

T H E C I T Y O F T A K O M A P A R K, M A R Y L A N D

Regular Meeting of the Mayor and Council
March 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 FEBRUARY 28, 1983

PRESENTATION OF RESOLUTION COMMEMORATING THE CENTENNIAL YEAR BY MONTGOMERY COUNTY PLANNING BOARD (Commissioner Mable Granke)

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Presentation of proclamation to Samuel Gompers Chapter naming March 13-20, 1983 as International DeMolay Week
2. Other presentations and comments

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) Proposed Charter Amendment changing city elections from the fourth Tuesday of March in even-numbered years to the first Tuesday after the first Monday of November in odd-numbered years
Citizens' comments
Council action
 - (2) Appointment of Carroll-Ethan Allen Business Revitalization Steering Committee
Citizens' comments
Council action

ADJOURNMENT

CITY OF TAKOMA PARK, MARYLAND
REGULAR MEETING OF THE MAYOR AND COUNCIL
March 14, 1983

City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember Bradley	City Clerk Pusti
Councilmember D'Ovidio	Paul Mok, Economic Development Coordinator
Councilmember Eckert	Library Director Spottswood
Councilmember Faulkner	Recreation Director Ziegler
Councilmember Garcia	Corporation Counsel Gagliardo
Councilmember Iddings	
Councilmember Williams	

The Mayor and City Council of Takoma Park met on March 14, 1983, at 8:05 p.m. in the Council Chamber of the Municipal building, 7500 Maple Avenue, Takoma Park, Maryland. A motion was made, and duly seconded to approve the Council Meeting Minutes of February 28, 1983. Councilmember Bradley clarified her vote on item 7 regarding the Resolution establishing certain review by City Historic Committee of rehab grants and loans within City Historic Districts. The minutes read "Councilmembers Bradley and Williams abstaining." Councilmember Bradley requested that the record show her Nay vote. The minutes were approved as corrected.

The Mayor stated that the meeting would be short, as he and several Councilmembers were going to a School Board meeting where a Decision on Takoma Park Junior High School closing was to be made; and others were headed to Annapolis regarding the Unification Bill which was to be taken up by the Montgomery County Delegation. Mayor Abbott said he hoped citizens would understand why the Agenda was necessarily abbreviated. The pledge was made.

PRESENTATION OF RESOLUTION COMMEMORATING TAKOMA PARK'S CENTENNIAL BY
MONTGOMERY COUNTY PLANNING BOARD

Commissioner Mable Granke presented a resolution commemorating the City's Centennial year on behalf of the Montgomery County Planning Board. Commissioner Granke stated she attended the kick-off celebration at the Takoma Junior High and when she went back to report to the Board that it was decided to congratulate Takoma Park in a formal way. She stated they wished the City well, and think it is a wonderful and beautiful community. Mayor Abbott stated that in 1970, another Planning Board decided that Takoma Park would be a few acres between two super highways, and that six blocks adjacent to the Metro station were to be rezoned for high rise development. It took 4 1/2 years plus the ascension of new members to the Board to revise that. The Mayor commended the Board on their high standards. Mayor Abbott also stated that the City will soon break ground for a new urban Park with the help of Park and Planning Commission. Everyone is invited to attend.

MAYOR ABBOTT'S COMMENTS AND PRESENTATION.

Mayor stated he had no further comments at that time.

1. Presentation of proclamation to Samuel Gompers Chapter naming March 13-20, 1983 as International DeMolay Week.

Councilmember Bradley presented the proclamation to Mr. Brian Simon, a representative of the Samuel Gompers Chapter of DeMolay.

Councilmember Williams announced that at 7:30 p.m. each Thursday until April 7, the Martin Luther King Committee will meet in the Piney Branch Elementary School, 7510 Maple Avenue. On April 7, at 7:30 p.m. they will have a commemoration ceremony in honor of Dr. Martin Luther King, and urged all to participate.

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ADDITIONAL AGENDA ITEMS

There were no additional agenda items.

CITIZEN'S COMMENTS

Jan Schwartz-7309 Garland Avenue: Said she was speaking on behalf of citizens on Carroll Avenue, people in Takoma Old Town, and people in the business area. Stated that something must be done immediately to institute a police walking beat in that area. Police should not be sitting in their cars, but are needed to go up and down Carroll Avenue, stopping in the shops, seeing if everything is all right. The high incidence of crime is intolerable. High's is being robbed every week; the entire business area is dark and gloomy, and there are people hanging around the gazebo in the Park.

Ron Wylie-7618 Glenside Court: Stated he wanted to thank the Mayor and Council for passing the Resolution he had submitted at the worksession the previous Monday in supporting both the Governor, and Congressman Barnes in the national and state effort against drunk driving. Mr. Wylie said he had testified before the House Judiciary Committee on Thursday, and Takoma Park was the only City that went on the record in support of the Governor's package. Copies of that testimony would be made available. Stated also that later that evening NBC would be running a Special on Mother's Against Drunk Driving. Noted that he is also collecting signatures to send to the Chairman of the House Judiciary Committee; asked for participation.

ITEMS FOR COUNCIL CONSIDERATION:

1. City Administrator Nichols stated there were no communications.
2. Administrative Reports and Recommendations for Council Action

(1) Proposed Charter Amendment Changing city elections from the fourth Tuesday of March in even-numbered years to the first Tuesday after the first Monday in November in odd-numbered years.

The Mayor stated that the Charter Amendment had been tabled at the last meeting. Councilmember Iddings made a motion to take the Charter amendment from table; Councilmember Williams seconded the motion. The motion to remove from the table was approved by roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Eckert, Iddings and Williams, Nay: Councilmembers Faulkner and Garcia. Councilmember Faulkner restated his amendment which had been seconded at the last meeting: to change the effective date from 1983 in the Charter amendment so it would not take place this November, but in two years from this coming November. Stated the reason for that is the feeling that one should not tamper with the conditions of one's election. Some of these changes are prohibited by law, such as changing the pay, lengthening the term. This would be tampering with the conditions of the election. Also stated it is basically unfair to candidates who would have less time to prepare than those who knew about the proposed change. Councilmember Bradley noted that this had been discussed at the previous meeting on this issue. Summarized her position on Mr. Faulkner's amendment saying she is against it; it is unfair to ask another Council to shorten its term; if an incumbent Council feels strongly enough, it should act during its own term. Reiterated her support for the 1983 effective date. Councilmember Eckert agreed with Councilmember Bradley; Mr. Eckert had made this a part of his platform when he ran for office and regarded this as an attempt to keep that promise. Did not believe it is fair to impose future Councils with shortened terms. Urged Council to vote against Councilmember Faulkner's amendment. Councilmember Williams agreed with the statements of Councilmember Bradley and Eckert. Councilmember D'Ovidio noted that at the last meeting he had supported the amendment, for reasons stated at that time; i.e., when people voted for Council they voted for a specific package; agreed on the change to November, but disagreed with instituting it in 1983.

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Noted that in making the argument against imposing a truncated term on another Council, one should consider the fact that candidates would be aware of that fact. Councilmember Garcia expressed approval of the amendment, saying the arguments regarding the budget and the weather were secondary. Councilmember Iddings stated he opposes Councilmember Faulkner's Amendment. Expressed the desire to see the election date changed to November as soon as possible, noting that he had given it much thought during the preceding two weeks, believed the rationale for the change was sound and practical. He noted that in Ward 2, there appears to be little sentiment in either direction. The Roll call on the Amendment to change the effective date of the Charter Amendment to 1985 was recorded as follows: Aye: Councilmembers Faulkner, D'Ovidio, Garcia, Nay: Councilmembers Bradley, Eckert, Iddings, Williams. Councilmember Eckert made a motion to adopt the Charter Amendment; motion was seconded by Councilmember Iddings.

Councilmember Faulkner further spoke against adoption; stated it was unnecessary; arguments about the budget were incorrect, noting as proof, this year's schedule for the budget which matches last year's. Mayor and Council had opportunities to hold preliminary hearings from citizens and did not; appreciated Councilmember Bradley's argument about dealing with Legislature, but said this year had been an aggravated year in that regard and does not think it is overriding. Also endorsed Mrs. Mandel's argument favoring a new Council's observation of one budget cycle. Councilmember Bradley spoke in favor of the Charter Amendment, citing reasons given at earlier meetings. Said her primary reason is that a large part of what happens in local Government in Maryland is determined in the State Assembly in Annapolis; that elected officials, citizens, and staff should be attending the State Assembly probably at the same time candidates would be campaigning for a Spring election. The importance of taking a pro-active role in some of the other legislative concerns at state and county level require uninterrupted time in the Spring when many of these efforts are going on. Also favored the Charter Amendment because of the budget process; citizens assume elected officials will take the time to become involved in the details of the budget. Councilmember D'Ovidio also spoke in support of the Charter Amendment, for the same reasons, noting the concept of Council lack of involvement in the budget process has been a problem in the past. Stated that in his opinion Council would and should continue to be active in matters before the State Legislature. Councilmember Garcia spoke against the Charter Amendment; stated Budget has no bearing on it; there is as much bad weather in November as in the Spring; Mayor and Council were voted in to complete a full two-year term, and that he saw no particular support in his Ward. Mayor Abbott stated that just a year ago tomorrow, an election took place under the Charter. If elections were held this year, who would attend two different budget committee meetings on March 15 in Rockville? The City elections have taken place at the exact time as the County governments' budget process. Any incumbent not reelected still holds office until April. The new Council is not sworn in. That is when the Budget is being discussed and hammered into effect at both County levels. Said City has had election date changes in the past--there's nothing sacred about it; and that the best date is November in the odd years. It would give the new Council the opportunity to get involved in both County budget discussions, involved in the State Legislature and involved in the budget of the City. Mayor stated it is up to the Council to decide at what point they ask for an administratively supplied Budget. In the future it is going to be shoved up, because there is not enough time to accurately assess the needs and capabilities of meeting those needs under the short schedule we now have. Councilmember Faulkner stated that the City Newsletter has been used to put forth a view that the Mayor has and has not solicited opposing ideas, and he considered this an abuse of public funds. The Mayor took exception to this and pointed out the efforts made to enlist differing points of view. The roll was called on Charter Amendment Resolution 1983-1 (Ordinance No. 2652) to change City elections from the fourth Tuesday of March in even-numbered years to the first Tuesday after the first Monday of November in odd-numbered

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years, and was recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Eckert, Iddings, Williams; Nay: Councilmembers Faulkner and Garcia. Excused: None. Mayor Abbott pointed out that forty days is given to anyone who wishes to submit the amendment to referendum by securing the signatures of 20% of qualified voters. The Amendment will be posted and advertised as required by law.

Resolution 1983-1
Ordinance No. 2652
Attached

(2) Appointment of Carroll-Ethan Allen Business Revitalization Steering Committee.

Mayor Abbott submitted the following names: Staff member, Mr. Paul Mok, Economic Development Coordinator; Councilmember Carl Iddings, Ward 2; Councilmember Eckert, Ward 3, Citizens: Rev. Ron Albaugh-Long Branch-Sligo Citizens' Association, Paul Plant-Carroll Ridge Neighborhood Association; Susan Tipton-Lower Sycamore Neighborhood; Andrew F. Euston (Architect)-Ward 1, Albany Avenue; Nancy Stark, Roanoke Avenue (a planner); Richard Prario, Pine Avenue, President, B. F. Gilbert Association; David Moore of S. S. Carroll Citizens' Association; business persons: John Fleming-Constructive Alternatives; Alden L. Howard-Takoma Picture Framers; Nick D'Amico-Carriage House Cleaners; Karl Kessler-Barcelona Nut, and Robert Turner, Turner Electric, who will share a seat; Co-Chairmen are John Fleming (business) and Rev. Ron Albaugh (citizens). Councilmember D'Ovidio moved the appointment of those named by the Mayor; the motion was seconded by Councilmember Iddings.

