

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
and  
Public Hearing on Charter Amendment - Sec. 1.7. "Powers"  
Public Hearing on Takoma Junction Facade Standards Ordinance  
Public Hearing for Provision of Parking Spaces Near Takoma Metro Station

April 8, 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. Presentation designating City as "Tree City USA" by Chris Lynch, Maryland Forestry Service

READING AND APPROVAL OF THE MINUTES OF MARCH 25, 1985

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

Administrative reports and correspondence

- (1) Resolution re promotions within Police Department  
Citizens' comments  
Council action
- (2) First reading of an ordinance amending FY 1984-85 Pay Plan re Police Department promotions  
Citizens' comments  
First Reading
- (3) Consideration of application for alcoholic beverage license (Class B, Beer & Wine, On-Sale Only) at Luu's Restaurant & Carryout, 916 East West Highway  
Citizens' comments  
Council action
- (4) Appeal No. 7520, front footage variance for construction of dwelling at Lot 22, Block 35, BFG Subdivision, Colby Avenue. (Hearing: 4-17-85, 6:30 PM, Prince George's Co. Admin. Bldg., Upper Marlboro)  
Citizens' comments  
Council action
- (5) Council affirmation of decisions re Accessory Apartments located at 7515 Carroll Avenue and 248 Park Avenue  
Citizens' comments  
Council action

- (6) Public Hearing on Proposed Charter Amendment to repeal and reenact subsections (a), (b), (c), and (k) of Sec. 1.7, "Powers"  
Citizens' comments  
Second Reading and Council action
- (7) Public Hearing on Takoma Junction Revitalization Area facade design standards ordinance  
Citizens' comments  
Second Reading and Council action
- (8) Public Hearing re petition from residents of eastern sections of the City to provide parking spaces within walking distance of the Metro station  
Citizens' comments  
Council action
- (9) Second reading of two ordinances amending or adding the following sections to Chapter 5, City Code, pertaining to personnel:  
Sec. 2-74, Holiday Leave; Sec. 2-75, Annual Leave; Sec. 2-76.1, Compensatory Leave
- (10) First Reading of an ordinance condemning 7114 Sycamore Avenue  
Citizens' comments  
First Reading
- (11) Second 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  
Council action
- (12) **Second Reading** of an ordinance extending condominium conversion law to Prince George's section of the City  
Citizens' comments  
Council action
- (13) Ordinance authorizing Recreation Department to employ professional services for design, construction coordination, etc. of development of Project Open Space park on Jackson/Boyd Avenue - technical amendment  
Citizens' comments  
Council action
- (14) Resolution regarding acts of religious and racial defamation  
Citizens' comments  
Council action

ADJOURNMENT

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and

Public Hearing on Charter Amendment - Sec. 1.7, "Powers"

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Public Hearing for Provision of Parking Spaces Near Takoma Metro Stationx

April 8, 1985

CITY OFFICIALS PRESENT:

|                           |                                  |
|---------------------------|----------------------------------|
| Mayor Abbott              | City Administrator Wilson        |
| Councilmember Aldrighetti | Asst. City Administrator Habada  |
| Councilmember Bradley     | Housing Director Tyree           |
| Councilmember Dalmat      | Police Chief Fisher              |
| Councilmember Haney       | Recreation Director Ziegler      |
| Councilmember Iddings     | Corporation Counsel Gagliardo    |
| Councilmember Williams    | Asst. Corporation Counsel DeNovo |

EXCUSED: Councilmember D'Ovidio

The Mayor and City Council of Takoma Park, Maryland, met on April 8, 1985, at 8:40 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, Mayor Abbott commented that he hoped the City's Cable TV Channel 24 would soon be offering material for viewing. Councilmember Haney commented that Takoma Park had been named, for the second year in a row, as a "Tree City U.S.A.," and referred to the related article in the current Newsletter. Ms. Chris Lynch of the State Forester's Office presented, on behalf of that office and the National Arbor Day Foundation, a "Tree City" flag and plaque, which was accepted by the Mayor, Mr. Haney and Janice Martin of the City's Tree Commission. She commented on the City's accomplishments in preserving and planting trees.

In consideration of the number of persons present in connection with agenda item #1, Police Department promotions, the item was moved up and addressed (see item #1 below).

The Council Meeting Minutes of March 25, 1985 were presented; approval was moved by Councilmember Bradley, duly seconded by Councilmember Aldrighetti. Councilmember Iddings noted, on behalf of his sister-in-law, that on page 2, "Sweet Honey and the Rock" should read "Sweet Honey in the Rock;" on page 4, "Carl Reidel" should read "Karl Reidel." The minutes, as corrected, were approved unanimously.

ADDITIONAL AGENDA ITEMS

Three resolutions pertaining to City banking (Wilson)

GENERAL CITIZENS' COMMENTS (not directed at items for Council action)  
Mark Hawkinson, 209 Lincoln Avenue, #3, representing Takoma Park-Silver Spring Food Co-Op: Referred to a recent meeting held to discuss insurance arrangements for the circus; he said the Co-Op will sign the City's original letter of agreement based on certain understandings, which he cited. He stated that the Co-Op has been placed in the position of being in the middle between the City and the circus' insurance company; said the Co-Op Board feels it imperative that, in the event of damage to park property with the City and the insurance company not agreeing upon dollar amounts, a third party be allowed to make the final determination on the cost of restoring the park to its former condition. He emphasized that this condition did not reflect a lack of trust, but would provide an option in the event of an unresolvable difference of opinion should park damage occur. He stated that if the third party arbitrator determined an amount at variance with what the insurance company was willing to pay, the Co-Op would make up the difference. Mayor Abbott stated that it was made very clear earlier that the City, in return for setting aside its ordinances in order to permit the circus to occur in Jequie Park with any profit going to the sponsoring organization, would require two things: 1) a \$1,000 deposit, and 2) no third party arbitration. He pointed out that it was agreed a joint inspection of the park would be made prior to and after the circus; if there was damage to sod, etc., in excess of \$1,000, then the difference would have to be made up, but without

involving any third party arbitrators or litigation. Councilmember Aldrighetti noted that Council had already agreed to do something not previously done, thus setting a precedent, and he did not think the Co-Op should, in all fairness, be coming back expressing concerns about protecting themselves; said the City's position has been clear and consistent from the beginning of discussions. Mr. Hawkinson stated that, in essence, what the City is asking is that the Co-Op be the insurance company for the City, with terms that the City could not get under any conditions, at any price, from any insurance company. The Mayor noted that the City had not solicited the circus, would not financially benefit from it, and would have to hold the sponsors responsible for any required repairs to the grounds. He pointed out that the City had already expended both staff and Corporation Counsel time in drawing up the agreement, did not want the added expense of arbitration. Asst. Corporation Counsel DeNovo commented that the agreement that the City would wait several weeks for payment of any damage amount over \$1,000 was a substantial concession; said it appeared to her that the City was asking that the Co-Op be the insurer for their own activity, which is not inappropriate. Councilmember Haney commented that the City would not attempt to recoup from any source an amount in excess of just what it would cost to resod the park field should that be necessary, and he did not think the Mayor and Council would support any involvement with binding arbitration, which would set a bad precedent. The Mayor reiterated that in the event of damage exceeding \$1,000, determination of amount would be made jointly by the City Engineer, the Recreation Department, and the Co-Op members, with the Co-Op responsible for collecting from the insurance company. In response to query from the audience, the Mayor stated that the circus' insurance coverage was extensive, covering all sorts of possible accidents, etc. Following additional discussion, Mr. Hawkinson stated that, at best, the Co-Op will break even financially on the event, will not make money; however, he felt it would benefit the community.

Margie Terlofsky, 8108 Roanoke Avenue, member of Co-Op: Stated the Co-Op's primary reason for sponsoring the circus was not as a money-making venture, but for community children who might not otherwise be able to enjoy the circus; it was viewed as a community service effort by members.

Councilmember Williams commented that the current conversation appeared to be a rehash of discussion at the last worksession, except for the proposal to have a third-party arbitrator to settle the amount of damage. In ensuing discussion, Councilmember Iddings noted that it seemed to have been lost sight of that the circus would benefit the City in that it would be an enjoyable family event for residents, however, he did not know how the impasse could be resolved. Following additional lengthy dialogue, Mayor Abbott moved that the Council's response to the proffered check and arbitration point be rejected and that the original agreement drawn up by the City Attorney be the basis of acceptance by the Co-Op, with the addition in the agreement that, should the amount of damages exceed \$1,000, the City will wait a reasonable time (3 weeks or so) for the insurance company dealing with the Co-Op to settle (with the City accomplishing the repairs in the meantime); duly seconded by Councilmember Bradley, who commented that the proffered check, per se, was not being rejected, only the proposed third party arbitration provision. The motion carried with Councilmember Iddings voting Nay, Councilmembers Haney and D'Ovidio Excused, balance of Council voting Aye.

