

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

March 25, 1985

AGENDA

CALL TO ORDER: Mayor Abbott

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

PLEDGE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Resolution: retirement of Sgt. Werner P. Winkler
2. Resolution: requesting designation of SSI Neighborhood Park as Etta Mae Davis Park
3. Proclamation: International DeMolay Week
4. Other presentations and comments by Mayor Abbott

READING AND APPROVAL OF THE MINUTES OF MARCH 11, 1985

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

- (1) Administrative reports and correspondence
- (2) Special Exception S-1109, to permit the use of an existing apartment as an accessory apartment at 7515 Carroll Avenue (Public Hearing: 4-4-85, 9:00 AM, Werner County Office Building, Rockville)
Citizens' comments
Council action
- (3) Special Exception S-1115, to permit the use of an existing apartment as an accessory apartment, 248 Park Avenue (Public Hearing: 4-4-85, 10:30 AM, WCOB)
Citizens' comments
Council action
- (4) Special Exception S-1118, use of an existing apartment as an accessory apartment, 706 Maplewood Avenue (Public Hearing: 4-11-85, 1:30 PM, WCOB)
- (5) Show cause hearing as to why the structure at 7114 Sycamore Avenue should not be declared a nuisance
Citizens' comments
Council action
- (6) Second reading of an ordinance to repeal and reenact Article 2A, "Ethics," Chapter 2, City Code
Citizens' comments
Council action
- (7) Selection of Takoma Junction design and engineering consultant
Citizens' comments
Council action
- (8) Second reading of an ordinance amending Fiscal Year-1985 City Budget, including proposed use of Federal Revenue Sharing Funds
Citizens' comments
Council action
- (9) Second reading of an ordinance authorizing installation of speed humps on Baltimore Avenue (between 7329 and 7401 and 7418 and 7420 Baltimore Ave.)
Citizens' comments
Council action

- (10) Second reading of an ordinance amending Ordinance No. 2608, Historic Preservation Committee, to provide two-year terms, remove limitation on number of terms, and set specific dates for appointments
Citizens' comments
Council action
- (11) Second reading of an ordinance authorizing Recreation Department to employ professional services of Interprofessional Planning and Design Ltd. for design, construction coordination, etc., of development of Project Open Space park on Eastridge Avenue
Citizens' comments
Council action
- (12) Second reading of an ordinance authorizing Recreation Department to employ professional services of the Landscape Group for design, construction coordination, etc., of development of POS park on Jackson Ave.
Citizens' comments
Council action
- (13) Ordinance accepting bid on Public Works dump truck, using Revenue Sharing Funds
Citizens' comments
Council action
- (14) First reading of an ordinance amending Sec. 6-2 and 6-68, Chapter 6, "Housing," City Code, to apply BOCA Code to exterior of single-family owner-occupied dwelling houses, using municipal infractions
Citizens' comments
First reading
- (15) First reading of an ordinance extending condominium conversion law to Prince George's section of the city
Citizens' comments
First reading
- (16) First reading of Landlord Licensing Ordinance
Citizens' comments
First reading

NOTE: The following public hearings will be held at the April 8 Council meeting, beginning at 8:00 PM:

- Proposed charter amendment to repeal and reenact subsections (a), (b), (c) and (k) of Sec. 1.7, "Powers"
- Takoma Junction Revitalization Area facade design standards ordinance
- Petition from residents of eastern sections of the City to provide parking spaces within walking distance of the Metro station

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
March 25, 1985

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Habada
Councilmember Bradley	Ec. & Comm. Dev. Coordinator Neal
Councilmember Dalmat	Asst. Housing Director Austin
Councilmember D'Ovidio	Police Chief Fisher
Councilmember Haney	Recreation Director Ziegler
Councilmember Iddings	Corporation Counsel Gagliardo
EXCUSED: Councilmember Williams	Asst. Corporation Counsel DeNovo

The Mayor and City Council of Takoma Park met at 8:22 P.M. on March 25, 1985, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, Councilmember Haney presented Sgt. Werner P. Winkler of the Police Department, who is retiring on March 29, with a resolution honoring him for his twenty years of devoted service to the city. A resolution was read by Councilmember D'Ovidio, directed to Maryland-National Park & Planning Commission, requesting that SSI Neighborhood Park be renamed "Etta Mae Davis Park" in commemoration of the late Mrs. Davis, a citizen activist and longtime resident of the city. It is hoped this will set a precedent for a program of naming City parks in honor of citizens who have rendered outstanding service to the community. Rodney Davis spoke briefly of his late wife and her community activities. Councilmember D'Ovidio moved that the resolution be forwarded to Mr. Christeller at Park & Planning with a cover letter indicating the City's strong support for the requested re-naming; duly seconded, carried unanimously. Councilmember Aldrighetti commented on Mrs. Davis being one of the initiators of neighborhood preservation. Councilmember Iddings presented a proclamation to Samuel Gompers-Benjamin Franklin Chapter DeMolay representatives Richard Rosenblatt, Brian Simon and Nicholas Doublebauer, observing 1985 as the 66th Anniversary of the Order and designating March 17-24 as International DeMolay Week.

A motion was made to approve the Minutes of the March 11, 1985 Council Meeting as published, duly seconded, carried unanimously.

Councilmember Haney commented that there would be a 7:30 P.M., March 26 meeting in the Council Chamber with Lt. Governor Joseph Curran, Jr., giving a presentation on victim/witness rights, the Repeat Offenders Act, and other pending criminal justice legislation; he encouraged all to attend.

Councilmember Bradley referred to a recent petition from concerned citizens living in the area of Takoma Junior High regarding the June two-day Sister Fire Festival and Concert; she cited traffic and parking as concerns, as well as others related to past incidents. She commented that pertinent county staff will be meeting at the City Municipal Building March 26 with concerned citizens, representatives from Roadwork and other participants who sponsor Sister Fire; encouraged that City staff and other personnel involved extend utmost effort toward working out details and finding solutions to problems so the event can proceed smoothly.

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

Amy Horowitz, Director of Roadwork, Producer organization for Sister Fire Festival: Commented that Roadwork has been appreciative over the years of being able to claim Takoma Park as the home of the Sister Fire Festival, as well as appreciating the support of Councilmembers, which has enabled development of a top-quality event. She expressed deep concern for issues raised by citizens in the aforementioned petition and said the organization is eager to cooperate with all concerned in reaching solutions to the problems; thought with the cooperation of all involved, a model program dealing with the environmental impact(s) of such a festival could be developed.

Saul Schneiderman, 8302 Flower Avenue, Apt. #1, Coordinator of the Takoma Park Folk Festival: Stated that the Folk Festival Committee has worked closely with Roadwork, they have been both considerate and cooperative, it was through their assistance that the Folk Festival was able to get "Sweet Honey and the Rock" (an internationally known singing group) to perform; Roadwork manages that group and donated their performance; he expressed strong support for Roadwork and the Sister Fire Festival, thought their event in the City could only benefit the community.

Councilmember D'Ovidio emphasized that there are a number of petitions bearing numerous signatures from concerned residents; said there are several concerns other than parking, strong feelings involved, some based on past occurrences; he supported having Sister Fire at the Junior High, however, said the issue will take some effort to resolve. Councilmembers Aldrighetti and Bradley commented that the consensus appeared to be unanimous support for the festival, hoped concerted effort would be put forth at the March 26 meeting to address expressed concerns.