Karl Kessler-Barcelona Nut Company: Stated it will be a pleasure to work on this Committee. Concerned with certain improvements which need to be made within the year, i.e., the bad sidewalks, sink holes, which he had reported three months ago, but no action has been taken.

Paul Mok, Economic Development Coordinator: Stated that the Committee would be working under tight time constraints, since he hopes to have the proposals ready for submission by end of September. Before then a presentation will be made to the Mayor and Council in August, and public hearings the week after. On the 12th of September there will be another presentation and another public hearing a week after. Stated he would contact them individually and schedule a meeting during the week. They will meet regularly every week. Councilmember Iddings stated this Business District is in his Ward and is pleased that the City is turning its attention to it. The Area B community has formed an active Businessmen's Association and the problems can be easily solved. Mayor stated that the members on the Committee, and all who have demonstrated their concern, and with the addition of Paul Mok, rapid progress will be made.

Mayor stated the City will be announcing the breaking of ground for the Park in Takoma Old Town. City Administrator Nichols noted the demolition of the Gazebo will take place between March 22 and 29, and construction will begin about the week of April 4. Will be setting the date for the ground breaking soon and will be announcing it and looking forward to everyone's participation. Councilmember Bradley stated she hoped that this Committee would identify immediate problems that affect the health and safety of citizens before revitalization becomes fully effective. The motion on the Committee appointments carried unanimously.

Upon proper motion, the meeting adjourned at 8:47 p.m., to reconvene on Monday, March 28, 1983 at 8:00 p.m.

RESOLUTION NO. 1-1983

ORDINANCE NO. 2652

CITY CHARTER AMENDMENT
TO CHANGE THE TIME FOR THE NOMINATION AND ELECTION
OF THE MAYOR AND COUNCIL OF TAKOMA PARK; CERTIFICATION
OF THE REGISTERED VOTERS AND THE FIRST MEETING OF THE
NEWLY ELECTED MAYOR AND COUNCIL

WHEREAS, the Mayor and Council, after deliberation, have concluded that it is in the best interest of the City to have the biennial City election held in the month of November in the odd numbered years in order to enable the Mayor and Council to give adequate consideration to the budget needs of the City for the next succeeding fiscal year; AND

WHEREAS, it is necessary to amend the City Charter so as to change the time for nominations, election, certification of voters, and first meeting of the newly elected Mayor and Council.

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

SECTION 1. THAT Sec. 1.3(a), Sec. 1.3(c), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(e) and Sec. 1.5(a) of the City Charter be amended as follows:

Sec. 1.3. Elections--Generally.

- (a) Every resident of ~~[[said]]~~ THE city whose name shall be certified to the mayor and council under the provisions of the next succeeding section of this charter shall be entitled to vote in THE municipal elections in ~~[[said]]~~ THE city, and no person shall vote in any such municipal election whose name shall not be so certified~~[[; provided, however, that this section and the next succeeding section shall not apply to special elections held under the provisions of this Charter]]~~. The residents of ~~[[said]]~~ THE city whose names shall be so certified are hereby designated as the "Voters" of the city, and by that designation are hereinafter referred to in this section and they shall on the ~~[[fourth Tuesday of March, 1966]]~~ FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER 1983, and each second year thereafter, elect as ~~[[councilmen]]~~ COUNCILMEMBERS seven persons and as mayor one person each of whom shall reside in the city and be a voter of the city and in the case of the ~~[[said councilmen]]~~ COUNCILMEMBERS, be residents of the areas from which they are so elected. The Mayor and the ~~[[councilmen]]~~ COUNCILMEMBERS so elected shall serve for two years, beginning with the ~~[[second Monday in April]]~~ THIRD MONDAY IN NOVEMBER ensuing after their election or until their successors are duly qualified.

(c) Beginning with the election to be held on the ~~[[fourth Tuesday in March, 1980]]~~ FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER, 1983, and every second year thereafter, the mayor shall be elected at large; one member of THE council shall be elected from each of the wards by voters of that ward only.

Sec. 1.4. Same--Lists of registered voters; certification by supervisors of elections.

(a) On the ~~[[first Monday in January 1982]]~~ THIRD MONDAY IN AUGUST, 1983, and each two years thereafter on the ~~[[first Monday in January]]~~ THIRD MONDAY IN AUGUST, prior to the city election, the boards of election supervisors for Montgomery and Prince George's Counties, respectively, shall certify to the mayor and council alphabetical lists of the names and addresses of ~~[[the]]~~ THOSE PEOPLE RESIDING IN THE CITY AND registered TO ~~[[voters]]~~ VOTE. ~~[[in the state and county elections within the the 13th Election District of Montgomery County lying within the city and within that portion of Prince George's County within the city.]]~~

[[--]] denotes deletions.
CAPS denotes additions.

* See notes, page 2.
** See Note (4), page 2.

- (c) The respective boards of election supervisors shall, on or before the ~~[[first Monday in March]]~~ LAST MONDAY IN OCTOBER FALLING AT LEAST THREE WEEKS PRIOR TO THE ELECTION of each second year, beginning in ~~[[March 1982]]~~ OCTOBER 1983, certify to the mayor and council, revisions, if any, in the lists so certified theretofore by them.
- (3) ~~[[which may be required to correct clerical mistakes in the preparation of the original lists.]]~~

- (1) (e) The right to vote in city elections under this Charter ~~[[, except special elections under section 1.7 of this Charter and 1199(g) of Article 17]]~~ shall depend entirely upon whether or not ~~[[the name of the]]~~ A person claiming such right shall have been certified in accordance with the provisions of this section AND BE A RESIDENT OF THE CITY AT THE TIME OF THE ELECTION.

Sec. 1.5. Meetings of the council; mayor's duties, etc.

(a) The council shall meet at some convenient place in said city on or before the ~~[[fourth Monday in April]]~~ SECOND MONDAY IN DECEMBER next succeeding their election, and as often thereafter as may be necessary to discharge the duties of their office; not less, however, than once in every month. A majority of the council shall constitute a quorum for the transaction of business, and the council shall pass rules and bylaws for their own government while in session; upon a tie vote the vote of the mayor shall be deciding. Any single action of the council relative to the borrowing of money or expenditures of \$10,000.00 or more, receiving less than four affirmative votes, shall be submitted to the mayor for his approval; if he does not approve, it shall not become effective until it does receive an affirmative vote of four councilmembers. In the absence of the mayor at any meeting, the councilmember designated in subsection (s) of Section 1.3 of this charter to act as mayor in case of the absence or disability of the mayor shall preside; if such councilmember is also absent, the council shall designate one of the councilmembers present to preside; a councilmember presiding in the absence of the mayor shall retain his vote as councilmember, but shall have no additional vote in case of a tie.

SECTION 2. THAT a new subsection (x) be added to Sec. 1.3, to read as follows:

Sec. 1.3. Elections--Generally

- (4) (x) UNLESS EXPRESSLY PROVIDED, IT IS THE INTENT OF THIS CHARTER THAT TO THE EXTENT APPLICABLE ALL SPECIAL ELECTIONS SHALL BE CONDUCTED GENERALLY ACCORDING TO THE PROCEDURES AND PRACTICES OBSERVED FOR REGULAR CITY ELECTIONS.

SECTION 3. THAT this charter amendment shall become effective on the fiftieth day after adoption.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND MARCH 14, 1983.

- NOTES:
- (1) Secs. 1.3(a) and 1.4(e): These deletions refer to the provisions of 1.7(g), now repealed, which required that prior to creating a debt via issuing certificates of indebtedness, the question must have received the affirmative vote of at least three-fifths of the voters at a special election called for that purpose. (City Charter, 1953, notes, p. 15; Charter, 1965, Sec. 49-7(g); Ordinance 2133, 11/9/70)
- (2) Since 1950, the election has been held on Tuesday following the last council meeting in March, with the outgoing and incoming bodies sharing the next regular meeting on the second Monday in April. In moving election day to the first Tuesday after the first Monday in November, there arises the question of when the incoming Mayor and Council should take office. The second Monday in November would be the most logical time; however, the charter provides in Sec. 1.3(s): "The Council shall within 10 days after each election determine all questions arising thereon." The second Monday in November falls short of the ten day period, and the fourth Monday is too far removed from election day. Thus, the third Monday in November is proposed.
- (3) The County Boards of Elections are offended by this characterization of their original lists.
- (4) A new section has been added to clarify a point not addressed in the Charter.

T H E C I T Y O F T A K O M A P A R K , M A R Y L A N D

Regular Meeting of the Mayor and Council

March 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 MARCH 14, 1983

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

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:
 - City Administrator's reports
 - Departmental reports: Police, Housing, Economic and Community Development
 - Corporation Counsel reports
 - (2) Proposed ordinance appropriating funds for the purchase of four locking, fireproof filing cabinets for Police Department
 - Citizens' comments
 - Council action
 - (3) Resolution requesting reduction of speed limit on Takoma Avenue to 25 mph
 - Citizens' comments
 - Council action

THE FOLLOWING ITEMS ARE RECOMMENDATIONS OF THE TRAFFIC COMMITTEE:

- (4) Consideration of request to Prince George's County to install stop signs at Cockerille Avenue and Kansas Lane (outside City)
 - Citizens' comments
 - Council action
- (5) Recommendation to upgrade street lighting on Maple Avenue between Philadelphia Avenue and Sligo Creek Parkway
 - Citizens' comments
 - Council action
- (6) Proposed ordinance creating a 3-way stop at Maple and Lincoln Aves. with crosswalks
 - Citizens' comments
 - First reading
- (7) Proposed ordinance creating a 3-way stop with crosswalks at Maple and Sherman Avenues
 - Citizens' comments
 - First reading
- (8) Proposed ordinance creating a 4-way stop at Tulip and Willow Avenues
 - Citizens' comments
 - First reading
- (9) Proposed ordinance designating Lockey Avenue between Hammond Avenue and Merrimac Drive as one-way north and reducing speed limit to 20 mph
 - Citizens' comments
 - First reading

- (10) Proposed ordinance creating a 4-way stop at Boyd and Jackson Aves.
Citizens' comments
First reading
- (11) Proposed ordinance to install a stop sign on Spring Avenue at its intersection with Cockerille Avenue
Citizens' comments
First reading
- (12) Proposed ordinance to install a stop sign on 2nd Avenue at its intersection with Cockerille Avenue
Citizens' comments
First reading
- (13) Proposed ordinance to install a stop sign on Sycamore Avenue at its intersection with Elm Avenue with stop line on Sycamore
Citizens' comments
First reading

ADJOURNMENT

CITY OF TAKOMA PARK, MARYLAND
REGULAR MEETING OF THE MAYOR AND COUNCIL
MARCH 28, 1983

CITY OFFICIALS PRESENT:

Mayor Pro Tem D'Ovidio
Councilmember Bradley
Councilmember Eckert
Councilmember Faulkner
Councilmember Garcia
Councilmember Iddings
Councilmember Williams
EXCUSED: Mayor Abbott

City Administrator Nichols
Assistant City Administrator
Richard A. Schnuer
Acting Police Chief Gowin
Housing Director Dedra Tyree
Corporation Counsel Gagliardo

The Mayor Pro Tem and City Council of Takoma Park met on March 28, 1983, 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 Council Meeting minutes of March 14, 1983; the motion passed unanimously.

MAYOR PRO TEM'S COMMENTS AND PRESENTATIONS

Mayor Pro Tem D'Ovidio stated that Prince George's Delegation voted 9 to 9 last Friday on the Unification Bill. The issue will come up again next Friday morning. Mr. Gagliardo attended this meeting, along with other members of the Committee for Referendum. Questions arose as to whether the City can obtain the necessary 12 votes for the Bill to be approved and forwarded on to the Senate. The City must do everything possible to get another three votes; listed the nine delegates that voted in favor; 4 absentions - these people will be concentrated on.

