

Regular Meeting of the Mayor and Council
October 13, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Asst. City Administrator Habada
Councilmember d'Eustachio	Deputy City Clerk Jewell
Councilmember Haney	Cable Coordinator Smith
Councilmember Iddings	Div. of Ec. & Comm. Dev. Dir. Neal
Councilmember Sharp	Corporation Counsel Silber
ABSENT: Councilmember Levy	
Councilmember Williams	

The Mayor and City Council convened at 8:10 P.M. on Tuesday, October 13, 1987 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Mayor asked that all remain standing and observe a moment of silence commemorating Richard Dempsey, a local resident and renown artist, who passed away on the weekend. He noted that Mr. Dempsey had attended the opening of the City's Municipal Building art gallery and that some of his works were among the first on display.

The June 1 and June 8, 1987 Council Meeting Minutes were presented for approval. Councilmember Sharp commented concerning the June 1 Minutes that he did not feel that the votes on legislation, ordinances in particular, were appropriately recorded, i.e., the roll call vote should be indicated. Councilmember Iddings remarked that on page 2 of those same Minutes, a sentence beginning on line 8 of the last paragraph should be deleted inasmuch as it was redundant, repeating unnecessarily comments made by Councilmember d'Eustachio. Consensus was that the sentence be deleted. Councilmember d'Eustachio moved approval of the June 1 (as amended) and June 8 Minutes, collectively, duly seconded by Councilmember Iddings. The minutes were approved, with Councilmember Bradley Abstaining, balance of Council voting Aye.

Mayor Del Giudice extended thanks to Mary Chorra, Dan Robinson, and Dan Burgess, who worked in conjunction with the Old Town Business Association to ensure the success of the recent Old Town Festival. He remarked he was sure those in attendance would have enjoyed the event more had the weather been nicer.

The Mayor noted the need to fill the vacancy on the Personnel Appeal Board created by the resignation of Karen Mitchell; he moved appointment of Milford Sprecher, a resident of Ward 3, to fill that seat for the unexpired amount of Ms. Mitchell's term plus one additional year. He noted that Ms. Mitchell's term would expire in March 1988. The motion was duly seconded by Councilmember Sharp, and carried by unanimous vote.

Mr. Wilson noted receipt of a communication from Public Works Director Robbins indicating that D. C. Government had agreed to reimburse the City in the amount of \$6,500 for the Old Town sidewalk they had damaged in the course of some of their work.

CITIZENS' COMMENTS: (not directed at items on Council Agenda)

Marc Elrich, 8110 Roanoke Avenue: related he would be leaving to attend a Traffic Coalition meeting; he commented that it was anticipated the County Council would be voting on October 19, and that if there were any pressures the City Council could bring to bear in the coming week, that would be very important. He suggested one thing the elected body should examine very carefully was the County Executive's Outer Cordon Analysis, which was formulated largely in response to work done and questions raised by Takoma Park. He said there appeared to be significant numeric discrepancies between Mr. Erdman's report and the County Executive's, and the concern was that Mr. Kramer may have used Department of Transportation figures that were 4 years old. He related that the coalition would be presenting a proposed compromise in numbers to the County Council, along with some proposed language they would want to see added to the Sector Plan Amendment; that would be finalized at the meeting he was leaving to attend, and information

would subsequently be disseminated to the Mayor and Council. The Mayor related that Mr. Erdman was reviewing criticisms of his own study, had received a copy of the DOT study and was critiquing that, and would be providing the City with a document for submission to the County Council before October 19. He said the only additional thing he felt the City could do would be for the elected officials to contact County Councilpersons and indicate their opinions on the issue. Mr. Elrich commented that the coalition had examined the available information and could find nothing therein that would radically change the status quo concerning commuting and parking in the area of the CBD.

Wayne Upton, 7600 Maple Avenue: referred to the Unification issue; inquired whether it might be more effective to try to arrange a meeting between City officials and County Executive Glendening, if that county were the stumbling block to achievement of the goal, rather than a summit meeting with representatives of both counties as mentioned earlier in time. He asked whether Unification was considered to be a dead issue, or whether it would be actively pursued in 1988. The Mayor related that the Prince George's County delegation did set up a summer study committee, which met once along with City and other officials. He said the City had been asked to produce an update on the 1984 task force committee report, which was now being worked on. Additionally, he said they asked for an analysis of the proposed land swap, with particular information and specifics. He said that study had not yet gone forward due to costs involved. He said the bill, as amended previously, would again be presented, however, it was his understanding the Montgomery County delegation would not be taking any action on it prior to it going to the Prince George's delegation. The Mayor said he had previously discussed the proposition of a land swap in a general way with Mr. Glendening, but not recently. He affirmed that the specific land was a part of the Conterra project in the Laurel area, and noted that the person on the Prince George's County delegation who had shown the most interest in the proposition was Delegate Denny Donaldson of the District Heights area. Responding to Councilmember Bradley, the Mayor stated it was his understanding that Mike Gordon had suggested that the Montgomery County delegation not consider the bill again prior to Prince George's County addressing it because they had already approved it in the form in which it would be introduced; Sheila Hixson, who introduced it last year would again do so. He concurred with Ms. Bradley that it would be a very good idea to try to get someone with Prince George's County to co-sponsor the bill, and noted that county delegations would probably start holding hearings on pre-filed bills in late November or early December. Mr. Upton commented it appeared to him that residents of the Prince George's sector of the City ought to be lobbying and more actively pursuing unification, based on their prior straw vote in favor of it. Councilmember d'Eustachio commented that there were those who did so. Councilmember Bradley commented on the complexities the City faces due to being in two counties and said it affects all residents, not only those who reside in the Prince George's section; she remarked that if more concentrated lobbying efforts were directed at their county legislators by residents of both counties, it might be helpful in the effort. The Mayor commented on the previous strong citizen support and activism, which resulted in the issue being brought to a referendum straw vote; he said not only would that sort of dedication and activism be required, but also additional strategies, in order to bring unification to fruition.

Mr. Upton remarked on the lack of wiring for cable television in the majority of the apartment buildings on Maple Avenue, and inquired whether it was known when that might occur. The Mayor responded that he understood the new cable company was first completing wiring in the Bethesda area of the county, and experimenting with changing over from a dual cable system to a single cable system. Thereafter, he said Takoma Park would be rewired, and that was anticipated to occur sometime after November, with completion by April 1988. He said when the rewiring took place, the part of the City that had not been wired would be wired for service, including a specific number of apartments. Ms. Bradley commented county staff had indicated Hauser would be financially motivated to particularly accomplish wiring in large apart-

ment buildings where many subscribers could be gotten in a relatively small densely occupied area; Hauser had concurred with that position. Cable Coordinator Smith confirmed that Hauser had almost completed wiring in the Bethesda area, would be starting in the White Oak area, which includes Takoma Park, in mid November and would be working in Takoma Park proper by the beginning of the year. He said Maple Avenue should probably be one of the first areas to be addressed. Councilmember Iddings commented that television was not a very constructive pastime, and encouraged that people make more use of the library and the good books it offers.

ITEMS FOR COUNCIL ACTION:

1. Resolution Concerning Right to Privacy Week.

The Mayor moved passage of the resolution and read portions therefrom; his motion was duly seconded by both Councilmembers Bradley and Iddings. Mayor Del Giudice noted the resolution had been introduced in conjunction with activities in which the gay and lesbian communities were involved the past weekend, as well as their action at the Supreme Court on the current day, demanding recognition of the right to privacy. The resolution was passed by unanimous vote.

RESOLUTION #1987-81
(attached)

At the request of Councilmember Bradley, original item #11 was moved up, due to illness in her family necessitating that she leave early.

2. First Reading of an Ordinance - Smoking Legislation in Takoma Park.

Councilmember Bradley explained that, essentially, what the legislation would accomplish was adoption by the City of the counties' legislation and provisions concerning smoking, eating and drinking in restaurants. She pointed out there had been another option, which would have been for the City to formulate its own legislation, however, there had not been sufficient support for that alternative. She moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio. Responding to Councilmember Sharp, Ms. Bradley stated it was her understanding that the counties would enforce the legislation in the City, once the City had adopted their regulations as a part of the City Code. Following brief discussion concerning enforcement and codification, the Mayor explained that the provisions of the legislation would not be set forth in the City Code; the counties' legislation would be adopted by reference (reference made in the City Code to particular County Code sections adopted); he said that addressing the matter in that way, there would be a strong argument that the counties remain responsible for enforcing the legislation. He remarked, however, that prior to Second Reading, language could be inserted clarifying that point, as suggested by Councilmember Iddings. Mr. Sharp pointed out that if the legislation were adopted by reference, then there would be no reflection in the City Code of where enforcement responsibility lay. Discussion ensued concerning Tillie Frank, which pertains to municipalities adopting provisions of the County Code; note was made of the need for coordination with the county so they would be aware that they were expected to enforce such legislation in the City. Mr. Sharp remarked that it should be made clear in the City Code which county legislation adopted by reference would be enforced by the county. Further discussion followed concerning the appropriate approach for the situation, as well as the format and content of the draft ordinance. Ms. Bradley remarked that Ms. Jewell had done an excellent job of drafting the ordinance, inasmuch as there was no standard for such legislation. The Mayor remarked there should probably be a standard ordinance format for legislation to which Tillie Frank would apply, and that would need to be addressed. The ordinance was accepted for First Reading by unanimous vote, with further discussion to occur in worksession prior to Second Reading.

ORDINANCE #1987-
(attached)

3. Second Reading of an Ordinance Awarding a Bid for Public Works Paint Sprayer.

Councilmember d'Eustachio moved adoption, duly seconded by Councilmem-

ber Sharp. The ordinance was adopted by roll call vote as follows:
AYE: Councilmembers Bradley, d'Eustachio, Haney, Iddings, and Sharp;
NAY: None; ABSENT: Councilmembers Levy and Williams.

ORDINANCE #1987-47
(attached)

4. Second Reading of an Ordinance Concerning Lease-Purchase of a Konica Royal Photocopier.

Councilmember Sharp moved adoption, duly seconded by Councilmember Bradley. The ordinance was adopted by roll call vote as follows:
AYE: Councilmembers Bradley, d'Eustachio, Haney, Iddings, and Sharp;
NAY: None; ABSENT: Councilmembers Levy and Williams.

ORDINANCE #1987-47A
(attached)

5. Second Reading of an Ordinance Authorizing Installation of Stop Signs at Jackson and Ethan Allen Avenues.

The Mayor noted the ordinance had been rewritten in a different format subsequent to First Reading. Councilmember d'Eustachio moved adoption of the substitute ordinance, duly seconded by Councilmember Iddings. Ms. Bradley asked that the stop on Route 410 be very clearly marked and also marked in advance to warn traffic. Councilmember d'Eustachio commented he had suggested "Stop Ahead" signs. The Mayor asked that staff relay direction from the elected body to Public Works for such signage in a memorandum to Mr. Robbins. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Iddings, and Sharp; NAY: None; ABSENT: Councilmembers Levy and Williams.

ORDINANCE #1987-48
(attached)

6. Resolution Approving Plans for Construction of Longbranch-Sligo Pedestrian Path/Bridge.

Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember Haney. The Mayor noted that lengthy discussion and citizen input on the matter had occurred at the prior week's worksession; he noted receipt of a letter from Patricia B. Kessner of 7511 Glenside Drive expressing opposition to the construction of the pathway and bridge, based on concern about increase in crime, litter, and decay of the neighborhood; additionally, she said she had only recently learned of the proposal. It was noted by several that the project had long been proposed, despite funding being received only recently. Mr. Haney noted that the New Hampshire Gardens Citizens' Association had done a very wide distribution of information about the proposal several years previously; most residents had known about it for a long time. Daniel Neal commented that he had relayed desired changes to the plans discussed in worksession to the Park & Planning Commission, who would be actually doing the construction, and they had acceded to those alterations. He noted that a serpentine twist would be added to the path coming down the Garland Avenue side and it would be run up the opposite side to where it would again meet asphalt, and trash cans would be installed by Park & Planning with the understanding the City would ensure they are emptied by Public Works. He said that in response to a flyer distributed he had received 6 phone calls -- 3 pro and 3 con the project; however, based on commentary by citizens at meetings, many more were in favor than opposed. Responding to query concerning possible erosion problems, Mr. Neal said Park & Planning had stated they would do whatever was necessary to avoid and/or control any such potential problem. Concerning police jurisdiction over the path/bridge, the Mayor asked that staff notify Chief Fisher that his department should set up a meeting with Park & Planning Police to coordinate and determine whose jurisdiction the policing of the area would be. Mr. Neal noted that there was virtually no cost to the City involved in this project. Concerning the construction schedule, he said Park & Planning was uncertain whether it would be begun in the Fall or held over until Spring.

Ralph Hubey, 7235 Garland Avenue: said he would be very interested in having access to the park from his area of residence. He spoke concerning erosion problems, which he said were occurring severely at present due to stormwater runoff. He asked that it be ensured that problem was addressed, and said Park & Planning had stated in a meeting a month or so prior that that was not their problem. The Mayor noted that while WSSC was directly responsible for stormwater runoff, Park & Planning had indicated to Mr. Neal that they would take control measures; he said there was probably need for a storm drain to control the runoff on Jackson Avenue. Councilmember Haney commented he knew someone who worked with WSSC and had discussed the matter with him; referring to a map of the area, he explained from whence the stormwater runoff was coming, and said the person with whom he had talked suggested not only putting riff-raff (very large boulders and rocks) along the bank to help divert water and control erosion, but perhaps putting a large section of pipe in also for the purpose of diverting part of the runoff water further downstream. Mr. Hubey commented he favored the path and thought it was a good idea to provide access to the park for residents of the area it would serve. Daniel Neal remarked that probably Park & Planning would not go to great lengths to correct serious erosion problems, however, said he would contact Diane Lucci at WSSC and arrange a meeting to discuss what they could do to address the situation.

Elaine Dickinson, 7241 Garland Avenue: said her property adjoins where the path would be, and she had seen the hillside erode for the last 10 years where the old path was. She said it had become dangerous for people to walk through there, but they do so anyway despite the erosion and hazardous conditions. She commented that WSSC had graded the hillside the past spring, however, she was concerned that due to the foot traffic from people cutting through there, erosion would start seriously occurring again; she commented in favor of construction of the foot path, noting it would open up access to the park for a number of people who might not otherwise use it.

Councilmember Sharp commented in favor of the project, remarking that the increase in numbers of people using the path and the park might provide a deterrent to criminal activity in the area. The question was called; the resolution was passed by unanimous vote.

RESOLUTION #1987-82
(attached)

7. Resolution Approving Final Plans for Forest Park Improvements. Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Iddings. Daniel Neal commented that with the assistance of Councilmember d'Eustachio, many successful meetings had been held with the community to discuss improvements to the park, which has severe erosion problems, as well as inadequate facilities. He noted Recreation Director Ziegler had been very helpful concerning updating facilities, as had parents with small children who would be using the park. He remarked on the amount of time it had taken to come up with completed plans for the project, noting there had been several different design architects who had worked on them due to turnover in the contracting firm. Mr. Neal displayed and elaborated on the site plans, explaining what was intended for accomplishment. He pointed out the cost of the project was \$49,550, which had been pared down considerably from earlier estimates, but would not include plantings or two options mentioned earlier, i.e., building a new shelter and provision of a tennis backstop. He remarked the park was in really terrible condition, so did not think the money amount was exorbitant for putting it in decent and useable condition. Responding to the Mayor, Mr. Neal stated the basketball court would remain a half court, in deference to community wishes. In response to Councilmember Iddings, Mr. Neal stated it was planned to remove the large sliding board that allowed children to jump from it onto the top of the shelter, and replace it with a somewhat safer play structure that includes provision for sliding; he said there might be some problem moneywise, but he was working on that. Mr. Iddings commented on the lack of proper maintenance to the Jackson/Boyd park which looked so pristine a year ago. Mr. d'Eustachio commented, as pointed out ear-

lier by Mr. Neal, that the majority of the work going into the park was structural rehabilitation, e.g., drainage work, regrading, etc., -- plantings were not an integral part of the design, while they would add to its aesthetic value. Mr. Iddings commented it was his opinion that when parks were improved, there ought to be a commitment on the part of the City to properly maintain them, including whatever plantings existed. Mr. Neal remarked that Public Works' side of that was that parks are added without adding to their Parks staff who are responsible for maintaining those areas. Responding to inquiry from the Mayor, Mr. Neal affirmed he would be trying to get CDBG funding from Prince George's County to assist with the cost of the project. Mr. Iddings reiterated the sad condition the park had been in and the importance of rehabilitating it, regardless of where the funding was gotten to do so -- even from City funds if that were necessary.

Abby Mandel, 7003 Woodland Avenue: said at the last meeting, the information concerning how many trees would be sacrificed appeared to be contradictory. She said it was stated that only two dead trees would be cut, but that the slope on the Elm Avenue side would be regraded which would affect trees there either by taking away dirt from tree roots or by putting too much soil around them. In addition, she said she felt the 6" curb planned was a triumph of optimism over reality. She commented on the number of babies and small children in the City, as well as dogs, and said while small children need a place to play, she hoped the next park would be for dogs -- to provide a place to play Frisbee and throw a ball for them.

Mr. Neal stated that plans include the removal of two dead trees; he said the landscape architect was a tree lover and had given very careful consideration to the grade and its relationship to the trees and their root systems. Based on that, he said it was not anticipated that the regrading would be accomplished in any way that would adversely affect the trees. Mr. d'Eustachio concurred with Ms. Mandel's remark about the 6" curb, however, said that probably would not preclude going to WSSC at some later point and advising them that they need to install a catch basin or something more effective; he said even a somewhat higher curb might be advisable. The question was called, the resolution was passed by unanimous vote.

RESOLUTION #1987-83
(attached)

Councilmember Sharp asked that the next two items be addressed jointly and moved their passage, duly seconded by Councilmember Haney. The Mayor pointed out that the elected body had made a major decision involving the way the City participated in CDBG funding, in that in the recent past the City had chosen to opt in with Montgomery County for that program rather than going with both counties or independently under the Small Cities Program. He explained that there was opportunity to make a choice for each three year period, and it was recently decided to go with both Prince George's and Montgomery Counties for Block Grant Funds for the City. He noted that appointments of City representatives to the respective county committees would need to be made, and said that nominees for those seats included Phyllis McDonough (primary representative for Montgomery County), Paul d'Eustachio (primary representative for Prince George's County), Janice Martin and Beverly Habada (alternate representatives for Prince George's County). The two resolutions were passed, collectively, by unanimous vote.

