

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and Council
and
Public Hearing on Dissolution of Operation Turnaround Board
and Reallocation of CDBG Funds

February 4, 1985
7:30 P.M.

Agenda

CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Aldrighetti
Councilmember Bradley
Councilmember Dalmat
Councilmember D'Ovidio
Councilmember Haney
Councilmember Iddings
Councilmember Williams

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

- (1) Public Hearing on proposed dissolution of Operation Turnaround Board and reallocation of \$50,000 from FY-85 CDBG funds earmarked for that program to CDBG Street Improvement Project; second reading of two ordinances effectuating the proposals
Citizens' comments
Council action
- (2) Ordinance authorizing consulting services to update Police Department radio communications system bid proposal and prepare application for FCC license, using Revenue Sharing Funds
Citizens' comments
Council action

ADJOURNMENT

Council Worksession Agenda

- *1. Special Exception S-1074, Accessory Apartment, 34 Columbia Avenue
- *2. Special Exception 3586, to permit operation of a dental lab at 1021 University Blvd. in a C-0 zone
3. Administrative reports:
 - a. Police Department annual report (Fisher)
 - b. Status report on POS parks (Ziegler)
 - c. Evaluation of park safety (Ziegler)
 - d. Staff housing committee report (memo of 1-10-85 circulated earlier)
 - e. Critical problem housing (Robbins) (material sent in 1-22-85 packet)
4. Legislative matters:
 - a. Condo conversion ordinance (material sent in 1-7-85 packet)
 - b. Residential/rental licensing ordinance (see 11-5-84 packet)
 - *c. Employee leave/comp time ordinance
 - *d. Charter amendment revising "powers" section
 - *e. Ethics ordinance revisions
 - *f. Community crime prevention ordinance (Haney)
 - *g. Code revision pertaining to procurement policies
 - *h. Resolution pertaining to appointment to citizen committees, evaluation on annual basis
 - *i. Proposal to remove parking restrictions near SE corner Piney Branch Rd. north of Eastern Avenue
5. Other:
 - *a. Franzen Brothers Circus (T.P.-S.S. Coop sponsored); request for permit
 - *b. Appointments to T.P. Historical Preservation Comm. (Iddinas)
 - c. Format for Ride-on forum (Iddings)
 - *d. Auditor selection recommendation
 - e. Review of Council packet material (Haney)(see 1-22-85 packet)

*Material attached or in package.

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February 4, 1985

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Habada
Councilmember Bradley*	Asst. City Administrator Robbins
Councilmember Dalmat	City Clerk Pusti
Councilmember D'Ovidio*	Ec. & Comm. Dev. Coordinator Neal
Councilmember Haney	Corporation Counsel Gagliardo
Councilmember Iddings	Asst. Corporation Counsel DeNovo
Councilmember Williams*	

*Necessarily late

The Mayor and City Council met on February 4, 1985, at 7:38 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of conducting a Special Meeting and Public Hearing. Following the pledge, the meeting commenced.

ITEMS FOR COUNCIL CONSIDERATION:

(1) Public Hearing on proposed dissolution of Operation Turn-around Board and reallocation of \$50,000 from FY-1985 CDBG funds earmarked for that program to CDBG Street Improvement Project; second reading of two ordinances effectuating the proposals.

City Administrator Wilson introduced the first proposed ordinance, which, in effect, would repeal Ordinance #2416 establishing the Operation Turnaround Board; adoption moved by Councilmember Aldrighetti, duly seconded by Councilmember Haney. Mayor Abbott related that the Board became inactive around the time that former City Administrator Gilsdorf left the City; the City had a very difficult time selling the last property rehabbed under the program (located on Eastern Avenue), took a substantial loss on the sale. He explained that the program overall was not a financial benefit for the City; usefulness of the program had ended; adoption of the ordinance would formally dissolve the Board. Councilmember Aldrighetti commented that Richard Bernardi, a resident of the City, conceived the idea of the program; he exemplified citizen involvement in municipal government. Mr. Aldrighetti proceeded to summarize the history of Operation Turnaround and its funding through the Block Grant Program.

Paul D'Eustachio, 6611 Alleghany Avenue: Thought the program was at one time very effective, however, said its usefulness ended and the time has come to formally dissolve it. He remarked that current real estate market forces negate both the need and the viability of such a program.

For the record, it was verified by Mr. Wilson that members of the Operation Turnaround Board had been notified of the meeting and intention of terminating function of the Board. The question was called; the ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Dalmat, Haney and Iddings; NAY: None; EXCUSED: Councilmembers Bradley, D'Ovidio and Williams.

ORDINANCE #1985-10
(attached)

Mr. Wilson introduced the second ordinance which would effectively reallocate \$50,000 in CDBG funds earmarked for Operation Turnaround in FY-1985 to CDBG Street Improvement Projects; referred to the January 31 memorandum outlining the streets involved, figures and priorities. Councilmember Haney moved adoption, duly seconded by Councilmember Iddings. Councilmember Iddings commented on \$17,000 remaining in the Operation Turnaround fund; Ms. Habada stated that was program income and was not included in the subject \$50,000; was previously allocated by vote during the MICRF application hearing to the Norton Development Project and Langley Park Revitalization; Mr. Iddings did not recall that action and requested to see the record. Councilmember Dalmat

questioned what the subject \$50,000 would allow the Street Improvement Project to do that could not otherwise be accomplished. Ms. Habada explained that the additional sum would allow streets requiring work and that had been deleted from the list of CDBG projects to be done; due to cost factors involved, scope of work on all the streets will have to be somewhat reduced. (Councilmembers Bradley and D'Ovidio arrived at this point in the meeting.) Councilmember Haney commented he felt the allocation to be appropriate due to progressive deterioration of streets, lack of adequate funds to maintain streets in recent years, and imminent major problems. Councilmember Aldrighetti referred to his questions raised at an earlier point in time concerning investment of the funds in a land bank for the City; Ms. Habada commented that tax sale was one possible and logical way of the City acquiring property as an investment (interest would be very favorable); money currently in money market funds, etc., would probably be used for that purpose. Mr. Wilson commented on Montgomery County's expressed position that any money made on CDBG funds must be returned to their original source, which could pose a problem if the \$50,000 was used for a land bank. Mr. Aldrighetti commented on a disparity in figures in the 1/31/85 memo; Mr. Robbins explained that in at least a portion of the streets, the scope was increased to include additional factors; some streets would have to be contracted out, and other inflationary factors generated increases, thus increasing the projected total cost; he commented that when estimating cost of street work, it is realistic to take the final estimate and add on 20% to avoid underestimating the final cost due to unforeseen factors in dealing with concrete.

Montez Boatman, 133 Ritchie Avenue, representing Ritchie Avenue Citizens' Association: Commented on submitting a recommendation in 1981 while serving on the CDBG CAC that would include curb and gutter repair work in the 100 block of Geneva Avenue, thought Public Works concurred with that recommendation, however, the work has never been done. The Mayor referred to the procedure instituted since that time which establishes priorities for various street projects. Mr. Robbins commented that he had stated Geneva and Ritchie Avenues as his number one and two priorities for CDBG repair work, they were placed on the priority list as level one priority. (Councilmember Williams arrived at this point in the meeting.) The Mayor stated that apparently the absence of a representative from Ritchie Avenue during the CDBG process setting up projects and priorities resulted in failure of the work to be carried over and accomplished. He pointed out that the City has no system for carrying over projects from year to year, they must be presented each year, and it is imperative that someone from the affected area be present to speak in support of inclusion of the project during the meetings dealing with the CDBG process. Mr. D'Ovidio concurred with what the Mayor said; commented that the purpose of the Citizens' Advisory Committee is so that citizens can present and push for the projects in their area each year. Upon request, Paul D'Eustachio spoke concerning the CDBG process; said on the one hand it is true in part that if an area does not have a representative, it tends to receive less consideration; however, the CAC attempts not to overlook any major needs in the City, seeks input from City staff. Mr. Robbins commented that, hopefully, Geneva, Ritchie and Oswego could be done in the next CDBG year depending upon funds. In response to questions raised, Ms. Habada stated that there is a measure of flexibility as to which streets are done, if work on one street is less than anticipated, then something else might be included in the total contract. Councilmember Aldrighetti noted that in the current year, the scope of work would have to be pared to conform to monies available; Ms. Habada concurred that would probably be the case.

Clarence Boatman, 133 Ritchie Avenue: Regretted that his area had not had a current representative to the CDBG CAC, however, recalled that in the past there had been some flexibility as to which streets were done and hoped Geneva, Upper Ritchie and Oswego could be addressed soon in light of how long they have been needing work.

Mr. D'Ovidio remarked that it would be useful to refer back to prior CDBG records (1981) and see what actually happened, why that project was not accomplished; he specifically requested that be done. Mr. Iddings referred to the study done 3 years ago evaluating all the streets, curbs, gutters and sidewalks in the City; suggested comparing