Councilmember Iddings spoke on the meeting held March 24 on Takoma Park Junior High School. The initial decision was to accept the Superintendent's revised recommendation to close the school in 1985; Dr. Shoenberg was the swing vote; during a break he was lobbied intensively and agreed that his intentions were that Takoma Park Junior High remain open beyond 1985. After intermission, a move to reconsider passed by a 4 to 2 vote. Another vote rescinded the previous decision to close the Junior High in 1983. It was stated that a debt of gratitude is owed to SOCS, especially to Faith Stern, Dorothy Malusky, and Carolyn Bassing, for their great amount of effort to keep the school open.

Councilmember Eckert extended greetings for Passover to the Jewish Community of Takoma Park; stated that last year was marred by a number of anti-semitic incidents in the area. Hoped that this year will pass without any such incidents.

Councilmember Williams reiterated that the April 7 ceremonies to commemorate the works of Dr. Martin Luther King will be held at the Piney Branch Middle School from 7:30 to 10:00 p.m. It will be an enlightening and educational experience and he encouraged attendance by all. As part of the ceremonies Mr. James Arisman has selected film footage to be shown; in addition to the film, Alicia Fern, a student at Duke Ellington School for the Performing Arts has put together a production about Dr. King; plus much more. Councilmember Bradley stated that if there is any trouble getting films, to please advise her and she would be able to help through her contacts in the industry. Also questioned if any announcement or invitation was prepared for the State Delegates who have supported the City on a variety of issues; also the State president of the NAACP, Mr. Smith; suggested these invitations be sent.

Councilmember Bradley also stated that a Public Education Advisory Committee would be established to monitor on-going educational activities; stated that this will be presented at a later date in draft form for further discussion. Councilmember D'Ovidio's mother was welcomed to Takoma Park on a visit from Boston.

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MARCH 28, 1983

ADDMITIONAL AGENDA ITEMS

Proposed Ordinance for Quit Claim Deed for 512 Ethan-Allen Avenue - Councilmember Eckert.

Proposed moritorium on issuing curb cut permits for driveways--City Administrator.

CITIZENS COMMENTS

Phil Vogel-7117 Garland Avenue: Suggested that fees for multi-family properties be adjusted to reflect more accurately the costs they actually impose on the City; specifically referring to increasing refuse collection fees. It is not fair that single family and other taxpayers should subsidize the services for multi-family apartments. Mr. Nichols noted his appreciation for Mr. Vogel's comments and added that a considerable amount of time was spent discussing this issue in this year's Budget development; there are a number of issues that need to be addressed along this line. In answer to one of Mr. Vogel's comments, Administrator Nichols stated that the property located at 7403 Garland Avenue has lost its zoning appeal to operate as a multi-family building; that the City is in the process of cancelling its registration of the property. In regard to Mr. Vogel's questions on the WAH ambulatory care Center, it was noted that the building will be privately owned by individual doctors as condominium units, which in turn would yield approximately \$60-70,000 in annual tax revenue; that the facility would not be included as tax-exempt property of the Hospital, although the parking lot for the facility would belong to WAH.

Ron Wylie-7618 Glenside Court: Stated that the corner of Flower Avenue and Carroll needs more attention regarding debris. Mr. Wylie talked with the business Manager at Columbia Union College regarding the sidewalk near the entrance to WAH. Leaves and debris collect against the stone wall on Carroll Avenue. This hopefully will be remedied on April 4, which is leaf collection day. It was suggested that Mr. Robbins give this matter attention. Mr. Wylie further stated that residents have received more than one billing from PEPCO with Silver Spring addresses. Mr. Nichols stated his awareness of this problem and will look into it.

It was further discussed if it is possible to inventory standing Committees and their memberships. Mr. Wylie stated it would be useful to inform the citizens of this via the Newsletter; it would help channel comments to the appropriate persons.

ITEMS FOR COUNCIL CONSIDERATION

1. Communications

City Administrator Nichols stated a letter was received from Mr. Richard Prario, on behalf of B. F. Gilbert Citizens Association. The letter pointed out the poor condition of the sidewalks on Carroll Avenue from Lee Avenue to the District Line. It was suggested that top priority be given to this area. Councilmember Eckert stated that most of the area has been taken care of, and volunteered to give Mr. Prario more information regarding further repairs. It was noted that the State Highway Administration will be making repairs on Carroll Avenue, but will be limited to repairing the street surfaces, curbs, and gutters. The City was fortunate five years ago when it received the block grant to fix Philadelphia Avenue and Ethan Allen Avenue. The State repaired all of Flower Avenue; this is very expensive and there is no reason for not including this in Area B, as it does link the two development areas.

2. Administrative Reports and Recommendations for Council Action

(1) Administrative Reports:

The City Administrator stated that the Budget was scheduled to have been delivered a week ago; however there were several questions still outstanding on Revenue projections. It will be some weeks before these are resolved. The Budget will be presented on Wednesday, with projections made on conservative numbers that are reasonably certain. The Budget will be available for public distribution later in the week. The next Budget session will be Tuesday evening, April 5 - discussing Public Works; the next worksession will be April 19 - a continuation of Public Works, along with Capital Improvements and a report from CDBG Advisory Committee on their recommendations. The worksession on May 3 will be on the Police Department. These have been identified in the Newsletter.

3 COUNCIL MEETING MINUTES
MARCH 28, 1983

City Administrator pointed out that there will be three Departmental Reports on the Agenda on a regular basis. The purpose of these reports is to brief Mayor and Council on major highlights of activities and to point out issues for the Council to act on.

Departmental Reports

Police Department - John Gowin, Acting Police Chief: Three issues for discussion:
1) Foot Patrols: Mr. Gowin stated many problems regarding patrols at desired levels. The problems are largely due to disability leaves and injuries. The Department now has the ability to staff one full-time foot patrolman, which will begin March 29. It will be a combination scooter-foot patrol; a split-duty day. Four hours of walking and 4 hours of scooter patrol in the Metro area. The Metro patrol will begin after dark. The first part of the day will be in the WACO/Laurel Avenue Business district. There will be a slight increase in the response time to non-emergency calls. Lt. Gowin pointed out that in June there will be two officers staffed to walk. They will walk in different areas; each one of the officers will also be responsible for abandoned autos and keep his own files. The Officers will have portable radios and will monitor the Laurel area first. The Department will seek officers' comments as well as citizens' comments for the Program. Lt. Gowin stated that the highest complaint area is the Central beat, which is Maple Avenue, Sherman Avenue and Lee Avenue. It is also the highest crime area. Further discussion was made on boundaries and mobility of officers. Councilmember Bradley pointed out the problems with foot patrols regarding resources for long-range plans and expansion into other neighborhoods. It was also pointed out that other jurisdictions also have some responsibility.
2) Disability Injuries: The Department is currently five officers down, as a result of auto accidents and surgery. When the Department is fully staffed there are 31 officers and one special officer.
3) Procurement of breathalyzer: Last year the City began efforts to obtain a breathalyzer to shorten downtime in arrests for drunk driving. Maryland State police were contacted because they operate a training program state wide. Maryland State does the training; the State Toxicologist determines who is accepted into the Program. The City met the requirements of Dr. Kaplan who is the Toxicologist but it was pointed out that there are no funds to train officers. The Police Chief asked the Council to act on ways to help the Department.

Mr. Gowin stated praise for Mr. Richard Robbins and Public Works crew for the work done in the basement for officers' new work areas.

Charlie Van Tassel-116 Lee Avenue: Noted that the Police Department should be increased by 10 more full-time officers. It is a strain on the Department and citizens of Takoma Park. Councilmember Bradley pointed out that a public debate should be held as to whether the City can fund this. Also suggested the possibility of more clerical staff to help with the work load of the officers.

Housing Services Report - Dedra Tyree: Work has begun on inspections in Ward 5. Letters have been sent out and citizens have a voluntary deadline response of one week. There have been about 50% response in less than a week and inspections have been scheduled in those areas. Housing has done a windshield survey in Ward 5. Mrs. Tyree has spoken with landlords as to establishing rapport so they are not intimidated by Housing Services regarding inspections. Councilmember Bradley commented on ability to categorize classification of health and safety violations vs. aesthetic violations. Councilmember Iddings questioned whether compliance has been completed. It was pointed out that only inspections have been completed - not compliance. Mrs. Tyree pointed out that 115 non-registered properties have been identified and notices have been sent with less than a quarter responding. It was assumed that more exist. The Assistant Housing Director will make a presentation at the Community Improvement Board meeting on April 21 with a slide presentation shown on types of things needed to look for on properties. Process of inspections has been slowed down because of limitation of only one vehicle, and a work overload because of the inspection notices being sent out. Councilmember Williams said that severe penalties should be cited for violations and not be ignored. The City must show its obligated duty to the citizens of Takoma Park for their health and welfare. The Council should stand behind the Housing Department and push for available means to establish the relationship between owners of properties and Takoma Park. Housing has gotten a good response from the State's Attorney's Office. Mrs. Tyree stated that the entire staff is participating in multi-family unit training sessions. Two all-day sessions a month will be attended through May 25. Further commented that there are vacancies in each category on COLTA.

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James Arisman-8408 Aspen Avenue: Chairman of COLTA, Mr. Arisman, submitted a memo to the Mayor and Council regarding vacancies on COLTA, and asked for action. COLTA is considering whether to fill the vacancies or to limit COLTA to nine total, which is currently on hand. Mrs. Tyree stated that Commission is now working with Corporation Counsel on in-house approaches to the Municipal Infractions, and developing a basic criteria to request rent increases in excess of the guidelines. Housing will be researching this information for the May 17 worksession presentation. The Commission has rendered decisions on cases that were ordered in 1980 to roll back rents and refund tenant's money within 10 days. COLTA will hold hearings on the following cases, (all to be held in the first floor meeting room at 8:00 p.m.): 636 Houston Avenue, on April 6; 6815 Eastern Avenue, on April 20; 8 Philadelphia Avenue, May 4. Further details regarding 7512 and 7515 Carroll Avenue were cited as to their phasing out in 1988. No information as yet on 7519 Carroll or 7403 Flower Avenue.

Community Development - Richard Schnuer:

Administrative Offices: City is working with the Council of Governments in tying in with their main computer downtown. The City has spent the last ten months on development with three municipalities working together with COG. The data has been programmed into their system; some revisions have been made, but it is very successful. Running parts of the automated computerized financial management system on one hand with the manual system running side by side will assure that they match one another. At some point next year, major portions of the manual system will be dropped. This will result in more effective working conditions, better information, and enhancing aspects of the management. The City is also in the process of office automation throughout the City services. Mrs. Gail Johnson, who is in a Federal Government Management Program, is now on staff for a short period of time. Part of her management training is a short-term stay with the City. Mrs. Johnson has had experience with a number of computer systems and is working with a Committee of all Departments on needs assessments from which the City will determine what system best meets the needs of the City. This will be a Budget line item request for the Mayor and Council to fund the selected system. The City is looking at word processing, file management, records management, etc. Councilmember Bradley stated that if a needs assessment is being done, the Committee should check with Council regarding related needs, i.e. file management, word processing and document retrieval. Mr. Schnuer reported that the Fire Department is also interested in participation in this effort.

Mr. Schnuer reported that Mr. David Anthony will report next week to fill the vacancy as Community Development Coordinator, which is funded by the block grant funds. Mr. Schnuer noted that the County recommended funding \$25,000 for the Between-the-Creeks Area and the motion is before the County Council. A meeting was held to outline the scope of this work, and Takoma Park was asked to have representation at the meeting. The County invited Marc Elrich and Miss Susan Daniel to represent Between-the-Creeks and Fred Green and Irene Dash of Housing Community Development to attend. It was suggested that at the next worksession Council could appoint another City member to attend the meetings.

