

CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council
October 2, 1989

PROPERTY OF
TAKOMA PARK MD. LIBRARY

CITY OFFICIALS PRESENT:

Mayor Del Giudice Asst. City Administrator Habada
Councilmember d'Eustachio Deputy City Clerk Jewell
Councilmember Douglas
Councilmember Sharp
Councilmember Hamilton

Upon motion made by Councilmember d'Eustachio, duly seconded by Councilmember Sharp, the Mayor and Council convened in Special Session on Monday, October 2, 1989 in the 2nd Floor Meeting Room, at 8:46 PM, for the purpose of adopting an ordinance relating to employee paid holidays. Councilmember Sharp explained for the record that the ordinance would bring all City employees together in conjunction with the Union contract and the City Code so that every City employee would have the same paid holidays. The ordinance amends the City Code Section 8B-132 (a) to delete the Columbus Day holiday and recognize in its place the Friday after Thanksgiving as a paid holiday. Councilmember Sharp moved adoption of the ordinance, duly seconded by Councilmember Douglas. For the record a editorial correction was made to strike the duplicate ~~(5) Memorial Day (last Monday in May)~~ and insert in its place (6) Independence Day (July 4).

The Mayor called the question and the Ordinance (as amended) was adopted as follows: AYE: d'Eustachio, Douglas, Hamilton, and Sharp; NAY: None; ABSENT: Elrich, Leary and Martin.

Ordinance 1989-34
(attached)

Upon motion by Councilmember d'Eustachio, duly seconded by Councilmember Sharp, the Council adjourned out of Special Session at 8:50 P.M.

Introduced by: Councilmember Sharp
(Drafted by: P. Jewell)

1st Reading: 9/25/89
2nd Reading: 10/2/89

ORDINANCE #1989-34

AN ORDINANCE TO AMEND CHAPTER 8B-132 (PERSONNEL PROCEDURES),
ARTICLE 1, SECTION 8B-132(a) OF THE CODE OF THE CITY OF TAKOMA
PARK, MARYLAND.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
TAKOMA PARK, MARYLAND THAT THE FOLLOWING SECTION
OF THE CITY CODE IS HEREBY AMENDED AS FOLLOWS:

Sec. 8B-132 Holiday leave.

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

- (1) New Year's Day.
- (2) Martin Luther King, Jr.'s Birthday (January 15, 1986,
and every year thereafter).
- (3) Washington's Birthday (third Monday in February).
- (4) Memorial Day (last Monday in May).
- (5) Independence Day (July 4th)
- (6) Labor Day (first Monday in September).
- [(7) Columbus Day.]
- (7) Veterans Day (November 11).
- (8) Thanksgiving Day (fourth Thursday in November).
- (9) Friday after Thanksgiving Day (November 24, 1989, and
the fourth Friday in November every year thereafter).
- (10) Christmas Eve (one-half day).
- (11) Christmas Day.

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

NOTE: In this Ordinance, [brackets] shall denote language
deleted from the Code and underlining shall denote language being
added.

Adopted this 2nd day of October, 1989 by Roll Call Vote as
Follows:

AYE: d'Eustachio, Douglas, Hamilton, Sharp
NAY: None
ABSTAINED: None
ABSENT: Elrich, Martin, Sharp

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
October 16, 1989

PROPERTY OF
TAKOMA PARK MD. LIBRARY

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember d'Eustachio	Deputy City Clerk Jewell
Councilmember Douglas	Cable Coordinator Smith
Councilmember Elrich	Code Enf. Supervisor Morning
Councilmember Hamilton	Public Works Director Giancola
Councilmember Leary	
Councilmember Martin	
Councilmember Sharp	

The Mayor and City Council convened at 8:05 P.M. on Monday, October 16, 1989 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Councilmember d'Eustachio, for purposes of discussion, moved approval of the Minutes of the 9/11/89 Regular Session, the 9/18/89 Public Hearing, and the 10/2/89 Special Session; the motion was duly seconded by Councilmember Hamilton. Mr. d'Eustachio said he would move to table the 9/11/89 Minutes, explaining that the copy he received was very incomplete and he felt that to be unacceptable. He said ordinarily he would hesitate to comment on the situation in a public meeting; however, additionally, pages were missing from other documentation in his packet, pages from separate documents were intermixed, and this was not the first or sole instance of careless collation of packet material. Councilmember Sharp duly seconded the motion to table the 9/11/89 Minutes; the motion carried by unanimous vote.

Regarding the 9/18/89 Public Hearing Minutes, Councilmember Sharp noted that on page 9 (top of the page), a discussion of a matter that had been declared out of order had been included in the text of the minutes. He said he would suggest if something were declared out of order, it not be reflected in the formal meeting record, and moved that that discussion be stricken, commencing at the point where Ms. Ricks had said she knew the subject was not pertinent to the hearing and continuing through the end of her statement (end of paragraph). The motion to delete the text indicated was duly seconded by Councilmember Elrich and carried by unanimous vote.

The Minutes of the 9/18/89 Public Hearing, as amended, and 10/2/89 Special Session were approved by unanimous vote.

The Mayor noted he and some members of City staff had met the previous week with Congresswoman Morella, a representative of Congressman Hoyer's office, and about half a dozen U.S. Postal Service officials, for the purpose of talking about progress in the effort to locate a retail Postal Service facility in the Takoma Park business districts. He said the meeting proved somewhat successful; the City's displeasure was expressed regarding the P.O.'s handling of its last advertisement for space in the city and what the City considered a failure to communicate with City government, i.e., their failure to communicate about the bids they received and to discuss them, and to see if the City could be of assistance in finding a facility. He said the City had been informed by the Postal Service that they are looking at a site in the Takoma Junction area, and are also interested in receiving information about any other sites in the city that might be available. He said he and staff brought a newly-vacated location in the Old Town area to their attention, i.e., the former hardware store. The Mayor said the matter would be discussed further in Executive Session following the present regular session, as well as a matter regarding property acquisition that had come up. In that closed session, he noted a police department matter as well as some housing staff issues would also be discussed.

For the record, Councilmember Elrich noted he would be recusing himself from any participation in the Executive Session discussion (or any others the Council might have) regarding the Post Office matter, based on his involvement with the Takoma Junction project and the Post Office's discussions.

Councilmember Douglas, referring to the prior week's worksession discussion about how Variances would be handled henceforth, pointed out that 3 notices of hearing set for cases in Prince George's County on October 17 had been included in the most recent packet. He said his concern was that if the Council were going to be able to reasonably take a position on the requests, a little more notice and information was required; he asked whether notices from that county were typically received late in the process. Asst. City Administrator Habada said the notices were received the previous Monday, and brought to the attention of the pertinent Councilmember that same day; however, Prince George's County, in the past, had generally been quite good about giving the City two week's notice.

ADDITIONAL AGENDA ITEMS:

Resolution of Welcome to National Caravan for Human and Civil Rights of Salvadorans (Del Giudice)
Resolution Effecting Appointment to COLTA (Del Giudice)

The Mayor noted it had been hoped a First Reading of the legislation effecting amendments to Article 7, on which a Public Hearing was conducted in September, would be scheduled for the present meeting; however, despite a large amount of time and work having been spent on it, the review was not yet complete, so that was why it had not been scheduled. He said he was not certain when it would be ready for First Reading, however, work would continue on it at the next worksession.

CITIZENS' COMMENTS: (not directed at items for Council Action)
Wayne Upton, 7600 Maple Avenue: said he passed the old Post Office on Maple Avenue on the Ride-On each day; it had been vacant some time, was all boarded up and something of an eyesore. He asked what the status of that building was and what was intended regarding it.

Councilmember Douglas commented that the neighborhood was quite concerned about the condition of that particular property; they have come up with a number of suggestions, and a meeting between some of the neighbors, City staff and the owner of the property would be held October 17 to discuss some of the possibilities and try to ascertain the owner's interests and ideas. He said it was hoped the building could be put back into some sort of reasonable condition and utilized; however, there were no concrete plans regarding it at present.

Mr. Upton spoke concerning World Food Day and a related event he had attended; he said people should not let such a day go by unnoticed and could contribute time or money to worthwhile organizations trying to address the hunger problem. He noted a response from Congresswoman Morella to a letter he had written her regarding racism and sexism, a copy of which he had submitted at a previous Council Meeting. Mr. Upton read the letter verbatim. In addition, he addressed at length a pending HJ resolution regarding the role of Italian-Americans in the U.S. and designating October as Italian-American Cultural and Heritage Month, and read a portion thereof.

The Mayor noted he had intended to point out that on Saturday 10/21/89, a cleanup day would be conducted in Sligo Creek Park, with people assembling at a number of points along the creek. He said the City was sponsoring the event as a part of Maryland Community Day which asks that citizens get out into the community and do some sort of project; he urged that all who could come out and participate. Additionally, he noted the City's new flag was now complete in its proper form and was on display; there was still need to have some discussion about the small flags, however, that would be taken up at some later time.

ITEMS FOR COUNCIL ACTION:

1. Second Reading of Election Judges Ordinance.

Councilmember Douglas moved adoption of the ordinance, duly seconded by Councilmember Leary. The Mayor noted the need to pass amendments effected by staff subsequent to First Reading, reducing the total number of judges from 28 to 24. Councilmember Douglas noted that staff's memo on the subject indicated that even 24 judges was probably more than would be needed for the upcoming election; he said while he

would hate to deny people the opportunity to do something they were volunteering to do, he did wonder whether they were aware that the workload was expected to be relatively light. He referred to comments voiced by Mr. Mandel at the 9/25/89 meeting on this subject. Deputy City Clerk Jewell said she had received a letter from Mr. Mandel asking that his name be removed from the list of judges and she would be responding to him. She said she was comfortable with 24 judges, which would provide 3 alternates; 28 was really more than would be needed, and she would ensure that those who would be serving were made aware that a heavy and hectic workload was not anticipated for the upcoming election. Ms. Jewell said she would also make sure that everyone whose name was being deleted from the list was notified once the ordinance had been adopted. Responding to the Mayor, she affirmed that, in general, not more than 3-4 individuals were needed from each ward; however, she explained there were as many as 5 from some few -- Ward 4 was very active in responding to her quest for judges and more than 7 applications were received -- however, they remained applications only until an individual were selected or chosen. She remarked she generally had a problem getting a total of 28 to serve, so was pleased at the response. Out of the 7 applicants from Ward 4, Ms. Jewell said if all were utilized, there would be more than were needed, so only a few were actually selected. She explained that the reason some previous judges from Ward 4 had been deleted from the list and others added in their place was because, due to the number volunteering to serve, a random selection was made, basically by drawing names.

Councilmember Douglas moved passage of the amendment, duly seconded by Councilmember Sharp. The amendment carried by unanimous vote. The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin and Sharp; NAY: None.

ORDINANCE #1989-35
(attached)

2. First Reading of Election Procedures Ordinance.

The Mayor noted receipt of a memorandum from staff outlining changes to the legislation discussed and effected at worksession the previous week; he said those changes appeared to have been incorporated into the draft presented and dated 10/10/89. Question was raised about a perceived possible problem Councilmember Martin had noted in regard to the Ward 6 boundary as set forth. Ms. Martin said she had not had an opportunity to pursue the matter; the Mayor suggested she put it into writing and submit it to staff for resolution prior to Second Reading of the legislation; he commented, however, he was not sure it could be resolved without a formal survey being done. He additionally suggested that since Ms. Martin said the matter affected Ward 7 as well as Ward 6, she also discuss it with Councilmember Sharp. Councilmember Douglas moved acceptance of the ordinance for First Reading, duly seconded by Councilmember Hamilton.

Councilmember Martin referred to page 2 of the ordinance, subsection (c) regarding Campaign Reports, and suggested perhaps the definition should include a description of what the campaign report was actually required to contain. The Mayor suggested that the subsection might make reference to a later description by stating as required by Section 4D-7.(b). Following brief discussion, Ms. Martin moved to amend subsection 4D-2.(c) by striking the word [all]; the motion was duly seconded by Councilmember Hamilton and carried by unanimous vote.

Ms. Martin questioned whether Section 4D-7.(f) would disallow an elected official from voting until all required reports had been filed and late filing fees paid. The Mayor noted that had been discussed in worksession; it was thought the original draft language would prohibit such an individual from taking office, but was decided that would be in conflict with the Charter. He said the existing language would allow the person to take office and to vote, but they would not receive any pay or benefits, e.g., insurance, until such time as the requirements were satisfied.

Following brief discussion in response to questions raised by Ms. Martin regarding Section 4D-11., the Mayor suggested that in workses-

sion it might be advisable to reevaluate the section to ensure that it did not create inconsistencies with regard to elections that are conducted with voting machines, punchcard ballots or paper ballots; he said it appeared the existing language could be cleaned up and clarified. Following brief additional discussion, consensus was to address the language of the section in worksession.

Ms. Martin noted the requirement that Absentee Ballots be retained for 6 months; she inquired whether the Charter also set forth such a requirement. The Mayor said that the majority of what the proposed ordinance contained was material that had been removed from the Charter, with provision that the Council would provide through ordinance for the conduct of elections, including ballots and all that accompany same. Ms. Martin inquired whether the votes recorded on the voting machines were also required to be retained for some specific period of time. Deputy City Clerk Jewell explained that the machines the City uses provide a paper printout of the results of each machine and those are retained for the period required under State Law. She said the machines remain locked for ten days following the election in the event an election were contested.

The ordinance, as amended, was accepted for First Reading by unanimous vote.

ORDINANCE #1989-
(attached)

3. First Reading of an Ordinance to Raise Mayor and Council Salaries.

The Mayor noted that the proposed ordinance, if adopted, would take effect only if the Charter previously adopted and presently pending before the citizens (with an effective date of 10/31/89) went into effect. If not, then the ordinance at hand would be null and void. He noted there were two versions of the proposed ordinance.

Councilmember Martin noted having spoken with other members of the Council, as well as the Mayor. She said she had also researched salaries of elected officials in other area jurisdictions that are of similar size and population to Takoma Park; the City's current salaries to elected officials, based on the amount of time they expend on fulfilling the duties of their office, amounts to something around \$2.00. She said she felt doubling the present amount did not seem quite adequate; however, there should be about a 1/3 difference between the Mayor's salary and that of Councilmembers, based on the additional time that position requires if performed properly -- including representing the City at numerous functions which Councilmembers are not required to attend, as well as spending on the order of one day a week in his office in the Municipal Building. Ms. Martin said she felt \$4,000 was closer to what Councilmember salaries should be, with a Mayoral salary of \$5,500. She commented she felt comfortable proposing the figures she was because she would not be running for reelection; however, remarked that looking back on the two years she had served, felt she was not really getting reimbursed well for the sorts of things she had done. She said she realized the position was something in the nature of a volunteer job, but it was a job that has to be filled and there needs to be at least some inducement for those who might serve. She said there were not a lot of people who wished to put in the hours and do the sort of nitpicky things the elected officials have to do at times. Ms. Martin moved acceptance for First Reading of version 2 of the proposed ordinance that would provide annual salaries of \$4,000 for members of the Council and \$5,500 for the Mayor; the motion was duly seconded by Councilmember Hamilton.

Councilmember Hamilton noted that the salaries used to be included in the Charter; the last time they were reviewed and raised was in 1976 and previously in 1964. He said while the amount proposed might appear to be a lot, considering the duties and demands of fulfilling the offices, he personally felt that after 14 years, Councilmembers were deserving of an increase.

Councilmember Douglas noted an earlier concern expressed in worksession that the public be notified of the intent of the elected body and

that input be sought. He said at a number of recent citizen meetings on a variety of issues he had purposely raised the issue and had received favorable comments on both the recent Newsletter article on the subject and on the proposal to raise the salaries. He said he presently felt that people were aware of the intention and was comfortable with proceeding.

Councilmember Leary commented he opposed the motion on the floor, as he would likewise oppose version 1. He said he felt what was proposed was unnecessary and that it sent the wrong message. He said he agreed completely that every member of the Council certainly earned the amount that was being proposed and much more; however, the new salary -- just like the existing one -- would remain symbolic, a mere token of what is and should always remain a volunteer effort. Even a doubling of the salaries would not change their symbolic nature, but it would send an unfortunate message that the Council felt city taxpayers could afford to spend another \$18,000 each year for this symbolic gesture -- despite the fact that city taxpayers already pay by far the highest tax rate in Montgomery or Prince George's County, and despite the fact that all members of the elected body had quite rightly bemoaned the serious financial condition of the City and the even more serious prospects in the immediate future at some length in recent months. He said he agreed it was not right that Councilmembers only make \$1,800 a year and even more unright that the Mayor makes only \$2,400 for the hours put in; however, there are a lot of things in the City that are not right -- e.g., that the City apparently cannot afford to maintain its parks adequately. He said the question was which inadequacy of the many should have highest priority for increased funding; if an additional \$18,000 a year could be spent annually ad infinitum, he said he would prefer seeing that money spent to hire an additional laborer for the Parks Division, because that might actually make a modest positive difference for everyone. By contrast, raising the token salaries a few thousand dollars each for elected officials would not likely make any difference whatsoever in how the City government runs -- it certainly would not make any difference in how or whether anyone volunteered to perform the duties of a Councilperson, nor would it affect the amount of effort Councilmembers put into their job. He said he thought all Councilmembers already do as much as they can -- doubling the salary would not make it possible for anyone to do more than they are already doing -- nor should it. Fanatically, however, he said it could perhaps, either now or in future, impel some Councilperson to get more involved in trying to run the City than would be appropriate. Mr. Leary said while he agreed the proposal was widely supported in the city, he hoped it would not in any impede the gradual successful effort in the last 2 years to restrict the role of the volunteer Council to setting policy direction while relying upon the adequately paid full-time staff to run the City.

Councilmember d'Eustachio said he concurred with Mr. Leary in opposing both versions of the proposed ordinance, agreed basically with the points made by Mr. Leary, however, felt his opposition to be weighted more by the symbolic than the fiscal. He said he agreed the position was of a volunteer nature and that Mr. Leary's assessment of the motivation for filling such a position was correct -- it has nothing to do with any accompanying salary. Essentially the position is not paid, the salary is a symbolic gesture; by voting themselves raises, the elected body would be indicating that the present salary was not enough but that \$4,000 was enough -- and everyone sitting on the Council would probably reject the notion out of hand that what they do was sufficiently or adequately reimbursed by that amount of money. He said he felt the Council would be demeaning itself and the work it does by voting themselves raises -- the people sitting on the Council are professional people -- lawyers, a budget analyst, an accountant -- and if a lawyer or any of those others were asked to on a personal basis work for \$2, \$4, or even \$6 an hour, it's most doubtful they would take you seriously; however, if you asked an attorney to do some volunteer legal work, they would probably do it willingly. Mr. d'Eustachio said he frankly felt the proposed raises to be an insult, and if the Council were going to vote themselves raises, they might as well pay themselves what their time and expertise was actually worth -- which the City could not afford; he said what needed to be recognized was that those serving on the Council were performing a

civic duty. He said he suspected that most of those serving had been brought up to believe that it was a responsibility to make a contribution back to the community in which they live and which serves them. He said the Council makes decisions and people may not always agree with them, but they serve the community in what they honestly believe to be the best way possible -- and it has nothing to do with money. He said he frankly thought the salary would best be left at its present level; anyone sitting on the Council would not make a decision to run or not run based on whether the salary was raised or not; it was very doubtful that anyone would have decided to run for the Council based on the salary being raised, and if there were such a person, they should be automatically disbarred for being obtuse.

Councilmember Sharp noted the salary having been referred to as symbolic, a token -- which by today's standards, it would be considered. He pointed out, however, that when it was last raised in 1976, the value of the dollar was undoubtedly different and it probably was not considered a token amount. He said he frankly had no good reference point for what Councilmembers should be paid, but examining the chart published in the Newsletter, Takoma Park was obviously low on the chart and out of synchronization with other local municipalities, which indicated to him there was reason to suggest raising the salaries. He said he would not state that he would not run, would not serve, if salaries were not raised, but it appeared appropriate that members of the Council be paid more in line with what the position demands.

The Mayor commented he tended to agree with Mr. Sharp that the salaries had not been addressed since 1976 and were apparently out of line with salaries for municipal officials of comparable size and budget. He said when the matter was last discussed in worksession, there appeared to be a consensus to proceed with version 1 which would have raised Councilmembers' salaries to \$3,600 and the Mayor's to \$4,800 (essentially a doubling of current salaries and keeping in proportion the difference of about 1/3 between the current Mayor's and Council salaries). He pointed out that in looking at the salaries in different local municipalities, it had to be kept in mind that those locales having a much larger commercial base, e.g., Rockville, Laurel, could more easily afford higher salaries. He said he personally would be more comfortable with version 1 of the proposed ordinance. The Mayor noted that apparently in the past, the issue had been dealt with only every 10-12 years and had then been raised significantly; he questioned whether there would be any merit to addressing it on a more frequent periodic basis with a lesser increase increment. He said, however, he agreed with Mr. d'Eustachio that it was not an actual salary per se, but a salary for a voluntary part-time job. He said it could be considered an attempt to reimburse those serving for the money they spend out of their own pockets in the course of accomplishing the job they are doing. Mayor Del Giudice said he did not think the present Council should try to set the salary for future Councils or make decisions regarding them, but should attempt to bring the salaries more in line with what was current in other jurisdictions, keeping in mind what would be affordable to the citizens of the City; he reiterated he felt more comfortable with version 1 of the proposed ordinance.

Following brief dialogue between the Mayor and Ms. Martin regarding the salaries and the inadvisability of legislating for the future on such an item, the Mayor commented that it appeared most of the elected body agreed a change should be made, some increase should be effected because current salaries were way below those of municipalities of a similar nature, size, and budget -- the problem was to come up with the right numbers.

An unidentified citizen suggested that one way to not be voting on their own salaries would be to make the new salaries effective for new members of the Council as they come into office with the incumbents retaining the current salary level as long as they serve.

Version 2 of the ordinance was accepted for First Reading by a 5-2 vote, with Councilmembers Douglas, Elrich, Hamilton, Sharp and Martin

voting Aye; Councilmembers d'Eustachio and Leary voting Nay.

ORDINANCE #1989-
(attached)

Councilmember Martin briefly addressed a suggestion regarding the City purchasing 4-drawer file cabinets for each Councilmember to contain the voluminous amount of paperwork and documentation related to their position. She said those and their contents could then be transferred to the incoming Councilmember for the ward when the incumbent left office. The Mayor said he felt that to be a valid issue and asked that Ms. Martin put her proposal in writing and submit it so that it could be further addressed at a later meeting.

4. First Reading of an Ordinance Technically Amending the Residential Parking Program.

Councilmember Douglas referred to subsection (g) of the proposed ordinance, pointing out that what the amendment would do would be to restrict the use of visitor parking permits in the residential parking system, requiring that they be used within 500 ft. of the address for which they are issued. Additionally, he noted he had made a couple of technical changes based on changes that would occur on October 31 concurrent with the new Charter's effectiveness. Mr. Douglas said the reason he had introduced the legislation was in response to a letter received from Karen Fishman and Elliott Schwartz of Cedar Avenue, a copy of which had been provided to the City Clerk for the record. He read a portion of the letter which cited instances in which commuters and not visitors were obviously using some visitor passes -- in one instance, the car was parked a block from the house for which the visitor permit had been issued. It said that when commuters parked in spaces near Metro, it made it impossible for true visitors to make use of the spaces. Mr. Douglas said he had discussed the problem with the City Administrator and had been advised the only way of addressing it would be to amend the existing legislation with regard to the visitor permits.

Councilmember d'Eustachio suggested a need to work on the language of subsection (g) in worksession; he said his concern was that it was not clear that the visitor permits were temporary -- they could be, for instance, ones that had been issued to each household and which the homeowners were lending out to friends. He said that should be examined and discussed. Councilmember Douglas said he had no problem with fine-tuning the language in worksession; he moved acceptance of the ordinance for First Reading, duly seconded by Councilmember Sharp. Brief dialogue ensued between Messrs. Sharp and Douglas concerning page 4 of the proposed legislation, subsection (i), and the need to perhaps discuss it further in worksession. Regarding implementation, Mr. Douglas said while he thought the legislation should be implemented immediately upon adoption, it would probably be only reasonable and fair to give some sort of public notice, i.e., the Newsletter; for that reason, he said he would propose it become effective following publication of the December Newsletter.

Councilmember Martin raised the question of putting a time limit on how long any one individual could use a visitor permit. Mr. Douglas said while he had no problem with Ms. Martin's suggestion, it was hoped those sorts of details would be covered in regulations set forth by the City Administrator, rather than being included and detailed in legislation. The Mayor suggested Ms. Martin's was the sort of suggestion it would be helpful for people to submit in writing to the City Administrator to assist him in drawing up the regulations, rather than including it in the legislation, which would later necessitate its removal through amendment to the ordinance.

The ordinance was accepted for First Reading by unanimous vote of those present.

ORDINANCE #1989-
(attached)

5. First Reading of an Ordinance Authorizing Replacement of a Housing Department Vehicle.

The Mayor noted the vehicle requested would replace one that had been

demolished as a result of an accident. Councilmember Hamilton moved acceptance for First Reading, duly seconded.

Councilmember Douglas commented he understood the reason Chryslers were sought was because at some point in time that product had been found to fulfill the requirements of the Nuclear Free Zone Ordinance. He said he also understood, however, that it was customary to solicit bids for the best product that would meet the City's needs and then evaluate it to see whether it met the terms of the ordinance rather than pre-screening. He said he had no opposition to the proposal presented; it appeared to be a good one, however, there did not seem to be a consistency in procedure, and if the existing law did not conform to what was accepted practice, it should be changed to be so; otherwise, if the law was considered to be a good one, then it should be followed consistently. He said the situation was somewhat confusing to him.

Councilmember Sharp inquired what the implications were, in terms of the Code and the City's procurement process, of not conducting a formal bid process for the vehicle currently needed based on the fact an extensive bid process had recently taken place (as referred to in Code Enforcement Supervisor Morning's cover memorandum). Asst. City Administrator Habada explained that the bid for the single vehicle was not advertised; past experience in buying used vehicles had been that the bids had to be hand-carried to Avis, Hertz, etc.; they would fill it out, seal it in the envelope, and then staff had to carry it back to the City with them -- the firms were not anxious to actively seek out requests for bids from the City. Whether or not that would be appropriate under the existing law would have to be a judgment call on DHS, however, the fact was that money that would be wasted advertising was saved and it was known that any responses would be unlikely unless the bids were personally solicited by staff. Ms. Habada said the only potential problem area insofar as the bid being informal would be if it had not been advertised and she was not certain about that. Responding to query from the Mayor, Code Enforcement Supervisor Morning said that to her knowledge the bid was not advertised. The Mayor said that past experience had been that when such a bid was advertised, no proposals were submitted. Ms. Habada concurred, noting that the only way bids were gotten was to actually hand-carry the bids around to dealers and personally ask them to fill them out. She said she had not been asked about the present situation, but had she been, her response would probably have been to the effect that the advertising would be a waste of money, but it probably should be done to satisfy the legal requirement. In practical terms, however, she said she felt certain the advertising would have been to no effect -- as it had been on previous occasions. The Mayor said that, under the circumstances, he would suggest a motion to table the item would be in order.

Councilmember Martin commented it was her understanding the reason Chryslers were purchased for the police department was because of the police package; however, she said she didn't understand why either used cars or such large cars were being bought for DHS use -- a brand new Hyundai could be bought for \$5,000, among others -- and some of the county cars were quite small.

Councilmember Hamilton moved to table the item until the October 30 meeting, duly seconded.

Responding to questions posed by Ms. Martin, Public Works Director Giancola explained that probably one reason DHS had sought a Chrysler product as a replacement was that the vehicle totalled had been a Chrysler. Additionally, he said the predominant number of cars Public Works services and maintains are Chrysler products; in trying to maintain a fleet of vehicles, it is generally more logical to try to have a similar type so that parts can be used interchangeably among cars or items that are commonly used can be stocked. In procuring a vehicle, he said the key was usually whether there was adequate competition; if that were the case, it should generally be sufficient.

In the course of brief discussion, the Mayor reiterated that lacking clear clarification from staff that advertisement of the bid was not a legal requirement under the Code as it presently existed, it would not

be appropriate to proceed.

Robert Alpern, 316 Elm Avenue, Chair of the Nuclear Free Committee: said that inasmuch as further research would be done regarding the purchase, he would hope the provisions contained in the newly revised Nuclear Free Zone Ordinance would also be checked out to ensure that any new or used vehicle purchased would comply with the provisions that had just been included in the revised ordinance. He said it appeared there may be some problem under the ordinance with buying new Chrysler products, however, the situation had not yet been completely clarified. It was known that Chrysler had now become involved to some extent in the production of nuclear components, and in future the purchase of any cars will probably have to be looked at in new ways.

The Mayor commented he did recall that in the Council's last set of amendments to the ordinance, the question of the purchase of used products had been dealt with; however, that would have to be checked and a determination made how the proposed purchase would relate to that class of used products.