ITEMS FOR COUNCIL CONSIDERATION:

(1) Resolution re promotions within Police Department.

Councilmember Bradley read the names of those individuals being promoted and moved passage of the resolution approving related salary increases, duly seconded, carried unanimously.

RESOLUTION #1985-6  
(attached)

On behalf of the Police Department, Chief Fisher expressed thanks to the Mayor and Council for their help in accomplishing the promotions. Councilmember Bradley commented that these promotions are the first since the Chief began analysis of the promotion process, promotion

criteria, tests, etc. The Mayor welcomed police officers' families who were present and thanked the officers for bringing them.

(2) Second reading of two ordinances amending or adding the following sections to Chapter 5, City Code, pertaining to personnel: Sec. 2-74, Holiday Leave; Sec. 2-75, Annual Leave; Sec. 20-76.1, Compensatory Leave.

The Mayor explained that this item was discussed in pre-Council session, which was why the meeting was late in convening; consensus was that the item will be further discussed by the employees' and administration committees and a report of the meeting(s) made to Council so that the ordinances can be rescheduled for second reading on April 22. Comments were made emphasizing the fact that the issue must be brought to closure. Councilmember Iddings expressed thanks to the City Administrator and Asst. City Administrator for their efforts, particularly toward addressing the City's unfunded liability in the form of accumulated employee leave. The Mayor noted that this process was the first time in the City's history that employee input, as well as administration input, had been utilized by the Council in a personnel issue; he thanked not only administrative staff, but employees as well; said all involved had displayed a concern not only for their own job, but the City as a whole. Councilmember Iddings reiterated that the issue must come to closure two weeks hence, said he would not be prepared to listen to any last-minute employee letters.

ORDINANCES #1985-and #1985-  
(attached)

(3) First reading of an ordinance amending FY 1984-85 Pay Plan re Police Department promotions.

Mr. Wilson noted that this ordinance will create the position of Police Captain in the Pay Plan, which did not formerly exist. The ordinance was accepted for first reading.

ORDINANCE #1985-  
(attached)

(4) Consideration of application for alcoholic beverage license (Class B, Beer & Wine, On-Sale Only) at Luu's Restaurant & Carryout, 916 East-West Highway.

Based on a consensus reached in worksession, Councilmember Aldrighetti moved that Council support granting of a Class B, beer and wine, on-sale only license for the establishment; duly seconded. Councilmember Aldrighetti commented that this position was consistent with past practice, in which Council has supported on-sale licenses only, as well as being in accordance with neighborhood opinion.

Janice Martin, 1319 Elson Place: Commented it would probably benefit the owner's business if off-sale beer were available for carryout; remarked on parking problems in that area.

Following discussion, the question was called, motion carried unanimously.

(5) Appeal No. 7520, front footage variance for construction of dwelling at Lot 22, Block 35, BFG Subdivision, Colby Avenue.

Mr. Wilson noted that neighboring property owners were notified of the requested variance of 29.56 ft. of the required 45 ft. minimum; the matter was discussed at the last worksession.

Dave Strahle, petitioner for the variance, read a letter he had sent adjacent property owners in which he explained the background and reason(s) for his variance request on behalf of Jan Newman and Sandra Richardson, owners of the lot. He stated he sold the lot to the present owners as a buildable lot, unaware that problems would arise, and hoped to rectify the situation.

Ted Roorda, owner of Lot 21, 706 Colby Avenue: Mr. Roorda explained that, while he is a City employee, he bought his property prior to City employment; his current position with the City in no way affects matters pertaining to the requested variance, which relates to him only as a private citizen and homeowner. He commented on the property owner, Mr. Newman, not being present to represent his interests, as

well as his absence from the worksession at which the variance was discussed. He said he understood, at the time he purchased his own lot, that the reason Mr. Newman bought Lot 22 was to protect his backyard (he also owns Lot 18 and had purportedly intended to build on that lot, which Lot 22 borders in the rear). Mr. Roorda stated that when he was shown his lot, the property markers for that lot (lot 21) included the pie-shaped wedge indicated on the plat; he was not informed that any pie-shaped piece existed that did not belong to the lot he intended to buy. He said he purchased his lot with the understanding that lots 18 and 22 belonged to one owner who intended to build one house on the property, to which he would have no objection. His fear was that if the variance was approved for Lot 22, a second house would subsequently be built on Lot 18.

Marsha Kadesh, owner of Lot 19: Explained that shortly after purchasing her lot, she entered into an easement agreement involving the rear of her lot and allowing access to Lot 18, at which time she was told by Mr. Newman and Mr. Strahle that Lots 18 and 22 would be developed as one parcel; she said what is now being requested would be undesirable and create a lot of problems, as well as violating the Master Plan. She stated she would not object to the building of one house on the two lots. Councilmember Dalmat commented that with the object of preserving open space, she would vote against supporting granting of the variance which would allow a house to be put up on what has been deemed an unbuildable lot. In response to query from Councilmember Aldrighetti, Mr. Strahle stated that the two lots are currently for sale, have been recently advertised in the Washington Post, and he is the agent. Councilmember Iddings commented that there are no provisions in the Code in Prince George's County for pipestem-shaped lots, he would vote against granting of the variance; in Montgomery County, the provision for such lots requires at least 25' minimum width to ensure access by fire and safety equipment, etc.; he said favoring such a variance would set a very bad precedent for dealing with other similarly shaped vacant lots in the city. Councilmember Bradley commented that, from her experience living on a pipestem-shaped lot, she would not support granting of the variance; cited problems relative to safety equipment access, etc. Councilmember Aldrighetti moved that Council convey to the Board of Appeals a position of opposition to granting of the variance, duly seconded by Councilmember Iddings, carried unanimously.

(6) Council affirmation of decisions re Accessory Apartments located at 7515 Carroll Avenue and 248 Park Avenue.

Councilmember Iddings noted this item is affirmation of decisions made earlier, including opposition to granting of the Special Exception at 248 Park Avenue due to excessive density of apartments in that area; he moved affirmation of the position of opposition to that apartment, duly seconded by Councilmember Haney, carried unanimously.

Mayor Abbott recognized and welcomed resident Richard Dempsey in the audience, who is a well-known artist nationally, has exhibited internationally.

Mr. Iddings moved affirmation of the position of opposition to the requested Special Exception at 7515 Carroll Avenue, based on the excessive concentration of accessory apartments on that block. He noted that a request had been made to the Board of Appeals that they offer guidance, take into consideration the implications of excessive concentration, which up to now they have not done. Councilmember Dalmat duly seconded the motion. Discussion noted that one accessory apartment had been approved by Council on that block, another opposed, with the current one also being opposed. Councilmember Dalmat reminded that the letter to the Board of Appeals was also to indicate that this application was the sort for which accessory apartments were intended; she thought it was intended that the letter convey the fact that, having opposed a prior application on that block due to the concentration factor, Council would have problems supporting this one. The Mayor pointed out that, because of the applicants being elderly people needing the additional income, the prior consensus was not to oppose granting of this Special Exception, despite the excessive concentration factor. Councilmember Iddings moved that staff be directed to send an additional letter to the Board of Appeals stating that despite the excessive concentration of accessory apartments in the

7500 block of Carroll Avenue, Council will not oppose granting of the Special Exception at 7515 because the applicants are the kind of people that the accessory apartment ordinance was designed specifically to help. The motion was duly seconded by Councilmember Dalmat, carried unanimously.

(6) Public Hearing on Proposed Charter Amendment to repeal and reenact subsections (a), (b), (c), and (k) of Sec. 1.7, "Powers." Councilmember Iddings moved adoption of the ordinance, duly seconded by Councilmember Aldrighetti. Asst. Corporation Counsel DeNovo noted that there are additions that should be made prior to adoption, specifically, the City's authority to regulate condominiums and cooperatives, another technical adjustment that should be made, as well as an addition regarding streets and roads suggested by Mr. Iddings. The public hearing was considered concluded, additions to be accomplished as noted, with second reading at a later date.

ORDINANCE #1985-  
(attached)

(7) Public Hearing on Takoma Junction Revitalization Area facade design standards ordinance.