8. Resolution Approving Execution of Cooperation Agreements With Montgomery and Prince George's Counties for Participation in Federal CDBG Program.

RESOLUTION #1987-84
(attached)

9. Resolution Approving Nominations to the Montgomery and Prince George's Counties CDBG Advisory Committees.

RESOLUTION #1987-85
(attached)

10. First Reading of an Ordinance Concerning Fiscal Impact.

Councilmember d'Eustachio moved acceptance for First Reading, duly seconded by Councilmember Haney. The Mayor noted that this ordinance was the result of one of the recommendations made by the committee appointed to analyze various aspects of the City's fiscal base. He explained that the ordinance would require that City staff present an analysis of legislative items on the agenda and report anticipated related revenues and costs; he noted that had become a popular practice with legislative bodies. Councilmember Sharp referred to questions that had arisen in worksession concerning whether the practice should be codified as an ordinance, passed as a resolution, or implemented as an administrative practice through direction to staff. He said one of the arguments he had against codifying it was that the ordinance did not have "teeth" insofar as its requirements, and the draft before the Council still had that same problem. He referred to Sec. F.(2) on page 2 of the draft, and said he could envision in some debates, questions centering around whether there had been sufficient analysis of the fiscal impact performed; he said he would not wish to see such provisions used as smokescreens to avoid addressing basic issues. Mr. Sharp inquired of staff whether it was thought the ordinance would generate and/or require more work than could be properly accomplished. Ms. Habada responded that the matter could probably become sticky in relation to some major issues; she said, however, while it would naturally mean more work, that it could be invaluable in revealing hidden costs related to programs the elected body might want to pursue. Mr. Wilson commented, in concurrence with Ms. Habada, that if the legislation were adhered to, it would be helpful. Councilmember d'Eustachio said it was his feeling that the requirement should be codified as an ordinance, that compliance would more likely if it were in that form and it would formalize the process. In addition, he spoke in favor of leaving Sec. F(2) unaltered, inasmuch as it would help to avoid legal challenge of the ordinance. Councilmember Iddings commented he would support codification, but would want to see some amendments effected prior to Second Reading. He said it was his feeling that if a fiscal note were going to be done in connection with legislation, it should be done uniformly. The ordinance was accepted for First Reading by unanimous vote, with further discussion and consideration to occur at the next worksession.

ORDINANCE #1987-
(attached)

11. Single Reading Ordinance Concerning Lease Financing.

Mr. Wilson noted the ordinance required a single reading only, inasmuch as it had been a part of the budget process. Adoption of the ordinance was moved by Councilmember Sharp, duly seconded by Councilmember Haney. Ms. Habada explained that the FY 1988 adopted budget provided for certain capital items to be purchased under a lease finance arrangement, amounting to \$241,000 worth of equipment purchases. She noted the interest rate in June for the new telephone system was 7%, and the interest rate for 3 and 5 year items through Sovran Leasing would be 7.6% and 7.8%, respectively. She pointed out there would be savings in the first 3 months of the lease financing because it would not commence until October, in other words, the debt service on financing those items would be postponed for several months. Mr. d'Eustachio commented that while he had supported lease financing during the budget process, he did have grave reservations about the borrowing of the money; he said he felt that what was happening was fiscal sleight of hand, and he would be paying close attention to such matters in the future. The Mayor remarked on the dire need for the City to catch up in its capital budget, which he said had been neglected for many years. He said he was not sure he would disagree with Mr. d'Eustachio's comments, but felt that given the serious situation in the City regarding lack of equipment, lease financing was probably the best way to catch up in that area. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings and Sharp; NAY: None; ABSENT: Councilmembers Bradley, Levy and Williams.

ORDINANCE #1987-49
(attached)

12. First Reading of an Ordinance Designating Election Judges.

Councilmember d'Eustachio moved acceptance for First Reading, duly seconded by Councilmember Haney. Responding to Councilmember Iddings, Ms. Jewell stated that names of additional nominees would be needed to serve as alternates, and she would hope to have those prior to Second Reading of the ordinance. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1987-
(attached)

13. Amendment to Local Government Insurance Trust Resolution.

The Mayor referred to Resolution #1987-51 adopted previously which authorized the City's participation in the Local Government Insurance Trust. Mr. Wilson explained that the amendment would allow the City and the Trust group somewhat more flexibility regarding excess liability coverage. Passage of the resolution was moved by Councilmember Sharp, duly seconded by Councilmember Haney. Mr. Iddings inquired how the amount for FY 1988 coverage compared with the amount that had been budgeted and with past costs; Mr. Wilson responded that it was within budget for the items listed. The resolution was passed by unanimous vote.

RESOLUTION #1987-51
(attached)

Upon motion by Councilmember Sharp, duly seconded by Councilmember d'Eustachio, the meeting adjourned at 10:06 p.m., to reconvene in regular session at 8:00 p.m. on October 26, 1987.

RESOLUTION #1987-85

WHEREAS, the Sligo Creek Parkway is an area of uncommon natural beauty enjoyed by citizens from throughout the Washington, D.C. area; AND

WHEREAS, portions of the Parkway, especially from Wayne Avenue to New Hampshire Avenue, cannot now be safely used by hikers, runners and bicyclists.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the City of Takoma Park encourage the appropriate Montgomery County and Prince George's County divisions of the Maryland-National Capitol Park and Planning Commission to begin a coordinated study of the construction of a hiker-biker trail from Wayne Avenue to New Hampshire Avenue.

Adopted this 19th Day of October In Special Session.

Introduced by: Mayor Del Giudice

Enacted: October 26, 1987

RESOLUTION NO. #1987-86

WHEREAS, in years past, the Mayor and City Council of Takoma Park, Maryland have observed a day of memory for the late Dr. Martin Luther King, Jr., a leader of remarkable vision and courage; AND

WHEREAS, such observances have included successful commemoration celebrations; AND

WHEREAS, in December 1986, the Martin Luther King, Jr. Commemoration Committee was created to make recommendations on the format and plan for the celebration.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the following persons are hereby appointed to serve on the 1988 Dr. Martin Luther King Jr., Commemoration Committee:

COMMITTEE MEMBERS

ADDRESS/CITY DEPARTMENT

Tobie Hoffman	8508 Flower Avenue, #34A
A.J. Mitchell	7600 Maple Avenue, #1210
Yvonne S. Crooks	1102 Linden Avenue, #101
Terry Ruth Culbertson	515 Elm Avenue
Eleanor Cortez	7401 New Hampshire Av., #1109
A. Tony Fisher	Police Department
Condie Clayton	Police Department
Barbara Young	Police Department
Belle Ziegler	Recreation Department
Diana Oliver	Housing Services Department
Gloria Walker	Housing Services Department
Joyce Rivers	Administrative
LaMar Weston	Administrative

ADOPTED this 26th day of October, 1987.

Introduced By: Councilmember d'Eustachio Adopted: October 26, 1987

RESOLUTION NO. 1987-87

**A RESOLUTION ACCEPTING THE NEWSLETTER
REVIEW COMMITTEE'S REPORT**

WHEREAS, in May 1986, a Newsletter Review Committee was convened for the purposes of reviewing the City's Newsletter and offering recommendations to the Mayor and Council; AND

WHEREAS, in September 1987, the Committee submitted their Report Of the Takoma Park Newsletter Review Committee to the Mayor and Council; AND

WHEREAS, such Report included among its recommendations, the idea of desk-top publishing and that a centralized assignment of responsibility for Newsletter distribution be looked into.

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Council hereby accept the Committee's September 1987 Report; AND

BE IT FURTHER RESOLVED THAT the City Administrator and Newsletter Editor are encouraged to pursue the idea of desk-top publishing which is computerization of the Newsletter operation that would be both time and production cost wise, and report back to the Council likely costs of such a system; AND

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to report back to the Council on in-house responsibility for distribution of the Newsletter; AND

BE IT FURTHER RESOLVED THAT THAT the Mayor and Council hereby express their appreciation to the Committee for their work on the Report.

Dated: October 26, 1988

Introduced By: Councilmember Sharp

Adopted: October 26, 1987

RESOLUTION NO. #1987- 88

NEWSLETTER EDITOR CONTRACT RENEGOTIATION

WHEREAS, in January 1986, the Mayor and Council established and appointed members to a Newsletter Editor Selection Committee; AND

WHEREAS, Mr. Reid Baron was appointed as Editor of the City Newsletter for a period of one year; AND

WHEREAS, Mr. Baron has served his tenure as Editor successfully.

NOW THEREFORE BE IT RESOLVED THAT the Mayor and City Administrator are hereby authorized to renegotiate a contract with a cost increase to Newsletter Editor Reid Baron; AND

BE IT FURTHER RESOLVED THAT such renegotiated contract will be submitted to the Council for their approval.

DATED: October 26, 1987

Introduced By: Councilmember d'Eustachio

1st Reading: 10/13/87

2nd Reading: 10/26/87

ORDINANCE NO. #1987- 50

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

SECTION 1. THAT the persons named below, all registered voters of the City of Takoma Park, are hereby designated as Election Judges to serve as a Board of Election for the November 3, 1987 City Election:

- (1) Harold E. Alston, 7710 Maple Avenue, #105
- (2) Pearl G. Blacksin, 652 Kennebec Avenue
- (3) Montez H. Boatman, 133 Ritchie Avenue
- (4) Jean E. Faulkner, 1007 Sligo Creek Parkway
- (5) Barbara Gaffin, 7207 Spruce Avenue
- (6) Marie Holloway, 6711 Allegheny Avenue
- (7) Ellie Irby, 7600 Maple Avenue, #1206
- (8) Eleanor S. Jaeger, 7213 Trescott Avenue
- (9) Diane Jenkins, 7600 Maple Avenue, #707
- (10) Georgia Johnson, 316 Tulip Avenue
- (11) Helen T. Johnston, 7051 Carroll Avenue, #1013
- (12) Claire B. Kozel, 7804 Wildwood Drive
- (13) Dorothy J. Malusky, 7302 Holly Avenue
- (14) Robert Mandel, 7003 Woodland Avenue
- (15) Barbara McCashin, 925 Sligo Creek Parkway
- (16) James J. Neri, 8202 Roanoke Avenue
- (17) Florence A. Nishimoto, 7409 Holly Avenue
- (18) Karen A. O'Neill, 500 Ethan Allen Avenue
- (19) R. Stanley Parris, 7620 Maple Avenue
- (20) Cicero Satterfield, 6801 Allegheny Avenue
- (21) Naomi E. Turner, 7667 Maple Avenue, #1001
- (22) Gene Sidwell, 7209 Spruce Avenue
- (23) Paul Weisbord, 6753 Eastern Avenue
- (24) Marvel A. Werner, 17 Darwin Avenue
- (25) Susan Wild, 7205 Garland Avenue
- (26) Verne Wilson, 907 Davis Avenue
- (27) E. Edward Zerne, 7302 Garland Avenue
- (28) Patricia A. Zerne, 7302 Garland Avenue

SECTION 2. The following citizens of Takoma Park, also registered voters, have agreed to serve as Alternate Judges:

- (29) Clara Greene, 6712 Westmoreland Avenue (Alternate)
- (30) Daniel Jessop, 7800 Cole Avenue (Alternate)

ADOPTED BY THE MAYOR AND COUNCIL THIS 26th DAY OF October, 1987.

Introduced: 10/13/87
Enacted: 10/26/87
Effective:

ORDINANCE NO. 1987-51

Short Title: Fiscal Note Process

AN ORDINANCE TO:

- (a) require a fiscal impact statement be prepared prior to adoption of City ordinances except as herein provided;
AND
- (b) provide instructions for implementation of a fiscal note process

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

THIS ORDINANCE amends the Code of the City of Takoma Park by the addition of the following Section 2-6.2 to Article 1, Meetings and Procedures of the Council, contained in Chapter 2 "Administration," as amended.

SECTION 2-6.2 Fiscal notes and waivers.

- (a) Required for Council action. -Except as otherwise provided in this Section, City Council may not vote on an ordinance unless:
 - (1) A fiscal note accompanies the ordinance
- (b) Preparation of notes.
 - (1) The City Treasurer with the assistance of appropriate Department Directors shall prepare or cause to be prepared a fiscal note for each ordinance.
 - (2) If the Mayor certifies that prompt Council action on an ordinance is needed to conduct City business and, before the City Treasurer prepares a fiscal note for the ordinance, accepts the ordinance for first reading, the City Treasurer shall prepare a note as soon after first reading as possible but prior to second reading except for ordinances declared to be emergency ordinances as defined in Section 2-6.1(d) (2).

- (3) The City Treasurer shall submit a copy of a fiscal note for an ordinance to the Mayor and Council prior to second reading and adoption of an ordinance.
- (c) Contents of note.
- (1) A fiscal note for an ordinance shall contain an estimate of the fiscal impact of the ordinance on the revenues and expenditures of the City government:
 - (i) during the year in which the ordinance is to become effective and the next year after as applicable; and
 - (ii) if the full fiscal impact of an ordinance is not expected to occur during those years; the first year during which that impact is expected to occur.
 - (2) The note shall identify the sources of information that the City Treasurer or his/her designee used in preparing the estimates of fiscal impact.
- (d) Copies.
- (1) The City Treasurer or his/her designee shall keep a copy of each fiscal note for 3 years after preparation of the note.
 - (2) The copies shall be reasonably available for public inspection.
- (e) Publication not required. -Fiscal notes need not be published in the City newsletter.
- (f) Effects of Section 2-6.2.
- (1) The validity of an ordinance enactment is not affected by the presence, absence, or content of a fiscal note.
 - (2) The provisions of this ordinance shall expire December 31, 1988 unless reenacted by City Council.

Adopted this 26th day of October, 1987, to take effect
December 1, 1987.

Single Reading: 10/26/87

ORDINANCE NO. 1987- 52 and

ORDINANCE NO. 1987-53

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

- SECTION 1. THAT the Fiscal Year 1987-88 City Budget earmarked \$90,000 in the Capital Budget for the purchase of one REFUSE TRUCK and \$36,500 for the purchase of a One Single Axle Dump Truck for the Public Works Department, AND
- SECTION 2. THAT bids were solicited from qualified dealers and advertised for one week in two weekly newspapers of local circulation; AND
- SECTION 3. THAT bids were publicly opened at 11:00 A.M. & 11:30, October 23, 1987 with low bid of \$93,900 being received from Weber's White Trucks, Inc. for the REFUSE TRUCK and \$31,063 being received from District International for the DUMP TRUCK, AND
- SECTION 4. THAT the bid of \$93,900.00 for one Refuse Truck and \$31,063.00 for the Dump Truck is hereby accepted; AND
- SECTION 5. FURTHER THAT Weber's White Trucks Inc. and District International have submitted the required notarized statement certifying that company is not involved in the nuclear weapons industry or the sale of merchandise produced by companies so involved; AND
- SECTION 6. THAT funds to cover these purchases in the amount of ONE HUNDRED TWENTY FOUR THOUSAND, NINE HUNDRED SIXTY THREE DOLLARS (\$124,963.00) be charged to the Capital Expenditures Account, #995.

Introduced By:
Drafted By: Daniel Neal

Adopted: October 26, 1987

ORDINANCE 1987-54

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

SECTION 1. THAT the Year 13 Community Development Block Grant program and the City's FY1987-88 Budget set aside \$101,400.00 for the execution of various public street improvements throughout Takoma Park as described in the contract documents (Contract No. CD 8701); AND

SECTION 2. THAT bids were solicited from qualified contractors by advertising in the Washington Post Classified Section, the Blue Report and the Dodge Report; AND

SECTION 3. THAT a pre-bid conference was held on 14 October 1987 at 2:00 p.m. at the Municipal Building; AND

SECTION 4. THAT the bids were opened on 20 October 1987 at 2:00 p.m. in the Municipal Building; AND

SECTION 5. THAT 4 bids were received, with D & F Construction, Inc. of Arlington, Virginia having submitted the low bid of EIGHTY NINE THOUSAND, SEVEN HUNDRED AND TWENTY SIX DOLLARS (\$89,726.00).

SECTION 6. THEREFORE THAT the bid of D & F Construction for the work outlined in the Contract No. CD 8701 bid package is hereby accepted and the City Administrator is authorized to execute all appropriate contract documents.

ADOPTED THIS 26th DAY OF OCTOBER, 1987.

Item # 8

October 22, 1987

TO : All Department Heads
VIA : James S. Wilson, Jr.
City Administrator
FROM : Paula S. Jewell
Deputy City Clerk *Paula Jewell*
SUBJECT: Municipal Infraction Ordinance

Please find attached an index listing of Takoma Park Code Sections and whether they fall into the categories of Class A, B, C, or D "Municipal Infractions" or "Misdemeanors". This is a summarization of a 124-page document compiled by our Corporation Counsel. At their October 19th worksession, the Mayor and Council directed me to make a list of these offenses and make it available to all Department Heads. You will also find attached Sections 1-19 and 1-20 which explain municipal infraction penalties and fines as well as misdemeanor penalties.

Please review this index and indicate to me, in writing, which sections apply to you that you wish to have copies of. This will prevent my staff from having to duplicate the entire ordinance.

The entire draft ordinance is scheduled for First Reading on October 26.

I'd like to thank Karen Mitchell, Mittie Weston and our Temporary Barbara Karpas for reviewing, compiling, typing and proofing this list. Without their assistance, it could not have been produced as quickly and efficiently as it was.

Copies to: All Departments: Economic & Community Development
Accounting Division
Library
Police Department
Public Works
Housing
Recreation

(Others): Mayor and Council
Corporation Counsel
James S. Wilson, City Administrator
Beverly K. Habada, Assistant City Administrator
Administrative Staff (Mitchell, Weston, Karpas)

SECTION 1. AMENDMENTS TO GENERAL PROVISIONS.

Sections 1-19 and 1-20 of the Code of the City of Takoma Park are amended to read as follows:

Section 1-19. Municipal infractions.

* * *

(g) Amount of fine. [[If the Charter, Code, or regulations do not specify the size of a fine, the fine is \$400.]]

(1) The amount of the fine is the amount shown in this paragraph.