the current CDBG project list with streets listed in that study as to condition; some of the streets slated for CDBG work may not be the worst in condition in the City. Mr. D'Eustachio commented that the subject street survey left much to be desired; cited the fact that 1st Avenue, which is essentially an unpaved dirt road, did not even appear in the survey, as well as a number of other errors; said he would trust City staff's judgment, particularly Mr. Robbins', considerably more than the survey. Councilmember Bradley commented that the survey is primarily collected data based on criteria but without an analysis or evaluation. Councilmember Aldrighetti commented that the process as it works is an incentive for citizens and citizens' associations to remain involved through the long and arduous procedure; hoped the problems at hand could be dealt with in the next CDBG year; suggested calling the question. Paul D'Eustachio expressed reservations about taking the \$50,000 lump sum and allocating it to street improvements; said while there are some streets in a condition mandating repairs, the argument might be made that there are projects other than streets deserving attention; reminded the money was initially earmarked for housing, which is still an important need; mentioned additionally Takoma-Langley economic development project and others which were not funded by the county this year and are important in terms of the intent of CDBG funding. He said the county DHCD has a lot of money available and there is a possibility some of that could be allocated to the City (to housing); however, urged patience prior to allocating the entire \$50,000 to streets to see what funding can be gotten from the county for other important projects. He urged an amendment that the money be provisionally allocated to street improvements, but with a possibility that change can be made at a later date. Councilmember Dalmat reminded that there was an urgency factor in terms of spending the \$50,000 - that if allocated, it would be considered spent. Ms. Habada agreed, reminded that she had commented at a prior meeting on the fact that in terms of the bid process, if the City goes to bid on street work during the winter months when contractors are short of work, a better price can be obtained, which is why a decision is required so the City can proceed; target date for signing a contract is April 1, any delay detracts from the process being beneficial to the City. The Mayor reminded that two years ago there was considerable controversy about CDBG money being allocated almost exclusively to commercial redevelopment; said with the President's proposal to terminate CDBG funds entirely, it is unknown what will ultimately happen; however, cities have historically depended on those funds for street improvements and not knowing what the future holds, he urged putting that money into streets in various neighborhoods. Ms. Habada commented on the possibility of bids for street work coming in for a lower figure than anticipated, which might leave extra money for an additional project. Councilmember Bradley stated she was inclined to support reallocating the money to street improvements, however, noted that attention must be devoted to how the City will fund street, curb and gutter improvements in the event CDBG funding is cut off in the future which is a distinct possibility; also supported pursuing how and where funding can be acquired for housing and other purposes mentioned. She related talking with a member of the Operation Turnaround Board, was not sure she would have voted for dissolution of the Board because it might have provided a starting point and focus for beginning discussions on different kinds of rehab programs for housing, both single and multi-family. Mayor Abbott referred to a letter from Mr. Ferrara of the county advising the City to reconsider their use of the \$179,000 lump sum in CDBG funds; wondered whether that was disseminated to Councilmembers and whether there was any glimmer of hope of the City getting any more than that lump sum. Mr. Wilson commented a proposal will be before the County Council which has the support of County Executive Gilchrist and staff for a total of \$368,000 for the City, which is still lower by approximately \$100,000 than what was received last year; County Council's vote will determine the exact allocation. Councilmember Iddings commented that it behooves the City to develop proposals in the housing area because the county DHCD always has excess money and that avenue of funding should be pursued. Councilmember Bradley noted that part of county staff's recommendations include the Between the Creeks Ward 5 proposals; thought it would be interesting to track City and Between the Creeks requests through the process to see the outcome; under the current process, thought should be given to how county staff can be influenced to allocate more money to City projects. Councilmember D'Ovidio

supported the ordinance as written not because of opposing other factors stated, but because it addresses an immediate need to be met; said housing has been discussed with county staff and what is needed is for the City to propose a project. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings and Williams; NAY: None; EXCUSED: None.

ORDINANCE #1985-11
(attached)

Councilmember Aldrighetti pointed out that Richard Bernardi, founder of the Operation Turnaround Program, was never thanked publicly nor were his efforts ever acknowledged; asked that a letter so doing be prepared by staff for the Mayor's signature; consensus was that would be done.

(2) Ordinance authorizing consulting services to update Police Department radio communications system bid proposal and prepare application for FCC license, using Revenue Sharing Funds.

Mr. Wilson noted that the certification of non-involvement in the nuclear weapons industry has been received from ATRC R. F. Communications, as well as adequate assurance of capability to fulfill the contract; he recommended adoption of the ordinance. In response to query, he stated that at least three firms were interviewed; essentially a one-on-one negotiated process was involved; the price quoted by the chosen firm allows accomplishing the two items required without going through the extended bid process; indication has been received from the individual employed by the D. C. Police Department and previously used as a technical advisor that he would be available to assist with technical installation of equipment and review of the system once the two items covered by the ordinance are completed. Additionally, he has indicated a willingness to review a revised/updated request for proposals once it is written. Following discussion of whether the ordinance required two readings for adoption, in light of the fact the police radio system was a budget line item, Corporation Counsel Gagliardo opined that it did require two readings; City Clerk Pusti commented that the City Code does provide for certain exemptions, such as budget items. Councilmember Iddings remarked that historically ordinances dealing with sums of money allocated in the budget have been adopted with one reading. Following additional dialogue, Councilmember Bradley moved acceptance for first reading, duly seconded, carried. The Mayor commented that the item will be on the February 11 agenda for second reading. Councilmember Bradley questioned the deadline for completion of the two items of technical assistance covered in the ordinance; Mr. Wilson responded that he would ascertain the projected time frame from Chief Fisher and provide that information at the 2/11/85 meeting. In response to query from the Mayor, Mr. Wilson stated that the Police Department (through the Chief) will have the day to day responsibility for implementation of the work covered by the ordinance; said he feels no reluctance to delegate that responsibility as long as the work is accomplished in a timely fashion. Chief Fisher, now present, explained that in regard to the two frequencies for possible use given the City by FCC, there are proximity problems with stations in Baltimore and Salisbury who are co-users of channel 17; letters will now have to be elicited from those two co-users allowing the City to co-share the channels and the letters have to accompany the F.C.C. application. If they refuse to provide the letters, the City must go back to Mr. Turner at F.C.C. for assistance. Following additional dialogue on this development, Councilmember Bradley emphasized she would like to see whatever is necessary done to get the process completed rather than hearing an ongoing recounting of the bureaucratic process involved. Chief Fisher stated that the Request for Proposals should be complete by the end of February or sooner and can then be sent out for bids to be received within a month thereafter; a vendor for the radio system should be identified within 2 months after bid solicitation.

There being no further business to discuss, the meeting adjourned at 9:00 P.M., to reconvene in regular session on February 11, 1985, at 8:30 P.M.

Introduced by:
Councilmember D'Ovidio

1st reading: 1-14-85
2nd reading: 2-4-85

ORDINANCE NO. 1985-10

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

SECTION 1. THAT Ordinance No. 2416, adopted by the Mayor and Council on April 11, 1977, said ordinance having been the vehicle for the establishment and operation of the Operation Turnaround Board, be hereby repealed.

ADOPTED BY THE CITY COUNCIL FEBRUARY 4, 1985.

Introduced by:
Councilmember D'Ovidio

1st reading: 1-14-85
2nd reading: 2-4-85

ORDINANCE NO. 1985-11

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

SECTION 1. THAT funds in the amount of \$50,000 which were earmarked for the Operation Turnaround Board in Fiscal Year 1985 Community Development Block Grant program, be reallocated to the CDBG Street Improvement Projects.

ADOPTED BY THE CITY COUNCIL FEBRUARY 4, 1985.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Special Observance of Black History Month
and
Public Hearing on Petitions for Speed Humps

February 11, 1985

7:30 PM

AGENDA

CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Aldrighetti
Councilmember Bradley
Councilmember Dalmat
Councilmember D'Ovidio
Councilmember Haney
Councilmember Iddings
Councilmember Williams

SPECIAL OBSERVANCE OF BLACK HISTORY MONTH: 7:30 to 8:30 PM

Speaker: Mr. Wallace Terry III, who helped research his father's best seller, Bloods: An Oral History of the Vietnam War by Black Veterans

Musical selections by Takoma Park's Folkworks

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

- (1) Public Hearing on petitions received for the installation of speed humps on the following streets: Holly, Baltimore, Roanoke and Sycamore Avenues
Citizens' comments
Declaring record closed or extending time of closure
- (2) Administrative reports and correspondence
- (3) Second reading of an ordinance designating 7300 block of Baltimore Avenue (from Takoma Avenue thru 7324 and 7329) as part of Parking Permit Area #1A (Special Impact Area)
Citizens' comments
Council action
- (4) Special Exception 3586, to permit operation of dental lab at 1021 University Boulevard in a C-0 zone (Hearing before Prince George's County Zoning Hearing Examiner: March 13, 1985, CAB, Upper Marlboro)
Citizens' comments
Council action
- (5) Affirmation of Council's earlier decision on Special Exception S-1074, petition for an accessory apartment at 34 Columbia Avenue (Public Hearing: 9:00 AM, 2-21-85, Werner County Office Building, Rockville)
Citizens' comments
Council action
- (6) Second reading of an ordinance authorizing consultant services to update bid proposal for Police Department radio communications system and prepare application for FCC license (Revenue Sharing Funds)
Citizens' comments
Council action

- (7) First reading of an ordinance to amend certain provisions of Article 2A, "Ethics," Chapter 2 of the City Code
Citizens' comments
First reading
- (8) First reading of a Charter Amendment to repeal and reenact subsections (a), (b), (c) and (k) of Sec. 1.7, "Powers," of the City Charter;
setting a date for public hearing
Citizens' comments
First reading; setting date for public hearing
- (9) First reading of an ordinance removing parking restrictions at SE corner of Piney Branch Road north of Eastern Avenue
Citizens' comments
First reading
- (10) First reading of an ordinance instituting condemnation proceedings at 7114 Sycamore Avenue
Citizens' comments
First reading
- (11) Resolution authorizing investment of City funds in First American Savings and Loan, Inc.
Citizens' comments
Council action
- (12) Resolution pertaining to appointment of Council citizen committees, boards councils, etc., and evaluation on an annual basis

ADJOURNMENT

NOTE: The Mayor and Council will meet . . . with City employees in pre-council session to discuss an ordinance (6th revision) which would amend leave and comp time policy.

ANNOUNCEMENT: The Mayor and Council will hold a public forum on proposed rerouting of Ride-on buses on Wednesday, February 13, at 7:30 PM in the Council Chambers.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council,
Special Observance of Black History Month,
and
Public Hearing on Petitions for Speed Humps

February 11, 1985

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Habada
Councilmember Bradley	Asst. City Administrator Robbins
Councilmember Dalmat	City Clerk Pusti
Councilmember D'Ovidio	Recreation Director Ziegler
Councilmember Haney	Corporation Counsel Gagliardo
Councilmember Iddings	Asst. Corporation Counsel DeNovo
Councilmember Williams	

The Mayor and City Council of Takoma Park, Maryland, met on February 11, 1985, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the special observance of Black History Month, the regular meeting and public hearing commenced at 8:45 P.M.

GENERAL CITIZENS' REMARKS (not directed at items for Council action)
Daphne White, 512 Ethan Allen Avenue: Presented a petition signed by 29 city residents who reside more than .75 miles from the Takoma Metro Station and have no public transportation to reach Metro. It requested creation of approximately 20 parking spaces closer to the station for qualifying residents, as well as imploring residents closer to Metro to allow other city residents residing some distance to park on their streets during the day, particularly during winter months, in order to access Metro.