Economic Development:

The first meeting of the Area B Planning Committee will be held on March 29. The Takoma Old Town Park bids have been received and opened by the Park and Planning Commission. Due to the nature of the bids, it has taken longer than expected, but demolition will take place next week, and construction the following week. Groundbreaking ceremonies are scheduled for April 9 at 10:00 P.M.; the Mayor and Council and other dignitaries will attend. Regarding easements for T.O.T. street work, Mr. Schnuer reported the Federal Real Property Acquisition Regulation mandates lengthy and costly procedures in acquiring real property. The County was audited by HUD in February and was informed that their procedures were wrong. The County then stopped Takoma Park from obtaining easements. Takoma Park will now go through certain procedural steps before being able to obtain easements. These will include appraisals, additional survey work, offering property owners fair-market value. There will be a meeting Thursday, March 30, with the County acquisition staff, Corporation Counsel, and engineers to explore other solutions. If a decision is made within a few weeks, and work is done quickly with no on-going problems, construction should begin on June 30, as scheduled. Councilmember Iddings stated concern regarding property owners' cooperation and what positive steps City is going to take to meet this problem. Because of this situation, the City construction money is tied up. Councilmember D'Ovidio is seeking assistance at the political level, but the County was told by HUD to take no more easement action until this matter is

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cleared up.

Mr. Paul Mok is working on a marketing brochure as part of the Takoma Old Town project and will brief the Council upon completion. On Tuesday, March 29, the Director of MICRF State Loan Fund will present the City's proposal. Assuming approval at that level, another public presentation would be made for the Mayor and Council's consideration. Councilmember Bradley stated that parking in Old Town should be identified as to empty lots, Citizens' Bank property, or any other property the City can turn into parking lots. Mr. Dick Robbins, put together along with PEPCO, a report regarding lighting; and Mr. Paul Mok met with a number of businessmen to look at different options; report should be given in about a week.

Corporation Counsel Reports:

Counsel stated that most reports have been given by other people. Further stated that the Counsel has given a time report for the month of February. Mr. Gagliardo stated that the City would have better control in doing its own prosecution on Municipal Infractions, noting that he had initiated contact with State's Attorney's Offices in both Counties, but was not able to make contact. Councilmember Williams moved to authorize Corporation Counsel to prosecute all Municipal Infractions. Councilmember Iddings seconded the motion. Corporation Counsel estimated it would take 10 hours for two cases a month; five hours per case. Councilmember Bradley said her assent was given contingent on Mr. Gagliardo's obtaining a good working relationship with the State's Attorney's Offices; requested a full report within the month. It was the sense of the Council that the authorization will apply also to the Assistant Corporation Counsel. The motion carried unanimously. The Counsel also reported on the status of the Junior High suit.

John Hemphill-8112 Flower Avenue: Questioned whether the Corporation Counsel had been consulted on the easement problem, and it was explained that he had recommended a survey, notice given, and then appointment of a Commission to do the assessment as required by the Charter. Mr. Gagliardo explained that it will take time if any challenges are made since they must be submitted to a jury trial; this could take a year. The jury trial only goes to the amount of compensation, but cases usually favor the State. A suggestion was made to appoint three people who are residents of the City to act as Commissioners for the sole purpose of determining compensation that any landowner is entitled to. Councilmember Faulkner raised the question of the dispute between the HUD regulations and the type of operations envisioned by the City. The City Administrator stated that City does not intend to acquire property, but is only seeking permission to improve it. The Corporation Counsel suggested that the Commission be set up immediately.

(2) Ordinance appropriating funds for the purchase of four locking, fireproof filing cabinets for Police Department. A motion was made and seconded, and Ordinance No. 2653 appropriating funds for the purchase of four locking, fireproof filing cabinets for Police Department was adopted with the vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings, Williams: Nay: None. Excused: None.

PROPOSED ORDINANCE # 2653
(ATTACHED)

(3) Resolution requesting reduction of speed limit on Takoma Avenue to 25 mph.

A motion to adopt a resolution requesting reduction of the speed limit on Takoma Avenue to 25 mph was made by Councilmember Faulkner, seconded by Councilmember Eckert, and carried unanimously.

RESOLUTION (ATTACHED)

THE FOLLOWING ITEMS ARE RECOMMENDATIONS OF THE TRAFFIC COMMITTEE:

(4) Consideration of request to Prince George's County to install stop signs on Cockerille Avenue at Kansas Lane (outside City).

This item has emerged from a Traffic subcommittee; Councilmember Iddings moved that the City Administrator be directed to make this request to Prince George's

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MARCH 28, 1983

County; Councilmember Eckert seconded the motion, and it was unanimously carried.

(5) Recommendation to upgrade street lighting on Maple Avenue between Philadelphia Avenue and Sligo Creek Parkway

Councilmember Faulkner stated that the Traffic Subcommittee had recommended upgrading of street lighting in this area, in part to facilitate a safe crossing for pedestrians at night. After further discussion, Mayor Pro Tem D'Ovidio, with Council's concurrence, referred this matter to the City Administrator for consideration in conjunction with a City-wide street lighting program. Following a lengthy discussion, Councilmember Iddings noted that items (6)-(13) had emerged from a Traffic subcommittee and moved for a first reading en masse. Motion was seconded and items (6)-(13) were accepted for first reading.

(6) Proposed ordinance creating a 3-way stop at Maple and Lincoln Avenues with crosswalks.

PROPOSED ORDINANCE ATTACHED

(7) Proposed ordinance creating a 3-way stop with crosswalks at Maple and Sherman Avenues.

PROPOSED ORDINANCE ATTACHED.

(8) Proposed ordinance creating a 4-way stop at Tulip and Willow Avenues

PROPOSED ORDINANCE ATTACHED.

(9) Proposed ordinance designating Lockey Avenue between Hammond Avenue and Merrimac Drive as one-way north and reducing speed limit to 20 mph.

PROPOSED ORDINANCE ATTACHED.

(10) Proposed ordinance creating a 4-way stop at Boyd and Jackson Avenues.

PROPOSED ORDINANCE ATTACHED.

(11) Proposed ordinance to install a stop sign on Spring Avenue at its intersection with Cockerille Avenue.

PROPOSED ORDINANCE ATTACHED.

(12) Proposed ordinance to install a stop sign on 2nd Avenue at its intersection with Cockerille Avenue.

PROPOSED ORDINANCE ATTACHED.

(13) Proposed ordinance to install a stop sign on Sycamore Avenue at its intersection with Elm Avenue with stop line on Sycamore

PROPOSED ORDINANCE ATTACHED.

Jill Wettrich-1006 Elm Avenue: Stated opposition to two stop signs on Maple Avenue; suggested the need for more and better enforcement, including parking. Councilmember Williams noted a request for the police monitoring during the time the lights are flashing on Maple Avenue. Stated the speed limits and lights on these streets are not being observed. Councilmember Williams also noted that residents of the senior citizens' building at 7620 and a large number of children have a terrible time getting back and forth at the intersections. Mrs. Wettrich had no opposition to one stop sign.

Councilmember Iddings requested information on the criteria for enforcement of speeding; noted there are no speed traps on Carroll Avenue. Council asked for a report regarding this situation. Councilmember Bradley asked what criteria the subcommittee used and its relationship to a larger traffic plan, and what kind of outline for work to be accomplished is contemplated.

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Councilmember Faulkner stated the Subcommittee used no criteria, because the assignment were those cases which were not a part of a city-side plan. They had straight-forward solutions; each one was looked at individually. Councilmember Iddings stated that in terms of a City-wide plan, there are a number of things that are on-going and outlined some of them. Also stated he had met with COG traffic engineers and there will be a follow-up meeting in the next three weeks to discuss what assistance they could provide the City.

(14) 512-Ethan Allen Avenue - First Reading of an ordinance for a quit claim deed.

The substance of this issue is contained in the ordinance, which is attached, and was accepted for first reading.

(15) Issuance of permits for driveways and curb-cuts - request for 30-day moratorium.

The City Administrator stated that code requirements for curb-cut permits for driveways do not give proper guidance to Public Works. The Director, City Administrator and Corporation Counsel requested a moratorium for 30 days until a recommendation for improvement can be submitted. Upon motion, duly seconded, the Council concurred in this recommendation.

Upon proper motion, the meeting adjourned at 11:40 p.m., to reconvene on Monday April 11, 1983 at 8:00 p.m.

ORDINANCE NO. 2653

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

SECTION 1. THAT the FY-83 City Budget set aside funds for the purchase of four locking, fireproof file cabinets for the Police Department, of the type required by the Privacy Act; AND

SECTION 2. THAT quotations were solicited from four local office supply houses, with the lowest quote of \$695.80 per cabinet having been made by R. A. Donely & Sons, Inc., of Cottage City, Md., and is hereby accepted.

SECTION 3. THEREFORE THAT funds in the amount of \$2783.20 (TWO THOUSAND, EIGHTY-THREE DOLLARS AND TWENTY CENTS) to cover the purchase of four filing cabinets described above be appropriated from the Police Department Capital Budget.

ADOPTED BY THE MAYOR AND COUNCIL ON MARCH 28, 1983.

RESOLUTION

WHEREAS, the section of Takoma Avenue lying between Baltimore Avenue and Fenton Street is presently under the jurisdiction of the State Highway Administration, with a posted speed limit of 30 miles per hour; AND

WHEREAS, the Mayor and Council of Takoma Park deem it to be in the interest of the health, safety and welfare of the affected residents of the city to reduce the speed limit on that section of Takoma Avenue to 25 miles per hour.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND THAT the State Highway Administration be hereby requested to reduce the speed limit to 25 miles per hour on that portion of Takoma Avenue under its jurisdiction which lies within the City of Takoma Park.

BE IT FURTHER RESOLVED THAT a copy of this Resolution be transmitted to the State Highway Administration under appropriate cover letter.

ADOPTED BY THE MAYOR AND COUNCIL MARCH 28, 1983.

PROPOSED ORDINANCE

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

- SECTION 1. THAT all vehicular traffic on Maple Avenue shall come to a complete stop at that street's intersection with Lincoln Avenue, thereby creating a 3-way stop; AND
- SECTION 2. THAT pedestrian crosswalks shall be painted across the Maple Avenue roadway and the Lincoln Avenue roadway, so as to provide a safe crossing for pedestrians at the intersection of Maple Avenue and Lincoln Avenue; AND
- SECTION 3. THAT the Director of Public Works in cooperation with the Acting Chief of Police shall survey the intersection and make a determination as to the appropriate placement of the stop signs and the crosswalks; AND
- SECTION 4. THAT this ordinance shall become effective upon completion of the signing, which shall include appropriate warning to motorists approaching the intersection; AND
- SECTION 5. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

PROPOSED ORDINANCE

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

- SECTION 1. THAT all vehicular traffic on Maple Avenue shall come to a complete stop at that street's intersection with Sherman Avenue, thereby creating a 3-way stop; AND
- SECTION 2. THAT pedestrian crosswalks shall be painted across the Maple Avenue roadway and the Sherman Avenue roadway at the above-described intersection so as to provide safe passage for pedestrians; AND
- SECTION 3. THAT the Director of Public Works, in cooperation with the Acting Chief of Police, shall survey the intersection described in Sections 1 and 2 of this ordinance and make a determination as to the appropriate placement of the stop signs and the crosswalks; AND
- SECTION 4. THAT this ordinance shall become effective upon completion of the signing, which shall include appropriate warnings to motorists approaching the intersection; AND
- SECTION 5. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

PROPOSED ORDINANCE

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 Willow Avenue at its intersection with Tulip Avenue, thereby creating a 4-way stop; AND

SECTION 2. THAT the Director of Public Works is hereby directed to install STOP signs at the appropriate locations; 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 Sec. 1-17(a) of the Code of Takoma Park, Maryland, 1972, as amended.

PROPOSED ORDINANCE

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

- SECTION 1. THAT the section of Lockey Avenue lying between Hammond Avenue and Merrimac Drive be hereby designated as as one way for all vehicular traffic; AND
- SECTION 2. THAT the direction of travel for vehicles shall be northward between Hammond Avenue and Merrimac Drive; AND
- SECTION 3. THAT the speed limit for that section of Lockey Avenue described in Section 1 shall be 20 miles per hour; AND
- SECTION 4. THAT the Director of Public is hereby directed to install the appropriate signing so as to give proper notice to vehicular traffic approaching that section of Lockey Avenue designated as one way and on which speed is restricted to 20 miles per hour; AND
- SECTION 5. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 6. THAT the penalty for violation of Sections 1, 2 and 3 of this ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, 1972, as amended.