Rev. Albaugh noted that Council had requested minor changes in the municipal infractions penalty section; said the committee had met, reached a consensus that there should be a non-compliance penalty section, and asked Daniel Neal to provide new language for that section. Councilmember Iddings noted that on page 1 of the ordinance, in the Boundary Description section, some single family homes would fall within the boundaries and the commercial revitalization standards probably should not apply to them; he suggested that the first sentence be amended to read "...shall apply to all commercial structures within the..." He also suggested striking Section 2.(5)(a), and adding a new Section 3 (present Section 3 to become Section 4), to read:

"Section 3. Penalties

- (a) Any violation of Section 1 (C)-(J) of this ordinance which is not corrected within any compliance period as specified under Section 2 (A) (2) and (3) above shall constitute a municipal infraction for which a citation may be issued in accordance with Section 1-17 of The Charter and Code of Takoma Park, Maryland (1972), as amended, provided that
- (i) the City shall not seek adjudication of any violation during pendency of an appeal pursuant to Section 2 (A) (4) above and
  - (ii) the fine for each violation shall be a minimum of \$25.00 per day, up to \$100.00 per day for each initial violation, and the maximum fine allowable by law for repeat or continuing violations."

Mr. Iddings noted that this language met with the approval of Rev. Albaugh of the committee, as well as Corporation Counsel and Asst. Corporation Counsel. Adoption of the ordinance was moved by Councilmember Iddings, duly seconded by Councilmember Dalmat. In response to query from Fire Chief McGary, it was stated that the Fire Department is exempt from the ordinance, its status is non-commercial. Councilmember Iddings moved deleting Section 2(5)(a) and replacing it with a new Section 3, per his suggestion, duly seconded by Councilmember Aldrighetti, carried unanimously.

Councilmember Iddings noted that contract negotiations with Constructive Alternatives are progressing, The Townscape Institute anticipates beginning work on facade designs within 4-6 weeks after signing of the contract.

The Mayor stated he would like for Council to take a position on the Sister City Lot as soon as possible; he related that a recommendation has been made by two City staff members that the lot be leveled versus its contemplated use as an arts center; he requested that the item be placed on the upcoming worksession agenda.

The Takoma Junction Revitalization design standards ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti,

Bradley, Dalmat, Haney, Iddings and Williams; NAY: None; EXCUSED: Councilmember D'Ovidio.

ORDINANCE #1985-30  
(attached)

Councilmember Bradley commented that she would have preferred to have seen one across-the-board design standards ordinance for the entire City, rather than a separate one for each area.

(8) Public Hearing re petition from residents of eastern sections of the City to provide parking spaces within walking distance of the Metro station.

There being no citizens present wishing to speak on the matter, the meeting moved ahead to the next agenda item.

(9) First Reading of an ordinance condemning 7114 Sycamore Avenue.

Mayor Abbott noted that the City has received a letter from the owner of the property, Clark Burdine, stating his intention to move the house. Mr. Wilson stated that he requested Mr. Burdine to send any corroborative information he had available; copies of various documents have been received and disseminated. In light of prior similar promises made and not adhered to by the owner, Councilmember Dalmat moved acceptance of the ordinance for first reading, with the proviso it be made clear to Mr. Burdine that, while Council did not wish to tear the house down, it would be demolished if he did not move it in a timely fashion. The Mayor directed that the owner be notified that second reading of the ordinance would be two weeks hence, and that the 90-day time frame for removal of the structure prior to demolition would commence upon adoption of the ordinance. The ordinance was accepted for first reading.

ORDINANCE #1985-  
(attached)

Mayor Abbott commented that the county had stepped in and stopped renovation work on the Ashrafi house; he requested that staff intervene and get the permit restored so the house can be finished.

(10) Second 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 Iddings moved adoption, duly seconded. Mr. Iddings commented that the ordinance, as worded, avoids being abusive, addresses health and safety, provides an additional tool short of condemnation to persuade owners to comply. Councilmember Bradley questioned what the case load would be in the coming year if the ordinance were adopted. Housing Director Tyree stated that, of 4 recent cases, 3 were resolved without the ordinance, 1 is outstanding. Basically, such cases come to Housing Department's attention through the Community Improvement Board and/or citizen complaints. Councilmember Bradley commented she would support the ordinance, but would want to see "less severe" cases pursued as long as possible through informal adjudication rather than municipal infractions. Discussion ensued concerning using municipal infractions to enforce control of overgrown vegetation in the City.

Corporation Counsel Gagliardo expressed disagreement with the prior interpretation of the ordinance offered; he said, for instance, a broken or cracked window pane could be subject to citation and a minimum \$25.00 fine. He suggested restructuring the statement to indicate that provisions of the BOCA Code would apply to the extent that any violation would present a danger to health or safety, etc.; however, then a problem of inspection, as well as what is and is not covered, would be presented. Councilmember Aldrighetti suggested tabling the item until language is supplied which restricts the legislation to questions of health and safety. Mr. Gagliardo commented that it appeared to him that all of BOCA pertaining to exteriors would be applicable unless the ordinance were modified. The Mayor emphasized that considerable caution would have to be exercised in citing homeowners for paint, roof problems, etc., as there can be



extenuating circumstances. Following additional discussion, Councilmember Bradley moved that action on the item be deferred for two weeks in order to allow for review and study by Corporation Counsel and other appropriate staff, duly seconded by Councilmember Haney, carried unanimously.

ORDINANCE #1985-  
(attached)

(11) Second Reading of an ordinance extending condominium conversion law to Prince George's section of the City.

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

ORDINANCE #1985-31  
(attached)

(12) Ordinance authorizing Recreation Department to employ professional services for design, construction coordination, etc. of development of Project Open Space park on Jackson/Boyd Avenue - technical amendment.

Councilmember Iddings stated that the technical amendment corrects a former incorrect identification of the group chosen to provide the stated services, makes the ordinance consistent with the contract. He moved adoption, duly seconded by Councilmember Dalmat, carried, with the roll call vote recorded as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, Haney, Iddings and Williams; NAY: None; EXCUSED: Councilmember D'Ovidio.

ORDINANCE #1985-32  
(attached)

(13) Resolution regarding acts of religious and racial defamation.

Councilmember Aldrighetti explained that a group of individuals have been travelling around putting up thousands of anti-Catholic posters, some have appeared in the City; he read the resolution and moved its passage, duly seconded by Councilmember Dalmat. In response to query, Corporation Counsel stated that property owners and utility companies could remove the posters from their premises; he said the act of putting up the posters would probably fall under a general vandalism state statute (or defacing property). Mr. Aldrighetti commented he understood that in other areas the individuals are being pursued for vandalism. Councilmember Haney commented on how difficult the posters are to remove. Councilmember Aldrighetti suggested that store owners might be notified and asked to remove the posters. The Mayor requested addition of a section to the resolution resolving that Prince George's County Council be informed and asked to adopt the same legislation against racial bigotry as Montgomery County, thus covering all parts of the City under the law. Councilmember Iddings asked that a section also be added resolving that the issue be brought before the Council of Governments and they be requested to take a strong stand on the matter. It was also requested that copies of the resolution be mailed to newspapers, as well as Montgomery and Prince George's municipal associations. The resolution, as amended, passed unanimously.

RESOLUTION #1985-7  
(attached)

(14) Bank resolutions.

Mr. Wilson noted that the resolutions essentially update information, as well as adding an additional bank. Following discussion, Councilmember Haney moved passage of the three resolutions, duly seconded by Councilmember Dalmat, carried unanimously.

RESOLUTIONS #1985-8, 1985-9, 1985-10  
(attached)

Upon motion, duly seconded, the meeting adjourned at 11:30 P.M., to reconvene in regular session on April 22, 1985, at 8:00 P.M.