Norman Gleichman, 7113 Central Avenue: Referred to Councilmember Aldrighetti's memorandum outlining problems Takoma Repertory has had in getting use of the Black Box Theater at Montgomery College; said the group has in the past used that theater with the college's reluctant approval; college is now attempting to avoid living up to their commitment when the buildings were constructed that the community would have use of the buildings. He stated it has been learned that a procedure for reserving use of the building has been instituted of which Takoma Repertory was unaware and their use was apparently denied on that basis. Councilmember D'Ovidio suggested contacting Dr. Brown of the college who indicated to him that time would be allocated to Takoma Repertory for use of the building.

Dave Lorentz, 1305 Elson Court: Said that Franzen Brothers Circus, sponsored by Silver Spring-Takoma Park Co-Op hopes to obtain a permit to use Jequie Park on May 8; referred to meeting with neighbors and Councilmembers and said response was mostly positive, however, parking problems were anticipated and unofficial approval to use the Montgomery College parking garage has been obtained. Mayor Abbott commented that results of a neighborhood survey on the proposal have been received from North Takoma Citizens' Association and Council will discuss it at the next worksession and assume a position on the request at the February 25 meeting.

ITEMS FOR COUNCIL CONSIDERATION:

(1) Public Hearing on petitions received for the installation of speed humps on Holly, Baltimore, Roanoke and Sycamore Avenues. City Administrator Wilson noted receipt of a letter from Fire Chief McGarry; in the absence of a representative from that department, for the record noted the following official statement: "Takoma Park Volunteer Fire Department, Inc., goes on record in opposition to the addition of any further speed humps within the city. We have noted at previous hearings the problems related to the existing speed humps which include reducing response time of emergency apparatus and increased vehicle maintenance. We would highly recommend that the City take the revenues required to install and maintain such speed humps and channel them into the purchase of salt and sand to help maintain safe streets during the snowy winter months." He also noted the receipt of additional signatures for the 8200 block of Roanoke Ave-

nue's petition, bringing it up to 61%. He remarked on receipt of a lengthy communication from Dr. Joseph Lerner commenting, among other things, on opposing speed humps for Holly and Baltimore Avenues.

Roanoke Avenue (8200 block only):

Nancy Wheeler, 8211 Roanoke Avenue: Felt a serious speeding problem exists on the street; would concur with placement of one hump if that was staff's recommendation.

Christina Albolera, 8200 block of Roanoke: Expressed concern for her two small children; said there are signs indicating deaf children at intersections of both Hudson and Houston and people do not respect the signs; supported placement of speed humps on Roanoke.

James Neri, 8202 Roanoke Avenue: Stated that the 8200 block of Roanoke is only 482' long, is not a thru thoroughfare or a cut-through; opposed speed humps there, said the money should be diverted to installing a sidewalk (was also representing his neighbor, Phil Hayes of 8203-B Roanoke who could not be present). Said the street is generally quiet, majority of traffic is residents entering and exiting apartment lots. Councilmember Bradley agreed there is a dire need for a sidewalk there, said the City is working with the county toward providing one; commented, however, that from evidence gathered from various sources there appears to have been an increase in traffic in that area. Mr. Neri commented in response to an earlier question, that area children play in the middle of the street due to lack of anywhere else to play; hoped that when the park on Eastridge is ready it will alleviate the situation.

Eric DeWitt, 716 Kennebec: Said Roanoke is tiny, lightly traveled and traffic there does not travel fast; did not think the wishes of a few people should be imposed upon the majority; felt the speed hump issue could polarize neighborhoods; opposed speed humps, encouraged that the money be put into sidewalks; regarding children having been struck by cars, noted that parents have the responsibility to keep their children out of the street rather than shunting the responsibility onto the motorist.

In response to question raised by Councilmember Aldrighetti, Nancy Wheeler of the Traffic Committee stated that traffic counts of the streets under consideration were not obtained, they must be gotten from the state which would take several months, consensus of the committee was that City would proceed on these four streets which have been pending for some time, counts would be gotten on future petitions. Councilmember Iddings referred to accident statistics for the four streets; said there were 5 accidents on those streets during the past 2 years, police state that speeding was not the proximate cause of any of those accidents.

Josanne Hart, 8208 Roanoke Avenue: Supported speed humps; stated speeding vehicles are a problem on Roanoke, street is like a busy highway; said her daughter was struck by a car, as was a neighbor; said a stop sign should be installed also. Councilmember Bradley commented that traffic can vary a great deal from one block to another in that area; stated that if the speed hump program continues, more specific information on traffic statistics, etc., will be required.

John Weins, 8304 Roanoke Avenue: Saw no need for a speed hump in that block; supported installation of a sidewalk and a park.

In response to query, the Mayor stated that the earliest date Council would take action on the four petitions would be the February 25 meeting; Councilmember Bradley pointed out that no action as far as installation can occur until such time as weather/temperature permits the laying and sculpting of asphalt.

Holly Avenue (7100-7400 blocks):

Sharon Wolchik, 7217 Holly Avenue: Urged Council to support speed humps for Holly Avenue; reiterated reasons stated in prior meetings, primarily speed and increased traffic volume; street is narrow and hilly, over 25 children under the age of 8 reside in the first 2 blocks, support among residents is overwhelming. Thought the proposed

layout for speed humps on that street was fine.

Susan Abbott, 7416 Holly Avenue: Supported speed humps; expressed concern for children as well as other concerns voiced by the previous speaker. Said there is no sidewalk on her side of the street. In 25 years, had never seen a fire truck on Holly; thought the more immediate problem was slowing traffic down; questioned proposed location of the speed hump in relation to the hill on Holly, thought it might be more effective closer to the crest rather than halfway down the hill. In response to query, it was stated that Asst. City Administrator Robbins was responsible for the maps and recommended location(s) of the speed humps; Mr. Robbins stated that in deciding recommended locations, driveway aprons and other specified factors, e.g., distance from a stop sign, etc., were considered. Councilmember Aldrighetti requested that a recommendation relative to safety of the particular hump on Holly under discussion be gotten from the Police Department, i.e., whether it should be at the crest of the hill or partway downhill; said all potential problems should be examined prior to installation of any humps.

Keith Woodside, 7215 Holly Avenue: Did not support speed humps but was not in total opposition either; questioned what specified height was finally adopted for humps (3-4"); thought total of 3 humps would be sufficient on Holly.

Debbie Duncan, 7219 Holly Avenue: Supported speed humps on Holly, the more the better; reiterated problems with speeding, etc., voiced by previous speakers.

Herb Kauffman, 214 Tulip Avenue: Expressed support for speed humps; said if 60% of residents on a street favor speed humps, they should be installed, if a majority is in favor there must be a good reason; spoke concerning the hazard of speeding vehicles.

Donna Maher, 7110 Holly Avenue: Commented on motorists running stop signs; said humps on other streets have displaced speeding traffic to and from Metro onto Holly; children playing in yards or on sidewalks are not safe from a vehicle possibly going out of control.

John Varnum, 7217 Holly Avenue: Noted that during snow periods, Holly is even narrower due to snow accumulation along the curb area, but that does not slow commuters and they tend to ignore stop signs due to difficulty in getting going again after stopping; supported speed humps.

Dave Lamar, 7401 Holly Avenue: Stated cars habitually run the stop sign at Dogwood and Holly; commented on the street being very dangerous at the apex of Dogwood and Philadelphia, it's a blind hill; thought the speed hump should be located in front of 7412.

Skip Duncan, 7219 Holly Avenue: Supported speed humps; commented on speeding.

Baltimore Avenue (entire street):

Judy Munger, 7325 Baltimore Avenue: Spoke in favor of speed humps on Baltimore, which is a long steep hill, speeding is a severe problem and did not think any other approach would effectively control it.

Nancy Cohen, 7305 Baltimore Avenue, member of TPVFD: Spoke against speed humps not only because they slow response time and damage vehicles, but also because of danger to patients being transported and pain caused them when going over a speed hump; suggested that opinions regarding safety should be sought not only from the Police Department but also the Fire Department; noted that the last time speed humps were installed, the Fire Department was not notified. Stated that the Fire Department both in responding to an emergency and in transporting patients tries to avoid streets with speed humps, which increases response and transport time. Councilmember Iddings stated he did notify Chief McGarry when the first speed humps were installed; pointed out that there were no vehicular accidents last year on speed hump streets. Documentation was requested from the Fire Department, to include both the number of calls on speed hump streets and any adverse

events in transporting patients which resulted from the speed humps, any problems connected with the speed humps. The Mayor suggested that the Traffic Committee, along with a couple of Councilmembers, draft a letter to the Fire Department formally requesting that information. Councilmember Iddings commented that both Medic 5 (Silver Spring) and Medic 4 (White Oak) which occasionally respond in this area were surveyed for their opinions. Following dialogue between the Mayor and Mr. DeWitt, a previous speaker, Councilmember Bradley commented that while she is not opposed to speed humps in certain situations, that to believe they are a cure-all for traffic problems is unrealistic.

In response to questions raised, Richard Robbins explained that he did not recommend humps for the 7400 block of Baltimore for several reasons: 1) it is a sledding street, a snow-covered hump would be a safety hazard, 2) due to curvature of the street, proper placement would put the hump in conflict with driveway aprons; also need for a speed hump decreases in the block near Philadelphia because most people do observe the stop sign at that location because of the heavy traffic on Philadelphia.

Michael Shibley, 7441 Baltimore Avenue: Remarked on his car having been hit by a motorist coming down the hill; favored speed humps; did not think the hill on Baltimore was a wise choice safety-wise for a sledding hill because it empties onto Philadelphia Avenue; said people do not always observe the stop sign at Baltimore and Philadelphia, they tend to yield rather than stop.

Two unidentified residents of Baltimore Avenue spoke in favor of the speed humps.

John Schwab, 7307 Baltimore Avenue: Sympathized with concerns of the Fire Department about speed humps (e.g., patients in ambulances being joggled); suggested an alternative to speed humps might be placement of a stop sign at Albany and Baltimore and increased police patrol; commented on the lack of patrol in that area; did not see a need for speed humps on upper Baltimore (his area). He commented on drawbacks to having speed humps, such as increased noise and pollution.

Speaker, (unable to identify name or address due to tape problems): Opposed installation of any more speed humps in the city; spoke of the traffic displacement factor which is unfair - people on those streets without speed humps also have children. Councilmember Iddings commented on statistical information that reflects a slight traffic increase on Walnut Avenue after speed hump installation, traffic remaining about the same on Westmoreland after installation; believed there had been a general traffic increase throughout the city.