Councilmember Martin inquired why DHS was handling the purchase of the car, rather than Public Works, Finance or someone else. Ms. Habada explained the City had never, to her knowledge, had a centralized purchasing department. She said she personally reviewed most requests for proposals, however, that was the extent of the centralization of the procurement process; in the case at hand, she had not reviewed the bid package, but generally did before they went out. Councilmember Douglas commented the entire discussion raised in his mind the question of the status of the procurement regulations and he felt that should be discussed in worksession, along with the rest of the issue. The Mayor remarked that while those regulations could be discussed generally in connection with the proposed procurement, there was now an administrative procedures ordinance authorizing staff to propose such items as proposed regulations, at which time the elected body as well as citizens and other individuals could proceed with reviewing them within the 30 day period allotted. He said he would not want to confuse the issue at hand with the very large question of the procurement process, however. Mr. Douglas said he had not intended to suggest a discussion of the regulations per se, but to comment that a status report on them would be in order.

Responding to further query from Ms. Martin concerning when the previous vehicle purchase referred to in staff's cover memo had occurred, Ms. Morning said that purchase had taken place in April, 1988 and involved 2 vehicles. The motion to table carried by unanimous vote.

6. Single Reading Ordinance Awarding Public Works Building Reroofing Bid.

The Mayor pointed out that, from his reading of the ordinance, inasmuch as additional monies would be required to complete the proposed work, a budget amendment would be needed. Ms. Habada affirmed that was the case, however, said there was adequate time prior to the incumbent Council leaving office for that to be accomplished. It was noted a budget amendment was needed to also tie up a number of other loose ends, e.g., some speed humps, elected officials' salaries, etc. Councilmember Douglas remarked he would ask that budget amendments be accomplished as concurrently as possible with adoption of the items they would cover. Responding to query from Councilmember Sharp, Mr. Giancola affirmed that he could not award a contract for the reroofing work until the ordinance authorizing him to do so was adopted. Councilmember Hamilton moved adoption of the ordinance, duly seconded by Councilmember Sharp.

Following brief additional discussion, the Mayor noted there had earlier been some question of whether the low bid included an additive that was requested; Mr. Giancola affirmed that it did. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Hamilton, Leary and Sharp; NAY: None; ABSENT: Councilmembers Elrich and Martin.

ORDINANCE #1989-36
(attached)

7. Resolution in Support of Georgetown Branch Master Plan Amendment.

Councilmember Leary noted the resolution expressed the Council's support for the proposal to build a trolley line and a hiker-biker trail between Silver Spring and Bethesda along the abandoned CSX rail line. He explained the proposal had the support of County Executive Kramer and Governor Donald Shaffer. He said he felt it noteworthy that the City Council may be endorsing something that had been suggested and advocated by Messrs. Kramer and Shaffer. Mr. Leary noted the resolution emphasized two points discussed in worksession, i.e., that the Council was supporting the proposal because the hiker-biker trail was of equal importance to them as the trolley line and the proposal contained both items; additionally, they were endorsing it with one important qualification set forth in the second resolve clause -- i.e., that they opposed use of the implementation of the trolley line to justify any increased development in further revisions to plans for the affected area. He said that was a concern cited by those who opposed the proposal. He moved passage of the resolution, duly seconded by Councilmember Douglas.

Councilmember Douglas commented there was always the possibility of consideration being given in future to doing the trolley without the hiker-biker trail, based on budgetary factors or others; however, he said he felt it important both items be recognized as critical -- the trolley for its mass transportation aspect, but the hiker-biker trail for tie-in on the other side of Bethesda all the way down to the C & O Canal and into Georgetown for a very unusual and probably unique hiker-biker corridor that would be truly valued in future. He said he did not think it could be overemphasized that the Council's support was based on both things being accomplished, and the trail not being shunted aside at some future point in time.

Councilmember Martin referred to having both driven and ridden the bus frequently to and from Bethesda along Route 410, and observing how horrendous traffic is along that road. She said her concern was that the proposal not worsen the situation due to people driving to Silver Spring to access the trolley line. She said she thought the county should be urged to see that public transportation to various points in Prince George's County, e.g., Prince George's Plaza, Greenbelt, be improved so as to hopefully cut down on the number of people driving cars along Route 410 to and from Silver Spring. Ms. Martin said she hoped the future Council would really press the county once the project was under way or completed to improve bus service on the lines that travel Route 410.

Mayor Del Giudice said he shared Ms. Martin's concerns about the traffic along Route 410; as Silver Spring develops, much of the increase in traffic will come not only from D. C., but from Prince George's County, and there will be drastic need for improvement of the transportation links between the two counties. He said his hope was that as the area gets into the next decade -- and perhaps the next century -- the State of Maryland will work with the two counties to solve their mass transportation needs. He said he frankly thought there would need to be a light rail system connecting the east and west corridors. The Metro green line may alleviate some of the problems, but it would not be either an inexpensive or timely commute to Bethesda from points in Prince George's County served by that line. He said his personal view was that corridors such as University Boulevard and Route 29, would have to be looked on as potential routes for mass transit, whether it be increased bus service or light rail service -- but something of the sort would have to be the way of the future to avoid increased vehicle traffic through all of the inner beltway area.

Councilmember Martin commented she was aware of 3 individuals in her ward who work at NIH, and that there was not adequate bus service from her neighborhood to Silver Spring. She said the City really needs to work on getting Ride-On bus service into Prince George's County or something similar to address the problem.

The resolution was passed by unanimous vote.

RESOLUTION #1989-94
(attached)

8. Resolution in Support of Prince George's County Bill re Proposed Woodland Conservation and Tree Preservation Policy Document.

The Mayor noted he had brought the matter to the Council's attention as a result of a meeting of the Prince George's Municipal Association in the hope that that county's Council would be developing legislation that would preserve urban and rural forest in that county. He said it should be noted there was quite a bit of opposition to the proposed legislation from the development community.

Councilmember Martin moved passage of the resolution, duly seconded by Councilmember Sharp. Ms. Martin commented she had recently been talking with a county employee who advised her that the proposed legislation would pertain to land comprised of an acre or more; she said she wished it applied to any lot. Responding to query from Councilmember Douglas, she said the City had had a draft copy of the proposed legislation some time ago, and that her friend in the county would be sending her a copy of the final proposal. The resolution was passed by unanimous vote.

RESOLUTION #1989-95
(attached)

9. Resolution Nominating Representatives to the Prince George's CDAC.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Douglas. For the record, the Mayor noted the resolution would appoint Councilmember Paul d'Eustachio and Community Development Coordinator Valerie VinCola to the CDAC as the City's representatives. Responding to query from Councilmember Sharp, the Mayor said the meetings would extend into the spring; Mr. d'Eustachio had agreed to continue to serve following expiration of his Council term. Councilmember Martin inquired whether it would create any problem for Mr. d'Eustachio to continue to serve when he was no longer a member of the Council. Ms. Habada said it should not; he had previously served on the committee, was known to those involved, and should continue to receive respect and consideration while serving as a representative for the City. The resolution was passed by unanimous vote.

RESOLUTION #1989-96
(attached)

10. Resolution Appointing Representatives for Interagency Coordinating Board for Community Use of Schools CAC.

Councilmember Hamilton moved to table the item inasmuch as a meeting was supposed to be held the previous week but was not, and all the information had not been gotten together so that citizens could participate and become involved. The Mayor noted that it had been determined that someone from Grant Avenue area was already representing the area around the Junior High School; also the City was being represented by Recreation Director Ziegler. He asked that Mr. Hamilton determine whether someone from the Maple Avenue or Ritchie Avenue area would be interested in serving. Councilmember Sharp duly seconded the motion to table; the motion carried by unanimous vote.

11. Resolution in Support of Red Ribbon Week.

The Mayor said he wished to technically amend the resolution by striking the period at the end of the last resolve clause, adding in its place a comma, followed by the language: and for Prince George's County, Ms. Gwenda McClain. Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Sharp. Mr. Hamilton briefly introduced and summarized the resolution. The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1989-97
(attached)

12. Resolution of Welcome to Caravan for Human and Civil Rights of Salvadorans.

The Mayor noted the caravan would be visiting the city on October 26. Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Leary. The resolution was passed by unanimous vote.

RESOLUTION #1989-98
(attached)

13. Resolution Effecting Appointment to COLTA.

The Mayor noted the appointment would fill a vacancy created by the recent resignation of a commissioner, Ms. Paula Glad. He said the resolution should read that the elected body appointed Ms. Paula C. Johnson to complete the unexpired term of Ms. Glad as a member of the Commission On Landlord and Tenant Affairs. Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember Hamilton. The Mayor noted Ms. Johnson was interviewed by the elected body; they were very impressed with her credentials and her experience serving in the city of Cambridge, Massachusetts. The resolution was passed by unanimous vote.

RESOLUTION #1989-99
(attached)

14. ADMINISTRATIVE CONSENT AGENDA:

Councilmember d'Eustachio moved passage of those items listed on the agenda collectively, duly seconded by Councilmember Hamilton. Mr. Douglas noted a recent proposal from the City Administrator regarding the administrative consent agenda; he asked how that would differ from the previously existing consent agenda. The Mayor said he felt it to be a procedural matter, but that he didn't see any great difference between the two, with the exception that items such as resolutions or any sort of legislation requiring passage or adoption should be separated out from those items that were essentially approval of proposed administrative actions or affirmations of responses to inquiries from administration. Councilmember Leary remarked he had found the City Administrator's memorandum on the subject totally confusing and did not comprehend at all what was being proposed. Ms. Habada pointed out the intention was to bring specific items before the Council that would not normally come up as a part of Council action on a particular item and to get a reaction/response from the body. The Mayor noted need for further discussion and work to develop a process and procedures for it so the function would be smooth and unconfusing; he said it would be scheduled for worksession so that could be addressed. It was noted in the course of discussion, that on item (b) of the published agenda, the Council's previously expressed position on that subject was to take no position; on item (c), the position had been not to address the Wheaton CBD Sector Plan on a more thorough basis; the resolution under item (a) would authorize Public Works to dispose of equipment -- an affirmative vote would formalize those positions/actions.

Councilmember Douglas noted inclusion of and physical attachment to the consent agenda material in the Council packet of partial documentation and information pertaining to the Montgomery County Accessory Apartment Ordinance -- a very significant issue. While nothing was listed on the agenda regarding that issue, he said it raised a question in his mind whether it was intended it be addressed. The Mayor said it was imperative that staff take great care not to include or attach anything to the packet that was not on the agenda or intended to be addressed as a part of the agenda. He affirmed that a staff report concerning the county ZTA had been physically attached by stapling to the consent agenda portion of the agenda packet. He said that created considerable confusion. The Mayor reiterated, as outlined earlier, the effect of passage of those items on the present consent agenda. The agenda items were passed, with Councilmember Leary first voting Nay; however, he changed his vote to an affirmative, resulting in unanimous passage of the items collectively.

(a) Resolution to Dispose of Public Works Equipment.

RESOLUTION #1989-100
(attached)

(b) Position on 6-12 Class A Beer and Wine License Transfer.

(c) Sector Plan for Wheaton CBD.

Upon motion, duly seconded, the meeting adjourned at 10:15 p.m., to reconvene immediately thereafter in Executive Session.

Introduced by: Councilmember Douglas

1st Reading: 9/25/89
2nd Reading: 10/16/89

ORDINANCE #1989-35

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 7, 1989 City Election:

- (1) Pearl G. Blacksin, 652 Kennebec Avenue
- (2) Montez H. Boatman, 133 Ritchie Avenue
- (3) Vivienne N. Douglas, 706 Kennebec Avenue
- (4) Billie M. Dyhouse, 7051 Carroll Avenue, #617
- (5) Beverly Gladd, 711 Devonshire Road
- (6) Ellie Irby, 7600 Maple Avenue, #1206
- (7) Eleanor S. Jaeger, 7213 Trescott Avenue
- (8) Diane Jenkins, 7600 Maple Avenue, #707
- (9) Daniel B. Jessop, 7800 Cole Avenue
- (10) Dorothy S. Jessop, 7800 Cole Avenue
- (11) Georgia B. Johnson, 316 Tulip Avenue
- (12) Helen T. Johnston, 7051 Carroll Avenue, #1013
- (13) Tanya Jones, 601 Hudson Avenue, #206
- (14) Claire B. Kozel, 7804 Wildwood Drive
- (15) Jennifer V. Magnus, 7310 Cedar Avenue
- (16) Dorothy J. Malusky, 7302 Holly Avenue
- (17) Ann S. Roberts, 7710 Maple Avenue
- (18) Patricia L. Sanchez, 6745 Eastern Avenue
- (19) Genie Sidwell, 7209 Spruce Avenue
- (20) Paul Weisbord, 6753 Eastern Avenue
- (21) Marvel A. Werner, 17 Darwin Avenue
- (22) Verne Wilson, 907 Davis Avenue
- (23) E. Edward Zerne, 7302 Garland Avenue
- (24) Patricia A. Zerne, 7302 Garland Avenue

SECTION 2. THAT this Ordinance becomes effective upon adoption.

Adopted this 16th day of October, 1989 by Roll Call Vote as follows:

AYE: d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, Sharp
NAY: None
ABSTAINED: None
ABSENT: None

Introduced by: 1st Reading:10/16/89
2nd Reading:
Drafted by: Linda S. Perlman
Assistant Corporation Counsel Effective Date:
Draft Date: 10/20/89

ORDINANCE NO. 1989-_____

ELECTIONS

WHEREAS, on September 11, 1989, the Mayor and Council adopted a resolution repealing the Charter of the City of Takoma Park (hereinafter "old Charter") and adopting a new Charter for the City of Takoma Park; and

WHEREAS, the new Charter will become effective on October 31, 1989, unless a proper petition for referendum on the amendment of the Charter is filed; and

WHEREAS, the new Charter sets forth provisions dealing with voter registration, nominations, and elections in Article VII; and

WHEREAS, Article VII, Section 710 of the new Charter provides that "[t]he Council has the power to provide by ordinance in every respect not covered by the provisions of this charter for the conduct of registration, nomination, and City elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud"; and

WHEREAS, the Mayor and Council wish to enact procedures for conducting general and special elections in the City of Takoma Park which will go into effect on the effective date of the new Charter.

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

SECTION 1. The Takoma Park Code is amended by adding a new Chapter 4D, Elections, as follows:

CHAPTER 4D. ELECTIONS

ARTICLE 1. IN GENERAL.

Section 4D-1. Purpose.

The purpose of the election procedures contained in this Chapter are to provide for the conduct of elections generally in the City of Takoma Park by exercising the powers granted to the Council to provide for the conduct of registration, nominations,

and voting in City elections and for the prevention of fraud in connection with such elections.

Section 4D-2. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated unless a contrary meaning is clearly intended from the context in which the term appears.

(a) Authorized Representative. Any person appointed or designated by a candidate or a political committee to file campaign reports or to be responsible for political matter published or distributed.

(b) Ballot. The means by which a vote is cast. "Ballot" or "ballots" include paper ballots, punchcards, absentee ballots, or the labels which appear on the face of the voting machine, whichever in context is appropriate.

(c) Campaign Report. A report of [all] contributions received by any candidate or political committee.

(d) Candidate. Any person who seeks election as Mayor or Councilmember.

(e) Contributions. A gift, loan, transfer of money or other thing of value to any candidate, his or her representative, or to a political committee to promote the success or defeat of a candidate or of any matter or issue which has been submitted to a vote at an election or is in the process of being petitioned to referendum.

(f) Election. The process by which the voters of the City of Takoma Park vote for Mayor or Councilmember, any charter amendment, proposition, or question and unless otherwise indicated shall include all elections, general, special, run-off, and referendum.

(g) Political Committee. Any combination of two or more persons which has as one of its purposes to promote the success or defeat of a candidate or of any matter or issue which has been submitted to a vote at an election or is in the process of being petitioned to referendum.

(h) Political Matter. Any pamphlet, circular, card, sample ballot, poster, billboard, advertisement, button, or any other printed, photographed, typewritten, written material or statement relating to or concerning any candidate or prospective candidate or any matter or issue which has been submitted to a vote at an election or is in the process of being petitioned to referendum.

(i) Punchcard. A computer tabulating card on which a voter may record his or her vote by punching a hole opposite his or her choices.

(j) Registration. The act by which a person becomes qualified to vote in any election in the City of Takoma Park.

(k) Voting System. A method of casting and tabulating ballots or votes.

Sections 4D-3 through 4D-4. (Reserved).

ARTICLE 2. WARDS

Section 4D-5. Description of Ward Boundaries.

(a) The City is divided into seven wards for purposes of City elections. Each ward shall be compact in form and composed of adjoining territory. The populations of the wards shall be substantially equal.

(b) The boundary lines of the seven wards shall be as follows:

(1) The First Ward shall consist of all that portion of the city beginning at the intersection of Chicago Avenue and the B & O Railroad and running thence in a northeasterly direction along the Corporate boundary of the City of Takoma Park on Chicago Avenue to the intersection of the same with Boundary Avenue; thence in a southeasterly direction and along the Corporate boundary on Boundary Avenue to the intersection of the same with Alfred Drive; thence in a northeasterly direction along the Corporate boundary on Alfred Drive to the intersection of the same with Ray Drive; thence in a southeasterly direction along the Corporate boundary on Ray Drive to the intersection of the same with Piney Branch Road; thence in a southwesterly direction along the Corporate boundary on the west side of Piney Branch Road to the intersection of the same with Grant Avenue; thence crossing Piney Branch Road along the Corporate boundary; thence in a northeasterly direction along the eastern Corporate boundary of Piney Branch Road to the northeastern property line of the Takoma Park Junior High School; thence southeasterly along the said property line of Takoma Park Junior High School, continuing in a southeasterly direction along the northeastern property line of the Takoma Park Recreation Center to a point on Maple Avenue facing the center line of Sherman Avenue; thence in a southwesterly direction along the center line of Maple Avenue to the intersection of the same with Lee Avenue; thence southeasterly along the center line of Lee Avenue to the intersection of same with Hancock Avenue; thence in a southwesterly direction along the center line of Hancock Avenue

to its terminus near Philadelphia Avenue; thence northwesterly, beginning with Lot 10, Block 3, Hillcrest Subdivision and continuing along the center line of Philadelphia Avenue to the intersection of same with Cedar Avenue; thence southwesterly along the center line of Cedar Avenue to its intersection with the District of Columbia boundary line; thence northwesterly along said District of Columbia boundary line to a point where same crosses the B & O Railroad; thence northerly along the said railroad to Chicago Avenue and the point of beginning.

(2) The Second Ward shall consist of all that portion of the city beginning at a point where Cedar Avenue intersects the District of Columbia boundary line and running thence along the center line of Cedar Avenue in a northeasterly direction to the intersection of said Cedar Avenue with Philadelphia Avenue; thence in a southeasterly direction along the center line of Philadelphia Avenue to a point opposite the property line separating Lots 9 and 10, Block 3, Hillcrest Subdivision; thence in a northeasterly direction running between Lots 9 and 10, Block 3, Hillcrest Subdivision; thence in a northeasterly direction along the center line of Hancock Avenue, continuing along the rear property line of Parcel 1, Block 50, B.F. Gilbert's Subdivision to the center line of Lincoln Avenue at a point opposite Jefferson Avenue; thence along the center line of Lincoln Avenue in a northwesterly direction to a point opposite the rear property line of Lot 32, Block 50, B.F. Gilbert's Subdivision; thence in a northeasterly direction along the rear property lines of Lots 32 through 35, Block 50, B.F. Gilbert's Subdivision; thence in a straight northeasterly line to Sligo Creek; thence in a southeasterly direction following the meanderings of Sligo Creek to its intersection with Jackson Avenue; thence in a southwesterly direction along the center line of Jackson Avenue to the intersection of said Jackson Avenue with Ethan Allen Avenue; thence in a westerly direction along the center line of Ethan Allen Avenue to its intersection with Sycamore Avenue; thence southward along the center line of Sycamore to its intersection with Columbia Avenue; thence along the center line of Columbia Avenue in a southwesterly direction to its intersection with Carroll Avenue; thence along the center line of Carroll Avenue in a southwesterly direction to its intersection with Laurel Avenue; thence continuing southwesterly along Laurel Avenue to the District of Columbia boundary line; thence northwesterly along the District of Columbia line to Cedar Avenue and the point of beginning.

(3) The Third Ward shall consist of all that portion of the city beginning at a point where Laurel Avenue intersects the District of Columbia boundary line and running northeastward along the center line of Laurel Avenue to its intersection with Carroll Avenue; thence along the center line of Carroll Avenue in a westerly direction to its intersection with Columbia Avenue; thence along the center line of Columbia Avenue in a

northeasterly direction to its intersection with Sycamore Avenue; thence along the center line of Sycamore Avenue in a northerly direction to its intersection with Ethan Allen Avenue; thence easterly along the center line of Ethan Allen Avenue to its intersection with Jackson Avenue, thence northeasterly along the center line of Jackson Avenue to its intersection with Lincoln Avenue; thence southeasterly along the center line of Lincoln Avenue to its intersection with Elm Avenue; thence southwesterly along the center line of Elm Avenue to its intersection with Ethan Allen Avenue; thence southeasterly along the center line of Ethan Allen Avenue to its intersection with New Hampshire Avenue at the City Boundary line in Prince George's County; thence in a westerly direction along the meanderings of the said City boundary line in Prince George's County to the intersection of same with Eastern Avenue; thence northwestward along the Corporate boundary on Eastern Avenue to Laurel Avenue and the point of beginning.

(4) The Fourth Ward shall consist of all that portion of the city beginning at the point where the northeastern property line of Takoma Park Junior High School meets Piney Branch Road; thence along the Corporate boundary on Piney Branch Road in a northeasterly direction to its intersection with Mississippi Avenue; thence in a southeasterly direction along the Corporate boundary on Mississippi Avenue to its intersection with Hilltop Road; thence across Hilltop Road in a southeasterly direction to the center line of Sligo Creek at the Corporate boundary; thence continuing southeasterly down the center line of Sligo Creek to a point opposite the rear property line of Lot 35, Block 50, B.F. Gilbert's Subdivision; thence in a southwesterly direction along the rear property lines of Lots 35, 34, 33 and 32, Block 50, B.F. Gilbert's Subdivision to the center line of Lincoln Avenue; thence in a southeasterly direction along the center line of Lincoln Avenue to a point opposite the rear property line of Parcel 1, Block 50, B.F. Gilbert's Subdivision; thence in a southwesterly direction along the rear property line of Parcel 1, Block 50, B.F. Gilbert's Subdivision to the center line of Hancock Avenue; thence in the same southwesterly direction along the center line of Hancock Avenue to its intersection with Lee Avenue; thence along the center line of Lee Avenue in a northwesterly direction to its intersection with Maple Avenue; thence along the center line of Maple Avenue in a northeasterly direction to a point directly opposite Sherman Avenue; thence at said point opposite Sherman Avenue running northwestward in a straight line from Maple Avenue along the northeastern property line of the Takoma Park Recreation Center and continuing along the northeastern property line of the Takoma Park Junior High School to Piney Branch Road and the point of beginning.

(5) The Fifth Ward shall consist of all that portion of the city beginning at a point where Flower Avenue intersects

Piney Branch Road at the Corporate limits and running thence in a southeasterly direction down the west side of Flower Avenue, the same being the Corporation line of the City of Takoma Park, to a point on Flower Avenue approximately one hundred fifty (150) feet south of Division Street; thence following the Corporate Line of the City of Takoma Park in an easterly direction to the center line of Greenwood Avenue; thence along the center line of Greenwood Avenue southeasterly to the center line of Carroll Avenue; thence continuing southwestward along the center line of Carroll Avenue to the center line of Sligo Creek; thence following the center line of Sligo Creek in a northwesterly and northerly direction to its point of intersection with Piney Branch Road; thence in a northeasterly direction along the Corporate boundary on Piney Branch Road to its intersection with Flower Avenue and the point of beginning.

(6) The Sixth Ward shall consist of all that portion of the city beginning at the point where University Boulevard intersects Carroll Avenue; thence running in a southeasterly direction along University Boulevard, being also the Corporation Line of the City of Takoma Park, to a point where the Corporation Line turns right angle south from University Boulevard; thence running southward along the Corporation Line to Linden Avenue; thence running in a northwesterly direction along the center line of Linden Avenue to the center line of New Hampshire Avenue; thence running along the center line of New Hampshire Avenue in a northeasterly direction to its intersection with Sligo Creek; thence northwestward along Sligo Creek to the mouth of Long Branch and continuing northward along the meanderings of Long Branch to a point where it meets Carroll Avenue; thence in a northerly direction along the Corporate boundary on Carroll Avenue to its intersection with University Boulevard and the point of beginning.

(7) The Seventh Ward shall consist of all that portion of the city beginning at the point where Long Branch flows under Carroll Ave; thence along the center line of Long Branch southeastward to the point where Long Branch meets Sligo Creek and continuing in a southeasterly direction along Sligo Creek to the point of its intersection with the center line of New Hampshire Avenue; thence southwestward along the center line of New Hampshire Avenue to its intersection with Linden Avenue; thence southeastward along the center line of Linden Avenue to the Corporate Boundary of the City of Takoma Park; thence continuing along the Corporate Boundary of the City of Takoma Park in a southwesterly direction to the center line of New Hampshire Avenue at its point of juncture with Ethan Allen Avenue; thence northwestward along the center line of Ethan Allen Avenue to its intersection with Elm Avenue; thence northeasterly along the center line of Elm Avenue to its intersection with Lincoln Avenue; thence northwesterly along the center line of Lincoln Avenue to its intersection with Jackson Avenue; thence

northeasterly along the center line of Jackson Avenue to the center line of Jackson Avenue to the center line of Sligo Creek; thence northwesterly along the center line of Sligo Creek to Carroll Avenue; thence northeasterly along the center line of Carroll Avenue to its intersection with Greenwood Avenue; thence northwesterly along the center line of Greenwood Avenue to the City Boundary located approximately one hundred fifty (150) feet south of Division Street; thence following the Corporation Line in an easterly direction to the lots on the east side of Garland Avenue; thence following the Corporation line in a southeasterly direction to its intersection with Carroll Avenue; thence northeasterly along the Corporate boundary on Carroll Avenue to its juncture with Long Branch and the point of beginning.

ARTICLE 3. FAIR ELECTION PRACTICES

Section 4D-6. Political Matter Published or Distributed.

(a) No person, candidate, or political committee shall publish or distribute or cause to be published or distributed any political matter unless such political matter includes the name of the person responsible for the publication or distribution of the same.

(b) No person, candidate, or political committee shall expend any money for printing, publication, or broadcasting of any political matter unless such matter states that it is a paid political advertisement and is printed, published, or broadcast by the authority of the person, candidate, political committee, or an authorized representative for a candidate or political committee.

(c) A violation of this Section is a Class B offense.

Section 4D-7. Campaign Reports.

(a) Each candidate and political committee shall appoint an authorized representative.

(b) Each candidate or his or her authorized representative and each authorized representative of any political committee shall file a report with the City Clerk disclosing the names and addresses of all persons, other than the candidate or members of his or her immediate family, who contribute anything of value, other than volunteer services, of \$25.01 or more in an election. All campaign reports filed shall be available for public review during the normal office hours of the City Clerk.

(1) An initial report listing contributions received since the date of the last preceding election to fill the office for which the candidate is running shall be filed with the City

Clerk no later than noon of the 10th calendar day preceding the election.

(2) A final report of campaign contributions not previously reported shall be filed with the City Clerk no later than 4:00 p.m. of the Monday following the election.

(3) Even if no contributions have been received since the end of the period for which the last preceding report was filed or due, a statement to that effect must be filed with the City Clerk.

(c) All campaign reports shall be made on the forms designated by the City Clerk. The campaign reports shall contain a certification by the person responsible for filing the report that the contents of the report are true and complete to the best of their knowledge, information, and belief.

(d) There is a late filing fee for each campaign report which is not filed within the time prescribed in this section. The fee is \$10.00 for each day or part of a day, excluding Saturdays, Sundays and holidays that a report is overdue. The maximum late fee payable with respect to any single report is \$250.00.

(1) The City Clerk shall receive an overdue campaign report even if any late filing fee has not been paid, but the report shall not be considered officially filed until all fees have been paid.

(2) Upon receipt by the City Clerk of an overdue campaign report, no further late filing fees shall be incurred, notwithstanding the fact that the report is not considered officially filed.

(3) It is the personal responsibility of [both] the candidate, [and his or her authorized representative,] if it is the report of a candidate, and of the authorized representative of a political committee to file all reports in complete and accurate detail and to pay all late filing fees. A late filing fee may not be paid, directly or indirectly, from contributions to the candidate or political committee.

(e) For purposes of this section, the failure to provide complete and accurate information on the campaign report forms is a failure to file provided that the City Clerk has notified the candidate and his or her authorized representative or the authorized representative of a political committee, in writing, of the deficiency and a properly corrected report has not been filed within two weeks of the date of the written notice. After two weeks, and in the absence of a filed corrected report, daily late filing fees are thereafter payable.

