

CITY OF TAKOMA PARK, MARYLAND (FINAL 1/5/93)

Regular Meeting of the City Council
Monday, December 14, 1992

AGENDA

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	Dep. City Admin. Grimmer
Councilmember Hamilton	City Clerk Jewell
Councilmember Johnson	Corp. Counsel Silber
Councilmember Leary	Community Planner Schwartz
Councilmember Porter	COLTA Ex. Dir. Lee-Bryant
Councilmember Prensky	

The Council convened at 7:57 p.m. on Monday, December 14, 1992 in the Council Chamber at 7500 Maple Avenue. Following the Pledge of Allegiance, the following comments were made.

MAYOR/COUNCIL COMMENTS

Mr. Sharp introduced Brian Scott, of the Whitman-Walker Clinic of Langley Park who distributed information packages to the Council and explained the products and services of the Clinic, located in the Langley Park Crossroads Professional Building serving the needs of AIDS patients from Frederick to Southern Maryland. Mr. Scott explained the Clinic's programs which included medical specialty referrals for clients, some payments for medical specialists, buddy programs, pharmaceutical service programs, and HIV education to the Latino and Afro-American population. Mr. Scott said the total number of AIDS cases diagnosed in Montgomery County was 600; the total in Prince George's County was 1,000, and he asked for the Council's assistance in informing Takoma Park community associations of the Clinic's existence and the need for volunteers to help with administrative work, the buddy programs and transportation needs for the clients. Mr. Scott also noted that there would be an official dedication of the Clinic on January 6, 1993 at 12 noon, and he invited the City Council to attend.

Mr. Leary suggested that the City's Cable Television station might be able to provide some opportunity for the Clinic's educational and awareness programs.

Mr. Johnson commented that two of the major health problems facing the Afro-American community were murder and AIDS and said he was glad to know the Whitman-Walker Clinic had arrived in Ward 6 to serve the Prince George's and Montgomery County community. Mr. Johnson said the Clinic's presence would be a constructive one.

Mr. Prensky commented that he had the pleasure of attending the City's Police and Recreation Department sponsored holiday party for Takoma Park residents who were having difficult financial times. He said the party was a unique opportunity to serve the people; meals and gifts were provided to 250 needy Takoma Park families.

ADOPTION OF MINUTES FROM 11/9/92 AND 11/16/92

Moved by Mr. Hamilton; duly seconded. Ms. Porter and Mr. Sharp noted that they had identified a few typos which did not change the content of the Minutes and these would be passed onto the Clerk. The Minutes were adopted without objection.

CHANGES TO AGENDA

Mr. Sharp noted that Mr. Bob Alpern had not yet been interviewed for the Nuclear-Free Takoma Park Committee, and he suggested that the Resolution listed as Consent Agenda Item 6(b) be removed from the Consent Agenda because his name could not yet be included for reappointment. Also removed from the Consent Agenda was the resolution to appoint Councilmember Gregory Hamilton to the Montgomery Community Television Board, in order to be able to include a termination date.

include a termination date.

AGENDA

#1. 2nd Reading Ordinance Correcting Ordinance #1992-38.

Moved by Mr. Hamilton; seconded by Ms. Porter, the Ordinance was adopted unanimously on second reading. (Absent: Mr. Elrich)

ORDINANCE #1992-43

(Attached)

#2. 2nd Reading Ordinance Amending Nuclear Free Zone Legislation.

Moved by Mr. Leary; seconded by Mr. Hamilton, the Ordinance clarifies the nuclear free zone ordinance that the City may purchase replacement parts, supplies and services for equipment which is owned by the City.

Council Action: The Ordinance was unanimously adopted on second reading. (Absent: Mr. Elrich)

ORDINANCE #1992-42

(Attached)

#3. 1st Reading Ordinance Prohibiting Repeated Stalking and Harassment.

Mr. Sharp noted that the legislation had been discussed previously in Council worksession, and that the Ordinance before Council was a compilation of the Prince George's County legislation with additional provisions offered by Mr. Johnson. The Ordinance was moved by Mr. Johnson; seconded by Ms. Porter.

Mr. Johnson proposed an amendment to add an additional Whereas clause to read, "Existing State law does not provide adequate protection to victims of domestic violence".

Mr. Leary noted that the State legislature had passed landmark legislation regarding domestic violence, and he suggested it would be more appropriate to refer to stalking as the problem which was not adequately addressed by State law, rather than domestic violence.