Conrad Augustine, 7312 Baltimore Avenue: As a 22 year resident, has known of no children being struck nor any vehicle accidents on the street; would prefer seeing the asphalt used to repair existing potholes; opposed speed humps on that street. He said he was unaware of the petition, had not been asked to sign it.

A male resident of the street who lives on the hill spoke in opposition to the speed humps due to the problems they will create in snowy or icy weather before the streets are treated. Mr. Robbins commented that if there is concern about placement of the speed hump in front of 7311 (at the crest of the hill), it could be moved to 7307 which would move it 50' closer to Eastern Avenue. Dialogue followed concerning possibility of moving proposed location of certain other humps as well.

Ellen Brown, 7310 Baltimore Avenue: Thought it was a mistake for the City to proceed with spending money on installing humps without having concrete traffic data; requested that figures reflecting percentage of households wanting speed humps in the 7300 block of Baltimore be provided. Councilmember D'Ovidio requested that Ms. Brown procure that information since speed humps are a citizen effort and advise Mayor and Council of the results. She spoke also for Muriel Hoover who could not be present; Ms. Hoover signed the original petition, however, had reconsidered and wished to retract her support; concerning children playing in the street, did not think that problem should

be of concern due to proximity of several parks, sidewalks and large yards. Ms. Brown stated that both the Police Department and Fire Departments should be consulted prior to placement of any speed humps.

Sycamore Avenue (entire street):

James Lowe, 7014 Sycamore Avenue: Favored speed humps; explained that there is a curve at both ends of the street with a 1500' straightaway in between which encourages excessive speed.

Patrick Donnelly, 7002 Sycamore Avenue: Agreed with the previous speaker; said the street is used as a cut-through, there is a day care center serving 50 children across from his home; favored speed humps for that street.

Tim Smith, 7016 Sycamore Avenue: Favored speed humps; street has approximately 30 children 14 years and under; speeding is a problem on the street, it's heavily traveled, the day care center adds a lot of traffic, and there is a lot of on-street parking.

Claudine Schweber, 7004 Sycamore Avenue: Agreed with comments already made; favored speed humps; expressed concern for children regarding safety of the street.

Martha Hoff, 7013 Sycamore Avenue: Supported speed humps; agreed speeding vehicles are a serious problem on the street.

Gretchen Lord, 7014 Sycamore Avenue: Agreed there is a speeding problem; did not like speed humps, however, supported their use on this street.

Steve Ryan, 7011 Sycamore Avenue: Echoed comments made by the previous speaker; supported speed humps on Sycamore.

Bill Squire, 711 Erie Avenue: Suggested use of a "milder" hump that would slow traffic from 40 mph to 15 mph, with 15 mph posted as the safe speed, which would both serve the desired purpose as well as possibly being less objectionable for emergency vehicles.

Councilmember Dalmat commented on receiving a call from a resident of Sycamore who originally opposed speed humps but seemed to be changing her opinion, as well as a call from a Poplar Avenue resident who generally opposes speed humps. Councilmember Williams commented that the problem is complex and regardless of the approach chosen, everyone will not be pleased; emphasized with the problems cited by those pro and con the speed humps. Councilmember Aldrighetti thanked citizens present for their participation; suggested that in future recommendations on specific speed humps, based on statistics such as traffic counts and accident reports, be solicited from the Traffic Committee; they might also be asked to prioritize humps; commented on cost to the City of having staff perform those functions versus committee volunteers. Councilmember Iddings commented on an upcoming report from the Traffic Committee; said there is a need for staff involvement as the program was set up; additional specific statistical information such as traffic counts and speed assessments would be helpful in addressing future requests, however, some are difficult to obtain. Councilmember Bradley remarked that the Traffic Committee could be of considerable clerical help to the City Clerk who has a very heavy workload by performing such tasks as reviewing the petitions, etc. She commented that it would be helpful overall if people displayed more consideration by driving at reasonable speeds in other neighborhoods as they would in their own. Councilmember Haney expressed agreement with comments made by Councilmembers Aldrighetti and Bradley; said that each time a hearing is held, the process improves and would ultimately be superior to those in the past and produce better results. Councilmember Iddings requested that the Police Department be directed to obtain traffic counts for the four streets covered by the present hearing prior to Council taking a position. Councilmember Bradley commented favorably on conduct of the hearing; said views were stated calmly and articulately. Nancy Cohen expressed support for the traffic count request, suggested longer than a two week time lapse prior to Council taking a position to allow that

count to be done in nice weather when a more accurate count would probably be obtained. Councilmember Aldrighetti reiterated that the Traffic Committee's role should be stronger, they could be more involved in the process rather than overusing staff time, could do the traffic count rather than involving the Police Department. Councilmember D'Ovidio supported making a decision in two weeks, saw no reason not to do so; said traffic counts and speeding results from monitoring on Holly Avenue are available. Mayor Abbott spoke concerning the need to slow traffic in the City; said what needs to be made by Council is a philosophical determination and sheaves of statistics should not be required; City is a pass-through for people living in other areas and they should not be permitted to unconcernedly speed through it; said the matter will be discussed at the next worksession and hoped Council would make a decision on February 25.

(2) Second reading of an ordinance designating 7300 block of Baltimore Avenue (from Takoma Avenue thru 7324 and 7329) as part of Parking Permit Area #1A (Special Impact Area).

Councilmember D'Ovidio commented that the ordinance effectively enlarges Area 1A, has been modified since first reading to more exactly identify the designated area.

An unidentified female speaker noted that most of the signers of the original petition did so because of the influx of people parking in their area both from Montgomery College and to use Metro; however, a new problem has developed from people within the permit area using their permits to park on Baltimore Avenue in order to have a shorter walk to the Metro station, thus restricting residents' ability to park in front of their homes.

Mr. Thorne, 7308 Baltimore Avenue: Commented on one car from outside the City parking in the area from 9 A.M. to 11-12 P.M. and using a visitor permit assigned to 7425 Baltimore. Dialogue followed on the misuse of permits; Councilmember Aldrighetti commented that where misuse can be identified, the permit owner should be contacted. Councilmember Bradley solicited comments on whether residents would resent a limited number of other city residents parking on their street to access Metro; a male resident of the area stated that the street is decidedly residential, having people not residing there park there for convenience affects the character of the neighborhood; thought attempting to have a limited number of spaces for non-residents of the street to park would create an administrative burden. Following discussion on the issue of equity for residents raised by Councilmember Bradley, Councilmember D'Ovidio remarked that for some time the state has wanted to turn Takoma Avenue from Baltimore to Buffalo (a state road) back to control of the city; if the city accepted control of that road, that area could be made permit parking for city residents who live some distance from Metro. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings and Williams; NAY: None.

ORDINANCE #1985-12
(attached)

(3) Special Exception 3586, to permit operation of dental lab at 1021 University Boulevard in a C-0 zone (Hearing before Prince George's County Zoning Hearing Examiner: March 13, 1985, CAB, Upper Marlboro).

The Mayor noted that the consensus reached in worksession was no objection to granting of this Special Exception. Robert Freed, attorney for the applicants, offered to respond to any questions; he explained in response to query that two items requiring correction were found at the time of inspection: 1) fence needed to be properly anchored, and, 2) permission had not been requested to operate the dental lab at that location; both have been corrected. It was noted that 2 letters (from one individual) were received stating opposition to granting of the Special Exception; the trash situation mentioned has been corrected - the garbage area will have 6' opaque fencing with trees planted; there should be no generation of parking problems as pickups and deliveries are done by messenger. Councilmember Haney commented that most neighbors are neutral, have no opposition to the

Special Exception; current owners have put a lot of effort into bringing the property into compliance with the code. Mr. Wilson noted, for the record, that a phone call was received from Elena Vicino of 8103 Hammond Avenue who voiced no objection but recommended a high wooden screening fence; also a call from Erwin Mack (representing the Takoma-Langley Business & Professional Assn.) who voiced no objection based on a telephone survey done by the association. In response to query, Mr. Freed stated the dental lab is in the basement of the building, there are four apartment units on the two above-ground floors; the Special Exception applies to the basement where the dental lab is located. Regarding possible overcrowding of tenants in the building mentioned in a letter from Mr. Mihuc, Mr. Freed stated county zoning personnel had been through the building, neither they nor he had any evidence of or reason to believe there was any such problem. Mr. Haney commented that many of the people on Hammond Avenue he spoke with did not know the lab existed, which is a favorable comment on its impact on the area. Mr. Freed stated that, to his knowledge, the Special Exception, if granted, would remain on the building should it change ownership. Councilmember Haney moved expressing no objection to granting of the Special Exception, duly seconded by Councilmember Dalmat, carried unanimously.

(4) Affirmation of Council's earlier decision on Special Exception S-1074, petition for an accessory apartment at 34 Columbia Avenue.

Mr. Wilson noted that the previous consensus was to voice no objection; one question raised concerned the disposition of 36 Columbia Avenue which is next door and is multi-family one unit (the owner lives on the premises, rents out the one unit). Mr. Wilson noted that an inspection of that property revealed code violations which have been corrected and it remains multi-family, one unit. Councilmember Bradley moved expressing no objection to granting of the Special Exception, duly seconded by Councilmember Aldrighetti, carried unanimously.

(5) Second reading of an ordinance authorizing consultant services to update bid proposal for Police Department radio communications system and prepare application for FCC license.

It was noted that funds for this purpose would come from Revenue Sharing Funds which were allocated to upgrade the radio system. For the record, the Mayor noted that at an earlier point in time there appeared to be a consensus of Council that control of funds expended for updating the radio system would be handled by administration rather than the Police Department and that did not seem to have been carried out. Mr. Wilson stated that he is reviewing everything done, has talked personally to the consultant involved, and insists on reports on all new information gained, on a daily basis if necessary. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio and Iddings; NAY: None; EXCUSED: Councilmembers Haney and Williams.

ORDINANCE #1985-13

(attached)

(6) First reading of an ordinance to amend certain provisions of Article 2A, "Ethics," Chapter 2 of the City Code.