(f) A person may not receive any salary or benefits from the office of the Mayor or Councilmember until all required campaign reports have been filed and all late filing fees have been paid.

(g) A violation of this Section is a Class B offense.

Section 4D-8 and 4D-9. (Reserved)

ARTICLE 4. VOTING

Section 4D-10. Voting Systems.

(a) Voting in City elections may be by voting machine, electronically tabulated punchcard ballots, or paper ballots, but only one voting system may be used in any election.

(b) The Mayor and Council may purchase, rent, lease, or otherwise acquire such voting systems and related equipment as may be required for an election.

(c) If voting machines are used in an election, then the specifications for the machines, procedures for use of the machines in polling places on election day, and manner of tabulating the votes following the election shall be as nearly as practicable in accordance with the provisions of Article 33, §§16-10, 16-11, and 16-16 of the Annotated Code of Maryland, as amended.

(d) If an electronically tabulated punchcard ballot voting system is used in an election, then the specifications for the punchcard ballots, procedures for use of the punchcard ballots in polling places on election day, and manner of tabulating the votes following the election shall be as nearly as practicable in accordance with the provisions of Article 33, §16-A-1 of the Annotated Code of Maryland, as amended.

(e) If paper ballots are used in an election, then the specifications for the paper ballots, procedures for use of the paper ballots in polling places on election day, and manner of tabulating the votes following the election shall be as nearly as practicable in accordance with the provisions of Article 33, §14-1 of the Annotated Code of Maryland, as amended.

Section 4D-11. Ballots.

(a) The City Clerk shall provide ballots for all elections which shall contain:

(1) The name of every candidate who has been nominated in accordance with the provisions of the Charter and with this Chapter.

(2) A description of every question which is to be submitted to a vote.

(b) All ballots shall be printed in plain clear type in black ink upon material of such size and shape to fit the construction of the voting system.

(c) The form and arrangement of all ballots shall be determined by the City Clerk in accordance with the following requirements:

(1) In all elections, the names of candidates shall be arranged alphabetically on the ballots according to their surname, under the designation of office. The names of the candidates for Mayor shall appear first on the ballots, followed by the names of the candidates for Councilmember according to the numeric designation of the ward. [beginning with ward one]

(2) No ballot shall contain a party designation of a candidate.

(3) Each ballot shall contain an appropriate instruction to the voter informing him or her of the offices for which he or she may vote and the number of persons for whom he or she may lawfully vote for each office.

(4) All ballots shall contain a statement in understandable language of every question to be submitted to a vote at any election.

(5) The City Clerk shall prepare and certify the form in which a question shall appear and each question may be captioned with a descriptive title containing not more than five words.

(6) Each ballot question shall be printed on the ballots following the name of the candidates and shall be accompanied by the words "For" and "Against".

(d) If, because of an error in printing or a change in circumstances, the City Clerk at any time finds it necessary to make a change in a ballot, the City Clerk shall promptly change the ballots by taking the following action:

(1) If there is sufficient time for printing or reprinting of the ballot, make the appropriate changes or corrections on the printed ballots.

(2) If there is insufficient time for reprinting, and if it is appropriate to the voting system in use, cause to be printed a sufficient number of stickers incorporating the appropriate changes or corrections. The stickers shall be as consistent as possible with the printed ballots and be affixed to the ballots in the appropriate places.

(3) If time does not permit the process provided in paragraph (2) of this subsection, or if such a process is inappropriate, take all appropriate measures to notify voters of the change and the procedure to be used by each voter to record a vote.

(4) After any change on a ballot, the City Clerk shall take all reasonable steps to notify all candidates for the office involved of the change or correction in the ballots.

(e) The City Clerk may cause to be printed copies of the form of the ballot to be used for an election, to be in type of suitable size and designated as "specimen ballots". Any such specimen ballots shall be conspicuously posted at each polling place and may be distributed to voters.

Section 4D-12. Instruction and Assistance in Voting.

(a) Upon request, election judges shall instruct a voter regarding the operation of the particular voting system.

(b) Any voter who requires assistance to vote by reason of blindness, disability, or inability to read the English language or write may be given assistance by a person of the voter's choice, not to include the voter's employer or any candidate or agent of that employer or candidate.

(1) Assistance in marking paper ballots or operating a voting machine or punchcard ballot shall be given to voters who declare under oath to an election judge that by reason of blindness, disability, or inability to read the English language or write they are unable without assistance to mark their ballots or operate the voting machine or punchcard ballot. No ballot shall be marked or voting machine or punchcard ballot operated until two election judges are satisfied of the truth of the facts stated in such affidavit.

(2) After such an affidavit has been made and filed

with the election judges, the voter may enter into a voting machine, booth, or other place set aside for voting with any person of the voter's choice, not to include the voter's employer or any candidate or agent of that employer or candidate, or with two election judges. The person whom the voter has selected, or in the case the voter has selected no one, one of the election judges in the presence of the other, shall mark the ballot or operate the voting machine or punchcard ballot as the voter shall direct.

(3) The only assistance which will be lawful for the person whom the voter has selected or for the election judges to give the voter is to mark the ballot or operate the voting machine or punchcard ballot as the voter shall direct, without prompting or suggestion from them, or either of them.

(4) A voter may not be accompanied into a voting machine, booth, or other place set aside for voting by any person over the age of five years unless the affidavit required by subsection (b) has been accepted by the election judges.

Section 4D-13. Time Allowed for Voting.

Each voter is expected to mark the ballot or operate the voting machine or punchcard ballot expeditiously and may be required to leave the voting machine, booth or other place set aside for voting after five minutes.

Section 4D-14. Closing of Polls.

(a) All qualified voters who are waiting in line to vote at the time of the official closing of polls shall be permitted to vote.

(b) When the last voter in the polling place has voted, the election judges shall immediately lock and seal the operating lever or mechanism of each voting machine or other type of voting system, as practicable, so that the voting and counting mechanism will be prevented from operating and record the number of votes as shown on the counters of each machine or other type of voting system.

(c) The election judges shall then compare the number of voters, as shown by the counter of each voting machine or other type of voting system, if any, with the number of those who have voted as shown by the list of registered voters.

Section 4D-15. Tabulation of Votes.

(a) After the polls have officially closed and the voting machines or other voting systems have been locked and sealed, the election judges then shall proceed to tabulate the votes cast.

(b) The election judges shall tabulate the votes cast as provided in Section 4D-10 using procedures to insure the following:

(1) The secrecy of the ballot;

(2) Rejection of all votes for any office or ballot question when the number of votes cast by a voter exceeds the number that the voter is entitled to cast;

(3) Correct counting of votes on ballots on which the proper number of votes has been indicated;

(4) The tabulating and recording of votes by ward for or against any candidate, candidates, or question;

(5) Prompt reporting of election returns after the official closing of the polls;

(c) The tabulation, release or announcement of election results prior to the official closing of the polls is prohibited.

(d) A violation of this Section is a Class B offense.

Section 4D-16. Penalties.

The following are Class A misdemeanor offenses or Class A civil offenses:

(a) Allowing a person to vote who is not a resident of the City or whose name has not been certified as a voter;

(b) Tampering with, damaging, breaking, or attempting to tamper with, damage, or break any voting machine, punchcard ballot, or other voting system or equipment used or to be used in any City election; or

(c) Any other violation of this Article unless the violation has been designated as a Class B offense.

Sections 4D-17 through 4D-19. (Reserved)

ARTICLE 5. ABSENTEE VOTING

Section 4D-20. Who May Vote.

Absentee voting is permitted if a voter:

(a) May be absent for any reason from the City on election day; or

(b) Cannot personally vote at the polls on election day because of illness, physical disability, confinement in or restriction to a hospital, nursing home, or institution.

Section 4D-21. Applications for Absentee Ballots.

(a) Applications for absentee ballots shall be provided by the City Clerk to voters upon request.

(b) Applications for absentee ballots must be in writing and include the voter's certification made under penalty of perjury setting forth the following:

(1) The voter's name and home address;

(2) The reason the voter will not be able to vote in person in the City election;

(3) The ward in which the voter resides to the best of the voter's knowledge;

(4) That the voter is registered to vote and has been or will be a resident of the City for at least thirty days preceding the date of the City election; and

(5) The address to which the absentee ballot should be sent.

(c) Applications for absentee ballots must be received by the City Clerk not later than 4:00 p.m. of the [tenth] seventh calendar day preceding the election.

Section 4D-22. Emergency Absentee Ballots.

(a) After the [tenth] seventh calendar day preceding an election and at any time prior to the official closing of the polls, a voter may apply to the City Clerk for an emergency absentee ballot if the voter:

(1) Is unable to personally vote at the polls on election day as a result of illness or accident occurring after the time for applying for an absentee ballot;

(2) Is unable to personally vote at the polls on election day because of a death or serious illness in the person's immediate family, about which the person becomes aware after the time for applying for an absentee ballot; or

(3) Is required to be absent on the day of election from the City for any reason of which the person becomes aware after the time for applying for an absentee ballot.

(b) The application for an emergency absentee ballot must be in writing and include the voter's certification made under penalty of perjury setting forth the reason why the voter is unable to personally vote at the polls on election day.

(c) Upon receiving an application for emergency absentee ballot, the City Clerk, if satisfied the person cannot personally vote at the polls on election day, shall give the applicant, or his or her agent, an absentee ballot to be marked by the voter, placed in a sealed envelope, and returned to the City Clerk.

(d) A voter who is unable to personally apply for an emergency absentee ballot shall designate a person as his or her agent for purposes of delivering the absentee ballot to the voter.

(1) An agent for an absentee voter shall execute a certification under penalty of perjury that the ballot was delivered to the voter who submitted the application, was marked by the voter in the agent's presence, was placed in a sealed envelope in the agent's presence, and was returned to the City Clerk by the agent.

(2) The voter's employer or any candidate or any agent of that employer or candidate may not be an agent for a voter under this subsection.

(e) Any emergency absentee ballot received by the City Clerk after the official closing of the polls shall not be counted.

(f) Any voter who requires assistance to vote by reason of blindness, disability, or inability to read the English language or write may be given assistance by a person of the voter's choice, not to include the voter's employer or any candidate or an agent of that employer or candidate. Any person giving assistance to a voter pursuant to this subsection shall include a certification to be included with the absentee ballot.

Section 4D-23. Determination of Absentee Voters' Applications and Delivery of Ballots.

(a) Upon receipt of an application for an absentee ballot containing the voter's certification, the City Clerk shall determine if the applicant is qualified to vote in the City elections.

(b) If the applicant is a qualified voter, the City Clerk shall promptly deliver or mail to him or her an absentee voter's ballot and envelopes.

(1) Postage for transmitting the absentee ballot material to the applicant shall be paid by the City and postage for the return of the ballots shall be paid by the voter.

(2) The City Clerk shall endeavor to mail absentee ballots (except emergency absentee ballots) to applicants not later than five business days before the election day.

(c) The City Clerk shall keep a record of applications for absentee ballots, showing the date and time received and the applicant's name and address. Such record of applications shall be available for public review during the normal office hours of the City Clerk.

(d) Only one absentee ballot shall be mailed or delivered to any one applicant unless the City Clerk has reasonable grounds to believe that the absentee ballot previously mailed or delivered has been lost, destroyed, or spoiled.

Section 4D-24. Absentee Ballots.

(a) Prior to any City election, the City Clerk shall print or cause to be printed an adequate number of applications for absentee ballots, absentee ballots, envelopes and instructions to absentee voters. The form and arrangement of all application forms and absentee ballots shall be in accordance with the requirements of the State Administrative Board of Election Laws.

(b) Each absentee ballot shall contain the words "Absentee Ballot" printed in large letters in clear space at the top of each ballot.

(1) If paper absentee ballots are used, underneath the words "Absentee Ballot" shall be printed the following warning: "Mark ballot by placing X in proper blank after each candidate or question. Do not erase or make any identifying mark. If your vote for a candidate or question is marked in such a manner that your intent is not clearly demonstrated, your vote for that office or question shall not be counted. In order to protect the secrecy of your vote, do not put your name, initials, or any identifying mark on your official ballot. If it is determined that a ballot is intentionally marked with an identifying mark, the entire ballot will not be counted."

(2) If punchcard ballots (or other computer read documents) are used, instructions shall be provided to the voter, either on the ballot or separately. These instructions shall include information as to how to mark the ballot, and also a warning to the voter not to repair the ballot or make an identifying mark on it. If both sides of a ballot are used to list candidates or questions to be voted on, the words "Vote both sides" shall appear on both sides of the ballot.

(3) The designation of the ward shall be filled in by the City Clerk before the absentee ballot is sent to the voter.

(c) Absentee ballot material shall include a "covering envelope", a "ballot envelope", and a "return envelope".

(1) The covering envelope shall contain all balloting material delivered or mailed to the absentee voter. The covering envelope shall have the return address of the City Clerk and the words "Official Absentee Ballot, City of Takoma Park" printed on it.

(2) The ballot envelope shall be of sufficient size to contain the absentee ballot. The following voter's certification shall be printed on the ballot envelope:

I, name of voter, do hereby affirm under the penalties of perjury that I am a registered voter and reside in the City of Takoma Park, as stated in my application for the absentee ballot; that I will be unable to vote in person on election day because
reason

_____;
that the within absentee ballot was marked, folded, enclosed, and sealed by me in this ballot envelope; and that I am not now disqualified for any reason from voting under the laws of the State of Maryland.

Signature of Absentee Voter

WARNING!

Any person who signs a false application or oath, who casts an illegal vote, who applies for an absentee ballot under any name other than his or her own, or who violates any other provision of the absentee voting law of the City of Takoma Park may be charged with a misdemeanor or with a civil offense and, upon conviction, be subject to a fine and/or imprisonment.

(d) The ballot envelope shall be placed in the return envelope and mailed to the City Clerk. The return envelope shall have the City Clerk's address printed on it and the words "Official Absentee Ballot, City of Takoma Park".

Section 4D-25. Tabulation of Absentee Ballots.

(a) No absentee ballots shall be opened before the official closing of the polls.

(b) Following the official closing of the polls, the election judges shall proceed to certify and count the absentee ballots contained in the ballot envelopes.

(1) Only absentee ballots that have been timely received shall be counted.

(2) A ballot shall be considered as timely received providing it was received by the City Clerk prior to the official closing of the polls on election day or was mailed before election day as shown by the postmark on the return envelope.

(d) If the election judges determine that any absentee voter has died before election day, the absentee ballot of the deceased voter shall not be counted. However, if the election judges do not know that the absentee voter has died before election day, the absentee ballot shall be counted and the fact that the absentee voter may later be shown to have been dead on election day shall not invalidate the ballot.

(e) If the election judges determine that the provisions for filling out and signing the voter's certification on the outside of the ballot envelope have been substantially complied with and the voter is entitled to vote in any ward of the City and has not already voted on election day, the election judges shall open the ballot envelope and count the absentee ballot. If there is more than one absentee ballot in a ballot envelope, all ballots shall be rejected.

(f) If more than one absentee ballot is received from a voter, then the absentee ballot in the ballot envelope on which the voter's certification was first executed shall be counted. If the certifications on two or more ballot envelopes are dated the same, or if both are undated, none of the absentee ballots received from the voter shall be counted.

(g) All absentee voters' applications, ballot envelopes, and ballots shall be kept separate from the ballots cast at the polls and kept by the City Clerk for six months after the date of the election and may then be destroyed, unless prior to that time the City Clerk is ordered by a court of competent jurisdiction, to keep the same for any longer period.

Section 4D-26. Contests and Appeals.

(a) Contests concerning voter registration, applications for absentee ballot, absentee voting or the validity of any

absentee ballot shall be decided by the election judges for any election.

(b) No absentee ballot shall be rejected except by a majority vote of the election judges.

(c) Any candidate or absentee voter aggrieved by any decision or action of the election judges shall have the right to appeal to the Circuit Court of the appropriate county to review such decision or action and jurisdiction to hear and determine such appeals is hereby conferred upon the Circuit Court.

(d) Appeals shall be taken by way of petition filed with the appropriate Circuit Court within five days from the date of the completion of the official tabulation of all the votes cast at any election. Appeals shall be heard de novo and without a jury by the Circuit Court as soon as possible.

Section 4D-27. Penalties.

A violation of this Article is a Class A misdemeanor offense or a Class A civil offense.

SECTION 2. The effective date of this Ordinance shall be October 31, 1989.

Adopted the _____ day of _____, 1989 by roll call vote as follows:

Aye:

Nay:

Abstained:

Absent:

Note. Underlining indicates additions to the Ordinance made after 1st Reading and [Brackets] indicate deletions.

t429.ord/corr47/fl/cp

Introduced by: Councilmember Martin

1st Reading: 10/16/89

2nd Reading:

Drafted by:

Paula Jewell

and

Linda S. Perlman.

Effective Date:

Draft Date: 10/13/89

ORDINANCE NO. 1989-_____

An Ordinance Providing For Salary
Increases For The Mayor And Council

WHEREAS, by Charter Resolution No. 89- 79 on September 11, 1989, the Mayor and Council adopted a new Charter for the City of Takoma Park which will become effective on October 31, 1989, barring receipt of a proper petition for referendum on the new Charter; and

WHEREAS, Section 303 and Section 403 of the new Charter provide that the Mayor and each Councilmember may receive an annual salary as specified from time to time by an ordinance passed by the Council; and

WHEREAS, Section 303 and Section 403 of the new Charter state that an ordinance making any change in the annual salary paid to the Mayor or Councilmembers shall be adopted prior to the next City election, and shall take effect only as to the next succeeding Council; and

WHEREAS, a City election will be held on November 7, 1989 to elect a Mayor and Councilmembers and the new Council will assume office on the second Monday in November following their election; and

WHEREAS, the salaries of the Mayor and Council have not been increased since 1975 and are now substantially lower than the salaries of elected officials of jurisdictions of comparable size in the Washington, D.C. metropolitan area; and

WHEREAS, the Mayor and Council wish to correct this salary inequity for the benefit of succeeding Councils.

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

SECTION 1. The Mayor shall receive an annual salary of Five Thousand five Hundred Dollars (\$ 5,500.00), payable bi-weekly.

SECTION 2. Each Councilmember shall receive an annual salary of Four Thousand Dollars (\$4,000.00), payable bi-weekly.

SECTION 3. The annual salaries specified in this ordinance shall take effect beginning with the members of the Council who assume office on November 20, 1989 following the City election on November 7, 1989.

SECTION 4. This ordinance shall take effect on the effective date of Charter Resolution No. 89- 79, passed September 11, 1989, adopting a new Charter for the City of Takoma Park; provided, however, that if the new Charter does not go into effect on October 31, 1989, then this ordinance shall be null and void.

Adopted this _____ day of _____, 1989 by roll call vote as follows:

Aye:
Nay:
Abstained:
Absent:

Salary.ord
tp#8/cp

Introduced by: Councilmember Douglas

1st Reading: 10/16/89

2nd Reading:

ORDINANCE No. _____

To amend the 1972 Takoma Park Code, Chapter 13, Article 7, Section 13-63.1, Permit Parking Areas, to include the issuance of visitor parking permits under certain conditions

SECTION 1: Chapter 13, Article 7, Section 13-63.1, Permit Parking Areas, of the 1972 Takoma Park Code is amended as follows:

Sec. 13-63.1. Parking permit areas.

(a) The ~~Mayor and~~ Council finds that the health, safety and welfare of many residents of the city are adversely affected by burdens placed on residents by virtue of the existence of major public facilities and programs. Frequently, the use of streets within residential areas for the parking of vehicles by persons using adjacent commercial, industrial, educational and transit areas and other areas, facilities and programs emanating from planning, zoning and other decisions by government results in hazardous traffic conditions, the overburdening of existing streets, roads and other facilities, air and noise pollution, and the inability of residents of certain areas to obtain adequate parking adjacent to or close by their places of residence and to secure ease of access to their places of residence. In order to reduce to the extent possible the aforementioned conditions, to foster the use of mass transit facilities and to promote the safety, peace, good order, comfort, convenience, health and welfare of the residents of the city, the ~~Mayor and~~ Council deems it essential that the parking permit authorization provided for in this section be enacted.

(b) The City Administrator is hereby authorized to recommend to the ~~Mayor and~~ Council, roads, streets and other areas within the city in which the parking of vehicles may be restricted, in whole or in part, during certain specified times, to holders of valid parking permits issued pursuant to this section. The City Administrator shall consider the institution of a parking permit system upon petition by the residents of a given area. The authority granted herein shall be in addition to and may be exercised in conjunction with any other authority the City Administrator may have to recommend times and conditions of motor vehicle parking.

(c) The designation of a parking permit area shall take into

account, among other things:

(1) The effect on the safety of residents of the area under consideration from intensive use by nonresidents for parking of vehicles.

(2) The need of the residents of the area to obtain adequate onstreet parking adjacent to or close by their places of residence.

(3) The difficulty or inability of residents of the area to secure adequate on-street parking adjacent to or close by their places of residence because of widespread use of available parking spaces in that area by nonresident transient motorists.

(4) The impact of major public facilities and programs on the health, safety and welfare of the residents of the area and any unreasonable burdens placed on those residents in securing adequate on-street parking and gaining access to their places of residence by virtue of such facilities and programs.

(5) The likelihood of alleviating, by use of a parking permit system, any problem of nonavailability of residential parking spaces.

(6) The desire of the residents in the area for the institution of a parking permit system and the willingness of those residents to bear the administrative costs incidental to the issuance of permits authorized by this section.

(7) The fact that the residents of a contemplated parking permit area have contributed to the cost of construction and/or improvement of streets and roads in such area either by the direct assessment of costs or indirectly to the extent such costs are reflected in purchase or rental prices paid by those residents.

(8) The need for some parking spaces to be available in the area under consideration for use by visitors and the general public.

(9) Such other factors as shall be deemed relevant.

(d) In order to determine whether a particular area or location should be designated as a parking permit area, the ~~Mayor and~~ Council, upon receipt of a certified petition requesting the designation or withdrawal of a parking permit area, shall conduct a public hearing prior to such designation or prior to the withdrawal of such designation once it is established, at which time any interested person shall be entitled to appear and be heard. Such hearing shall be held only after due notice has been published in a newspaper of general circulation throughout Montgomery and Prince George's Counties. The notice shall clearly state the purpose of the hearing, the exact location and boundaries of the parking permit area under

consideration, and the reasons why such area is being proposed for designation or withdrawal of designation as a parking permit area and the proposed parking permit fee that would be charged. In addition to the published notice, a similar notification shall be prominently posted within the area under consideration for designation as a parking permit area.

(e) Within thirty (30) days after the close of the record of the public hearing, the ~~Mayor and Council~~ shall decide, based on the record of that meeting, whether or not to designate the area under consideration as a parking permit area or to remove the designation in the case of an established parking permit area. The decision of the ~~Mayor and Council~~ shall be publicly announced in the same manner as the announcement of the hearing.

(f) Following the designation of a parking permit area, the City Administrator or the City Administrator's designee shall issue appropriate parking permits and shall cause parking signs to be posted in the area, indicating the times, locations and conditions under which parking shall be by permit only. Permits shall be issued only to persons residing on property immediately adjacent to a street or road within the parking permit area. A permit shall remain valid for such time as the holder thereof continues to reside in the area and during the period for which the permit is issued. Permits may be transferred only in accordance with procedures to be established in writing by the City Administrator.

(g) Subject to any regulations prepared by the City Administrator under paragraph (h) of this section, each holder of a residential parking permit shall be entitled to no more than two (2) visitor parking permits. Visitor parking permits shall be issued under the same terms and conditions as the residential parking permit, except that such visitor parking permits will only be valid if used within 500 feet of the address for which the residential parking permit is issued. Nothing in this provision shall prevent the City Administrator or his designee from issuing temporary visitor ^{permits} ~~passes~~ in accordance with regulations developed under paragraph (h) of this section.

~~(g) (h) The City Administrator is authorized to prepare, after due notice and opportunity for interested parties to be heard, written regulations, in accordance with Ordinance 1989-32, adopted September 11, 1989, to implement the provisions of this section, for action by the Mayor and Council.~~

~~(h)~~ (i) The City Administrator is authorized to recommend to the ~~Mayor and Council~~ a parking permit fee for permits to be issued pursuant to this section in an amount sufficient to pay the costs incidental to the issuance of permits authorized by this section. The permit fee shall become effective upon the affirmative action of the ~~Mayor and Council~~.

~~(i)~~ (j) A violation of this section is a Class C offense.

(k) Misuse of visitor parking permits may result in revocation of such permits by the City Administrator.

SECTION 2: Notice of the pertinent parts of this ordinance shall be given in the December 1989 *City Newsletter* and upon issuance or renewal of residential parking permits after the date of enactment.

SECTION 3: The provisions of section 1 of this ordinance shall be effective December 4, 1989.

NOTE: Deletions to existing language are shown by ~~striketru~~; additions to existing language are shown by underlining.

Aye:

Nay:

Abstain:

Absent:

Introduced by: Councilmember Hamilton

Adopted: 10-16-89
(Single Reading)

ORDINANCE NO. 1989-36

An Ordinance to Reroof the
Public Works Administrative and Parks Buildings

WHEREAS, The Fiscal Year 90 City Budget earmarked \$21,000 in the Capital Budget for the reroofing of two Public Works buildings; AND

WHEREAS, in accordance with City procurement procedures, bids were solicited from 21 qualified contractors on the bidders list, advertised in one newspaper, and the Dodge report; AND

WHEREAS, That bids were publicly opened at 2:00 p.m., October 4, 1989 and the following bids were received:

<u>FIRM</u>	<u>TOTAL (BASE & ADDITIVE #1)</u>
AGMILU, INC.	\$36,409
J.E. WOODS, INC.	\$26,359
UNIROOF, INC.	\$30,278
J & R ROOFING, INC.	\$38,797

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

SECTION 1: That the low bid of \$26,359 from J.E. Wood, Inc. is hereby accepted; AND

SECTION 2: That funds to cover this purchase in the amount of TWENTY SIX THOUSAND THREE HUNDRED FIFTY NINE (\$26,359.00) be charged to the Capital Expenditures Account, 9100-8001.

Adopted this 16th day of October 1989.

AYE: d'Eustachio, Douglas, Hamilton, Leary, Sharp

NAY: None

ABSTAIN: None

ABSENT: Elrich, Martin (for Vote)

Introduced By: Councilmember Leary

ADOPTED: OCTOBER 16, 1989

Resolution No. 1989-94

WHEREAS, the Final Draft Amendment to the Georgetown Branch Master Plan, prepared by the Maryland-National Capital Park and Planning Commission, recommends implementing a trolley and hiker/biker trail along the abandoned CSX heavy rail line between Silver Spring and Bethesda; AND

WHEREAS, there is an urgent need to relieve traffic congestion in the Silver Spring-Bethesda corridor by providing additional public transportation; AND

WHEREAS, there is an equally important need to provide formal and safe pedestrian and bicycle access between neighborhoods in the down-county area; AND

WHEREAS, the proposed trolley would offer an alternative to automobile commuting between Takoma Park and Bethesda as well as augmenting employment opportunities for Takoma Park residents in Bethesda; AND

WHEREAS, the State of Maryland has made a commitment to assume a substantial portion of the construction costs; AND

WHEREAS, according to the Plan, "the trolley/trail will not alter the cohesion, integrity, or stability of the neighborhoods."

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND endorse the Final Draft Amendment to the Georgetown Master Plan to implement a trolley and hiker/biker trail between Silver Spring and Bethesda.

BE IT FURTHER RESOLVED THAT the Mayor and Council are opposed to use of the implementation of the trolley line to justify any increased development in further revisions to plans for the affected areas.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate Montgomery County authorities.

ADOPTED THIS 16th DAY OF OCTOBER, 1989.

zonsubl
georgebr.res

Introduced by: Councilmember Martin

RESOLUTION NO. 1989-95

OF THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND TO SUPPORT
THE PRINCE GEORGE'S COUNTY WOODLAND
CONSERVATION AND TREE PRESERVATION POLICY DOCUMENT
AND
PRINCE GEORGE'S COUNTY COUNCIL BILLS
73-1989, 74-1989 AND 75-1989

- WHEREAS, the Prince George's County Council, in CR-93-1987 adopted a policy to encourage greater sensitivity to neighborhood appearance and overall community design among all participants in land development activities in Prince George's County; AND
- WHEREAS, as a result of CR-93-1987 a program was designed to enhance the quality of future development through legislation to improve the County's design and development standards and to improve the County's land development/design review process and procedures; AND
- WHEREAS, one of the objectives enunciated by the County Council in CR-93-1987 was to preserve existing trees as desirable features and design elements within new developments and incorporate tree preservation as a design principle at the outset of overall development planning; AND
- WHEREAS, the County Council established this objective notwithstanding that it may affect the density or intensity of development; AND
- WHEREAS, as a result of the County Council's action the Woodland Conservation and Tree Preservation Policy Document was generated; AND
- WHEREAS, the County Executive has proposed legislation, Council Bills 73-1989, 74-1989 and 75-1989, to adopt and implement the above-referenced document; AND
- WHEREAS, the legislation is before the Prince George's County Council; AND
- WHEREAS, it is the sense of the City Council that the adoption and implementation of the Woodland Conservation and Tree Preservation Policy Document would greatly enhance the appearance of the City and Prince George's County and enhance the quality of life throughout the County.
- NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Takoma Park, Maryland:

That the City publicly states its support for the Prince George's County Council's adoption and implementation of the Woodland Conservation and Tree Preservation Policy Document through the enactment of Council Bills 73-1989, 74-1989 and 75-1989.