Mr. Johnson said he did not object to Mr. Leary's suggestion. It was proposed that an amendment be made to strike "domestic violence" and replace it with "stalking". The amendment was accepted without objection.

Ms. Silber noted that in the penalty section of the Ordinance, the Class fine was left blank. She suggested that the misdemeanor be designated as a Class A misdemeanor punishable by a fine not exceeding \$1,000 or imprisonment for not more than six months. The Council accepted the amendment without objection.

Mr. Sharp commented that there was some value in having language which specified the course of conduct to mean "two or more acts". He said he was glad to see this language written into Takoma Park's proposed law because the term referencing "a series of actions" would be subject to a number of different interpretations by judges.

Mr. Leary commended Mr. Johnson for taking the initiative in proposing the legislation for the City. He noted that a number of related efforts were underway--the most recent appropriation for Departments of Commerce, State and Justice included a provision that directed the National Institute of Justice to develop a model anti-stalking law that would serve as the constitutional and enforceable framework for states to adopt. Mr. Leary also said that Delegate Pauline Menes had introduced State legislation, which he understood was far superior to some other alternatives which had been considered.

Ms. Porter said that she supported the City Council's passage of the legislation and she would like to see the Council continue to

State level, to adopt legislation which would protect everyone in the State of Maryland.

Mr. Sharp noted that he had spoken to Charles Challstrom, President of the Maryland Municipal League (MML) about the League's introducing this as a legislative priority next year. Mr. Sharp said the Council should plan to talk with State delegates to let them know that Takoma Park is interested in this. Mr. Sharp also said that Takoma Park's language seemed to be stronger than the State language and that Mr. Challstrom said he thought the MML would be receptive to supporting legislation in the next legislative session.

Mr. Johnson said that he unfortunately had to deal with these types of problems in his profession; he noted that while the Council was giving a tool to victims of harassment and stalking and giving a tool to the police, the legislation would only be as effective as the Courts saw fit to enforce the statute. He said too often he had seen victims of stalking and harassment come seeking the support of the Courts for the enforcement of statutes already on the books, only to have what they were complaining about minimized and not taken seriously. He said he hoped the Council would ensure that victims of harassment and stalking were treated as seriously as victims of other such serious crimes.

CITIZEN COMMENTS

Joan DuBrule said she saw hope with the introduction of the legislation; however, she had heard from many stalking victims that the system that should help them failed to do so and at times escalated their fears by not listening to the victims. She said the laws to protect women could no longer be made by men without consulting women. She asked how the law would be implemented and if there would be a training program for police officers who would have to deal with the victims of stalking and harassment.

The Council asked that the Police Department provide an update to the Council on a proposal made during last year's budget planning to establish a victim's assistance program. Council also asked to hear about the type of training Takoma Park officers would have for dealing with cases of stalking/harassment and domestic violence.

Council Action: The Ordinance, as amended, was passed unanimously at first reading.

ORDINANCE #1992-44 (Attachment)

#4. Resolution Re: Variance Case A-3691, 19 Lee Avenue. Mr. Sharp noted that the Council had before them a recommendation from staff to oppose the variance and take no position on the requested rear yard variance.

Community Planner Lisa Schwartz noted that the Board of Appeals moved the hearing date to January 21, 1993. She said that staff had determined that it was likely an additional variance would be needed for the side yard for the steps and porch, but the applicant was still confirming this with the Department of Environmental Protection. Ms. Schwartz also noted that the minimal lot size variance for Lot 13 was larger than what was originally proposed. She then provided the information as amended language in the Resolution.

The Resolution was moved by Mr. Prensky; seconded by Mr. Hamilton. Mr. Prensky pointed out that the applicant's proposal was presented to the Council and discussed in Worksession.

Alan Adler, Agent on behalf of the Applicant, Farid Srour said that he understood the position of the neighbors and the position staff was recommending in respect to ultimately having the property subdivided so that the problem with the existing house on 19 Lee

Avenue could be remedied. He said in the event that the variances were denied by the Board on 1/21, the property could be resubdivided or it could stay as it was. He said he did not foresee the property being resubdivided; hence, the community faced the situation where the house was still in violation and could not be properly maintained. Mr. Adler said in order to maintain the house, a variance would need to be obtained. He said the Board should consider the situation specifically with respect to the house at 19 Lee Avenue. He said the variance for the middle lot would not be approved by the Council or the Board. He asked Council to reconsider his proposal with respect to physically moving the house so that it sat on its own lot.