Les Stefanski, 709 Auburn Avenue: Spoke concerning a long-standing problem with the Salvation Army lot which borders the rear of homes on Auburn and faces Ethan Allen Avenue; said in December 1984, he brought the trash accumulation to the attention of Housing Department; attempts have been made by various City personnel to persuade Salvation Army to deal with the problem, however, despite assurances, the property remains unsightly (he circulated evidentiary photographs). He said there is also a problem involving abandoned vehicles being left along the property on the Ethan Allen Avenue side; the police department has been instrumental in removing 3 of those vehicles, 1 remains actually on Salvation Army property. Councilmember Aldrighetti referred to a recent memorandum from him to City staff - the response he received indicated that the right-of-way along Ethan Allen adjacent to the Salvation Army property belongs to State Highway, thus in order to institute a "no parking" zone there (and enforce it), a request would have to be made to SHA; Corporation Counsel may be able to provide additional advice. Mr. Stefanski remarked that Salvation Army has indicated they are considering putting up a fence along the property, however, they are slow to move and he hoped the City could exert some pressure. Councilmember Aldrighetti suggested the City might send a letter requesting a series of dates for getting the property into acceptable condition, and a meeting to discuss the subject, if necessary. Mr. Stefanski requested information on and copies of ordinances related to parking vehicles in backyards, restrictions on not having a paved driveway, etc. The Mayor commented there appeared to be several issues involved; said a vigorous inspection should be performed and asked that Housing be directed to do so, issuing municipal infraction notices where applicable. Mr. Stefanski stated he hoped Economic Development would work with the Salvation Army with the objective of the property being donated to the City; the Mayor asked that Daniel Neal be directed to address that point. Mr. Stefanski applauded the City for their efforts to get the Exxon station to improve their premises, which has commenced. In response to query from Councilmember Dalmat, the Mayor directed that the City Administrator ascertain the tax situation on the Salvation Army lot (whether they are tax exempt or not).

ITEMS FOR COUNCIL CONSIDERATION:

(1) Administrative reports and correspondence.

Mr. Wilson noted receipt of a notice of hearing for 4/3/85 from Prince George's County regarding an automobile repair business, automobile storage, at 7689 New Hampshire Avenue (corner of New Hampshire and University Boulevard). He suggested in light of the short time frame, the item be dealt with. Councilmember Haney moved opposing the application, duly seconded, carried unanimously. Mr. Haney remarked that he had been contacted by a number of area businesses, as well as residents, expressing concern about the deterioration of the property which is having a deleterious effect on the area. Receipt was noted of an invitation from Sligo Seventh-Day Adventist Church to the opening ceremonies of the new Youth and Fellowship Building on March 30; a response will be required indicating who will attend. Notice of an appeal (variance request) on Colby Avenue concerning waiver of the 45'

minimum width front footage requirement has been received; a postponement until April 17 has been granted, item will be on the April 1 worksession agenda. The transcript for COLTA case TP-171, Waggaman-Brawner v. Tuscan Tenants Association, has been transmitted as requested; Mr. Wilson suggested that the appeal hearing be placed on the April 22 agenda. He also noted receipt of a letter from the D. C. Association of Retarded Citizens, Inc., concerning annual renewal of the Montgomery County group home license for their facility at 7303 Piney Branch Road; said notices have gone out to the neighborhood and the matter will be considered at the April 1 worksession. Mr. Wilson related that information received from Park & Planning concerning the accessory apartment Special Exception at 7117 Woodland Avenue (which was postponed until the April 1 worksession) indicates that if the premises are not owner-occupied, then the apartment would be in violation of the accessory apartment law. He stated that a meeting was held with City employees' representatives concerning personnel matters that have been at issue, Corporation Counsel took notes which have been transcribed and a summary will be forthcoming within the week. In response to query from Councilmember Aldrighetti, he stated that the original projected time frame for closure of the matter (second reading two weeks after first reading) had not occurred due to time required for transcription of notes.

(2) Show cause hearing as to why the structure at 7114 Sycamore Avenue should not be declared a nuisance.

Councilmember Dalmat summarized the ordinance designating the building as unfit for human habitation, referred to a letter from the property owner, said she believes he intends to apply for a permit to demolish the structure, but did not think the current proceedings should be halted, particularly in light of the fact that apparently no application has been made to the county for a demolition permit. Consensus was that the process should move forward, the City should set a target date for removal of the structure.

Betty Amt, 7111 Sycamore Avenue: Stated that within the past week, unmarked dump trucks have again been entering the property and dumping fill; said people on Poplar Avenue are jeopardized by the large amount of loose dirt being dumped on the slope without any sort of erosion control; she said the owner claims he does not know who is dumping the dirt; a neighbor has a letter from a tree company stating that the dirt piled up around trees is causing dead wood on the trees, is a hazard not only to neighbors, but also to pedestrians. The Mayor asked that the City Administrator check with Corporation Counsel, and, if legally possible, the City post a "No Dumping" notice on the property. Ms. Amt referred to the county's sediment control law which might also be applicable, however, she said that the county does not seem to know what they can or can't do to address the problems with the property. Councilmember Dalmat moved that the property be declared a nuisance, duly seconded by Councilmember Bradley. Councilmember D'Ovidio suggested that the premises might be cordoned off, perhaps with a chain across the driveway, preventing entry. The motion carried unanimously. Councilmember Aldrighetti suggested having a sample of the fill dirt analyzed to ascertain whether it might present a health hazard.

Tim Smith, 7016 Sycamore Avenue: Requested concrete information as to what the City can do now that the property has been declared a nuisance. The Mayor stated that a condemnation hearing would have to be held by the City; Mr. Iddings stated that the outcome of the current hearing could be a decision to draft a demolition ordinance which would be subject to first and second readings, the demolition would have to go out for bid, the process takes about 90 days. Councilmember Dalmat requested that the demolition ordinance be prepared and presented for first reading on April 8. Councilmember Bradley emphasized that environmental issues, sediment and erosion control, etc., should also be pursued relative to the property.

(3) Selection of Takoma Junction design and engineering consultant.

Daniel Neal referred to the Design Engineering Selection Committee's memorandum outlining the process used in reviewing bids received for designing and engineering the streetscape project. He asked that

Council endorse the committee's choice of Constructive Alternatives/ the Townscape Institute/Light, Elliott Engineers and E.D.A.W. and authorize negotiation of a contract for the specified services, with the contract to be presented to Mayor and Council for review and approval prior to award. Councilmember Iddings moved acceptance of the committee's recommended choice of firm and authorization for staff to proceed with negotiating a contract for the services, duly seconded. In response to query from Councilmember Bradley, Mr. Neal stated that the criteria, the request for proposals, and the role of the committee was developed by staff in accordance with federal guidelines (OMB Circular A-102, attachment O); the Revitalization Steering Committee reviewed and approved the criteria used in the selection process, as well as the process itself as outlined in the RFP. He commented the committee's input was most helpful and resulted in a few changes. Rev. Albaugh, a Co-Chairman of the committee, spoke concerning the committee's role; he remarked that former Co-Chairman John Flemming of Constructive Alternatives had resigned from the committee in anticipation of submitting a bid on the project and in order to avoid any possible conflict of interest; he had no involvement in the selection process. Councilmember Haney commented on Mr. Flemming's professional background and accomplishments, said the city is fortunate to get someone of his nationwide stature in the fields of planning, urban design, and commercial redevelopment to direct Takoma Junction's revitalization; he applauded the committee's choice. Councilmember Iddings echoed Mr. Haney's comments. In response to query, Mr. Neal stated that approximately 50 RFP's were sent out, 8 bids were received on the project. The question was called, motion carried unanimously.