Adopted this 16th day of October, 1989.

ATTEST:

BY AUTHORIZATION OF THE CITY
COUNCIL OF TAKOMA PARK, MARYLAND

James S. Wilson, Jr
City Administrator

By: _____
Stephen J. Del Giudice
Mayor

Introduced By: Councilmember Hamilton

Drafted By: V. VinCola

Adopted: October 16, 1989

Resolution No. 1989 - 96

A Resolution appointing nominees to the Community Development Block Grant (CDBG) Advisory Committee of Prince George's County for CDBG Program Year 16.

WHEREAS, Prince George's County is forming a Community Development Advisory Committee (CDAC) to advise the county on how best to spend funds received from the federal Community Development Block Grant (CDBG) Program during program year 16; AND

WHEREAS, the City of Takoma Park participates in the Prince George's County CDBG program and has an interest in how these federal funds are spent in the county; AND

WHEREAS, the county has customarily appointed representatives of the City of Takoma Park nominated by the Takoma Park

Mayor and Council to serve on the county's CDAC;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND, THAT the following individuals are hereby nominated to serve on the Community Development Advisory

Committee for Prince George's County:

Councilmember Paul d'Eustachio (Primary Representative)
6611 Alleheny Avenue
Takoma Park, Maryland 20912

Valerie VinCola (Alternate Representative)
Community Development Coordinator
7500 Maple Avenue
Takoma Park, Maryland 20912

BE IT FURTHER RESOLVED THAT copies of this resolution be transmitted to the County Executive of Prince George's County with a request that these nominees be appointed to the county's CDAC.

ADOPTED THIS 16th DAY OF October, 1989

RESOLUTION #1989-97

IN SUPPORT OF RED RIBBON WEEK - OCTOBER 22-29, 1989

WHEREAS, Alcohol and other drug abuse in this nation has reached epidemic stages, and the 15-24 year old age group is dying at a faster rate than any other age group; AND

WHEREAS, it is imperative that visible, unified prevention education efforts by community members be launched to reduce the demand for drugs; AND

WHEREAS, the National Federation of Parents for Drug Free Youth and the Prince George's County Executive's Office are sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug free lifestyles; AND

WHEREAS, business, government, law enforcement, school, religious institutions, service organizations, youth, physicians, senior citizens, military, sports teams, and individuals will demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week-long campaign; AND

WHEREAS, the community of Takoma Park, Maryland further commits its resources to ensure the success of the Red Ribbon Campaign, AND

WHEREAS, Takoma Park Recreation's Youth Outreach Program is sponsoring "Drug Awareness Night" on Wednesday October 25, 1989 and has scheduled a concert featuring "d c Motors" and a rally to encourage our youths to "Choose to be Drug Free"; AND

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF TAKOMA PARK does hereby support October 22-29, 1989, as Red Ribbon Week, and encourages its citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug free community.

BE IT FURTHER RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND encourages all citizens to pledge; My Choice . . . Drug Free; AND

BE IT FURTHER RESOLVED THAT the City Administrator is directed to send a copy of this Official Resolution to the State Red Ribbon Coordinator for Montgomery County, Carol Giannini; and for Prince George's County, Ms. Gwenda McClain.

ATTEST:

Stephen J. Del Giudice
Mayor

James S. Wilson, Jr.
City Administrator

Introduced by: Councilmember Hamilton

RESOLUTION #1989-98

OFFICIAL WELCOME TO THE NATIONAL CARAVAN FOR
THE HUMAN AND CIVIL RIGHTS OF SALVADORANS

- WHEREAS, the Salvadoran Refugee Caravan is travelling through the United States to publicize the plight of the refugees in the U. S. and the Civil War in El Salvador which they have fled; AND
- WHEREAS, Casa de Maryland and Takoma Park - Santa Marta Companion Cities Project will host the National Caravan for the Human and Civil Rights of Salvadorans as they arrive; AND
- WHEREAS, on October 26, 1989, the National Caravan will arrive in Takoma Park, concluding a 5-week, 50-City tour; AND
- WHEREAS, The National Caravan promotes the civil and human rights of Salvadorans, an end to U. S. war-related aid, a politically negotiated solution to the conflict in El Salvador, and has pledged to raise funds to support the refugee's efforts--half of the funds will go to Takoma Park's Companion City, Santa Marta.
- NOW THEREFORE BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland as the Companion City of Santa Marta, hereby offer this Official Resolution of Welcome to the National Caravan.

Dated this 16th day of October, 1989

Introduced by: Councilmember d'Eustachio

RESOLUTION #1989-99

WHEREAS, that there currently exists a vacancy for a representative on the City's Commission on Landlord-Tenant Affairs that needs to be filled; AND

WHEREAS, Ms. Paula Johnson has made application to serve on the Commission.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, does hereby appoint to the vacant seat on the Commission on Landlord-Tenant Affairs:

Paula C. Johnson

BE IT FURTHER RESOLVED, THAT this appointment is effective immediately and will expire on June 30, 1992.

Adopted this 16th day of October, 1989.

Introduced by: Councilmember Hamilton

RESOLUTION NO. 1989-100

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

SECTION 1: THAT the Public Works Department has determined that the below list of equipment is beyond its useful life and economically should not be repaired or overhauled.

<u>MAKE & MODEL</u>	<u>MILEAGE</u>	<u>SERIAL NUMBER</u>
1981 Chevy Station Wagon	71,056	1G1AT35H5BD496560
1968 Int'l 1700 Truck	103,882	4160708788488
1974 Ford F600 Dump Truck	142,356	F61DVU60655
1979 E150 Ford Van	54,512	E0413HEH0923
1968 Ford Dump Truck	131,137	F60DVAG2575
1967 Ford Dump Truck	144,916	F61BEA57500

SECTION 2: THAT the accumulated equipment takes up valuable space within the Public Works compound; AND

SECTION 3: THAT this equipment may have resale value; AND

SECTION 4: THAT the attached equipment listing be disposed of by the Public Works Director or designated representative.

Dated this 16th day of October 1989.

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
October 30, 1989

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember d'Eustachio	Deputy City Clerk Jewell
Councilmember Douglas	Cable Coordinator Smith
Councilmember Elrich	Housing Services Director Weiss
Councilmember Hamilton	Public Works Director Giancola
Councilmember Leary	Asst. Corp. Counsel Perlman
Councilmember Martin	
Councilmember Sharp	

The Mayor and City Council convened at 8:05 P.M. on Monday, October 30, 1989 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Councilmember Douglas moved approval of the September 11, 1989 Regular Session Minutes, as written, duly seconded by Councilmember Hamilton. Those Minutes had been previously tabled at the 10/16/89 meeting, due to some distributed copies being incomplete. The 9/11/89 Minutes, as written, were approved by unanimous vote.

MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS:

The Mayor thanked the Recreation and Public Works Departments for all the work and effort they had put forth in planning, setting up and conducting the City's annual Hallowe'en festivities which were presently going on in the rear Library parking lot.

He encouraged that citizens come out on November 7 and vote in the City Election, noting that the present meeting was the last regular session that would be held prior to election. On November 6, however, the elected body would meet in Special Session to vote on the proposal to include the Historic District in the Montgomery County Master Plan for Historic Preservation.

The Mayor noted packet material that had been distributed regarding a hearing planned by County Councilmember Adams regarding Cable TV Montgomery. He said the City had attempted on a number of occasions to get Montgomery County TV and MTV to follow through on their commitment to build a down-county access facility, which had been promised from the very inception of the county cable system and had yet to see the light of day. He said he would suggest that staff, under Mr. Wilson's signature, again raise that question with Mr. Adams and the appropriate committee. He said the County Executive's Office had recently pointed out that the problem was primarily in the hands of Montgomery Television; however, it may be advisable to make the problem more directly known to the County Council committee.

Cable Coordinator Smith related that he had recently corresponded with MTV on the issue; he said the response he had gotten was not very definitive at all, however, he did not believe they had any intention of building a down-county access center -- did not think it was any longer in their plans at all.

In light of that, the Mayor said he thought it even more imperative that the County Council, who controls MTV's budget, be made aware that the City was very dissatisfied with MTV's response to queries about the access center; that not building it (or even planning to build it) would be a breach of the franchise agreement; the lack of community access had forced Takoma Park Community Television to assume more responsibility for down-county access and that was a burden the City did not appreciate. He noted that when the City entered into the franchise agreement, there was a recommendation for a down-county access facility; the City had counted on that inasmuch as it would provide studio facilities not only for the City and its community, but also for Silver Spring and other down-county areas. He said he thought that a letter on the subject would be sufficient and asked that that be drafted by staff. Mr. Smith said he would also like to submit an informational packet to the County Council committee -- staff had just about exhausted what could be done at their level, and

he thought it might be of assistance to take it to the political level. The Mayor noted that when the county completed negotiations with the present provider, specific representations were made, and it was indicated in the documentation that MTV would move forward with a down-county access facility; that was now 2 years old and there had been no indication of any intention to follow through on that commitment. Mr. Smith commented he was not certain the county could force MTV to build the access facility without furnishing them additional monies to do so, however, he said one approach might be to press the county to provide the City funds to operate the access center they are currently operating in lieu of the facility MTV had promised to provide. The Mayor commented that raised a much larger question and there was a limit to the facilities the City had available to properly provide and operate such a service.

The Mayor noted that the City's new Charter would become effective the next day's date, October 31, the time for citizen petition having passed; legal notice requirements had been satisfied, and the new Charter would be going into effect. He said he would again like to thank and congratulate those citizens who had served on the Charter Review Committee, as well as Councilmembers who had thoroughly reviewed the document as it was proposed and moved forward.

Councilmember Sharp noted publication in the Takoma Voice of a recent statement made by a candidate running in the City Election regarding City policy on bidding out contracts. He said there was a claim made about City policy regarding a weighted evaluation based on women- or minority-owned businesses, and he would like for the Assistant City Administrator to address that claim. Ms. Habada explained that what was referred to was a City contract, but funding was through the two counties and WSSC for the stormwater survey of the City's system within its boundaries. She said there was a committee that operated to review all bid documents, RFP's and proposals received, and the criteria did include minority participation. The contract was something of an unusual situation, however, in that it was being paid for by WSSC and the counties, all of which have a minority business program which promotes including minority businesses in the possibility of doing business in local government. It was not a City process in terms of the requirements that were laid out, the process was not something that is included in currently existing City procurement guidelines, but was more reflective of the participants involved and their requirements for minority business participation.

ITEMS FOR COUNCIL ACTION:

1. Second Reading of Election Procedures Ordinance.

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Hamilton. The Mayor noted that the draft provided contained some changes effected subsequent to acceptance for First Reading; he noted the need to formally pass those indicated amendments. Councilmember Douglas moved passage of the amendments, duly seconded by Councilmember Hamilton. The amendments were passed by unanimous vote. Councilmember Douglas noted he had raised a question with the City Administrator's Office the previous week regarding whether an organization that performed primarily an educational function would be covered under the definition of a political committee. He said he understood it was Corporation Counsel's opinion that such a body would be covered by the definition. Assistant Corporation Perlman said she did not believe that, if the organization's function were purely educational, it would fall within the definition because as written, a group would have to promote either the success or defeat of either a candidate or some issue. If it were purely educational, e.g., the League of Women Voters, were purely neutral and served an educational purpose, it would not be covered by the reporting requirements.

The Mayor noted that a Candidate's Forum was scheduled for the upcoming Sunday evening, sponsored by a number of groups, i.e., the Takoma Foundation, the Takoma Voice, and the City's Cable channel which would be covering the event and, in a sense, sponsoring it. He asked whether those groups' involvement in the forum would be considered neutral and educational or would render them subject to the reporting requirements. Ms. Perlman said she did not think the groups' participation in the forum would cause them to be considered

as a political organization -- they would be covered in Section 4D-6. of the legislation under "person" -- their advertisements for the forum would have to bear their organizational names and, if it were paid for, would have to state that it was done under their authority. But they would not be subject to the campaign report requirements of Section 4D-7. because they were not per se a political committee, but more an educational group. Any advertisements put out should bear the name of the organization sponsoring the forum. Councilmember Sharp noted that while there was an organization name on advertisements, it appeared to him there was a further requirement that there also be the name of an individual person. Ms. Perlman said in this sort of situation, she thought "person" would include an organization. Mr. Douglas noted reference in the legislation to paid political advertisements and inquired whether the situation at hand involved payment. Ms. Perlman said she was not sure about that, but presumed the group had to pay some money for printing of the advertisements. She noted political matter was defined in Section 4D-2.(h) and said she thought the definition would apply to the advertisements -- even if the forum was educational. Ms. Perlman said the Council might want to clarify the language of the section to include organizations and suggested adding under Section 4D-6., in the language reading ..."unless such political matter includes the name of the person or organization responsible for the publication or distribution of the same"... She reiterated, responding to query from Councilmember Sharp, that she would consider an organization such as that sponsoring and conducting the forum to be included within the definition of "person". Responding to query regarding "person" not being included in Section 4D-7., she pointed out it was not the intent to require anyone other than candidates or political committees to file campaign reports. She affirmed, responding to Councilmember Douglas, that her intent and her reading of the legislation was that organizations sponsoring educational non-partisan type activities were bound by the provisions of identification on materials, but not regarding reporting, etc. Mr. Sharp noted the language of 4D-6. referred to "person, candidate, or political committee" and said from the discussion, it would be his understanding that The Takoma Foundation could then be listed as the person responsible for printing, publication, etc., of the advertisements; Ms. Perlman affirmed that was so, and if it were desirable to further clarify the language, then or organization should be added as she had suggested. As a further step, Mr. Sharp said it would appear then that a group of citizens for a particular candidate would not have to list a particular individual as a responsible person on their political matter. It was affirmed that such political matter was required to bear language stating, for instance, "by authority of Citizens for Jane Doe" rather than "by authority of Citizens for Jane Doe; John Doe, Treasurer". Regarding whether that satisfied requirements of the existing Charter, Ms. Perlman said that Charter required in essence that someone's name be on such material. In the course of ensuing discussion, Councilmember Leary inquired what the problem would be in having organizations such as the Takoma Foundation list an individual member's name in connection with its sponsorship; the Mayor said he saw no problem with that henceforth; however, the present need had been to clarify where that group fell in terms of the ordinance. He said in future he thought perhaps Mr. Leary's suggestion would be the best approach. He said he would not wish to exempt non-partisan educational groups out of the requirements because sometimes there was a thin line between those groups that took positions on issues and it might become a loophole through which lobbying or issue-oriented groups could evade the law. Ms. Perlman noted it needed to be clarified whether to state that an individual's name would be required or whether a group name was sufficient. In the course of the continuing discussion, Councilmember d'Eustachio commented he agreed with comments voiced by Mr. Sharp to the effect that the intent of the whole process was so that literature would be identifiable as to who or what organization had issued it so that anonymous charges would not be floating around.

Mr. Sharp referred to Section 4D-12., Instruction and Assistance in Voting, subsection (b); he asked why specifically the employer or employer's candidate or agent, and not other persons (e.g., the voter's landlord or other potentially coercive persons), was restricted from assisting a voter requiring assistance. Ms. Perlman said while she did not have all the pertinent material with her, she thought she

had taken the essence of that language from the Maryland State Code, Article 33, Section 16-2; however, she said municipal elections were not covered, so if it were deemed desirable to specifically exclude others that should pose no problem. Councilmember Sharp moved to amend Section 4D-12.(b) by striking from it the words [the voter's employer or] and [employer or]. The section would then read Any voter who requires assistance to vote by reason of blindness, disability, or inability to read the English language or write may be given assistance by a person of the voter's choice, not to include any candidate or agent of that candidate. The motion was duly seconded. Ms. Perlman pointed out that same language appeared in other sections of the legislation and would need to be addressed; the Mayor affirmed it would be deleted uniformly throughout the ordinance wherever it appeared in the same context and reference. The motion to amend carried with Councilmember Elrich voting Nay, balance of Council voting Aye.

A brief discussion occurred regarding certification of the election results and when that would take place. It was noted that the Judges of Election would meet as a Board on the day following the election and determine the results and would thereafter certify the results to the Council. It was suggested those results might be certified to the Mayor and Council on November 8, at which time they would be convening in Special Session.

The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin and Sharp; NAY: None.

ORDINANCE #1989-39
(attached)

The Mayor thanked Ms. Perlman for the amount of work she had put into redrafting of the Elections Ordinance.

2. Second Reading of an Ordinance Re Residential Parking Permit Program.

Councilmember Douglas moved adoption of the ordinance, duly seconded by Councilmember d'Eustachio. It was noted the draft reflected amendments that had been discussed in worksession; Councilmember Douglas moved passage of the indicated amendments, duly seconded by Councilmember d'Eustachio. Mr. Douglas briefly enumerated the amendments, noting that in section (g) the word permanent had been added in order to clarify and make a distinction between the visitor permits being addressed and any temporary ones that might be issued under the City Administrator's regulations. He said the previous section (k) had been somewhat vague and unclear and he had rewritten it to indicate that violations of the City Administrator's written regulations might result in revocation of permits; however, he said just how that would work had been left up to the City Administrator's regulations.

The amendments carried by unanimous vote. Mr. Douglas noted some things that had been discussed in worksession that he felt would be appropriate to go on the record and which the City Administrator could consider in writing the regulations. He said he believed Council consensus was that visitor parking permits were not for sale, for lease or for rent; temporary permits for things such as parties and events were acceptable and desirable and should be made available, and some sort of mechanism should be considered for making those same sort of temporary visitor permits available for people wishing to use public facilities in residential parking zones. Councilmember Martin reminded that such temporary permits should also be made available for residents of other parts of the city wishing to visit places within the permit area such as Jequie Park, the Siegler property, etc.; she said she'd also like to see their availability advertised in the Newsletter so people would be made aware. Regarding the Siegler property, the Mayor commented he thought there were a few spaces near Maple Avenue that were not generally heavily used by residents, were used to some extent by people attending activities at the church; in addition to making temporary parking permits available, perhaps freeing up a couple of spaces for people living in other parts of town should be looked at. He said it might be helpful to put some sort of short-term parking restrictions in place there.

Ms. Martin suggested setting forth some timeframe within which the City Administrator would have to have the regulations completed. The Mayor pointed out that under the Administrative Regulations Ordinance that was in place, there was a regulated process and that would require a 45-day period for effective implementation. He said inasmuch as a change in the elected body would very soon be occurring and would impose a number of time requirements on Mr. Wilson and others, he would suggest that no mandate be set but that it be requested that the regulations be brought forward within a reasonable period of time to the successive elected body. Councilmember Douglas pointed out that there was an existing set of Permit Parking Regulations; it would really be a matter of updating those rather than starting from scratch.

The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin and Sharp; NAY: None.

ORDINANCE #1989-40
(attached)

3. Second Reading of an Ordinance to Raise Mayor and Council Salaries.

Councilmember Martin moved adoption of the ordinance, duly seconded by Councilmember Hamilton. The Mayor reminded of his expressed reluctance/concern at the 10/16/89 meeting regarding the proposed raising of the salaries to \$4,000 for Councilmembers and \$5,500 for the Mayor. He said while he recognized that previously-proposed figures (\$4,800 and \$3,600 respectively) that were discussed in worksession were not significantly less, he still felt them to be more appropriate figures at the present time; they would be more in line with salaries of neighboring jurisdictions similar to Takoma Park, perhaps with the exception of Greenbelt -- who had a larger commercial base. He said the Mayor there makes \$6,000 and the Councilmembers make \$5,000. He said there were a number of communities that have better economic bases than Takoma Park's, and their elected officials would not enjoy the salary figures being proposed in the ordinance; however, they may not be as full service cities as Takoma Park and the elected officials may not have to deal with as many problems for that reason. However, he said he felt it would be appropriate that the salaries be raised to a level lesser than that proposed in the ordinance at hand, despite there having been no increase since 1976. The Mayor said he would suggest that raising the salaries to \$4,800 and \$3,600 would bring them more into line with other jurisdictions and would make up in some degree for the delay in effecting an increase which would have allowed the salaries to rise more gradually. For those reasons, he said he would ask that a member of the Council move to amend the ordinance to set forth the salaries as \$4,800 for the Mayor and \$3,600 for members of the Council. Councilmember d'Eustachio so moved, duly seconded by Councilmember Leary.

In the course of ensuing discussion, Ms. Martin pointed out that a number of the municipalities with which Takoma Park was comparing themselves had not had any increase in their salaries for about 10 years -- one of them was Hyattsville. She said the salaries were voted on by the citizens at a referendum and perhaps they needed to be made aware that their Councilmembers should possibly be making more money than they were voting for them. She said she did not think what had been proposed in the ordinance was out of line with other cities in general.

Councilmember Douglas referred to a part of the discussion at the 10/16/89 meeting and Ms. Martin's rationale that when the number of Councilmembers was reduced in a couple of years to 6 rather than 7, the workload for Councilmembers would likely increase, etc., etc. He asked whether that was still part of her rationale for increasing the salaries to the level she had proposed. He asked whether she felt it

to be appropriate to raise the salaries to the proposed level, based on her rationale and given the present size of the Council, and actually in advance of any change occurring. Ms. Martin said she had thought about that, but knowing past practices of the Council and realizing citizens might question two salary increases within two years of each other, the difficulty the future Council might have in raising the salaries, she felt what was proposed was justifiable. She said she did not think the City would be hurt financially by paying the Council a bit more when they had been so poorly reimbursed in the past.

Councilmember Sharp inquired what Mayor Del Giudice envisioned regarding the Council's salary in two years; based on what had occurred in the past, he said what was decided upon now would probably be what future Councils would be paid into the 21st century. The Mayor said he would hope that would not be the case; the inflation rate during the past 13 years had been quite stiff. He said there were, in fact, two increases fairly close together in the 1970's -- one in 1973-74 and one in 1976-77. He said he suspected that at that time, there was intention to try to keep pace with salaries and review them in a more regular fashion and not let them fall behind -- however, that had not happened. He said he would personally prefer to see the salaries move forward in a more regular way; he believed that was one of the reasons the Charter was amended to allow the salaries to be changed by ordinance rather than requiring a Charter amendment to do so. He reiterated feeling more comfortable with the amounts he had suggested, and which would effectively bring the City's salaries for officials more into line with a majority of comparable jurisdictions.

Councilmember Hamilton remarked that the sole reason a lot of the Councilmembers had had an opportunity to address the issue was in connection with the Charter change. He said that provided the catalyst for a lot of members to favor dealing with it during that process because it was felt it might turn into a political issue or an election issue -- which had not happened. He said he felt what had been proposed was appropriate based on factors that had been addressed during the discussions and, additionally, not a single citizen had turned out to comment on the proposal either pro or con. He said as Mr. d'Eustachio had commented at an earlier meeting, raising the salaries would have no effect on the jobs the elected officials do while serving. He said one point that did come up during discussions was the idea of putting something to address the inflation rate into the ordinance; however, the decision was not to do that. Mr. Hamilton said the Council had gone through the process, had closely and carefully examined the situation, and he seriously doubted the next Council would take on the burden of repeating the process and raising salaries again.

The amendment passed with Councilmembers d'Eustachio, Douglas and Leary voting Aye; Councilmembers Elrich, Hamilton and Martin voting Nay; Councilmember Sharp Abstained. The Mayor voted to break the 3-3 tie, voting in the affirmative.

Councilmember Sharp referred to Corporation Counsel having raised a question regarding First Reading of the ordinance having occurred prior to effectiveness of the new Charter; he said he had not understood that it was resolved that Second Reading could also occur prior to effectiveness of the Charter. Mr. d'Eustachio pointed out the validity of the ordinance was contingent upon the new Charter becoming effective, and the advice from legal counsel was that such a contingent ordinance could be adopted.

For the record, Councilmember d'Eustachio reiterated his opposition to the ordinance; he said he thought Mr. Leary was very succinct in his statement on the subject at the October 16 meeting. He said he felt the arguments voiced and rationale put forth for raising the salaries fell short because quite simply, Councilmembers are not paid for the job they do. He said if someone ran for office because of the money, they should be thrown out of office for mental deficiency which could affect their capacity to serve. The fact was that Councilmembers do the job they do because for one reason or another they believe that they are making a contribution to their community; indexing that

contribution to inflation or raising what they get simply degrades and/or demeans the job that they do. He said he did not believe there was anyone on the elected body that would have run or not run based on the salary, regardless of what its amount was. The salary was basically an honorarium, a recognition that some out of pocket expenses are incurred in doing the job and was never intended to be actual compensation for the position and all it entails -- to look at it any other way was simply not right. He said he did not think it would be money well spent, but money inappropriately allocated to the body. He said he recognized there was a majority sentiment on the Council to raise the salaries, and probably the same was true of the citizenry; he did not claim to be representing his constituents in his present commentary because many of them had remarked to him in support of the salaries being raised. He said he realized the current amount was insignificant; on the other hand, what he was doing was being done as a volunteer and was not done for the salary. He said he would not want any confusion in the minds of anyone that what any members of the Council did was done for the compensation received -- it was done because they believe in what they are doing; the current salaries reflect that, and leaving them at the level they presently are would reflect that.

Councilmember Sharp commented that while there could be such a thing as paying too much for the work elected City officials do, he felt that \$1,800 was too little for the work done and the time expended in doing it; it made sense to raise the salaries. He said two years hence, he would be proposing that the salaries be increased -- the amount being discussed at present was appropriate and he thought it would be appropriate to increase the amount in two years. However, to state that elected officials are volunteers would lead to the conclusion that the appropriate thing to do would be to introduce legislation eliminating any salary whatsoever and reimbursing only actual expenses incurred.

Councilmember Martin said she did not consider Councilmembers to be volunteers. Prior to coming on the Council, she said she did a lot of volunteer work for the City; however, in that capacity, she selected what she wanted to do and could limit the amount of time she gave. However, Councilmembers not only had to spend considerable time in meetings, but had to read a voluminous amount of material -- much of which they would prefer not having to read. She said she thought the salary was compensation for Councilmembers keeping informed on and participating in those things they would prefer not having to address. She pointed out that County Councilmembers in Prince George's are paid on the order of \$40,000-\$45,000; what City Councilmembers do was not drastically different from what those officials do -- and in order to have a City government, there had to be a Mayor and Councilmembers. She said that, were it not for her husband caring for their baby while she was attending meetings, she would have to spend more for babysitters than the current salary would cover. She said she hoped the Council would increase the salaries again two years hence.

Councilmember Leary remarked he would not belabor the points he had made at the 10/16/89 meeting and which Mr. d'Eustachio had in essence voiced earlier; however, he said he was persuaded that the change in salaries would have no demonstrable effect whatsoever on the Council's performance, would not mean that they would do twice as much work because they were already doing essentially as much as was possible; nor would it have any effect on people volunteering to fill Council positions. Therefore, he said he did not think it necessary that the salaries be raised and there were other ways in which the money could be spent which he would favor, e.g., hiring an additional laborer for the Parks Department.

Councilmember Douglas commented he was very proud of the way in which the discussion of the issue had proceeded; it had not become a political issue nor had it been demagogic. He said in his discussions with constituents regarding the proposal, comments received had been very supportive in general. He said he concurred with Mr. Leary that the raise would probably make no difference in what the Council does or how much work they do, but that seemed to assume that the current salary was appropriate and the salary was being raised in order to get more work out of people. Actually, the salary was 13 years outdated

and needed to be adjusted; the amounts proposed appeared appropriate. He said he agreed the issue should be addressed more frequently and he would be willing to listen to a proposal two years hence to raise it if that seemed to have merit. He said it might be appropriate for each Council to address the matter prior to a subsequent Council taking office.

The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers Douglas, Elrich, Hamilton, Martin and Sharp; NAY: Councilmembers d'Eustachio and Leary.

ORDINANCE #1989-41
(attached)

4. Petition to Permit Accessory Apartment at 7309 Holly Avenue. Councilmember Elrich moved that the Council support granting of the Special Exception, duly seconded by Councilmember Sharp. The Mayor noted receipt of a petition at the present meeting from the petitioner, Mr. Hur, which was signed by a number of neighbors; he said that would be entered into the record. In addition, receipt of a letter from Ms. Edith Holliday of Holly Avenue was noted and would be entered into the record. Ms. Habada pointed out two other communications on the subject had been received and the Deputy City Clerk would note those at a later point.