Councilmember Iddings requested that the Asst. Corporation Counsel outline the differences between the present and proposed ordinances. Ms. DeNovo explained that the major difference is that currently Councilmembers and candidates for public office are required to file a lengthy detailed annual disclosure statement; under the proposed ordinance that would not be required but all city employees and officials would be required to disclose gifts over \$50 from anyone doing business with the city and to disclose potential conflicts of interest; the current draft was developed under guidance from the Maryland State Ethics Commission and follows their guidelines for updating and improving municipal ethics ordinances. Councilmember Aldrighetti commented that if the ordinance is adopted, information should be prepared and disseminated to all staff. The ordinance was

accepted for first reading, second reading to be scheduled February 25.

PROPOSED ORDINANCE
(attached)

(7) First reading of a Charter Amendment to repeal and reenact subsections (a), (b), (c) and (k) of Sec. 1.7, "Powers," of the City Charter; setting a date for public hearing.

Mr. Wilson referred to Corporation Counsel's memorandum of February 8 which notes several key areas which may require discussion; he expressed personal concern about imposing the minimum standard compliance of the Maryland Administrative Procedures Act, particularly not having seen that document; hoped copies could be procured for examination. He said there may be other areas that Council might question carrying in the City Charter. Corporation Counsel Gagliardo stated that the main impetus for the amendment was to provide for special things addressed by Council such as trees, historic preservation, landlord-tenant relations, cable TV and other legislation; commented there is a long recitation of other powers as set forth in the State Code that Council might wish to consolidate. Councilmember Bradley inquired whether a statement concerning Council's contractual powers relative to cable TV was required; Mr. Gagliardo stated those powers are inherent, are legislative powers. In response to query, he stated that because Council assigns itself certain powers does not guarantee that its authority is beyond question in court. Councilmember Aldrighetti expressed a concern that the amendment should include only things clearly within municipal powers rather than any gray areas so that it could serve as a reliable manual to elected officials and staff; it was noted that questionable items could be identified with an asterisk. Asst. Corporation Counsel DeNovo stated that the only items that might be problematical are those indicated in the February 8 memorandum as not being addressed in the State Code; the reason for making the list comprehensive is to protect the City from the challenge that it does not have authority to do certain things under its own Charter; also important because of the Anti-Tillie Frank Law which says that a municipality can exercise its own legislative power in areas where that is permitted by the municipal Charter and where the municipality has actually acted. In response to query, Mr. Gagliardo stated the amendment could not be retroactive, that the City has an implied power to do certain things already accomplished. It was noted that a date for the public hearing could be set prior to adoption of the amendment; April was suggested. Corporation Counsel requested that his office be contacted regarding any questions, suggestions on the amendment prior to second reading and/or public hearing so that new language can be formulated for any substantive changes; the Mayor stated those should be routed through the City Administrator. Following discussion, consensus was that the public hearing would be April 8, with information to appear in the March and April Newsletters. The amendment was accepted for first reading.

PROPOSED CHARTER AMENDMENT
(attached)

(8) First reading of an ordinance removing parking restrictions at SE corner of Piney Branch Road north of Eastern Avenue.

Councilmember D'Ovidio remarked that the No Parking area in question was reestablished as a result of a citizen (Dr. Lerner) going directly to State Highway with his request without any notification to the City. Councilmember Iddings suggested a letter be sent to the District Engineer referring to State Highway's March 28 letter and asking that the City be informed of any requests from citizens and planned changes prior to changes being implemented. The ordinance was accepted for first reading.

PROPOSED ORDINANCE
(attached)

(9) First reading of an ordinance instituting condemnation proceedings at 7114 Sycamore Avenue.

Councilmember Dalmat noted that this is the log cabin structure that citizens have spoken about at several prior meetings; referred to a

letter she sent to the county in November and they finally last week notified her that the owner's building permit had lapsed; a stop work order has been issued. It was suggested that a copy of the ordinance be forwarded to the county, the Historic Preservation Commission, and the City's Historic Preservation Committee, as well as notification made to the property owner and neighborhood. The ordinance was accepted for first reading.

PROPOSED ORDINANCE
(attached)

The next original agenda item authorizing investment of City funds in First American Savings and Loan, Inc., was withdrawn as it had been learned the insurance carried by them might present a risk factor.

(10) Resolution pertaining to appointment of Council citizen committees, boards, councils, etc., and evaluation on an annual basis. Councilmember D'Ovidio noted that a number of committees, boards, etc., have been formed and the intent of the resolution is for Council to get control of review and evaluation of those groups, with the exception of those which specifically provide by ordinance timetables for reappointments. Councilmember Bradley suggested that on a practical level, evaluation every two years might be better than annually. The Mayor stated that committees should not be cloned, membership to a great extent comes from citizens' interests, there may be a limit on the number of quasi-official arms of the City; did not think an attempt should be made to make committees fit a pattern, what is important is that they get the work done rather than bringing additional work for staff to perform. Councilmember Aldrighetti suggested reviewing the list of committees and enumerating pertinent ones in the resolution; it was agreed that would be done. Dialogue followed concerning where Recreation Council fits in relation to other City committees (in response to query from Ed Hutmire), intent of the resolution and of Council. Councilmember Bradley remarked that discussions occurred during the last budget cycle concerning getting new members on committees, one intent of the resolution is to respond to that need. Councilmember D'Ovidio commented that in researching how the Recreation Council was formed, it appeared it was not formed by either ordinance or resolution and he would like to make it a formal City committee with a permanent stated function. Councilmember Aldrighetti commented that with the numerous existing committees, use of staff time and City funds, it is incumbent on Council to have some sort of control and review process. It was agreed the resolution would be modified and re-presented at a later date.

PROPOSED RESOLUTION
(attached)

(11) First reading of an ordinance allocating \$14,000 in CDBG funds to accept a bid for engineering consultant services. The ordinance was accepted for first reading; it was noted that second reading will be held at a Special Meeting on February 19.

PROPOSED ORDINANCE
(attached)

(12) Ride-On Bus Public Hearing. Councilmember Iddings presented material for the upcoming hearing compiled by the Traffic Committee which included background material, proposed resolutions for consideration at the hearing, and option outlines. He stated that County Transportation Director McGary received the Traffic Committee's initial report but had not been provided a copy of the current material, which will be forwarded. The Mayor emphasized that Mr. McGary should receive copies of everything pertinent to the issue. Councilmember Iddings reminded of the consensus that at the end of the Ride-On hearing each group would be allotted 5 minutes to summarize their position, the agenda should reflect that; said copies of the material packet would be forwarded to leaders of each faction. Following lengthy discussion of the proposed resolutions, Councilmembers Aldrighetti and Bradley both commented on the additional workload several of them would place on staff with no deadline stated and no priority assigned; mention was made that the

budget process would soon be commencing as well as other priority work items; Mayor Abbott emphasized that the first resolution (Section 1) stating the City's opposition to the proposed rerouting should be totally separated from any of the others; other points grouped according to what they address, i.e., noise, etc.; he pointed out that with numerous issues lumped in one resolution, hours would likely be spent in discussing, making motions and amending. Mr. Iddings pointed out that the committee was split on some issues such as possible removal of Maple Avenue speed humps, thus the recommendation in one of the proposed resolutions that they be reevaluated in terms of the ordinance and what they accomplish. Following additional dialogue between Councilmembers Aldrighetti and Iddings concerning use of staff time and cost analyses of committee recommendations, Mr. Gagliardo responded to a reference made to expenditure of his time with the explanation that once a month the Mayor and Council and City Administrator get a report from his office detailing each item of work and the amount of time spent thereon. Mr. Aldrighetti reiterated a wish to see a cost analysis of staff time required to accomplish tasks set forth in the resolutions prior to voting; Councilmember Bradley reiterated the lack of priorities being set for staff, the unrealistic number of tasks set for the number of personnel, and the accumulated comp leave balance already being carried. Councilmember Aldrighetti suggested development of a form to be used to request staff time with routing through the Mayor for his approval, providing a certain amount of control over use of staff time; Councilmember Bradley commented that feedback from staff would be required for that to be successful. Mr. Aldrighetti asked that staff within the next two weeks develop a procedure parallel to that used for the City Attorney's time for Council to efficiently funnel work to City staff. The Mayor stated that should be addressed as a part of the budget process; Councilmember Bradley concurred; she asked whether the question of removing speed humps from Maple Avenue is going to be reopened as suggested in the resolutions.

Mayor Abbott commented on budget-related discussions scheduled for upcoming meetings prior to the administratively requested budget being presented; thought what should first be supplied is a general statement on how the budget is going including facts such as that the City must this year start paying on the accrued pension fund liability, added expenditures for step increases for employees, and cost-of-living; thought the budget would hit \$5,000,000 this year; Mr. Wilson commented it is intended to include such a statement in the mid-year financial statement to be presented February 19; he also remarked on the fact there may be close to \$1,000,000 in funds the City won't have this year, such as Revenue Sharing, CDBG, and others and that strict budget controls will have to be implemented; he enumerated some of those losses in revenue and commented on City liabilities.

Councilmember D'Ovidio commented that the Board of Education will be hearing testimony on the 15 Year Facilities Plan on February 26; City is on the agenda (Mr. D'Ovidio writing the material for PEAC, which will be forwarded to Council for their review and comment). The Mayor referred to the upcoming hearing on the Bill pending in the legislature which would permit Prince George's residents of the City to attend Montgomery College and pay resident tuition; Councilmember Bradley moved resolving to support that Bill and that it be expressed as a unanimous decision by Mayor and Council, duly seconded by Councilmember Dalmat; carried.

Upon motion, duly seconded, the meeting adjourned at 12:49 A.M., to reconvene in regular session on February 25, 1985, at 8:00 P.M.

Introduced by:
Councilmember D'Ovidio

First reading: 1-28-85
Second reading: 2-11-85

ORDINANCE NO. 1985-12

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

- SECTION 1. THAT residents of the 7300 block of Baltimore Avenue have petitioned the Mayor and Council to include that block in the Special Impact Area, Parking Permit Area #1A; AND
- SECTION 2. THAT the petition meets the criteria set forth in Ordinance No. 2549 which established the Special Impact Area.
- SECTION 3. THEREFORE THAT Ordinance No. 2549, adopted February 9, 1981, be amended by the addition of a new section (b), under Sec. E. Special Impact Area: Parking Permit Area #1A, to read as follows:
- (2) That a Special Impact Area, Parking Permit Area #1A, is hereby established and, except where otherwise designated, parking on the following streets shall be restricted to vehicles displaying a proper Special Impact Area permit between the hours of 8:00 AM to 5:00 PM, Monday through Friday:
 - (a) Takoma Avenue, between Piney Branch Road and Baltimore Avenue;
 - (b) Baltimore Avenue, from its intersection with Takoma Avenue through 7324 and 7329 Baltimore; AND
- SECTION 4. THAT this ordinance shall become effective upon adoption and the issuance of the required permits; AND
- SECTION 5. THAT the penalty for violation of this ordinance shall be as stated in Sec . 13.63.1(i), Code of Takoma Park, Md., 1972, as amended

ADOPTED BY THE CITY COUNCIL FEBRUARY 11, 1985.