Ms. Habada informed Mr. Adler that his description sounded like a case of demolition by neglect which was unacceptable to the City and would probably mean she would send out code enforcement officers to cite the property. She said the viability of the house and the variance issue were two separate issues and she hoped Mr. Adler was not attempting to link the two.

Mr. Adler said the owners never informed him this was what would happen, but instead, what he understood from the County was that in order to obtain a building permit to repair the deck or permits to repair the house, he needed to obtain a variance. He said he was not encouraging action with respect to neglecting the house.

Mr. Sharp reminded Mr. Adler that the Council was not taking a position on the requested rear yard variance.

Ms. Schwartz clarified that the practice was that variances were not generally required unless some extension of the actual footprint of the house was involved or if an existing open porch was enclosed, then the porch was not considered part of the footprint unless it was enclosed. She said in order to do repair work, no variance was required unless it involved enclosing a porch.

CITIZEN COMMENTS

Jim Douglas, 18 Sherman Avenue said he was speaking on behalf of the neighbors and asked that the record of the Council's October deliberations be made a part of the proceedings. He said Mr. Adler still wanted to take a situation where the lot sizes would be considerably smaller than those in the surrounding area and "shoe horn" two additional houses which would detract from the quality of the neighborhood. Mr. Douglas said he was disturbed by Mr. Adler's comments which implied that his request for variances and the physical condition of the exterior of property were linked. Mr. Douglas said he agreed with Ms. Habada; if there was a problem with the appearance and condition of the house, it was a code enforcement problem and the owner and tenants needed to deal with that issue. Mr. Douglas said that Mr. Adler's implication was that someone could let the exterior and interior of house deteriorate and then they could get a variance because of their own neglect. Mr. Douglas urged the Council to adopt the Resolution as amended by staff.

Council Action: The Resolution, as amended, was unanimously passed.

RESOLUTION #1992-97 (Attachment)

#5. 1st Reading Ordinance Re: City Engineering Contract for Professional Engineering Services. Mr. Sharp explained that the Ordinance authorized the City Administrator to enter into a contract with Greenhorne & O'Mara to provide professional engineering services for Takoma Park and to consider an extension of a contract with the City's current engineering firm, Gilford & Chase beyond March 1993.

Chase beyond March 1993.

The Ordinance was moved by Mr. Elrich; seconded by Ms. Porter. Mr. Sharp noted an amendment to the next to last Whereas clause to delete the phrase [or other funding]. The amendment carried unanimously.

Council Action: The Ordinance, as amended, was unanimously accepted at first reading.

ORDINANCE #1992-45
(Attachment)

#6. Consent Agenda. Moved by Mr. Prenskey; seconded by Mr. Hamilton, the following items were unanimously passed:

(a) Resolution #1992-98 - setting forth Council's holiday recess from 12/15/92 through 1/3/93.

(b) Resolution #1992-99 - Appointing Sherri Lynn Morgan to serve out an unexpired term of a COLTA Commissioner who is resigning effective 12/31/92. The term becomes effective on 1/1/93 and expires 6/30/93.

(c) Resolution #1992-100 - Authorizing the Mayor to execute agreement documents with Mutual of America for a deferred compensation plan for the City Administrator.

RESOLUTION #1992-98
RESOLUTION #1992-99
RESOLUTION #1992-100
(Attached)

#7. Nuclear-Free Takoma Park Committee Appointments. Mr. Sharp moved the deletion of Mr. Robert Alpern's name from the Resolution until such time as Council could interview him. The Resolution was unanimously passed appointing Miles E. McCord, Jr. and re-appointing Reuben Snipper, both to serve two year terms which expire on 12/14/94.

RESOLUTION #1992-101
(Attached)

#8. Montgomery Community Television Board. Moved by Mr. Sharp, seconded by Mr. Leary, the Resolution was unanimously passed appointing Councilmember Hamilton to serve as the City's representative on the Board of Directors of Montgomery Community Television Board. Mr. Hamilton will be filling the seat vacated by Casey Gearhart and his term will expire on 12/14/93.

RESOLUTION #1992-102
(Attachment)

Upon motion duly made and seconded, the Council adjourned at 9:27 p.m. to meet in Worksession immediately following and to reconvene back into Regular Session on 1/11/93.