Housing Services Director Weiss noted this was a somewhat unusual Special Exception request in that it was for new construction of an accessory apartment rather than to legitimize one already built. She said DHS had taken earlier comments from the elected body concerning density in certain neighborhoods very seriously, including in addressing the request under consideration. She said the City Administrator was currently considering a proposal for a joint survey to be performed by DHS and DECD regarding density in certain communities, including number of people and vehicles, etc., and the capacity of those communities to handle the density so that better information would be available on which to base decisions and recommendations about accessory apartment requests, as well as Variance requests. Ms. Weiss noted the map attached to her report as the last page; she said the property in question was a part of the large lot in the 7300 block of Holly Avenue.

Councilmember Douglas commented he was pleased to hear of the proposal regarding the density issue that was pending before the City Administrator; he said it was something the Council had raised and essentially side-stepped a number of times and, particularly in the part of the city now being looked at, it was becoming a pressing issue. He said he would encourage the City Administrator's Office to take the proposal seriously and proceed on it without delay so that a handle could be gotten on the density issue. Mr. Douglas noted a letter and part of a packet of material had been received from a group of citizens who had raised a number of issues, one of which concerned what the implications would be if the main house were rented out temporarily or part-time. Ms. Weiss said that was not legally possible and pointed out that in material she had just distributed there was a copy of a letter from the property owner stating that he was aware of the law that would prohibit his renting out the main portion of the house if he had an accessory apartment. Mr. Douglas inquired whether the owner would be prohibited from having someone occupy the house, such as a housesitter who did not pay rent, if he were temporarily absent -- such as away on summer vacation. Ms. Weiss said the prohibition was that the structure could not be rented out. She pointed out, however, that in his letter, Mr. Hur had noted the possibility of family members occupying the accessory apartment at some future point in time; if that should occur, under the county's new residential living unit law, she believed Mr. Hur could then rent out the main portion of the home for a short period of time if he wished to do so. She said she had not seen the final form of that law, however, thought that what she had said was correct under its provisions.

Councilmember d'Eustachio said he could not concur with Ms. Weiss' interpretation of the residential living unit law and would not want the record to reflect the opinion she had voiced as the City's inter-

pretation. Following a brief dissertation, he said his intent was simply to put on record that the City did not anticipate that property owners and occupants of primary units having either an accessory apartment or a residential living unit would make a practice of renting out the primary unit. He said he would oppose an interpretation of the law that would permit that in general.

Ms. Weiss said that issue was still somewhat murky and she would be happy to request a written clarification of it from the county.

Councilmember Elrich moved to support granting of the Special Exception, duly seconded by Councilmember Sharp.

Deputy City Clerk Jewell noted receipt of two phone calls on the issue: one from Ruth Abbott who had expressed support for granting of the Special Exception and one from Steve Quick, representing Old Takoma Citizens' Association, who said that group had no position on the matter.

The petitioner, John Hur, said he wished to point out that the signers of the petition he had submitted at the present meeting for the record included all of his contiguous neighbors.

Councilmember Leary remarked he did have some misgivings about the application; he saw nothing to indicate that it would be a problem property, however, from experience all members of the elected body knew that expressions of opposition to such requests were extremely rare. He pointed out there was on record a letter of opposition from 4 different nearby property owners -- one of whom had recanted in one of the letters submitted at the present meeting; however, the other 3 had not. He said the major argument that could be made was that the elected body had so little objective basis for evaluating the situation regarding density. He said that if the escalating number of approved applications in the particular neighborhood did not constitute a problem in terms of density, then he did not know what ever would -- perhaps the one at hand would be the absolute limit. Given the potential problem in this particular area of the city, and given the fact that some residents had expressed opposition, he said he did not think the Council should forward an endorsement of the application to the county; at the very least, no position should be taken, and if possible, it should be asked that the record be left so that if the City could get some results from the density study in a timely manner and it suggested that the request at hand would constitute excessive density, then the City could forward an appropriate recommendation with some sound basis. Responding to query from Councilmember Sharp, he affirmed he would like for the City to take no position on the issue. He said he did think density was a problem -- whether it was with this particular proposed accessory apartment or not -- there was no good basis for knowing which particular application would tip the balance. He said there were presently no objective guidelines for addressing density and there might never be any that were totally satisfactory to everyone, but he did think in the particular neighborhood where this property was located, the closest thing to what could qualify as being an excessive number of accessory apartments existed. For that reason, Mr. Leary said he would have to be cautious about endorsing an additional one.

Councilmember Douglas remarked he shared Mr. Leary's concern regarding density and thought it timely that DHS was taking steps to address the issue. He said if there were another application for a unit up at the corner near Tulip Avenue, he would be very concerned because that area was very dense and the parking situation was so bad; however, at the location of the house where this application was, the situation was somewhat better. Regarding the parking issue, he said he was a little concerned about the applicant's comment that there were parking spaces around the corner if not on the street -- that might present problems for someone carrying a load of groceries, etc. He said he would have no problem taking no position, but would not object to endorsing it either, but would want to have some formal criteria for assessing density prior to addressing any additional accessory apartment applications located on Holly Avenue or the nearby part of Tulip Avenue.

Mr. Hur, the petitioner, commented that to his knowledge, the accessory apartment at the corner of Holly and Tulip and indicated on the map attached to DHS's report was actually a large house that was in the process of being renovated for single-family use only. He said there were once 2 apartments there, but they are no longer in existence. Mr. Leary remarked he thought that was correct. Mr. Hur said he could not envision circumstances that would require anyone from his address to park around the corner on Dogwood; parking was not generally congested and he had counted 7 empty spaces, including 1 right in front of his house, earlier in the evening prior to the meeting. Rounding the corner onto Dogwood, there were about 14 empty spaces available on that street. So, parking should present no problem. He noted there were three vacant lots on the street and it did not appear that two could be built on because of a subterranean stream.

The Mayor noted that the motion on the floor was to adopt staff's recommendation of approval with certain conditions as set forth in staff's report dated October 27, 1989. The motion carried with Councilmember Leary voting Nay, balance of Council voting Aye.

The Mayor thanked the petitioners for attending and making themselves available. He said the City's recommendation would be forwarded to the appropriate county authorities.

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Mayor Del Giudice acknowledged and welcomed Mr. Robert Holland, a relative through marriage of former Councilmember Carl Iddings and who was visiting the Iddings family. He noted Mr. Holland was from Coventry, England, was a councilmember in his town, a member of the Labor Party there, and had told him that the issue of salaries for elected officials was a hot one there also. The Mayor said he hoped Mr. Holland and his wife would very much enjoy their visit and would come back again.

5. First Reading of Fiscal Year 1990 Budget Amendment Ordinance.
Councilmember Douglas moved acceptance for First Reading, duly seconded by Councilmember Hamilton. Ms. Habada noted that in light of the elected body's vote regarding Mayor and Council salaries, the pertinent numbers under Revenue Amendments and Expenditure Amendments in the ordinance would need to be changed; consensus was those could be calculated out accurately and the amendment effected at Second Reading. Public Works Director Giancola pointed out that the amount for the fencing replacement on Philadelphia Avenue, having earlier been estimated at \$5,100, should properly read \$5,560 based on accurate measurements he had taken of the fenceline. Councilmember Sharp noted the stated intent was to appropriate the speed hump money from Capital Reserve; he asked what that was. Ms. Habada explained that, given enactment of the new Charter, the present budget cycle was the last time there would be a Capital Reserve which had been called for in the old Charter. She said there was about \$70,000 appropriated for that account for the current fiscal year; she assumed when the next fiscal year commenced, if the entire amount had not been expended, the elected body would roll what remained over into some other sort of fund. Brief discussion ensued concerning the fact that the \$5,560 for fencing would not only replace the existing fence but extend it as had been previously discussed but not finally decided upon, as well installing some ramps which it was decided in worksession not to proceed with until some further decisions were made. Mr. Douglas noted \$2,700 was for replacing the existing fence, the rest for the ramps. He said he would move to fill in the blank in item d. under Revenue Amendments with the figure of \$2,700; Mr. Sharp duly seconded the motion. Mr. Giancola pointed out that, based on his earlier amendment of the total figure as a result of having made an accurate measurement of the fence, the figure for replacing it should read \$3,290; that was accepted as an editorial change to the motion on the floor. The amendment was passed by unanimous vote. The question was called and the ordinance was accepted for first reading, as amended.

ORDINANCE #1989-
(attached)

6. First Reading Ordinance Amending Section 6-105 - Housing Licensing Requirements. Councilmember Hamilton moved acceptance for First Reading, duly seconded by Councilmember Douglas. Ms. Weiss commented that all the major issues raised at the Council's worksession last week have been covered and as her cover memo stated that at a later date, the article would need cleaning up, however this particular section was being addressed so that the licensing process could move forward. Ms. Weiss said that the proposed changes have been referred to Corporation Counsel and they were expecting any comments back from them before adoption. Councilmember Sharp commented that he had some editorial changes for subsection (d) but that he would share these with Ms. Weiss in time for adoption at second reading. Mayor Pro Tem d'Eustachio called the question and the ordinance was accepted for first reading.

ORDINANCE #1989-
(attached)

7. Proposed Amendments to the Tree Ordinance. The Mayor noted that there was a second draft submitted to the Council just this evening. Councilmember Martin moved acceptance of the revised ordinance dated October 30, 1989; duly seconded by Councilmember Hamilton. Ms. Martin stated that she was one of the original drafters of the urban forest legislation that limited tree cutting to trees above 24 inches in circumference without a permit. She said that since then and especially since sitting on the Council for the past two years, she has noted that there were a number of incidents that she became aware of where trees less than 24 inches in circumference, that the Council has requested to be planted based on site plan approvals. Ms. Martin said that the former Public Works Director has in the past, issued permits for tree removals in exchange for other better trees to be planted in their place. Ms. Martin also referenced settlements where part of the settlement is to replant trees and further stated that funding has been provided to the City that the City has used to help to pay for trees to be planted on private properties--in all these instances, the trees generally were less than 24 inches in circumference. Ms. Martin said that in order that the City's urban forests are continued, we need to make sure that new trees are planted, and that she was proposing the amendment to include the programs the City has been involved in. Mr. d'Eustachio said that he was not going to oppose the amendment but he had to point out that the language is difficult to write and the particular language being proposed would not meet the needs. Citing the example of #1 Columbia Avenue, where the Council may well extract a concession from the person seeking the variance to plant additional trees on that property--Mr. d'Eustachio said what the individual was applying for was a variance that would allow parking close to the lot line, and that would be what the Council would be approving; they were not approving a site plan -- there was not one before them, nor was there a site plan review before the county. He said what was being proposed was a deal -- probably an enforceable deal, but not a site plan review or site plan amendment -- nor was it a City program. Mr. d'Eustachio said he did not believe the individual would do it, but under the proposal, he would have every right to plant the trees and then come out with a chainsaw and cut them down. He said while he would not vote against it, the elected body should not kid themselves that they were doing anything to ensure any sort of protection.

Councilmember Sharp remarked perhaps it could be stipulated that the trees would be planted pursuant to governmental order, stipulation or easement -- if the City made a deal, perhaps that could be considered a stipulation. It was clarified that Mr. Sharp was noting that provision in a version of the proposed legislation that had been distributed in the course of the present meeting. Councilmember d'Eustachio said he would be voting against the proposed ordinance; he referred to discussion the previous week regarding following proper procedure and ensuring that members of the Council were provided appropriate documentation in advance of meetings, particularly when it pertained to a complex issue so that the careful consideration it warranted could be given. He said it was certainly not right to pass something that some members had not had an opportunity to read, particularly since there had been a specific request that the material be provided in advance.

Councilmember Douglas commented that he agreed with Mr. d'Eustachio, as he had at worksession, that the problem was more complicated than could probably be resolved at present and also shared his frustration with the process. He said, however, he felt there were possibly a couple of mitigating factors, i.e., that this being a First Reading, the situation could be reviewed more thoroughly prior to Second Reading, and the legislation would do no particular harm -- he would hope that the next Council would do a comprehensive review of the Tree Ordinance and if the language of the proposed amendment did not do all it was intended to do, that could be addressed at that time. He said he felt the Council should accept the ordinance for First Reading.

The Mayor proposed to editorially amend the draft ordinance dated 10/30/89 by deleting the semicolon at the end of subsection a. (Sec. 12-23.), adding the word or at the end of subsection c. following the semicolon, and deleting the word [or] at the very beginning of subsection b. The maker and seconder of the motion to accept for First Reading accepted those amendments as editorial. In addition, the Mayor suggesting amending subsection b. (Sec. 12-23.) by the insertion of the word agreement following "governmental order," and prior to "stipulation[s]" (make stipulation singular). He explained he thought addition of that language might address at least to an extent some concerns expressed. Councilmember Martin moved the amendment as proposed by the Mayor, duly seconded by Councilmember Sharp.

Councilmember Douglas commented that while he had no particular objection to the amendment on the floor, he thought the language remained somewhat vague and ambiguous; he said he thought there remained work to be done on it in worksession. The Mayor said he agreed, and whether it was addressed in worksession or during a review process thereafter, he did think that the amendment would clarify that settlements of pending cases or disputes brought before the Director of Public Works or the Tree Commission were included in the provision. Councilmember Sharp said he didn't think the vagueness would be easily cleared up, however, the City could be given some protection by having any agreements put in writing. The motion to amend carried.

The ordinance, as amended, was accepted for First Reading by unanimous vote of those present (Councilmember d'Eustachio temporarily absent). The Mayor noted he would try to schedule the matter for a worksession if that proved possible, however could not make a guarantee.

ORDINANCE #1989-
(attached)

8. Resolution re State Highway Administration Consolidated Transportation Program for Prince George's County.

Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember Elrich. Mr. Sharp inquired what the difference was between item 26 on Prince George's County's Special Projects Program sheet and what was requested to be added in the resolution regarding curb and gutter on the east side of New Hampshire Avenue. Ms. Martin explained that the referenced item on the county's documentation primarily addressed safety and resurfacing and that did not necessarily pertain to curb and gutter work according to information gotten from the county. The Mayor noted the intent of specifically including the curb and gutter work in the resolution was to hopefully ensure it was addressed by the county. Following additional brief discussion, the resolution was passed by unanimous vote.

RESOLUTION #1989-101
(attached)

9. Resolution Appointing Representatives for Interagency Coordinating Board for Community Use of Schools CAC.

The Mayor noted the item had been tabled previously so as to allow additional time for coordination of information, etc.; at that time Councilmember Hamilton was requested in the interim to ascertain whether there might be someone from Ward 4 wishing to serve on the Citizens' Advisory Committee of the board. He noted that Recreation Director Ziegler represented the City on the committee; a citizen representing the Grant Avenue area participates on the board and would

represent that area. He said Mr. Hamilton had indicated that Mr. Condie Clayton from Ward 4 had expressed an interest in serving. Councilmember Hamilton moved passage of the resolution appointing those persons mentioned, duly seconded by Councilmember Leary. The resolution was passed by unanimous vote.

RESOLUTION #1989-102
(attached)

10. Resolution Recognizing Sensitivity Awareness Day - 11/16/89. Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Leary. The resolution was passed by unanimous vote.

RESOLUTION #1989-103
(attached)

11. Discussion of Letter or Testimony for Prince George's County Public Forum on Historic Sites and Districts Master Plan (Thursday, 11/2/89, 7:30 p.m.).

The Mayor noted the need to provide staff with some direction regarding whether someone should testify on behalf of the City or whether it would suffice to send a letter to the appropriate county authorities. He said City staff had met with them and had outlined in a memorandum the differences in the process between the two counties. The Mayor related having recently discussed the issue with Linda Harris, the Mayor of New Carrollton and President of the Prince George's Municipal Association; he noted that association had a representative on the advisory commission; however, the person had resigned from serving and Ms. Harris wondered whether an elected official from the Prince George's portion of Takoma Park would have any interest in filling that slot. He said if that were the case, the Prince George's Municipal Association would be willing to take them under consideration, along with others who might volunteer to serve. He pointed out the Councilmembers from Wards 6 and 7 would qualify, however, should one of them not be interested, the association would look to officials from other municipalities. Additionally, however, he said they were willing to consider former elected officials residing in the county.

In the course of discussion, Councilmember Douglas remarked that whether a City representative testified at the forum or a letter were sent, the City should make it clearly known that it wished to participate and be actively involved in the discussions and deliberations of the CAC, whether formally represented on it or not. The Mayor said he had advised Ms. Harris that regardless of who represented the Prince George's Municipal Association on the committee, he would be proposing to that association that they form an Historic District Review Committee and that the person representing the association would then have input from all municipalities having areas in the Historic District. The City could then make up its own committee and have one representative at least on the county committee. Consensus was that City staff would be authorized to draft a letter to the appropriate county authorities, to be sent out under the Mayor's signature, stating the City's intent to submit to the CAC a recommendation for the Historic District in the Prince George's side of the city within the next 4-5 months, during the CAC process.

The Mayor noted having been elected Vice President of the Prince George's Municipal Association at their last meeting; he said he hoped that association would host one of their meetings in Takoma Park in the coming year.

Upon motion, duly seconded, the meeting adjourned at 10:10 p.m., to reconvene immediately thereafter in Executive Session.

Introduced by: Councilmember d'Eustachio

1st Reading:10/16/89

2nd Reading:10/30/89

Effective Date:10/31/89

ORDINANCE NO. 1989-39

ELECTIONS

WHEREAS, on September 11, 1989, the Mayor and Council adopted a resolution repealing the Charter of the City of Takoma Park (hereinafter "old Charter") and adopting a new Charter for the City of Takoma Park; and

WHEREAS, the new Charter will become effective on October 31, 1989, unless a proper petition for referendum on the amendment of the Charter is filed; and

WHEREAS, the new Charter sets forth provisions dealing with voter registration, nominations, and elections in Article VII; and

WHEREAS, Article VII, Section 710 of the new Charter provides that "[t]he Council has the power to provide by ordinance in every respect not covered by the provisions of this charter for the conduct of registration, nomination, and City elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud"; and

WHEREAS, the Mayor and Council wish to enact procedures for conducting general and special elections in the City of Takoma Park which will go into effect on the effective date of the new Charter.

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

SECTION 1. The Takoma Park Code is amended by adding a new Chapter 4D, Elections, as follows:

CHAPTER 4D. ELECTIONS

ARTICLE 1. IN GENERAL.

Section 4D-1. Purpose.

The purpose of the election procedures contained in this Chapter are to provide for the conduct of elections generally in the City of Takoma Park by exercising the powers granted to the Council to provide for the conduct of registration, nominations, and voting in City elections and for the prevention of fraud in connection with such elections.

Section 4D-2. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated unless a contrary meaning is clearly intended from the context in which the term appears.

(a) Authorized Representative. Any person appointed or designated by a candidate or a political committee to file campaign reports or to be responsible for political matter published or distributed.

(b) Ballot. The means by which a vote is cast. "Ballot" or "ballots" include paper ballots, punchcards, absentee ballots, or the labels which appear on the face of the voting machine, whichever in context is appropriate.

(c) Campaign Report. A report of contributions received by any candidate or political committee.

(d) Candidate. Any person who seeks election as Mayor or Councilmember.

(e) Contributions. A gift, loan, transfer of money or other thing of value to any candidate, his or her representative, or to a political committee to promote the success or defeat of a candidate or of any matter or issue which has been submitted to a vote at an election or is in the process of being petitioned to referendum.

(f) Election. The process by which the voters of the City of Takoma Park vote for Mayor or Councilmember, any charter amendment, proposition, or question and unless otherwise indicated shall include all elections, general, special, run-off, and referendum.

(g) Political Committee. Any combination of two or more persons which has as one of its purposes to promote the success or defeat of a candidate or of any matter or issue which has been submitted to a vote at an election or is in the process of being petitioned to referendum.

(h) Political Matter. Any pamphlet, circular, card, sample ballot, poster, billboard, advertisement, button, or any other printed, photographed, typewritten, written material or statement relating to or concerning any candidate or prospective candidate or any matter or issue which has been submitted to a vote at an election or is in the process of being petitioned to referendum.

(i) Punchcard. A computer tabulating card on which a voter may record his or her vote by punching a hole opposite his or her choices.

(j) Registration. The act by which a person becomes qualified to vote in any election in the City of Takoma Park.

(k) Voting System. A method of casting and tabulating ballots or votes.

Sections 4D-3 through 4D-4. (Reserved).

ARTICLE 2. WARDS

Section 4D-5. Description of Ward Boundaries.

(a) The City is divided into seven wards for purposes of City elections. Each ward shall be compact in form and composed of adjoining territory. The populations of the wards shall be substantially equal.

(b) The boundary lines of the seven wards shall be as follows:

(1) The First Ward shall consist of all that portion of the city beginning at the intersection of Chicago Avenue and the B & O Railroad and running thence in a northeasterly direction along the Corporate boundary of the City of Takoma Park on Chicago Avenue to the intersection of the same with Boundary Avenue; thence in a southeasterly direction and along the Corporate boundary on Boundary Avenue to the intersection of the same with Alfred Drive; thence in a northeasterly direction along the Corporate boundary on Alfred Drive to the intersection of the same with Ray Drive; thence in a southeasterly direction along the Corporate boundary on Ray Drive to the intersection of the same with Piney Branch Road; thence in a southwesterly direction along the Corporate boundary on the west side of Piney Branch Road to the intersection of the same with Grant Avenue; thence crossing Piney Branch Road along the Corporate boundary; thence in a northeasterly direction along the eastern Corporate boundary of Piney Branch Road to the northeastern property line of the Takoma Park Junior High School; thence southeasterly along the said property line of Takoma Park Junior High School, continuing in a southeasterly direction along the northeastern property line of the Takoma Park Recreation Center to a point on Maple Avenue facing the center line of Sherman Avenue; thence in a southwesterly direction along the center line of Maple Avenue to the intersection of the same with Lee Avenue; thence southeasterly along the center line of Lee Avenue to the intersection of same with Hancock Avenue; thence in a southwesterly direction along the center line of Hancock Avenue to its terminus near Philadelphia Avenue; thence northwesterly, beginning with Lot 10, Block 3, Hillcrest Subdivision and continuing along the center line of Philadelphia Avenue to the

intersection of same with Cedar Avenue; thence southwesterly along the center line of Cedar Avenue to its intersection with the District of Columbia boundary line; thence northwesterly along said District of Columbia boundary line to a point where same crosses the B & O Railroad; thence northerly along the said railroad to Chicago Avenue and the point of beginning.

(2) The Second Ward shall consist of all that portion of the city beginning at a point where Cedar Avenue intersects the District of Columbia boundary line and running thence along the center line of Cedar Avenue in a northeasterly direction to the intersection of said Cedar Avenue with Philadelphia Avenue; thence in a southeasterly direction along the center line of Philadelphia Avenue to a point opposite the property line separating Lots 9 and 10, Block 3, Hillcrest Subdivision; thence in a northeasterly direction running between Lots 9 and 10, Block 3, Hillcrest Subdivision; thence in a northeasterly direction along the center line of Hancock Avenue, continuing along the rear property line of Parcel 1, Block 50, B.F. Gilbert's Subdivision to the center line of Lincoln Avenue at a point opposite Jefferson Avenue; thence along the center line of Lincoln Avenue in a northwesterly direction to a point opposite the rear property line of Lot 32, Block 50, B.F. Gilbert's Subdivision; thence in a northeasterly direction along the rear property lines of Lots 32 through 35, Block 50, B.F. Gilbert's Subdivision; thence in a straight northeasterly line to Sligo Creek; thence in a southeasterly direction following the meanderings of Sligo Creek to its intersection with Jackson Avenue; thence in a southwesterly direction along the center line of Jackson Avenue to the intersection of said Jackson Avenue with Ethan Allen Avenue; thence in a westerly direction along the center line of Ethan Allen Avenue to its intersection with Sycamore Avenue; thence southward along the center line of Sycamore to its intersection with Columbia Avenue; thence along the center line of Columbia Avenue in a southwesterly direction to its intersection with Carroll Avenue; thence along the center line of Carroll Avenue in a southwesterly direction to its intersection with Laurel Avenue; thence continuing southwesterly along Laurel Avenue to the District of Columbia boundary line; thence northwesterly along the District of Columbia line to Cedar Avenue and the point of beginning.

(3) The Third Ward shall consist of all that portion of the city beginning at a point where Laurel Avenue intersects the District of Columbia boundary line and running northeastward along the center line of Laurel Avenue to its intersection with Carroll Avenue; thence along the center line of Carroll Avenue in a westerly direction to its intersection with Columbia Avenue; thence along the center line of Columbia Avenue in a northeasterly direction to its intersection with Sycamore Avenue; thence along the center line of Sycamore Avenue in a northerly direction to its intersection with Ethan Allen Avenue; thence

easterly along the center line of Ethan Allen Avenue to its intersection with Jackson Avenue, thence northeasterly along the center line of Jackson Avenue to its intersection with Lincoln Avenue; thence southeasterly along the center line of Lincoln Avenue to its intersection with Elm Avenue; thence southwesterly along the center line of Elm Avenue to its intersection with Ethan Allen Avenue; thence southeasterly along the center line of Ethan Allen Avenue to its intersection with New Hampshire Avenue at the City Boundary line in Prince George's County; thence in a westerly direction along the meanderings of the said City boundary line in Prince George's County to the intersection of same with Eastern Avenue; thence northwestward along the Corporate boundary on Eastern Avenue to Laurel Avenue and the point of beginning.

(4) The Fourth Ward shall consist of all that portion of the city beginning at the point where the northeastern property line of Takoma Park Junior High School meets Piney Branch Road; thence along the Corporate boundary on Piney Branch Road in a northeasterly direction to its intersection with Mississippi Avenue; thence in a southeasterly direction along the Corporate boundary on Mississippi Avenue to its intersection with Hilltop Road; thence across Hilltop Road in a southeasterly direction to the center line of Sligo Creek at the Corporate boundary; thence continuing southeasterly down the center line of Sligo Creek to a point opposite the rear property line of Lot 35, Block 50, B.F. Gilbert's Subdivision; thence in a southwesterly direction along the rear property lines of Lots 35, 34, 33 and 32, Block 50, B.F. Gilbert's Subdivision to the center line of Lincoln Avenue; thence in a southeasterly direction along the center line of Lincoln Avenue to a point opposite the rear property line of Parcel 1, Block 50, B.F. Gilbert's Subdivision; thence in a southwesterly direction along the rear property line of Parcel 1, Block 50, B.F. Gilbert's Subdivision to the center line of Hancock Avenue; thence in the same southwesterly direction along the center line of Hancock Avenue to its intersection with Lee Avenue; thence along the center line of Lee Avenue in a northwesterly direction to its intersection with Maple Avenue; thence along the center line of Maple Avenue in a northeasterly direction to a point directly opposite Sherman Avenue; thence at said point opposite Sherman Avenue running northwestward in a straight line from Maple Avenue along the northeastern property line of the Takoma Park Recreation Center and continuing along the northeastern property line of the Takoma Park Junior High School to Piney Branch Road and the point of beginning.

(5) The Fifth Ward shall consist of all that portion of the city beginning at a point where Flower Avenue intersects Piney Branch Road at the Corporate limits and running thence in a southeasterly direction down the west side of Flower Avenue, the same being the Corporation line of the City of Takoma Park, to a

point on Flower Avenue approximately one hundred fifty (150) feet south of Division Street; thence following the Corporate Line of the City of Takoma Park in an easterly direction to the center line of Greenwood Avenue; thence along the center line of Greenwood Avenue southeasterly to the center line of Carroll Avenue; thence continuing southwestward along the center line of Carroll Avenue to the center line of Sligo Creek; thence following the center line of Sligo Creek in a northwesterly and northerly direction to its point of intersection with Piney Branch Road; thence in a northeasterly direction along the Corporate boundary on Piney Branch Road to its intersection with Flower Avenue and the point of beginning.

(6) The Sixth Ward shall consist of all that portion of the city beginning at the point where University Boulevard intersects Carroll Avenue; thence running in a southeasterly direction along University Boulevard, being also the Corporation Line of the City of Takoma Park, to a point where the Corporation Line turns right angle south from University Boulevard; thence running southward along the Corporation Line to Linden Avenue; thence running in a northwesterly direction along the center line of Linden Avenue to the center line of New Hampshire Avenue; thence running along the center line of New Hampshire Avenue in a northeasterly direction to its intersection with Sligo Creek; thence northwestward along Sligo Creek to the mouth of Long Branch and continuing northward along the meanderings of Long Branch to a point where it meets Carroll Avenue; thence in a northerly direction along the Corporate boundary on Carroll Avenue to its intersection with University Boulevard and the point of beginning.

