size of a tree to be cut. Mr. Haney stated that Mr Gary Noll, head of the Maryland Park and Forestry Dept., was willing to do a one-day survey to estimate number and quality of the trees in the City. It was decided a volunteer committee should be formed and a story will be written by Mr. Haney for inclusion in the March Newsletter.

Councilmember Bradley commended the Public Works and Police Departments on their fine work during the snow storm. Council concurred, stating streets in City were in better shape than in surrounding jurisdictions.

Ron Wylie, 7618 Glenside Drive: Stated he was glad to see City Administrator Nichols had served on County Executive Glendenning's task force in Prince George's County. Supported the opportunity to vote on changing the manner of election of Montgomery County Council.

ADMNISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Proposed ordinance authorizing the construction of a driveway from Ritchie Avenue to Public Works grounds; appropriation of funds. Mayor Abbott noted that this would eliminate the entrance to Public Works from Oswego Avenue.

Montez Boatman, 133 Ritchie Avenue, President, Ritchie Citizens Asso. Remarked that the citizens living on Oswego Avenue have long

complained of structural damage to their homes by the heavy truck traffic on the street. Stated that the citizens association had voted unanimously to support construction of an access drive on Ritchie Avenue.

Councilmember Williams noted that this will benefit both the citizens and the Public Works Dept. Extended an invitation to Mayor and Council to attend the up-coming meeting of the Association on April 20 to hear citizens' concerns.

Councilmember Bradley made a motion, duly seconded by Councilmember Williams, that the ordinance be adopted. Ordinance No. 2646 was adopted by a roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings, and Williams; NAY: None; EXCUSED: None.

ORDINANCE NO. 2646
(attached)

2. Second reading of an ordinance establishing Parking Permit Area 3 in the Westmoreland-Walnut Avenue area.

Arthur Karpas, 6961 Westmoreland Avenue, President, Westmoreland Area Citizens Organization: Spoke in support of the ordinance.

Councilmember Eckert noted that long citizen effort had gone into this proposal to alleviate parking problems caused by Metro impact. Noted that in reponse to business concerns, 6 parking places were being exempted from the restricted area and would be metered. He moved the ordinance be adopted and Councilman Faulkner seconded the motion. The Corporation Counsel suggested amending the first sentence of section 2 of the proposed ordinance to read "THAT, except where otherwise designated, parking on the following streets shall be restricted between the hours of 8:00 AM to 5:00 pm, Monday through Friday, to vehicles displaying a valid parking permit issued by the City." The amendment was accepted. Ordinance No. 2647 was adopted as amended by a roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings, and Williams; NAY: None; EXCUSED: None.

ORDINANCE NO. 2647
(attached)

3. Approval of Administrative Guidelines for Parking Permit Area 3. The Corporation Counsel suggested amending the proposed guidelines as follows: the first sentence of V.B.5 to read "One permit may be issued for each vehicle with a valid Maryland licence tag unless excepted by State law." The second sentence of V.C.2 to read "Visitor permits (excluding those issued under C.1, above) will be valid for seven days from the date of issue and shall be renewable for like periods for good cause shown." A third sentence reading "A

specific expiration date shall be noted on each permit" is added. In V.D, the word "vehicles" is inserted after "and/or service". the amendments were accepted and it was moved and seconded to adopt the guidelines as amended. The motion carried by a show of hands.

(Guidelines attached)

4. First reading of an ordinance amending the City Code to provide for the installation of six parking meters on Westmoreland near Carroll. It was noted that this ordinance would authorize a total of 6 parking meters with 2-hour limits for use by patrons of the Carroll Avenue businesses. After discussion of the merits of 1 hour vs. 2 hour time limits, the ordinance was accepted for first reading. (Attached)

5. Administrative Reports and Recommendations for Council Action.

Administrative reports

Police Chief recruitment and selection process. The City Administrator reported that the Mayor and Council are still considering the selection process and will take it up at their worksession on February 22. The makeup of any search committee will be decided. Qualified candidates from within and without the Department will be welcome to apply and advertising process will be started.

Traffic Committee activities/update. Councilmember Iddings reported that the committee is making progress and has identified 48 specific problems. 27 of these are local, such as stop signs, and a sub-committee is studying them and will have recommendations on them at their March 2nd meeting. The full committee is meeting once a month. A list of items which need to be discussed with the State Highway Administration has been identified. A process is being set up to handle matters referred to the committee as expeditiously as possible.

Corporation Counsel Reports

Zoning Appeal No. 6647, 7403 Garland Avenue. Reported that an appeal by the owner of 7403 Garland to continue 4 units in a single family zone has been filed. The City is opposing the appeal. The owner never obtained a use and occupancy permit. A decision is expected around March 1.

Demolition of 6761 Eastern Avenue. Reported that the owner appealed and the appeal was dismissed. The City was awarded costs.

COLTA vs. Mendez. The Corporation Counsel stated that Mr. Mendez, the landlord, had failed to return a security deposit to a

tenant. COLTA ruled against him, and he did refund and paid fine, but paid late. Another fine was levied for paying late, but the Court ruled that a notice the landlord had received extended the time and the second fine was not imposed.

Junked auto problem in Ward 1. The owner of the problem property has agreed to cease and desist from having junked autos on his property. A consent decree has been entered. $70.00 filing fee was recovered in this case. Noted that his office is trying to recover costs in all possible cases.

Noted that he is reviewing municipal infraction cases. At present the States Attorney handles these and has very little time to give them.