PROPOSED ORDINANCE

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

- SECTION 1. THAT all vehicular traffic on Boyd Avenue shall come to a complete stop at its intersection with Jackson Avenue, thereby creating a 4-way stop; AND
- SECTION 2. THAT the Director of Public Works is hereby instructed to install STOP signs at the appropriate locations; AND
- SECTION 3. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 4. FURTHER THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, Maryland, 1972, as amended.

PROPOSED ORDINANCE

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

- SECTION 1. THAT all vehicular traffic on Spring Avenue shall come to a complete stop at its intersection with Cockerille Avenue; AND
- SECTION 2. THAT the Director of Public Works 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 Sec. 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

PROPOSED ORDINANCE

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

- SECTION 1. THAT all vehicular traffic on 2nd Avenue shall come to a complete stop at its intersection with Cockerille Avenue; AND
- SECTION 2. THAT the Director of Public Works 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 Sec. 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

PROPOSED ORDINANCE

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

- SECTION 1. THAT all vehicular traffic on Sycamore Avenue shall come to a complete stop at its intersection with Elm Avenue, said stop to be made at the striped stop line across the Sycamore Avenue roadway; AND
- SECTION 2. THAT the Director of Public Works is hereby instructed to install the STOP sign and stripe the roadway at the appropriate location; AND
- SECTION 3. THAT this ordinance shall become effective upon completion of the signing and the striping of the roadway; AND
- SECTION 4. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, 1972, as amended.

PROPOSED ORDINANCE

WHEREAS, the City of Takoma Park took title to the real property and improvements known as Lot 2, Block 107, Glazewood Manor, Takoma Park, Prince George's County, Maryland, and otherwise known as 512 Ethan Allen Avenue, on or about June 19, 1939; AND

WHEREAS, the City may have taken title for failure to pay taxes pursuant to equity action No. 10906 in the Circuit Court for Prince George's County, Maryland; AND

WHEREAS, the City never asserted its ownership interest in said property; AND

WHEREAS, said property has been transferred between private owners several times since June 19, 1939; AND

WHEREAS, the City has assessed and collected taxes on said property in recognition of its private ownership; AND

WHEREAS, the current seller would like to clear any and all cloud on the title to the property.

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

SECTION 1. THAT the Mayor be hereby authorized to execute a quit claim deed on the property described above and that the same be delivered to the current owner of said property.

T H E C I T Y O F T A K O M A P A R K, M A R Y L A N D

Regular Meeting of the Mayor and Council
and
Public Hearing on Proposed Charter Amendment
to Increase Maximum Tax Levy

March 26, 1984

AGENDA

CALL TO ORDER: Mayor Abbott

ROLL CALL: Councilmember Aldrighetti
Councilmember Bradley
Councilmember Dalmat
Councilmember D'Ovidio
Councilmember Haney
Councilmember Iddings
Councilmember Williams

PLEDGE

READING AND APPROVAL OF THE MINUTES OF MARCH 12, 1984

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Introduction of City Administrator James S. Wilson, Jr.
2. Other presentations and comments

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

1. Communications
2. Administrative Reports and Recommendations for Council Action
 - (1) Administrative reports
 - * (2) Public Hearing on a proposed Charter amendment to increase the maximum allowable tax levy from \$2.00 per \$100 assessed valuation to an amount sufficient to meet future expenses of the City
Citizens' comments
First reading
 - (3) Resolution endorsing inclusion of the Siegler property, 201 Tulip Avenue, on the Montgomery County Master Plan for Historic Preservation
Citizens' comments
Council action
 - (4) Second reading of an ordinance amending Ordinance #2642 (handicapped parking) to add a space at 35 Hickory Avenue and to update the penalty provisions
Citizens' comments
Council action
 - (5) First reading of an ordinance amending Sec. 6-80.17, "Rent guidelines," of the City Code to provide penalty amounts for certain municipal infractions
Citizens' comments
First reading
 - (6) Resolution establishing an Open Space Task Force; appointment of members
Citizens' comments
Council action
 - (7) Three resolutions naming agents of the City authorized to sign checks and conduct other business with banks used by the City
Council action

*NOTE: A second public hearing will be held on Monday, April 9, at 8:00 PM.

THE CITY OF TAKOMA PARK, MARYLAND
REGULAR MEETING OF THE MAYOR AND COUNCIL
MARCH 26, 1984

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Acting Asst. City Admin. Robbins
Councilmember Bradley	City Clerk Pusti
Councilmember Dalmat	Asst. Housing Director Austin
Councilmember D'Ovidio	Detective Sergeant Duvall
Councilmember Haney	Corporation Counsel Gagliardo
Councilmember Iddings	Asst. Corporation Counsel DeNovo
Councilmember Williams	

The Mayor and City Council of Takoma Park, Maryland, met on March 26, 1984, at 8:00 p.m., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made by Councilmember D'Ovidio, seconded by Councilmember Iddings, that the Council Minutes of March 12, 1984, be approved; approval was unanimous.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Mayor Abbott introduced and welcomed the new City Administrator, Mr. James S. Wilson, Jr. Councilmember Aldrighetti spoke briefly on Mr. Wilson's background and qualifications. Mr. Wilson stated he was very happy to be working in the City; liked the citizen involvement and input in local affairs and concerns. Councilmember Aldrighetti remarked that a reception would be held for Mr. Wilson on April 9, 1984, from 7 to 8 p.m., in the Municipal Building prior to the Council Meeting. Encouraged all to attend and requested that citizen's associations assist with the planning and refreshments.

2. Mayor Abbott remarked that the Prince George's House Assembly Delegation had recently passed Unification Bill No. PGMC-4 which would allow Montgomery County residents of the City to vote by referendum on whether they wish to become a part of Prince George's County; said they "really butchered" PGMC-12 which would have allowed Prince George's residents to vote on whether or not they wanted to unify into Montgomery County. Both delegations have passed PGMC-4, House Bill No. 1178 has been assigned; it should soon be known whether the Bill has been enacted, and, if so, preparations will have to be made for a referendum on the November election ballot for people to indicate whether or not they wish to become residents of Prince George's County. Mayor Abbott discussed the possibility of holding a straw vote for P. G. County residents in November.

Mayor Abbott made the following remarks and requested that they be included verbatim in the Minutes:
"After three elections and four years in office, it has become increasingly evident to me that the office of Mayor has dissolved into a virtually powerless office. The previous two Mayors conducted their operations for 28 years with small regard for the City Councils--a disregard I have endeavored to eliminate by encouraging the Council to become more involved and to display more initiative. The citizens should know what has transpired:

(1) The Mayor now has virtually NO power except to vote in case of a Council tie;

(2) The Council majority has ignored the resultant dichotomy between the elected and appointed officials and has allowed this

division to continue by over-riding the Mayor's attempts to hold the elected officials responsible as the public mistakenly believes them to be;

(3) High appointments have been made to City staff with NO discussion, rationale, or even prior announcement to the Mayor - let alone the Council - as to who has been hired for what job, including the positions of Assistant City Administrator, Economic Development Coordinator, Community Development Director, Youth Worker, Code Enforcement Inspectors, Building Inspector, etc. In all cases, the new staff person was on the job - in some for 3-4 weeks - before I stumbled upon the new employee and introduced myself.

(4) The 1976 Code change, putting the power to hire and fire and the daily operational responsibilities in the hands of the City Administrator, must not be construed to exclude the Mayor, as the highest elected official, from being consulted or informed by the Administrator on these vital matters. Based upon the lessons of the last four years, Administrators can come and go, but the elected officials - in the eyes of the public - must take the rap for the whole host of errors of commission or omission by the appointed officials who move on to greener pastures.

(5) Some of the results of unilateral and non-consultative action by staff are:

(a) The virtual bankruptcy of Operation Turn-Around;

(b) The failure to oversee Old Town public improvements that will result in extra cost to put in conduits, correct walls, and lack of facade improvement enforcement. There has been a lack of concentration on such vital issues as parking, search for clients and investment programs, bird-dogging owners such as Citizens Bank, etc. An almost \$1 million in public improvements has been blinded by a gaudy, gross few hundred dollar display of honky-tonk designed canvas. Complaining citizens find it unbelievable when I explain that I knew nothing about anything concerning the facade improvements except seeing, along with the Council, a small black and white outline drawing of three so-called alternatives for the Citizens Bank properties on Laurel Avenue;

(6) The false argument of "cronyism" and the resultant 4-3 vote upholding the Administrator's and Assistant Administrator's choice for Old Town contractor have resulted in a year's delay in finishing the project. The responsible staff persons did not vigorously pursue the telephone pole replacement issue with Pepco.

(7) Other important issues revolved on a 4-3 vote. Some Councilmembers have become astute in manipulating a 4-3 vote situation, becoming power brokers and negating any role whatsoever for the Mayor except to talk but not vote and, thereby, able to exercise more power than a Mayor.

(8) If our City government is to get back on an even keel and function on an even distribution of power, then the City Charter must be changed as follows:

(a) The Mayor must be granted a veto power over 4-3 votes if desired, and,

(b) Such a veto can be overridden by the Council by a 5-2 vote.

I plan to present such a Charter change and feel confident that, once the public knows the truth about how little power the Mayor actually has, the public will support such a Charter change. I hope that the Council possesses enough concern for the role of elected Mayors and Councilmembers to adopt these recommendations so that we won't have to go through the effort and expense of a referendum."

Councilmember Aldrighetti remarked that he was unaware that a problem existed with 4-3 votes; the Mayor stated that it was of long standing, went back to when he was first elected in 1980; thought his proposal would provide a system of checks and balances which does not presently exist. Councilmember Williams stated that he had long been concerned that the Mayor was virtually helpless in issues important to the City, does not have the veto power he should have. Councilmember D'Ovidio said this was not the first time the Mayor had raised this issue, expressed concern about where it would all end, did not see why 4-3 votes were a problem, thought it would require substantial consideration and should be made an agenda item. Councilmember Dalmat expressed concern that the proposed change could lead to a lot of dissension within the Council.

Councilmember Aldrighetti expressed thanks to the Acting Assistant City Administrator and the City Clerk for the summary of Council Meeting Minutes recently disseminated, summarizing Council activities.

Councilmember D'Ovidio stated that the Montgomery County Council is in the process of holding hearings on their proposed budget; said he testified on the CDBG requested funding for the City that the CAC had prepared; said if the proposal passes the County Council, the City would be receiving \$475,000. in block grant funds in a variety of areas from housing rehabilitation to sidewalk and street improvements, including some commercial revitalization areas. Said citizens groups should send letters to the County Council supporting those parts of the budget which affect the City.

Councilmember Williams stated that the 2nd Annual Commemoration to Dr. Martin Luther King would be held April 5, 1984, at the Piney Branch Elementary School; ceremonies to begin at 9:00 p.m.; guest speaker will be Reverend Walter E. Fauntroy; invited everyone to attend. Councilmember Haney stated that the City would be planting a tree on the grounds of the Library on April 4 at 9:30 a.m. in honor of Dr. Martin Luther King; said this date is also the 100th anniversary of Arbor Day in Maryland and the City would be receiving its official designation from the Arbor Day Foundation of "Tree City, U.S.A."