(7) The Seventh Ward shall consist of all that portion of the city beginning at the point where Long Branch flows under Carroll Ave; thence along the center line of Long Branch southeastward to the point where Long Branch meets Sligo Creek and continuing in a southeasterly direction along Sligo Creek to the point of its intersection with the center line of New Hampshire Avenue; thence southwestward along the center line of New Hampshire Avenue to its intersection with Linden Avenue; thence southeastward along the center line of Linden Avenue to the Corporate Boundary of the City of Takoma Park; thence continuing along the Corporate Boundary of the City of Takoma Park in a southwesterly direction to the center line of New Hampshire Avenue at its point of juncture with Ethan Allen Avenue; thence northwestward along the center line of Ethan Allen Avenue to its intersection with Elm Avenue; thence northeasterly along the center line of Elm Avenue to its intersection with Lincoln Avenue; thence northwesterly along the center line of Lincoln Avenue to its intersection with Jackson Avenue; thence northeasterly along the center line of Jackson Avenue to the center line of Jackson Avenue to the center line of Sligo Creek; thence northwesterly along the center line of Sligo Creek to

Carroll Avenue; thence northeasterly along the center line of Carroll Avenue to its intersection with Greenwood Avenue; thence northwesterly along the center line of Greenwood Avenue to the City Boundary located approximately one hundred fifty (150) feet south of Division Street; thence following the Corporation Line in an easterly direction to the lots on the east side of Garland Avenue; thence following the Corporation line in a southeasterly direction to its intersection with Carroll Avenue; thence northeasterly along the Corporate boundary on Carroll Avenue to its juncture with Long Branch and the point of beginning.

ARTICLE 3. FAIR ELECTION PRACTICES

Section 4D-6. Political Matter Published or Distributed.

(a) No person, candidate, or political committee shall print, publish, distribute or broadcast or cause to be printed, published, distributed or broadcast any political matter unless such political matter includes the name of the person responsible for the publication or distribution of the same.

(b) No person, candidate, or political committee shall expend any money for printing, publication, or broadcasting of any political matter unless such matter states that it is a paid political advertisement and is printed, published, or broadcast by the authority of the person, candidate, political committee, or an authorized representative for a candidate or political committee.

(c) A violation of this Section is a Class B offense.

Section 4D-7. Campaign Reports.

(a) Each candidate and political committee shall appoint an authorized representative.

(b) Each candidate or his or her authorized representative and each authorized representative of any political committee shall file a report with the City Clerk disclosing the names and addresses of all persons, other than the candidate or members of his or her immediate family, who contribute anything of value, other than volunteer services, of \$25.01 or more in an election. All campaign reports filed shall be available for public review during the normal office hours of the City Clerk.

(1) An initial report listing contributions received since the date of the last preceding election to fill the office for which the candidate is running shall be filed with the City Clerk no later than noon of the 10th calendar day preceding the election.

(2) A final report of campaign contributions not previously reported shall be filed with the City Clerk no later than 4:00 p.m. of the Monday following the election.

(3) Even if no contributions have been received since the end of the period for which the last preceding report was filed or due, a statement to that effect must be filed with the City Clerk.

(c) All campaign reports shall be made on the forms designated by the City Clerk. The campaign reports shall contain a certification by the person responsible for filing the report that the contents of the report are true and complete to the best of their knowledge, information, and belief.

(d) There is a late filing fee for each campaign report which is not filed within the time prescribed in this section. The fee is \$10.00 for each day or part of a day, excluding Saturdays, Sundays and holidays that a report is overdue. The maximum late fee payable with respect to any single report is \$250.00.

(1) The City Clerk shall receive an overdue campaign report even if any late filing fee has not been paid, but the report shall not be considered officially filed until all fees have been paid.

(2) Upon receipt by the City Clerk of an overdue campaign report, no further late filing fees shall be incurred, notwithstanding the fact that the report is not considered officially filed.

(3) It is the personal responsibility of the candidate, if it is the report of a candidate, and of the authorized representative of a political committee to file all reports in complete and accurate detail and to pay all late filing fees. A late filing fee may not be paid, directly or indirectly, from contributions to the candidate or political committee.

(e) For purposes of this section, the failure to provide complete and accurate information on the campaign report forms is a failure to file provided that the City Clerk has notified the candidate and his or her authorized representative or the authorized representative of a political committee, in writing, of the deficiency and a properly corrected report has not been filed within two weeks of the date of the written notice. After two weeks, and in the absence of a filed corrected report, daily late filing fees are thereafter payable.

(f) A person may not receive any salary or benefits from the office of the Mayor or Councilmember until all required

campaign reports have been filed and all late filing fees have been paid.

(g) A violation of this Section is a Class B offense.

Section 4D-8 and 4D-9. (Reserved)

ARTICLE 4. VOTING

Section 4D-10. Voting Systems.

(a) Voting in City elections may be by voting machine, electronically tabulated punchcard ballots, or paper ballots, but only one voting system may be used in any election.

(b) The Mayor and Council may purchase, rent, lease, or otherwise acquire such voting systems and related equipment as may be required for an election.

(c) If voting machines are used in an election, then the specifications for the machines, procedures for use of the machines in polling places on election day, and manner of tabulating the votes following the election shall be as nearly as practicable in accordance with the provisions of Article 33, §§16-10, 16-11, and 16-16 of the Annotated Code of Maryland, as amended.

(d) If an electronically tabulated punchcard ballot voting system is used in an election, then the specifications for the punchcard ballots, procedures for use of the punchcard ballots in polling places on election day, and manner of tabulating the votes following the election shall be as nearly as practicable in accordance with the provisions of Article 33, §16-A-1 of the Annotated Code of Maryland, as amended.

(e) If paper ballots are used in an election, then the specifications for the paper ballots, procedures for use of the paper ballots in polling places on election day, and manner of tabulating the votes following the election shall be as nearly as practicable in accordance with the provisions of Article 33, §14-1 of the Annotated Code of Maryland, as amended.

Section 4D-11. Ballots.

(a) The City Clerk shall provide ballots for all elections which shall contain:

(1) The name of every candidate who has been nominated in accordance with the provisions of the Charter and with this Chapter.

(2) A description of every question which is to be submitted to a vote.

(b) All ballots shall be printed in plain clear type in black ink upon material of such size and shape to fit the construction of the voting system.

(c) The form and arrangement of all ballots shall be determined by the City Clerk in accordance with the following requirements:

(1) In all elections, the names of candidates shall be arranged alphabetically on the ballots according to their surname, under the designation of office. The names of the candidates for Mayor shall appear first on the ballots, followed by the names of the candidates for Councilmember according to the numeric designation of the ward.

(2) No ballot shall contain a party designation of a candidate.

(3) Each ballot shall contain an appropriate instruction to the voter informing him or her of the offices for which he or she may vote and the number of persons for whom he or she may lawfully vote for each office.

(4) All ballots shall contain a statement in understandable language of every question to be submitted to a vote at any election.

(5) The City Clerk shall prepare and certify the form in which a question shall appear and each question may be captioned with a descriptive title containing not more than five words.

(6) Each ballot question shall be printed on the ballots following the name of the candidates and shall be accompanied by the words "For" and "Against".

(d) If, because of an error in printing or a change in circumstances, the City Clerk at any time finds it necessary to make a change in a ballot, the City Clerk shall promptly change the ballots by taking the following action:

(1) If there is sufficient time for printing or reprinting of the ballot, make the appropriate changes or corrections on the printed ballots.

(2) If there is insufficient time for reprinting, and if it is appropriate to the voting system in use, cause to be printed a sufficient number of stickers incorporating the appropriate changes or corrections. The stickers shall be as

consistent as possible with the printed ballots and be affixed to the ballots in the appropriate places.

(3) If time does not permit the process provided in paragraph (2) of this subsection, or if such a process is inappropriate, take all appropriate measures to notify voters of the change and the procedure to be used by each voter to record a vote.

(4) After any change on a ballot, the City Clerk shall take all reasonable steps to notify all candidates for the office involved of the change or correction in the ballots.

(e) The City Clerk may cause to be printed copies of the form of the ballot to be used for an election, to be in type of suitable size and designated as "specimen ballots". Any such specimen ballots shall be conspicuously posted at each polling place and may be distributed to voters.

Section 4D-12. Instruction and Assistance in Voting.

(a) Upon request, election judges shall instruct a voter regarding the operation of the particular voting system.

(b) Any voter who requires assistance to vote by reason of blindness, disability, or inability to read the English language or write may be given assistance by a person of the voter's choice, not to include any candidate or agent of that candidate.

(1) Assistance in marking paper ballots or operating a voting machine or punchcard ballot shall be given to voters who declare under oath to an election judge that by reason of blindness, disability, or inability to read the English language or write they are unable without assistance to mark their ballots or operate the voting machine or punchcard ballot. No ballot shall be marked or voting machine or punchcard ballot operated until two election judges are satisfied of the truth of the facts stated in such affidavit.

(2) After such an affidavit has been made and filed with the election judges, the voter may enter into a voting machine, booth, or other place set aside for voting with any person of the voter's choice, not to include any candidate or agent of that candidate, or with two election judges. The person whom the voter has selected, or in the case the voter has selected no one, one of the election judges in the presence of the other, shall mark the ballot or operate the voting machine or punchcard ballot as the voter shall direct.

(3) The only assistance which will be lawful for the

person whom the voter has selected or for the election judges to give the voter is to mark the ballot or operate the voting machine or punchcard ballot as the voter shall direct, without prompting or suggestion from them, or either of them.

(4) A voter may not be accompanied into a voting machine, booth, or other place set aside for voting by any person over the age of five years unless the affidavit required by subsection (b) has been accepted by the election judges.

Section 4D-13. Time Allowed for Voting.

Each voter is expected to mark the ballot or operate the voting machine or punchcard ballot expeditiously and may be required to leave the voting machine, booth or other place set aside for voting after five minutes.

Section 4D-14. Closing of Polls.

(a) All qualified voters who are waiting in line to vote at the time of the official closing of polls shall be permitted to vote.

(b) When the last voter in the polling place has voted, the election judges shall immediately lock and seal the operating lever or mechanism of each voting machine or other type of voting system, as practicable, so that the voting and counting mechanism will be prevented from operating and record the number of votes as shown on the counters of each machine or other type of voting system.

(c) The election judges shall then compare the number of voters, as shown by the counter of each voting machine or other type of voting system, if any, with the number of those who have voted as shown by the list of registered voters.

Section 4D-15. Tabulation of Votes.

(a) After the polls have officially closed and the voting machines or other voting systems have been locked and sealed, the election judges then shall proceed to tabulate the votes cast.

(b) The election judges shall tabulate the votes cast as provided in Section 4D-10 using procedures to insure the following:

(1) The secrecy of the ballot;

(2) Rejection of all votes for any office or ballot question when the number of votes cast by a voter exceeds the number that the voter is entitled to cast;

(3) Correct counting of votes on ballots on which the proper number of votes has been indicated;

(4) The tabulating and recording of votes by ward for or against any candidate, candidates, or question;

(5) Prompt reporting of election returns after the official closing of the polls;

(c) The tabulation, release or announcement of election results prior to the official closing of the polls is prohibited.

(d) All paper ballots, punchcards, and the printed or photographic record from voting machines shall be safely kept by the City Clerk for three months after the date of the election at which the ballots were cast and may then be destroyed, unless prior to that time, the City Clerk is ordered by a court of competent jurisdiction to keep the same for any longer period.

(e) A violation of subsections (b) or (c) of this Section is a Class B offense.

Section 4D-16. Election Contests and Appeals.

(a) Any candidate or voter who wishes to contest the results of an election or any matter relating to the validity of a ballot shall give written notice to the City Clerk within two days after the date the results of the election are certified to the Council.

(1) The written notice shall be made under penalty of perjury and include a complete statement of all facts on which the candidate or voter relies to support his or her election contest.

(2) The City Clerk shall immediately refer the notice of election contest to the City Administrator who shall appoint three election judges to investigate the facts of the contest.

(3) Within four days after the City Clerk receives the written notice of election contest, the three election judges shall make a report of their factual investigation, together with a recommendation for action to the Council.

(b) Within ten days after an election, the Council shall convene a special meeting to determine all election contests.

(c) The candidate or voter who submitted the election contest notice shall be given a reasonable opportunity to be heard at the special meeting of the Council in regard to his or her election contest.

(d) Any candidate or voter aggrieved by any decision or action of the Council shall have the right to appeal to the Circuit Court of the county in which such candidate or voter resides to review such decision or action and jurisdiction to hear and determine such appeals is hereby conferred upon the Circuit Court.

(e) Appeals shall be taken by way of petition filed with the Circuit Court of the county in which the aggrieved candidate or voter resides within five days from the date of the decision of the Council at any election. Appeals shall be heard de novo and without a jury by the Circuit Court as soon as possible.

Section 4D-17. Inspection of Voting Machines.

(a) Every voting machine used in any election shall remain locked and sealed for twenty days after the date of any election or for as much longer as may be necessary or advisable because of any contest over the result of the election.

(b) A voting machine may be opened and the data and figures in it examined in the presence of the principals involved in any election contest or their authorized representatives upon the order of any court of competent jurisdiction, or by direction of the three election judges appointed pursuant to §4D-16 to investigate and report upon contested elections affected by the use of such machine.

(1) The three election judges or an individual appointed by a court of competent jurisdiction shall make a record of the votes for such contested office upon those voting machines.

(2) Such record shall be received as evidence as fully as if proved by the oral testimony of the persons who shall sign the record of votes, or by the production of said voting machines in court or before the Council.

Section 4D-18. Penalties.

The following are Class A misdemeanor offenses or Class A civil offenses:

(a) Allowing a person to vote who is not a resident of the City or whose name has not been certified as a voter;

(b) Tampering with, damaging, breaking, or attempting to tamper with, damage, or break any voting machine, punchcard ballot, or other voting system or equipment used or to be used in any City election; or

(c) Any other violation of this Article unless the violation has been designated as a Class B offense.

Section 4D-19. (Reserved)

ARTICLE 5. ABSENTEE VOTING

Section 4D-20. Who May Vote.

Absentee voting is permitted if a voter:

(a) May be absent for any reason from the City on election day; or

(b) Cannot personally vote at the polls on election day because of illness, physical disability, confinement in or restriction to a hospital, nursing home, or institution.

Section 4D-21. Applications for Absentee Ballots.

(a) Applications for absentee ballots shall be provided by the City Clerk to voters upon request.

(b) Applications for absentee ballots must be in writing and include the voter's certification made under penalty of perjury setting forth the following:

(1) The voter's name and home address;

(2) The reason the voter will not be able to vote in person in the City election;

(3) The ward in which the voter resides to the best of the voter's knowledge;

(4) That the voter is registered to vote and has been or will be a resident of the City for at least thirty days preceding the date of the City election; and

(5) The address to which the absentee ballot should be sent.

(c) Applications for absentee ballots must be received by the City Clerk not later than 4:00 p.m. of the seventh calendar day preceding the election.

Section 4D-22. Emergency Absentee Ballots.

(a) After the seventh calendar day preceding an election and at any time prior to the official closing of the polls, a

voter may apply to the City Clerk for an emergency absentee ballot if the voter:

(1) Is unable to personally vote at the polls on election day as a result of illness or accident occurring after the time for applying for an absentee ballot;

(2) Is unable to personally vote at the polls on election day because of a death or serious illness in the person's immediate family, about which the person becomes aware after the time for applying for an absentee ballot; or

(3) Is required to be absent on the day of election from the City for any reason of which the person becomes aware after the time for applying for an absentee ballot.

(b) The application for an emergency absentee ballot must be in writing and include the voter's certification made under penalty of perjury setting forth the reason why the voter is unable to personally vote at the polls on election day.

(c) Upon receiving an application for emergency absentee ballot, the City Clerk, if satisfied the person cannot personally vote at the polls on election day, shall give the applicant, or his or her agent, an absentee ballot to be marked by the voter, placed in a sealed envelope, and returned to the City Clerk.

(d) A voter who is unable to personally apply for an emergency absentee ballot shall designate a person as his or her agent for purposes of delivering the absentee ballot to the voter.

(1) An agent for an absentee voter shall execute a certification under penalty of perjury that the ballot was delivered to the voter who submitted the application, was marked by the voter in the agent's presence, was placed in a sealed envelope in the agent's presence, and was returned to the City Clerk by the agent.

(2) Any candidate or an agent of that candidate may not be an agent for a voter under this subsection.

(e) Any emergency absentee ballot received by the City Clerk after the official closing of the polls shall not be counted.

(f) Any voter who requires assistance to vote by reason of blindness, disability, or inability to read the English language or write may be given assistance by a person of the voter's choice, not to include any candidate or an agent of that candidate. Any person giving assistance to a voter pursuant to

this subsection shall include a certification to be included with the absentee ballot.

Section 4D-23. Determination of Absentee Voters' Applications and Delivery of Ballots.

(a) Upon receipt of an application for an absentee ballot containing the voter's certification, the City Clerk shall determine if the applicant is qualified to vote in the City elections.

(b) If the applicant is a qualified voter, the City Clerk shall promptly deliver or mail to him or her an absentee voter's ballot and envelopes.

(1) Postage for transmitting the absentee ballot material to the applicant shall be paid by the City and postage for the return of the ballots shall be paid by the voter.

(2) The City Clerk shall endeavor to mail absentee ballots (except emergency absentee ballots) to applicants not later than five business days before the election day.

(c) The City Clerk shall keep a record of applications for absentee ballots, showing the date and time received and the applicant's name and address. Such record of applications shall be available for public review during the normal office hours of the City Clerk.

(d) Only one absentee ballot shall be mailed or delivered to any one applicant unless the City Clerk has reasonable grounds to believe that the absentee ballot previously mailed or delivered has been lost, destroyed, or spoiled.

Section 4D-24. Absentee Ballots.

(a) Prior to any City election, the City Clerk shall print or cause to be printed an adequate number of applications for absentee ballots, absentee ballots, envelopes and instructions to absentee voters. The form and arrangement of all application forms and absentee ballots shall be in accordance with the requirements of the State Administrative Board of Election Laws.

(b) Each absentee ballot shall contain the words "Absentee Ballot" printed in large letters in clear space at the top of each ballot.

(1) If paper absentee ballots are used, underneath the words "Absentee Ballot" shall be printed the following warning: "Mark ballot by placing X in proper blank after each candidate or question. Do not erase or make any identifying mark. If your vote for a candidate or question is marked in such a manner that

your intent is not clearly demonstrated, your vote for that office or question shall not be counted. In order to protect the secrecy of your vote, do not put your name, initials, or any identifying mark on your official ballot. If it is determined that a ballot is intentionally marked with an identifying mark, the entire ballot will not be counted."

(2) If punchcard ballots (or other computer read documents) are used, instructions shall be provided to the voter, either on the ballot or separately. These instructions shall include information as to how to mark the ballot, and also a warning to the voter not to repair the ballot or make an identifying mark on it. If both sides of a ballot are used to list candidates or questions to be voted on, the words "Vote both sides" shall appear on both sides of the ballot.

(3) The designation of the ward shall be filled in by the City Clerk before the absentee ballot is sent to the voter.

(c) Absentee ballot material shall include a "covering envelope", a "ballot envelope", and a "return envelope".

(1) The covering envelope shall contain all balloting material delivered or mailed to the absentee voter. The covering envelope shall have the return address of the City Clerk and the words "Official Absentee Ballot, City of Takoma Park" printed on it.

(2) The ballot envelope shall be of sufficient size to contain the absentee ballot. The following voter's certification shall be printed on the ballot envelope:

I, name of voter, do hereby affirm under the penalties of perjury that I am a registered voter and reside in the City of Takoma Park, as stated in my application for the absentee ballot; that I will be unable to vote in person on election day because

reason

_____;
that the within absentee ballot was marked, folded, enclosed, and sealed by me in this ballot envelope; and that I am not now disqualified for any reason from voting under the laws of the State of Maryland.

Signature of Absentee Voter

WARNING!

Any person who signs a false application or oath, who casts an illegal vote, who applies

for an absentee ballot under any name other than his or her own, or who violates any other provision of the absentee voting law of the City of Takoma Park may be charged with a misdemeanor or with a civil offense and, upon conviction, be subject to a fine and/or imprisonment.

(d) The ballot envelope shall be placed in the return envelope and mailed to the City Clerk. The return envelope shall have the City Clerk's address printed on it and the words "Official Absentee Ballot, City of Takoma Park".

Section 4D-25. Tabulation of Absentee Ballots.

(a) No absentee ballots shall be opened before the official closing of the polls.

(b) Following the official closing of the polls, the election judges shall proceed to certify and count the absentee ballots contained in the ballot envelopes.

(1) Only absentee ballots that have been timely received shall be counted.

(2) A ballot shall be considered as timely received providing it was received by the City Clerk prior to the official closing of the polls on election day or was mailed before election day as shown by the postmark on the return envelope.

(c) If the election judges determine that any absentee voter has died before election day, the absentee ballot of the deceased voter shall not be counted. However, if the election judges do not know that the absentee voter has died before election day, the absentee ballot shall be counted and the fact that the absentee voter may later be shown to have been dead on election day shall not invalidate the ballot.

(d) If the election judges determine that the provisions for filling out and signing the voter's certification on the outside of the ballot envelope have been substantially complied with and the voter is entitled to vote in any ward of the City and has not already voted on election day, the election judges shall open the ballot envelope and count the absentee ballot. If there is more than one absentee ballot in a ballot envelope, all ballots shall be rejected.

(e) If more than one absentee ballot is received from a voter, then the absentee ballot in the ballot envelope on which the voter's certification was first executed shall be counted. If the certifications on two or more ballot envelopes are dated

the same, or if both are undated, none of the absentee ballots received from the voter shall be counted.

(f) All absentee voters' applications, ballot envelopes, and ballots shall be kept separate from the ballots cast at the polls and kept by the City Clerk for three months after the date of the election and may then be destroyed, unless prior to that time the City Clerk is ordered by a court of competent jurisdiction, to keep the same for any longer period.

Section 4D-26. Contests and Appeals.

(a) Any candidate or absentee voter who wishes to contest any matter relating to an application for an absentee ballot, absentee voting or the validity of any absentee ballot shall give written notice to the City Clerk within two days after the date the results of the election are certified to the Council.

(1) The written notice contesting any matter relating to absentee voting shall be made under penalty of perjury and include a complete statement of all facts on which the candidate or absentee voter relies to support his or her contest.

(2) The City Clerk shall immediately refer the notice contesting any matter relating to absentee voting to the City Administrator who shall appoint three election judges to investigate the facts of the contest.

(3) Within four days after the City Clerk receives the written notice contesting any matter relating to absentee voting, the three election judges shall make a report of their factual investigation, together with a recommendation for action to the Council.

(b) Within ten days after an election, the Council shall convene a special meeting to determine all contests relating to absentee voting.

(c) The candidate or absentee voter who submitted the notice contesting any matter relating to absentee voting shall be given a reasonable opportunity to be heard at the special meeting of the Council in regard to his or her election contest.

(d) Any candidate or absentee voter aggrieved by any decision or action of the Council shall have the right to appeal to the Circuit Court of the county in which such candidate or absentee voter resides to review such decision or action and jurisdiction to hear and determine such appeals is hereby conferred upon the Circuit Court.

(e) Appeals shall be taken by way of petition filed with the Circuit Court of the county in which the aggrieved candidate

or absentee voter resides within five days from the date of the decision of the Council at any election. Appeals shall be heard de novo and without a jury by the Circuit Court as soon as possible.

Section 4D-27. Penalties.

A violation of this Article is a Class A misdemeanor offense or a Class A civil offense.

SECTION 2. The effective date of this Ordinance shall be October 31, 1989.

Adopted the 30th day of October, 1989 by roll call vote as follows:

Aye: d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, Sharp

Nay: None

Abstained: None

Absent: None

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REVISED VERSION REFLECTING OCTOBER 23, 1989 WORKSESSION DISCUSSION

Introduced by: Councilmember Douglas

1st Reading: 10/16/89

2nd Reading: 10/30/89

ORDINANCE No. 1989-40

To amend the 1972 Takoma Park Code, Chapter 13, Article 7, Section 13-63.1, Permit Parking Areas, to include the issuance of visitor parking permits under certain conditions

SECTION 1: Chapter 13, Article 7, Section 13-63.1, Permit Parking Areas, of the 1972 Takoma Park Code is amended as follows:

Sec. 13-63.1. Parking permit areas.

(a) ~~The Mayor and~~ Council finds that the health, safety and welfare of many residents of the city are adversely affected by burdens placed on residents by virtue of the existence of major public facilities and programs. Frequently, the use of streets within residential areas for the parking of vehicles by persons using adjacent commercial, industrial, educational and transit areas and other areas, facilities and programs emanating from planning, zoning and other decisions by government results in hazardous traffic conditions, the overburdening of existing streets, roads and other facilities, air and noise pollution, and the inability of residents of certain areas to obtain adequate parking adjacent to or close by their places of residence and to secure ease of access to their places of residence. In order to reduce to the extent possible the aforementioned conditions, to foster the use of mass transit facilities and to promote the safety, peace, good order, comfort, convenience, health and welfare of the residents of the city, ~~the Mayor and~~ Council deems it essential that the parking permit authorization provided for in this section be enacted.

(b) The City Administrator is hereby authorized to recommend to the ~~Mayor and~~ Council, roads, streets and other areas within the city in which the parking of vehicles may be restricted, in whole or in part, during certain specified times, to holders of valid parking permits issued pursuant to this section. The City Administrator shall consider the institution of a parking permit system upon petition by the residents of a given area. The authority granted herein shall be in addition to and may be exercised in conjunction with any other authority the City Administrator may have to recommend times and conditions of motor vehicle parking.

(c) The designation of a parking permit area shall take into account, among other things:

(1) The effect on the safety of residents of the area under consideration from intensive use by nonresidents for parking of vehicles.

(2) The need of the residents of the area to obtain adequate onstreet parking adjacent to or close by their places of residence.

(3) The difficulty or inability of residents of the area to secure adequate on-street parking adjacent to or close by their places of residence because of widespread use of available parking spaces in that area by nonresident transient motorists.

(4) The impact of major public facilities and programs on the health, safety and welfare of the residents of the area and any unreasonable burdens

placed on those residents in securing adequate on-street parking and gaining access to their places of residence by virtue of such facilities and programs.

(5) The likelihood of alleviating, by use of a parking permit system, any problem of nonavailability of residential parking spaces.

(6) The desire of the residents in the area for the institution of a parking permit system and the willingness of those residents to bear the administrative costs incidental to the issuance of permits authorized by this section.

(7) The fact that the residents of a contemplated parking permit area have contributed to the cost of construction and/or improvement of streets and roads in such area either by the direct assessment of costs or indirectly to the extent such costs are reflected in purchase or rental prices paid by those residents.

(8) The need for some parking spaces to be available in the area under consideration for use by visitors and the general public.

(9) Such other factors as shall be deemed relevant.

(d) In order to determine whether a particular area or location should be designated as a parking permit area, the ~~Mayor~~ and Council, upon receipt of a certified petition requesting the designation or withdrawal of a parking permit area, shall conduct a public hearing prior to such designation or prior to the withdrawal of such designation once it is established, at which time any interested person shall be entitled to appear and be heard. Such hearing shall be held only after due notice has been published in a newspaper of general circulation throughout Montgomery and Prince George's Counties. The notice shall clearly state the purpose of the hearing, the exact location and boundaries of the parking permit area under consideration, and the reasons why such area is being proposed for designation or withdrawal of designation as a parking permit area and the proposed parking permit fee that would be charged. In addition to the published notice, a similar notification shall be prominently posted within the area under consideration for designation as a parking permit area.

(e) Within thirty (30) days after the close of the record of the public hearing, the ~~Mayor~~ and Council shall decide, based on the record of that meeting, whether or not to designate the area under consideration as a parking permit area or to remove the designation in the case of an established parking permit area. The decision of the ~~Mayor~~ and Council shall be publicly announced in the same manner as the announcement of the hearing.

(f) Following the designation of a parking permit area, the City Administrator or the City Administrator's designee shall issue appropriate parking permits and shall cause parking signs to be posted in the area, indicating the times, locations and conditions under which parking shall be by permit only. Permits shall be issued only to persons residing on property immediately adjacent to a street or road within the parking permit area. A permit shall remain valid for such time as the holder thereof continues to reside in the area and during the period for which the permit is issued. Permits may be transferred only in accordance with procedures to be established in writing by the City Administrator.

(g) Subject to any regulations prepared by the City Administrator under paragraph (h) of this section, each holder of a residential parking permit shall be entitled to no more than two (2) permanent visitor parking permits.

Visitor parking permits shall be issued under the same terms and conditions as the residential parking permit, except that such visitor parking permits will only be valid if used within 500 feet of the address for which the residential parking permit is issued. Nothing in this provision shall prevent the City Administrator or his designee from issuing temporary visitor permits in accordance with regulations developed under paragraph (h) of this section.

~~(g)~~ (h) The City Administrator is authorized to prepare, ~~after due notice and opportunity for interested parties to be heard,~~ written regulations, in accordance with Ordinance 1989-32, adopted September 11, 1989, to implement the provisions of this section, ~~for action by the Mayor and Council.~~

~~(h)~~ (i) The City Administrator is authorized to recommend to the ~~Mayor and Council~~ a parking permit fee for permits to be issued pursuant to this section in an amount sufficient to pay the costs incidental to the issuance of permits authorized by this section. The permit fee shall become effective upon the affirmative action of the ~~Mayor and Council.~~

~~(i)~~ (j) A violation of this section is a Class C offense.