6. Second reading of a proposed Charter amendment to change city elections from the fourth Tuesday in March in even-numbered years to the first Tuesday after the first Monday of November in odd-numbered years. Councilmember Faulkner stated that he does not believe it is proper to change terms of office for incumbents. Lengthening the term of office or increasing the pay of incumbents are forbidden by law. Felt shortening the term violated the spirit of the law and would give candidates for election only 8 months before the caucus. Mayor Abbott moved adoption of the proposed Charter amendment and Councilmember Eckert seconded it to give Councilmember Faulkner an opportunity to offer an amendment. Councilmember Faulkner offered an amendment to start the changes in 1985. Councilmember D'Ovidio seconded the amendment. Mayor Abbott remarked that this would shorten the term of the succeeding members. Councilmember Bradley noted that she had spent 3 days of her leave lobbying for the City in Annapolis and felt the citizens and council should be free at the time the assembly is meeting. Felt if a term was to be shortened, it should be term of the incumbents. Councilmember D'Ovidio stated that he has talked to citizens in his area and feels that the voters expected the councilmembers to serve for two years and they want the full term to evaluate those in office. Candidates and voters in the next election would know the term to be served. Councilmember Williams noted the recent snow and remarked that he supported the November date as campaigning would be more pleasant and more time to study the budget would be available. Felt that this proposal had been discussed for several years and there was no reason to prolong the process till 1985. Councilmember Eckert remarked that he was against the amendment. He had run on this topic and the 3rd ward knows of this. Felt four months would not make much difference. Mayor Abbott stated that he thought the citizens could evaluate the councilmembers with four fewer months. As for those considering running, it does not take as much time to get around under the ward system. Councilman Garcia stated that he had run supporting the March date and had had no requests from those in his ward to change his stand. Noted that the Council has yet to see the proposed budget this year and felt it is not an issue. Felt

most of the City's business in Annapolis was well-handled by the Maryland Municipal League. Councilmember Iddings stated that he supported the amendment as he felt the councilmembers should honor their commitment to the voters. The Mayor stated that he felt that the budget should be ready earlier for study. Councilmember Bradley moved to table the Charter amendment. Councilmember Williams seconded the motion. On a point of personal privilege, Councilmember Eckert stated that there had been no opportunity for citizen comments on the amendment. Felt it should be announced in the Newsletter for citizens to have a chance to comment on it. Councilmember Faulkner remarked that he had brought his amendment up at the last meeting. On vote, the Charter amendment was tabled.

7. Commission of Victor King to compose a work for Centennial Year. Remarked that Roy Corbin had recommended this. Noted that Mr. King had been affiliated with the National Symphony Orchestra. Mr. King has offered to compose a musical piece for the City's Centennial gratis. Mayor Abbott moved that Mr. King be commissioned to compose a work for the Centennial. The motion was seconded and carried unanimously.

8. Proposed ordinance appropriating $500 toward the purchase of two tubas for the Takoma Park Concert and Marching Band. It was duly moved and seconded to adopt the proposed ordinance. Ordinance No. 2648 was adopted by a roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings and Williams. NAY: None. EXCUSED: None.

ORDINANCE NO.2648
(attached)

9. Proposed ordinance installing stop sign on Jefferson at Lincoln Avenue. It was moved by Councilman Iddings and duly seconded that the proposed ordinance be adopted. Ordinance No. 2649 was adopted by roll call vote as follows: AYE: Councilmembers D'Ovidio, Eckert, Faulkner, Garcia, Iddings and Williams. NAY: None. EXCUSED: Councilmember Bradley.

ORDINANCE NO. 2649
(attached)

Upon motion, duly seconded, the meeting adjourned at 10:45 pm to reconvene on Monday, February 28, 1983, at 8:00 pm in regular session.

ORDINANCE NO. 2646

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

SECTION 1. THAT the Mayor and Council concur in the recommendation of the Public Works Department to construct a driveway from Ritchie Avenue to the Public Works grounds on Oswego Avenue, said driveway to be placed on the City-owned property described in the Montgomery County Land Records as Lots 6 and 18, Block 60, B. F. Gilbert's Subdivision.

SECTION 2. THAT costs for material and equipment rental associated with this project are estimated to be between $10,000 and $12,000, with labor to be provided by city forces.

SECTION 3. THEREFORE THAT funds to cover the costs in an amount not to exceed TWELVE THOUSAND DOLLARS ($12,000) be appropriated from the Capital Improvement Reserve Fund.

ADOPTED BY THE MAYOR AND COUNCIL FEBRUARY 14, 1983.

ORDINANCE NO. 2647

WHEREAS, the Mayor and Council have found that the health, safety and welfare of certain groups of residents of the City are adversely affected by conditions created by the existence of public and commercial facilities and, in recognition of this, amended the City Code to permit the establishment of parking permit areas in residential sections of the City where such conditions are extant; AND

WHEREAS, pursuant to the provisions set forth in Sec. 13-63.1 of the Code of Takoma Park, 1972, as amended, citizens have petitioned the Mayor and Council to establish a parking permit area in the general vicinity of Takoma Old Town, citing the existing and anticipated use of accessible parking space by nonresident commuters and shoppers, coupled with intolerable levels of pollution and noise created by said nonresidents; AND

WHEREAS, the City Administrator, following a survey of the subject area, has determined that all criteria set forth in Sec. 13-63.1 of the City Code have been met and has recommended to the Mayor and Council that Parking Permit Area #3 be established.

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

SECTION 1. THAT Parking Permit Area #3 be hereby established, said area to include that residential section lying to the southeast of Takoma Old Town, with parking restrictions applicable to the streets enumerated in Section 2 of this ordinance; AND

SECTION 2. THAT, except where otherwise designated, parking on the following streets shall be restricted between the hours of 8:00 AM to 5:00 PM, Monday through Friday, to vehicles displaying a valid parking permit issued by the City:

(a) Westmoreland Avenue, north side, from Carroll Avenue to Walnut Avenue;
(b) Westmoreland Avenue, south side, beginning at a point 272 feet from its intersection with Carroll Avenue and extending to Walnut Avenue;
(c) Walnut Avenue, between Westmoreland Avenue and Eastern Avenue;

SECTION 3. THAT the Police and Public Works Departments are hereby directed to work with the City Administrator to fully implement the directives of this ordinance at the earliest possible date; AND

SECTION 4. THAT permits will be sold annually at a cost of $5.00 per year each by the Police Department. Such funds collected by the Police Department shall be deposited with the Office of the City Treasurer daily, along with a listing of the corresponding serial numbers of permits; AND

SECTION 5. THAT all ordinances in conflict with the provisions of this ordinance are hereby repealed; AND

SECTION 6. THAT the penalty for violation of Section 2 of this ordinance shall be as stated in Sec. 13.63.1(i) of the Code of Takoma Park, Md., 1972, as amended; AND

SECTION 7. FURTHER THAT this ordinance shall become effective April 30, 1983.