(4) Second reading of an ordinance authorizing Recreation Department to employ professional services of Interprofessional Planning and Design Ltd. for design, construction coordination, etc., of development of Project Open Space park on Eastridge Avenue.

Councilmember Bradley commented the park will be on Eastridge near Roanoke Avenue; community meetings have occurred to discuss desires for the park; interest is high and citizens are anxious for installation to commence. Mrs. Ziegler stated, in response to query, that a third bid was procured for services on both this park and the following one on the agenda, however, the proposals were higher, thus would not affect the original recommendations. Councilmember Bradley moved adoption of the ordinance, duly seconded. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Haney and Iddings; NAY: None; EXCUSED: Councilmembers Dalmat, D'Ovidio and Williams.

ORDINANCE #1985-23
(attached)

(5) Second reading of an ordinance authorizing Recreation Department to employ professional services of the Landscape Group for design, construction coordination, etc., of development of POS park on Jackson Avenue.

Councilmember Iddings moved adoption of the ordinance, duly seconded by Councilmember Haney. Mr. Iddings noted the presence in the audience of the landscape architect for the project, Carl Reidel, and spoke briefly of the valuable assistance he has rendered. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, D'Ovidio, Haney and Iddings; NAY: None; EXCUSED: Councilmembers Dalmat and Williams.

ORDINANCE #1985-24
(attached)

(6) Special Exception S-1109, to permit the use of an existing apartment as an accessory apartment at 7515 Carroll Avenue (Public Hearing: 4/4/85, 9:00 A.M., Werner COB, Rockville).

Asst. Housing Director Austin reminded that this application is one of five within a two block area on Carroll Avenue; excessive concentration is a concern; additionally, there are existing code violations to be considered; removal of one kitchen is required. Councilmember Iddings questioned whether a response had been received from the Board of Appeals regarding 7503 Carroll Avenue, wherein the City had raised

the question of density/concentration; he reminded that the consensus in worksession was to oppose granting of the request on the basis that it causes undue concentration of accessory apartments in the area. Discussion revealed that there are 3 registrations for the property, however, 1 apartment has been phased out. Councilmember Iddings moved tabling the item until the 4/1 worksession and asked that a copy of the Board of Appeals' decision on 7503 Carroll be furnished in the meantime, if available, including any clarification they may have given on the issue of density; the motion was duly seconded, carried unanimously.

(7) Special Exception S-1115, to permit the use of an existing apartment as an accessory apartment, 248 Park Avenue (Public Hearing: 4/4/85, 10:30 A.M., WCOB, Rockville).

Mr. Austin noted that the Fire Inspection recommended a separate thermostat for temperature control and a ground fault circuit interceptor in the bathroom. Discussion followed concerning the 1988 phaseout; the Mayor commented that it is unknown whether the County Council might vote to amend the phaseout law, said the situation could be serious if that should occur; he suggested postponing the item until the 4/1 worksession. Mr. Austin stated that Mr. Tull of the county had assured him that county staff is stepping up accessory apartment enforcement in light of the approaching phaseout. Councilmember Aldrighetti commented that perhaps it should be recommended to the county that accessory apartments be approved pending enforcement of phaseout. Discussion followed concerning the number of multi-family dwellings on Park and Councilmember D'Ovidio suggested the subject request might be considered as similar to Carroll Avenue due to the concentration factor. The Mayor moved tabling until the 4/1 worksession, duly seconded by Councilmember Iddings, carried unanimously.

(8) Special Exception S-1118, use of an existing apartment as an accessory apartment, 706 Maplewood Avenue (Public Hearing: 4/11/85, 1:30 P.M., WCOB, Rockville).

Mr. Austin noted that at time of inspection, minor violations existed, peeling paint will have to be corrected; staff's recommendation was no objection to granting of the Special Exception. The Fire Inspection noted need for a ground fault interceptor in the bathroom, and also ventilation (window was sealed), bedroom window did not meet minimum measurements for emergency egress. Councilmember Bradley moved that no objection be voiced, with the stipulation that all required repairs be accomplished, duly seconded by Councilmember D'Ovidio. Ms. Bradley commented that approval of the Special Exception will legalize a longstanding use which neighbors support. The question was called, motion carried unanimously.

The Mayor inquired on the status of the Ashrafi property on Carroll Avenue; response was that it is again being worked on. He requested that an amended work schedule be procured from the owners. Comment was made that the property at Jackson and Flower is also being followed up on by Mr. Austin, more information should be available soon.

(9) First reading of an ordinance amending Sec. 6-2 and 6-68, Chapter 6, "Housing," City Code, to apply BOCA Code to exterior of single-family, owner-occupied dwelling houses, using municipal infractions.

Councilmember Bradley reminded that she would like an outline of the extent and kinds of cases that the Community Improvement Board felt would be addressed, as well as the number of cases meriting attention. The Mayor suggested that CIB provide a brief summary. Councilmember Iddings spoke in favor of the ordinance, said it would bridge the gap between a polite letter asking residents to do needed repairs and the condemnation process; he emphasized that the process should not become abusive of minor sorts of problems and felt that the language of the ordinance precluded that eventuality, as well as not being unduly invasive of property owners' rights. The ordinance was accepted for first reading.

PROPOSED ORDINANCE
(attached)

(10) First reading of an ordinance extending condominium conversion law to Prince George's section of the city.

Acceptance for first reading was moved by Councilmember Iddings, duly seconded by Councilmember Haney, carried.

PROPOSED ORDINANCE

(attached)

(11) First reading of Landlord Licensing Ordinance.

Acceptance for first reading was moved by Councilmember Bradley, duly seconded by Councilmember Haney, carried.

PROPOSED ORDINANCE

(attached)

(12) Second reading of an ordinance amending Fiscal Year 1985 City Budget, including proposed use of Federal Revenue Sharing Funds.

Councilmember D'Ovidio moved adoption of the ordinance, with the exception of sections (p) and (q), which would be addressed separately at a later date, duly seconded by Councilmember Bradley. Mayor Abbott stated in relation to section (h) that, as editor of the City Newsletter, he had not requested additional funds and opposed the increase. Councilmember Aldrighetti stated he had requested that increase because in order to maintain the Newsletter's excellent quality for the second half of the fiscal year, he felt the money would be needed. The maker of the motion to adopt accepted deletion of section (h) as an amendment. Councilmember Aldrighetti emphasized the important role the Newsletter plays in communicating information to citizens, did not wish to see that compromised by lack of funds; the Mayor commented on the importance of accomplishing what needs to be done within the confines of the budget. Councilmember Bradley applauded the City Administrator and Assistant City Administrator for their attention to the budget and close monitoring, indicating a positive trend toward fiscal responsibility. Mr. Wilson commented that this accomplishment was directly due to the monthly statements generated by the Assistant City Administrator and the finance department. Councilmember Bradley stated that (p) and (q) relate to police promotions upon which there has been a consensus of agreement, however, additional clarification is desired regarding the amount of grade and step increases involved. The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney and Iddings; NAY: None; EXCUSED: Councilmember Williams.