~~(k)~~ (k) [Misuse of visitor parking permits may result in revocation of such permits by the City Administrator.] *In addition to any other penalties available under law, violations of the City Administrator's written regulations promulgated under paragraph (h) of this section may result in revocation, by the City Administrator or the City Administrator's designee, of permits issued by the City Administrator or the City Administrator's designee.*

SECTION 2: Notice of the pertinent parts of this ordinance shall be given in the December 1989 City Newsletter and upon issuance or renewal of residential parking permits after the date of enactment.

SECTION 3: The provisions of section 1 of this ordinance shall be effective December 4, 1989.

NOTE: Deletions to existing language are shown by ~~striking through~~; additions to existing language are shown by underlining.

Deletions to language adopted at first reading are shown in [brackets]; additions to language adopted at first reading are shown in *italics*.

Adopted this 30th day of October, 1989.

Aye: d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, Sharp

Nay:

Abstain:

Absent:

Introduced by: Councilmember Martin

1st Reading: 10/16/89

2nd Reading: 10/30/89

Drafted by:
Paula Jewell
and
Linda S. Perlman.

Effective Date:

Draft Date: 10/13/89

ORDINANCE NO. 1989- 41

An Ordinance Providing For Salary
Increases For The Mayor And Council

WHEREAS, by Charter Resolution No. 89- 79 on September 11, 1989, the Mayor and Council adopted a new Charter for the City of Takoma Park which will become effective on October 31, 1989, barring receipt of a proper petition for referendum on the new Charter; and

WHEREAS, Section 303 and Section 403 of the new Charter provide that the Mayor and each Councilmember may receive an annual salary as specified from time to time by an ordinance passed by the Council; and

WHEREAS, Section 303 and Section 403 of the new Charter state that an ordinance making any change in the annual salary paid to the Mayor or Councilmembers shall be adopted prior to the next City election, and shall take effect only as to the next succeeding Council; and

WHEREAS, a City election will be held on November 7, 1989 to elect a Mayor and Councilmembers and the new Council will assume office on the second Monday in November following their election; and

WHEREAS, the salaries of the Mayor and Council have not been increased since 1975 and are now substantially lower than the salaries of elected officials of jurisdictions of comparable size in the Washington, D.C. metropolitan area; and

WHEREAS, the Mayor and Council wish to correct this salary inequity for the benefit of succeeding Councils.

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

SECTION 1. The Mayor shall receive an annual salary of [Five Thousand five Hundred Dollars (\$ 5,500.00)] \$4,800.00, payable bi-weekly.

SECTION 2. Each Councilmember shall receive an annual salary of [Four Thousand Dollars (\$4,000.00),] \$3,600.00, payable bi-weekly.

SECTION 3. The annual salaries specified in this ordinance shall take effect beginning with the members of the Council who assume office on November 20, 1989 following the City election on November 7, 1989.

SECTION 4. This ordinance shall take effect on the effective date of Charter Resolution No. 89- 79, passed September 11, 1989, adopting a new Charter for the City of Takoma Park; provided, however, that if the new Charter does not go into effect on October 31, 1989, then this ordinance shall be null and void.

Adopted this _____ day of _____, 1989 by roll call vote as follows:

Aye:
Nay:
Abstained:
Absent:

Salary.ord
tp#8/cp

Introduced by:

First Reading: 10/30/89

Second Reading:

ORDINANCE 1989 - ___

AN ORDINANCE TO IMPROVE THE EFFICIENCY OF THE LICENSING PROCESS FOR RENTAL HOUSING IN THE CITY OF TAKOMA PARK

WHEREAS It is the legislated responsibility of the Director of the Department of Housing Services to license rental housing in the City of Takoma Park; AND

WHEREAS The legislated requirement for the Director of the Department of Housing Services to determine compliance with applicable county codes prior to the issuance of such licenses has resulted in unacceptable delays in the licensing procedure.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT Section 6-105, Licensing Procedures, Subsections (c) and (d), of the Takoma Park Code is hereby amended as follows:

Sec.6-105. Licensing procedures.

(c) The application shall contain the following information:

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

(2) If the owner is a corporation, a certified copy of those documents indicating that it is qualified to do business in the State of Maryland.

(3) If the owner is a partnership, the name, address and phone number of each general partner.

(4) The name, address and telephone number of the owner's agent, as specified in Section 6-102(c).

(5) The address of the rental facility to be licensed.

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

(7) A schedule of rents charged for each apartment on the date specified for determining lawful rent increases in Section 6-80.17(c) of this Code; and the rents charged for each apartment on the date an application is filed.

(8) A statement by the owner certifying that to the best of his or her knowledge there are no existing violations of applicable state or county health, fire, building, electric, plumbing, property maintenance, safety and zoning codes; and furthermore, that there are no uncorrected conditions for which a county infraction citation or notice of violation from any other jurisdiction has been issued, or any unpaid fine or penalty resulting from such citation or notice; provided, however, that if a citation is pending adjudication, the fact that a fine or penalty is unpaid shall not act as a bar to issuance of a license.

(d) Before a license is issued the Director shall determine [that] the following, however issuance of a license shall not operate to bar the City of Takoma Park or any other jurisdiction or person from asserting, notwithstanding the issuance of a license, that applicable violations do in fact exist.

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

(2) The appropriate fees have been paid.

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

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

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

(6) That the units sought to be licensed have passed inspection within the twelve (12) calendar months immediately preceding the date the license is to become effective. In the event that such is not the case, the Director shall cause an inspection of such units to be made. No license shall be issued for a unit until it passes inspection.

This Ordinance shall take effect on , 1989.

ADOPTED THIS DAY OF , 1989.

Introduced by: Councilmember Martin

(Drafted by P. Jewell, J. Martin)

1st Reading: 10/30/89

2nd Reading:

ORDINANCE #1989-

AN ORDINANCE TO AMEND CHAPTER 12 (TREES AND VEGETATION),
ARTICLE 4 (URBAN FOREST) OF
THE CODE OF THE CITY OF TAKOMA PARK, MARYLAND

WHEREAS, on July 11, 1983, the City Council adopted Ordinance #2677 to protect existing trees of the Urban Forest of Takoma Park, Maryland with trunks measuring more than twenty-four inches in circumference; AND

WHEREAS, over the years, the City Council has approved residential and commercial site plans that called for planting of shade trees with circumferences that fall below twenty-four inches and are therefore not subject to the provisions of Article 4; AND

WHEREAS, the Tree Commission and the Department of Housing Services and the Department of Public Works have required trees to be planted to replace trees removed that have fallen within the provisions of Article 4; AND

WHEREAS, it is the Council's desire to extend the provisions of the urban forest Article to trees smaller than twenty-four inches in circumference that have been or will be planted and/or maintained in response to any governmental action and/or agreement, both City and County, such as site plan approvals, easements, and settlements; and agreements or orders to tree permit approvals or abatements of municipal infractions arising from the provisions of this article.

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

SECTION 1. Article 4, Section 12-23 of the Takoma Park Code is hereby amended as follows:

Sec. 12-23. Certain trees part of urban forest; applicability.

[All] The following trees on private property in Takoma Park [measuring more than twenty-four (24) inches in circumference at four and one-half (4 1/2) feet above ground level] are considered as part of the city's urban forest and are subject to the provisions of this Article:

- a. trees measuring more than twenty-four (24) inches in circumference; at four and one-half (4 1/2) feet above ground level;
- b. or any trees otherwise required to be planted or maintained, whether pursuant to governmental order, stipulation, covenant or easement;
- c. trees planted with goverment funding;
- d. trees planted under government programs.

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

NOTE: In this Ordinance, underlining shall denote language added to the existing Code language.

[Brackets] shall indicate language deleted at first reading and double underlining shall indicate language added at first reading.

Adopted this 13th day of November, 1989, by Roll Call Vote as follows:

AYE: d'Eustachio, Douglas, Elrich, Leary, Martin, Sharp
NAY: None
ABSTAINED: None
ABSENT: Hamilton (for vote)

filename: TREES

First Reading: October 30, 1989
Second Reading:

Upon motion by Councilmember Douglas, duly seconded by Councilmember Hamilton, the following Ordinance was introduced.

ORDINANCE #1989-
FY 90 BUDGET AMENDMENT NO. 1

AN ORDINANCE TO AMEND THE FISCAL YEAR 1990 BUDGET

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

SECTION 1. that the Fiscal Year 1990 Budget be amended as follows:

REVENUE AMENDMENTS

- a. Appropriate [\$20,426] \$11,018 from Unappropriated Reserve for Mayor and Council salaries and benefits.
- b. Appropriate \$7,100 from Unappropriated Reserve for purchase of a Housing Services vehicle.
- c. Appropriate \$3,496 from Capital Reserve for installation of speed humps.
- d. Appropriate \$3,290 from Capital Reserve for fence replacement at Philadelphia.
- e. Appropriate \$5,520 from Unappropriated Reserve for repayment to Montgomery County for the audiocassette tapes purchased in FY 88 with Community Development Block Grant funds.
- f. Appropriate \$27,246 from Unappropriated Reserve for payment to Montgomery County for Fire Service.
- g. A new revenue account, Account 3300-3331, Montgomery County Cable TV Maintenance, is created with an appropriation of \$10,000.
- h. Appropriate \$11,200 from Unappropriated Reserve for purchase of a replacement police package vehicle.

EXPENDITURE AMENDMENTS

- a. Transfer \$29,755 from Account 9000-7010, General Contingency to the following accounts for increased health benefits costs:
 - 1) \$15,550 to Account 1130-4020, Accounting Fringe Benefits, for administrative transfer funds from this account to other departments with the exception of those noted in EXPENDITURE AMENDMENTS a.(2) and a.(3).
 - (2) \$11,398 to Account 2100-4020, Police Fringe Benefits.
 - (3) \$2,807 to Account 3500-4020, Public Works Sanitation Fringe Benefits.
- b. Appropriate [\$18,500] \$10,000 to Account 1110-4010 for increased salaries for Mayor and Council and appropriate [\$1,926] \$1,018 to Account 1110-4020 for Mayor and Council fringe benefits.
- c. Appropriate \$7,100 to Account 9100-8000, Capital Equipment for the purchase of a administrative vehicle for the Housing Department.
- d. Appropriate \$3,496 to Account 3600-5305, Public Works Streets Division Repair Materials for installation of speed humps.
- e. Appropriate [\$2,700] \$3,290 to Account 9100-8001, Capital Improvements for fence replacement at Philadelphia.
- f. Transfer \$5,000 from Account 3100-4010, Public Works Administration Salaries to Account 3100-4040, Temporary Assistance.
- g. Transfer \$4,500 from Account 9000-7010, General Contingency to Account 3600-6915, Public Works Streets Equipment Rental to cover increased costs for equipment rental.
- h. Appropriate an additional \$5,520 to Library Account 7000-5265, Records, for repayment to Montgomery County CDBG program for audiocassette tapes purchased in FY 88.

- i. Appropriate an additional \$27,246 to Account 9000-6130, Fire Service.
- j. Appropriate \$10,000 to a new Cable Budget Account, 1150-6811, Equipment Miscellaneous, for maintenance of Cable TV equipment.
- k. Appropriate \$11,200 to Account 9100-8000, Capital Equipment for the purchase of a replacement police package vehicle for the Police Department.

SPECIAL REVENUE BUDGET

REVENUE AMENDMENTS

- a. Delete Account 0010-3391, Section 402 Traffic Grant.
- b. Appropriate an additional \$13,200 to Account 0010-3365, Montgomery County CDBG Year 14 funds, for improvements at the Heffner Park Recreation Center.
- c. Appropriate an additional \$37,267 to Account 0010-3376, Sister City, Program Open Space funds, for Phase I improvements to the B. Y. Morrison Park.
- d. Appropriate an additional \$21,423 to Account 0010-3362, Montgomery County CDBG Year 12 Contract No. 75616AA for facade improvements at Erie/Flower business district.
- e. Appropriate an additional \$10,000 to Account 0010-3366, Montgomery County CDBG Year 14 for streetscape improvements at Erie/Flower business district.
- f. Appropriate \$40,000 to Account 0010-3377, Forest Park, for receipt of Program Open Space funds.

SPECIAL REVENUE BUDGET

EXPENDITURE AMENDMENTS

- a. Delete Account 0010-7245, Traffic Consultant, to reflect unsuccessful Section 402 grant application.
- b. Appropriate \$13,200 to Account 0010-7189, Heffner Recreation Center, for CDBG program improvement expenses.
- c. Appropriate an additional \$37,267 to Account 0010-7195, Sister City Park, to reflect Phase I improvements expended in this fiscal year.
- d. Appropriate \$21,423 to Account 0010-7176, Acquisition-Facade Easements, for facade improvements in the Erie/Flower business district.
- e. A new account 0010-7177, Erie/Flower Streetscape improvements, is created with an appropriation of \$10,000.
- f. Transfer \$16,450 from Account 0010-7210, Housing Code Enforcement to Account 0010-6815, Street Construction.
- g. Appropriate \$40,000 to Account 0010-7186 for completion of Forest Park improvements.

CAPITAL BUDGET

- a. Purchase of an administrative vehicle for the Housing Department, as a replacement vehicle, is authorized at a cost not to exceed \$7,100.
- b. Installation of a fence on Philadelphia is authorized at a cost not to exceed \$3,290.
- c. Installation of speed humps is authorized as a capital project at a cost not to exceed \$3,496.
- d. The Capital Budget is amended to reflect authorization for purchase of a replacement police package vehicle as authorized by Ordinance 1989-27, adopted 7/17/89.

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

Upon motion by _____, duly seconded by Councilmember _____, the ordinance was adopted by roll call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

Introduced By: Councilmember Sharp
Drafted By: L. Schwartz

ADOPTED: October 30, 1989

Resolution No. 1989- 101

WHEREAS, the Maryland Department of Transportation (DOT) has submitted the draft 1990 Prince George's County Consolidated Transportation Program for review by the City of Takoma Park; AND

WHEREAS, the plans in this document affect the City of Takoma Park; AND

WHEREAS, this document has been reviewed by City staff and discussed by the Mayor and Council;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Mayor and Council hereby express their support of the recommendations in the Special Projects Program section of the Prince George's County Consolidated Transportation Program (CTP) regarding New Hampshire Avenue (Maryland 650) and University Boulevard (Maryland 193).

BE IT FURTHER RESOLVED THAT the Mayor and Council request that the State of Maryland add the following projects to the Special Projects Program section of the Prince George's County CTP:

--Conduct studies of methods to improve pedestrian safety at the intersections of New Hampshire Avenue/University Boulevard (MD 650/MD 193) and New Hampshire Avenue/East-West Highway (MD 650/MD 410).

--Extend the service road at 7676 New Hampshire Avenue to Holton Lane.

--Provide traffic signals at the intersections of New Hampshire Avenue (MD 650) with Holton Lane and Erskine Street.

--Replace the section of curb and gutter on the east side of New Hampshire Avenue between the signalized entrance of the Takoma/Langley Shopping Center and University Boulevard, and patch crumbling sections of curb and gutter on the east side of New Hampshire Avenue between the Takoma/Langley Shopping Center and Erskine Street.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate State of Maryland authorities.

ADOPTED THIS 30th DAY OF October, 1989.

lss/zonsub1/shapgctp.res

Introduced by: Councilmember Hamilton

(Drafted by: P. Jewell)

RESOLUTION #1989-102

APPOINTING REPRESENTATIVES TO SERVE ON
INTERAGENCY COORDINATING BOARD FOR COMMUNITY USE OF SCHOOLS

WHEREAS, the Interagency Coordinating Board (ICB) for Community Use of Schools has a Citizens' Advisory Committee comprised of agency and citizen representation from various community user-groups; AND

WHEREAS, the CAC makes recommendations to ICB in the areas of finance, procedures, public relations and community services as they affect the community's use of schools; AND

WHEREAS, the ICB will be appointing members to the 1989-1990 committee and are welcoming representatives from the City of Takoma Park who may be interested in addressing this year's issues.

NOW THEREFORE BE IT RESOLVED THAT, the Mayor and Council of Takoma Park, Maryland hereby appoint the following citizens from Takoma Park to serve on the Citizens Advisory Committee of ICB:

<u>Name</u>	<u>Address</u>
Condie Clayton	7710 Maple Avenue, Apt. #807

Dated this 30th day of October, 1989

Introduced by: Councilmember Hamilton
(Drafted by P. Jewell)

RESOLUTION 1989- 103
IN SUPPORT OF SENSITIVITY AWARENESS SYMPOSIUM (SAS) DAY
November 16, 1989

WHEREAS, In 1982, the Montgomery County Council established the Sensitivity Awareness Symposium (SAS) Day Task Force to combat the increased number of reported incidents of hate and violence in Montgomery County; AND

WHEREAS, Each year Montgomery County sets aside a day of activities to help educate people about prejudice, bigotry, and racial and religious intimidation; AND

WHEREAS, The City of Takoma Park is a diverse and ethnic community where many races and cultures live and work in peace and harmony.

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland recognize the importance of educating all people about prejudice and bigotry and hereby officially recognize Sensitivity Awareness Day in Takoma Park; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council encourage its citizens and employees to participate in the Sensitivity Awareness Symposium Day programs sponsored by the Montgomery County Council on Thursday, November 16, 1989, at 1:00 PM at the Stella B. Werner Office Building, 100 Maryland Avenue in Rockville and at 7:00 PM at the Montgomery College Fine Arts Center, Rockville Campus.

Dated this 30th day of October, 1989.

GUIDELINES
Parking Permit Areas

Pursuant to Sec. 13-63A, of the Code of Takoma Park, Md., 1972, as amended, the following guidelines for application of the Parking Permit Areas are hereby adopted:

I. Area

- A. The area to be considered for permit parking must be clearly defined as a subdivision with specific boundaries, or an area defined by limits such as street names, streams, park land, railroad right-of-way, etc.
- B. Provision for residential parking permits will be considered only on an area basis and not for single block requests.

II. Request

The City Administrator shall receive a petition indicating that at least two-thirds of the residents (one signature per dwelling unit) desire their specific area to be established or removed as a Parking Permit Area.

Regulations to be as follows (illustrative purposes only):

PARKING BY PERMIT ONLY
8 AM to 5 PM
Monday - Friday

III. Justification

A. Off-Street Parking Deficiency

At least 25% of the dwelling units in the area requesting implementation of Permit Parking must have less than two off-street parking spaces.

B. On-Street Parking

1. Average curb space occupancy in the area requesting implementation of Permit Parking during the period cited must exceed 50%.
2. Non-residential parkers must make up at least 50% of the existing on-street parking population during the affected time in the area requesting implementation of Permit. This will be determined by on-site observation of arrivals.

IV. Hearing Procedures

This section will be administered by the Mayor and Council with assistance from the City Administrator.

Upon determination that an area applying for a parking permit restriction satisfies the criteria indicated in Section III, the following procedure shall be followed:

1. Notify applicant, residents in area and the civic/citizens' association wherein the streets designated for parking are located of the City Administrator's findings.
2. Schedule the required public hearing
3. Prepare for the public hearing
4. Advertise the public hearing in a general circulation newspaper.
5. The Mayor and Council shall hold the public hearing.
6. Hold the hearing record open at the discretion of the Mayor and Council.
7. Mayor and Council shall issue statement of decision within 15 days of the close of the hearing record (30 days grace period is acceptable "for good cause shown").

8. Notify applicant, residents in area and civic/citizens' association(s) wherein the streets to be designated for permit parking area, and publish information of the decision in a newspaper of general circulation.

V. Implementation

A. Signing.

This section will be administered by the City Administrator with the assistance of the Police Department. The parking restriction signs shall read (for illustrative purposes only):

PARKING BY PERMIT ONLY
8 AM to 5 PM
Monday - Friday

B. Permit Fee and Distribution

1. Permits will be sold annually at a cost of \$5.00 per year each by the Police Department.
2. The permit shall be color coded to identify area. A serial number will be provided for identification and filing purposes.
3. The permit shall be affixed to the inside lower left hand corner of the rear window. For vehicles with no rear window, the permit shall be affixed so as to be seen clearly from the rear.
4. Permit application will require proof of residency within the designated area and proof of vehicle ownership (e.g., vehicle registration card).
5. One permit may be issued for each registered motor vehicle within the designated area. The vehicle registration number (license tag number) will be printed on the permit.
6. Permits for employees of residents working at a residence within the designated area may be obtained by the resident.

C. Visitor Permit

1. Two transferable visitor permits shall be issued per dwelling unit with initial sales for that unit or upon request. This permit shall be placed in visiting vehicles in a manner that is visible through the rear window.
2. Temporary visitor permits will be available in person or by telephone upon indication of residents' name, address and permit number. The duration of visitor permits (excluding transferable issued per C-1 above) will be seven days from date of issue and shall not be renewable.

- D. Non-resident emergency, commercial and/or service vehicles will be exempt from permit restrictions when conducting necessary activity within the area.
- E. Public utility and all governmental vehicles shall be exempt from permit restrictions when performing necessary work within the area.
- F. Non-motorized vehicles (e.g., trailer, boats, etc.) will not require nor be issued permits.

Adopted by the Mayor and Council April 26, 1976.

GUIDELINES FOR CITY PARKING PERMITS

The "spirit" or intention of City parking permits is to enable residents and their visitors to park near home. However, it has been brought to our attention that some residents are allowing friends to park so they can ride Metro, and some are using their permits or visitor cards to park on blocks far from home.

Let us all cooperate and keep the "spirit" of the successful parking permit system, so we can avoid more legal sanctions or the necessity for "resident block only" stickers or something similar. We ask you to pay careful attention to and abide by, the following guidelines:

Resident Permits

Permits are sold annually at a cost of \$5.00 per year per vehicle. They are obtained at the Police Department. Permits are color-coded to identify your area, and a serial number will be provided for identification and filing purposes.

One permit may be issued for each vehicle registered with a valid Maryland license, unless excepted by State law, within the designated area. The vehicle registration number and the license tag number will be printed on the permit.

You need to show proof of residence and proof of vehicle ownership (e.g., vehicle registration card) to obtain a permit.

WHERE TO DISPLAY: Affix your permit to the inside lower left-hand corner of the rear window. For vehicles without rear windows, convertibles and vehicles with rear window heating elements, affix your permit to the left-hand (driver's) side of the windshield.

Note: Permits for employees of residents, who work at the residence, will be visitor permits, obtained by the resident.

Visitor Permits

Two transferable visitor permits will be issued per dwelling unit. These permits are valid for one year. Temporary permits for visitors will be available from the police department or by telephone, and are valid for seven (7) days from date of issue. They may be renewed for good cause. A specific expiration date will be noted on each permit.

WHERE TO DISPLAY: See that visitors affix permits so they are in plain view. Please note that if the visitor permit is on the car seat, in the glove compartment, or has fallen on the floor, a citation is likely.

1 OVER

City Parking Permits - 2

SPECIAL EXCEPTIONS:

1. Emergency, commercial and/or service vehicles are exempt when performing necessary work within the area.

2. Public utility and all governmental vehicles are exempt when performing necessary work within the area.

Please note: Commercial vehicles not performing necessary work, and weighing more than one ton, may be issued a citation.

3. Non-motorized vehicles (e.g., trailers, boats) will not require nor be issued permits. However, non-motorized vehicles are required to display current registration plates.

ENFORCEMENT:

Permit parking restrictions apply Monday through Friday, from 8:00 a.m. to 5:00 p.m., except on national holidays, when they do not apply.

Any citizen receiving a parking permit citation may (a) pay the amount of the fine, or (b) request a court date by completing the information on the citation.

1

Thank you for your cooperation.

TAKOMA PARK POLICE DEPARTMENT

Council Amends Residential Parking Permit Ordinance

On October 30, 1989 the Mayor and City Council adopted Ordinance 1989-40, amending the Takoma Park Code Section on Permit Parking Areas, to include the issuance of visitor parking permits under certain conditions. The following is an excerpt of Ordinance 1989-40. These provisions become effective on December 4, 1989, and shall apply to all citizens applying for issuance or renewal of residential parking permits after that date:

(f) Following the designation of a parking permit area, the City Administrator or the City Administrator's designee shall issue appropriate parking permits and shall cause parking signs to be posted in the area, indicating the times, locations and conditions under which parking shall be by permit only. Permits shall be issued only to persons residing on property immediately adjacent to a street or road within the parking permit area. A permit shall remain valid for such time as the holder thereof continues to reside in the area and during the period for which the permit is issued. Permits may be transferred only in accordance with procedures to be established in writing by the City Administrator.

(g) Subject to any regulations prepared by the City Administrator under paragraph (h) of this section, each holder of a residential parking permit shall be entitled to no more than two (2) permanent visitor parking permits. Visitor parking permits shall be issued under the same terms and conditions as the residential parking permit, except that such visitor parking permits will only be valid if used within 500 feet of the address for which the residential parking permit is issued. Nothing in this provision shall prevent the City Administrator or his designee from issuing temporary visitor permits in accordance with regulations developed under paragraph (h) of this section.

(h) The City Administrator is authorized to prepare written regulations in accordance with Ordinance 1989-32, adopted September 11, 1989, to implement the provisions of this section.

(i) A violation of this section is a Class C offense.

(k) Misuse of visitor parking permits may result in revocation of such permits by the City Administrator. In addition to any other penalties available under law, violations of the City Administrator's written regulations promulgated under paragraph (h) of this section may result in revocation, by the City Administrator or the City Administrator's designee, of permits issued by the City Administrator or the City Administrator's designee.

Please contact the Takoma Park Police Department if you have any questions.

Paula S. Jewell
Acting City Clerk

Mayor And Council
Package

Date: 11/3/89

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TAKOMA PARK MD. LIBRARY

REPORT OF THE TAKOMA PARK NEWSLETTER REVIEW COMMITTEE

William H. Leary, Chair
Jay Bayerl
Lynne Bradley
Bevi Chagnon
Linda Rabben

Submitted to the Mayor and Council
October 30, 1989

The Mayor and Council, in Resolution 1989-45, authorized the Newsletter Review Committee to evaluate the current production of the Takoma Park Newsletter and recommend needed improvements. The Committee met six times beginning on May 24, 1989, and examined a wide range of issues. Most meetings included the Newsletter editor, Reid Baron.

The Committee held one public meeting on July 12, 1989. The comments made by the three citizens who attended are incorporated in the conclusions and recommendations that follow. The Committee also developed a brief questionnaire that was published in the July Newsletter. The 11 responses were fairly evenly divided between strong support and strong criticism.

The Committee's overall evaluation is that the Newsletter is a valuable City resource. The production is generally competent, and there is satisfactory compliance with the Editorial Policy adopted in 1983 by the Mayor and Council. The City gets its money's worth, given the current budget of the Newsletter.

The Committee recommends a continuation of the Newsletter with no fundamental alterations in the current methods of production or budget. The attached report by Committee member Bevi Chagnon summarizes our critique of the current shortcomings of production and identifies possible solutions. Attached to that report is a Postscript by Reid Baron.

The Committee believes that several improvements in the production and distribution of the Newsletter can and should be made without increasing the budget. We urge the Council to endorse the following general recommendations by resolution and to request quarterly progress reports on implementation from the editor:

1. Recruit volunteers to advise the editor on policy matters, to edit feature departments, and to assist in performing basic editorial and production functions. The only realistic way to expect correction of any current deficiencies without significantly increasing the budget is to recruit dedicated volunteers. We have suggested a number of ways that might be done. The two basic tasks of the volunteers would be to:

- a. Assist in performing such basic editorial tasks as proofreading; and

- b. Edit new or existing departmental features, such as news from local schools or news from community organizations, two subjects that now get very little coverage in the Newsletter.

2. Some or all of the volunteers, as selected by the editor, should serve as informal advisers to the editor. They could assist in such matters as deciding what stories should receive front-page coverage and how to achieve more balanced coverage of controversial issues -- two matters that continue to cause problems occasionally.

3. The editor, in consultation with his volunteer advisers, should develop a statement of purpose and general operating principles for the Newsletter, to be reviewed by the Mayor and Council. Such a statement should incorporate an updating of the 1983 Editorial Policy guidelines. The statement also should address some of the other matters of continuing debate such as the advisability of accepting paid advertisements or listings and the proper emphasis of news coverage in the Newsletter given the existence of the Takoma Voice.

4. The editor should attempt to develop some understanding with the editor of the Takoma Voice about how to avoid duplication of material and excessive redundancy. The Committee decided not to recommend any cooperative publishing or distribution efforts between the two publications for the reasons explained in the attached report by Jay Bayerl.

5. The City Administrator should assign responsibility for overseeing distribution of the Newsletter to someone on the City staff. Distribution of the Newsletter continues to be unsatisfactory despite numerous complaints. The person assigned this responsibility should develop a list of community organizations interested in distributing the Newsletter. An organization from that list should be recruited to replace any current distributor that fails to perform satisfactorily.

We will be happy to discuss this report further at the convenience of the Mayor and Council.