ADOPTED BY THE MAYOR AND COUNCIL FEBRUARY 14, 1983.

GUIDELINES

Parking Permit Area #3

It has been determined that the use of streets within residential areas for the parking of vehicles by persons using adjacent commercial, industrial, educational, transit, and other areas, facilities and programs emanating from planning, zoning or other decisions by government results in hazardous traffic conditions, the overburdening or potential overburdening of existing streets, roads and other facilities, air and noise pollution, and the inability of residents of certain areas to obtain adequate parking adjacent to or close by their places of residence and to secure ease of access to their places of residence. In order to reduce to the extent possible the aforementioned conditions, to foster the use of mass transit facilities and to promote the safety, peace, good order, comfort, convenience, health and welfare of the residents of the City, the Mayor and Council deemed it essential that parking permit authorization be provided, and amended the City Code by enactment of Section 13-63.1, entitled "Parking Permit Areas."

Pursuant to the provisions of Sec. 13-63.1 of the Code of Takoma Park, Md., 1972, as amended, the following guidelines for application to Parking Permit Area #3 are hereby adopted:

I. Area

A. The area to be considered for permit parking must be clearly defined as an area with specific boundaries, or an area defined by limits such as street names, streams, park land, railroad rights-of-way, etc.

B. As a general rule, provisions for residential parking permits will be considered only on an area basis and not for single block requests.

C. Because of the unique location of Parking Permit Area #3, the Mayor and Council may in the future entertain petitions from residents of streets adjacent to the area contemplated at the time the permit area is instituted; provided, however, that such petitioners must meet all the criteria set forth herein.

II. Request

The City Administrator shall receive a petition indicating that a majority of the residents (only one signature per dwelling unit shall be counted) desire their specific area to be established or removed as a Parking Permit Area.

III. Justification

A. Off-Street Parking Deficiency: At least 25% of the dwelling units in the area requesting implementation of permit parking must have less than two off-street parking spaces.

B. On-Street Parking:

1. Anticipated average curb space occupancy in the area requesting implementation of permit parking during the period cited must exceed 50%.

2. Potential non-residential parkers must make up at least 50% of the existing on-street parking population in the area requesting implementation of permit parking. This will be determined by on-site observation of arrivals.

IV. Hearing and Notice Procedure:

Upon determination that an area applying for a parking permit restriction satisfies the criteria set forth above, the following procedure shall

1. Notify applicant, residents in area, and the civic/citizens' association wherein the streets designated for parking are located of the City Administrator's findings.

2. Schedule and advertise the required public hearing in newspapers of general circulation within the City.

3. The Mayor and Council shall hold a public hearing and hold the record open at their discretion.

4. The Mayor and Council shall announce a decision within 30 days of the close of the hearing record.

5. The Mayor and Council shall adopt an ordinance specifically for the area.

6. Notify applicant, residents in the affected area, and the local citizen's association, and publish information of the decision in newspapers of general circulation within the City.

V. Implementation

A. Signing: This section shall be administered by the City Administrator with the assistance of the Police Department. The parking restriction signs shall read (for illustrative purposes only):

PARKING BY PERMIT ONLY
8 AM to 5 PM
Monday - Friday

B. Permit Fee and Distribution

1. Permits will be sold annually at a cost of $5.00 per year each by the Police Department.

2. Permit shall be color coded to identify area. A serial number will be provided for identification and filing purposes.

3. The permit shall be affixed to the inside lower left-hand corner of the rear window. For vehicles with no rear window, the permit shall be affixed so as to be seen clearly from the rear.

4. Permit application will require proof of residency within the designated area and proof of vehicle ownership (e.g., vehicle registration card).

5. One permit may be issued for each motor vehicle registered with a valid Maryland license tag, unless excepted by state law, within the designated area. The vehicle registration number (license tag number) will be printed on the permit.

6. Permits for employees of residents working at a residence within the designated area may be obtained by the resident.

C. Visitor Permits

1. Two transferable visitor permits shall be issued per dwelling unit with the initial sale for that unit, or upon request. The permit shall be placed in visiting vehicles in a manner that is visible through the rear window.

2. Temporary visitor permits will be available in person or by telephone upon indication of resident's name, address and permit number. Visitor permits (excluding those issued under C.1., above) shall be valid for seven days from the date of issue and shall be renewable for like periods for good cause shown. A specific expiration date shall be noted on each permit.

3. Visitor permits shall not be issued to holders of permits issued under V.B.6.

D. Non-resident emergency, commercial and/or service vehicles will be exempt from permit restrictions when performing necessary work within the area.

E. Public utility and all governmental vehicles shall be exempt from permit restrictions when performing necessary work within the area.

F. Non-motorized vehicles (e.g., trailers, boats, etc.) will not require nor be issued permits.

APPROVED BY THE MAYOR AND CITY COUNCIL FEBRUARY 14, 1983.

PROPOSED ORDINANCE

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

SECTION 1. THAT Subsection (a)(4) of Sec. 13-32, Parking meter zones; two hour limit, Code of Takoma Park, Md., 1972, as amended, be amended to read as follows:

(a)

(4) Westmoreland Avenue, south curb, from center radius of turn at intersection with Carroll Avenue to a point 260 feet southward: six (6) meters.

SECTION 2. THAT this ordinance shall become effective upon completion of installation of the meters.