Introduced by: Councilmember Bradley

RESOLUTION 1985- 6

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the following salary increases pertaining to promotions within the Police Department are hereby approved.

| <u>RANK</u>          | <u>CURRENT SALARY (GRADES)</u> | <u>PROMOTIONS SALARY (GRADES)</u> | <u>% INCREASE</u> | <u>DOLLAR INCREASE</u> |
|----------------------|--------------------------------|-----------------------------------|-------------------|------------------------|
| Captain              | \$32,444 (20 L-1)              | \$34,431 (23 I)                   | 6.1               | \$ 1,987               |
| Lieutenant           | 32,444 (20 L-1)                | 34,040 (21 L-1)                   | 5.0               | 1,596                  |
| Sergeant             | 22,344 (17 E)                  | 23,943 (20 C)                     | 7.16              | 1,559                  |
| Sergeant             | 26,114 (18 H)                  | 27,709 (20 G)                     | 6.0               | 1,595                  |
| Corporal             | 22,344 (17 E)                  | 23,407 (18 E)                     | 5.0               | 1,063                  |
| Corporal             | 19,839 (16 C)                  | 20,986 (18 B)                     | 6.0               | 1,147                  |
| Corporal             | 22,344 (17 E)                  | 23,407 (18 E)                     | 5.0               | 1,063                  |
| Private<br>1st Class | 21,334 (16 E)                  | 22,344 (17 E)                     | 5.0               | 1,010                  |
| Private<br>1st Class | 20,572 (16 D)                  | 21,547 (17 D)                     | 5.0               | 975                    |
| Private<br>1st Class | 23,795 (16 H)                  | 24,927 (17 H)                     | 5.0               | <u>1,132</u>           |
|                      |                                |                                   | ANNUAL TOTAL      | \$13,167               |

APRIL 8, 1985

Introduced by:

Revised 4/3/85  
1st Reading: 3/11/85  
2nd Reading:

ORDINANCE NO. 1985-

AN ORDINANCE TO AMEND CHAPTER 2 (ADMINISTRATION), ARTICLE 5 (PERSONNEL) OF THE CODE OF THE CITY OF TAKOMA PARK.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT THE FOLLOWING SECTIONS OF THE CITY CODE, Section 2-74. HOLIDAY LEAVE, Section 2-75. ANNUAL LEAVE, WITH A NEW SECTION, Section 2-76.1. COMPENSATORY LEAVE, ADDED AS FOLLOWS:

Section 2-74. Holiday Leave

(k) An employee who, on or prior to the effective date of this ordinance has accumulated holiday leave shall:

1. Have all accrued holiday leave balances frozen at the salary rate that is in effect at the time of enactment of this ordinance.
2. Use all such leave by December 31, 1990 except as provided herein:
  - i. Employees shall make application for time off on or before January 1, 1990. Requests for time off shall not be unreasonably denied. If an employee has asked for time off and it cannot be scheduled because of the City's workload, accumulated holiday leave accrued prior to the effective date of this ordinance may be carried over upon approval by the City Administrator, until such time as the department head can schedule time off for the employee.
3. Utilize accrued holiday leave by either of the following methods:
  - i. Draw time on an hour-for-hour basis at the salary rate the employee has attained at the time of withdrawal, up to December 31, 1990; or
  - ii. Upon termination from the City, receive payment on an hour-for-hour basis at the salary rate the employee has attained on the effective date of this ordinance.

(l) Notwithstanding the provisions of subsection (k) above, the Mayor and Council may at any time authorize payment in full or in part, to employees who have accrued holiday leave, at the salary rate in effect at the time of enactment of this ordinance.

(m) Department Heads are to develop annual plans for the scheduling of holiday leave accumulated prior to the effective date of this ordinance. Quarterly reports are to be submitted to the City Administrator by the Department Heads on progress made toward the elimination of leave accrued on or prior to the effective date of this ordinance. Quarterly reports are to be made to the Mayor and Council on progress made toward elimination of leave accrued on or prior to the effective date of this ordinance.

Section 2-75. Annual Leave.

(f) An employee who, on the effective date of this ordinance or the end of the current accrual period, has accumulated annual leave shall:

1. Have all accrued annual leave balances frozen at the salary rate that is in effect at the time of enactment of this ordinance.
2. Use all such leave by December 31, 1990, except as provided herein;
  - i. Employees shall make application for time off on or before January 1, 1990. Requests for time off shall not be unreasonably denied. If an employee has asked for time off and it cannot be scheduled because of the City's workload, accumulated annual leave accrued prior to the effective date of this ordinance may be carried over upon approval by the City Administrator, until such time as the department head can schedule time off for the employee.
3. Utilize accrued annual leave by either of the following methods:
  - i. Draw time on an hour-for-hour basis at the salary rate the employee has attained at the time of withdrawal, up to December 31, 1990, or
  - ii. Upon termination from the City, receive payment on an hour-for-hour basis at the salary rate the employee has attained on the effective date of this ordinance.

(g) Notwithstanding the provisions of subsection (f) above, the Mayor and Council may at any time authorize payment in full or in part, to employees who have accrued annual leave, at the salary rate in effect at the time of enactment of this ordinance.

(h) Department Heads are to develop annual plans for the scheduling of annual leave accumulated prior to the effective date of this ordinance. Quarterly reports are to be submitted to the City Administrator by the Department Heads on progress made toward the elimination of annual leave accrued on or prior to the effective date of this ordinance. Quarterly reports are to be made to the Mayor and Council on progress made toward elimination of annual leave accrued on or prior to the effective date of this ordinance.

Section 2-76.1. Compensatory Leave.

(a) Compensatory leave is defined as time off as approved by the appropriate authorizing administrator in lieu of paid overtime; to be granted to salaried, non-department head employees only, or those so designated by the City Administrator.

(b) An employee who, on or prior to the effective date of this ordinance has accumulated compensatory leave shall:

1. Have all accrued compensatory leave balances frozen at the salary rate that is in effect at the time of enactment of this ordinance.

2. Use all such compensatory leave by December 31, 1990, except as provided herein;

i. Employees shall make application for time off on or before January 1, 1990. Requests for time off shall not be unreasonably denied. If an employee has asked for time off and it cannot be scheduled because of the City's workload, accumulated compensatory leave accrued on or prior to the effective date of this ordinance may be carried over upon approval by the City Administrator, until such time as the department head can schedule time off for the employee.

3. Utilize accrued compensatory leave by either of the following methods:

i. Draw time on an hour-for-hour basis at the salary rate the employee has attained at the time of withdrawal, up to December 31, 1990, or

ii. Upon termination from the City, receive payment on an hour-for-hour basis at the salary rate the employee has attained on the effective date of this ordinance.

(c) Notwithstanding the provisions of subsection (b) above, the Mayor and Council may at any time authorize payment in full or in part, to employees who have accrued compensatory leave, at the salary rate in effect at the time of enactment of this ordinance.

(d) Department Heads are to develop annual plans for the scheduling of compensatory leave accumulated on or prior to the effective date of this ordinance. Quarterly reports are to be submitted to the City Administrator by the Department Heads on progress made toward the elimination of leave accrued on or prior to the effective date of this ordinance. Quarterly reports are to be made to the Mayor and Council on progress made toward elimination of leave accrued on or prior to the effective date of this ordinance.

(e) Any compensatory leave accrued on or prior to the effective date of this ordinance and unused on or before December 31, 1990, may be converted to sick leave at the option of the employee.

DRAFT 7A - 3/4/85  
Revised: 4/3/85  
1st Reading: 3/11/85  
2nd Reading:

INTRODUCED BY:

ORDINANCE NO. 1985-

AN ORDINANCE TO AMEND CHAPTER 2 (ADMINISTRATION), ARTICLE 5 (PERSONNEL) OF THE CODE OF THE CITY OF TAKOMA PARK, MARYLAND.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT THE FOLLOWING SECTIONS OF THE CITY CODE, SECTION 2-70, OVERTIME, SECTION 2-74, HOLIDAY LEAVE, AND SECTION 2-75, ANNUAL LEAVE, ARE HEREBY REPEALED AND SIMULTANEOUSLY REENACTED AS FOLLOWS:

Section 2-70. Overtime.

(a) It shall be City policy to make every effort to eliminate overtime work. However, recognizing that emergencies do occur which require overtime payment to be made, the City shall compensate employees in accordance with the Fair Labor Standards Act and Amendments of 1974 (P.L. 93-259).

(b) All full-time employees shall be paid time and one-half for any hours worked over their normal work or regular duty hours, except that this section shall not apply to the incumbents of the positions enumerated below:

- (1) City Administrator;
- (2) Department Heads, and Assistant Directors of Departments;
- (3) Assistant City Administrator(s);
- (4) City Clerk;
- (5) Economic and Community Development Coordinator;
- (6) Police Captain, Police Lieutenant(s).

Section 2-74. Holiday Leave.

(a) The following days shall be recognized as legal holidays for which compensation shall be made:

- (1) New Year's Day;
- ~~(2)~~ Presidential Inauguration Day (every fourth year)
- ~~(2)~~ Martin Luther King, Jr.'s Birthday (January 15, 1986 and every year thereafter;
- (3) Washington's Birthday, third Monday in February;
- (4) Memorial Day, last Monday in May;
- (5) Independence Day, July 4;
- (6) Labor Day, first Monday in September;
- (7) Columbus Day;
- (8) Veteran's Day, ~~fourth Monday in October~~ November 11
- (9) Thanksgiving Day, fourth Thursday in November;
- (10) Christmas Eve (1/2 day);
- (11) Christmas Day;
- ~~(12)~~ 4 1/2 day December 31.