Assessment Report

Takoma Park Newsletter

Published by the City of Takoma Park, MD

Report Issued: October 16, 1989

Report prepared by Bevi Chagnon
and review by Reid Baron, Editor

Members of the Newsletter Review Committee

Bill Leary, Councilmember
Lynn Bradley
Jay Bayerl
Bevi Chagnon
Linda Rabben

Editor Reid Baron was in attendance at most committee meetings

In each section of this assessment report, a problem is outlined and suggestions from the Newsletter Review Committee are given to resolve the problem. These are the major problem areas identified by the committee:

Finances

Staff

Production and Schedules

Editorial Format

Design Format

Distribution

Editorial Authority and Management

Finances

PROBLEM:

The present production budget is very slim, approximately \$150/page for design, production and printing of 8,000 copies per monthly issue. This limits the amount of time the editor and production staff can devote to the newsletter, which in turn diminishes the quality of the newsletter. Proofreading, copyediting, design and readability are affected. No money is budgeted for interns and staff to assist the editor. And little money is budgeted for photos, illustrations, and additional printing ink colors, all of which would improve the newsletter's appearance and readability.

Present production prices (\$150/page) are at below-market rates; printing is slightly less than the average rate for this type of publication, while design and editing are about 1/2 the average rate. This means that not only is the City getting quite a lot on its limited budget, but also that there is no possibility of re-allocating funds from one area (ie, design/pasteup) to another (ie, photography).

In fact, forecasting into next year, both production and printing costs will increase due to price rises in paper, supplies and labor in the industry. Future newsletter budgets will need to increase accordingly to keep at the present level.

The following suggestions offer ways to increase the newsletter's operating budget with funds from other sources.

SUGGESTIONS:

1. Solicit local businesses to underwrite the newsletter (similar to public TV and radio underwriters). Underwriters would be listed in each edition of the newsletter -- not an ad, but a discrete listing in the boilerplate where the editor and production staff are credited. As little as \$100-200 per issue would help pay for an intern to work with the editor, increase the editor's compensation so he could devote more time to the newsletter, and buy one or two additional illustrations or photos.

Issues of concern regarding this suggestion: would there be a conflict of interest between the city government and the businesses, and would the contribution be tax-deductible for the business.

2. Solicit local businesses to donate to local youth groups which distribute the newsletter. These donations would be earmarked specifically to cover the costs of newsletter distribution. Then, the money which the city presently pays to the groups for distribution can be reallocated to production.
3. Solicit local businesses (especially those in the graphics arts and publishing fields) to donate the services of an employee to work on the newsletter. This would require an agreement stating the maximum number of hours of labor the business would donate each month (for example, eight hours). The businesses would receive a credit listing (not an advertisement) in the newsletter.

Staff

PROBLEM:

Working alone, the editor has much too much to do, which hinders his achieving a higher calibre production. Presently, he spends most of his time doing general chores (converting floppy disks from writers, fact-checking articles, etc.) that could be performed by an intern or assistant/managing editor. Very little time is left for true editing tasks--editing, writing, researching, proofreading and story gathering.

Past issues of the newsletter show this quite clearly. Typos and grammatical errors are too frequent, and the present budget does not include hiring a proofreader. Copy submitted by residents and departments is frequently printed as is, with virtually no copyediting to correct errors. The final pasted-up pages are not adequately proofread before going to press, and far too many production errors slip through.

SOLUTIONS:

1. Set up a journalism student internship program with our local colleges (Montgomery College--TP, Columbia Union College, Catholic University and University of Maryland). Perhaps this can be arranged to be part of an off-campus apprenticeship for which students will earn credits. Otherwise it can be volunteer work experience.

One or two interns could work 10-20 hours per month performing the following types of tasks:

- busywork, gofering, phone calls
- preparing floppy disks for desktop publishing
- converting floppy disks between computer systems
- proofreading
- photo and art searching
- fact checking articles

This would free up the editor to edit lengthy articles, research, write, supervise production and manage the newsletter.

If possible, interns can receive a small stipend (\$50/month) which could come from corporate underwriters.

2. Investigate setting up an off-campus study program for journalism students at Antioch, Goddard and other colleges.
3. Recruit volunteers with professional editing/writing experience to donate a specified amount of time each month (1/2 day minimum) to assist the editor. These volunteers could work in one of the following two ways:
 - proofreading and general editing as assigned by the editor
 - coordinating/writing/editing a specific column each month, such as news from local schools and community associations, events,

city committees, TP childrens' column, city council issues.

4. The editor can select a group of volunteer advisors who have professional editing, writing, graphic design or publishing experience. This group would NOT act as an editorial advisory board or other supervisory board. Rather, it would be a group of "colleagues" for the editor to consult for editorial, management and production advice. Some tasks these advisors could perform are:
 - help decide placement of stories in the newsletter
 - review story ideas
 - coordinate the internship program
 - management tasks as designated by the editor.

Production and Schedules

PROBLEM:

There is not enough time or staff to do everything necessary. Time constraints and the newsletter's limited budget are the main reasons for the "less than ideal" quality of the newsletter.

The present production schedule is far too tight: the editor receives the copy on Monday, the design firm pastes-up the newsletter on Wednesday through Thursday, and printer prints it on Friday. It is unnecessary for the production schedule to be so short.

Both the editor and the production people are pushed to the limit, especially toward deadline time. This causes many important steps to be skipped--steps like proofreading, careful editing and quality-checking.

One major factor that impedes the production deadline is that copy deadlines are not being met by many city departments and writers; editorial deadlines are missed by as much as 3-5 days. Since there is only a small window of time each month for production and printing (about one week), this puts extreme strain on the editor and production staff to squeeze too many things in at the last minute.

To make the printer's deadline, the quality-control steps are skipped, last-minute articles are slapped together instead of being properly designed into the newsletter, and everyone's nerves are routinely stretched to the breaking point--without the mitigating expectation of being able to take pride in the final product.

SOLUTIONS:

1. Set realistic deadlines for copy--deadlines that give the editorial/production staff adequate time to get their jobs done. A suggested schedule follows:
 - week 1
 - Editor finalizes plans and assigns articles for current issue.
 - Editor sketches plans and assigns articles for next issue.
 - Interns remind writers about deadlines.
 - Editor and interns work on feature articles.
 - week 2
 - COPYDEADLINE FOR: Events, calendar, notices, letters to the editor, city departments, recreation, library, cable TV, councilmembers' articles, editorials, and op-ed pieces.
 - Editor and interns edit and prepare text for production.
 - week 3
 - ABSOLUTE FINAL COPY DEADLINE is MONDAY end of day. Only exception to this deadline is the city council meeting notes, which will carry over to the following Tuesday.
 - Editor and interns edit and prepare text for production.
 - Editor finalizes layout of newsletter.

--By Tuesday, first batch of copy (1/2-2/3) sent to design.

- week 4 --Editor and interns edit and prepare final batch of text.
 --Monday: final batch of copy sent to design.
 --Wednesday: page proofs from design.
 --Thursday: corrections to design.
 --Friday: to printer.
 --Saturday-Monday: distribution.

2. Make the deadlines known and ENFORCE THEM!
 - Publicize them in the newsletter and the editorial guidelines.
 - Notify each writer and city department about their deadline. Check in with these writers way in advance of the deadline to see what progress has been made on articles.
 - If a staff member of a city department is responsible for submitting copy, inform the staffer's supervisor about the deadline and the importance of meeting it, and enlist his/her cooperation in helping the staffer meet it.
3. Develop the layout/production concept of editorial "wells"-- space is allocated for articles and the copy is written to fit. This allows for late-breaking stories to be inserted at the last minute, but in the mean time the rest of the newsletter's production is on schedule.
4. Set up a graphics design student internship program with our local colleges (Montgomery College--TP, Columbia Union College, Catholic University and University of Maryland). This can be arranged similar to the journalism internship suggested in the STAFF section of this report.

If possible, interns can receive a small stipend (\$50/month) which could come from corporate underwriters.

Editorial Format and Focus

PROBLEM:

The newsletter is very copy-heavy and dense: there is way too much text for this size newsletter.

This causes a serious space problem during design. Because there is not enough room for everything, articles, parts of articles and accompanying boxes sometimes are squeezed in wherever they can fit. So, instead of grouping these related sections together where they can make logical sense to the reader, they are scattered throughout the newsletter. Case in point: in the October 1989 issue, the article on salaries begins on page one, but its accompanying box on annual salaries is on page two. Two solutions to this dilemma: 1) carry text over to page two and have box follow it; 2) place jump lines and references to the two sections.

Another factor in this disjointed appearance is that lengthy articles tend to be "jumped" too many times within an edition; for example, an article starting on page one is continued on page three, and then on pages five and six.

This lack of space also causes some articles to be printed in type that is much too small. Example: the trash collection article on page five of the October 1989 edition is set in dictionary-size type. The elderly, sight-impaired, and most adults will have great difficulty reading this.

Most articles by citizens who are not professional writers need much more editing than they presently are getting. In addition to containing basic grammatical errors, these articles tend to ramble and do not state their ideas and conclusions clearly. And they are too long.

One reason for this is that the editor is unclear as to how much editorial authority he has in these situations. Another factor is the time restraints to meet production deadlines.

The length and prominence of articles is another problem area. A lengthy, rambling article on a minor topic sometimes is given way too much space, compared to a more important topic receiving substantially less coverage. This is due, partly, to the precedent of not editing down lengthy articles.

The duplication of articles between the newsletter and the Takoma Voice needs to be resolved. In the past, identical articles have appeared in both newspapers. This is one of the major complaints received from readers. [Note: informal meetings between the editor and the Voice began in September and have cleared up this problem.]

The newsletter's focus received many positive comments from citizens at the public hearing and through the survey. Several stated that the newsletter is not so much the depository of information about the city, but more the initiator of information. Therefore, the committee concludes that the newsletter does play an important role, in addition to reporting official city news.

However, citizens want the newsletter to draw from the community more, providing a better link between the people, neighborhoods and the city. And when discussing controversial issues, they want all viewpoints presented.

In light of these comments, our assessment is that the newsletter presently is weighted on the side of city information (council notes, police blotter, crime prevention, trash collection, fire prevention, leaf collection, etc.). Although

all of these are very important to the community and should be continued in the newsletter, they should be scaled down in size, or run in alternate editions. Case in point: again from the October edition, a fire prevention checklist, the leaf collection schedule, the trash collection schedule and guidelines, and crime prevention checklist all appeared. Rotating some of these to other months would have freed up room in the newsletter.

From the survey and public hearing, it became clear that citizens want to read more about their neighbors, events, and opinions on issues that face the community (for example, the historic preservation debate, the city charter, major zoning actions). This is one area where the editor could use additional outreach support.

NOTE: Since the committee's original critique, the editor has initiated some changes to address these problems.

SOLUTIONS:

1. The newsletter's focus should be better balanced between city news and human interest articles. Based on the comments received at the public hearing and through the survey, the editor and his advisors should more actively solicit articles about the community. Topics and articles need to be cultivated from individuals, community groups, schools, neighborhood associations, and those putting on events.
2. A better information network should be set up between the editor and the community groups, neighborhood associations, city committees, schools and key citizens. Each association and committee should be encouraged to designate one of its members to be the contact with the editor.
A case in point: one citizen complained that a very important committee meeting did not get enough notice in the newsletter, and consequently, citizen turnout was poor. In this case, the editor had not been told by the committee how critical the meeting was, nor was he given specific information about the meeting.
3. Set wordcount limits for all types of articles--letters to the editor, editorials by both councilmembers and citizens, notices, features.
Not only will this give writers an idea of what is an appropriate copy length, but it also will ensure that no one viewpoint or issue dominates in the newsletter. Especially with the letters and editorials, this will give all citizens the same maximum exposure.
Additionally, the limits will help put a ceiling cap on the amount of copy the editor and production staff have to deal with, and will allow them to design and plan the newsletter more accurately.
4. Make the wordcount limits known and ENFORCE THEM!
 - Publicize them in the newsletter and editorial guidelines.
 - Notify each writer and city department about the wordcount for their particular article.

The editor can make exceptions to the wordcount limits when the need arises, such as when a controversial issue or a major event require more coverage. But these are at the editor's discretion, and should only be exceptions and not the general rule.

- 5. The council should meet with the editor to clarify the editor's authority in the areas of editing, enforcing deadlines, and content.
- 6. Place a table of contents on the front page, highlighting key secondary articles that appear inside. [NOTE: This has been initiated.]
- 7. Use headlines more effectively. There are three tiers of headlines for an article--kicker, main head, lead-in. For feature stories, two out of the three should be used. For example:

Kicker	<i>Personal Viewpoint</i>
Main Head	City Auctions off Rolls Royce
Lead-in	<i>A cross section of bidders vie for the buy of a lifetime</i>

- 8. Develop consistent departments for the newsletter, and place articles within these departments. Use graphic techniques to make these departments stand out from the rest of the newsletter. Some suggested departments:

Council News:	Summary of council meetings
Legislative:	City legislation County legislation that affects Takoma Park Updates on topical issues, such as the charter revision and the historic district designation
Editorial:	Councilmembers' columns Letters to the editor Op-eds by citizens Peace column
City Services:	Police Blotter Trash and leaf collection notices Tool library News about city personnel
Recreation:	Events and calendar (includes both city recreation department and community events) Library news Swimming pool and rec area news

Cable TV: TV listing

Associations: News and notices from associations

City Announcements: Job openings, etc.

Kids Page: School news
News about kids

Design Format

PROBLEM:

The newsletter needs to strike a visual balance between unifying the design and breaking it up with contrasting type/headlines. Pages have the tendency to look the same and be very dense, very cramped and very "grey." Although the newsletter is restricted to black and white printing, "color" can be added by using bolder headlines, graphics, photos, and boxed copy.

Presently, it is difficult to tell when a particular page is a department, or is on a certain topic. Eyecatching department banners are needed to make this distinction for the readers.

Generally, the design of each page is broken up too much, creating a busy and confusing appearance. As many as seven to ten articles are on a page, each with its own headline. Some of these "articles" are one or two paragraphs long; they should be grouped together under a major heading and set off with smaller subheads.

Photos--the few that are used--generally are of very poor quality. Often, color photographs are used and this causes a difficult technical problem: no matter how sharp and clear an original color photo is, it will appear muddy, dark, fuzzy and out of focus when printed in black and white. To resolve this, use only black and white photographs, or have color photographs converted to black and white using internegatives (cost, approximately \$25-\$35 each).

Overall, more illustrations and photos of events and people should be in the newsletter: this is a newsletter about our home, and it needs to reflect that.

SOLUTIONS:

1. Redesign the newsletter. There's room for substantial improvement in its design and format, including its masthead, department banners, headline and text formats.
 - Put together a team of volunteer graphic designers to work with the production staff and the editor for a one-time revamp of the newsletter. The city has many designers who live here, and it should take advantage of this creative resource.
2. Open up white/graphics space. More room could be "found" in the newsletter by:
 - cutting excessively long and wordy articles/letters
 - consolidating small newsy articles under departments with subheads
 - enforcing the editorial copy length limits
3. Use more art. Contact local college art classes, especially those teaching the graphic and commercial arts, and solicit illustrations. Possibly, can set up a relationship with an art teacher who could give out assignments that correspond to articles to appear in the newsletter. The best of the

students' work would be published in the newsletter.

We get art, students get published! Could work very nicely for all!

4. Develop a network of local photographers who are available for events and assignments. This would require that:
 - a. Associations and groups who are having an event give the editor advance notice so that he has enough time to...
 - b. Contact photographers to shoot the event.
 - c. Publicizing in the newsletter the requirements for photos: 8x10 black/white (NO COLOR PHOTOS ACCEPTED--they do not print clearly)
5. As with the local college art classes, set up the same arrangement for photos. Contact the photography teachers and notify them of upcoming events for which the newsletter needs photos.
6. Put notices in the newsletter asking residents to submit photos.

Distribution

PROBLEM:

Based on the amount of complaints the editor and others have received, and also on the responses to the Newsletter Review Committee's survey in July, 1989, the newsletter is not being thoroughly distributed to all households within the city. Sometimes it is misdelivered--thrown into bushes, up onto rooftops or underneath cars.

Presently, the city pays several community youth groups to distribute the newsletter. Each group has its designated distribution area. The amount of money the city pays to these groups is comparable to commercial rates.

Although service is substantially less than ideal, the city should continue this arrangement--however, with stronger stipulations--because these groups need the income to continue their community programs.

SOLUTIONS:

1. The editor and the City Administrator should either designate a city employee or ask one of the editorial advisors to work with the groups in resolving the distribution problems.
2. This designated person should review the distribution guidelines with the groups, and make necessary revisions. Make sure each group's instructions are clear, thorough and detailed.
3. Notify the groups that the city will revoke its agreement with them if the distribution problems in their areas are not cleared up satisfactorily.
4. If distribution does not improve, let other groups bid on the work. A list of interested groups could be cultivated.

Editorial Authority and Management

PROBLEM:

The lines of authority have never been clearly spelled out for the editor. Often he is "between a rock and a hard place" when trying to edit copy from a city employee or resident, or when enforcing copy deadlines. He is unsure of his authority to use his judgment to cut/edit copy. Consequently, most copy is published with very little editing, and it shows.

In the past, this has been a very sensitive area. If it is not clarified, the consequences will be felt throughout the newsletter--in copy content and quality, in design, in production schedule, and, ultimately, in readership response.

SOLUTIONS:

1. The city council must give the editor authority (written possibly) to edit as he sees fit for the benefit of the citizen's newsletter. To be an effective editor, he must be given the go-ahead to use his best judgment when working with articles from city employees, departments and residents.
The council should clarify its mandate to the editor: that he produce the most effective and fair reporting of news about the city and its citizens, and that he produce the newsletter within the budget guidelines.
Translated, this means that there is a limited amount of money budgeted for the newsletter, there is a finite amount of space for articles, and there is a finite deadline by which to produce the newsletter. Therefore, from time to time, the editor will have to edit/cut articles and letters submitted by citizens and city employees so that everyone gets equal space in the newsletter.
2. Periodically (maybe annually or semi-annually) the council should meet with the editor to review his work, duties, the newsletter, budget, etc. The tone of these meetings should be to GUIDE the editor, not control. Too much control will hinder his ability to do his job.
3. With his editorial advisors, the editor should update the Editorial Policy Guidelines (dated June 3, 1983), and submit them to the council for review. The guidelines need clarification in some areas, expansion in others.
4. From the Editorial Policy guidelines (above), a streamlined version should be made for citizens and city employees who write letters/articles for the newsletter. These Citizens Guidelines should address these topics:
 - maximum copy counts for letters to the editor
 - maximum copy counts for editorials
 - maximum copy counts will be designated by the editor for departments and feature articles
 - how to submit copy

- editorial style sheet (ie., is United States abbreviated "US" or "U.S.")
 - copy deadlines
 - editor's authority to edit/cut manuscripts due to grammatical errors, copy length, space requirements, etc.
 - citizens are expected to comply with these guidelines in order to ensure that all citizens have equal access to the newsletter.
5. To relieve the editor's workload, the council should designate certain tasks and responsibilities to city staff and administrators.

Editor's Postscript to TPN Review Committee Report

"Every action yields an equal but opposite reaction"
(Law of Newtonian Physics)

Mr. Mayor, Councilmembers,

The fundamental law of physics quoted above is also said to apply to politics...choose your own example. In looking backward at the nearly four years I've edited the TPN, I can't help but think that at least some of the shortcomings of our current modus operandi may be attributable to a similar application of this "pendulum shift," and that we might benefit from promoting a partial shift back.

What I am alluding to of course is the supposed "overinvolvement" of Mayor/Newsletter Editor Abbott with the paper. The reaction, governing the elected officials I have served, could possibly have produced their converse tendency to underinvolvement with the Newsletter.

Now, I don't mean to suggest we should "swing all the way back." A majority of the members of the current TPN Review committee felt it was not appropriate for a Mayor to edit his Municipality's publication, and generally, I cannot quarrel with that. However, it has always been my perception--if a slightly ironical one--that, practically speaking, the Mayor makes the perfect Newsletter Editor for Takoma Park, because of his extensive level of commitment to and involvement with the doings of the City. Evidently, a part-time Editor, unassisted by any directly dedicated support staff, could not hope to have a corresponding level of official knowledge, nor such comprehensive community contact.

The current Mayor does not serve as our Newsletter Editor, and would not; yet someone must take on the large responsibility of producing the publication on a very low budget under the present terms.

Therefore, I welcome the suggestions of the committee that a reasonably compact group of Editorial Advisors, in addition to several volunteers and interns, should become, in effect, a more extensive Newsletter network/staff. I'm sure this, among many other steps outlined in Bevi Chagnon's section of this report--(including a very important consideration--whether to seek corporate donations as supplemental funding for the paper)--would, after an extensive process was undertaken to institute the changes, improve our product in the long run.

I also feel, however, that the improvement effort cannot be completed until the Mayor and Council are re-integrated somehow with the Newsletter production process, and lend additional support, overall, to the operation and funding of the publication.

Monthly Meeting With The Voice/Monthly City Wish List

In mid-September, I met with Lou DeSabra and Voice staffer Virginia Myers Kelly. We began fulfilling another mandate of this report: that the Voice and the Newsletter not duplicate material. We can work toward this goal successfully; it seems to me that the Voice and the Newsletter have determined fairly distinct and different identities, such that duplication may be less of an issue. At any rate, a Voice/Newsletter editorial conference will be on the agenda around the 15th of each month.

It's my feeling that also, each month and on a continuous basis, the Mayor and Council, together with the City Administrators and Department heads, should develop a "City wish list" for the upcoming TPN. This could be done informally, by circulating a sheet among the officials, for example, rather than during a general meeting.

Items could be entered on the list with priorities attached, i.e., with the Administrator's stamp they could be considered "musts," potentially deserving front page status. But I think City officials could also enter items on the list which would be more whimsical or less crucial in nature, and could consist of anything their Takoma Park experience happened to uncover; these "story ideas" the Editor could accept or reject depending on available time, his own or another writer's interest, etc.

Fortunately, this process already occurs, at least to some (perhaps inherent) extent. I believe that the system outlined in the paragraphs above, utilized with flexibility, and given the existence

of editorial interns and regularly involved volunteers, would be a fairly painless and not overly time-consuming way of assuring that important items never "slip through the cracks," and that the Editor develops a more comprehensive overview and coverage of city events.

It's not my perception that this amounts to the Mayor and Council "telling the Editor exactly what to do," nor would anyone be comfortable with such a system. I'm talking about developing a more ample and cooperative working relationship, facilitated (to re-iterate) not in the course of an argumentative and potentially politicized worksession, but by compiling a monthly list, which the Editor would utilize in accordance with his personal judgement and the advice he receives, and in light of funding demands relating to monthly edition space programming--that is to say, how much money we have to spend...

Money, Money, Money

I would be remiss if I didn't point out that carrying out everything in this report--a very desirable goal for the City, I think--will require some \$ 4,000-5,000 additional in our annual budget, as well as perhaps \$ 2,000 in re-design and new system implementation fees. The question is, is this amount of extra funding and a substantial re-dedication of effort worth the trouble ?

Your answer would be yes if you believed Takoma Park should have a Newsletter we can all be fully proud of, which bespeaks our leadership's commitment to nurture a viable and exemplary local community, and serves as a basic tool in the process. This is the mission you should call off, if you do not wish to begin the extensive program needed to fulfill it. We will continue having something like the current TPN, making some improvements.

Meanwhile, I wish to affirm that, in my opinion, the proceedings of Mr. Leary's Committee have been extremely productive and enjoyable. Every committee member made appreciable efforts toward fitting together the Newsletter puzzle, but I believe that Ms. Bevi Chagnon deserves particular thanks for her unstinting dedication to the task. We now have an opportunity to begin a substantial project and "clean up the TPN act" by working to fulfill the Committee's program, granted that the Mayor and Council clearly and actively support the effort.

Reid Baron, TPN Editor

MEMORANDUM

TO: Takoma Park Newsletter (TPN) Review Committee

FROM: Jay Bayerl

RE: Cooperative publishing of the TPN with the Takoma Voice

DATE: June 2, 1989

At the initial meeting of our review committee on May 24, the issue of possible cooperative publishing of the TPN with the Takoma Voice was discussed. The sense of the meeting seemed to be that the editorial integrity of the TPN should be safeguarded at all costs, and that cooperative publishing should be considered only in the areas of printing and distributing. I volunteered to further explore this possibility via more extensive discussions with the editors of both publications, and to report back to the committee as a whole on June 8.

I first reviewed the pertinent documents in the packets provided by Bill Leary. These included:

- 1) A preliminary proposal for joint publication submitted by the editor of the Takoma Voice, Lou DeSabra. This proposal, dated April 5, was prepared in response to a suggestion by TPN editor Reid Baron.
- 2) The TPN's budget projection for FY 1989/90 as prepared by Reid Baron. These included projections for three operating possibilities: a) no change from current procedure, b) some joint arrangements with the Takoma Voice, and c) complete production and distribution by the Takoma Voice.
- 3) A letter to the City Council by Dan Halberstein of Design on Demand, the firm which currently does the production work on the TPN. The letter argues strongly for keeping the editorial and production functions of the TPN independent from the Voice.

I talked extensively with Reid Baron regarding his views on cooperative publishing. In his budget projection document of April 7, he had urged retention of the current production team but said that the TPN might benefit from "a shared, augmented distribution with the Voice." One of the most impressive features of the Voice's proposal was a doubling of current TPN circulation figures with little or no increase in production, printing or distribution costs.

Reid made a strong case for preserving the editorial independence of the TPN by maintaining a separate production and typesetting arrangement. The Voice's proposal to take on the production functions, as well as their desire to

take on some of the current contents of the TPN and reduce the TPN to eight pages, might compromise this independence, he thought.

Even in the area of distribution, the question remained as to what kind of identity the TPN would have if it were delivered as an insert to the Voice. Would people begin to confuse the two publications? Would the TPN come to be seen as just a section of the Voice? What would happen to the distribution funds currently provided to the local Boy Scouts? These questions made Reid more hesitant about any kind of cooperative publishing at the present time.

Lou DeSabra still believes that some form of cooperation between the two publications would be mutually beneficial. He would like to see an arrangement between the two publications exemplified by Parade magazine and the various independent Sunday newspapers which distribute it. In his view, the TPN could remain as an editorially independent publication if it were provided as an insert to the Voice. The savings in terms of printing and distribution costs would be enough to justify such a relationship, he says.

Ideally, Lou would like the Voice to have more of a role than just printing and distribution. He believes that certain material now printed in the TPN would be better suited to the Voice. His proposal calls for the Voice picking up such regular TPN features as the police news, its calendar of events, and its Recreation news and Cable T.V. listings. This would shrink the TPN down to eight or less pages, further reducing City expenses. He further notes that most government-sponsored publications do not carry the kind of opinion-based articles and political analyses that the TPN does, and wonders if those kinds of pieces would not be better suited for publication in the Voice. On the other hand, he recognizes the uniqueness of Takoma Park's citizen involvement in local affairs and would not want to squelch it. He admits that the Voice itself would not be able to abide by some of the current guidelines of the TPN, such as guaranteeing editorial space to all City Council members.

Given the realities of the situation, Lou would be willing to take on just the printing and distribution functions of the TPN. He said he would be willing to use the page proofs provided by the City's current production team, but then said he would want the Voice to review them for aesthetic design, and also to avoid editorial duplication. As far as distribution, he said he would be willing to use the City's current arrangements with the Boy Scouts, but that the Voice would enforce stricter control to ensure that all the deliveries were in fact made.

Recommendations:

On first reading, the proposal made by Lou DeSabla of the Takoma Voice for cooperative publishing of the TPN seems quite appealing. On further consideration, some serious reservations emerge. The proposal for Voice authority over TPN production work would seem to relinquish an unwarranted amount of control over the general appearance of the publication to the Voice. Voice interests in taking on some of the regular features of the TPN might also be problematic in terms of controlling the scope of such exchanges of content. Lou DeSabla's questioning of the editorial scope of the TPN might also be a force toward undermining the TPN's identity as a publicly-sponsored forum for diverse opinion within the City.

In terms of cooperative printing and distribution, I also see some significant problem areas. While a doubling of current circulation with little increase in cost seems appealing, the question remains as to the need for such an expanded circulation. The current TPN circulation of 9,000 covers all residential units in the City, with hundreds left over for distribution in public places and businesses. The Voice says it could work with the TPN's current Boy Scout distribution arrangement, but would it really have the incentive to work to improve any distribution breakdowns or would it more likely return to its own private distribution arrangement?

Perhaps the most important concern is in the area of maintaining an independent identity for the TPN. Distribution of the TPN as an insert to the Voice is likely to diminish the TPN in the public's eye as a unique organ of the City government.

Lou DeSabla says that the Voice would provide its printing and distribution services at cost, and that the Voice has no interest in violating the integrity of the TPN. His proposal is public-spirited and he should be congratulated for taking the time to come forth with a serious, thoughtful offer. Because of the reservations articulated above, however, it is my recommendation that no cooperative publishing efforts between the Voice and the TPN be initiated at this time.

my friend