SECTION 3. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 13-42 of the Code of Takoma Park, Md., 1972, as amended.

ORDINANCE NO. 2648

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

SECTION 1. THAT on October 27, 1980, the Mayor and Council by proclamation designated the Takoma Park Concert and Marching Band as the official band of the City;AND

SECTION 2. THAT the Band has requested funds to be used for instruments.

SECTION 3. THEREFORE THAT funds in the amount of FIVE HUNDRED DOLLARS ($500.00) be appropriated from the General Contingency Fund and applied toward the purchase of two tubas for the Takoma Park Concert and Marching Band.

ADOPTED BY THE MAYOR AND COUNCIL FEBRUARY 14, 1983.

FRI PKG
d 1-21-83 CR

ORDINANCE NO. 2649

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

SECTION 1. THAT all vehicular traffic shall come to a complete stop on Jefferson Avenue at its intersection with Lincoln Avenue; AND

SECTION 2. THAT the Public Works Director is hereby instructed to install a "Stop" sign at the appropriate location; AND

SECTION 3. THAT this ordinance shall become effective upon completion of the signing; AND

SECTION 4. THAT the penalty for violation of this ordinance shall be as prescribed in Section 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

ADOPTED BY THE MAYOR AND COUNCIL FEBRUARY 14, 1983.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
February 28, 1983

AGENDA

CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Bradley
Councilmember D'Ovidio
Councilmember Eckert
Councilmember Faulkner
Councilmember Garcia
Councilmember Iddings
Councilmember Williams

PLEDGE

READING AND APPROVAL OF THE MINUTES OF FEBRUARY 14, 1983

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

PUBLIC HEARING ON SUGGESTED USES OF FY-84 REVENUE SHARING FUNDS
(continued from 2-14-83 meeting)

PUBLIC HEARING: PRE-BUDGET COMMENT ON BUDGET AND PUBLIC SERVICES
(continued from 2-14-83 meeting)

ADDITIONAL AGENDA ITEMS

CITIZENS' COMMENTS (those not directed at items for Council action)

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

1. Communications

2. Administrative Reports and Recommendations for Council Action

(1) Administrative reports:
--COG Child Care Committee meeting: report by Belle Ziegler
--Administrator's report on Police Chief search process and recruitment committee

Corporation Counsel reports

(2) Second reading of an ordinance adopting Chapter 8A, Montgomery County Code, entitled "Cable Communications," and requesting administration and enforcement within the City
Citizens' comments
Council action

(3) Proposed resolution in commemoration of Black History Month

(4) Proposed resolution endorsing 1982 Metropolitan Washington Air Quality Plan for Control of Ozone and Carbon Monoxide Oxidants
Citizens' comments
Council action

(5) Second reading of an ordinance amending the City Code to provide for the installation of six parking meters on Westmoreland near Carroll
Citizens' comments
Council action

(6) Resolution approving Corporation Counsel retainer agreement
Citizens' comments
Council action

(7) Resolution establishing certain reviews by City Historic Committee of housing rehab grants and loans with City Historic Districts
Citizens' comments
Council action

(8) Consideration of Mayor and Council position on certain state bills supported by the Legislative Action Comm. of the Maryland Municipal League
Citizens' comments
Council action

CITY OF TAKOMA PARK, MARYLAND
Regular Meeting of the Mayor and Council
FEBRUARY 28, 1983

City Officials Present:

Mayor Abbott
Councilmember Bradley
Councilmember D'Ovidio
Councilmember Eckert
Councilmember Faulkner
Councilmember Garcia
Councilmember Iddings
Councilmember Williams

City Administrator Nichols
City Clerk Pusti
Police Lieutenant Gowin
Public Works Director Robbins
Recreation Director Ziegler
Corporation Counsel Gagliardo

The Mayor and City Council of Takoma Park met on February 28, 1983, at 8:15 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made, duly seconded to approve the Council Meeting minutes of February 14, 1983. Councilmember Bradley clarified her comment from page 5, item 6, mid-paragraph, following the phrase "in Annapolis" to read "the City's legislative interests require citizens and Council to be free at that time to participate in State Assembly activities." The minutes were approved as corrected.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott noted that in Annapolis the House and Senate both approved a bill (MC 246-83), to remove prohibition status from the Montgomery County section of Takoma Park, allowing the sale and consumption on site in hotels of beer, light wine, wine and liquor; also allowing this in restaurants. This matter will come before the entire assembly at a later date. Also noted it was rare that a local bill approved by the County Delegation would meet with disapproval by the entire Assembly.

The Mayor spoke on the Unification Bill (MC/PG-12-83), and how it is bogged down with amendments dealing with placing the burden on Takoma Park of costs arising out of litigation against Montgomery County, also pertaining to the delegation of the 21st Legislative District. Takoma Park would bear all the costs of litigation. The Mayor noted this is discriminatory legislation picking out Takoma Park as being different from the rest of the State; that if the amendments are passed by the State Legislature, if two liquor stores were to sue each other, Takoma Park would bear the costs. Councilmember Bradley, in answer to Mr. Faulkner's questions on how a State can put the burden on the municipality, said this is a legal question being asked. Corporation Counsel Gagliardo is questioning the fairness of this; is arguing this should be given more weight.

The Mayor stated the bill is special ordered for March 4. Delegates Ida Ruben and Diane Kirschenbauer requested that no further amendments be produced at the last minute. Councilmember Bradley reported that the Montgomery County Chapter of Maryland Municipal League voted unanimously to support the unification bill without amendments. The League has worked very hard at this. Mayor Abbott received a copy of a memo put out by Royal Hart for the Prince George's Delegation which raises questions regarding fiscal analyses. The City Administrator will draft a response for the Council's March 3 worksession.

Mayor Abbott noted that on Wednesday, March 2, at 7:30 PM at Wheaton High School, one-half hour is being devoted to Takoma Park Junior High School for final hearing after 2-1/2 years of work to save the school. A decision will be made at the School Board meeting on March 14. SOCS' intention was to show a TV film; 9 hours of film was taken and edited down to 15 minutes. Since the time is so limited, an attempt will be made to show the movie to the Board of Education prior to the March 14 meeting.