Introduced By: Councilmember Prensky

ADOPTED: DECEMBER 14, 1992

Resolution No. 1992-97

A Resolution Concerning New Applications for Variances
for 19 Lee Avenue (Case Nos. A-3691 and A-3733)

WHEREAS, Mr. Farid Srour has submitted a new application to the Montgomery County Board of Appeals for variances for Lot 14, Block 5, Carroll's Addition to Takoma Park Subdivision, located at 19 Lee Avenue, Takoma Park (Case No. A-3691); AND

WHEREAS, the applicant now proposes to relocate the existing dwelling so that it is sited entirely on Lot 14, and is therefore requesting the following variances:

1. 3 feet from the minimum side lot line setback of 7 feet
2. 3 feet from the minimum front lot line setback of 25 feet (Hancock Avenue)
3. 3 feet 10 1/2 inches from the minimum front lot line setback of 25 feet (Lee Avenue)
4. 740 square feet from the minimum lot size requirement of 5,000 feet
5. 1.4 feet from the minimum rear lot line setback of 20 feet, AND

WHEREAS, the proposed house relocation may also require variances for porches and exterior steps; AND

WHEREAS, the applicant also wishes to construct a house on the adjoining lot, which is Lot 13, Block 5, Carroll's Addition to Takoma Park, and has therefore submitted an additional application for a variance of 423 square feet from the minimum lot size requirement of 5,000 square feet (Case No. A-3733); AND

WHEREAS, this property is located in the City of Takoma Park and the application has therefore been referred to the City for review and comment; AND

WHEREAS, the applications have been reviewed by City staff, which has recommended DENIAL of the applications on the basis of analysis contained in the pertinent staff report dated December 4, 1992;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the City Council hereby OPPOSES the requested side yard, front yard, and minimum lot size variances, and any additional variances for porches and exterior steps that may be required under the proposed development, and recommends that the Board of Appeals DENY these variances because they do not meet the required standards for granting a variance for the following reasons:

1. Lots 13 and 14 are substandard, in that they do not meet the minimum lot size requirement of 5000 square feet under the 1928 County Zoning Ordinance. In addition, these lots are significantly smaller than most other single-family-zoned lots in the neighborhood. The non-conforming status of these lots should therefore not be perpetuated if it can otherwise be remedied, in this case by resubdivision.
2. Denial of the requested variances would not result in a hardship, and the variances are not the minimum reasonably necessary, because the property owner can remedy the current non-conforming condition without moving the existing dwelling by subdividing the property.
3. Relocating the existing dwelling on Lot 14 will cause it to intrude into the building setback on Lee Avenue, and it will therefore be out of alignment with neighboring structures.
4. The requested variances cannot be granted without substantial impairment to the intent, purpose and integrity of the City of Takoma Park Master Plan objective to "Maintain and protect the existing sound residential areas and strengthen the residential character of the neighborhood."
5. Granting of the requested variances would be detrimental to the use and enjoyment of adjoining and neighboring properties, and has been opposed by several neighboring property owners on the basis of the harm that they feel the proposal would do to them.

BE IT FURTHER RESOLVED THAT the City Council takes NO POSITION on the requested rear yard variance.

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 14TH DAY OF DECEMBER, 1992.

Introduced By: Councilmember Prenskey
(Drafted By: C. Sartoph)

RESOLUTION NO. 1992 - 98

SETTING FORTH THE CITY COUNCIL'S HOLIDAY 1992 RECESS

WHEREAS, it has been decided that in order to accommodate vacation schedules of the City Council, a holiday recess shall be called; AND

WHEREAS, this recess shall commence after a Regular Council Meeting scheduled for Monday, December 14, 1992; AND

WHEREAS, with Friday, December 25, 1992 being the Christmas Day Holiday and the following Friday, January 1, 1993 being the New Year's Day Holiday, the Council will reconvene their meetings on Monday, January 4th, in Council Worksession; AND

WHEREAS, further, the Council will reconvene their first Regular Meeting of official business, scheduled on Monday, January 11, 1993.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby set forth its holiday recess from December 15, 1992 through January 3, 1993.

Dated this 14th day of December 1992.

Introduced by: Councilmember Prensky

RESOLUTION NO. 1992-99

APPOINTING REPRESENTATIVE TO COLTA

WHEREAS, as of the end of December 1992, there will exist two vacancies on the City's Commission on Landlord and Tenant Affairs; AND

WHEREAS, one Takoma Park resident has made application to serve on the Commission.