Note: Underscoring denotes addition.

Introduced by:

1st reading: 2-4-85
2nd reading: 2-11-85

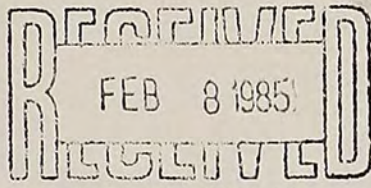
ORDINANCE NO. 1985- 13

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

- SECTION 1. THAT the fiscal year 1985 City Budget set aside Revenue Sharing Funds for the purchase of a communications system for the Police Department; AND
- SECTION 2. THAT bids were previously solicited, with the two bids received having been rejected by the Mayor and Council because of the manufacturers' involvement in nuclear weapons production; AND
- SECTION 3. THAT it has been determined that the Police Department is in need of technical assistance in updating the bid specifications so as to obtain a state of the art system meeting all technical and performance requirements, as well as the requirements stated in Section 2 of this ordinance; an additional need is for technical assistance in the preparation of an application for an FCC license; AND
- SECTION 4. THAT a proposal to perform the tasks outlined in Section 3 above has been received from ATRC R.F. Communications, Annapolis, Md. for the sum of \$995.00, AND
- SECTION 5. THAT ATRC R.F. Communications has submitted the required notarized statement certifying that company is not involved in the nuclear weapons industry or the sale of merchandise produced by companies so involved; AND
- SECTION 6. THEREFORE THAT the City Administrator is hereby authorized to enter into a contract with ATRC R. F. Communications for the preparation of an application for an FCC license and updating bid specifications, as described above, for the sum of NINE HUNDRED NINETY-FIVE DOLLARS (\$995.00).
- SECTION 7. FURTHER THAT funds to cover this service in the amount of \$995.00 be appropriated from the capital expenditures account, No. 995, and posted to the Revenue Sharing Account.

ADOPTED BY THE CITY COUNCIL FEBRUARY 11, 1985.

CITY OF TAKOMA PARK



TAKOMA PARK, MD.

ORDINANCE NO. _____

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

THAT Ordinance No. 2599, relating to the addition of a new article 2A, entitled "Ethics" to Chapter 2 of the Code of Takoma Park, Maryland, be repealed in its entirety and that the following provisions be enacted simultaneously in its place.

Section 1. Short title

This ordinance may be cited as the City of Takoma Park Public Ethics Ordinance.

Section 2. Statement of purpose and policy.

(a) The City of Takoma Park, recognizing that our system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgement of public officials and employees will be maintained.

(b) It is evident that this confidence and trust is eroded when the conduct of the City's business is subject to improper influence and even the appearance of improper influence.

(c) For the purpose of guarding against improper influence, the Mayor and City Council of the City of Takoma Park enact this Public Ethics Ordinance to require City officials and employees to disclose their financial affairs and to set minimum standards for their conduct of City business.

(d) It is the intention of the Mayor and Council that this chapter, except its provisions for enforcement, be liberally construed to accomplish this purpose.

Section 3. Definitions.

The words used in this chapter shall have their normal accepted meanings except as set forth below:

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

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

(c) "Doing business with" means:

(I) Having or negotiating a contract that involves the commitment (either in a single or combination of transactions) of controlled funds; or

(II) Being regulated by or otherwise under the authority of an entity; or

(III) Lobbying as defined in Section 8 of this ordinance.

(d) "Financial interest" means:

(I) Ownership of any interest as the result of which the owner has received, within the past 3 years, or is presently receiving, or in the future is entitled to receive, more than \$1,000 per year; or

(II) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3 percent of a business entity.

(e) "Gift" means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with the provision of Article 33, Sections 26-1 et seq., Annotated Code of Maryland, or any other provision of State or local law regulating the conduct of elections or the receipt of political campaign contributions.

(f) "Interest" means any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, which was or is owned or held, in whole or in part, jointly or severally, directly or indirectly. For purposes of Section 6 of this ordinance, "interest" applies to any interests held at any time during the calendar year for which a required statement is to be filed. "Interest" does not include:

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

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

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

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

(g) "Lobbying" means:

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

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

(h) "Official" and/or "employee" means (i) any person elected or appointed to any public office of the City; or (ii) any employee (whether designated as an employee or an independent contractor) of the City or any person appointed to any agency, board, or commission or similar entity, whether or not paid in whole or in part with City funds and whether or not compensated.

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

Section 4. Administration

(a) The City Clerk shall be the custodian of all forms submitted by any person in accordance with this ordinance.

(b) Any official or other person subject to the provisions of this ordinance may request the Corporation Counsel for an advisory opinion concerning the application of this chapter. The Corporation Counsel shall respond promptly to these requests, providing interpretations of this chapter based on the facts provided or reasonably available to him or her. Copies of these interpretations with the identity of the subject deleted, shall be kept in the office of the City Clerk and made available to the public in accordance with any applicable law regarding public records.

(c) Complaints. Any person may file with the City Clerk a complaint alleging a violation of any of the provisions of this ordinance. These complaints shall be written and under oath, and shall be referred to the Corporation Counsel for investigation and review. If the Corporation Counsel determines that a violation has not occurred or that there are insufficient facts upon which to base a determination of a violation, that finding shall be filed with the City Clerk and the complainant shall be so advised. If the Corporation Counsel shall determine that there is a reasonable basis for believing a violation has occurred, then the subject of the complaint shall be afforded an opportunity for a hearing conducted by the Mayor and Council in accordance with established rules for the conduct of administrative proceedings on the record. Any member of the Council or the Mayor who is the subject of a complaint shall not participate in the hearing as a member of the hearing body. Any formal determination resulting from the hearing shall include findings of fact and conclusions of law. Upon the finding of a violation, the Mayor and City Council may take any enforcement action provided for in accordance with Section 8 of the ordinance. After a complaint is filed and until a final determination by Corporation Counsel or the Mayor and Council, all actions regarding a complaint shall be treated confidentially.

Section 5. Prohibited conduct and interests.

(a) Participation Prohibitions. Except as specifically permitted by a resolution of the Mayor and Council or by an opinion of the Corporation Counsel, and when this involvement is disclosed and when this involvement does not create a conflict of interest or appearance of conflict, an official or employee may not participate in:

(I) Any matter, except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to that matter, if, to his knowledge, he or she, his or her spouse, parent, child, brother, or sister has an interest therein.

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

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

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

(C) Any business entity with which he or

she or, to his or her knowledge, any of the relatives listed in Paragraph (I) of this section is negotiating or has any arrangement concerning prospective employment;

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

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

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

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

(b) Employment Restrictions.

(I) (A) Except as permitted by a resolution of the Mayor and Council or by an opinion of the Corporation Counsel, and when such interest is disclosed and when this employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

(i) Be employed by, or have a financial interest in, any entity subject to his or her authority or that of the City, agency, board, or commission with which he or she is affiliated or any entity which is negotiating or has entered a contract with that agency, board, or commission; or

(ii) Hold any other employment relationship which would impair the impartiality or independence of judgment of the official or employee.

(B) This prohibition does not apply to:

(i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a requirement that persons subject to the jurisdiction of the authority be represented in appointments to it;

(ii) Subject to other provisions of law, including this ordinance, a member of a commission in regard to a financial interest or employment held at the time of appointment, provided it is publicly disclosed to the appointing authority; or

(iii) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted and in accordance with any resolutions adopted by the Mayor and Council.

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

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

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

(d) Solicitation or Acceptance of Gifts.

(I) An official or employee may not solicit any gift.

(II) No official or employee may knowingly accept any gift, directly or indirectly, from any person that he or she knows or has reason to know:

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

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

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

(A) Meals and beverages;

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

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

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

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

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

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

(H) Honoraria.

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

(f) Exemptions and Waivers. The Mayor and Council, may, after consultation with the Corporation Counsel, grant exemptions to or modifications of this section as to persons serving as members of City agencies, boards, commissions and similar entities, when it finds that the application of this section would constitute an unreasonable invasion of privacy and would significantly reduce the availability of qualified persons for public service and if it also finds that the exemption or modification would not be contrary to the purposes of this chapter.

Section 6. Financial Disclosure.

(a) (I) Every official and employee shall file, on or before the time specified in Subsection (b) (I) hereof, a disclosure statement of the receipt of gifts by that official or employee during the preceding year or other time period specified in Subsection (b) (I). Such disclosure statement shall consist of a schedule of each gift in excess of \$50 in value or a series of gifts totalling \$100 or more from any one person received at any time during the year for which the statement is filed by the person making the statement, or by any other person at the direction of the person making the statement, from, or on behalf of, directly or indirectly, any person who does business with the City, provided, however, that neither gifts received from the spouse, children, or parents of the person making the statement need be disclosed. This schedule, as to each such gift, shall include:

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

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

(II) In addition, any official or employee shall file a full financial disclosure statement when an anticipated action by the official or employee will present a potential conflict with his or her personal interest and then sufficiently in advance of the action to provide adequate disclosure to the public. Such disclosure statement shall contain a full and complete statement of all facts, including a complete description of the nature and extent of the employee's financial interest(s) which present a potential conflict of interest.

(b) (I) Each incumbent official and employee identified in Subsection (a) (I) hereof shall file under oath or affirmation with the Commission on or before the 30th day of April of each year during that person's term in office, the statement required by this section, for the calendar year immediately preceding each such year in office. An official or employee who has not filed the required statement and who is appointed to fill a vacancy to a position listed in

Subsection (a) (I) hereof shall file a statement covering the calendar year in which he is appointed within 30 days after appointment.

(II) Except for an official or employee who has filed a statement pursuant to subsection (b) (I) above for the same year or portion of the same year for which a statement otherwise would be required to be filed by this subsection, each candidate for nomination for, or election to, an office as an official or employee identified in Subsection (a) hereof shall file under oath or affirmation with the City Clerk, within one week of his nomination, together with his certificate of candidacy, the statement required by this section, for the calendar year immediately preceding.