ADDITIONAL AGENDA ITEMS

Cable TV Access Package Proposal (Mayor Abbott)

GENERAL CITIZENS' REMARKS (those not directed at items for Council Action)

Martha Hoff, 7013 Sycamore Avenue: said nearby residents had heard that negotiations were taking place for a Pizza Hut restaurant to be built on the Kass Lot; approximately 30 citizens met to discuss their reactions; concensus was that no one opposed commercial development of the property, however, would like to see appropriate and productive use beneficial to the community. Said that would be use that conforms to the scale, design and small town atmosphere of the area, preferably a locally-owned business responsive to local concerns. Expressed concern regarding traffic impact, loitering, liquor, litter and noise, as

well as the potentially unfavorable impact on future commercial development in the area. Requested Council's advice and support against the anticipated development; proposed a citizens' committee be formed with Councilmembers Dalmat and Iddings, Paul Mok and 5 residents to gather information, formulate ideas for possible ways to influence the proposed development and represent the City before State and County agencies who will be making decisions affecting the site. Urged the Council and the Takoma Junction Committee to expedite completion of the ordinance governing development in the area.

Peter Drury, Associate Real Estate Broker (Flaherty & Wayne): stated his employer is the listing agent on the Kass property; hoped to allay some of the fears of residents. Said they are nowhere near signing a contract on the property, chances of getting one are about 1 to 10; if a contract is signed with Pizza Hut for the property, they are not a fast food, but a family style sit-down restaurant. They would build the restaurant in the hopes of community support; have stated they would be sensitive to City ordinances and would cooperate with the City on their ordinances. Mayor Abbott suggested that there are other commercial locations in the City, such as New Hampshire Avenue at Holton Lane, that might be more suitable. Councilmember Dalmat pointed out that Mr. Drury is the real estate agent for the seller, Mrs. Kass, and not for Pizza Hut; said she had requested the matter be placed on next Monday's Worksession Agenda and it would be helpful if Mr. Drury and the agent representing Pizza Hut could be present, as well as Tom Robertson from Park & Planning Commission, so that all the pertinent information could be provided at one time. Mayor Abbott requested that Mr. Drury provide the City Administrator or his Assistant with an indication of the price being sought for the property, to which Mr. Drury replied that he was unable to do that as it is in negotiation presently. In response to query from the Mayor, said he would be glad to sell the property to the City and stated that the asking price is \$370,000.00; really doubts that Mrs. Kass is going to accept a contract from Pizza Hut and thinks citizens' fears at this time are unfounded. Councilmember Iddings stated that the Takoma Junction Committee has secured a contract through Montgomery County for a study looking at the economic feasibility of this particular parcel of property among others; committee hoped with this marketing study and assessment they could make some recommendations to Council regarding best use of this important parcel of property. Suggested that rather than forming a separate committee as suggested by Ms. Hoff, the functions requested be performed by the already-existent Takoma Junction Committee.

Faith Stern, 103 Grant Avenue: Said she understood from the Master Plan that that parcel of land was to be public land, a park; wondered if that had been changed. The Mayor said that was not in the Master Plan adopted about a year and a half ago. Councilmember Iddings remarked that the Master Plan recommends that property be acquired by the City to provide parking for the business district; said the recommendation for a park refers to the parcel to the rear of the Kass lot fronting on Columbia Avenue (rezoned from R-30 to R-60 by the Master Plan).

Tim Smith, 7016 Sycamore Avenue: Thought the City, in the long run, has little control over what occurs in such situations, but an effort ought to be made to influence the County to consider the effect on residents of any development approved for the site. Said a long term approach should be taken to such issues in the whole City. Corporation Counsel Gagliardo clarified that C-1 zoning, which permits local convenience operations, does not assess traffic impact; however, is generally considered to generate less traffic than C-2. Councilmember Iddings commented that

not only this question, but other current issues, accentuate the fact that the City is crippled by its lack of zoning authority; said it would be very difficult to obtain if it could be attained at all, but was a fight worth making because it would provide control over the type of community we are. Councilmember Haney questioned whether the idea of licensing restaurants would bring some measure of control over such proposals; Councilmember Iddings replied that licensing would provide control over such issues as loitering, trash generation, etc. Corporation Counsel Gagliardo remarked that any licensing that conflicted with county zoning regulations would generate problems, that City already has control over the mentioned issues through existent ordinances. Did not know whether any zoning variances would be required if Pizza Hut acquired the property, but, if so, City would have an opportunity to contest them; also pointed out that there are design standards that would have to be complied with; emphasized that if it is a permitted use there will be no hearing on the use. Councilmember Dalmat pointed out that a significant portion of the property is within the Historic District, which might help in some way; however, a Pizza Hut would be an improvement over the present use.

Ron Albaugh, 7202 Central Avenue, Co-Chairman Takoma Junction Committee: Said the committee had been working on concerns in that area for the past year; the Kass Lot had been seen as a possible solution to the parking/traffic problems in the area, with the Sister City Lot designated as a park area; said a marketing study is being prepared by a consultant hired by the county, that property as well as adjacent areas are slated for revitalization. Wondered if Mrs. Kass is interested in working with the City in revitalizing the area and whether she would be willing to wait until there is some clear indication of what will be done with the area prior to selling the lot; if not, the county should be sympathetic to wants of the City in the matter considering the amount of block grant funds being channeled into the area; a plan of action should be formulated prior to steps being taken that are irrevocable.

John Fleming, 6909 Westmoreland Avenue, Co-Chairman Takoma Junction Committee: Questioned whether parking on the Kass property would be economically feasible and whether the City could afford the price Mrs. Kass would demand for the property; did not think the design ordinance was in effect in the Takoma Junction area, urged Council to consider that at its earliest possible convenience; said the committee is still working on the ordinance but if there was a sense or urgency they would give it priority and bring it before the Council as soon as possible. Mayor Abbott pointed out that the design ordinance pertains only to existent structures. Mr. Fleming stated that the Takoma Junction ordinance would address new structures as well; thought perhaps Flaherty & Wayne should be advised in writing that an ordinance is being developed, will likely be enacted, and any potential purchasers should be advised accordingly that they would have to face the limitations and parameters defined in the ordinance. Suggested a representative from the Takoma Junction Committee be present at the next Worksession to provide information on the ordinance.

Leslie Agro, 7813 Carroll Avenue: Said Pizza Hut is a carryout restaurant, would generate a great deal of traffic; suggested someone check with Pizza Hut as to the volume of sales of carryout and sitdown.

Mayor Abbott reminded that this subject would be on the 4/2/84 Worksession agenda and discussion would begin at 7:30 p.m. Councilmember Aldrighetti remarked that prior to construction of the 7-11 near Metro, Southland Corporation was contacted and

assured that they would consider local design standards; pointed out that the existent structure is the standard 7-11, regardless of what was promised; did not think it offered anything toward improvement of the area.

Wayne Upton, 7600 Maple Avenue: Presented a petition signed by 45 people, requesting changing the name of Lee Avenue to Clarence M. Mitchell, Jr., Avenue, in recognition of his significant contributions in the field of civil rights and the fact that he was a native of Baltimore, Maryland. Said in spite of the fact that Takoma Park is now approximately 35% black, there is not a single street in the City named after a black person; although Mr. Mitchell was involved in fighting for civil rights for 40-50 years, many young people have never heard of him; felt renaming the street would be an appropriate tribute. Mayor Abbott remarked the streets in that area are presently named for Civil War generals; thought the petition merits consideration, would be taken up by Council in a worksession and a public hearing held. A motion to that effect was made by Councilmember Williams, duly seconded, and passed unanimously.

Leslie Agro, 7813 Carroll Avenue: Reminded everyone of the upcoming April 3, 7:30 p.m., meeting of the Apartment Improvement Program at the New Hampshire Estates Elementary School. Said an 18-member board will be elected that will have control over the destiny of the project; provided a copy of By-Laws which the interim committee formulated; new board will have authority to make changes in By-Laws, decide which buildings will be in the program, which buildings will receive money, and change direction of the program. Also 3 directors can be elected from county and local government. Said Takoma Park is in the target area which means that rental units in the City will be considered during the course of the program, but not within the next year. Said anyone having proof of residence in the target area could vote for the board.

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

Administrative Reports and Recommendations for Council Action

(1) Administrative reports:

No Administrative reports. Mayor Abbott requested that agenda item (3) be placed before (2) for consideration and action; concurrence was general.

(3)

Resolution endorsing inclusion of the Siegler property, 201 Tulip Avenue, on the Montgomery County Master Plan for Historic Preservation:

Jim Douglas, Vice-Pres. of Old Takoma Citizens' Association: Spoke on behalf of the citizens' association in support of the resolution. Stated that on 3/1/84, the County Historic Commission held a hearing and voted unanimously to recommend to Park & Planning that the site, both the house and the surrounding property, be made a part of the Master Plan; Park & Planning will hold a hearing on this issue April 5 at 7:30 p.m. and their decision pro or con will be made at that time. Requested that the City Council make their support a matter of record before Park & Planning. Said that as part of the investigation of this particular piece of property, a professional botanist associated with the Smithsonian, Dr. Stanward Shetler, was consulted and stated in a letter to Park & Planning "the character of the historic Victorian house depends to no small degree on its spacious and historic setting, and this character would be all but destroyed by the crowding that is proposed." Spoke at length on

the background and history of the property, reasons for opposition to the proposed resubdivision (refer to Council Minutes of February 13 & 27, 1984).

John Urciolo, 5316 Nevada Avenue, N.W., D.C., representing interests of the Siegler family: Thought the Old Town Citizens' Association was deliberately trying to mislead Council; said it was previously requested that he grant an extension of time to permit a meeting between himself and Mr. Siegler, City and citizens' association representatives; 43 days passed and no one had contacted him regarding a meeting until he wrote a letter to Council so stating, after which Community Development Coordinator Daniel Neal set up a meeting with Old Town Citizens' Association for the upcoming week; said he would attempt to make that meeting but was not sure due to his scheduling. Feared the citizens' association was trying to pressure Council into making moves without presenting a fully accurate picture of what had transpired. Councilmember Iddings remarked that a letter from Karen Maury dated 3/12/84 stated that an appraiser, in part acting under the auspices of the citizens' association, had inspected the property with Mr. Urciolo; Mr. Urciolo agreed a potential purchaser and an appraiser did go over the property, however, did not represent himself as acting on behalf of the citizens' association; said he had not received any correspondence from Karen Maury. Jim Douglas read a letter dated 2/27/84 addressed to Mr. Urciolo from the firm of Chen, Walsh & Tetler in Rockville advising that they had been retained by OTCA for the purpose of appraising the property, requesting that he contact them to make arrangements, and requesting that he advise them when it would be convenient to meet with him and Mr. Siegler to discuss potential alternatives for resolving the matter. Mr. Urciolo acknowledged he did receive the letter, contacted Mr. Walsh who said he would make arrangements with OTCA and get back in touch; said he had heard nothing further from Mr. Walsh, nor anyone else.

Jim Douglas stated that Mr. Urciolo's letter was factually untrue, that he just admitted he was contacted by OTCA's representative; said the point of the delay was so that alternatives could be developed which would satisfy both the Siegler family and OTCA (as representatives of the citizens of the City); a meeting was convened between OTCA and the Trust for Public Land with a representative from the City in attendance and the determination was made that before any of the alternatives could be seriously investigated, an appraisal of the property was needed, thus the letter was sent to Mr. Urciolo, the appraiser was contacted. Said a potential buyer was known to be talking to Mr. Urciolo, wanted to know the asking price of the property, and agreed to use the appraiser procured by OTCA and accompany him and Mr. Urciolo through the property. That appraisal will be furnished imminently, and a second one is also being done. One is on the 5 lot parcel and one on single lots for comparison; reason Mr. Urciolo has not been contacted more frequently is that there have been no figures to date to discuss; remarked that the Park & Planning hearing is a month away (April 26) and many things can transpire prior to that time; said everything is happening according to the plan discussed, everyone concerned is doing what they can to work toward an amicable solution to the situation. Reminded that the agenda item is the proposed Resolution for Historic Preservation and that should be adhered to. In response to query from the Mayor, clarified that the appraiser that went on the property was representing OTCA, who were paying one-half of his fee; thought Mr. Urciolo was totally out of line in his accusations.