PUBLIC HEARING ON SUGGESTED USES OF FY-84 REVENUE SHARING FUNDS

The Mayor noted that this was held over from the last meeting; because of the snow there was not much participation

Mike Haney - 7806 Lockney Avenue: Encouraged Mayor and Council to direct the bulk of the $80,000 toward Police Department and Public Works Department capital improvements. City Administrator Nichols noted that he had not yet made any recommendations for FY 84 budget. The Budget will be presented to the Mayor and Council in middle of March for their consideration; currently in the process of formulation. The purpose of the hearing is to obtain citizens' requests for disbursing the money before it is put before the Mayor and Council. Mr. Haney also requested $5,000 or $6,000 for the Tree Committee work from the general City funds. Mr. Nichols noted that the Revenue Sharing funds essentially can be used for any purpose that Mayor and Council desire. The Office of Revenue Sharing allocates money and encourages governments to solicit ideas and to develop uses for funds that they might not ordinarily undertake without those funds. Takoma Park has usually used the money for capital improvements, though last year it was added to the general fund. There is no restriction on the uses. Councilmember Eckert, speaking for Mr. Cicero Sattefield of Allegheny Avenue, recommended improvements for First Avenue, off Allegheny Avenue. It is unpaved and badly erroded; it is a place where abandoned cars are left and garbage has been dumped. Mr. Satterfield and other citizens have been trying to get this problem alleviated through Mr. Nichols and Mr. Eckert. Abandoned cars were taken away immediately. Public Works Director Robbins had prepared an estimate to blacktop and to solve other problems that exist there, at an approximate cost of $20,000. Councilmember Eckert requested that this project be implemented in the upcoming year, noting that it is the worst street in the City. Dicussion was held as to the use of asphalt or concrete as the street is not going to carry a great deal of traffic and is not a thru street. Mayor Abbott noted he wanted specific projects being designated for RSF.

Arthur Karpas - 6916 Westmoreland Avenue: Mr. Karpas furthering this discussion questioned whether or not this would be a connecting street with the improvements off Westmoreland Avenue. It was clarified that it would not connect. It is on the other side of the street going to Spring Park.

John Hemphill - 8112 Flower Avenue: Requested a Tree Planting Program and also suggested bicycle ramps. Also brought up the question of lighting around the city to begin with the front steps of the Municipal Building; also there are intersections all over the city that need lighting.

The Mayor noted that both flags in front of the building should be replaced.

Councilmember D'Ovidio requested that funds from Revenue Sharing to be placed in the budget for neighorhood speed humps after the traffic committee and Council determine where they would be necessary on specific streets in the City. Mayor Abbott stated he would like to know cost per hump. Public Works Director Robbins stated that $400 to $600 would cover each one.

Budget will be presented to Mayor and Council in the middle of March and subject to discussion prior to its adoption in June. There will be an additional public hearing in May on Revenue Sharing Funds. Citizens will be invited to comment upon proposed uses prior to adoption by the Mayor and Council.

Mayor Abbott requested consideration of using Revenue Sharing Funds to implement and repair the Tool Library. Mr. Nichols stated that a sustaining budget for the tool library will be recommended.

PUBLIC HEARING: PREBUDGET COMMENT ON BUDGET AND PUBLIC SERVICES

Rino Aldrighetti - 7213 Central Avenue: Noted that fund raising for community groups is a real part of the process and should be encouraged. Felt that seed money should be limited in the Budget.

Melda Henry-416 Boyd Avenue: Spoke on the need for additional lighting on Boyd Avenue. Street is dark; number of problems; cars being broken into; some damaged. Police have said one of the reasons is that the street is very dark. Asked that this item be kept in Budget. Takoma Park needs more lighting. The Public Works Director suggested putting a light on every pole and has inserted $2600 in his budget request. Conversion to Sodium vapor on every pole is about $300 per pole. Conversion on existing poles would be $175.00 to $180.00 per pole.

Councilmember Faulkner commented on the City's increased share of the cost. The Mayor suggested that neighborhood people go on nightly tours. An increase in foot traffic would help solve muggings; also spoke on the importance of reporting crimes. Suggested budget process come up with schedule for patrolling different streets. Council should notify citizens' associations as to schedule to inspect lights. Councilmember Eckert supported upgrading lighting and suggested that neighbors notify each other and police if any assistance is needed.

Councilmember Faulkner, on behalf of two or three dozen citizens, suggested that the City reinstitute a program for animal control in the City. Enforcement of leash laws, remove strays off the street, etc. It was noted that the City Administrator has provided a proposal with various options.

Mike Haney suggested for the budget a program to upgrade the city trash cans. Mr. Robbins said there is $5000 in the budget for upgrading and purchase of new containers. There are now approximately 10 cans on the street; they are deteriorating. It was proposed by Councilmembers that places about the City be identified for new trash cans.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Administrative Reports:

COG Child Care Committee Meeting: Recreation Director Ziegler reported that discussion at this meeting centered around an information and referral service and, most important, coordination by COG. Plans are for local jurisdictions to join and strenghten child care referral services through COG. A central resource for locating child care facilities in the area would give people the information needed to find appropriate facilities to meet their needs. It will also be a benefit to employers in helping their employees find suitable day care for their children. A booklet is being assembled for the public. Next meeting is April 22 and a form was given out to complete and send in. COG representatives will be going around to interview the centers or jurisdiction to see where help and guidance is needed. Mrs. Ziegler strongly recommended that the Council have someone on this Committee. Councilmember Bradley commented that these meetings are during the day and most people that need this information are not available during the day. Mrs. Ziegler stated there is a member of the community from a day care center that is interested in representing the City. Councilmember Bradley recommended that Mrs. Ziegler's report should be placed in the Library for community information file. Suggested a Committee be appointed at a later date.