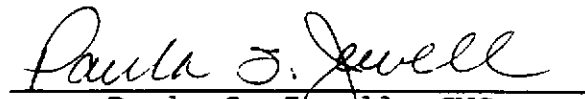
NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, does hereby appoint to the Takoma Park Commission on Landlord and Tenant Affairs:

Name	Address	Term Expires
Sherri Lynn Morgan	7101 Thirteenth Avenue	June 30, 1993

BE IT FURTHER RESOLVED, THAT this appointment becomes effective on January 1, 1993.

Adopted this 14th day of December, 1992.

ATTEST:



Paula S. Jewell, CMC
City Clerk

Introduced by: Councilmember Prensky

Adopted: 12/14/92

Resolution No. 1992-100

A resolution authorizing the Mayor to execute agreement documents with Mutual of America for a deferred compensation plan as per the May 6, 1992 contract with the City Administrator.

WHEREAS, the City Council (hereinafter referred to as the Council) of the City of Takoma Park, Maryland has the sole authority for acting on all matters pertaining to compensation and benefits for the City Administrator of Takoma Park; AND

WHEREAS, the Council held its regular meeting on December 14th at which time a quorum was present; AND

WHEREAS, at the December 14th City Council meeting, the matter of selection of a deferred compensation plan was reviewed and considered and the following decision reached:

The City of Takoma Park will contribute annually into a deferred compensation plan offered by Mutual of America under the conditions set forth in the May 6, 1992 contract with the City Administrator.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF TAKOMA PARK, MARYLAND THAT the Mayor is authorized to execute a deferred compensation agreement between the City of Takoma Park and Mutual of America on behalf of its City Administrator, Beverly Habada, and to execute various documents to effect this arrangement and authorizes the Mayor to see that those contributions required to establish and maintain this arrangement are made.

ATTEST:



Paula S. Jewell, CMC
City Clerk

DATE:

December 14, 1992

Introduced By: Councilmember Prenskey
(Drafted by: P. Jewell)

RESOLUTION NO. 1992 - 101

APPOINTING MEMBERS TO THE NUCLEAR FREE TAKOMA PARK

WHEREAS, Takoma Park's Nuclear Free Zone Act established a seven member Nuclear Free Takoma Park Committee; AND

WHEREAS, currently there are 4 vacancies on this Committee due to two resignations and two terms that have expired; AND

WHEREAS, the Council has interviewed Takoma Park residents who have expressed an interest in serving on the Committee.

NOW, THEREFORE, BE IT RESOLVED THAT the following persons are hereby appointed to serve on the Nuclear Free Takoma Park Committee with terms assigned opposite their names:

Name/Address	Term Expires
Miles E. McCord, Jr. 7012 Carroll Avenue #2	12/14/94
Reuben Snipper 705 Erie Avenue	12/14/94

Dated this 14th day of December, 1992.

Introduced by: Councilmember Prensky

RESOLUTION 1992-102

A Resolution to appoint a City representative to the Montgomery Community Television Board of Directors.

WHEREAS, the City of Takoma Park is a co-franchisor with Montgomery County on an agreement for cable service to be provided City residents from Cable TV of Montgomery, Inc.; AND

WHEREAS, by virtue of its co-franchise status the City has a seat on the Board of Directors of Montgomery Community Television, Inc.; AND

WHEREAS, Ms. Casey Gearhart, the City's representative on the Board resigned due to requirements of her work, said resignation leaving the City without representation on the board of directors.

NOW THEREFORE BE IT RESOLVED THAT Councilmember Gregory Hamilton is appointed to the Board of Directors of Montgomery Community Television for a period of time not to exceed one year.

Adopted this 14th day of December, 1992.

Introduced by: Councilmember Leary

1st Reading: 11/23/92

2nd Reading: 12/14/92

ORDINANCE #1992-42

(Nuclear-Free Zone Act - Replacement of Part Purchases)

WHEREAS, certain pieces of City equipment may require specialty replacement parts that ~~are only~~ [~~may only be~~] are made by nuclear weapons producers only; AND

WHEREAS, other city products and equipment require services and/or supplies which are [~~may only be~~] available only from vendors who are [on the list of] nuclear weapons producers; AND

WHEREAS, the City has purchased certain products and equipment from manufacturers which were not [on the relevant list of] nuclear weapons producers at the time of the purchase, but have since been [added to the list; and] deemed to be nuclear weapons producers; AND

WHEREAS, the list is subject to change annually; AND

WHEREAS, the City wishes to clarify that the City may purchase replacement parts, supplies, and services for equipment which is owned by the City under the provisions of Section 8A-6(d) of the Takoma Park Code.