Mary Dean, 7118 Maple Avenue, new member of Takoma Park Historic Preservation Committee: Said she was not on the committee at the

time the Resolution was drafted, however, it has since been discussed at length and, as an architectural historian, she has been working on the buildings on the site; offered to respond to questions. Councilmember Bradley queried whether the Resolution adequately reflected the findings of the committee, to which Ms. Dean responded that she would have to make a comparison between the Resolution and her notes in order to answer. Said in recent discussions, the merits of the Resolution were upheld by everyone on the committee. Councilmember Bradley remarked that Council had not seen any of the material that went directly from the City committee to the County Historic Preservation Commission; Councilmember Iddings stated that the documentation provided by Park & Planning was based on the material supplied by the City committee. Councilmember D'Ovidio pointed out that in the third "WHEREAS" in the Resolution, Benjamin Y. Morrison was the first Director (not founder) of the National Arboretum, which would require amendment. Councilmember Dalmat requested that documentation on the age of the carriage house be procured; Ms. Dean stated that she is working on a report on structures on the property, concludes that the carriage house is of at least 2 and possibly 3 building periods and the oldest part of the building does merit significant historical attention, could not have possibly been constructed after the year 1890 and was most likely contemporary with the house.

Richard Bernardi, 7111 Cedar Avenue: Asked that Council support the Resolution; said the issue boils down to neighborhood rights, property owners' control over development in their area, and not just the rights of someone having legal right to a piece of property.

Tony Fitch, 7112 Cedar Avenue: Said he and his wife were responsible for bringing the existence of the property to the attention of the present potential purchaser of the entire parcel; had done everything in his power to expedite process of purchase by that buyer, potential buyer and Mr. Urciolo had done the same, and the process just takes time and potential for misunderstanding exists. Said his friend had tried to procure the appraisal from the appraiser as the architect he had hired needed the figures. Remarked that regarding the Resolution, there had been no suggestions that the property should not be declared historic; if historic preservation has any meaning in the City, the Siegler property should be designated for preservation; if subdivision were permitted on that property, it would set a precedent and others would go the same route in the future.

Karen Maury provided Mr. Urciolo with a copy of her letter, which he had indicated not having received.

Upon motion by Councilmember D'Ovidio, duly seconded, the Resolution was adopted unanimously, with amendment to paragraph 3 (as noted earlier) to be effected.

(Resolution attached)

(2) Public Hearing on a proposed Charter amendment to increase the maximum allowable tax levy from \$2.00 per \$100 assessed valuation to an amount sufficient to meet future expenses of the City.

Mayor Abbott pointed out that the proposed Charter amendment would raise the maximum tax rate from \$2.00 per \$100. to \$3.50 per \$100. of assessed valuation; wondered whether an accurate projection of the probable actual increase could be provided; pointed out that the Time Table for Charter Amendment extends from 3/26/84 to 5/29/84 and includes public hearings, posting of text, newspaper publication, etc.. Councilmember Aldrighetti explained that rebates would begin being made by Prince George's

County, but would be paid to the citizens; whereas, rebate in Montgomery County is paid to the City (for services the City provides and the county does not). Said many questions arise, among them, whether it would be possible to tax residents at two different rates depending upon which county they live in, and with a view to keeping a lid on taxes, what would be a reasonable maximum rate for the next 4-5 years; stated a group has been formed to work on answers to questions in this regard. Mayor Abbott remarked that the City has hired two consultants who will be projecting what can be expected in revenues, recommended e amounts for tax reduction in Montgomery County - said if P. G. County cuts a certain amount from county taxes, then the same thing would have to be done in the Montgomery County section in order to be equitable. City Administrator Wilson remarked that there would be a discussion of the tax consultants' report on April 16 at the Worksession. Councilmember Iddings stated he would like to see the possibility of some sort of procedure being developed and encoded in the Charter whereby if the \$2.00 limit was exceeded, a process could be gone through to obtain authority to exceed. Councilmember Haney pointed out that, in effect, residents in the P. G. County section of the City are subsidizing other areas of that county due to the fact that their tax dollars are going out of the City and no rebate is being made to the City. Councilmember D'Ovidio stated he did not think the Montgomery County Council understands what the City faces in this issue; said some members feel that since the City has existed this way for a hundred years, there is no reason for concern; thought City representatives should meet with the M. C. Council to explain the issue. Councilmember Iddings pointed out that the Finance Committee of the M. C. Council would be meeting on April 9 to discuss municipal revenue sharing and municipal grants in a worksession; thought the City should send a representative to that meeting. Councilmember Aldrighetti questioned whether it would be possible to get a rational dollar figure for the maximum tax levy prior to the April 9 meeting; Acting Asst. City Administrator Robbins replied in the negative, due to the fact that calculations on the rebate for the Montgomery County portion would have to be made pertaining to services, so that the figure would be equitable to both counties; said a ballpark figure would probably be plus or minus fifteen cents either way; he would check with the consultant and ascertain whether he could possibly supply a figure. Corporation Counsel Gagliardo commented that it was his understanding that certain factors had to be taken into consideration by the consultant to come up with a figure - i.e., what the payments from the counties would be, which is presently unknown, and also what the City budget is going to be. Said another contingency that will have to be considered is the unexpected and sizeable expense burden on the City of the increased pension contributions coming either this year or next. In response to query, City Clerk Pusti stated that the \$2.00 tax lid had been in effect at least since 1953, at which time the tax rate was \$1.00 per \$100. assessed valuation. Corporation Counsel Gagliardo commented he had 2 inquiries from the Revenue Task Force, they are busy researching the issues. City Administrator Wilson commented the City had a tax ceiling which had been in effect for at least 30 years without being closely approached (closest was \$1.57); said any ceiling set should attempt to project the next 30 years taking into consideration inflation, economic instability, so that this process will not have to be repeated frequently, thus creating confusion; emphasized that the \$3.50 figure is not the actual tax rate, but a ceiling.

(Proposed Charter amendment attached)

(4) Second reading of an ordinance amending Ordinance #2642 (handicapped parking) to add a space at 35 Hickory Avenue and to update the penalty provisions.

A motion was made by Councilmember D'Ovidio, duly seconded by Councilmember Bradley, that the ordinance be adopted. Councilmember Bradley reminded that she had requested that a periodic review of these spaces be made; wondered whether provision for that should be included in the ordinance. Acting Asst. City Administrator Robbins stated that there is an administrative procedure which periodically evaluates the spaces. Mayor Abbott requested that the ordinance be amended as follows: "Sec. 2 (line 3) ..the following sites are hereby designated (insert , subject to annual review.) for the exclusive use..." Amendment moved and seconded. Ordinance #2714, as amended, was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings and Williams; NAY: none; EXCUSED: none.

Ordinance #2714
(attached)

(5) First reading of an ordinance amending Sec. 6-80.17, "Rent guidelines," of the City Code to provide penalty amounts for certain municipal infractions.

Following brief comments, the ordinance was accepted for first reading; second reading to be placed on next agenda.

(Proposed Ordinance attached)

(6) Resolution establishing an Open Space Task Force; appointment of members.

Councilmember Haney explained that Mayor and Council had requested in a prior Worksession that a citizens' task force be established to analyze results of a City staff study of remaining open space in the City; said purpose of the Resolution is to establish that task force. A motion was made by Councilmember Haney, duly seconded by Councilmember Bradley, and unanimously approved, that the Resolution be passed. Proposed members of the task force, as furnished by Councilmember Haney, are as follows: Georgine Propokik (Tree Commission), Phil Metzger (Historic Preservation Committee), Belle Ziegler (Recreation Department), Tony Smith (Public Works Department), one name (Recreation Council) to be furnished at a later date. Acceptance of these individuals was moved by Councilmember Haney, duly seconded by Councilmember Bradley; approved unanimously. Discussion pointed out that should the position be vacated by any one of the individuals, the Resolution provides that a representative from the department or organization would be administratively appointed.

(Resolution attached)

(7) Three resolutions naming agents of the City authorized to sign checks and conduct other business with banks used by the City.

City Administrator Wilson pointed out that the Acting Asst. City Administrator had been added to the Resolutions so that, at any given time, at least 2 out of the 3 named individuals would probably be available. In response to query, City Clerk Pusti stated that a counter-signature had never been required in the years she had been with the City. Upon motion by Councilmember

Bradley, duly seconded by Councilmember Dalmat, all 3 Resolutions were passed unanimously.

(Resolutions attached)

(8) Cable TV Access Package.

Mayor Abbott commented that in the contract, the City is scheduled to receive approximately \$75,000.00 worth of equipment, the document specifies the items. Councilmember Bradley suggested that the recommendation be adopted in principle, time be allowed to compare it with other available information; said there is no schedule for submission to the county. Mike Messinger commented he thought the deadline for providing the access package to the City was mid-May; said the list is the product of the Takoma Park Cable TV Committee, basically giving the parameters of what is desired by the committee, varies somewhat from the original proposal submitted by Tribune United to the county. A motion was made by Councilmember Bradley that the recommendation be adopted in principle subject to further detail that she would resolve in the upcoming week, motion duly seconded. Following discussion, the motion was passed with Councilmember Iddings voting Nay, balance of Council Aye.

(9) Rainbow Pension Bills (additional agenda item - Councilmember Bradley).

Councilmember Bradley explained that the State Assembly is currently considering these Bills as discussed in the pre-Council session; wondered, since she was not present whether any decision had been made that should be publicly adopted. Councilmember D'Ovidio stated that it was decided a letter of support would be sent for SB 967 and HB 1664.

Corporation Counsel Gagliardo stated he had been asked to attend the County Council Meeting on 3/27/84 regarding the Tillie Frank legislation pending before the Council; thought the subject would be of interest and requested approval of Mayor & Council to represent the City at that meeting. Said this concerns the county's enactment of the state legislation on the matter. Approval granted.

Upon motion, duly seconded, the meeting adjourned at 11:00 p.m., to reconvene on Monday, April 9, 1984, at 8:00 p.m., in regular session.

PROPOSED
CHARTER AMENDMENT RESOLUTION 1984-1
ORDINANCE NO. _____

A RESOLUTION TO REPEAL AND REENACT WITH AMENDMENTS SEC. 1.9(f) OF
THE CHARTER OF TAKOMA PARK, MARYLAND TO CHANGE THE MAXIMUM ALLOW-
ABLE TAX LEVY ON REAL AND PERSONAL PROPERTY

WHEREAS, the Mayor and Council, after deliberation, have concluded that the present tax limit of \$2.00 per \$100.00 assessed valuation may not produce sufficient revenues to meet future expenses of the City; AND

WHEREAS, it is necessary to amend the City Charter to set a new maximum allowable tax levy.

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

SECTION 1. THAT Sec. 1.9(f) of the City Charter be amended to read as follows:

Sec. 1.9. Taxes and assessments generally.

(f) On or before the last day of June in each year, the Council shall, by ordinance, levy the general taxes for the fiscal year ensuing, which taxes shall not exceed ~~[[Two-Dollars (\$2.00)]]~~ THREE DOLLARS AND FIFTY CENTS (\$3.50) on each One Hundred Dollars (\$100.00) of assessed valuation. All improvements which become substantially completed between July 1st and September 30th in any year shall be assessed for taxes and such improvements shall be subject to municipal taxation in said year on the basis of three-fourths of the regular assessment made for State and County purposes for said year. All improvements which become substantially completed between October 1st and December 31st in any year shall be assessed for taxes and such improvements shall be subject to municipal taxation in said year on the basis of one-half of the regular assessment made for State and County purposes for said year. In the case of buildings under construction, the term "substantially completed" shall mean when the building is under roof, plastered (or ceiled) and trimmed. Such taxes are due and payable without interest as of the first day of July in each taxable year; and taxes are overdue and in arrears on the first day of the succeeding October, and from and after this day of October 1 they shall bear interest at the rate of 2/3 of 1 percent for each month or fraction thereof until paid. In addition to the said interest on overdue taxes, a penalty rate of one per cent (1%) per month or fraction of a month shall be imposed on all taxes which are overdue and in arrears after October 1. Nothing herein contained shall in any way operate to or be construed to repeal, alter, revise, amend or operate to or in any affect any other provision of this Charter as to the assessment, collection, or sale for non-payment of taxes, and all taxes, notwithstanding the provisions of this section, shall be collected, except as herein specifically provided for, and all proceedings for sales for the non-payment thereof shall be conducted, at the times and in the manner provided for in other sections of this Charter.