<u>Class of Offense</u>	<u>Initial Offense</u>	<u>Repeat Offenses</u>
<u>A</u>	<u>\$400</u>	<u>\$400</u>
<u>B</u>	<u>\$200</u>	<u>\$400</u>
<u>C</u>	<u>\$ 75</u>	<u>\$150</u>
<u>D</u>	<u>\$ 20</u>	<u>\$ 40</u>

(2) If the Charter, Code, or regulations do not specify the class of the offense, it is a Class A offense.

Section 1-20. Misdemeanors.

* * *

(b) Amount of penalty. [[If the Charter, Code, or regulations do not specify the penalty for a misdemeanor, the maximum penalty is \$1,000 and 90 days in the County Detention Center.]]

(1) The amount of the penalty is the amount shown in this paragraph.

SECTION 1. AMENDMENTS TO GENERAL PROVISIONS.

Sections 1-19 and 1-20 of the Code of the City of Takoma Park are amended to read as follows:

Section 1-19. Municipal infractions.

* * *

(g) Amount of fine. [[If the Charter, Code, or regulations do not specify the size of a fine, the fine is \$400.]]

(1) The amount of the fine is the amount shown in this paragraph.

<u>Class of Offense</u>	<u>Initial Offense</u>	<u>Repeat Offenses</u>
<u>A</u>	<u>\$400</u>	<u>\$400</u>
<u>B</u>	<u>\$200</u>	<u>\$400</u>
<u>C</u>	<u>\$ 75</u>	<u>\$150</u>
<u>D</u>	<u>\$ 20</u>	<u>\$ 40</u>

(2) If the Charter, Code, or regulations do not specify the class of the offense, it is a Class A offense.

Section 1-20. Misdemeanors.

* * *

(b) Amount of penalty. [[If the Charter, Code, or regulations do not specify the penalty for a misdemeanor, the maximum penalty is \$1,000 and 90 days in the County Detention Center.]]

(1) The amount of the penalty is the amount shown in this paragraph.

<u>Class Offense</u>	<u>Fine</u>	<u>Jail Term</u>
<u>A</u>	<u>\$1,000</u>	<u>180 days</u>
<u>B</u>	<u>\$ 500</u>	<u>90 days</u>
<u>C</u>	<u>\$ 200</u>	<u>30 days</u>
<u>D</u>	<u>\$ 100</u>	<u>5 days</u>

(2) If the Charter, Code, or regulations do not specify the class of the misdemeanor offense, it is a Class A misdemeanor offense.

(3) The City may prosecute a misdemeanor offense as a civil offense, Class A. In exercising its discretion on this matter, the City must consider the severity of the particular offense.

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS
Section 1-19.	Municipal Infractions	A	---
Section 1-20.	Misdemeanors	---	A
Section 2-14.	Administration	---	---
Section 2-18.	Enforcement; violations and penalties	A	---
Section 2-18.4	Campaign material	A	---
Section 2-49.	Purchase order	A	---
Section 2-130.	Application for permission to build, alter or demolish	B	---
Section 3-2.	Prohibited animals; exception	C	---
Section 3-8.	Penalty	D	---
Section 3-19.	Wild animal hunting; exceptions	C	---
Section 3-20.	Diseases or injured wild animal	A	---
Section 3-21.	Killing song birds	B	---
Section 3-23.	Killing wild birds	B	---
Section 3-24.	English sparrow and starlings; exception	A	---
Section 4-1.	Recording of certain information	C	---
Section 4-6.	Maintenance and marking; requirements	C	---
Section 4-7.	Discontinuance of use; requirements	C	---
Section 4-12.	Violations	A	---
Section 4-14.	License required	C	---
Section 4-20.	License approval, issuance, content; transferability	C	---
Section 4-28.	Exhibition of license; sign; records	C	---
Section 4-29.	Vehicles; maintenance; identification displayed; refuse containers	C	---
Section 4-33.	Sales of spoiled food	C	---
Section 4-34.	Cleanliness of facility used for sale of food	C	---
Section 4-35.	Open air sale of food location restrictions	C	---

CLASS OF OFFENSE:

CLASS "A"

CLASS "B"

CLASS "C"

CLASS "D"

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS
Section 4-36.	Water supply; utensils	C	---
Section 4-37.	Protection of food from flies	C	---
Section 4-38.	Certificate of sanitation required for eating establishments	C	---
Section 4-39.	Meat staples	C	---
Section 4-63.	Liability of owner or lessee	C	---
Section 4-65.	Permit required; duration, fee; non-renewable	C	---
Section 4-77.	Penalty	C	---
Section 4C-2.	Visibility from street	D	---
Section 4C-3.	Address number	D	---
Section 4C-4.	Burglar, hold-up and other alarms	D	---
Section 5-19.	False alarms prohibited	A	A
Section 5-20.	Obstructing water plug	---	A
Section 5A-19.	Violations and penalties	A	---
Section 6-10.	Section PM-103.5	A	---
Section 6-16.	Section PM-109.2	A + D	B
Section 6-39.	Storage of vehicles	C	---
Section 6-42.	Permit to excavate street required; exception	B	---
Section 6-44.	Prohibited practices	C	---
Section 6-47.	Materials outside parking or building line; authority of Director of Public Works	D	---
Section 6-48.	Warning light required	C	---
Section 6-49.	Removal of excavated earth and rubbish; regulations	C	---
Section 6-51.	Excavation to be barricaded	B	---
Section 6-52.	Obstructions prohibited	B	---
Section 6-52.1	Violations and penalties	X	---
Section 6-54.	Construction restrictions in certain areas; exceptions	A	---

CLASS OF OFFENSE:
 CLASS "A"
 CLASS "B"
 CLASS "C"
 CLASS "D"

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS	CLASS OF OFFENSE
Section 6-55.	Moving certain buildings prohibited	A	---	CLASS "A" CLASS "B" CLASS "C" CLASS "D"
Section 6-56.	Building requirements; roof	A	---	
Section 6-57.	Construction of metal buildings	A	---	
Section 6-66.	Repair or removal by city	A	---	
Section 6-68.	Substandard buildings; notice to Council; finding and declaration of nuisance; order to repair; fine	C	---	
Section 6-74.	Reinstatement and placard removal	B	---	
Section 6-75.	Placard defacing or removal	C	---	
Section 6-80.1	Administration; enforcement; violations and penalties	C	A	
Section 6-80.15	Failure to comply with order or summons; other remedies	B	---	
Section 6-102.	License required	C	---	
Section 6-104.	Violation to operate or conduct rental facility without license	C	---	
Section 6-106.	Duration and display of license	C	---	
Section 6-108.	Changes in ownership; transferability and other changes	C	---	
Section 6-109.	Denial, suspension and revocation of licenses	C	---	
Section 6-110.	Hearing required	---	B	
Section 6-113.	Registrar; certificate display	C	---	
Section 6-115.	Linen requirements	C	---	
Section 6-116.	Egress from rooming unit	---	B	
Section 6-120.	Registration and inspection application	C	---	
Section 6-124.	Institutional regulations	---	B	
Section 6-125.	Registration of occupants; inspection of record; violations	C	---	
Section 8-2.	Littering prohibited	C	---	
Section 8-3.	Prohibited discharge	C	---	

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS
Section 8-4.	Decaying matter, animal filth and excrement	C	---
Section 8-5.	Deposit of privy or cesspool	B	---
Section 8-6.	Abandoned refrigerators prohibited	B	---
Section 8-9.	Regulations governing public convenience stations	B	---
Section 8-13.	Obscene posters and placards	C	---
Section 8-18.	Public space use and limitations	C	---
Section 8-19.	Permit required for use of land amusement purposes	C	---
Section 8-20.	Crowd control at theater or place of public amusement	C	---
Section 8-23.	Use of public space and buildings	C	---
Section 8.28.	Zone of quiet	C	---
Section 8-29.	Use of sound amplifying equipment; restrictions	C	---
Section 8-30.	Sound amplification in public area; permit required	C	---
Section 8-31.	Throwing missiles prohibited	C	---
Section 8-34.	Construction near house of religious restrictions	C	---
Section 8-35.	Begging on public space prohibited	C	---
Section 8-39.	Ball playing in public areas	C	---
Section 8-41.	Use of rope to clear area; permission to cross lines	B	---
Section 8-42.	Obstruction of sidewalk and parking; exception	C	---
Section 8-44.	Placement of signs and advertisements	C	---
Section 8-45.	Obstructing sidewalks by unloading; sawing wood	C	---
Section 8-46.	Regulations governing unsightly articles	C	---

CLASS OF OFFENSE:
CLASS "A"
CLASS "B"
CLASS "C"
CLASS "D"

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS	CLASS OF OFFENSE
Section 8-48.	Abandoning carts prohibited	C	---	CLASS "A"
Section 8-57.	Sales to minor prohibited	---	A	CLASS "B"
Section 8-58.	Sales of weapons to minor prohibited	---	A	CLASS "C"
Section 8-60.	Discharging firearms prohibited; permit requirements	---	A	CLASS "D"
Section 8A-8.	Violations and penalties; other remedies	B	---	
Section 10-2.	Inspections by Director of Public Works	B	---	
Section 10-4.	Collection during icy and snowy weather	*/	*/	
Section 10-5.	Confinement of animals during refuse collections	*/	*/	
Section 10-6.	Refuse receptacles required	D	---	
Section 10-7.	Location of refuse containers for collection	*/	*/	
Section 10-8.	Placement of refuse receptacles in public way	D	---	
Section 10-9.	Interference with refuse collection	C	---	
Section 10-10.	Commercial establishments; refuse prohibited in public containers	B	---	
Section 10-12.	Excreta prohibited in collection receptacles	B	---	
Section 10-22.	Abandonment of refuse on public property	A	---	
Section 10-23.	Disposal of refuse on private property	A	---	
Section 10-24.	Depositing in public sewer; exception	A	---	
Section 10-25.	Obstructing flow of public sewers	A	---	
Section 10-26.	Drainage of offensive matter	B	---	
Section 10-27.	Discharge of house refuse; offal or wastes	B	---	
Section 10-28.	Nauseous matter prohibited	B	---	
Section 10-29.	Waste deposit; special permit	B	---	
Section 10-30.	Scattering of dust prohibited	D	---	

*/ The only penalty for violating this section is that NO REFUSE will be collected.

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS	CLASS OF OFFENSE
Section 10-31.	Waste burial prohibited	B	---	CLASS "A" CLASS "B" CLASS "C" CLASS "D"
Section 10-32.	Burning of refuse	B	---	
Section 10-33.	Importation of spoiled food prohibited	B	---	
Section 10-34.	Disposal of spoiled food	B	---	
Section 10-35.	Dead animal disposal	B	---	
Section 10-36.	Depositing debris in sewer system	B	---	
Section 10-37.	Obstructing sewer drains	B	---	
Section 10-38.	Entering sewer system prohibited	B	---	
Section 10-39.	Cleansing of grounds following circus or exhibition	C	---	
Section 10-43.	Placement time for collection	D	---	
Section 10-44.	Collection containers; weight limit	*/	*/	
Section 10-45.	Placement of items for collection	*/	*/	
Section 10-46.	Items excluded from special collections	*/	*/	
Section 10-47.	Limitations on foliage trimmings	*/	*/	
Section 10-50.	Refuse collection and transportation permit required	C	---	
Section 10-51.	Refuse collection and transportation permit requirements	C	---	
Section 10-52.	Regulations governing refuse collectors	B	---	
Section 10-53.	Assemblage of refuse vehicles; covers to be closed	C	---	
Section 10-54.	Transportation of rubbish	B	---	
Section 10-55.	Transporting manure; requirements	B	---	
Section 10-56.	Transportation of refuse prohibited; exceptions	B	---	
Section 10-57.	Transportation of refuse and dead animals	B	---	
Section 10-58.	Municipal infractions; ((fines;)) warnings; other remedies			

*/ The only penalty for violating this section is that NO REFUSE will be collected.

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SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANDORS	CLASS OF OFFENSE
Section 11-1.	Owner to maintain lots; notice; costs	C	---	CLASS "A" CLASS "B" CLASS "C" CLASS "D"
Section 11-2.	Driving across sidewalks; exceptions	D	---	
Section 11-3.	Limitation on use of street	D	---	
Section 11-4.	Handbill distribution; regulations	D	---	
Section 11-5.	Spilling on gasoline or oily substances on streets prohibited	C	---	
Section 11-6.	Depositing coal on streets	C	---	
Section 11-7.	Replacement of street excavations; approval	B	---	
Section 11-9.	Street grades	B	---	
Section 11-10.	Curbs and gutters required	B	---	
Section 11-11.	Street drains required	B	---	
Section 11-12.	Dimensions of streets and types of material	B	---	
Section 11-15.	Permit required for grading or construction	B	---	
Section 11-24.	Naming, widening or closing of streets prohibited; exceptions	B	---	
Section 11-27.	Driveway apron limitations; exemptions; construction requirements	B	---	
Section 11-28.	Permit required to excavate public street	B	---	
Section 11-29.	Permit required to place vent or door in public streets	B	---	
Section 11-30.	Construction of fence and planting of trees; permit required	B	---	
Section 11-31.	Protecting roadways from damage by excavation debris	B	---	
Section 11-32.	Construction debris to be kept off streets	C	---	
Section 11-33.	Driving on closed road; removing signals	C	---	
Section 11-34.	Open manholes; marking	B	---	
Section 11-35.	Casting snow or ice on streets prohibited; removal	C	---	

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS
Section 11-36.	Sidewalks to be kept free of ice and snow	C	---
Section 11-37.	Hours of snow and ice removal from sidewalks	C	---
Section 11-38.	Conditions precluding snow and ice removal	C	---
Section 11-42.	Manner of snow and ice removal	C	---
Section 11-43.	Manner of removal; use of salt	C	---
Section 11-44.	Street lamps and signs not to be damaged	C	---
Section 11-45.	Posting signs to lampposts prohibited	D	---
Section 11-47.	Climbing lampposts prohibited; exceptions	D	---
Section 11-48.	Private lampposts; limitations	C	---
Section 11-49.	Outside lamp requirements	C	---
Section 12-3.	Interference prohibited	C	---
Section 12-9.	Infected or infested woody vegetation on private property	C	---
Section 12-10.	Permit required to prune, spray, plant or remove from city property	B	---
Section 12-12.	Fallen or dangerous trees on private property	D	---
Section 12-14.	Vegetation not to obscure intersection	D	---
Section 12-15.	Vegetation not to obstruct sidewalks or traffic	D	---
Section 12-16.	Obnoxious growths	D	---
Section 12-17.	Uncontrolled growth of vegetation on vacant lots	D	---
Section 12-18.	Uncontrolled growth of lawns on private property	D	---
Section 12-22.	Municipal infractions; [[fines;]] warnings; other remedies	---	---
Section 12-24.	Permit required for removal or destruction of trees	C	---
Section 12-28.	Violations and penalties; enforcement	C	B
Section 13-28.	Speed limit; exception	D	---

CLASS OF OFFENSES:
 CLASS "A"
 CLASS "B"
 CLASS "C"
 CLASS "D"

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS
Section 13-42.	Parking violations; ticket issuance; penalty; reports	D	---
Section 13-43.	Impounding vehicles parked overtime	---	---
Section 13-49.	Procession and parade permit required; traffic control	C	---
Section 13-57.	Oil delivery truck requirements	C	---
Section 13-58.	Stop restrictions for buses; exceptions	D	---
Section 13-60.	Coasting, sliding or skating on roadway prohibited; exceptions	D	---
Section 13-61.	Coasting and bicycle riding on sidewalk prohibited; exception	D	---
Section 13-63.1	Parking-permit areas	C	---
Section 13-64.	Parking or standing; prohibited areas	C	---
Section 13-64.2	Penalty; exception	D	---
Section 13-74.	Snow emergency route signs; impounding	C	---

CLASS OF OFFENSE
 CLASS "A"
 CLASS "B"
 CLASS "C"
 CLASS "D"

SECTIONS	ITEM	REPEAL	RESERVE
Section 3-10.	Fowl permit required; duration; inspection fee	---	X
Section 3-11.	Permit inspection by Health Officer	---	X
Section 3-12.	Fowl enclosures; requirements	---	X
Section 3-13.	Fowl permits; prohibited areas	---	---
Section 3-14.	Revocation of permit	---	X
Section 3-15.	Fowl on enclosed parking; exceptions	---	X
Section 3-16.	Restrictions on keeping fowl	---	X
Section 3-17.	Fowl found on property; procedure	---	X
Section 3-18.	Exceptions to the fowl keeping requirements	---	X
Section 6-50.	Preparation of material on parking or roadway	---	X
Section 8-7.	Damaging any public convenience station	---	X
Section 8-8.	Conduct at public convenience stations	---	X
Section 8-10.	Indecent exposure prohibited	---	X
Section 8-11.	Peeping toms prohibited	---	X
Section 8-12.	Obscene, indecent or threatening language by telephone prohibited	---	X
Section 8-14.	Games of chance; minors prohibited	---	X
Section 8-15.	Public buildings and grounds protected by law	---	X
Section 8-16.	Permit required for public address	---	X
Section 8-24.	Loitering; police order to dispense	---	X
Section 8-25.	Disorderly conduct, defined, prohibited	---	X
Section 8-26.	Disorderly person; defined; illegal acts	---	X
Section 8-27.	Loud and raucous noises	---	X
Section 8-32.	Destruction of public and private property	---	X

SECTIONS	ITEM	REPEAL	RESERVE
Section 8-33.	Disturbance of religious worship	---	X
Section 8-36.	Interference with customers; soliciting	---	X
Section 8-37.	Telegraph and telephone tampering prohibited	---	X
Section 8-38.	False calls for police or ambulance	---	X
Section 8-40.	Ballplaying; Hodges Field	---	X
Section 8-43.	Auto watching prohibited	---	X
Section 8-47.	Removal of shipping carts	---	X
Section 8-53.			
Section 8-54.	Register of purchases required	---	X
Section 8-55.	Carrying of dangerous weapons, prohibited; exception	---	X
Section 8-56.	Possession of weapon at dwelling house or place of business; permit; bond	---	X
Section 8-59.	Minors not to possess weapons, exceptions	---	X
Section 8-61.	Fireworks prohibited, exceptions	---	X
Section 10-49.	Transportation of refuse in general	---	X
Section 11-46.	Defacing lampposts prohibited	---	X
Section 12-19.	Determination of violation	---	X
Section 12-20.	Method of giving notice	---	X
Section 12-21.	City to take corrective action	---	X
Section 13-3.	Regulation of traffic by traffic officers	---	X
Section 13-4.	Vehicle illumination requirements	---	X
Section 13-7.	Short title	---	X
Section 13-8.	Definitions	---	X