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

SECTION 1. Chapter 8A, Nuclear-Free Zone, of the Takoma Park Code is amended as follows:

CHAPTER 8A. NUCLEAR-FREE ZONE.

Sec. 8A-6. Eligibility for City contracts.

* * * *

(d) The City of Takoma Park shall phase out the use of any products of a nuclear weapons' producer which it owns or possesses. Insofar as non-nuclear alternatives are not available, for the purpose of maintaining a ~~an otherwise prohibited~~ product during its normal useful life and for the purpose of purchasing or leasing replacement parts, supplies, and services for such products, Section 8A-6(a) and (b) above shall not apply. [be advisory rather than prohibitive.]

SECTION 2. This Ordinance shall be effective upon adoption.

ADOPTED THIS 14th DAY OF December, 1992 BY ROLL CALL VOTE AS FOLLOWS:

AYE: Sharp, Hamilton, Johnson, Leary, Porter, Prensky

NAY: None

ABSTAIN: None

ABSENT: Elrich

NOTE: * * * * indicates existing language from the Takoma Park Code which is not produced herein.

Shading indicates language which was added at first reading.

~~Strikeout~~ indicates language which was deleted at first reading.

Underlining indicates language suggested at Worksession on 12/7 and will need to be voted on at second reading.

[Brackets] indicate language deleted at Worksession on 12/7 and will need to be voted on at second reading.

Introduced by: Councilmember Hamilton

1st Reading: /11 /23/92
2nd Reading: /12 /14/92
Effective Date: / /

ORDINANCE NO. 1992 - 43

TECHNICAL CORRECTION TO RECYCLING IN MULTI-FAMILY DWELLINGS
ORDINANCE

WHEREAS, Ordinance No. 1992-38 established requirements for the development of recycling programs in multi-family buildings in the City of Takoma Park; AND

WHEREAS, Ordinance No. 1992-38 amended Chapter 6, Article 7 of the City Code; AND

WHEREAS, due to an error in second reading preparation, Ordinance 1992-38 referenced and amended incorrect section numbers in Chapter 6, Article 7; AND

WHEREAS, the City Council wishes to correct the error in Ordinance No. 1992-38.

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

SECTION 1. Chapter 6 (Housing), Article 7 (Landlord-Tenant Relations), Section 6-81 Obligations of Tenants and Landlords of the Code of the City of Takoma Park is amended as follows:

[Section 6-80.7.] Section 6-81 (a). Obligation of tenants.

* * * * *

[(b)] (2) Dispos[e]ing [from the dwelling unit] all rubbish, garbage, recyclables as required by Chapter 10, Article 3, Section 10-21, and other organic and flammable waste from the rental facility in a clean and sanitary manner.

* * * * *

[Section 6-80.7.] Section 6-81 (b). Obligations of landlords.

* * * * *

[(a)(5)] (4) Providing and maintaining appropriate receptacles and conveniences for the removal of ashes, rubbish, garbage and recyclables as required by Chapter 10, Article 3, Section 10-21 and arranging for the frequent removal of such materials.

* * * * *

SECTION 2. Effective Date.

This Ordinance shall be effective retroactive to October 26, 1992, the effective date of Ordinance No. 1992-38 which is being corrected by this Ordinance.

Note:

1. underlined means language added to Chapter 6, Article 7 of the Takoma Park Code, as it was enacted by Ordinance No. 1992-38.

2. [brackets] means language deleted from Chapter 6, Article 7 of the Takoma Park Code, as it was enacted by Ordinance No. 1992-38.

3. * * * denotes language in the Takoma Park Code that has not been reproduced in this Ordinance.