(c) All statements filed pursuant to this section shall be maintained by the City Clerk and shall be made available, during normal office hours, for examination and copying by public, subject, however, to such reasonable fees and administrative procedures as the Mayor and Council may establish from time to time. The forms shall be retained for 4 years from the date of receipt. Any person examining or copying these statements shall be required to record his name, home address, and the name of the person whose disclosure statement was examined or copied. This record shall be forwarded upon request to the person whose disclosure statement is so examined or copied.

(d) Except as otherwise specifically provided herein, all statements filed pursuant to this section shall be on a form or forms developed by the City Clerk with the assistance of the Corporation Counsel.

(e) The statements submitted pursuant to this section shall be reviewed by the City Clerk for compliance with the provisions of this section, and officials and employees shall be notified of any omissions or deficiencies. The Corporation Counsel shall refer evidence of any non-compliance with this section to Mayor and Council for appropriate action.

(f) Exemptions and Waivers. The Mayor and Council, may, after consultation with the Corporation Counsel, grant exemptions to or modifications of this section as to officials or employees serving as members of City agencies, boards, commissions and similar entities, when it finds that the application of this section would constitute an unreasonable invasion of privacy and would significantly reduce the availability of qualified persons for public service and if they also find that the exemption or modification would not be contrary to the purpose of this ordinance.

Section 7. Lobbying Disclosure

(a) Any person who personally appears before any city official or employee with the intent to influence that person in the performance of his official duties and who in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of two hundred dollars (\$200.00) on food, entertainment or other gifts for such officials or employees, shall file a registration statement as a lobbyist with the City Clerk.

(b) The registration statement required in Section (a), above, shall be filed with the Clerk not later than five days after first performing any act requiring registration under this section, and shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposed to conduct lobbying activities.

(c) Registrants under this section shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of any food, entertainment or other gifts provided to a city official or employee. When a gift or series of gifts to a single official or employee exceeds twenty-five dollars (\$25.00) in value, the official or employee shall also be identified.

(d) All statements filed pursuant to this section shall be maintained by the City Clerk and shall be made available, during normal office hours, for examination and copying by the public, subject, however, to such reasonable fees and administrative procedures as the Mayor and Council may establish from time to time. The forms shall be retained for 4 years from the date of receipt. Any person examining or copying these statements shall be required to record his name, home address, and the name of the person whose disclosure statement was examined or copied. This record shall be forwarded upon request to the person whose disclosure statement is so examined or copied.

(e) All statements filed pursuant to this section shall be on a form developed by the City Clerk with the assistance of the Corporation Counsel.

Section 8. Enforcement.

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

action arises from or concerns the subject matter of the conflict and if the legal action is brought within ninety (90) days of the occurrence of the official action, if the court deems voiding the action to be in the best interests of the public, Provided, however, that the court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidence of public obligation.

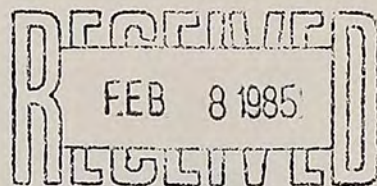
(b) Any violation of this ordinance shall constitute a municipal infraction, the penalty for which shall be One Hundred Dollars (\$100.00) for each initial violation and Two Hundred Dollars (\$200.00) for each repeat or continuing violation, or such other greater amounts as may be the permissible maximums under state law.

(c) Any person who knowingly and intentionally violates the provisions of this article is guilty of a misdemeanor and, upon conviction, is subject to a fine of not more than \$500.00. If the person is a business entity and not a natural person, each officer and partner of the business who knowingly and intentionally authorized or participated in the violation is guilty of a misdemeanor and, upon conviction, is subject to the same penalties as the business entity.

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

(e) Any person who is subject to the provisions of this chapter shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to complete and substantiate any reports, statements, or records required to be made pursuant to this chapter for 3 years from the date of filing the report, statement, or record containing these items. These papers and documents shall be available for inspection upon request by the Mayor and Council after reasonable notice.

CITY OF TAKOMA PARK



CHARTER AMENDMENT

RESOLUTION NO. _____

ORDINANCE NO. _____

WHEREAS, the Mayor and City Council have, after deliberation, concluded that Sections 1.7(a) and (b) of the City Charter, contain an enumeration of the City's express powers which is antiquated and no longer accurately describes the present authority and responsibilities of the municipality; and

WHEREAS, it is necessary to amend the above sections of the City Charter to enumerate all those powers expressly granted to the municipality under the laws of the State of Maryland; and to make it clear that the City has and will continue to exercise the full range of powers and functions not denied to it by the Constitution or Laws of the State of Maryland or by other provisions of its Charter.

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

SECTION 1. THAT Sections 1.7(a), and (b), (c) and (k) of the City Charter be repealed and that new Sections 1.7(a), (b) and (c) be enacted to read as follows:

Section 1.7 Powers; and other matters.

(a) General powers. The City Council shall have the power to pass all such ordinances and regulations not contrary to the Constitution of the State of Maryland or prohibited by the laws of Maryland or this charter, which the council may deem necessary and beneficial to the citizens of Takoma Park and for the good government of the city, including, but not limited to those designed:

1. To protect and promote the health, safety, comfort, convenience, welfare, happiness, education, employment, and the economic security of the citizens of Takoma Park;
2. To ensure democratic government and due process;
3. To preserve peace and good order;
4. To ensure equal access to justice;

5. To prohibit all forms of invidious discrimination;

6. To protect and preserve the property, rights and privileges of the city and of its citizens; and

7. To secure persons and property from violence, danger and destruction.

(b) Specific powers. The council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes provided in the remaining subsections of this section:

1. Administrative agencies and procedures. To provide for the establishment of administrative agencies, boards and commissions, and for administrative procedures, including rule making and quasi-judicial decision-making by such agencies, provided, however, that any such agency shall provide due process substantially equivalent to that provided by the Maryland Administrative Procedure Act, Title 10, State Government Article, Annotated Code of Maryland, as the same shall be amended from time to time;

2. Advertising. To provide for advertising for the purposes of the City, for printing and publishing statements as to the business of the City.

3. Amusements. To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

4. Appropriations. To expend municipal funds for any public or community purpose deemed to be public and to affect the safety, health and general welfare of the municipality and its occupants.

5. Auctioneers. To regulate the sale of all kinds of property at auction within the City and to license auctioneers.

6. Band. To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.

7. Billboards. To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the city, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the City.

8. Bridges. To erect and maintain bridges.

9. Buildings. To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the City, and to grant building permits; and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

10. Cable Communications Systems. To provide for the regulation, installation, operation and removal of cable television and other cable communications systems; and to operate a cable television station and studio;

11. Cemeteries. To regulate or prohibit the interment of bodies within the City and to regulate cemeteries.

12. Codification of ordinances. To provide for the codification of all ordinances.

13. Commercial or industrial redevelopment projects. To make use of federal or State financial assistance or other public or private funds for commercial or industrial redevelopment projects, for the purpose of making grants, loans or guaranteeing loans to private entities;

14. Commercial District Management Authority. To establish a commercial district management authority for any commercial district within the City's geographical limits, in accordance with the laws of the State of Maryland; provided, that the authority granted by this subsection may be used only for commercial or industrial redevelopment projects and may not be used for residential or housing projects.

15. Collective Bargaining. To provide for a system of collective bargaining for employees of the City;

16. Community Services. To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the City.

17. Cooperative Activities. To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

18. Corporate Name. To change the corporate name of the municipality, provided that no such change shall affect any rights, duties or obligations held by the municipi-

pality; and provided further that such ordinance shall first be submitted to and approved by the qualified voters of the municipality at a regular or special municipal election.

19. Curfew. To prohibit the youth of the City from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

20. Dangerous Improvements. To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

21. Departments. To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this charter; to assign additional functions or duties to offices, departments, or agencies established by this charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this charter to a particular office, department, or agency.

22. Dogs. To regulate the keeping of dogs in the City and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of them; to provide for the disposition of homeless dogs and of dogs on which no license fee or taxes are paid.

23. Elevators. To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

24. Emergency Services. To provide for the recovery of costs of evacuation, rescue, emergency repairs and other emergency services necessitated by the negligent or intentional wrongful acts or omissions of any person or entity and to assess the expenses thereof against any property within the municipal limits of the City and to make such charges constitute a lien upon such property to be collected in the same manner as municipal taxes.

25. Environmental Protection. To provide for the protection, promotion and preservation of the natural environment, including but not limited to trees, plants, animals, rivers and streams, watersheds and air;

26. Explosives and Combustibles. To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

27. Fees and Charges. Subject to the

limitations imposed by the Constitution and laws of the State of Maryland, establish and collect reasonable fees and charges: (i) for the franchises, licenses, or permits authorized by law to be granted by a municipal corporation; or (ii) associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation.

28. Finances. To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the City and to designate by ordinance or resolution the banks or trust companies of this State in which shall be deposited all funds belonging to the municipality.

29. Fire. To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the City; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of City fire-hazard regulations are met; to install and maintain fireplugs where and as necessary, and to regulate their use and to take all other measures necessary to control and prevent fires in the town.

30. Food. To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of, any food products.

31. Franchises. To grant franchises as provided under existing public general or public local laws; to grant one or more exclusive or nonexclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley, or bridge, to impose franchise fees, and to establish rates, rules, and regulations for franchises granted under this section.

32. Garbage. To regulate or prevent the throwing or depositing of any dirt, garbage, trash, liquids or any unwholesome substance in any public place and to provide for the proper disposal of such material.

33. Grants-in-aid. To accept gifts and grants of federal or of State funds from the federal or State governments or any agency thereof, and to expend the funds for any lawful purpose, agreeably to the conditions under which the gifts or grants were made.

34. Hazardous Materials. To provide for the regulation of the manufacture, storage and transport of hazardous materials, including but not limited to toxic chemicals and waste and nuclear material and waste;

35. Health. To protect and preserve the health of the City and its inhabitants; to prevent the introduction of contagious diseases into the City; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the Secretary of Health and Mental Hygiene, the county board of health, or any public general or local law relating to the subject of health.