(b) Compensation for a holiday shall be made only if the employee worked on his or her last regularly scheduled working day prior to the holiday and on his or her first regularly scheduled working day following the holiday; or be on

approved leave. Should an employee be in a full pay status on these two (2) days, for whatever reason, compensation for the holiday shall be paid.

(c) Employees who perform work for the City on a holiday shall be paid at one and one half (1-1/2) times their regular rate for hours worked on such day in addition to the amount to which they are entitled for holiday compensation. Full-time employees are granted holiday leave for the total number of hours constituting their regularly scheduled workday or shift.

(d) Should one (1) of the above mentioned holidays fall on a Saturday, all eligible employees shall take the next regularly scheduled working day as the holiday. Part-time employees are granted holiday leave only if they work at least forty (40) hours per pay period. When this eligibility requirement is met, part-time employees earn holiday leave in proportion to the number of hours reported in a pay status.

(e) Should one (1) of the above mentioned holidays fall on a Sunday, all eligible employees shall take the next regularly scheduled working day as the holiday. Employees who perform work for the City on a holiday shall be paid during the next regular pay period at two (2) times their regular rate for hours worked on such day. Holiday leave may not be accumulated on or after the effective date of this ordinance.

(f) Police Department personnel working on a rotating shift basis shall be credited with holiday leave when they are working or when they are on a regular day off. The City Administrator determines the City services to be maintained on a holiday. As a result, an employee may be required to work on designated holidays. It is the City Administrator's responsibility, or his or her designee (e.g., department heads) to designate and inform those employees required to work on holidays.

(g) Should one (1) of the above-mentioned holidays fall on Saturday, all eligible employees shall take the regularly scheduled working day prior to Saturday as the holiday.

(h) Should one (1) of the above-mentioned holidays fall on a Sunday, all eligible employees shall take the next regularly scheduled working day as the holiday.

(i) An employee who works additional time beyond his/her regularly scheduled workday/shift on a holiday shall be paid at the regular overtime rate of 1-1/2 times his/her regular rate.

(j) When a holiday falls on a full-time shift-work employee's regularly scheduled day off, the employee shall be paid for their regular shift hours that falls on the holiday, at their regular rate.

#### Section 2-75. Annual Leave.

[No change to subsections (a), (b), (c), (d).]

(e) Beginning with the effective date of this ordinance, employees are permitted to accumulate unused annual leave in an amount not exceeding ~~sixty (60)~~ thirty (30) days (240 hours).

Introduced by:

1st Reading: April 8, 1985  
2nd Reading:

ORDINANCE NO. 1985-

An ordinance to amend Ordinance No. 2723, adopted June 11, 1984.

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

SECTION 1. THAT Section 8 of Ordinance No. 1400, subsequent amendments thereto, and Ordinance No. 2723, known as the Pay Scale Plan for the City of Takoma Park, is hereby amended as follows:

GRADE STRUCTURE - POLICE DEPARTMENT:

| POSITION              | GRADE         |
|-----------------------|---------------|
| <del>Lieutenant</del> | <del>23</del> |
| <u>Lieutenant</u>     | <u>21</u>     |
| <u>Captain</u>        | <u>23</u>     |

SECTION 2 THAT this ordinance shall become effective upon adoption.

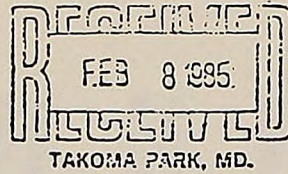
NOTE:

(-----) denotes deletions.

(      ) underscoring denotes additions.



CHARTER AMENDMENT



RESOLUTION NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

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

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

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

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

Section 1.7 Powers; and other matters.

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

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

5. To prohibit all forms of invidious discrimination;

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

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

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

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

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

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

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

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

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

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

8. Bridges. To erect and maintain bridges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27. Fees and Charges. Subject to the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

persons pursuing like occupations.

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

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

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

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

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

ORDINANCE #1985-30

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

WHEREAS, the City's commitment to commercial revitalization extends to the provision of substantial public improvements in Takoma Junction; AND

WHEREAS, to achieve success in commercial revitalization, these public commitments must be accompanied by private design improvements; AND

WHEREAS, design standards have been found to be a necessary and integral part of any commercial revitalization program;

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

SECTION 1. THAT over and above the codes and ordinances of the City of Takoma Park, the following additional standards shall be applied to all commercial uses within the area described below in section B, "Boundary Description."

A. PURPOSE

The purpose of these design standards is to promote and enhance the existing architectural character and historic richness of Takoma Junction so that it provides a stable, healthy business environment serving the needs of a broad community. These standards will help create a neighborhood business district with enhanced economic viability, attractiveness and convenience for residents of the surrounding neighborhoods and the broader community. The standards have been developed to regulate facade and building treatments in order to protect and enhance property values by ensuring compliance by all property owners; to cultivate a clear and consistent image for business operations; to bring about a general physical improvement of the area through coordinated private and public improvements; and to promote the public welfare.

B. BOUNDARY DESCRIPTION

The standards set forth below shall apply to all commercial structures within the officially designated area of the Takoma Junction commercial district. This area includes both sides of Carroll Avenue bounded on the northeast by Lee Avenue, and on the southwest by Philadelphia Avenue, to include the first blocks of Lee Avenue, Grant Avenue, and Sycamore Avenue.

C. ROOFS

(1) For pitched roofs visible from the sidewalk across the street either in front of, or to one side of a building, the following roof requirements shall apply:

(a) The finished roofing material shall be limited to the following materials: terne metal (steel with a corrosion resistive coating of either lead or tin); standing seam, painted sheet metal roofing; asphalt shingle or tile; slate; built-up flat roof; clay tile; wooden shakes.

(b) The finished roofing material shall be clean and kept in a good state of repair.

(c) The finished roofing material shall have a color compatible with the building color scheme.

(d) Dormers shall be compatible with the design of the building and street facade. The finished materials and colors shall be harmonious with both the roof and facade of the buildings.

(e) Skylights and solar collectors shall be integrated into the building profile, and all metal parts shall be coordinated with roofing material. Skylights shall be kept to the rear of the ridge of the roof whenever feasible.

(2) General Provisions

(a) Rooftop mechanical equipment shall be located far enough back from the edge of the roof so that it cannot be seen from the sidewalk across the street, either in front of or to one side of the building. Functional equipment may be retained until major repair or replacement of the equipment becomes necessary, at which time it shall be removed from view. All mechanical equipment shall be painted with a flat paint in a color compatible with the color of the front of the building upon which it rests or with the existing roof.

(b) All chimneys or other auxiliary structures on the roofs shall be clean and kept in good repair. All deteriorated masonry chimneys shall be either replaced or restored. All future metal chimneys shall be located so that they cannot be seen from the sidewalk across the street either in front of, or to the side of the building.

(c) Flashing visible from the sidewalk must be neat and free of pitch. Visible flashing shall be painted to match the surface of the wall above it.

(d) Television and radio antennae shall be located so as to be as inconspicuous as possible, preferably to the rear of the buildings.

(e) All inoperative or otherwise extraneous equipment, including but not limited to signs and billboards, shall be removed.

#### D. EXTERIOR WALLS

(1) All exterior building walls should be of the original architectural character of the building and maintained in good condition.

(2) All structural and decorative elements of building fronts and rear sides shall be repaired, replaced or uncovered in a workmanlike manner to match as closely as possible with the original materials and construction of that building.

(3) All miscellaneous elements on the exterior walls of the structures such as empty electrical boxes, conduits, pipes, unused sign brackets, alarm units, etc., shall be removed.

(4) All brick walls shall be cleaned, repaired, and re-pointed as required. Brick walls shall be either preserved in their natural color or painted a color compatible with the colors of the neighboring structures. Cleaning of brick walls by means of sand or grit blasting shall not be permitted (since this destroys the protective coating of the brick and allows it to deteriorate).

(5) All natural stone walls shall be cleaned, repaired, and pointed as necessary.

(6) All stucco surfaces shall be cleaned and repaired and shall have a similar texture to the existing surface. All stucco surfaces shall be in a color compatible with the colors of the neighboring structures.

(7) All tile finishes shall be removed and the original wall construction behind them restored.