Administrator's Report on Police Chief Search process and Recruitment Committee.

City Administrator reported that the recruitment for Police Chief vacancy, created by the resignation by Stephen Carter, is in progress. The Committee will develop criteria for the position, to be recommended to the Mayor and Council for their approval. Mayor Abbott will Chair the Committee. He has appointed Councilmembers Garcia and Williams, City Administrator Nichols, Mike Haney, Rudy Arredondo, Marian Burkhalter, Derek Krieger, and Brenda Freeman as members. They are all residents of the community with a variety of backgrounds. Also, Montgomery County Chief Bernard Crooke will serve as a professional support person for the Committee. Advertisements for the position have been placed. The closing date is April 29. Applications will be reviewed by the Mayor and Committee and formal applications will be forwarded to the candidates to provide specific information. Committee will meet in near future and will be presenting its criteria for the evaluation.

Corporation Counsel Reports.

Corporation Counsel Gagliardo stated the latest activity was in Annapolis on the Unification Bill and continuing his efforts in Landlord and Tenant affairs, trying to bring their procedures into better shape. A hearing on the Firefighters Pension Fund Suit is Scheduled for March 1. A technical point as to whether or not the Mayor and Council can be parties to the law suit as well as the City. The City is being sued for $250,000 by Montgomery County, plus accrued interest; it comes close to $300,000. Explained other proceedings prior to the trial in late May. He stated there are a number of insurance claims which are handled by insurance carrier; trying to set up procedure for regular reporting on these cases. Also has been involved in a number of appeals taken from various decisions to demolish buildings, etc., motions pending to dismiss the appeals. Also a pending law suit challenging validity of certain laws in City and a charge of harrassement. Mr. Gagliardo stated all municipal infraction cases are tried by the State's Attorney's Office. He is attempting to make arrangements whereby he or the Assistant Corporation Counsel would assume this role so that the cases can be more fully developed and more vigorously prosecuted. Questions were asked as to update on 6906 Westmoreland re possibility of appeal through County or an injunction. The City Administrator is going to get the factual information from the County; based on what is found, Mr. Gagliardo will make a recommendation on how to proceed. This was a house which suffered extensive fire damage, carries a non-conforming zoining use status; the County law is that if the loss is 50% of the value of the house, it cannot be rebuilt to the non-conforming use, but has to be brought into line with the zoning law. There is a dispute as to how much damage was done to the property.

2. Ordinance Adopting Chapter 8A, Montgomery County Code, entited "Cable Communications", and request for administration and enforcement within the City.

Councilmember Bradley commented that this is the culmination of three years' work. This ordinance had been tabled for second reading to further work out the details of a written agreement between the County and City. Mr. Bruce Moyer, Chairman of the Citizens' Cable Committee outlined the process. He explained that the purpose of the ordinance is two-fold: 1) it adopts the Montgomery County Cable Law (already on the books), and 2) turns over to the County the enforcement responsibility for that law within the City. Also provisions that amendments to the law would be effective within the City unless City adopts an ordinance disapproving such amendments. There followed a lengthly discussion on possible problems with delegating the authority

for Montgomery County to enforce the franchise in the Prince George's section of the City. Mr. Moyer explained the various contractual relationships among the City, the County, and the franchisee. It was also indicated that the Committee will study legislation which would ensure availability of CATV to tenants at a fair price, if the State Legislature does not pass an acceptable comprehensive law this year. Upon motion by Councilmember Bradley, seconded by Councilmembers D'Ovidio, Ordinance No. 2650 was adopted by roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings, Nay: None; Excused: Councilmember Williams (temporarily absent).

ORDINANCE NO. 2650
(attached)

It was the sense of the Council in adopting this Ordinance that future amendments would be made should the need arise. There was further discussion on the benefits which will accrue to the City by way of Community outreach.

3. Resolution in commemoration of Black History Month.

Councilmember Williams spoke about the upcoming meeting organizing a Committee March 3, 7:30 PM in the Piney Branch Elementary School,when all interested persons will join in exploring ways to honor Dr. Martin Luther King. Councilmembers Williams and Garcia are Co-Chairmen of the Committee. Councilmember Bradley stated that Black History Month comes every year, and the Resolution puts the Mayor and Council on record as supporting, encouraging, and nurturing Black studies and the effort to celebrate Black History Month. It was noted that Parker Memorial Baptist Church is holding an anniversary celebration on Saturday, April 23. Mayor Abbott asked the Administrator to respond and reserve necessary seats for this occasion. Upon motion, duly seconded, the resolution commemorating Black History Month, was unanimously adopted (attached).

4. Ordinance amending the City Code to provide for the installation of six parking meters on Westmoreland near Carroll.

Moses Karkenny - 9 Pine Avenue: Stated that he has property at 7010 Westmoreland Avenue located between fire hydrant and a driveway. Requested a parking permit to enable him to park on the street. Also inquired about temporarily parking his car in front of his drveway for short intervals. Acting Police Chief Gowin stated it is against the law to park in front of a driveway. However, the Police Department will not give citations unless requested by the owner. Upon motion, duly seconded, Ordinance No. 2651 was adopted by roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings; Nay: None; Excused: Councilmember Williams.

Ordinace No. 2651
(attached)

5. Resolution endorsing 1982 Metropolitan Washington Air Quality Plan for Control of Ozone and Carbon Monoxide Oxidants.

The Mayor stated that reduction of these contaminants has not occurred and an extension of time is requested. This is another extension for five years. He said he had abstained from voting at Council of Governments on this subject; that the problem is not being dealt with. The necessary reduction will come about only with the beefing-up of mass transit, and with the curtailment of our automobile usage; there are no other sources of contaminants in the Washington area. The raising of transit fares has had its effect in increasing amount of pollution in the air; this has not been recognized by the leadership of Metro, and the Council will probably meet again in 5 years to endorse another extension of time. Councilmember Faulkner moved the resolution,

and it was seconded. Mr. Nichols stated that the Council is being asked by the State Department of Health and Mental Hygiene to endorse and support the goals of the resolution. Upon motion by Councilmember Bradley, the Resolution was amended by the addition of "but not endorsing extension of the deadline" to the last sentence. The Resolution unanimously passed as amended. (Attached)

6. Resolution approving Corporation Counsel retainer agreement

The Mayor stated that one of the recommendations of the Search Committee for a Corporation Counsel was that an agreement be drawn up. Copies of the agreement have been submitted to the Council and are on the public record. A motion to adopt the Resolution was made by Councilmember Eckert and duly seconded.