36. Historic Preservation. To provide for the preservation, maintenance, restoration, rehabilitation and promotion of historic sites and structures;

37. House Numbers. To regulate the numbering of houses and lots and to compel owners to renumber them, or in default thereof to authorize and require the work to be done by the City at the owner's expense, such expense to constitute a lien upon the property collectible as tax moneys.

38. Jail. To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the City and other laws or to use the county jail for such purpose.

39. Legislation. To sponsor, promote and otherwise advance legislation at any level including County, State, and Federal; and to expend funds and resources for the same PROVIDED HOWEVER, that no funds shall be expended unless (1) they have first been duly appropriated; (2) the sponsorship, promotion or advancement of such legislation has first been approved by a resolution passed by a majority of the Council present and voting, and (3) such legislation will benefit the interest of the City.

40. Library. To establish, operate and maintain a library.

41. Licenses. To exercise the licensing authority granted to municipalities by the Constitution and laws of the State of Maryland; and to establish and collect fees and charges for all licenses and permits issued under the authority of this charter.

42. Liens. To provide that any valid charges, taxes, or assessments made against any real property within the town shall be liens upon the property, to be collected as municipal taxes are collected.

43. Lights. To provide for the lighting of the City.

44. Markets. To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the City.

45. Merit System. To establish a merit system in connection with the appointment of all municipal officials and employees not elected or appointed under the Constitution or public general or public local laws of the State.

46. Minor Privileges. To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.

47. Municipal Infractions. To provide a violation if any ordinance shall be a municipal infraction.

48. Noise. To regulate or prohibit unreasonable emanations of sound or noise within the limits of the City.

49. Nuisances. To prevent or abate by appropriate ordinance all nuisances in the City which are so defined at common law, by this charter, or by the laws of the State of Maryland, whether they be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the City of all trading in, handling of, or manufacture of any commodity, or any other activity which is or may become offensive, obnoxious, or injurious to the public comfort or health, to compel the owner(s) or occupant(s) of any premises or building within the limits of the City to abate any nuisance and to repair and restore the property to its condition prior to the activity constituting a nuisance; and after reasonable notice to the owner(s) or occupant(s) to authorize such abatement to be made and/or such work to be done by the proper City employees or officials and to assess the expenses thereof against the property; and to make such charges a lien upon such property, to be collected in the same manner as municipal taxes or to make such charges collectable against the occupant(s) of said property.

50. Obstructions. To remove all nuisances and obstructions from the streets, lanes, and alleys and from any lots adjoining thereto, or any other places within the limits of the City; to compel the owner(s) or occupant(s) of any premises or building within the limits of the City to abate any nuisance and to repair and restore the property to its condition prior to the activity constituting a nuisance;

and after reasonable notice to the owner(s) or occupant(s) to authorize such abatement to be made and/or such work to be done by the proper City employees or officials and to assess the expenses thereof against the property; and to make such charges a lien upon such property, to be collected in the same manner as municipal taxes or to make such charges collectable against the occupant(s) of said property.

51. Parking Facilities. To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off-street parking.

52. Parking Meters. To install parking meters on the streets and public places of the City in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof; but the installation of parking meters on any street or road maintained by the State Highway Administration must first be approved by the Administration.

53. Parks and Recreation. To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the town.

54. Pensions and Retirement Systems. To provide a retirement or pension system or a group insurance plan for its officers or employees or for including its officers and employees in any retirement or pension system operated by or in conjunction with the State, on such terms and conditions as State laws may prescribe.

55. Police Force. To establish, operate, and maintain a police force. All town police officers, within the municipality shall have the powers and authority of constables in this State.

56. Police Powers. To prohibit, suppress, and punish within the City all vice, gambling, and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness; and to enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of the municipality and beyond those limits for one half mile, or for so much of this distance as does not conflict with the powers of another municipal corporation; to offer and pay rewards for information relating to criminal activity committed within the municipality.

57. Property. To acquire by conveyance, purchase, or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the

benefit of the town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect, and maintain public buildings, grounds, and property of the town; and to take by gift, rent, bequest, or devise and to hold real and personal property absolutely or in trust for parks or gardens, or for the erection of statues, monuments, buildings, or structures, or for any public use, upon such terms and conditions as may be prescribed by the grantor or donor, and accepted by the municipality; to provide for the proper administration of the same; and to convey the same when such legislative body determines that it is no longer needed for public purposes, subject to the terms and conditions of the original grant.

58. Quarantine. To establish quarantine regulations in the interest of the public health.

59. Regulations. To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this charter.

60. Rental Housing and Landlord-Tenant Matters. To provide for the regulation of rental housing, including but not limited to the regulation and control of rents, evictions, security deposits, the contents of lease agreements, conditions of all tenancies, physical condition and maintenance of properties; the licensing of rental units and landlords; the conduct of regular and special inspections for the enforcement of the City's housing codes and other ordinances; and all other necessary and appropriate enforcement measures.

61. Rewards. To offer and pay rewards for information relating to criminal activity committed within the municipality.

62. Salaries. To fix the salary or compensation of all municipal officers and employees.

63. Seal. To make, have and use, and from time to time, alter, a common seal.

64. Sidewalks. To regulate the use of sidewalks and all structures in, under, or above them; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions.

65. Taxicabs. To license, tax, and regulate public taxicab operations, drivers, porters and all other

persons pursuing like occupations.

66. Voting Machines. To purchase, lease, borrow, install, and maintain voting machines for the use in City elections.

67. Ward Redistricting. To provide for the redistricting of the wards of the City; provided, however, that the number of wards shall be as set forth in this charter; wards shall be as nearly equal in population as is practicable and consistent with the principle of one person/one vote, wards shall be geographically contiguous, ward boundaries shall to the extent practicable recognize natural boundaries, and no ward shall be gerrymandered to ensure the election or defeat of any incumbent, candidate or potential candidate.

68. Zoning. To exercise the powers as to planning and zoning conferred upon municipal corporations generally by the laws of the State of Maryland.

(c) Saving Clause. The enumeration of powers in this section is not to be construed as limiting the powers of the City to the subjects mentioned above. In addition to all the powers granted to the Council by this Charter or any other provision of law, the City Council may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this Charter, or any applicable law passed by the General Assembly of Maryland. The enumeration of powers and functions in this Charter or elsewhere shall not be deemed or construed to limit the power and authority granted by this section 1.7(c).

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

Introduced by:
Councilmember D'Ovidio

1st reading: 2-11-85
2nd reading:

ORDINANCE NO. 1985-

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

- SECTION 1. THAT the parking restrictions near the southeast corner of Piney Branch Road, just north of Eastern Avenue, be removed, said restrictions presently being attached to two unnumbered Pepco poles, one in front of 7307 Piney Branch Road, the other at the property line between 7301 and 7303 Piney Branch Road; AND
- SECTION 2. THAT a sign reading "No Parking from Here to Corner" be installed on the east side of the 7300 block of Piney Branch Road forty feet (40') from that street's intersection with Eastern Avenue, said location being the distance from an intersection prescribed by Sec. 13-63(a)(4) of the City Code: AND
- SECTION 3. THAT the penalty for violation of Section 2 of this ordinance shall be as prescribed in Sec. 13-64.2 of the Code of Takoma Park, Md., 1972, as amended.

Introduced by:
Councilmember Dalmat

1st reading: 2-11-85
2nd reading:

ORDINANCE NO. 1985-

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

- SECTION 1. THAT whereas it has been reported to the Mayor and Council by the City Administrator and the Fire Marshal of the City that the building named in Section 2, below, is unfit for human habitation and is in such condition as to constitute an immediate and present danger to life, property and public safety; AND
- SECTION 2. THAT the building referred to in Section 1, above, is located at 7114 Sycamore Avenue, on Lot 10, Block 21, B. F. Gilbert's Subdivision, within the City of Takoma Park, Maryland, and recorded among the Land Records of Montgomery County in Liber 6164 at Folio 364, Tax Record A/C #13251059410, Richard C. Burdine, owner of record; AND
- SECTION 3. THAT the building referred to in Sections 1 and 2, above, is presently in violation of the Fire Safety Code of the City of Takoma Park, Md. and in violation of the following sections of the Housing Code: Secs. PM-302.3.1; PM-302.3.2; PM-302.4; and PM-301.5; AND.
- SECTION 4. THAT certain members of the City staff have inspected the building referred to above and have verified the conditions to be as reported.
- SECTION 5. THEREFORE THAT the Mayor and Council hereby designate the building located at 7114 Sycamore Avenue as unfit for human habitation and hereby authorize that legal proceedings be instituted under authority of Article 6, Chapter 6, Code of Takoma Park, Md., 1972, as amended, and the Fire Prevention Code, known as Chapter 5 of the Code of Takoma Park; AND
- SECTION 6. THAT the date of March 25, 1985, at 8:00 PM, in the Council Chamber of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland, has been set as the time and the place for a hearing as to the condition of the aforementioned building, and Richard C. Burdine shall on that date, or before, show cause as to why the building at 7114 Sycamore Avenue should not be declared a nuisance; AND
- SECTION 7. THAT the City Clerk is hereby instructed to give notice within ten days of adoption of this ordinance to all persons known to be involved in these proceedings, in accordance with the provisions of Article 6, Chapter 6 of the City Code.

INTRODUCED BY:

RESOLUTION NO. 1985-

WHEREAS, the City Charter and Code of Takoma Park, Maryland authorized the appointment of committees by the Mayor; AND

WHEREAS, it is the desire of the Mayor and Council to encourage citizen participation in the form of active committees/councils that relate to the provision of City services; AND

WHEREAS, it is also the desire of the Mayor and Council to encourage the involvement of new persons on City committees and/or councils.

NOW, THEREFORE, BE IT RESOLVED that all committees/councils now functioning will be evaluated on an annual basis to determine their usefulness, and reappointments will be made at the discretion of the Mayor, with confirmation by the City Council, except as specifically provided by ordinance with specific timetables for reappointments.

INTRODUCED BY:

1st reading: 2-11-85

2nd reading:

ORDINANCE NO. 1985-

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

SECTION 1. THAT it has been determined the City is in need of consultant engineering services for the current year's Community Development Block Grant Street Improvement Project; AND

SECTION 2. THAT Gilford & Chase, Inc. have been selected to provide those engineering services by Ordinance enacted January 14th.

SECTION 3. THEREFORE THAT the Mayor and Council does authorize the City Administrator or his designee to accept the contract offered by Gilford & Chase to provide Engineering Services for the contract amount of \$14,000.