(8) Asphalt shingle siding shall be removed and only a permissible exterior finish shall be allowed.

(9) All rotten, broken, or deteriorated wood siding shall be replaced. Existing material in sound condition and permissible under the local building codes shall be cleaned and painted or stained. All wood siding shall be designed to be compatible with the design of the building and the neighborhood. Textured plywood and/or plywood shall not be used.

(10) Use of air-conditioning units of the window type on the fronts of buildings should be avoided wherever possible. The location of wall-mounted air-conditioning units shall be in

a place harmonious and functional to the store front design, not to interfere with or be hazardous to pedestrian circulation and shall not drain to the sidewalk wherever possible.

(11) Metal gutters and downspouts shall be repaired or replaced as necessary and shall be neatly located and securely installed. Gutters and downspouts shall be painted to harmonize with other building facade colors.

#### E. ARCHITECTURAL DETAILS

(1) Cornices. Where cornices exist, they shall be restored to their original design. The removal of cornice work, without prompt replacement of similar design, will not be permitted. Where cornices have been removed during previous renovation work, new cornices shall be installed. New cornices shall be compatible with the design of the building. All cornices shall be made structurally sound, and rotted or weakened portions shall be removed and repaired or replaced to match the original patterns. All exposed wood shall be painted or stained.

#### (2) Windows.

(a) All of the windows in a single facade shall be of matching design. All window openings shall, within reason, have the same height and width they did at the time that the wall in which the openings are located was originally built. Filling in these openings at the top, bottom, or sides shall not be permitted.

(b) All windows shall be kept in good repair. Vinyl-clad wood or metal or other weather resistant materials may be used provided that they are kept painted or have an acceptable integral color. Damaged or broken glass shall be replaced with a suitable glazing material.

(c) All windows must be tight-fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints, or broken or loose mullions or muntins shall be replaced. All broken and missing windows shall be glazed. All exposed wood shall be painted or stained.

(d) Ornamental window grilles and balconettes of iron or similar materials may be incorporated as a decorative or security device.

(e) The lintels over windows shall be preserved or restored. Rotten wood lintels shall be replaced. Brick archwork and stone lintels shall be restored.

(f) Window sills shall be preserved, replaced, or restored to match the original design of the building, as closely as possible.

(g) Boarding up or filling in windows on the front facade shall not be permitted. Reflective material to cover glazing shall not be permitted.

(h) Windows facing alleys, yards, or side streets shall be kept properly repaired or, with the Fire Department's approval, may be closed with materials and a design that matches or is compatible with the material design and finish of the adjacent wall. Plywood will not be allowed as an infill material.

(3) Doors. In cases where there are doorways to buildings that are not incorporated in the storefront, the character of the original doorway shall be preserved. Where possible, the original style of these doorways, including solid, paneled, wood doors; wood frames; brick or stone sills; transoms; overhangs; and glazed sidelights, shall be incorporated into the design of the remodeled shopfront. The following additional requirements shall apply to all doorways and entrances:

(a) Storm and screen doors shall be compatible with entrance doors.

(b) Hardware, including large exterior locks, visible from the outside should not detract from the overall appearance of the door.

(c) Any grilles, bars, and grates covering doors or windows shall be designed to be compatible with the design of the building and of the neighboring structures, and the public improvement design intent.

(d) New doorways shall be designed with consideration for the needs of the handicapped and the elderly

(e) Where steps or stoops are required at a doorway or entrance, they shall be designed to match the original design. In cases where there are more than two risers, the steps or stoops shall be provided with a railing of compatible design.

(4) Awnings. The use of awnings, canopies, or other overhangs for the purpose of protection over the sidewalk in front of an establishment is encouraged:

(a) Soft, retractable awnings are permitted over the first floor and on upper floors above windows only.

(b) Awnings should be flame retardant.

(c) Awnings should not project from the building front so as to interfere with street trees, lamp posts, etc.

(d) Awnings shall terminate against the building at a height not higher than one inch below the second floor window sill.

(e) Awnings should be coordinated in color and/or design to unify the commercial block.

(f) The width of front valance of awnings should not exceed one foot (1'-0") and size of striping at one foot (1'-0") maximum.

(g) Rigid or fixed awnings, sun screens, or permanent canopies are permitted if these are compatible, harmonious and consistent with the original scale and character of the structure.

(h) Signs, symbols or designs painted or sewn onto awnings are permitted.

(i) If graphics are to be placed on an awning, they should be on the awning valance.

#### F. SHOPFRONTS

(1) A shopfront as a part of the building facade shall be defined to include: the building face, porches, the entrance area leading to the door, side-lights, transoms, display platforms, devices including lighting and signing designed to be viewed from the public right-of-way and/or the areas visible to the public prior to entering the interior portion of the structure.

#### (2) General Provisions.

(a) Shopfronts, entrances, signs, lighting, sun protection, porches, security grilles, etc., shall be compatible, harmonious, and consistent with the original scale and character of the structure.

(b) All extraneous and unused hardware, signing, and equipment shall be removed.

(c) All broken, rotten, or damaged elements shall be removed and replaced with elements that are harmonious with the design of the building and with the neighborhood.

(d) Ribbed or patterned metal are not permitted as acceptable replacement materials for shopfront windows. Stained glass is permitted if compatible and consistent with original scale and character of the building.

(e) At such time as sign panels covering or replacing shop cornices are removed or deemed to need replacement, they shall be removed permanently and the cornice permanently restored.

(f) Grates, bars, and grilles shall be designed so as to be as inconspicuous as possible. They shall be kept painted



and free of rust. In all cases they shall be kept open during the normal daylight business hours. Non-metal grilles and screens shall be prohibited. Enclosures and housings for security grilles and screens shall be as inconspicuous as possible and shall be compatible with the design of the shopfront. Mesh security wire is permissible if removed during normal business hours.

(g) Solid, permanently enclosed, covered, or reflective covered shopfront windows shall not be permitted. Where the window treatment of the first floor must be modified such that the window openings will be made smaller, these new openings will not be smaller in size than the openings of the second or third floor windows of the subject structure.

(h) Vending machines shall not be located within 25 feet of the sidewalk and shall not be placed within the area defined as a shopfront in paragraph (1) of this section.

#### G. SIGNS AND COMMERCIAL ADVERTISING

(1) Signage materials shall be in harmony with the rest of the facade materials and be easily maintained, such as: treated fabric; natural or painted wood; metal; cut-out letters of metal, wood, or plastic; and individual painted letters.

(2) Signs on a building should be placed where they conceal the least amount of architectural detail.

(3) Signs may be a maximum of thirty (30) inches high and project not more than eight (8) inches from the outside face of the exterior wall. All signs shall be designed to be harmonious with the design of the building facade and the neighboring structures. The maximum allowable sign area shall be two times the frontage of the building in feet. Sign area shall be construed to include space between letters.

(4) Lettering applied to ground floor show windows or entrance doors shall not exceed four (4) inches in height and shall be limited to 50% of the glazed area. Signs identifying the occupant shall be permitted at rear entrance doors but shall not exceed six (6) square feet in size and shall be nonluminous.

(5) Signs may be painted on the inside surface of the shopfronts but must be designed to be compatible with the design of the entire facade. Signs painted on the facade or on the inside glass should be limited to lettering no greater than six (6) inches in height. When these signs are the only identifying sign for the property, twelve (12) inch lettering is permissible. These signs shall not exceed twenty percent (20%) of the area of the shopfront window.

(6) Non-illuminated secondary signs shall be permitted for the identification of commercial tenants occupying the upper

floors of a building. These signs shall be designed to be harmonious with the facade of the building. Each tenant shall be allowed one sign to be limited to 6 sq. ft. in area. Such signs may be perpendicular to the building but must be limited to 6 sq. ft. and may not project more than 3 ft. from the building exterior wall.

(7) "Temporary" signs may be displayed within shopfront windows provided that these signs are not larger than twenty percent (20%) of the square footage area of the window in which they are displayed and are on display not more than thirty (30) consecutive days.

(8) Permanent signs on the building facade shall be limited to signs identifying the business.

(9) If the shopfront design includes a cornice, the sign shall be incorporated in the cornice design or shall be placed in the shop window. If a shopfront cornice is not used, the sign shall be placed either in the shop window or on the portion of the building facade above the shop window and below the sill of the second floor windows.

(10) Flat signs may not be luminous but may be illuminated by any acceptable method listed below in the Lighting section.

(11) Flashing or moving signs other than barber poles shall not be permitted.