ORDINANCE #1985-25

(attached)

Councilmember D'Ovidio moved that Council support the police department promotions as recommended by the Chief of Police and outlined in materials provided to Council, to be effective April 1; motion duly seconded by Councilmember Haney. The Mayor stated that the money involved in effecting the promotions would be the subject of an ordinance to be presented at a later date. Councilmember Bradley commented that while discussions had occurred concerning when the pay increases should become effective, no final conclusion was reached; said while she supports the promotions and the intent of them, she also advocates immediately effecting the promotions and related responsibility, but based on the City's serious financial condition, deferring the related pay raises until the beginning of the next fiscal year on July 1, 1985. She said that through contact with various officers, it was her perception that the promotions, responsibility and authority were of primary importance to the officers, with the pay increase being secondary. Councilmember Iddings clarified that his intent was that the pay raise accompany the promotion, but with pay retroactive, if necessary. Councilmember Aldrighetti stated he supported effecting the raises along with the promotions, hoped that would reflect positively within the department as well as to the rest of staff with a message as progress is made on the personnel ordinance; he referred to the City Administrator's memo requesting a zero increase budget and hoped departments would work within that concept in the coming year. The question was called on the motion (including the sense of Mr. Iddings' remarks); motion carried with Councilmember Bradley Abstain-

ing; Councilmembers Dalmat and Williams Excused; balance of Council voting Aye.

Messrs. Patrick Hyde and James Arisman commented they arrived late, Licensing had already been addressed; they would submit a memorandum to Housing Department for inclusion in the Council packet prior to second reading of the Licensing Ordinance.

(13) Second reading of an ordinance to repeal and reenact Article 2A, "Ethics," Chapter 2, City Code.

In light of extensive prior discussions on the ordinance, Councilmember Bradley moved adoption, duly seconded. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Haney and Iddings; NAY: None; EXCUSED: Councilmembers Dalmat, D'Ovidio and Williams.

ORDINANCE #1985-26
(attached)

(14) Second reading of an ordinance amending Ordinance No. 2608, Historic Preservation Committee, to provide two-year terms, remove limitation on number of terms, and set specific dates for appointments.

In response to query concerning removal of the limitation on number of terms an individual can serve, Councilmember Iddings commented there seems to be a natural turnover, did not think it would become an entrenched committee. He moved adoption, duly seconded by Councilmember Haney. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Haney and Iddings; NAY: None; EXCUSED: Councilmembers Dalmat, D'Ovidio and Williams.

ORDINANCE #1985-27
(attached)

(15) Ordinance accepting bid on Public Works dump truck, using Revenue Sharing Funds.

Adoption was moved by Councilmember Bradley, duly seconded; adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Haney and Iddings; NAY: None; EXCUSED: Councilmembers Dalmat, D'Ovidio and Williams.

ORDINANCE #1985-28
(attached)

(16) Second reading of an ordinance authorizing installation of speed humps on Baltimore Avenue (between 7329 and 7401 and 7418 and 7420).

Councilmember D'Ovidio noted that installation of the subject speed humps is targeted for May; all neighbors are pleased with the placement plan; he moved adoption of the ordinance, duly seconded by Councilmember Iddings. Councilmember Aldrighetti commented that Sgt. Rosenthal of the Police Department has stated that the front end of two different cruisers have been damaged going over speed humps and he feels response time is adversely affected. Mayor Abbott raised questions concerning the basis/validity of the information. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, D'Ovidio, Haney and Iddings; NAY: None; EXCUSED: Councilmembers Dalmat and Williams.

ORDINANCE #1985-29
(attached)

Upon motion, duly seconded, the meeting adjourned at 10:18 P.M., to reconvene in regular session at 8:00 P.M. on April 8, 1985.

RESOLUTION

WHEREAS, Sgt. Werner P. Winkler will retire from the Police Department on March 29, 1985, after twenty years of service to the City; AND

WHEREAS, Sgt. Winkler was born and educated in Mannheim, West Germany; during World War II, at the age of seventeen, he was called into service by the German Army, where he served with the 24th Panzer Division on the Russian front from 1942-1945, attaining the rank of Lieutenant and tank platoon leader; AND

WHEREAS, in 1950, Sgt. Winkler emigrated to Canada, where he became certified as a physical therapist; in 1957, he emigrated to Takoma Park, and was employed as a therapist by the Washington Adventist Hospital; he became an American citizen in 1963, and joined the Takoma Park Police Department in 1965; AND

WHEREAS, Sgt. Winkler's work with the Police Department has been varied, ranging from Patrolman, Assistant Patrol Shift Commander, Communications Supervisor, Supervisor of a Special Volunteer unit, liaison between the Police Department and private security personnel within the City; and since 1976, has held the post of Supervisor of Administrative Services where, among other things, he implemented the Parking Permit process; AND

WHEREAS, Sgt. Winkler will be remembered by all who know him for his conscientiousness and devotion to duty.

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND hereby express appreciation to Sgt. Werner P. Winkler for his many years of service to the City and its citizens and for his outstanding accomplishments during his tenure, and wish him well in his future endeavours.

MARCH 25, 1985

ATTEST:

Sam A. Abbott, Mayor

City Administrator



RESOLUTION

- WHEREAS, Takoma Park is a city which derives richness and strength from its citizens and their sense of community; AND
- WHEREAS, from time to time our city has the good fortune to count among its numbers citizens whose sense of community exceeds the bounds of normal restraint in pursuit of their commitment; AND
- WHEREAS, Etta Mae Davis was such a person who, in her efforts to save Block 69 in North Takoma from the ravages of destruction, moved her rocking chair to the front lawn of a Victorian structure so as to block the path of a demolition bulldozer; AND
- WHEREAS, Etta Mae Davis was described by friend and foe alike as a person of admirable courage, a great warrior, a delightful adversary, a concerned citizen; AND
- WHEREAS, Mrs. Davis, a long-time resident of the city, was recognized by all who knew her as a conscientious and dedicated citizen, who worked with great drive and vigor for many programs and causes; AND
- WHEREAS, Mrs. Davis' work was marked by its diversity, ranging from City public relations consultant to president of the Republican Women's Club, and including membership in numerous community groups, such as the Meals on Wheels Program for the elderly, the North Takoma Citizens' Association and the Save Takoma Park Committee.
- WHEREAS, it is the desire of the Mayor and Council to embark on a program under which parks within the City will be named to honor citizens who have rendered outstanding service to the community; AND
- WHEREAS, The Mayor and Council consider it appropriate to name a park in North Takoma in honor of Etta Mae Davis.
- NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND hereby request the Maryland-National Capital Park and Planning Commission to officially designate the park now known as SSI Neighborhood Park as the "Etta Mae Davis Park."