Adopted this 12th day of Dec., 1992 by roll call vote as follows:

AYES: Sharp, Hamilton, Johnson, Leary, Porter, Prensky

NAYS: None

ABSTAINED: None

ABSENT: (for vote: Elrich)

Introduced by:
Councilmember Johnson

1st Reading: 12/14/92
2nd Reading:

ORDINANCE NO. 1992-44

(Repeated Harassment and Stalking of Persons Prohibited)

WHEREAS, acts of repeated harassment and stalking of persons have become issues of increasing concern for Takoma Park residents; AND

WHEREAS, the City wishes to specifically prohibit repeated acts of harassment and stalking of persons within its jurisdiction, and to provide criminal penalties for violation of such prohibitions; AND

WHEREAS, at least twenty states across the country have already enacted legislation that prohibits the repeated harassment and stalking of persons; AND

WHEREAS, the State of Maryland has not yet enacted such legislation and although Prince George's County has criminalized such conduct, Takoma Park citizens in Montgomery County are not yet protected and Takoma Park wishes to enact the same standard throughout the City; AND

WHEREAS, existing State law does not provide adequate protection to victims of domestic violence.

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

Section 1. Chapter 8, Article 4 (Offenses Against Public Welfare) of the Code of the City of Takoma Park is added as follows:

ARTICLE 4. OFFENSES AGAINST PUBLIC WELFARE.

Division 4. Repeated Harassment and Stalking.

Sec. 8-62.

(a) For purposes of this division:

(1) "Course of conduct" means a persistent pattern of conduct, composed of two or more acts over a period of time, however short, that evidences a continuity of purpose.

(2) "Credible threat" means an expressed or implied threat against the life of another person or to cause bodily injury to another person which is made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or for the safety of another person or to suffer substantial emotional distress.

(3) "Harass" means to engage in a knowing and willful course of conduct directed at a specific person which serves no legitimate purpose and which would seriously alarm, annoy, or intimidate the person. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress.

(4) "Stalk" means to engage in an intentional course of conduct directed at a specific person which serves no legitimate purpose and which would seriously alarm, annoy, intimidate, or harass the person. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress.

(5) This section does not apply to any peaceable activity intended to express political views or provide information to others.

(b) Unlawful Acts:

A person who willfully follows, stalks, or harasses another person and who makes a credible threat against the person shall be guilty of a misdemeanor.

Sec. 8-63. Penalty.

Each violation of this division shall be a Class A misdemeanor and, upon conviction, punishable by a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment for not more than six (6) months, or both in the discretion of the Court.

Section 2. This ordinance shall be effective upon enactment.

Adopted this _____ day of _____, 1992 by roll call vote as follows:

- Aye:
- Nay:
- Abstain:
- Absent:

Draft for 1st reading December 14, 1992.

c:\corr\stalking.ord\mb

Introduced by: Councilmember Elrich

1st Reading: 12/14/92

2nd Reading:

Adopted:

Ordinance No. 1992-45

Authority to Negotiate for Professional Engineering Services

WHEREAS, the City of Takoma Park desires to enhance Professional Engineering Service capabilities for general engineering services, street design and construction inspection services, and general services related to Stormwater Management projects and issues, AND

WHEREAS, appropriate solicitation of interest through formally advertised Request for Proposals was followed, AND

WHEREAS, the City Administrator appointed a Selection Board to review submitted proposals in accordance with the Takoma Park Procurement Regulations, AND

WHEREAS, the Selection Board properly convened for screening evaluation and subsequent interviews with a recommended short list of interested engineering firms, AND

WHEREAS, the Selection Board has recommended that the firm of Greenhorne & O'Mara be selected as an engineering services provider, AND

WHEREAS, the Selection Board has made recommendations that the current engineering services provider be considered for contract extension beyond the current contract expiration date of March, 1993, AND

WHEREAS, the finite scope of services required will be contingent upon the [bond issue currently under consideration or other] funding and project authorization by the Takoma Park City Council, AND

WHEREAS, contractual arrangements with Greenhorne & O'Mara and Gilford & Chase through open ended contracts is considered to be in the best interest of the City of Takoma Park.

NOW THEREFORE BE IT ORDAINED THAT

SECTION 1 - The City Administrator or her designee is authorized to negotiate with and enter into a contract with the engineering firm of Greenhorne & O'Mara to provide professional engineering services for general engineering services, street design and street construction inspection services, and Stormwater Management engineering services.

SECTION 2 - The City Administrator is authorized to consider an extension of the current contract with Gilford & Chase beyond March, 1993 for engineering services.

SECTION 3 - This Ordinance becomes effective upon adoption.

AYE:

NAY:

ABSTAIN:

ABSENT:

Note: In this Ordinance, [Brackets] indicate language deleted at 1st Reading.

Encl. (3) to RHK Memo 11/25/92