B:Sec11.twn
 D#1Mun.Inf./lw
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SECTIONS	ITEM	REPEAL	RESERVE
Section 13-9.	Storing, parking or leaving prohibited; declaration of nuisance; exceptions	---	X
Section 13-10.	Responsibility for removal	---	X
Section 13-11.	Notice to remove	---	X
Section 13-12.	Removal of motor vehicle	---	X
Section 13-13.	Notice of removal	---	X
Section 13-14.	Storage of abandoned motor vehicles; location, fees and release	---	X
Section 13-15.		---	X
Section 13-16.	Municipal infractions; fines; other remedies	---	X
Section 13-17.	Operation of vehicle; safety required	---	X
Section 13-18.	Manner of operating a motor vehicle	---	X
Section 13-19.	Distance following other cars	---	X
Section 13-20.	Driving across sidewalks prohibited	---	X
Section 13-21.	Manner of entering traffic from parking space	---	X
Section 13-22.	Manner of U-turns; prohibitions	---	X
Section 13-23.	Manner of backing vehicle	---	X
Section 13-24.	Stop sign regulations	---	X
Section 13-25.	Entering traffic from intersection or driveway	---	X
Section 13-26.	Closed highways	---	X
Section 13-27.	One-way streets	---	X
Section 13-37.	Slugs in parking meters prohibited	---	X
Section 13-38.	Destruction of parking meters prohibited		X
Section 13-44.	Pedestrian right-of-way	---	X
Section 13-45.	Pedestrians to face traffic while walking along highway	---	X

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SECTIONS	ITEM	REPEAL	RESERVE
Section 13-46.	Pedestrians to yield right-of-way	---	X
Section 13-47.	Vehicles crossing sidewalks to yield to pedestrians	---	X
Section 13-48.	Passing vehicle stopped for pedestrians prohibited	---	X
Section 13-50.	Right-of-way of funeral processions; exceptions	---	X
Section 13-51.	Line of funeral procession; identifying sign	---	X
Section 13-52.	Police and fire vehicles; right-of-way; warning signals	---	X
Section 13-53.	Fire hose regulations; impeding emergency vehicles	---	X
Section 13-54.	Vehicles overtaking school buses	---	X
Section 13-55.	Towing regulations	---	X
Section 13-56.	Clinging to vehicle prohibited	---	X
Section 13-59.	Hitchhiking prohibited	---	X
Section 13-69.	Impounding of vehicles	---	X
Section 13-72.	Police officer may preempt traffic sign	---	X
Section 13-73.	Traffic sign violation	---	X

Introduced by:

1st Reading: October 26, 1987

2nd Reading:

ORDINANCE NO. 1987-

An ordinance to amend the Personnel Classification System

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

SECTION 1. New Position classes and change in GRADES. The grade structure adopted by Ordinance No. 1986-53, Section 2, as amended is amended to add and delete the following positions; delete Grade designations 13-17; amend Grades 14-17 to read Executive 1-4.

GRADE JOB CLASSES

GRADE 1 :

GRADE 2 : Custodian

GRADE 3 : Laborer; Clerk Typist I;

GRADE 4 : Account Clerk I; Library Shelver; Communications Dispatcher; Assistant Driver; Police Records Clerk;

GRADE 5 : Recreation Aide; Tool Library Attendant; Equipment Operator I;

GRADE 6 : Account Clerk II; Secretary; Personnel Clerk; Library Assistant; Recreation Specialist; Driver Foreman; Equipment Operator II; Clerk Typist II;

GRADE 7 : Administrative Clerk I; Playground Coordinator; Equipment Operator III; Code Enforcement Officer I; Police Private; Clerk Typist III;

GRADE 8 : Administrative Clerk II; Executive Secretary; Gym Supervisor; Police Private First Class; Tree Maintenance Foreman; Building Mechanic; Mechanic; Community Development Coordinator;

GRADE 9 : Account Supervisor; Administrative Supervisor; Deputy City Clerk; Police Affairs Specialist; Police Corporal; Parks Foreman; Street Foreman; Housing Coordinator; Master Mechanic; Housing Rehabilitation Construction Coordinator;

GRADE 10 : Librarian; Police Sergeant; Sanitation Supervisor; Street Supervisor;

GRADE 11 : Youth Outreach Worker; Recreation Supervisor;
Code Enforcement Supervisor;

GRADE 12 : Assistant Library Director; Police Lieutenant;
Cable TV Coordinator;

[GRADE 13]:

[GRADE 14] : [Police Captain (Deputy Chief);] Assistant Public
Executive 1: Works Director; Director of Economic & Community
Development;

[GRADE 15] : Library Director; Recreation Director; Housing
Executive 2: Services Director; Police Captain (Deputy Chief)

[GRADE 16] : Assistant City Administrator;
Executive 3:

[GRADE 17] : Police Chief; Public Works Director;
Executive 4:

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective
upon enactment.

NOTE: Underlining indicates new matter to be added to existing
code language.

[] indicates matter to be deleted from existing code
language

Item # 5

Introduced by: _____

1st Reading: 10/26/87

2nd Reading: _____

Ordinance No. 1987- _____

AN ORDINANCE concerning:

The Takoma/Langley Crossroads Development Authority.
for the purpose of establishing the Takoma/Langley Commercial Management District and a commercial district management authority known as the Takoma/Langley Crossroads Development Authority for certain purposes; establishing the geographic boundaries of the Takoma/Langley Crossroads Commercial Management District; providing for the membership and organization for the Authority; and generally relating to the establishment of the Takoma/Langley Crossroads Development Authority.

by adding:

CHAPTER 4A COMMERCIAL MANAGEMENT
DISTRICTS AND AUTHORITIES

Sections 4A-1 through 4A-11,

BE IT ENACTED by the Mayor and Council of the City of Takoma Park, Maryland that a new Charter comprising Chapter 4A be and the same are hereby added to the Code of Takoma Park, Maryland:

CHAPTER 4A COMMERCIAL MANAGEMENT
DISTRICTS AND AUTHORITIES

Sec. 4A-1. Definitions.

(a) For the purposes of this Chapter, the following terms shall have the meanings indicated:

(1) "At-large" shall mean elected by all voting members of the Authority.

(2) "Authority" shall mean the Takoma/Langley Crossroads Development Authority.

(3) "Business" shall mean any person or organization operating or conducting a trade or business, including, without limitations, retail and wholesale enterprises, and property owners.

(4) "City" shall mean the City of Takoma Park, Maryland, a municipal corporation.

(5) "District" shall mean the geographical area designated in this Chapter in which the Authority shall operate and perform its responsibilities.

(6) "Exempt Business" shall mean a business within the District which is not subject to the assessment of fees by the Authority. Exempt businesses shall include:

(A) federal, state, county, or City governments or their agencies;

(B) religious groups or organizations;

(C) volunteer fire companies and rescue squads;

(D) warehouses; and

(E) professional offices that use less than 1,000 square feet of space.

(7) "Fees" shall mean the license fees of the members of the Authority used to finance the programs and accomplish the purposes of the Authority.

(8) "Hotel/motel" shall mean an establishment which contains six or more guest rooms where temporary lodging is provided for compensation.

(9) "Retail" shall mean a business establishment that:

(A) sells goods or services directly to ultimate consumers; and/or

(B) uses space that has direct access to:

(i) the street;

(ii) the ground floor of a building;

(iii) a mall; or

(iv) a parking lot of a shopping center or mall.

(10) "Professional" shall mean any establishment that:

(A) sells goods other than retail or services directly to ultimate consumers; and

(B) uses space that does not have direct access to:

(i) the street;

(ii) the ground floor of a building;

(iii) a mall; or

(iv) a parking lot of a shopping center or mall.

(11) "Warehouse" shall mean a building used for the storage of goods or materials.

Sec. 4A-2. Establishment.

(a) Pursuant to Article 23A, Section 9(35) of the Annotated Code of Maryland, there is hereby established the Takoma/Langley Commercial Management District and the Takoma/Langley Crossroad Development Authority, as an independent entity.

(b) The Authority shall incorporate and obtain liability insurance.

Sec. 4A-3. Purposes.

The purposes of the Authority shall be to promote and market the District, and to provide security, maintenance, and amenities within the District.

Sec. 4A-4. District boundaries.

The Takoma/Langley Crossroads Commercial Management District is described as follows:

(a) All land bounded by University Boulevard, Anne Street, Kennewick Avenue, Kirklynn Avenue, and New Hampshire Avenue.

(b) All land bounded by New Hampshire Avenue, Kirklynn Avenue, Hammond Avenue, and Holton Lane, except lots 13, 14, 15, 16, 17, 18, and 19.

(c) All land bounded on the north by University Boulevard, the west by New Hampshire Avenue, the south by Holton Lane, and extending to the east to the eastern limits of the City.

(d) All land bounded on the east by the corporate limits of the City, the north by Holton Lane, the west by New Hampshire Avenue, and extending south to include parcels B and C of the property known as the Cohen Brothers' Property recorded in the Land Records of Prince George's County in Plat Book WWW55 at Plat No. 6.

Sec. 4A-5. Limitations on the Powers of Authority.

The Authority shall not:

- (a) be able to exercise the power of eminent domain;
- (b) purchase, sell, construct, or, as a landlord, lease office or retail space;
- (c) except as otherwise authorized by law, engage in competition with the private sector; or
- (d) enter into any contract, agreement, undertaking, or obligation which could result in any pecuniary liability to the City or a charge against the general credit and taxing powers of the City.

Sec. 4A-6. Composition of the Authority.

- (a) Every business in the District is a member of the Authority and may participate in the activities of the Authority.

(b) Every member of the authority may vote on matters before the Authority except:

- (1) exempt businesses;
- (2) businesses that have not paid all fees that are due; and
- (3) any other business that is not in good standing under the bylaws.

Sec 4A-7. Bylaws.

(a) The first meeting of the members of the Authority, must be announced 14 days in advance. At that meeting, a majority of the voting members present shall adopt bylaws consistent with the requirements of Article 23A Section (9)(35) of the Annotated Code of Maryland and this Chapter. A copy of the bylaws shall be provided to the City for its review.

(b) An amendment to the bylaws cannot be adopted at the same meeting at which the amendment was introduced. The bylaws may be amended by a two-thirds vote of the members present.

Sec. 4A-8. Board of Directors; Officers.

(a) The Authority shall be directed and administered by a Board of Directors elected by the voting members of the Authority in accordance with the bylaws.

(b) The Board shall include one voting director from each of the following areas, elected by the members in those areas,

(and any other areas provided for in the bylaws). The boundaries of these areas shall be established in the bylaws.

- (1) Southwest quadrant.
- (2) Southeast quadrant north of Holton Lane.
- (3) Holton Lane/Hampshire Place Property.
- (4) Langley Professional Building (7676 New Hampshire Avenue).

(c) The voting members of the Authority shall elect at-large a Chair, Vice-Chair, and enough other directors not to exceed ten.

(d) Except as provided in the bylaws, there shall be no more than one at-large director in each of the following categories:

- (1) Owner operator;
- (2) Chain store;
- (3) Professional; and
- (4) Property owner.

(e) The Board shall also include, as ex officio, non-voting directors:

(1) The City Council Member (or Members in whose Council District(s) the Takoma/Langley Commercial Management District is located; or a designee.

(2) A representative of the State Director of Housing and Community Development; and

(3) a representative of the City of Takoma Park designated by the Mayor.

(f) In addition to the chair and vice-chair who are elected at-large, the directors shall elect two directors as secretary and treasurer. These four directors shall constitute the officers of the Authority.

Sec. 4A-9. Budget.

(a) The Board shall submit a proposed annual budget to the members of the Authority and the Mayor and Council of the City. The Board shall adopt a budget at a meeting of the Authority within 30 days of the date the proposed budget is submitted to the members and to City officials.

(b) The Board may amend the budget without 30 days notice if the amendment involves less than an amount of money specified in the bylaws.

Sec. 4A-10. Licenses.

Every business in the District must obtain an annual license issued by the Authority.

Sec. 4A-11. License Fees.

(a) The annual license fee shall be based on the nature of the business and the number of square feet used in the business. Exempt businesses do not pay any fees.

(b) (1) The fees shall be as follows:

Category	Fee per square feet	Maximum fee
Retail	20¢	\$3,500.00
Professional	10¢	\$1,000.00
Hotel/motel, theater	6.67¢	\$3,500.00
Property Owner	5¢	\$3,500.00
Warehouse	0¢	\$0.00

(2) If a business falls in more than one license fee category, it shall be charged only for the category with the highest license fee.

(d) At the request of the Board, the City shall collect and enforce license fees on behalf of the Authority as its agent. Unpaid license fees shall be assessed an additional late payment fee of one percent of the fee per month or any portion of a month. The City may charge the Authority for the expenses incurred in collecting fees. The Authority by vote of its Board is empowered to institute suit to collect unpaid fees.

(e) The Board shall appoint an appeals panel as provided in the bylaws. The appeals panel shall hear all objections to the license fee set for each business. The only issues that may come before the appeals panel are whether:

(1) the nature of the business has been accurately determined;

(2) the number of square feet of space used by the business is correct; and

(3) the fee has been correctly calculated based on the rate and the square footage.

Sec. 4A-11. Meetings.

(a) The Board shall meet at least once a month. The Authority shall meet at least twice a year.

(b) All meetings shall be open to the public, except for executive sessions as provided for in the bylaws.

Adopted this _____ day of _____, 1987.

TP#8
TP.CDMA1-10

Introduced by:

1st Reading: October 26, 1987
2nd Reading:

ORDINANCE NO. 1987-___

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

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

ADOPTED BY THE MAYOR AND COUNCIL _____.

Introduced by:

1st Reading: October 26, 1987
2nd Reading:

ORDINANCE #1987-

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

SECTION 1a. THAT parking shall be prohibited on the east side of Hancock Avenue from its intersection with Sheridan Avenue, and continuing in the direction of Lee Avenue; AND

SECTION 1b. THAT parking shall be prohibited on the east side of Hancock Avenue from its intersection with Sheridan Avenue, and continuing in the direction of Lee Avenue; AND

SECTION 2. THAT the Director of Public Works is hereby directed to erect the appropriate signing; AND

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

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

Adopted: _____

Introduced by: Mayor Del Giudice

Dated: October 13, 1987

Resolution 1987 -81

RESOLUTION OF THE MAYOR AND COUNCIL OF CITY OF TAKOMA PARK

WHEREAS, the City of Takoma Park, Maryland is a diverse community tolerant and accepting people and families of all races, sexes, religions, and sexual preferences, and

WHEREAS, October 11, 1987 marks the National March on Washington for Lesbian and Gay Rights, and

WHEREAS, decisions of the federal government and the federal courts have placed the burden of the struggle for lesbian and gay rights on state and local governments, and

WHEREAS, the City of Takoma Park played a pivotal role in securing legal protection for gay men and lesbians in Montgomery County, and

WHEREAS, the City's collective bargaining agreement, personnel ordinance and right of first refusal legislation are written in such a way as to extend legal protection to lesbian and gay domestic partners, and

WHEREAS, AIDS is a major problem facing the citizens of this City, this State, and this nation and is receiving inadequate attention on the federal level, and

WHEREAS, equal rights and civil liberties for lesbians and gay men is a part of the struggle for the human rights of all men and women.

NOW THEREFORE BE IT RESOLVED:

That the City of Takoma Park will support the right of sexual privacy both by urging the passage of federal and state legislation banning discrimination on the basis of sexual orientation and by committing itself to the effort to repeal the sodomy laws in the state of Maryland, and for recognition of the right to privacy in state law and further;

BE IT RESOLVED: That the government of the City of Takoma Park shall remain open to the ideas and suggestions of its gay and lesbian citizens as individuals and encourages the formation of groups within the community to present with a more forceful voice the position of lesbians and gay men within the community so that equal protection of the law might be secured.

Item # 5

Introduced By: Councilmember Sharp
Drafted By: Daniel Neal

FRI. PKG.
10-9-87

RESOLUTION NO. 1987- 82

WHEREAS, on 16 December 1985 the City of Takoma Park and the Maryland-National Capital Park and Planning Commission (M-NCPPC) together executed a Memorandum of Understanding that provides for the design and construction of a pedestrian path and bridge connecting Jackson Avenue across Long Branch Creek, a copy of which is attached hereto and made a part hereof by reference; AND

WHEREAS, in accordance with this Memorandum of Understanding M-NCPPC has solicited from the City substantial input into the design of this pedestrian path and bridge and has developed a design for this project that is acceptable to the City;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND THAT the M-NCPPC design for the Jackson Avenue pedestrian path and bridge is hereby approved by the City of Takoma Park.

BE IT FURTHER RESOLVED THAT M-NCPPC is hereby strongly encouraged to complete construction of this project as quickly as possible and to work closely with City staff to ensure a smooth and orderly construction process.

ADOPTED THIS 13th DAY OF OCTOBER, 1987.

Introduced By: Mayor DeL Giudice
Drafted By: Daniel Neal

Adopted: October 13, 1987

Resolution No. 1987-84

A Resolution approving CDBG Cooperation Agreements with Montgomery and Prince George's Counties for Federal Fiscal Years 1988 through 1990 and authorizing the Mayor of Takoma Park to execute same.

WHEREAS, upon the recommendation of the Takoma Park Community Development Block Grant (CDBG) Citizens' Advisory Committee the Mayor and Council of Takoma Park have determined that, given the available options for participation in the federal CDBG program, it is in the best interests of the City of Takoma Park and its citizens to seek to obtain CDBG funds from both Montgomery and Prince George's Counties for CDBG-eligible projects in these respective counties within Takoma Park's municipal jurisdiction for the Federal Fiscal Years 1988 through 1990; AND

WHEREAS, the City of Takoma Park is required to enter into Cooperation Agreements with Montgomery and Prince George's Counties to enable it to be considered part of these urban counties and thus eligible for project financing benefits through use of CDBG funds, copies of which Cooperation Agreements are attached hereto and made a part hereof by reference;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND THAT the attached Cooperation Agreements are hereby approved.

BE IT FURTHER RESOLVED THAT the Mayor of Takoma Park is hereby authorized to execute the attached Cooperation Agreements on behalf of the City of Takoma Park and transmit them to the appropriate authorities in Montgomery County and Prince George's County, respectively.