MARCH 25, 1985

PROCLAMATION

WHEREAS, the ORDER OF DeMOLAY is a character building organization of young men from thirteen to twenty-one years of age, who are seeking to prepare themselves to become better citizens and leaders for tomorrow by developing those traits of character which have strengthened good men of all ages; and

WHEREAS, the organization has carried out the aforementioned goals for sixty-six years through programs of athletic competition, social activity, community service and charitable projects; and

WHEREAS, the members of
SAMUEL GOMPERS-BENJAMIN FRANKLIN CHAPTER
OF TAKOMA PARK

will observe the year of 1985 as the

66th ANNIVERSARY OF THE ORDER

so as to exemplify to all citizens here and everywhere their many activities and to tender recognition to their millions of Senior DeMolays;

THEREFORE, by the authority vested in me, I proclaim that
MARCH 17 - 24, 1985, be observed as

INTERNATIONAL DeMOLAY WEEK

and call upon our citizens to join in saluting the young men of the Order of DeMolay, and in expressing our grateful appreciation for the fine examples set by them in contributing to the welfare of our community by addressing themselves to the building of good character among our youth; thereby aiding in the development of leadership for tomorrow.

BY:

DATE: MARCH 20, 1985



Sam A. Abbott
Sam A. Abbott, Mayor
City of Takoma Park

Introduced by:
Councilmember Bradley

3-11-85
1st reading: ~~2-25-85~~
2nd reading: 3-25-85

ORDINANCE NO. 1985-23

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

- SECTION 1. THAT the Recreation Department be authorized to employ the professional services of The Interprofessional Planning and Design Studio, Ltd. (IPDS), 802 Sligo Avenue, Silver Spring, Maryland, for the landscape improvement of the Eastridge Park located on the west side of Eastridge Avenue, adjacent to 8308 Eastridge Avenue and approximately 100 feet south of Roanoke Avenue, Lot 16, Pt. 13, Pt. 15, Bl 56B, BFG under the Takoma Park Community Development Block Grant Program.
- SECTION 2. THAT IPDS will provide detailed plans, working drawings, specifications, assist in soliciting bids, consultations and construction supervision for the park for a fee not to exceed \$2,500.00, and other items supplied and extra work not to exceed \$500.00.
- SECTION 3. THEREFORE, THAT funds in the amount not to exceed \$3,000.00 (THREE THOUSAND DOLLARS) to cover the services of Interprofessional Planning and Design Ltd. be allocated from YEAR 10 CDBG Funds.

Introduced by:
Councilmember Iddings

ORDINANCE NO. 1985-24

3-11-85
1st reading: 2-25-85
2nd reading: 3-25-85

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

- SECTION 1. THAT the Recreation Department be authorized to employ the professional services of the Landscape Group, 206 Lincoln Avenue, Takoma Park, Maryland, for the landscape improvement of the Jackson/Boyd Park located at 7312 Jackson Avenue, Pt. Lot 10, Bl 91, Beale's Addition to Takoma Park, under the Takoma Park Community Development Block Grant Program.
- SECTION 2. THAT the Landscape Group will provide the schematic design and design development, construction drawings and specification, construction coordination and assist in soliciting bids for an estimated fee of 10% of the construction budget or \$3,120.00.
- SECTION 3. THEREFORE, THAT funds in the amount not to exceed \$3,120.00 (THREE THOUSAND ONE HUNDRED TWENTY DOLLARS) to cover the services of the Landscape Group be allocated from YEAR 10 CDBG Funds.

Introduced by:

1st reading: 3-25-85
2nd reading:

ORDINANCE NO. 1985-

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

SECTION 1. THAT Secs. 6-2 and 6-68, Chapter 6, "Housing," of the Code of Takoma Park, Md., 1982, as amended, be hereby repealed and reenacted to read as follows:

Sec. 6-2. Exception to chapter.

Unless otherwise provided herein, the provisions of this chapter shall not apply to THE INTERIOR OF any owner-occupied single-family dwelling house, so long as it is so occupied.

Sec. 6-68. Substandard buildings; notice to Council; finding and declaration of nuisance; order to repair;
MUNICIPAL INFRACTION CITATION.

(a) If the Inspector of Buildings finds that any building or structure within the city, by reason of deterioration of materials, lack of repair or maintenance, is or will become a hazard to the health, safety or welfare of its occupants or the public, or is or will become a blighting or deteriorating factor in the neighborhood, or will impair or adversely affect the value of neighboring property, he shall report such facts to the Council which may, thereupon, declare such building or structure to be a nuisance. The Council may specify upon the advice of the Inspector of Buildings what reasonable repairs or maintenance measures are necessary to abate such nuisance.

(b) Upon such finding and declaring, the Inspector of Buildings may proceed in the manner provided in this Article for the abatement of nuisances, or the Inspector of Buildings may order the owner of such building or structure to make such repairs or to take such maintenance measures within a reasonable time. ~~Failure to comply with such order shall be considered a misdemeanor and, upon conviction therefor, the owner of such building or structure shall be fined in an amount not to exceed fifty dollars (\$50.) per day, each day of violation to be considered a separate offense.~~

(c) FAILURE TO COMPLY WITH THE ORDERS OF THE INSPECTOR OF BUILDINGS AS SET FORTH IN SUBSECTION (b) ABOVE SHALL CONSTITUTE A MUNICIPAL INFRACTION FOR WHICH A CITATION MAY BE ISSUED IN ACCORDANCE WITH THE PENALTY SCHEDULE PRESCRIBED IN SEC. 6-16 PM-109.2, SUBSECTIONS 1, 2 AND 3, OF THIS CHAPTER.

----- denotes deletions
CAPS denotes additions

NOTE: Back-up material attached--5 pp.

Introduced by:

1st reading: 3-25-85
2nd reading:

Ordinance No.

Whereas: On May 10, 1982 the Mayor and Council of City of Takoma Park by Ordinance No. 2607 adopted the provisions of Chapter 11A, Condominiums, of the Montgomery County Code, 1972, as amended; and

Whereas: By its terms the provisions of Ordinance No 2607 regulate the conversion of rental units to condominiums only in that part of the City of Takoma Park in Montgomery County, Maryland; and

Whereas: One-third of the City of Takoma Park is not in Montgomery County, but is Prince George's County, Maryland; and

Whereas: It is the desire of the Mayor and Council that laws be uniform throughout the City

Now Therefore Be It Ordained by the Mayor and Council of the City of Takoma Park that Ordinance No. 2607 be repealed and simultaneously reenacted as follows:

Section 1. Montgomery County Codominium Conversion Law Made Applicable

The provisions of Chapter 11A, Condominiums, of the Montgomery Code, as enacted as of March 18, 1985, are hereby incorporated by reference the same as if such provisions were enacted verbatim by the Mayor and Council as an ordinance of the City of Takoma Park except that where ever the term "Montgomery County" is used the term "City of Takoma Park" shall be inserted in lieu thereof and where ever the term "county council" is used the term "city council" shall be inserted in lieu thereof.

Section 2. Affect of Amendments to County Law

Any amendments to Chapter 11A, Condominiums, of the Montgomery County Code occuring after March 18, 1985 shall not be effective unless the same are expressly adopted by the Mayor and Council of the City of Takoma Park by ordinance duly enacted.