SECTION 2. THAT this Charter amendment shall become effective on the fiftieth day after adoption

NOTE: ~~[[Brackets]]~~ denote deletions.
CAPITALS denote additions.

RESOLUTION
ON
THOMAS-SIEGLER HISTORIC SITE

- WHEREAS, The Thomas-Siegler House at 201 Tulip Avenue in Takoma Park, Maryland, completed in 1884 as part of B.F. Gilbert's original Takoma Park suburban development, is the first completed and oldest surviving house of that development in Takoma Park; AND
- WHEREAS, This house is a two and one-half story stucco over clapboard frame Victorian Revival home with an unusual duplex design; AND
- WHEREAS, The property on which the Thomas-Siegler House is situated, being lots 31, 32, 35 and 36 and parts of lots 30, 33, 34 and 37 of B.F. Gilbert's Addition to Takoma Park, is an extensively landscaped setting which includes a number of both prototype and non-hybridized species of axalea, which were planted as a result of former owner Dr. Siegler's association with Benjamin Y. Morrison, noted horticulturalist and first director of the National Arboretum; AND
- WHEREAS, The property contains other exceptional and noteworthy botanical specimens, including white oak trees, American holly, large-flowered magnolia, flowering dogwood, weeping cherry, mountain laurel, rhododendron and wisteria; AND
- WHEREAS, The grounds of this property contain a one and one-half story carriage house, one of only a few remaining in Takoma Park; AND
- WHEREAS, The property is within the Takoma Park Historic District, which is officially listed on the National Register of Historic Places; AND
- WHEREAS, The Thomas-Siegler House, carriage house and grounds are an integrated property which characterizes the historic nature of the immediate neighborhood and the City and constitute a unified environmental setting; AND
- WHEREAS, The Mayor and Council of the City of Takoma Park, Maryland, have in the past supported and continue to support reasonable and responsible efforts to preserve the City's cultural, historical, ecological and architectural resources;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Takoma Park, Maryland; THAT

- SECTION 1. The Mayor and Council find that the Thomas-Siegler House and the surrounding property
- a) have character, interest and value as part of the development, heritage and culture of the City of Takoma Park and therefore of Montgomery County;
 - b) constitute one of the City's premier cultural, historical, ecological and architectural resources and, as such, possesses cultural, historical, ecological and architectural significance for Takoma Park and for Montgomery County; AND
 - c) represent a valuable and long-established and integral feature of the Old Takoma neighborhood.

SECTION 2. The Mayor and Council conclude that the Thomas-Siegler House, carriage house and the surrounding property are eminently worthy of inclusion on the Montgomery County Master Plan for Historic Preservation as an Historic Site and on any other register of historic resources, as appropriate.

SECTION 3. The Mayor and Council hereby direct the City Administrator to present these findings and conclusions to the Montgomery County Planning Board at its public hearing scheduled for April 5, 1984.

MARCH 26, 1984.

ORDINANCE NO. 2714

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

SECTION 1. THAT on December 13, 1983, the Mayor and Council enacted Ordinance No. 2642 which established parking spaces expressly for the handi-capped at various locations throughout the City; AND

SECTION 2. THAT the residents of 35 Hickory Avenue have provided evidence sufficient to meet the criteria for establishing such a parking space on that street; and It has been determined that the space provided at 1311 Elson Court is no longer needed.

SECTION 3. THEREFORE THAT Section 2 of Ordinance No. 2642 be repealed and reenacted to read as follows:

Sec. 2. THEREFORE THAT in conformance with Sec. 13-64(a)⁽¹⁰⁾~~(1)~~ of the Code of Takoma Park, Md., 1972, as amended, the following sites are hereby designated, subject to annual review, for the exclusive use of vehicles displaying a special registration plate or permit issued to the disabled by any state or the District of Columbia:

- ~~(a) On Elson Court, 1 parking space at or near 1311 Elson Ct.;~~
- (b) West side of Hickory Avenue, 1 space opposite 22 Hickory Avenue;
- (c) On Kingwood Drive, 1 space in front of 1108 Kingwood;
- (d) On Holly Avenue, 1 parking space in front of 7301 Holly;
- (e) On Hickory Avenue, 1 parking space in front of 35 Hickory Avenue

SECTION 4. FURTHER THAT Section 4 of Ordinance No. 2642 be repealed and reenacted so as to conform to new parking fines as set forth below:

Sec. 4. THAT any person issued a citation in violation of this ordinance shall be subject to a fine of \$50.00 for each violation, as prescribed in Sec. 13-64(a)⁽¹⁰⁾(A) of the Code of Takoma Park, 1972, as amended.

ADOPTED BY THE MAYOR AND COUNCIL MARCH 26, 1984.

NOTE TO MAYOR AND COUNCIL: Contacts were made with three of the four persons who requested the first four parking spaces listed above. All have a continuing need. The fourth has apparently moved from 1311 Elson Court and the sign itself is no longer in place. The immediate neighbors of Mrs. Lane were contacted regarding the space in front of 35 Hickory, with no negative responses having been received.

3-21-84

PROPOSED ORDINANCE

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

SECTION 1. THAT Subsection (j) of Section 6-80.17, "Rent guidelines," of the Code of Takoma Park, Md., 1972, as amended, be amended to read as follows:

Sec. 6-80.17. Rent guidelines

(j) Any violation of Subsections (c), (d), (e) or (f) of this section of this ARTICLE shall be a municipal infraction, the penalties for which shall be as follows:

(1) Imposition or attempts to impose a rent increase in excess of the limit provided in Section 6-80.17(c) without the approval of the Commission on Landlord-Tenant Affairs: fifty dollars (\$50.00) per dwelling unit;

(2) Imposition or attempts to impose more than one (1) rent increase in a twelve-month period: fifty dollars (\$50.00) per dwelling unit;

(3) Imposition or attempts to impose any rent increase without substantial compliance with the notice provisions of Section 6-80.17(e): fifty dollars (\$50.00) per dwelling unit.

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

3-24-84

RESOLUTION

OPEN SPACE TASK FORCE

WHEREAS, less than ten per cent of the land of Takoma Park is undeveloped; AND

WHEREAS, the Mayor and Council of Takoma Park have requested that a study be completed of the remaining open space within the City limits of Takoma Park to determine the proper use of such land, such as housing development, park land, open space or other suggested uses; AND

WHEREAS, it is necessary that the results of the study be analyzed to make recommendations of proper land uses to the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND THAT an Open Space Task Force be appointed to conduct such an analysis and make recommendations to the Mayor and Council.

BE IT FURTHER RESOLVED THAT the composition of the Open Space Task Force shall be as follows: one member from the Tree Commission; one member from the Historic Preservation Committee; and one member each from the Recreation Council, Recreation Department and the Public Works Department.

MARCH 26, 1984.

3/23/84

RESOLUTION

BE IT RESOLVED that the Citizens Bank and Trust Company of Maryland is hereby designated as a depository of this Corporation and that a checking account be opened and maintained in the name of this Corporation with said bank; that any one of the following agents of the Corporation, the Mayor, the City Administrator, or the Acting Asst. City Administrator, are hereby authorized on behalf of this Corporation and in its name to sign checks, drafts, notes, bills of exchange, acceptances or other checks, notes, bills, certificates of deposit, or other instruments, owned or held by this Corporation, for deposit in said account, or for collection or discount by said bank, to accept drafts, acceptances, and other instruments payable at said bank; to waive demand, protest and notice of protest, or dishonor any check, note, bill, draft, or other instrument made, drawn or endorsed by this Corporation; AND

BE IT FURTHER RESOLVED that the City Clerk shall certify to said bank the name of the presently duly appointed agents of this Corporation and shall from time to time hereafter, as changes in the personnel are made, immediately certify such changes to the bank, and said bank shall be fully protected in relying on such certifications of the City Clerk and shall be indemnified and saved harmless from any claims, demands, expenses, loss or damage resulting from, or growing out of honoring the signature of any agent so certified or refusing to honor any signature not so certified; AND

BE IT FURTHER RESOLVED that the foregoing resolution shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said bank, and that receipt of such notice shall not affect any action taken by the bank prior thereto; AND

BE IT FURTHER RESOLVED that the City Clerk be, and hereby is, authorized and directed to certify to said bank the foregoing resolution and that the provisions thereof are in conformity with the Charter and By-Laws of this Corporation.

3/23/84

RESOLUTION

BE IT RESOLVED that the Suburban Bank is hereby designated as a depository of this Corporation and that a checking account be opened and maintained in the name of this Corporation with said bank; that any one of the following agents of the Corporation, the Mayor, the City Administrator, or the Acting Asst. City Administrator, are hereby authorized on behalf of this Corporation and in its name to sign checks, drafts, notes, bills of exchange, acceptances or other checks, notes, bills, certificates of deposit, or other instruments, owned or held by this Corporation, for deposit in said account, or for collection or discount by said bank, to accept drafts, acceptances, and other instruments payable at said bank; to waive demand, protest and notice of protest, or dishonor any check, note, bill, draft, or other instrument made, drawn or endorsed by this Corporation; AND

BE IT FURTHER RESOLVED that the City Clerk shall certify to said bank the name of the presently duly appointed agents of this Corporation and shall from time to time hereafter, as changes in the personnel are made, immediately certify such changes to the bank, and said bank shall be fully protected in relying on such certifications of the City Clerk and shall be indemnified and saved harmless from any claims, demands, expenses, loss or damage resulting from, or growing out of honoring the signature of any agent so certified or refusing to honor any signature not so certified; AND

BE IT FURTHER RESOLVED that the foregoing resolution shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said bank, and that receipt of such notice shall not affect any action taken by the bank prior thereto; AND

BE IT FURTHER RESOLVED that the City Clerk be, and hereby is, authorized and directed to certify to said bank the foregoing resolution and that the provisions thereof are in conformity with the Charter and By-Laws of this Corporation.

3/23/84

RESOLUTION

BE IT RESOLVED that the First American Bank of Maryland is hereby designated as a depository of this Corporation and that a checking account be opened and maintained in the name of this Corporation with said bank; that any one of the following agents of the Corporation, the Mayor, the City Administrator, or the Acting Asst. City Administrator, are hereby authorized on behalf of this Corporation and in its name to sign checks, drafts, notes, bills of exchange, acceptances or other checks, notes, bills, certificates of deposit, or other instruments, owned or held by this Corporation, for deposit in said account, or for collection or discount by said bank, to accept drafts, acceptances, and other instruments payable at said bank; to waive demand, protest and notice of protest, or dishonor any check, note, bill, draft, or other instrument made, drawn or endorsed by this Corporation; AND

BE IT FURTHER RESOLVED that the City Clerk shall certify to said bank the name of the presently duly appointed agents of this Corporation and shall from time to time hereafter, as changes in the personnel are made, immediately certify such changes to the bank, and said bank shall be fully protected in relying on such certifications of the City Clerk and shall be indemnified and saved harmless from any claims, demands, expenses, loss or damage resulting from, or growing out of honoring the signature of any agent so certified or refusing to honor any signature not so certified; AND

BE IT FURTHER RESOLVED that the foregoing resolution shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said bank, and that receipt of such notice shall not affect any action taken by the bank prior thereto; AND

BE IT FURTHER RESOLVED that the City Clerk be, and hereby is, authorized and directed to certify to said bank the foregoing resolution and that the provisions thereof are in conformity with the Charter and By-Laws of this Corporation.