ADOPTED THIS 13th DAY OF OCTOBER, 1987.

CITY OF TAKOMA PARK, MARYLAND

PROPERTY OF
TAKOMA PARK MD. LIBRARY

Regular Meeting of the Mayor and Council
October 26, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember d'Eustachio	Deputy City Clerk Jewell
Councilmember Haney	Housing Services Director Weiss
Councilmember Iddings	Newsletter Editor Baron
Councilmember Levy	Corporation Counsel Silber
Councilmember Sharp	
ABSENT: Councilmember Bradley	
Councilmember Williams	

The Mayor and City Council convened at 8:15 P.M. on Monday, October 26, 1987 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, the Minutes of the June 29, 1987 Public Hearing were presented for approval. Councilmember Iddings noted that on page 11, Sherry McMahon's surname was misspelled as "McMann." Approval of the Minutes, with the noted correction, was moved by Councilmember d'Eustachio, duly seconded, and carried by unanimous vote.

The Mayor noted receipt from WSSC of notification that they would be conducting testing on the Sligo Creek sewer system from November 9 to December 9; he said they had indicated they would be doing most of the work at night and would try to keep noise to a minimum. He said a copy of the notice would be disseminated to citizens' associations in those areas that would be affected, and asked that Councilmembers also notify such associations in their wards.

Mayor Del Giudice read and moved passage of a resolution proclaiming November as Epilepsy Month, supporting the promotion of education about and understanding of the affliction. The motion was duly seconded by Councilmember Haney and passed by unanimous vote.

RESOLUTION #1987-85
(attached)

The Mayor presented a resolution effecting appointments to the Martin Luther King Commemoration Committee, noting that additional citizen appointees were needed to serve. Councilmember Haney moved passage of the resolution, duly seconded by Councilmember Levy. Eleanor Cortez volunteered from the audience that she would be willing to serve on the committee. The resolution was passed by unanimous vote.

RESOLUTION #1987-86
(attached)

The Mayor reminded that the City Election was coming up on November 3 and encouraged all to come out and exercise their right to vote. Councilmember Iddings noted the presence at the meeting of former Councilmember Lou D'Ovidio.

ADDITIONAL AGENDA ITEMS:

First Reading of an Ordinance creating a No Parking zone on the east side of Hancock Avenue in the 7400 block (Iddings)
First Reading of an Ordinance establishing a two-way stop on Willow Avenue at Valley View (Iddings)
First Reading of an Ordinance concerning the Executive Pay Scale and Classification System (Del Giudice)

The Mayor noted that original agenda item #3 concerning the Smoking Ordinance would not be addressed inasmuch as additional staff work was still required and Councilmember Bradley, sponsor of the legislation, was unable to be present. He said that item would be held over until the next regular meeting on November 9.

CITIZENS' COMMENTS: (not directed at items for Council action)
Eleanor Cortez, Pres., Hampshire Towers Citizens' Assn.: referred

to the recent formation of the association and noted that Councilmember Haney had been appointed Vice President of the group. She extended thanks to Housing Services Director Weiss and Diane Oliver for all the assistance and guidance they had given during the process and said the association looked forward to working with the City and its officials. Councilmember Haney extended thanks also to Greg Hamilton, Karen and A. J. Mitchell for their time and invaluable assistance in forming the tenants' association. Councilmember Iddings extended congratulations to the group and commented on the importance of active associations to ensure proper enforcement of City laws, and that both tenants and management live up to their obligations. The Mayor related that at a recent meeting with management of the apartment complex, the City encouraged that they seek performance of a security survey analysis by the police department, they stated they would do so, and a formal request has now been received. Mr. Haney commented that Sergeant Goetz and Corporal Jacobs had responded and done the survey and were in the process of writing up the results, which would subsequently be provided to management and the tenants' association.

Former Councilmember Lou D'Ovidio: said he would not be able to attend the November 16 meeting, at which time new members of the Council would be taking office, so wanted to attend the current meeting in order to offer thanks to those outgoing members with whom he had served, particularly Messrs. Haney and Iddings, and Ms. Bradley. He commented on the substantial amount of personal time donated by those who serve as elected officials and said he knew the work of those leaving would be missed by the City. He remarked he hoped incoming Councilmembers would emulate the commitment shown by those leaving and would do as good a job.

Marc Elrich, 8110 Roanoke Avenue: gave an update on the Silver Spring development issue, particularly noting traffic remedies which had been proposed to benefit the City in regard to Philadelphia Avenue. He said Planning Staff had stated that part of the problem could be resolved by removing on-street parking from Philadelphia Avenue, as well as the addition of two short righthand turn lanes -- one at Philadelphia and Piney Branch, and one at Philadelphia and Carroll, to facilitate traffic flow. He noted one aspect that had been pointed out to him, related to zoning -- i.e., that if all the City's major intersections went to Level F congestion, if additional development were desirable at a site in the city, it would probably fail local area review based on planning staff's evaluation of the intersections that were operating at an unacceptable level. He said the City could be hampered in moving ahead with projects it might consider desirable due to that scenario, unless the City were to opt in with the county's proposal of a new definition of acceptable levels of service so that something horrible could be defined as acceptable. Another option, he said, would be for the City to make it clear that while the county had its own ideas of what was acceptable, any proposal affecting and directly impacting not only city neighborhoods but the City's development potential would have to pass by super majority. He asked that the Mayor and Council consider that issue and perhaps bring it up with members of the County Council.

The Mayor responded that he was not certain that the formal position of opposition already adopted and conveyed to the county would not require that action taken by them be by a super majority. During ensuing discussion, Councilmember Iddings suggested passage of a resolution for conveyance to the County Council emphatically stating the City's opposition to the Zoning Text Amendment proposed, as well as the City's rights granted by the state in relation to zoning. In response to query, Mr. Elrich stated it was his understanding there would be a straw vote on the issue on the next day's date, with the actual vote to occur on November 3. Councilmember d'Eustachio suggested that a resolution be prepared and a Special Session convened on November 2 for formal passage; consensus was to do so.

Rino Aldrighetti, former Councilmember: expressed thanks to outgoing members of the Council with whom he had served. He commented concerning the recent unsightly appearance of advertising leaflets for pizza delivery persons that had been posted on telephone poles in the city.

Councilmember d'Eustachio concurred with Mr. Aldrighetti's comments and asked that the City Administrator be directed to ensure that a letter was sent to the owner(s) of the pertinent pizza businesses, advising them of the City's ordinance which prohibits the posting of such notices on lamp posts, telephone poles, etc., and citing the fine for such municipal infraction. He said while he was not interested in levying the fine, he was interested in ensuring that they do not trash the city. The Mayor noted it appeared the pizza businesses in both the Prince George's and Montgomery County sides of the city were responsible, so the communication should be sent to both. Mr. Aldrighetti remarked that he would not be able to stay for the entire meeting, but hoped that during the discussions about the Newsletter, an emphasis could be conveyed that the publication should reflect more of the character of the city rather than being an institutional organ relating what is occurring in City government departments. He said he would like to see coverage of such things as who is serving as officers of tenants' and citizens' associations, people involved in arts and crafts and doing things to make the city a better place in which to live. He suggested soliciting a volunteer staff person to act as eyes and ears for the editor in the community, and to develop more of a community focus.

ITEMS FOR COUNCIL ACTION:

1. Second Reading of an Ordinance Designating Election Judges.

Councilmember d'Eustachio moved adoption, duly seconded by Councilmember Haney. Responding to Councilmember Iddings, Deputy City Clerk Jewell pointed out that two names had been added to the list of judges subsequent to First Reading; additionally, she noted a training session would be held the following evening for the Judges. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy and Sharp; NAY: None; ABSENT: Councilmembers Bradley and Williams.

ORDINANCE #1987-50
(attached)

2. Second Reading of an Ordinance Concerning Fiscal Impact.

Councilmember Haney moved adoption, duly seconded by Councilmember d'Eustachio. The Mayor noted that consensus in worksession had been to delete subsection (1) of Sec. F; he moved to amend the ordinance by so doing, duly seconded by Councilmember Sharp. The amendment carried by unanimous vote. The Mayor noted that the ordinance would require preparation by City staff of a fiscal note summary of the potential impact of any legislation adopted by the City; he pointed out there was a one year sunset date. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy and Sharp; NAY: None; ABSENT: Councilmembers Bradley and Williams.

ORDINANCE #1987-51
(attached)

The Mayor moved that original agenda item #3 be continued to the next regular Council Meeting on November 9, duly seconded, carried unanimously.

3. Discussion of Pending Variance for 6503 Allegheny/Highland.

Councilmember d'Eustachio related that what the petitioner was asking for was a 1' variance in the front house line and a 57' variance in the garage placement (to validate an existing variance). He said he would move that the City oppose granting of the variance, based on the failure of the petitioner to try to mitigate hardships on the surrounding neighborhood; he related Mr. Casey had been cited about a month previously for numerous code violations which made his property very unsightly, and nothing had been done to bring the premises into compliance. He said he felt this was clearly indicative of the property owner's disregard for the city, for zoning, and for regulations in general, and noted a recommendation from the Housing Director that the City oppose the variance. Mr. d'Eustachio pointed out that the purpose of variances is to try to mitigate hardship on a property owner, and, the hardship is then shared and spread out over the neighborhood. He commented that someone requesting such consideration should be willing to reciprocate. Councilmember Iddings duly seconded

Mr. d'Eustachio's motion to oppose. Mr. d'Eustachio additionally noted that the garage was built virtually on the property line, very close to the street -- Highland, which is a very narrow street -- and that the fire department had voiced concerns about difficulties encountered in getting apparatus down that street. Mr. Iddings remarked that Mr. Casey was known to residents of Ward 2 and some other neighborhoods as someone who had consistently abused the good will of neighbors and the community through violations of zoning ordinances and City housing laws, and said he should be put on notice by the City that he was not the sort of landlord the City particularly welcomes or wants.

Teddy J. Casey, owner of 6503 Allegheny/Highland: asked that Councilmember Iddings repeat his comments, which he did and elaborated upon in order to provide the basis for his statements. Mr. Casey raised questions about his rights as a property owner; it was noted by Mr. Iddings and the Mayor that the City has a tree ordinance regulating the removal of trees and requiring a permit to do so if the tree measures 24" or more in diameter (measured 4' from ground level). Mr. Casey remarked that now he knew the law, he intended to abide by it. He related that the house in question was built 50 years ago, and what he was asking as the second owner of the property was that it be validated. In response to query from Mr. d'Eustachio concerning what he had done to abate the violations for which he had been cited, he denied knowledge of any violations or citations therefor. Housing Services Director Weiss stated that Mr. Casey had only been sent warnings to correct the violations; no citations had been issued. Mr. Casey denied having received anything from the City concerning the subject property. He said the property had been a mess, a detriment to the neighborhood, and all he had done was clean it up and was in the process of turning it into a respectable single-family dwelling. Mr. d'Eustachio pointed out there was a large pile of trash between the house and the street, another of the same, including wornout tires, in the side yard. Mr. Casey stated he had receipts from the dump for no less than 10 truckloads of trash he had removed from that property; he said what remained would be removed in the not too far distant future when there was a truckload accumulation. He said he was still trying to finish regrading the property and there was some possibility the garage might be torn down. Brief dialogue ensued concerning the proper address of the house, which apparently was recorded in Upper Marlboro as 6503 Allegheny Avenue; Mr. d'Eustachio explained that the property is comprised of 2 lots, with the garage being on the second lot (and too close to the property line). Mr. Casey explained that what he was in the process of doing was renovating the property, removing old plumbing fixtures and replacing them, and was going to move the front entryway over by about two feet and relocate an inner partition. Concerning a stop work order on the property, he said he was unaware of such until earlier in the evening and said it appeared to have been issued due to lack of a building permit.

Marshall Coleman, neighbor: concurred with Mr. Casey's remarks about the state of the property prior to his acquisition of it, and said he had removed a great deal of trash. He expressed concerns about rats in the area and the remaining debris providing them refuge; also said there had been rumours in the community about the property being turned into a multi-family dwelling rather than single-family. He said the property was not well-secured, and he had observed school children in the structure who had broken the lock to gain entry.

Mr. d'Eustachio stated that, Mr. Casey's protestations notwithstanding, he would leave his motion on the floor and ask that it move forward, due to his concerns about the neighborhood and a wish not to see history repeated. The motion to oppose the variation carried by unanimous vote.

4. First Reading of CDMA Takoma/Langley Proposed Legislation.

The Mayor moved acceptance for First Reading, duly seconded by Councilmember Haney. The Mayor briefly summarized the purpose and intent of the legislation. Councilmember Sharp, noting that a Public Hearing would be held on November 9 concerning the legislation, suggested that

notification be made to those businesses that would be affected, as well as pertinent citizens' associations and other community organizations in the area. Additionally, he suggested the Prince George's State Delegates be invited to attend.

Matt Dorman of the Takoma/Langley Business & Professional Association gave a brief history of the effort; he noted that a couple of years ago, the association began looking into creation of a Commercial District Management Authority for the area, for the purpose of providing marketing promotions, overseeing security, maintenance and provision of amenities in the commercial area. He said what had been done was in accordance with state legislation targeted toward older commercial areas to help revitalize and improve them, allowing them to be more competitive with newer suburban shopping centers. He said CDMA's had been successful in other parts of the state, and the business community became interested in creating one in the Takoma/Langley Park area; he said based on surveys done, the majority of business people in the area who would be affected were in support of the concept. Action had been taken to try to get legislation through at the county level, however, that process was essentially in limbo; thus, City legislation was being sought for the authority. What would occur under the legislation would be that the City would levy and collect an assessment on that portion of the commercial properties south of University Boulevard, subsequently turning the monies over to a Board of Directors comprised of area business people which would, in turn, execute yearly activities and control the budget of the Authority. He pointed out that City, as well as State, representatives would serve on that board (in a non-voting capacity) to help guide the board and ensure that everything was in tune with what the City would want for the area. Various committees would also be formed to coordinate with the community.

Councilmember Haney commented it was his understanding that the CDMA would also be helpful in attracting a variety of businesses to the area, versus duplication of services already provided by existing businesses. Mr. Dorman affirmed that was the case, pointing out that revenues from the CDMA should amount to approximately \$76,000, which would provide for a staff person to oversee the area and recruit new and needed businesses in conformance with market study results and the wishes of the community. Mr. Haney pointed out the need, for instance, for a book store in the area, and said he had received comments to that effect from constituents.

The Mayor noted that the assessment levied on businesses would be based on the square footage of the establishment, and inquired whose responsibility it would be to determine that basic information. Mr. Dorman explained that the Business Association had ascertained the square footage of the individual buildings from county records in Upper Marlboro, and what they intended to do was turn that information over to the City for its use in assessing the businesses; he said the county appeared to have been quite accurate in their figures, with the exception of two stores, and the information on those had already been corrected. The Mayor pointed out that, based on past experience, the City might charge the CDMA for expenses incurred collecting the fees; he said that charge might be as little as 1% of the licensing fees generated, however, the initial startup period could be more costly if the City had to research and acquire a lot of the basic information needed.

Councilmember Sharp noted the proposed legislation differed somewhat from the county ordinance, and inquired whether that had been discussed by association members. Mr. Dorman related that what the association had done was sit down and discuss the issue, and had followed the state legislation more closely than had been done in drafting the county ordinance because some people who had wanted certain changes in that legislation would not be affected by the proposed City ordinance. Mr. Sharp pointed out that the language of the county ordinance in the section dealing with purposes of the CDMA was more non-specific, and said he would recommend that over the fairly specific wording in the proposed ordinance at hand. The Mayor remarked that had been discussed before, and that the proposed ordinance should probably be address-

sed again in worksession prior to Second Reading, along with any additional amendments; he said his only concern would be that perhaps it was useful to be somewhat specific in listing types of things as examples. He commented that part of the City's hope was that the CDMA would be a source of funds that would help the merchants organize and do things to leverage other public monies, such as Block Grant, that would assist in providing amenities such as flower boxes, artworks, etc., for the area. Brief dialogue ensued concerning the number of voting members on the CDMA Board of Directors, and the rationale for their basis of representation, with Mr. Dorman explaining the business association's thoughts on the issue. It was noted that the Councilmember within whose ward the commercial area is located would presumably be the City representative on the board. Mr. Sharp commented he would also like to bring up the question of a county representative on the board at some point in the discussions; he inquired whether there was a sunset provision in the ordinance. Mr. Dorman stated there should be a 5-year sunset provision, however, that had apparently been inadvertently omitted. Corporation Counsel Silber commented there were some typographical problems in the present draft, those would be corrected and a new version furnished for the worksession. She remarked that when notices are sent out concerning the upcoming Public Hearing, they should also go to professionals in the Langley Professional Building because they were probably the least informed about the entire process. Responding to query from the Mayor, she stated her business space occupied about 1,600 square feet.

The ordinance was accepted for First Reading by unanimous vote, with the Mayor reminding that it would again be discussed at the November 2 worksession, and scheduled for Second Reading on November 9. He commented this legislation would probably be appropriate for preparation of a fiscal impact note in compliance with the ordinance adopted earlier.

ORDINANCE #1987-
(attached)

5. Resolution Accepting the Newsletter Review Committee's Report. Councilmember d'Eustachio moved to accept the report, duly seconded by Councilmember Levy. Mr. d'Eustachio commented he thought the report was well done, covered some important points, however, said he would like to see the question of what issues the Newsletter should be addressing (and whether it was doing so) covered more fully during next year's review. He said a lot of the commentary that had been voiced concerned whether the publication should be a political vehicle, or directed more toward community interests and concerns. He said he personally doubted the majority of citizens were as interested or involved in politics as the elected officials and others in City government, and were probably fairly interested in being advised about things at the Library and other City departments furnishing services. He remarked he thought the Newsletter had done a very good job in that regard, and that the layout and design were pleasing. Councilmember Sharp echoed Mr. d'Eustachio's comments; he said there had been some commentary wishing for the good old days, but that those were probably not as good (or as different) as people would want to think. He said he did not share the general view, and never had, that the Newsletter was an organ of the incumbent politicians; he said he did not care very much for that notion and had a concern about its use for enhancing anyone's incumbency as an elected official. Mr. Sharp remarked that the committee felt unanimously that given what the City pays for production of the publication, it receives a very good product; he noted they had recommended an increase in the per page rate paid the editor. He pointed out there would be some serious issues for the next Council to address, particularly that of paid advertising, and noted that local merchants had expressed concerns about the dearth of places where they could advertise.