Ron Wylie - 7618 Glenside: Stated that this is an historic first and a good step forward. Following further discussion, the Resolution was unanimously adopted by the Council. (Resolution attached).

7. Resolution establishing certain reviews by City Historic Committee of rehab grants and loans within city Historic Districts.

Councilmember Iddings read the Resolution and moved for its adoption; the motion was seconded by Councilmember Faulkner. Councilmember Iddings stated it was an effort to make sure there is coordination between historic efforts and the housing rehabilitation effort. Councilmember Bradley, though noting her support for the Committee, expressed concern about the absence of criteria for implementing the process, the lack of a mechanism for appeal, and no provision for imput by the Mayor and Council. She also had some reservations because of the possible impact on the rehabilitation of City-owned properties. Councilmember Iddings explained that granting the review and approval authority to the Committee would simply assure that all parties in the review process would reach a consensus prior to submitting recommendations to the County Commissions and that, in any case, the Committee had already been granted this authority by Ordinance No. 2608. A suggestion was subsequently made to provide for review by the Mayor and Council. After extensive debate, it was not pursued. The Resolution was adopted by majority vote, with Councilmembers Bradley and Williams abstaining.(Resolution attached).

Consideration of Mayor and Council Position on Certain State bills supported by the Legislative Action Committee of the Maryland Municipal League.

Councilmember Bradley stated there are four legislative efforts, including anti-trust liability, home rule, double taxation, and pension reforms. Requested that the item be held over until the next Council Meeting.

Upon proper motion, the meeting adjourned at 11:25 PM, to reconvene on Monday, March 14, 1983, at 8:00 PM.

ORDINANCE NO. 2650

CABLE COMMUNICATIONS ORDINANCE

WHEREAS, the City of Takoma Park, Maryland believes that it is in the best interest of its citizens for a cable communications system to be constructed within its corporate limits; and

WHEREAS, the City of Takoma Park believes that it is in the best interest of its citizens that the process of awarding cable communications franchise(s) and the regulation of cable communications system(s) within the boundaries of the City be undertaken by the County:

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

Article 1.

General Provisions

Section 1. Adoption of Montgomery County Cable Communications Law.

Chapter 8A of the Montgomery County Code (1972), as amended, entitled "Cable Communications" is hereby incorporated by reference and enacted as the Cable Communications Ordinance of the City of Takoma Park with the following additions and amendments:

(a) Sections Added. Chapter 8A of the Montgomery County Code (1972), adopted by this ordinance, is hereby amended by adding the following additional sections:

(1) §8A-3(u) "City" or "City of Takoma Park" means the Mayor and Council of Takoma Park, Maryland, an incorporated municipality. Notwithstanding anything to the contrary contained herein, the corporate limits of the City of Takoma Park shall be included within the geographical areas of the county to which this law applies.

(2) §8A-10(j) Approval by City. Whenever in this Section the approval of the county is required, a franchisee shall also be required to obtain the approval of the City, which approval shall not unreasonably be withheld.

(b) Sections Amended. The following section of Chapter 8A of the Montgomery County Code (1972), adopted by this Ordinance, is hereby amended to read as follows:

(1) §8A-6(h) Indemnity. A franchisee shall at its sole cost and expense, indemnify, hold harmless, and defend the county (including the City), its officials, boards,

commissions, agents and employees against any and all claims, suits, causes of action, proceedings, and judgments for damage arising out of construction, maintenance, operation or removal of the cable communication system under the franchise. These damages shall include but not be limited to penalties arising out of copyright infringements and damages arising out of any failure by the franchisee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by the cable communications system whether or not any act or omission complained of is authorized, allowed, or prohibited by the franchise.

Section 2. Amendments.

All amendments to Chapter 8A of the Montgomery County Code which are hereafter enacted shall become effective within the City upon the effective date thereof unless prior thereto an ordinance shall have been adopted by the City disapproving such amendments.

Section 3. Executive Regulations.

All executive regulations now adopted by the County Executive for Montgomery County pursuant to the authority contained in Chapter 8A of the Montgomery County Code (1972) are hereby incorporated by reference and deemed to be effective within the City.

Section 4. Regulations or Amendments to Regulations.

All regulations or amendments to regulations hereafter adopted by the County Executive for Montgomery County pursuant to the authority contained in Chapter 8A of the Montgomery County Code (1972) shall become effective within the City upon the effective date thereof unless prior thereto an ordinance shall have been adopted by the City disapproving such regulations or amendments.

Article 2.

Enforcement

Section 1. Enforcement by Montgomery County.

Montgomery County, Maryland, is hereby requested and authorized to administer and enforce the cable communications ordinance of the City of Takoma Park, and any franchise granted by the County Council for Montgomery County, Maryland, will be effective within the corporate limits of the City as fully and to the same extent as if granted by the City.

Section 2. Compliance with Other Applicable Ordinances.

Nothing herein contained shall in any way be construed as exempting the franchisee from compliance with any other applicable ordinance of the City of Takoma Park now or hereafter enacted.

ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND ON FEBRUARY 28, 1983.