(12) Rooftop signs, above the parapet of the building, billboards, or outdoor advertising signs painted or mounted on the buildings shall not be permitted.

(13) Signs projecting perpendicular to the building are permitted but must be limited to 6 sq. ft.

(14) No signs painted on buildings will be permitted.

(15) Freestanding commercial billboards other than signage identifying Takoma Junction shall not be permitted and shall be removed in their entirety.

(16) Abandoned and unused signs and billboards, including posts and structures, shall be removed from premises within thirty (30) days of disuse.

#### H. LIGHTING

(1) Exterior lighting shall be limited to lighting fixtures designed to be in harmony with the character of the buildings and streetscape design intent. Such fixtures shall be mounted in the entrance ways and on the front facade of the building. Flood lighting concealed above storefront roofing may be used to light the facades of buildings. Lighting of the shops is encouraged during evening hours. Lighting of the

facades of the buildings may be accomplished with projecting fixtures at the roofline or at the storefront cornice line. Such fixtures shall be inconspicuous, harmonious with the design of the building, and project no more than twenty-four (24) inches from the face of the building.

(2) The following lighting methods are permitted:

(a) Fully recessed downlights or wallwashers in projecting metal boxes.

(b) Shielded fluorescent lamps with diffusers in projecting metal boxes.

(c) "Gooseneck incandescent," porcelain enamel reflector on bent metal tube arm. Housing should prevent glare at pedestrian eyeline.

(d) Individually back-lit letters or signs.

(3) The following lighting methods are not permitted to illuminate the front of any building or any side fronting on a major street:

(a) Exposed fluorescent lighting.

(b) Exposed quartz or mercury vapor lamps.

(c) Exposed incandescent lamps other than low wattage, purely decorative lighting.

(d) Flood lights which result in glare to pedestrians, vehicles, or occupants of buildings.

(4) Lights shall not blink, black out, flash, or have any mechanical motion.

(5) Electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches, and panel boxes shall be in metal conduit or otherwise concealed from view or integrated into the building design.

#### I. COLORS

(1) There should be continuous color treatment both in the overall base color and the trim accent color to create a unified appearance.

(2) All painting shall attempt to highlight existing architectural detailing of the building.

(3) Individual buildings should be one base color for cohesiveness. Building individuality is encouraged through accent colors, graphics, awnings, and signage.

#### J. REAR AND SIDE YARDS

(1) All yards should be neat in appearance and should not in any way obstruct passersby, nor detract from the appearance of the building.

(2) An unenclosed rear yard may be used as a parking or loading area providing that it is properly surfaced or paved with the use of gravel, asphalt, concrete, or other similar materials. Further, the yard should be illuminated and maintained.

(3) Merchants shall be responsible for the maintenance of their parking areas. No storage or trash containers shall be allowed in these areas except when housed in permanent structures of acceptable design. Commercial compactors in good repair shall be considered acceptable trash containers.

(4) All parking areas shall be effectively screened from adjoining residential property and shall have adequate landscaping and screening on property lines adjacent to public sidewalks.

(5) All outdoor refuse storage areas shall be screened from the view of adjacent properties and public rights-of-way. Screening shall consist of a masonry wall or durable fence or combination thereof, painted harmoniously, not less than four (4) feet in height. In lieu of such wall or fence, a compact evergreen hedge of not less than four (4) feet in height at time of original planting may be used.

(6) Method of refuse storage and collection shall be such that waste material will remain entirely contained at all times so as not to pose a potential or real litter problem to the area or its environs.

#### K. STANDARDS FOR REDEVELOPMENT

(1) New buildings should respect the traditional quality of the surrounding commercial area and of the residential neighborhood. They should be designed in such a way as to be consistent with the design standards and intent as outlined in this ordinance.

#### L. RELATIONSHIP OF MATERIALS, TEXTURE, AND COLORS FOR NEW DEVELOPMENT

(1) The relationship of the materials, texture, and color of the facade of a building should be visually compatible with the predominant materials used in the buildings to which it is visually related.

(2) All new buildings should attempt to create a richness of detail which will enhance the existing character and the

public improvements and be consistent with design standards and intent as outlined in this ordinance.

(3) The height of proposed buildings should be visually compatible with adjacent buildings and in conformance with zoning regulations.

(4) The shape of the roof of a building should be visually compatible with the buildings to which it is visually related both adjacent to it and within the commercial area overall.

(5) The relationship of solids to voids in the front facade of a building should be visually compatible with buildings, open spaces, and places to which it is visually related.

(6) The relationship of the width of the windows to the height of the windows in a building should be visually compatible with the buildings, open spaces, and places to which the building is visually related.

(7) The relationship of buildings to open space between it and adjoining buildings should be visually compatible with the buildings, open spaces, and places to which it is visually related.

(8) The relationship of the width of the building to the height of the front elevation should be visually compatible to the buildings, open spaces, and places to which it is visually related.

(9) Items placed next to the sides of a building such as walls, wrought iron, evergreen landscaping, fences, etc., should form cohesive walls of enclosure along the street. These items should ensure visual compatibility between the buildings and open spaces.

(10) The relationship of entrances and porch projections to sidewalks of a building should be visually compatible to the buildings, open spaces, and places to which it is visually related.

#### M. COMPLIANCE

(1) Rehabilitation - All business or property owners are encouraged to submit design plans for any exterior rehabilitation to the City Administrator before proceeding with work. Any owner benefitting from public financial assistance in meeting these design standards is required to submit design plans to the City Administrator before proceeding with work.

(2) Review of New Development - The City encourages the development of appropriate new development in the areas identified in the Commercial Revitalization Plan. The City requires the review and approval of developers' plans and specifications

with respect to their conformance with the provisions of the Commercial Revitalization Plan and design standards in order to achieve harmonious development of the designated area. The City also reserves the right to refuse to approve any such drawings, plans, or specifications that are not suitable or desirable for aesthetic or functional reasons; and in so passing upon such drawings, plans, and specifications, it shall have the right to take into consideration, but shall not be limited to, the suitability of the site plan, architectural treatment, building plans, elevations, materials and color, construction details, streets, sidewalks, and the harmony of the plans with the surroundings. The City shall inform the Montgomery County Department of Environmental Protection of its decision in each case.

#### N. DEMOLITION

(1) All applications for demolition permits shall be first submitted to the City of Takoma Park for review and approval. If the City finds that the proposal is consistent with the objectives of the Commercial Revitalization Plan, the City shall recommend approval by the Department of Environmental Protection. If the City finds that the proposal is inconsistent with the objectives of the Plan, the City shall recommend disapproval to the Department of Environmental Protection.

SECTION 2. THAT the following procedures for enforcement of these standards be adopted as integral to this ordinance.

#### A. NON-COMPLIANCE WITH DESIGN STANDARDS.

(1) Property owners shall be informed by the City Administrator or his appointed designee within three (3) months of the date of adoption of this ordinance of those properties determined not to be in compliance with this ordinance. Notice shall be in writing and shall include a statement of the corrective action required to bring the property into compliance with this ordinance.

(2) All properties subject to this ordinance shall be in compliance with its provisions within eighteen (18) months of the date of this notification by the City Administrator.

(3) Whenever the City Administrator or the Administrator's designee determines that a property is not in compliance with this ordinance, that official shall issue a notice of violation which shall be served on the property owner. The notice of violation shall:

(a) Be in writing and include a description of the property sufficient for identification;

(b) Include a statement of the reason or reasons why it is being issued;

(c) Include a restatement of the corrective action required to bring the property into compliance with this ordinance;

(d) State a reasonable time, not to exceed ten (10) working days, for the property owner to complete the corrective action necessary to bring the property into compliance with this ordinance.

The notice of violation shall be deemed to have been properly served on the property owner if it is served by personal delivery or if it is sent by registered or certified mail to the property owner's last known address or if the owner is served by any other method authorized by the laws of the state of Maryland.

(4) A procedure to appeal this notice of violation shall be established as follows:

(a) Any property owner may appeal the determination that the owner's property is not in compliance with this ordinance by filing a request for a hearing with the City Administrator within ten (10) working days of service of the notice of violation.

(b) The Mayor and Council shall appoint five (5) commissioners to decide, upon request by a property owner, whether properties subject to this ordinance are in compliance with its provisions. The commission shall be seated on an annual basis and shall consist of two (2) representatives of the business community, two (2) citizens at large, and one (1) individual with experience or expertise in urban planning.

(i.) Appointed commissioners shall disclose any financial interest they may have in properties affected by this ordinance.