Councilmember Haney said he concurred with some of Mr. d'Eustachio's remarks about the need for the Newsletter to appeal to and satisfy the interests of the community at large; he said while political controversy could make for lively reading, that type of format generally did not focus on what needed to be done to resolve issues. He used Marc

Elrich's presentation concerning the Silver Spring development and traffic issue as an example of how political issues could be addressed in an informative and responsible way; he said he would view that sort of reporting of political issues as appropriate for the publication. He said he hoped the incoming Council would seriously consider paid advertising as a cost effective way of reducing expenditures from City funds, and commented that it might also fund some additional part-time help to assist the editor. He volunteered that at the end of his tenure on the Council, he would be happy to donate some of his spare time to photography assignments for the Newsletter.

Newsletter Editor Reid Baron remarked that it would be very helpful for him if he were given some concrete direction concerning what sort of coverage and material was desirable in the Newsletter.

The Mayor commented he felt the discussion had been very productive; he remarked he had discussed with Mr. Baron the need to examine Desktop Publishing, a new technology which could be very helpful and also cut production costs, as well as the possible creation of an additional position to share some of the editor's responsibilities, which he said amounted to a very large task for one individual. He said he felt that the Mission Statement for the publication could be better defined, the original Guidelines could be elaborated upon, and generation of additional material for publication, such as book reviews, could be solicited from citizens by various City staff. He said he did not see any need to politicize the publication as once was the case, inasmuch as it appeared to be more divisive than constructive during that period of time. He said if it lacked anything, it was probably more flavor and more art.

The resolution was passed by unanimous vote.

RESOLUTION #1987-87
(attached)

6. Resolution Authorizing the Mayor and City Administrator to Negotiate a Contract With the Newsletter Editor.

Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember Haney. The resolution was passed by unanimous vote.

RESOLUTION #1987-88
(attached)

Councilmember Sharp made note of two directives in Resolution #1987-87 addressed to the City Administrator, i.e., to pursue Desktop Publishing with the Newsletter Editor and to report back to the Council concerning in-house responsibility for distribution of the publication; he pointed out that no time period was specified, however, said he would hope those were accomplished within the very near future.

7. First Reading of a Municipal Infraction Ordinance.

Councilmember d'Eustachio moved acceptance for First Reading, duly seconded by Councilmember Haney. The Mayor explained that this ordinance would bring fines for municipal infractions into the range permitted under state law; he noted a number of City Code provisions would be affected and an index of those had been compiled by staff.

Robert Mandel, 7003 Woodland Avenue: referred to a suggestion he had made at an earlier meeting concerning inclusion of a clause that would create civil liability for violators; he said while he was advised earlier that the City probably did not have authority to do that, he had forwarded a letter to the Mayor and Council quoting sections of the Annotated Code of Maryland which he interpreted as giving the City that power if it cared to exercise it. He said he did not feel the fines levied provided a sufficient deterrent for violators.

Mr. d'Eustachio commented that while he rather liked that idea, he was not certain the general language quoted by Mr. Mandel did give the City such power. The Mayor remarked that while he was intrigued by the idea and thought it should be looked into, he was concerned about the creation of a statutory tort, however, would have Corporation

Counsel examine the issue. Corporation Counsel Silber commented that many existing provisions in the City Code already create a right of private action between citizens, e.g., Tenant's Right of First Refusal Ordinance; she said her suggestion would be that it could not be done in a blanket fashion -- that a general, or global, provision could not be inserted, but that it could be determined to which sections such a provision could apply. Councilmember Haney pointed out that there were still apparent contradictions remaining in some sections of the Code; e.g., the section pertaining to killing of wild birds and song birds, and an apparent exception for English sparrows and starlings, with it being unclear as to whether one would be subject to a fine for killing those two latter birds, or for not killing them. The Mayor commented on the need to go through the sections one more time to ensure they were free of such contradictory situations. Ms. Silber pointed out that her office had not tried to edit the Code as it was written, but primarily had examined the penalties. The ordinance was accepted for First Reading by unanimous vote. The Mayor extended congratulations and thanks to Ms. Silber, Ms. Jewell, and Ms. Mitchell for their work in putting the required information together in the short time frame allowed.

ORDINANCE #1987-
(attached)

8. Resolution Supporting Covered Truck Bill in Montgomery County. Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Mr. Sharp noted a misspelling of the word debris ("debri") in the first resolve clause. In response to query, the Mayor stated he was uncertain whether the county legislation could be ruled unconstitutional in its requirements. The resolution was passed by unanimous vote.

RESOLUTION #1987-89
(attached)

9. Proclamation Declaring November 6-17 Interfaith Conference Days. The Mayor moved passage of the proclamation, duly seconded by Councilmember Haney; the motion carried by unanimous vote.

PROCLAMATION
(attached)

10. First Reading of an Ordinance Amending the Personnel Classification System.

Councilmember Sharp moved acceptance for First Reading, with an amendment which would delete Grades 13-17 from the ordinance; duly seconded by Councilmember d'Eustachio. For the record, the Mayor noted there was no position in the Grade 13 level, and Grades 14-17 were Executive level positions which fell under a separate pay plan and system. It was noted that the amendment accomplished in the ordinance at hand would add a Clerk Typist III position to the classification system, deleting a position formerly filled by an Administrative Aide II under the old system.

ORDINANCE #1987-
(attached)

The Mayor explained that the following three ordinances, listed as consent agenda items, were so listed to enable their being moved for adoption and seconded collectively, inasmuch as all three had been previously discussed. Councilmember d'Eustachio moved adoption, collectively, duly seconded by Councilmember Haney. Following very brief discussion, the three ordinances were adopted, collectively, by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Levy and Sharp; NAY: None; ABSENT: Councilmembers Bradley, Iddings and Williams.

11. Single Reading Ordinance - Purchase of Dump Truck for Public Works.

ORDINANCE #1987-52
(attached)

12. Single Reading Ordinance - Purchase of Refuse Truck for Public Works.

ORDINANCE #1987-53
(attached)

13. Single Reading Ordinance - Award of Contract for CDEG Funded Street Improvements.

ORDINANCE #1987-54
(attached)

14. First Reading of an Ordinance Concerning the Executive Pay Scale and Classification System.

The Mayor explained that Mr. Wilson's recommendation was that salaries for senior executive staff be set at the Grade 13-16 level, with points in the factoring system for Grade 13 distributed through the senior staff level; he so moved, duly seconded by Councilmember Sharp. The ordinance was accepted for First Reading by unanimous vote of those present.

ORDINANCE #1987-
(attached)

15. First Reading of an Ordinance Establishing a Two-Way Stop on Willow Avenue at Valley View.

Councilmember d'Eustachio noted the matter had come before the Traffic Committee for consideration and, while there was not a quorum present, there was a consensus of those present that it was a worthwhile measure; he moved acceptance for First Reading, duly seconded by Councilmember Levy. The ordinance was accepted for First Reading by unanimous vote of those present.

ORDINANCE #1987-
(attached)

16. First Reading of an Ordinance Creating a No Parking Zone on the East Side of Hancock Avenue in the 7400 Block.

Councilmember Sharp moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1987-
(attached)

Upon motion, duly seconded, the meeting adjourned at 10:22 P.M., to reconvene in regular session at 8:00 P.M. on November 9, 1987.

RESOLUTION #1987-85

WHEREAS, the Sligo Creek Parkway is an area of uncommon natural beauty enjoyed by citizens from throughout the Washington, D.C. area; AND

WHEREAS, portions of the Parkway, especially from Wayne Avenue to New Hampshire Avenue, cannot now be safely used by hikers, runners and bicyclists.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the City of Takoma Park encourage the appropriate Montgomery County and Prince George's County divisions of the Maryland-National Capitol Park and Planning Commission to begin a coordinated study of the construction of a hiker-biker trail from Wayne Avenue to New Hampshire Avenue.

Adopted this 19th Day of October in Special Session.

Introduced by: Mayor Del Giudice

Enacted: October 26, 1987

RESOLUTION NO. #1987-86

WHEREAS, in years past, the Mayor and City Council of Takoma Park, Maryland have observed a day of memory for the late Dr. Martin Luther King, Jr., a leader of remarkable vision and courage; AND

WHEREAS, such observances have included successful commemoration celebrations; AND

WHEREAS, in December 1986, the Martin Luther King, Jr. Commemoration Committee was created to make recommendations on the format and plan for the celebration.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the following persons are hereby appointed to serve on the 1988 Dr. Martin Luther King Jr., Commemoration Committee:

COMMITTEE MEMBERS

ADDRESS/CITY DEPARTMENT

Tobie Hoffman	8508 Flower Avenue, #34A
A.J. Mitchell	7600 Maple Avenue, #1210
Yvonne S. Crooks	1102 Linden Avenue, #101
Terry Ruth Culbertson	515 Elm Avenue
Eleanor Cortez	7401 New Hampshire Av., #1109
A. Tony Fisher	Police Department
Condie Clayton	Police Department
Barbara Young	Police Department
Belle Ziegler	Recreation Department
Diana Oliver	Housing Services Department
Gloria Walker	Housing Services Department
Joyce Rivers	Administrative
LaMar Weston	Administrative

ADOPTED this 26th day of October, 1987.

Introduced By: Councilmember d'Eustachio

Adopted: October 26, 1987

RESOLUTION NO. #1987-87

A RESOLUTION ACCEPTING THE NEWSLETTER
REVIEW COMMITTEE'S REPORT

WHEREAS, in May 1986, a Newsletter Review Committee was convened for the purposes of reviewing the City's Newsletter and offering recommendations to the Mayor and Council; AND

WHEREAS, in September 1987, the Committee submitted their Report Of the Takoma Park Newsletter Review Committee to the Mayor and Council; AND

WHEREAS, such Report included among its recommendations, the idea of desk-top publishing and that a centralized assignment of responsibility for Newsletter distribution be looked into.

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Council hereby accept the Committee's September 1987 Report; AND

BE IT FURTHER RESOLVED THAT the City Administrator and Newsletter Editor are encouraged to pursue the idea of desk-top publishing which is computerization of the Newsletter operation that would be both time and production cost wise, and report back to the Council likely costs of such a system; AND

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to report back to the Council on in-house responsibility for distribution of the Newsletter; AND

BE IT FURTHER RESOLVED THAT THAT the Mayor and Council hereby express their appreciation to the Committee for their work on the Report.

Dated: October 26, 1988

Introduced By: Councilmember Sharp

Adopted: October 26, 1987

RESOLUTION NO. #1987- 88

NEWSLETTER EDITOR CONTRACT RENEGOTIATION

WHEREAS, in January 1986, the Mayor and Council established and appointed members to a Newsletter Editor Selection Committee; AND

WHEREAS, Mr. Reid Baron was appointed as Editor of the City Newsletter for a period of one year; AND

WHEREAS, Mr. Baron has served his tenure as Editor successfully.

NOW THEREFORE BE IT RESOLVED THAT the Mayor and City Administrator are hereby authorized to renegotiate a contract with a cost increase to Newsletter Editor Reid Baron; AND

BE IT FURTHER RESOLVED THAT such renegotiated contract will be submitted to the Council for their approval.

DATED: October 26, 1987

Introduced By: Councilmember Sharp

Enacted: October 26, 1987

RESOLUTION NO. 1987-89

A Resolution In Support of Montgomery County Bill 43-87
Covering of Truck Loads

WHEREAS, recent statistics show that Maryland motorists and their insurance companies pay \$5.5 million annually for broken windshields caused by uncovered trucks; AND

WHEREAS, Maryland State Police estimate that at least 40 accidents a year are caused by debris falling from trucks, while another 220 or more accidents are caused by windshields being shattered by debris kicked up from the road by other vehicles; AND

WHEREAS, the Honorable William E. Hanna, Montgomery County Councilmember has recently introduced legislation to the County Council requiring that all trucks traveling on local roads be covered or adequately secured; AND

WHEREAS, in March 1987, the Mayor and Council of Takoma Park, Maryland supported similar bills introduced on the State level, (Senate Bills 628 and 629) which were defeated.

NOW THEREFORE BE IT RESOLVED, that the citizens of Montgomery County deserve protection from the debris falling from trucks and wish to protect themselves from the dangers and costs incurred by such debris; AND

BE IT FURTHER RESOLVED, that the Mayor and City Council recognize that some type of legislation is in the best interests of all citizens and strongly urge the successful implementation of Montgomery County Bill 43-87 into law; AND

BE IT FURTHER RESOLVED, that the City Administrator is hereby authorized to forward a copy of this Resolution to the Montgomery County Council.

Dated: October 26, 1987

Introduced By: Councilmember d'Eustachio

1st Reading: 10/13/87

2nd Reading: 10/26/87

ORDINANCE NO. #1987- 50

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

SECTION 1. THAT the persons named below, all registered voters of the City of Takoma Park, are hereby designated as Election Judges to serve as a Board of Election for the November 3, 1987 City Election:

- (1) Harold E. Alston, 7710 Maple Avenue, #105
- (2) Pearl G. Blacksin, 652 Kennebec Avenue
- (3) Montez H. Boatman, 133 Ritchie Avenue
- (4) Jean E. Faulkner, 1007 Sligo Creek Parkway
- (5) Barbara Gaffin, 7207 Spruce Avenue
- (6) Marie Holloway, 6711 Allegheny Avenue
- (7) Ellie Irby, 7600 Maple Avenue, #1206
- (8) Eleanor S. Jaeger, 7213 Trescott Avenue
- (9) Diane Jenkins, 7600 Maple Avenue, #707
- (10) Georgia Johnson, 316 Tulip Avenue
- (11) Helen T. Johnston, 7051 Carroll Avenue, #1013
- (12) Claire B. Kozel, 7804 Wildwood Drive
- (13) Dorothy J. Malusky, 7302 Holly Avenue
- (14) Robert Mandel, 7003 Woodland Avenue
- (15) Barbara McCashin, 925 Sligo Creek Parkway
- (16) James J. Neri, 8202 Roanoke Avenue
- (17) Florence A. Nishimoto, 7409 Holly Avenue
- (18) Karen A. O'Neill, 500 Ethan Allen Avenue
- (19) R. Stanley Parris, 7620 Maple Avenue
- (20) Cicero Satterfield, 6801 Allegheny Avenue
- (21) Naomi E. Turner, 7667 Maple Avenue, #1001
- (22) Gene Sidwell, 7209 Spruce Avenue
- (23) Paul Weisbord, 6753 Eastern Avenue
- (24) Marvel A. Werner, 17 Darwin Avenue
- (25) Susan Wild, 7205 Garland Avenue
- (26) Verne Wilson, 907 Davis Avenue
- (27) E. Edward Zerne, 7302 Garland Avenue
- (28) Patricia A. Zerne, 7302 Garland Avenue

SECTION 2. The following citizens of Takoma Park, also registered voters, have agreed to serve as Alternate Judges:

- (29) Clara Greene, 6712 Westmoreland Avenue (Alternate)
- (30) Daniel Jessop, 7800 Cole Avenue (Alternate)

ADOPTED BY THE MAYOR AND COUNCIL THIS 26th DAY OF October, 1987.

Introduced: 10/13/87
Enacted: 10/26/87
Effective:

ORDINANCE NO. 1987-51

Short Title: Fiscal Note Process

AN ORDINANCE TO:

- (a) require a fiscal impact statement be prepared prior to adoption of City ordinances except as herein provided; AND
- (b) provide instructions for implementation of a fiscal note process

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

THIS ORDINANCE amends the Code of the City of Takoma Park by the addition of the following Section 2-6.2 to Article 1, Meetings and Procedures of the Council, contained in Chapter 2 "Administration," as amended.

SECTION 2-6.2 Fiscal notes and waivers.

- (a) Required for Council action. -Except as otherwise provided in this Section, City Council may not vote on an ordinance unless:
 - (1) A fiscal note accompanies the ordinance
- (b) Preparation of notes.
 - (1) The City Treasurer with the assistance of appropriate Department Directors shall prepare or cause to be prepared a fiscal note for each ordinance.
 - (2) If the Mayor certifies that prompt Council action on an ordinance is needed to conduct City business and, before the City Treasurer prepares a fiscal note for the ordinance, accepts the ordinance for first reading, the City Treasurer shall prepare a note as soon after first reading as possible but prior to second reading except for ordinances declared to be emergency ordinances as defined in Section 2-6.1(d) (2).

(3) The City Treasurer shall submit a copy of a fiscal note for an ordinance to the Mayor and Council prior to second reading and adoption of an ordinance.

(c) Contents of note.

(1) A fiscal note for an ordinance shall contain an estimate of the fiscal impact of the ordinance on the revenues and expenditures of the City government:

(i) during the year in which the ordinance is to become effective and the next year after as applicable; and

(ii) if the full fiscal impact of an ordinance is not expected to occur during those years; the first year during which that impact is expected to occur.

(2) The note shall identify the sources of information that the City Treasurer or his/her designee used in preparing the estimates of fiscal impact.

(d) Copies.

(1) The City Treasurer or his/her designee shall keep a copy of each fiscal note for 3 years after preparation of the note.

(2) The copies shall be reasonably available for public inspection.

(e) Publication not required. -Fiscal notes need not be published in the City newsletter.

(f) Effects of Section 2-6.2.

(1) The validity of an ordinance enactment is not affected by the presence, absence, or content of a fiscal note.

(2) The provisions of this ordinance shall expire December 31, 1988 unless reenacted by City Council.

Adopted this 26th day of October, 1987, to take effect December 1, 1987.

Single Reading: 10/26/87

ORDINANCE NO. 1987- 52 and

ORDINANCE NO. 1987-53

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

- SECTION 1. THAT the Fiscal Year 1987-88 City Budget earmarked \$90,000 in the Capital Budget for the purchase of one REFUSE TRUCK and \$36,500 for the purchase of a One Single Axle Dump Truck for the Public Works Department, AND
- SECTION 2. THAT bids were solicited from qualified dealers and advertised for one week in two weekly newspapers of local circulation; AND
- SECTION 3. THAT bids were publicly opened at 11:00 A.M. & 11:30, October 23, 1987 with low bid of \$93,900 being received from Weber's White Trucks, Inc. for the REFUSE TRUCK and \$31,063 being received from District International for the DUMP TRUCK, AND
- SECTION 4. THAT the bid of \$93,900.00 for one Refuse Truck and \$31,063.00 for the Dump Truck is hereby accepted; AND
- SECTION 5. FURTHER THAT Weber's White Trucks Inc. and District International have submitted the required notarized statement certifying that company is not involved in the nuclear weapons industry or the sale of merchandise produced by companies so involved; AND
- SECTION 6. THAT funds to cover these purchases in the amount of ONE HUNDRED TWENTY FOUR THOUSAND, NINE HUNDRED SIXTY THREE DOLLARS (\$124,963.00) be charged to the Capital Expenditures Account, #995.