RESOLUTION

WHEREAS, on the occasion of a Fourth of July celebration in the last Century in Rochester, New York, Frederick Douglass opened an address to citizens of that city as follows: "Fellow Citizens: Pardon me, and allow me to ask, why am I called upon to speak here today. . . ?" He continued, "I am not included within the pale of this glorious anniversary. . . . This Fourth of July is yours, not mine." AND

WHEREAS, Black educators have traditionally set aside a period each year to engage in activities to help eradicate the conditions which evoked those words, by organizing projects to rediscover and commemorate the heritage of Black Americans; AND

WHEREAS, the Mayor and Council of the City of Takoma Park, Maryland wish to join in this effort, particularly as it relates to Maryland; AND

WHEREAS, Maryland has a rich Black heritage dating back to 1638, continuing into the Revolutionary period (when some 60 members of the 2nd Maryland Brigade were Blacks) and thereafter. The State can count among its sons and daughters such illustrious names as: Benjamin Banneker (1721-1806, born in Ellicott City), scientist, and associate of L'Enfant in the planning of Washington, D. C.; Josiah Henson (1789-1883, Charles County), author and lecturer; Frederick Douglass (1817-1895, Talbot County), writer, lecturer, diplomat; Harriet Tubman (1815-1913, Dorchester County), known primarily for activities in the Underground Railroad; the John Murphy family (Baltimore), founders in 1890 of the Afro-American newspapers; and Thurgood Marshall, Associate Justice of the U. S. Supreme Court, born in Baltimore in 1908; AND

WHEREAS, it is probable that the lives and works of these Black citizens, and others as yet undiscovered, have touched the lives and left their mark on all citizens of Maryland.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park, Maryland, do hereby associate themselves with, and support the goals of Black History Month.

BE IT FURTHER REVOLVED THAT a copy of this Resolution be spread upon the permanent records of the City of Takoma Park.

FEBRUARY 28, 1983

ORDINANCE NO. 2651

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

SECTION 1. THAT Subsection (a)(4) of Sec. 13-32, Parking meter zones; two hour limit, Code of Takoma Park, Md., 1972, as amended, be amended to read as follows:

(a)

(4) Westmoreland Avenue, south curb, from center radius of turn at intersection with Carroll Avenue to a point 260 feet southward: six (6) meters.

SECTION 2. THAT this ordinance shall become effective upon completion of installation of the meters.

SECTION 3. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 13-42 of the Code of Takoma Park, Md., 1972, as amended.

ADOPTED BY THE MAYOR AND COUNCIL FEBRUARY 28, 1982.

RESOLUTION

WHEREAS, Section 172(a) of the Clean Air Act Amendments of 1977, P.E. 95-95 (hereinafter referred to as the "Act"), provides that areas that do not meet national ambient air quality standards for carbon monoxide or photochemical oxidents by December 31, 1982, must prepare a revised State Implementation Plan (SIP) for attaining national standards no later than July 1, 1987: AND

WHEREAS, the National Capital Interstate Air Quality Control Region is such a non-attainment area because of excessive levels of photochemical oxidants and carbon monoxide and, therefore, is required to develop a revised transportation control element of the State Implementation Plan: AND

WHEREAS, Section 174 of the Act provides that in such areas, the States and elected officials of the affected local governments shall jointly determine which elements of a revised implementation plan will be planned for and implemented by the states and which elements will be planned for and implemented by the local governments: AND

WHEREAS, the Metropolitan Washington Council of Governments Board of Directors (Council) in cooperation with the National Capital Interstate Air Quality Planning Committee (AQPC) and the National Capital Region Transportation Planning Board (TPB) have developed, together with the States of Maryland and Virginia, and the Government of the District of Columbia, a process for preparing a revised implementation plan and an agreement on the division of responsibilities for its implementation: AND

WHEREAS, the Transportation element of the Plan is a revision of the 1979 Air Quality Control Plan: AND

WHEREAS, representatives of the affected general purpose units of local government of which Takoma Park, Maryland is one, reviewed the 1982 Plan, setting forth the representation, rights and obligations of the participating units of local government and the manner in which the planning requirements are to be accomplished.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of Takoma Park, Maryland, though having made no prior commitments as to the implementation of the plan, does hereby record itself as endorsing the goals of the Metropolitan Washington Air Quality Plan as approved in December 1982, but not endorsing the extension of the deadline.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND FEBRUARY 28, 1982.

RESOLUTION

WHEREAS, Thomas J. Gagliardo, Esq., was appointed Corporation Counsel of the City of Takoma Park, Maryland, effective on October 25, 1982; AND

WHEREAS, Mr. Gagliardo has prepared an agreement which sets forth the obligations and compensation for his performance as Corporation Counsel which, upon acceptance by the City Administrator, will serve as a contract; AND

WHEREAS, the terms of the agreement are in essential accord with the prior oral agreement between Mr. Gagliardo and the City.

NOW, THEREFORE, BE IT RESOLVED that the City Administrator be hereby authorized to sign the agreement on behalf of the Mayor and Council, said agreement constituting the retainer agreement between Corporation Counsel Thomas J. Gagliardo, and the City of Takoma Park, Maryland; AND

BE IT FURTHER RESOLVED THAT the City Clerk is hereby directed to place a copy of the retainer agreement in the City records, along with an acknowledged copy of this resolution.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND FEBRUARY 28, 1983.

RESOLUTION

WHEREAS, the City of Takoma Park conducts a number of housing rehabilitation programs, including a low-interest home improvement loan program and the operation Turn-around Program: AND

WHEREAS, from time to time these programs fund rehabilitation projects located within the historic districts of Takoma Park: AND

WHEREAS, Takoma Park Ordinance #2608 created a Historic Preservation Committee with the goals of strenthening the City's role in historic preservation and of insuring the preservation of the City's historic character.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Takoma Park, Maryland that in keeping with the goals both of the Historic Preservation Committee and of the City housing rehabilitation programs, it shall be the policy of the City that every housing rehabilitation project located within a duly recognized historic district in the city, shall be referred to the Historic Preservation Committee for comments and approval before the project is undertaken.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND FEBRUARY 28, 1983.