(ii.) Should a conflict of interest be determined in conjunction with a hearing for non-compliance with this ordinance, a temporary alternate shall be appointed by the Mayor and Council.

(c) The commissioners appointed under subsection (b) above shall hold a fact-finding hearing to determine whether or not the property of an owner who has appealed is in compliance with this ordinance. Notice of the hearing and its time and place shall be given to the property owner and to any other persons known to the commissioners who may be affected by the determination. Such notice shall be prepared and transmitted in such form and process as the commissioners may prescribe. The hearing shall be open to the public. The commissioners may request from the property owner and other parties such information and documents as they may consider relevant. Any party to a hearing, at the party's option, may appear in person before the commissioners, or may appear by a duly authorized represen-

tative and may have the assistance of an attorney. The parties may present testimony and evidence which shall be given under oath or by affirmation. The parties may also cross-examine any witness presenting testimony at a public hearing. A verbatim record of the hearing shall be made. Upon request by any party to the proceeding, the City Administrator shall furnish such a party with a copy of the hearing record at such charges as are necessary to meet costs.

(d) The commissioners shall render their decision in writing, in such form and with such findings as they may prescribe. If the commissioners find, after the hearing, that the property is not in compliance with this ordinance, they may, at their discretion, extend the period for compliance with the provisions of this ordinance to a property owner who (1) has demonstrated that the property is under consideration for new development by submitting the design proposal, the financing proposal, and a letter of intent from the prospective developer; or (2) has initiated facade renovation and a plan and reasonable schedule for completion of the renovation satisfactory to the commission has been provided; or (3) documentation is provided to the commission demonstrating that the property under consideration is to be sold within a period of time to be prescribed as reasonable by the commission.

### SECTION 3. Penalties.

A. Any violation of Section 1. C.-J. of this ordinance which is not corrected within any compliance period as specified under Section 2. A. (2) and (3) above shall constitute a municipal infraction for which a citation may be issued in accordance with Section 1-17 of The Charter and Code of Takoma Park, Maryland (1972), as amended, provided that

(1) the City shall not seek adjudication of any violation during pendency of an appeal pursuant to Section 2. (A) (4) above and

(2) the fine for each violation shall be a minimum of \$25.00 per day, up to \$100.00 per day for each initial violation, and the maximum fine allowable by law for repeat or continuing violations.

B. Without limitation or election against any other available remedy, the City or any other aggrieved party may apply to a court of competent jurisdiction for an injunction enjoining any violation of this ordinance. The court shall award attorney's fees and costs to any party who succeeds in obtaining an injunction hereunder.

SECTION 4. Severability. In the event that it be judicially determined that any word, phrase, clause, sentence, paragraph, section, or part of this ordinance, or the application thereof to any person or circumstance is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, it being hereby declared that the remaining provisions of the ordinance with the word, phrase, clause, sentence, paragraph, section, or part, or the application thereof, so held invalid would have been adopted and approved.

Introduced by:

1st Reading: 4-8-85  
2nd Reading:

ORDINANCE NO. 1985-

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

- SECTION 1. THAT, whereas, on February 25, 1985, Ordinance No. 1985-14 was adopted by the Mayor and Council authorizing legal proceedings for condemnation of the building located at 7114 Sycamore Avenue, situated on Lot 10, Block 21, B. F. Gilbert's Subdivision, within the City of Takoma Park boundaries, and recorded in the Land Records of Montgomery County in Liber 6164, at Folio 364, and Tax Record A/C #13251059410, Richard C. Burdine, owner of record; AND
- SECTION 2. THAT a hearing was held on March 25, 1985, as prescribed by law, at which the owner or a representative of his choice was given opportunity to show cause why the building should not be declared a nuisance; AND
- SECTION 3. THAT the Mayor and Council hereby declare the building located at 7114 Sycamore Avenue to be a nuisance; AND
- SECTION 4. THAT in accordance with the Fire Safety Code and Chapter 6, Secs. 6-65 and 6-66, of the Code of Takoma Park, Md., 1972, as amended, the owner, Richard C. Burdine, is hereby ordered to abate Fire Safety Code Violations and the following violations of the Housing Code: PM-302.3.1, PM-302.3.2, PM-302.4, and PM-301.5, and to restore the building to habitable condition or demolish the building and remove all debris within a period of ninety (90) days from passage of this ordinance.

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 thereof, 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: Councilmember Haney

1st reading: 3-25-85  
2nd reading: 4-8-85

Ordinance No. 1985-31

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 occurring 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: Councilmember Iddings

Enacted: 4-8-85

Ordinance No. 1985- 32

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

SECTION 1. THAT subsequent to the passage of Ordinance No. 1985-24, adopted March 25, 1985, retaining professional services for the landscaping improvement of the Jackson/Boyd Park located at 7312 Jackson Avenue, it has been learned that the contractors are not trading under the name of Landscape Group, as stated in the ordinance referenced above.

SECTION 2. THEREFORE, THAT Ordinance No. 1985-24 be amended to reflect the name of the contractors as KARL RIEDEL and STEVEN MACKLER, and that the contract for services stated above, in Section 1, will be a joint effort between the two individuals.

April 8, 1985.

Introduced by: Councilmember Aldrighetti

Enacted: April 8, 1985

RESOLUTION NO. 1985-7

WHEREAS, Takoma Park is a city united against all forms of religious and racial bigotry; AND

WHEREAS, the public display of racial and religious bigotry is offensive to our citizenry; AND

WHEREAS, the Washington, D. C. area has recently been defaced by a series of unsigned anti-Catholic posters; AND

WHEREAS, the perpetrators of this sickness have recently crossed the border into Takoma Park; AND

WHEREAS, the Mayor and Council and citizens of Takoma Park do not welcome these merchants of hate and their anonymously posted venom.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland do hereby urge officials of Prince George's County to enact legislation similar to that of Montgomery County pertaining to acts of racial and religious intimidation; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council request the Metropolitan-Washington Council of Governments to take a strong public position on such acts of intimidation; AND

BE IT FURTHER RESOLVED THAT the City police are encouraged to make every effort to bring these vandals to prosecution; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council of the City of Takoma Park, Maryland, order distribution of this resolution as an encouragement to other jurisdictions to take similar action.

APRIL 8, 1985.

RESOLUTION NO. 1985- 9

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

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

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

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

APRIL 8, 1985.

RESOLUTION NO. 1985-8

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

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

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

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

APRIL 8, 1985.

Introduced by: Councilmember Haney

Enacted: 4-8-85

RESOLUTION NO. 1985-10

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

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

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

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

APRIL 8, 1985.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
April 22, 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

READING AND APPROVAL OF THE MINUTES OF APRIL 8, 1985

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

Administrative reports and correspondence

- (1) Resolution re opposing aid to "Contras" in Nicaragua  
Citizens' comments  
Council action
- (2) Resolution of remembrance for the 40th anniversary of the Holocaust  
Citizens' comments  
Council action
- (3) Second reading of two ordinances amending or adding the following sections to Chapter 5, City Code, pertaining to personnel: Sec. 2-74, Holiday Leave; Sec. 2-75, Annual Leave; Sec. 2-76.1, Compensatory Leave  
Citizens' comments  
Council action
- (4) Newsletter Review Committee Report  
Citizens' comments
- (5) COLTA Appeal re Case No. TP-171, 657 Houston Avenue, Tuscan Apartments  
Citizens' comments  
Council action
- (6) Second Reading of Proposed Charter Amendment to repeal and reenact subsections (a), (b), (c), and (k) of Sec. 1.7, "Powers"  
Citizens' comments  
Council action

- (7) Consideration of application for alcoholic beverage license (Class B, Beer & Wine, On-Sale Only) at Bawmbay Palace Restaurant, 6846 New Hampshire Avenue  
Citizens' comments  
Council action
- (8) Special Exception S-1117, to permit the use of an existing apartment as an accessory apartment at 7117 Woodland Avenue (Public Hearing: 1:30 PM, 5-2-85, Werner County Office Building, Rockville)  
Citizens' comments  
Council action
- (9) Ordinance awarding Contract No. 85-01, Street Improvements Project, to D & F Construction Company  
Citizens' comments  
Council action
- (10) Second reading of an ordinance condemning 7114 Sycamore Avenue  
Citizens' comments  
Council action
- (11) Second reading of an ordinance amending FY 1984-85 Pay Plan re Police Department promotions  
Citizens' comments  
Council action
- (12) Revisions to Police Department promotions resolution  
Citizens' comments  
Council action

ADJOURNMENT