Section 3. Affect of Repeal of County Law

In the event Chapter 11A, Condominiums, of the Montgomery County Code is repealed or made invalid, the provisions of said Chapter enacted by the Mayor and Council as an ordinance of the City of Takoma Park shall, nevertheless, remain in full force and effect.

Section 4. Montgomery County to Enforce this Ordinance Within the Montgomery County Section of Takoma Park

As provided in Section 11A-9 of the Montgomery County Code, Montgomery County is requested to enforce the provisions of this ordinance within that portion of the City of Takoma Park which lies within Montgomery County.

Section 5. Condominium Conversion Law to be Uniform

To the extent necessary to make the same provisions concerning the regulation of conversion of rental units to condominiums applicable in that portion of Takoma Park lying within Montgomery County, the Mayor and Council reaffirm and express their intention to adopt the provisions of Chapter 11A as their own act and ordinance to be applicable throughout the City of Takoma Park.

Section 6. City to Enforce this Ordinance Within the Prince George's Section of Takoma Park.

The provisions of this ordinance shall be enforced by the City of Takoma Park within that portion of the City of Takoma Park which lies within Prince George's County and to the extent necessary to do so, wherever the term "Montgomery County Office of Consumer Affairs" is used, the term "Takoma Park Department of Housing" shall be inserted in lieu thereof.

Section 7. City's Right of First Refusal

Wherever Montgomery County is, by the terms of Chapter 11A, Condominiums, of the Montgomery County Code, given a right of first refusal, the City of Takoma Park shall be given a right of refusal secondary only to Montgomery County's in that portion of the City lying within that county; and shall be given a right of first refusal in Prince George's County.

Section 8. Effective Date

This ordinance shall become effective on enactment.

Drafted by: Gagliardo
Revised as of: 3/18/85
Submitted to: Mayor and Council Work Session 3/18/85
City Administrator d.o.
COLTA d.o.
DHS d.o.

First Reading:
Second Reading:
Enacted:

Introduced by:

1st reading: 3-25-85
2nd reading:

Ordinance No.

[Whereas: It is the desire of the Mayor and Council to provide for a comprehensive legislative plan to ensure the availability of liveable and affordable housing within the City of Takoma Park; and

[Whereas: The Mayor and Council have enacted ordinances concerning the regulation of rents, landlord-tenant relations, and housing standards; and

[Whereas: The licensing of landlords will facilitate the enforcement of those ordinances and others; and

[Whereas: Landlords operating in Montgomery County outside of Takoma Park are licensed, while those operating within the City are not,

[The Mayor and Council of the City of Takoma Park hereby enact and ordain the following:

LANDLORD LICENSING

[Section 1. Title: This ordinance shall be known as the "Landlord Licensing Ordinance of 1985".]

[Section 2] Definitions: [The words used in this ordinance shall be given their usual and ordinary meaning except as expressly provided as follows:]

- 1-(a) "APPLICATION": the submission of information and tendering of the fee called for in Section [5].
- 2(b) "TO CONDUCT OR OPERATE": to rent, lease, receive remuneration for or otherwise make a rental unit available for human occupancy for monetary consideration;
- 3(c) "DIRECTOR": the director of housing services of the City of Takoma Park, Maryland, or his or her designated representative.
- 4(d) "OWNER" and "AGENT": (i) An owner is any natural person, partnership, joint venture, trust, corporation or other entity which has legal ownership of a rental facility; but EXCLUDING cooperatives and condominiums, but only to the extent such entities are not engaged in operating or conducting a rental facility. (ii) An agent is any such person or entity which acts or purports to act on behalf or instead of an owner.
- 5(e) "RENTAL FACILITY": a building or structure containing one or more rental units, regardless of (1) whether the owner occupies the building or structure and (2) whether the consideration for use of the rental unit is paid by the tenant or is subsidized by a third-party; but EXCLUDING

(1) transient facilities, such as tourist homes, inns, motels, hotels, and bed and breakfast facilities; (2) school dormitories; (3) hospitals, nursing and convalescent homes, hospices or other health-care related residences; (4) religious houses, such as parsonages, rectories, convents and parish houses; and (5) homes, apartments or other residential facilities provided in lieu of monetary compensation for services rendered.

6(f) "RENTAL UNIT": an apartment, room, group of rooms or any part of a rental facility forming a single unit intended for human occupancy and/or such uses as living, sleeping, cooking or eating.

[(g) "REVOCATION OR DENIAL OF A LICENSE". generally or specifically prohibiting an owner and/or agent to continue renting dwelling units in the City of Takoma Park; or prohibiting the re-rental of vacant dwelling units.]

7(h) "SERVICE OF PROCESS": the delivery of any notice, order or other document required to be sent by one party to another. Service shall be deemed to have been made on the director by mailing by first class mail a copy of the process to be served to the director at City of Takoma Park Municipal Bldg., 7500 Maple Ave. Takoma Park, Md. 20912. Service shall be deemed to have been made on an owner by mailing by first class mail a copy of the process to be served to the owner at either the address listed for the owner or the agent in the owner's application for a license. Receipt of process shall be presumed to have occurred three working days after mailing.

8(i) "SUSPENSION OR REVOCATION": an order of the director (1) prohibiting the owner to continue renting units in the City of Takoma Park; or (2) prohibiting the owner from renting some of the units in a rental facility; or (3) prohibiting the re-renting of vacant rental units; (4) prohibiting the owner and agent from collecting rents or consideration from any unit and in lieu thereof establishing an escrow account to which the sums otherwise due the owner shall be paid by the tenants and from which shall be deducted the cost of any materials and services expended by the director to abate conditions presenting a threat to the life, safety or health of the occupants of one or more of the owner's rental units.

Section 1[3]. License Required

After the effective date of this ordinance, it shall be unlawful [a municipal infraction] to conduct or operate a rental facility within the City of Takoma Park without having first applied for and obtained a license to operate or conduct such rental facility.

Section 2[4]. Owner is Licensee; when owner is corporation; owner to designate agent for service of process

(a) The holder of a license shall be the owner(s) of the rental facility sought to be licensed. An owner shall submit an application in accordance with this ordinance to the director.

(b) If the owner is a corporation, or if a corporation is a partner in a partnership which owns a rental facility, the corporation shall be qualified to do business in Maryland, as provided by state law.

(c) Each and every owner shall [designate] correctly to the Director that the name, address and telephone number of an agent who shall reside in Maryland and be authorized to accept service of process on behalf of the owner [and shall certify the name, address and telephone number of the agent to the Director].

Sec. 2[4]. Violation to operate or conduct a rental facility without a license.

(a) Any owner or agent who (1) operates or conducts a rental facility, attempts to operate or conduct a rental facility or causes a rental facility to be operated or conducted without first having obtained a license, as provided herein, or after a license has expired or been suspended, revoked or denied; or (2) fails to comply with any order or summons issued pursuant to this ordinance shall be deemed to have committed a municipal infraction, and upon conviction shall be subject to a fine not exceeding the maximum as set forth in Sec. 1-17 of this code pertaining to municipal infractions generally shall apply to violations of this ordinance.

(b) The provisions of Sec. 1-17 of this code pertaining to municipal infractions generally shall apply to violations of this ordinance.

(c) The provisions of Sec. 1-17 of this code pertaining to injunctions and the award of attorneys fees shall apply to violations of this ordinance.