Introduced By:
Drafted By: Daniel Neal

Adopted: October 26, 1987

ORDINANCE 1987-54

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

- SECTION 1. THAT the Year 13 Community Development Block Grant program and the City's FY1987-88 Budget set aside \$101,400.00 for the execution of various public street improvements throughout Takoma Park as described in the contract documents (Contract No. CD 8701); AND
- SECTION 2. THAT bids were solicited from qualified contractors by advertising in the Washington Post Classified Section, the Blue Report and the Dodge Report; AND
- SECTION 3. THAT a pre-bid conference was held on 14 October 1987 at 2:00 p.m. at the Municipal Building; AND
- SECTION 4. THAT the bids were opened on 20 October 1987 at 2:00 p.m. in the Municipal Building; AND
- SECTION 5. THAT 4 bids were received, with D & F Construction, Inc. of Arlington, Virginia having submitted the low bid of EIGHTY NINE THOUSAND, SEVEN HUNDRED AND TWENTY SIX DOLLARS (\$89,726.00).
- SECTION 6. THEREFORE THAT the bid of D & F Construction for the work outlined in the Contract No. CD 8701 bid package is hereby accepted and the City Administrator is authorized to execute all appropriate contract documents.

ADOPTED THIS 26th DAY OF OCTOBER, 1987.

October 22, 1987

TO : All Department Heads
VIA : James S. Wilson, Jr.
City Administrator
FROM : Paula S. Jewell *Paula Jewell*
Deputy City Clerk
SUBJECT: Municipal Infraction Ordinance

Please find attached an index listing of Takoma Park Code Sections and whether they fall into the categories of Class A, B, C, or D "Municipal Infractions" or "Misdemeanors". This is a summarization of a 124-page document compiled by our Corporation Counsel. At their October 19th worksession, the Mayor and Council directed me to make a list of these offenses and make it available to all Department Heads. You will also find attached Sections 1-19 and 1-20 which explain municipal infraction penalties and fines as well as misdemeanor penalties.

Please review this index and indicate to me, in writing, which sections apply to you that you wish to have copies of. This will prevent my staff from having to duplicate the entire ordinance.

The entire draft ordinance is scheduled for First Reading on October 26.

I'd like to thank Karen Mitchell, Mittie Weston and our Temporary Barbara Karpas for reviewing, compiling, typing and proofing this list. Without their assistance, it could not have been produced as quickly and efficiently as it was.

Copies to: All Departments: Economic & Community Development
Accounting Division
Library
Police Department
Public Works
Housing
Recreation

(Others): Mayor and Council
Corporation Counsel
James S. Wilson, City Administrator
Beverly K. Habada, Assistant City Administrator
Administrative Staff (Mitchell, Weston, Karpas)

SECTION 1. AMENDMENTS TO GENERAL PROVISIONS.

Sections 1-19 and 1-20 of the Code of the City of Takoma Park are amended to read as follows:

Section 1-19. Municipal infractions.

* * *

(g) Amount of fine. [[If the Charter, Code, or regulations do not specify the size of a fine, the fine is \$400.]]

(1) The amount of the fine is the amount shown in this paragraph.

<u>Class of Offense</u>	<u>Initial Offense</u>	<u>Repeat Offenses</u>
<u>A</u>	<u>\$400</u>	<u>\$400</u>
<u>B</u>	<u>\$200</u>	<u>\$400</u>
<u>C</u>	<u>\$ 75</u>	<u>\$150</u>
<u>D</u>	<u>\$ 20</u>	<u>\$ 40</u>

(2) If the Charter, Code, or regulations do not specify the class of the offense, it is a Class A offense.

Section 1-20. Misdemeanors.

* * *

(b) Amount of penalty. [[If the Charter, Code, or regulations do not specify the penalty for a misdemeanor, the maximum penalty is \$1,000 and 90 days in the County Detention Center.]]

(1) The amount of the penalty is the amount shown in this paragraph.

SECTION 1. AMENDMENTS TO GENERAL PROVISIONS.

Sections 1-19 and 1-20 of the Code of the City of Takoma Park are amended to read as follows:

Section 1-19. Municipal infractions.

* * *

(g) Amount of fine. [[If the Charter, Code, or regulations do not specify the size of a fine, the fine is \$400.]]

(1) The amount of the fine is the amount shown in this paragraph.

<u>Class of Offense</u>	<u>Initial Offense</u>	<u>Repeat Offenses</u>
<u>A</u>	<u>\$400</u>	<u>\$400</u>
<u>B</u>	<u>\$200</u>	<u>\$400</u>
<u>C</u>	<u>\$ 75</u>	<u>\$150</u>
<u>D</u>	<u>\$ 20</u>	<u>\$ 40</u>

(2) If the Charter, Code, or regulations do not specify the class of the offense, it is a Class A offense.

Section 1-20. Misdemeanors.

* * *

(b) Amount of penalty. [[If the Charter, Code, or regulations do not specify the penalty for a misdemeanor, the maximum penalty is \$1,000 and 90 days in the County Detention Center.]]

(1) The amount of the penalty is the amount shown in this paragraph.

<u>Class Offense</u>	<u>Fine</u>	<u>Jail Term</u>
<u>A</u>	<u>\$1,000</u>	<u>180 days</u>
<u>B</u>	<u>\$ 500</u>	<u>90 days</u>
<u>C</u>	<u>\$ 200</u>	<u>30 days</u>
<u>D</u>	<u>\$ 100</u>	<u>5 days</u>

(2) If the Charter, Code, or regulations do not specify the class of the misdemeanor offense, it is a Class A misdemeanor offense.

(3) The City may prosecute a misdemeanor offense as a civil offense, Class A. In exercising its discretion on this matter, the City must consider the severity of the particular offense.

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS
Section 1-19.	Municipal Infractions	A	---
Section 1-20.	Misdemeanors	---	A
Section 2-14.	Administration	---	---
Section 2-18.	Enforcement; violations and penalties	A	---
Section 2-18.4	Campaign material	A	---
Section 2-49.	Purchase order	A	---
Section 2-130.	Application for permission to build, alter or demolish	B	---
Section 3-2.	Prohibited animals; exception	C	---
Section 3-8.	Penalty	D	---
Section 3-19.	Wild animal hunting; exceptions	C	---
Section 3-20.	Diseases or injured wild animal	A	---
Section 3-21.	Killing song birds	B	---
Section 3-23.	Killing wild birds	B	---
Section 3-24.	English sparrow and starlings; exception	A	---
Section 4-1.	Recording of certain information	C	---
Section 4-6.	Maintenance and marking; requirements	C	---
Section 4-7.	Discontinuance of use; requirements	C	---
Section 4-12.	Violations	A	---
Section 4-14.	License required	C	---
Section 4-20.	License approval, issuance, content; transferability	C	---
Section 4-28.	Exhibition of license; sign; records	C	---
Section 4-29.	Vehicles; maintenance; identification displayed; refuse containers	C	---
Section 4-33.	Sales of spoiled food	C	---
Section 4-34.	Cleanliness of facility used for sale of food	C	---
Section 4-35.	Open air sale of food location restrictions	C	---

CLASS OF OFFENSE:
CLASS "A"
CLASS "B"
CLASS "C"
CLASS "D"

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS
Section 4-36.	Water supply; utensils	C	---
Section 4-37.	Protection of food from flies	C	---
Section 4-38.	Certificate of sanitation required for eating establishments	C	---
Section 4-39.	Meat staples	C	---
Section 4-63.	Liability of owner or lessee	C	---
Section 4-65.	Permit required; duration, fee; non-renewable;	C	---
Section 4-77.	Penalty	C	
Section 4C-2.	Visibility from street	D	---
Section 4C-3.	Address number	D	---
Section 4C-4.	Burglar, hold-up and other alarms	D	---
Section 5-19.	False alarms prohibited	A	A
Section 5-20.	Obstructing water plug	---	A
Section 5A-19.	Violations and penalties	A	---
Section 6-10.	Section PM-103.5	A	---
Section 6-16.	Section PM-109.2	A + D	B
Section 6-39.	Storage of vehicles	C	---
Section 6-42.	Permit to excavate street required; exception	B	---
Section 6-44.	Prohibited practices	C	---
Section 6-47.	Materials outside parking or building line; authority of Director of Public Works;	D	---
Section 6-48.	Warning light required	C	---
Section 6-49.	Removal of excavated earth and rubbish; regulations	C	---
Section 6-51.	Excavation to be barricaded	B	---
Section 6-52.	Obstructions prohibited	B	---
Section 6-52.1	Violations and penalties	X	---
Section 6-54.	Construction restrictions in certain areas; exceptions	A	---

CLASS OF OFFENSE:
CLASS "A"
CLASS "B"
CLASS "C"
CLASS "D"

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS	CLASS OF OFFENSE:
Section 6-55.	Moving certain buildings prohibited	A	---	
Section 6-56.	Building requirements; roof	A	---	CLASS "A"
Section 6-57.	Construction of metal buildings	A	---	CLASS "B"
Section 6-56.	Repair or removal by city	A	---	CLASS "C"
Section 6-58.	Substandard buildings; notice to Council; finding and declaration of nuisance; order to repair; fine	C	---	CLASS "D"
Section 6-74.	Reinstatement and placard removal	B	---	
Section 6-75.	Placard defacing or removal	C	---	
Section 6-80.1	Administration; enforcement; violations and penalties	C	A	
Section 6-80.15	Failure to comply with order or summons; other remedies	B	---	
Section 6-102.	License required	C	---	
Section 6-104.	Violation to operate or conduct rental facility without license	C	---	
Section 6-106.	Duration and display of license	C	---	
Section 6-108.	Changes in ownership; transferability and other changes	C	---	
Section 6-109.	Denial, suspension and revocation of licenses	C	---	
Section 6-110.	Hearing required	---	B	
Section 6-113.	Registration; certificate display	C	---	
Section 6-115.	Linen requirements	C	---	
Section 6-116.	Egress from rooming unit	---	B	
Section 6-120.	Registration and inspection application	C	---	
Section 6-124.	Institutional regulations	---	B	
Section 6-125.	Registration of occupants; inspection of record; violations	C	---	
Section 8-2.	Littering prohibited	C	---	
Section 9-3.	Prohibited discharge	C	---	

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS
Section 8-4.	Decaying matter, animal filth and excrement	C	---
Section 8-5.	Deposit of privy or cesspool	B	---
Section 8-5.	Abandoned refrigerators prohibited	B	---
Section 8-9.	Regulations governing public convenience stations	B	---
Section 8-13.	Obscene posters and placards	C	---
Section 8-18.	Public space use and limitations	C	---
Section 8-19.	Permit required for use of land amusement purposes	C	---
Section 8-20.	Crowd control at theater or place of public amusement	C	---
Section 8-23.	Use of public space and buildings	C	---
Section 8.28.	Zone of quiet	C	---
Section 8-29.	Use of sound amplifying equipment; restrictions	C	---
Section 8-30.	Sound amplification in public area; permit required	C	---
Section 8-31.	Throwing missiles prohibited	C	---
Section 8-34.	Construction near house of religious restrictions	C	---
Section 8-35.	Begging on public space prohibited	C	---
Section 8-39.	Ball playing in public areas	C	---
Section 8-41.	Use of rope to clear area; permission to cross lines	B	---
Section 8-42.	Obstruction of sidewalk and parking; exception	C	---
Section 8-44.	Placement of signs and advertisements	C	---
Section 8-45.	Obstructing sidewalks by unloading; sawing wood	C	---
Section 8-46.	Regulations governing unsightly articles	C	---

CLASS OF OFFENSE:
 CLASS "A"
 CLASS "B"
 CLASS "C"
 CLASS "D"

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS	CLASS OF OFFENSE
Section 8-48.	Abandoning carts prohibited	C	---	
Section 8-57.	Sales to minor prohibited	---	A	CLASS "A"
Section 8-58.	Sales of weapons to minor prohibited	---	A	CLASS "B"
Section 8-60.	Discharging firearms prohibited; permit requirements	---	A	CLASS "C"
Section 8A-8.	Violations and penalties; other remedies	B	---	CLASS "D"
Section 10-2.	Inspections by Director of Public Works	B	---	
Section 10-4.	Collection during icy and snowy weather	*/	*/	
Section 10-5.	Confinement of animals during refuse collections	*/	*/	
Section 10-6.	Refuse receptacles required	D	---	
Section 10-7.	Location of refuse containers for collection	*/	*/	
Section 10-8.	Placement of refuse receptacles in public way	D	---	
Section 10-9.	Interference with refuse collection	C	---	
Section 10-10.	Commercial establishments; refuse prohibited in public containers	B	---	
Section 10-12.	Excreta prohibited in collection receptacles	B	---	
Section 10-22.	Abandonment of refuse on public property	A	---	
Section 10-23.	Disposal of refuse on private property	A	---	
Section 10-24.	Depositing in public sewer; exception	A	---	
Section 10-25.	Obstructing flow of public sewers	A	---	
Section 10-26.	Drainage of offensive matter	B	---	
Section 10-27.	Discharge of house refuse; offal or wastes	B	---	
Section 10-28.	Nauseous matter prohibited	B	---	
Section 10-29.	Waste deposit; special permit	B	---	
Section 10-30.	Scattering of dust prohibited	D	---	

*/ The only penalty for violating this section is that NO REFUSE will be collected.

B:Sec5.tvn
D#1Nun.Inf./lw
Print/RangeA1.J66

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS
Section 10-31.	Waste burial prohibited	B	---
Section 10-32.	Burning of refuse	B	---
Section 10-33.	Importation of spoiled food prohibited	B	---
Section 10-34.	Disposal of spoiled food	B	---
Section 10-35.	Dead animal disposal	B	---
Section 10-36.	Depositing debris in sewer system	B	---
Section 10-37.	Obstructing sewer drains	B	---
Section 10-38.	Entering sewer system prohibited	B	---
Section 10-39.	Cleansing of grounds following circus or exhibition	C	---
Section 10-43.	Placement time for collection	D	---
Section 10-44.	Collection containers; weight limit	*/	*/
Section 10-45.	Placement of items for collection	*/	*/
Section 10-46.	Items excluded from special collections	*/	*/
Section 10-47.	Limitations on foliage trimmings	*/	*/
Section 10-50.	Refuse collection and transportation permit required	C	---
Section 10-51.	Refuse collection and transportation permit requirements	C	---
Section 10-52.	Regulations governing refuse collectors	B	---
Section 10-53.	Assemblage of refuse vehicles; covers to be closed	C	---
Section 10-54.	Transportation of rubbish	B	---
Section 10-55.	Transporting manure; requirements	B	---
Section 10-56.	Transportation of refuse prohibited; exceptions	B	---
Section 10-57.	Transportation of refuse and dead animals	B	---
Section 10-58.	Municipal infractions; ((fines;)) warnings; other remedies		

CLASS OF OFFENSE
 CLASS "A"
 CLASS "B"
 CLASS "C"
 CLASS "D"

*/ The only penalty for violating this section is that NO REFUSE will

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS	CLASS OF OFFENSE
Section 11-1.	Owner to maintain lots; notice; costs	C	---	
Section 11-2.	Driving across sidewalks; exceptions	D	---	CLASS "A"
Section 11-3.	Limitation on use of street	D	---	CLASS "B"
Section 11-4.	Handbill distribution; regulations	D	---	CLASS "C"
Section 11-5.	Spilling on gasoline or oily substances on streets prohibited	C	---	CLASS "D"
Section 11-6.	Depositing coal on streets	C	---	
Section 11-7.	Replacement of street excavations; approval	B	---	
Section 11-9.	Street grades	B	---	
Section 11-10.	Curbs and gutters required	B	---	
Section 11-11.	Street drains required	B	---	
Section 11-12.	Dimensions of streets and types of material	B	---	
Section 11-15.	Permit required for grading or construction	B	---	
Section 11-24.	Naming, widening or closing of streets prohibited; exceptions	B	---	
Section 11-27.	Driveway apron limitations; exemptions; construction requirements	B	---	
Section 11-28.	Permit required to excavate public street	B	---	
Section 11-29.	Permit required to place vent or door in public streets	B	---	
Section 11-30.	Construction of fence and planting of trees; permit required	B	---	
Section 11-31.	Protecting roadways from damage by excavation debris	B	---	
Section 11-32.	Construction debris to be kept off streets	C	---	
Section 11-33.	Driving on closed road; removing signals	C	---	
Section 11-34.	Open manholes; marking	B	---	
Section 11-35.	Casting snow or ice on streets prohibited; removal	C	---	

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS
Section 11-36.	Sidewalks to be kept free of ice and snow	C	---
Section 11-37.	Hours of snow and ice removal from sidewalks	C	---
Section 11-38.	Conditions precluding snow and ice removal	C	---
Section 11-42.	Manner of snow and ice removal	C	---
Section 11-43.	Manner of removal; use of salt	C	---
Section 11-44.	Street lamps and signs not to be damaged	C	---
Section 11-45.	Posting signs to lampposts prohibited	D	---
Section 11-47.	Climbing lampposts prohibited; exceptions	D	---
Section 11-48.	Private lampposts; limitations	C	---
Section 11-49.	Outside lamp requirements	C	---
Section 12-3.	Interference prohibited	C	---
Section 12-9.	Infected or infested woody vegetation on private property	C	---
Section 12-10.	Permit required to prune, spray, plant or remove from city property	B	---
Section 12-12.	Fallen or dangerous trees on private property	D	---
Section 12-14.	Vegetation not to obscure intersection	D	---
Section 12-15.	Vegetation not to obstruct sidewalks or traffic	D	---
Section 12-16.	Obnoxious growths	D	---
Section 12-17.	Uncontrolled growth of vegetation on vacant lots	D	---
Section 12-18.	Uncontrolled growth of lawns on private property	D	---
Section 12-22.	Municipal infractions; [[fines;]] warnings; other remedies	---	---
Section 12-24.	Permit required for removal or destruction of trees	C	---
Section 12-28.	Violations and penalties; enforcement	C	B
Section 13-28.	Speed limit; exception	D	---