(d) The provisions of Sec. 1-17 of this code pertaining to collection of fines or fees owed by attachment and lien shall apply to violations of this ordinance.

(e) The provisions of Sec. 1-17 of this code pertaining to service of process shall apply.

Section 3[5]. Licensing procedures

(a) An owner shall make an application for a license to the Director on a form provided by the Director, or on such other form which substantially complies with the requirements of this ordinance. An application shall be filed in triplicate and shall be accompanied by [cash], a certified check or money order in the amount specified by the Director pursuant to Sec. 4[6] for the license for which the application

is sought. Failure to tender the amount due in the form required shall be cause for rejecting the application.

(b) The contents of the application shall be certified by the owner [or the owner's designated agent] as true and accurate under the penalties of perjury.

(c) The application shall contain the following information:

(1) the name, address and telephone number of the owner;

(2) if the owner is a corporation, a certified copy of those documents indicating that it is qualified to do business in the state of Maryland;

(3) if the owner is a partnership, the name, address and phone number of each [general] partner;

(4) the name, address and telephone number of the owner's agent, as specified in Section 3[3];

(5) the address of the rental facility to be licensed;

(6) the number of rental units in the rental facility to be licensed;

(d) Before a license is issued the Director shall determine that:

(1) the information contained in the application is true and accurate;

(2) the appropriate fees have been paid;

(3) there are no existing violations of applicable health, housing, fire, building, electric, plumbing, property maintenance, safety, and zoning codes. Issuance of a license shall not operate to bar the City of Takoma Park or any other entity [jurisdiction or person] from asserting, notwithstanding the issuance of a license, that such violations do in fact exist.

(4) there are no uncorrected conditions for which a municipal or county infraction citation [or notice of violation from any other jurisdiction] has been issued, or any unpaid fine or penalty resulting from such citation [or notice]; PROVIDED, HOWEVER, if a citation is pending on adjudication, the fact that a fine or penalty is unpaid shall not act as a bar to issuance of a license; and

(5) there are no unpaid city taxes on the rental facility.

Section 4 [6]. Fees

(a) The [F]ees shall be as prescribed by the Director with the approval of the Mayor and Council. Fees shall not be increased for the holder of license during the time that license is valid; but nothing contained herein shall be construed to limit the amount of any fee due and payable at time of renewal or reinstatement. Fees shall be uniformly assessed on the basis of the number of rental units contained in the rental facility to be licensed.

When a license is applied for after October 1 of any year, the fee shall be one-half that charged for a full year. A copy of the schedule of fees shall be made available, without cost, to anyone requesting such.

Section 5 [7]. Duration

A license shall be effective from April 1 [or] the date it is issued, whichever is later, until the following March 30.

Section 6 [8]. Display of License

The owner shall display the license during the entire time it is in effect in the lobby, vestibule, rental office or other prominent public place on the premises of the rental facility.

Section 7 [9]. Changes in ownership: transferability; and other changes

(a) Whenever any of the information contained in the application for a license changes, the owner shall notify the Director of any such change within 15 working days of its occurrence.

(b) A license may be transferred from an owner(s) to a subsequent or additional owner[(s)], but such license shall be deemed valid only when the information required in Section [5(c)] pertaining to the new owner has been submitted under penalties of perjury to the Director, along with a transfer fee not to exceed Fifty Dollars (\$50) or the full-year application fee then in effect, whichever is less.

Section 8 [10] Denial, suspension and revocation of licenses

(a) [Director to Propose Denial, Suspension or Revocation.]

The director may propose to deny, suspend or revoke a license when the Director determines (1) there are violations of any applicable law which present a threat to the life, safety or health of the tenants of the facility or others; or (2) any provision of this ordinance or any other pertinent city ordinance has been violated; or (3) other good

and sufficient reasons; [or (4) when a unit(s) is declared unfit for human habitation by the State or County fire marshall, board of health or other authority.

(b) [Director to Issue Order.]

Upon the director's determination that a license should be denied, suspended or revoked, he or she shall issue an order to the owner to show cause why the denial, suspension or revocation proposed by the Director should not become effective.

(c) [Owner or Agent to Show Cause Why Not to Deny, Suspend or Revoke.]

The owner [or agent] shall show cause in writing to the Director within 10 working days of receipt of the show cause order.

(d) [When Failure to Show Cause.]

If the owner [or agent] fails to respond to the director's proposed denial, suspension or revocation within the time provided the proposed denial, suspension or revocation shall become effective upon the expiration of such time.

(e) [Owner's Defense to be Considered.]

When the owner [or agent] proffers reasons why the license should not be denied, suspended or revoked as proposed by the director, the director shall consider the reasons offered by the owner and upon full and fair consideration thereof may amend, modify, cancel or reaffirm his or her decision to deny, suspend or revoke the license.

(f) [Service of Final Decision.]

The director shall both serve a copy of the final decision on the owner or agent and post a copy in a prominent public place in the rental facility.

(g) [Appeals.]

If the owner or any tenant of the rental facility is dissatisfied with the decision of the director the owner or tenant may file a notice of appeal with the [Takoma Park Commission on Landlord Tenant Affairs (COLTA). When one or more tenants are proposed to be or are displaced by the director's final decision an appeal may be filed with either COLTA or directly to the] Mayor and Council. The appeal shall be in writing and filed within 10 working days of service or posting whichever is later. [The notice of an appeal to COLTA may be served on the Chair of COLTA, the Director, the City Clerk, or the City Administrator.] The

notice of appeal [to the Mayor and Council] may be served on the mayor, city administrator, city clerk or the director on behalf of the Mayor and Council:

(h) [Judicial Review.]

A decision of [COLTA or] the Mayor and Council may be appealed by a [any] party appearing before them [such body] to the Circuit Court for the county where the rental facility is located.

(h) [In Addition to Other Penalties.]

Revocation, denial, or suspension of a license shall be in addition to, and in not in substitution for, such other penalties as may be provided by this ordinance.

[(i) Other Authority of The Director.]

[The director, once a license has been suspended or revoked may (1) direct the tenants of the affected dwelling unit(s) to pay rent to an escrow fund established and maintained by the director; which escrow be released to the owner or agent upon the reinstatement of the license; or (2) when the director or other authority finds the unit(s) to be unfit for human habitation to order the tenant(s) to vacate the unit(s) until such time as it is fit and to house in such displaced tenant(s) at the owner or agent's expense.]

Section 9[11]. Validity of license during appeal

Except in the case of the revocation of a license, an appeal shall not operate to stay the action of the director, unless the action is stayed by order of [COLTA or, as the case may be,] the Mayor and Council or court of competent jurisdiction for good cause shown.

Section 10[12]. Hearing required

(a) Whenever a license is denied, suspended or revoked and a notice of appeal is filed with the Mayor and Council, a public hearing on the appeal shall be scheduled within 15 working days of receipt of the appeal.

(b) The hearing shall be open to the public and records and minutes of the proceedings shall be made and kept.

(c) Any party to the appeal, including the director shall have the right to call witnesses and present evidence on the party's own behalf and to cross-examine witnesses and refute evidence submitted by any other party. [In cases of appeals to COLTA, the Chair of COLTA The Mayor may issue summons at the request of any party, and except for good cause shown shall issue a summons when requested. [In cases of appeal to the Mayor and Council, the Mayor may

issue a summons at the request of any party, and except for good cause shown shall issue a summons when requested.]

[(d)] Failure to abide by a summons shall be a violation of this ordinance.

[(d)] [e] The [COLTA, or when an appeal is filed with them, the] Mayor and Council shall decide the case on the record made before them; and shall make their decision known within 10 working days of the hearing.

(e) The decision of [COLTA] and the Mayor and council shall be final and may be appealed to a court of competent jurisdiction within 30 calendar days after it is served on the owner or agent or it is posted in a prominent public place in the rental facility, whichever is later.

Section 10[12]. Renewal and Reinstatement

(a) Licenses are renewable annually upon the director's approval of a renewal application and payment of a renewal fee.

(b) Licenses which have been suspended shall be reinstated at the end of the suspension period upon a showing that the conditions which led to suspension have been corrected and payment of a reinstatement fee to be set by the director as a condition of suspension. Said fee shall not exceed \$100.

(c) Licenses which have been revoked shall be reinstated upon a showing that the conditions which led to revocation have been corrected and payment of a reinstatement fee to be set by the director. Said fee shall not be less than \$100, nor more than \$400.

[Section 13. Effective Date]

[This ordinance shall become effective 90 days after its enactment. Any annual fees which are otherwise required to be paid by April 1 or any other date prior to the effective date of this ordinance shall be pro rated from the effective date of this ordinance.]

Drafted by: Gagliardo

Revised as of: 3/18/85

Submitted to: Mayor and Council Work Session of 3/18/85

City Administrator d.o.

COLTA d.o.

DHS d.o.

First Reading:

Second Reading:

Enacted:

Introduced by:
Councilmember D'Ovidio

1st Reading: 3-11-85
2nd Reading: 3-25-85

ORDINANCE No. 1985-25

Budget Amendment No. 2

SECTION 1. BE IT ORDAINED AND ENACTED by the Mayor and City Council of Takoma Park, Maryland, that the Fiscal Year 1985 City Budget be amended as follows:

- (a) Transfer \$1,050 from General Contingency, budget code number 991, to Accounting Automation, budget code number 553.
- (b) Transfer \$579 from General Contingency, budget code number 991, to Capital Expenditures, budget code number 995, for purchase of medium-sized copier, Royal Model 2502MR.
- (c) A budget line item for "Contracts" is created for Government Administration with a designated budget code number of 535.
- (d) Transfer \$5,000 from General Contingency, budget code number 991 to Contracts, budget code number 535.
- (e) To increase amount allocated in Capital Expenditures for purchase of a trash truck from \$33,000 to \$85,738 with a corresponding decrease of \$30,000 in amount allocated for City-wide Office Automation and \$22,738 decrease for Police Radio Communications System purchase.
- (f) Transfer \$1,306 from General Contingency, budget code number 991, to Capital Expenditures, budget code number 995, for purchase of Police vehicles.
- (g) Transfer \$5,793 from General Contingency, budget code number 991, to Excess Liability, budget code number 977.
- (h) Transfer \$2,200 from General Contingency, budget code number 991, to Capital Expenditures, budget code number 995, for purchase of a pressure washer for the Public Works Department.
- (i) Increase revenues for Urban Development and Assistance, budget code number 430, by \$20,000, to incorporate funds received from Montgomery County for the Jobs Bill Community Paint Project.
- (j) A budget line item "Community Paint - Salaries" is created with a designated budget code number 590.1 with an appropriation of \$11,034.
- (k) A budget line item "Community Paint - Materials" is created with a designated budget code number of 590.2 with an appropriation of \$8,966.
- (l) Add to the Capital Expenditures budget, budget code number 995, an expenditure line item for Street Improvements, to match the Community Development Block Grant funds allocated for the Program Year Nine Street Improvements.
- (m) Transfer \$16,000 from General Contingency, budget code number 991, to Capital Expenditures, budget code number 995, specifically appropriated to the Street Improvements expenditure line item.
- (n) Transfer \$1,000 from General Contingency, budget code number 991, to Community Development Division - Publications, budget code number 595, to cover printing costs for the "Gifts to the City" catalog.

Introduced by: Councilmember Bradley

1st Reading: 2-11-85

2nd Reading: 3-25-85

ORDINANCE NO. 1985-26

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 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 criminal sanctions, 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) controlled funds; or

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

(III) Being registered as a lobbyist in accordance with 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 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 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, 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 employee knows is a party to a contract with any of the above named relatives, if the contract could reasonably be expected to result in a conflict between the private 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 or 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 full a 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 City Clerk 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 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, 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 it also finds 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 infraction 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, or imprisonment for not more than 90 days, or both. 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.

Introduced by:
Councilmember Iddings

1st reading: 3-11-85
2nd reading: 3-25-85

ORDINANCE NO. 1985-27

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

SECTION 1. THAT the Takoma Park Historic Preservation Committee has requested certain changes in Ordinance No. 2608, to provide for two-year terms and to remove limitations on the number of terms an individual may serve.

SECTION 2. THEREFORE THAT Section 4.B., Article 2, of Ordinance No. 2608, adopted May 10, 1982, be amended to read as follows:

B. Term. The term of members of the committee shall be for a period of two years, with appointments to begin on January 1 or July 1. Interim appointments may be made by the Committee, but must be formally approved by Council appointment during the following January or July.

SECTION 3. THAT this ordinance shall become effective upon adoption.

Introduced by:
Councilmember Bradley

ORDINANCE NO. 1985-28

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

SECTION 1. THAT the Fiscal Year 1985 City Budget earmarked \$13,500 in Federal Revenue Sharing Funds for the purchase a one-ton dump truck for the Public Works Department; AND

SECTION 2. THAT bids were solicited from qualified dealers and advertised for two consecutive weeks in two weekly newspapers of local circulation; AND

SECTION 3. THAT bids were publicly opened at 3:30 PM, March 13, 1985, with the low bid having been received from Banning & Sons Motors, Inc., Hyattsville, Md., for one Dodge dump truck at \$13,683.25.

SECTION 4. THAT Banning & Sons Motors, Inc. 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.

SECTION 5. THEREFORE that the bid of Banning & Sons Motors, Inc. for one Dodge dump truck, Model D-350, Engine #360-4BbL, for the sum of THIRTEEN THOUSAND, SIX HUNDRED EIGHTY-THREE DOLLARS AND TWENTY-FIVE CENTS (\$13,683.25) is hereby accepted; AND

SECTION 6. THAT funds to cover this purchase be appropriated from the capital expenditures account, #995, and posted to the Federal Revenue Sharing account.

ADOPTED BY THE CITY COUNCIL MARCH 25, 1985

Introduced by:
Councilmember D'Ovidio

1st reading: 3-11-85
2nd reading: 3-25-85

ORDINANCE NO. 1985-29

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

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of a new subsection (i) to Section 1, as set forth below:

Section 1. That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Md., 1972, as amended, be installed at the following locations:

- (i) On Baltimore Avenue, between the southwest side of Albany Avenue and New York Avenue, with the speed hump installations to be located between 7329 and 7401, and 7418 and 7420 Baltimore Avenue.

SECTION 2. THAT funds to cover this work be appropriated from the capital expenditures account, #995.