CLASS OF OFFENSES:
 CLASS "A"
 CLASS "B"
 CLASS "C"
 CLASS "D"

SECTIONS	ITEM	MUNICIPAL INFRACTIONS	MISDEMEANORS
Section 13-42.	Parking violations; ticket issuance; penalty; reports	D	---
Section 13-43.	Impounding vehicles parked overtime	---	---
Section 13-49.	Procession and parade permit required; traffic control	C	---
Section 13-57.	Oil delivery truck requirements	C	---
Section 13-58.	Stop restrictions for buses; exceptions	D	---
Section 13-60.	Coasting, sliding or skating on roadway prohibited; exceptions	D	---
Section 13-61.	Coasting and bicycle riding on sidewalk prohibited; exception	D	---
Section 13-63.1	Parking-permit areas	C	---
Section 13-64.	Parking or standing; prohibited areas	C	---
Section 13-64.2	Penalty; exception	D	---
Section 13-74.	Snow emergency route signs; impounding	C	---

CLASS OF OFFENSE
CLASS "A"
CLASS "B"
CLASS "C"
CLASS "D"

SECTIONS	ITEM	REPEAL	RESERVE
Section 3-10.	Fowl permit required; duration; inspection fee	---	X
Section 3-11.	Permit inspection by Health Officer	---	X
Section 3-12.	Fowl enclosures; requirements	---	X
Section 3-13.	Fowl permits; prohibited areas	---	---
Section 3-14.	Revocation of permit	---	X
Section 3-15.	Fowl on enclosed parking; exceptions	---	X
Section 3-16.	Restrictions on keeping fowl	---	X
Section 3-17.	Fowl found on property; procedure	---	X
Section 3-18.	Exceptions to the fowl keeping requirements	---	X
Section 6-50.	Preparation of material on parking or roadway	---	X
Section 8-7.	Damaging any public convenience station	---	X
Section 8-8.	Conduct at public convenience stations	---	X
Section 8-10.	Indecent exposure prohibited	---	X
Section 8-11.	Peeping toms prohibited	---	X
Section 8-12.	Obscene, indecent or threatening language by telephone prohibited	---	X
Section 8-14.	Games of chance; minors prohibited	---	X
Section 8-15.	Public buildings and grounds protected by law	---	X
Section 8-16.	Permit required for public address	---	X
Section 8-24.	Loitering; police order to dispense	---	X
Section 8-25.	Disorderly conduct, defined, prohibited	---	X
Section 8-26.	Disorderly person; defined; illegal acts	---	X
Section 8-27.	Loud and raucous noises	---	X
Section 8-32.	Destruction of public and private property	---	X

SECTIONS	ITEM	REPEAL	RESERVE
Section 8-33.	Disturbance of religious worship	---	X
Section 8-36.	Interference with customers; soliciting	---	X
Section 8-37.	Telegraph and telephone tampering prohibited	---	X
Section 8-38.	False calls for police or ambulance	---	X
Section 8-40.	Ballplaying; Hodges Field	---	X
Section 8-43.	Auto watching prohibited	---	X
Section 8-47.	Removal of shipping carts	---	X
Section 8-53.			
Section 8-54.	Register of purchases required	---	X
Section 8-55.	Carrying of dangerous weapons, prohibited; exception	---	X
Section 8-56.	Possession of weapon at dwelling house or place of business; permit; bond	---	X
Section 8-59.	Minors not to possess weapons, exceptions	---	X
Section 8-61.	Fireworks prohibited, exceptions	---	X
Section 10-49.	Transportation of refuse in general	---	X
Section 11-46.	Defacing lampposts prohibited	---	X
Section 12-19.	Determination of violation	---	X
Section 12-20.	Method of giving notice	---	X
Section 12-21.	City to take corrective action	---	X
Section 13-3.	Regulation of traffic by traffic officers	---	X
Section 13-4.	Vehicle illumination requirements	---	X
Section 13-7.	Short title	---	X
Section 13-8.	Definitions	---	X

B:Sec11.twn
D#1Mun.Inf./lw
Print/RangeA1.J66

SECTIONS	ITEM	REPEAL	RESERVE
Section 13-9.	Storing, parking or leaving prohibited; declaration of nuisance; exceptions	---	X
Section 13-10.	Responsibility for removal	---	X
Section 13-11.	Notice to remove	---	X
Section 13-12.	Removal of motor vehicle	---	X
Section 13-13.	Notice of removal	---	X
Section 13-14.	Storage of abandoned motor vehicles; location, fees and release	---	X
Section 13-15.		---	X
Section 13-16.	Municipal infractions; fines; other remedies	---	X
Section 13-17.	Operation of vehicle; safety required	---	X
Section 13-18.	Manner of operating a motor vehicle	---	X
Section 13-19.	Distance following other cars	---	X
Section 13-20.	Driving across sidewalks prohibited	---	X
Section 13-21.	Manner of entering traffic from parking space	---	X
Section 13-22.	Manner of U-turns; prohibitions	---	X
Section 13-23.	Manner of backing vehicle	---	X
Section 13-24.	Stop sign regulations	---	X
Section 13-25.	Entering traffic from intersection or driveway	---	X
Section 13-26.	Closed highways	---	X
Section 13-27.	One-way streets	---	X
Section 13-37.	Slugs in parking meters prohibited	---	X
Section 13-38.	Destruction of parking meters prohibited	---	X
Section 13-44.	Pedestrian right-of-way	---	X
Section 13-45.	Pedestrians to face traffic while walking along highway	---	X

B:Sec12.twn
D#1Mun.Inf./lv
Print/RangeA1.366

SECTIONS	ITEM	REPEAL	RESERVE
Section 13-46.	Pedestrians to yield right-of-way	---	X
Section 13-47.	Vehicles crossing sidewalks to yield to pedestrians	---	X
Section 13-48.	Passing vehicle stopped for pedestrians prohibited	---	X
Section 13-50.	Right-of-way of funeral processions; exceptions	---	X
Section 13-51.	Line of funeral procession; identifying sign	---	X
Section 13-52.	Police and fire vehicles; right-of-way; warning signals	---	X
Section 13-53.	Fire hose regulations; impeding emergency vehicles	---	X
Section 13-54.	Vehicles overtaking school buses	---	X
Section 13-55.	Towing regulations	---	X
Section 13-56.	Clinging to vehicle prohibited	---	X
Section 13-59.	Hitchhiking prohibited	---	X
Section 13-69.	Impounding of vehicles	---	X
Section 13-72.	Police officer may preempt traffic sign	---	X
Section 13-73.	Traffic sign violation	---	X

Introduced by:

1st Reading: October 26, 1987
2nd Reading:

ORDINANCE NO. 1987-

An ordinance to amend the Personnel Classification System

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

SECTION 1. New Position classes and change in GRADES. The grade structure adopted by Ordinance No. 1986-53, Section 2, as amended is amended to add and delete the following positions: delete Grade designations 13-17; amend Grades 14-17 to read Executive 1-4.

GRADE JOB CLASSES

GRADE 1 :

GRADE 2 : Custodian

GRADE 3 : Laborer; Clerk Typist I;

GRADE 4 : Account Clerk I; Library Shelver; Communications Dispatcher; Assistant Driver; Police Records Clerk;

GRADE 5 : Recreation Aide; Tool Library Attendant; Equipment Operator I;

GRADE 6 : Account Clerk II; Secretary; Personnel Clerk; Library Assistant; Recreation Specialist; Driver Foreman; Equipment Operator II; Clerk Typist II;

GRADE 7 : Administrative Clerk I; Playground Coordinator; Equipment Operator III; Code Enforcement Officer I; Police Private; Clerk Typist III;

GRADE 8 : Administrative Clerk II; Executive Secretary; Gym Supervisor; Police Private First Class; Tree Maintenance Foreman; Building Mechanic; Mechanic; Community Development Coordinator;

GRADE 9 : Account Supervisor; Administrative Supervisor; Deputy City Clerk; Police Affairs Specialist; Police Corporal; Parks Foreman; Street Foreman; Housing Coordinator; Master Mechanic; Housing Rehabilitation Construction Coordinator;

GRADE 10 : Librarian; Police Sergeant; Sanitation Supervisor; Street Supervisor;

GRADE 11 : Youth Outreach Worker; Recreation Supervisor;
Code Enforcement Supervisor;

GRADE 12 : Assistant Library Director; Police Lieutenant;
Cable TV Coordinator;

[GRADE 13]:

[GRADE 14] : [Police Captain (Deputy Chief);] Assistant Public
Executive 1: Works Director; Director of Economic & Community
Development;

[GRADE 15] : Library Director; Recreation Director; Housing
Executive 2: Services Director; Police Captain (Deputy Chief)

[GRADE 16] : Assistant City Administrator;
Executive 3:

[GRADE 17] : Police Chief; Public Works Director;
Executive 4:

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective
upon enactment.

NOTE: Underlining indicates new matter to be added to existing
code language.

[] indicates matter to be deleted from existing code
language

Item # 5

Introduced by: _____

1st Reading: 10/26/87

2nd Reading: _____

Ordinance No. 1987- _____

AN ORDINANCE concerning:

The Takoma/Langley Crossroads Development Authority.
for the purpose of establishing the Takoma/Langley Commercial Management District and a commercial district management authority known as the Takoma/Langley Crossroads Development Authority for certain purposes; establishing the geographic boundaries of the Takoma/Langley Crossroads Commercial Management District; providing for the membership and organization for the Authority; and generally relating to the establishment of the Takoma/Langley Crossroads Development Authority.

by adding:

CHAPTER 4A COMMERCIAL MANAGEMENT
DISTRICTS AND AUTHORITIES

Sections 4A-1 through 4A-11,

BE IT ENACTED by the Mayor and Council of the City of Takoma Park, Maryland that a new Charter comprising Chapter 4A be and the same are hereby added to the Code of Takoma Park, Maryland:

CHAPTER 4A COMMERCIAL MANAGEMENT
DISTRICTS AND AUTHORITIES

Sec. 4A-1. Definitions.

(a) For the purposes of this Chapter, the following terms shall have the meanings indicated:

(1) "At-large" shall mean elected by all voting members of the Authority.

(2) "Authority" shall mean the Takoma/Langley Crossroads Development Authority.

(3) "Business" shall mean any person or organization operating or conducting a trade or business, including, without limitations, retail and wholesale enterprises, and property owners.

(4) "City" shall mean the City of Takoma Park, Maryland, a municipal corporation.

(5) "District" shall mean the geographical area designated in this Chapter in which the Authority shall operate and perform its responsibilities.

(6) "Exempt Business" shall mean a business within the District which is not subject to the assessment of fees by the Authority. Exempt businesses shall include:

(A) federal, state, county, or City governments or their agencies;

(B) religious groups or organizations;

(C) volunteer fire companies and rescue squads;

(D) warehouses; and

(E) professional offices that use less than 1,000 square feet of space.

(7) "Fees" shall mean the license fees of the members of the Authority used to finance the programs and accomplish the purposes of the Authority.

(8) "Hotel/motel" shall mean an establishment which contains six or more guest rooms where temporary lodging is provided for compensation.

(9) "Retail" shall mean a business establishment that:

(A) sells goods or services directly to ultimate consumers; and/or

(B) uses space that has direct access to:

(i) the street;

(ii) the ground floor of a building;

(iii) a mall; or

(iv) a parking lot of a shopping center or mall.

(10) "Professional" shall mean any establishment that:

(A) sells goods other than retail or services directly to ultimate consumers; and

(B) uses space that does not have direct access to:

(i) the street;

(ii) the ground floor of a building;

(iii) a mall; or

(iv) a parking lot of a shopping center or mall.

(11) "Warehouse" shall mean a building used for the storage of goods or materials.

Sec. 4A-2. Establishment.

(a) Pursuant to Article 23A, Section 9(35) of the Annotated Code of Maryland, there is hereby established the Takoma/Langley Commercial Management District and the Takoma/Langley Crossroad Development Authority, as an independent entity.

(b) The Authority shall incorporate and obtain liability insurance.

Sec. 4A-3. Purposes.

The purposes of the Authority shall be to promote and market the District, and to provide security, maintenance, and amenities within the District.

Sec. 4A-4. District boundaries.

The Takoma/Langley Crossroads Commercial Management District is described as follows:

(a) All land bounded by University Boulevard, Anne Street, Kennewick Avenue, Kirklynn Avenue, and New Hampshire Avenue.

(b) All land bounded by New Hampshire Avenue, Kirklynn Avenue, Hammond Avenue, and Holton Lane, except lots 13, 14, 15, 16, 17, 18, and 19.

(c) All land bounded on the north by University Boulevard, the west by New Hampshire Avenue, the south by Holton Lane, and extending to the east to the eastern limits of the City.

(d) All land bounded on the east by the corporate limits of the City, the north by Holton Lane, the west by New Hampshire Avenue, and extending south to include parcels B and C of the property known as the Cohen Brothers' Property recorded in the Land Records of Prince George's County in Plat Book WWW55 at Plat No. 6.

Sec. 4A-5. Limitations on the Powers of Authority.

The Authority shall not:

(a) be able to exercise the power of eminent domain;

(b) purchase, sell, construct, or, as a landlord, lease office or retail space;

(c) except as otherwise authorized by law, engage in competition with the private sector; or

(d) enter into any contract, agreement, undertaking, or obligation which could result in any pecuniary liability to the City or a charge against the general credit and taxing powers of the City.

Sec. 4A-6. Composition of the Authority.

(a) Every business in the District is a member of the Authority and may participate in the activities of the Authority.

(b) Every member of the authority may vote on matters before the Authority except:

(1) exempt businesses;

(2) businesss that have not paid all fees that are due; and

(3) any other business that is not in good standing under the bylaws.

Sec 4A-7. Bylaws.

(a) The first meeting of the members of the Authority, must be announced 14 days in advance. At that meeting, a majority of the voting members present shall adopt bylaws consistent with the requirements of Article 23A Section (9)(35) of the Annotated Code of Maryland and this Chapter. A copy of the bylaws shall be provided to the City for its review.

(b) An amendment to the bylaws cannot be adopted at the same meeting at which the amendment was introduced. The bylaws may be amended by a two-thirds vote of the members present.

Sec. 4A-8. Board of Directors; Officers.

(a) The Authority shall be directed and administered by a Board of Directors elected by the voting members of the Authority in accordance with the bylaws.

(b) The Board shall include one voting director from each of the following areas, elected by the members in those areas,

(and any other areas provided for in the bylaws). The boundaries of these areas shall be established in the bylaws.

- (1) Southwest quadrant.
- (2) Southeast quadrant north of Holton Lane.
- (3) Holton Lane/Hampshire Place Property.
- (4) Langley Professional Building (7676 New Hampshire Avenue).

(c) The voting members of the Authority shall elect at-large a Chair, Vice-Chair, and enough other directors not to exceed ten.

(d) Except as provided in the bylaws, there shall be no more than one at-large director in each of the following categories:

- (1) Owner operator;
- (2) Chain store;
- (3) Professional; and
- (4) Property owner.

(e) The Board shall also include, as ex officio, non-voting directors:

(1) The City Council Member (or Members in whose Council District(s) the Takoma/Langley Commercial Management District is located; or a designee.

(2) A representative of the State Director of Housing and Community Development; and

(3) a representative of the City of Takoma Park designated by the Mayor.

(f) In addition to the chair and vice-chair who are elected at-large, the directors shall elect two directors as secretary and treasurer. These four directors shall constitute the officers of the Authority.

Sec. 4A-9. Budget.

(a) The Board shall submit a proposed annual budget to the members of the Authority and the Mayor and Council of the City. The Board shall adopt a budget at a meeting of the Authority within 30 days of the date the proposed budget is submitted to the members and to City officials.

(b) The Board may amend the budget without 30 days notice if the amendment involves less than an amount of money specified in the bylaws.

Sec. 4A-10. Licenses.

Every business in the District must obtain an annual license issued by the Authority.

Sec. 4A-11. License Fees.

(a) The annual license fee shall be based on the nature of the business and the number of square feet used in the business. Exempt businesses do not pay any fees.

(b) (1) The fees shall be as follows:

Category	Fee per square feet	Maximum fee
Retail	20¢	\$3,500.00
Professional	10¢	\$1,000.00
Hotel/motel, theater	6.67¢	\$3,500.00
Property Owner	5¢	\$3,500.00
Warehouse	0¢	\$0.00

(2) If a business falls in more than one license fee category, it shall be charged only for the category with the highest license fee.

(d) At the request of the Board, the City shall collect and enforce license fees on behalf of the Authority as its agent. Unpaid license fees shall be assessed an additional late payment fee of one percent of the fee per month or any portion of a month. The City may charge the Authority for the expenses incurred in collecting fees. The Authority by vote of its Board is empowered to institute suit to collect unpaid fees.

(e) The Board shall appoint an appeals panel as provided in the bylaws. The appeals panel shall hear all objections to the license fee set for each business. The only issues that may come before the appeals panel are whether:

(1) the nature of the business has been accurately determined;

(2) the number of square feet of space used by the business is correct; and

(3) the fee has been correctly calculated based on the rate and the square footage.

Sec. 4A-11. Meetings.

(a) The Board shall meet at least once a month. The Authority shall meet at least twice a year.

(b) All meetings shall be open to the public, except for executive sessions as provided for in the bylaws.

Adopted this _____ day of _____, 1987.

TP#8
TP.CDMA1-10

Introduced by:

1st Reading: October 26, 1987
2nd Reading:

ORDINANCE NO. 1987-___

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

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

ADOPTED BY THE MAYOR AND COUNCIL _____.

Introduced by:

1st Reading: October 26, 1987
2nd Reading:

ORDINANCE #1987-

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

- SECTION 1a. THAT parking shall be prohibited on the east side of Hancock Avenue from its intersection with Sheridan Avenue, and continuing in the direction of Lee Avenue; AND
- SECTION 1b. THAT parking shall be prohibited on the east side of Hancock Avenue from its intersection with Sheridan Avenue, and continuing in the direction of Lee Avenue; AND
- SECTION 2. THAT the Director of Public Works is hereby directed to erect the appropriate signing; AND
- SECTION 3. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 4. THAT the penalty for violation of this ordinance shall be as stated in Sec. 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

Adopted: _____