

Regular Meeting, Public Hearings and Worksession
of the City Council

Monday, December 13, 1993

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Asst City Administrator Hobbs
Councilmember Davenport	City Clerk Sartoph
Councilmember Elrich	Deputy City Clerk Espinosa
Councilmember Porter	Asst Dir for Special Projects Ludlow
Councilmember Rubin	Corporation Counsel Silber
Councilmember Williams	Community Planner Schwartz

The City Council convened at 7:48 p.m. on Monday, December 13, 1993, in the Council Chamber at 7500 Maple Avenue.

Following the Pledge of Allegiance, the following remarks were made.

MAYOR AND COUNCIL COMMENTS

Mr. Sharp congratulated the Police Department for the successful Holiday Party that was held at the Takoma-Langley Community Center and noted that there were over 200 people in attendance, a larger turn-out than in past years.

Mr. Elrich commented on the briefing that the School Board and architects gave to the Montgomery County Council Education Committee and said that he feels that the meeting went very well for the proponents of building the Blair High School on the Kay Tract. He said that significant information was introduced about the cost of the alternatives and noted some of the options that were discussed. Mr. Elrich stated that it was depressing to note the things that the School Board has planned for this cluster if it is rebuilt on its current location--year round school, split school days, extended days, busing the students to other schools while renovation is taking place. The Blair Cluster needs a new middle school, and the option is to reopen the Newport Middle School if Blair is simply rebuilt on its current site. He said that the weight of the arguments seemed strong enough to persuade the County Council to reconsider the siting of Blair, but that there was no indication of movement by any of the five members of the Council who had previously opposed building on the Kay Tract. Mr. Elrich noted that as soon as the County releases busing schedules, that the City Council intends to hold a busing forum to inform the community members of the busing implications. He said that there are still important decisions to be made on this matter in March and that the County Council does have the ability to change its mind.

Mr. Rubin noted that a couple of weeks ago some of the Blair students very vigorously expressed their support about building a new Blair on a site that can accommodate the population that is expected. He said that their position is also shared by their younger siblings throughout the Blair cluster.

Ariel Rubin introduced several young children who will be attending the Blair cluster schools in the future. They sang a song that was made up by some students expressing support for the siting of the school on the Kay Tract.

Mr. Sharp noted that Mr. Berlage was elected as the Vice President of the County Council for the next term.

Ms. Porter stated that a community meeting was held last Wednesday, attended by councilmembers and residents, to discuss a basic strategy for promoting unification of the city into a single county during this legislative session. She encouraged interested residents to contact their council representative, and noted that there seems to be a lot of citizen support for the initiative. The Prince George's County Council recently supported the effort to unify Takoma Park into a single county, which is a big step forward for this effort.

ADOPTION OF MINUTES (10/11, 10/25, 11/8, 11/15, 11/22) Moved by Ms. Porter; seconded by Mr. Elrich. Mr. Sharp recommended that if there is something unintelligible in the body of the minutes, that it be noted as such ("unintelligible") as opposed to leaving a blank.

The minutes were unanimously adopted.

ADDITIONAL AGENDA ITEMS Ms. Habada requested that a single reading ordinance authorizing playground equipment for Heffner Park be added to the agenda, and that the Council hold a brief Executive Session regarding land acquisition, at the close of the evening's meeting.

PRESENTATIONS Ms. Ellis noted persons who contributed to the Halloween and Turkey Trot Events and with the assistance of Mr. Kohn and Mr. Sharp, presented a certificate to each individual who was recognized.

Ms. Ellis introduced Mr. Windsor, former tight end for the San Francisco 49er's, who presented Mr. Sharp with an official Turkey Trot sweatshirt and an autographed photo.

REGULAR MEETING

#1 Resolution of Appreciation - Volunteer Coordinator Sandra Broadwater. Mr. Sharp read the resolution into the record. Moved by Mr. Sharp; seconded by Ms. Porter.

Mr. Sharp commented that there has always been a strong volunteer base in Takoma Park, but that it has always needed a guiding force, that Ms. Broadwater has provided over the last year. He thanked Ms. Broadwater for her service and contributions to the city.

Mr. Rubin added that Ms. Broadwater's work has had implications for Takoma Park beyond the city limits and noted that an article about her work in the city appeared on the front page of the Washington Post Style Section.

Ms. Ellis thanked Sandy on behalf of the Recreation Department and asked the Council to consider any way possible to retain her services.

Ms. Rebecca Brown thanked Sandy on behalf of the Takoma Park Library and said that she hopes that there can be some way of keeping her on with the city.

Mr. Hobbs commented on the first time he was told he would be in charge of the volunteer program, and that the only guidance he gave Sandy was that it was a very important project to the city. He said that she has done a good job creating and managing the program.

The resolution was unanimously adopted. Mr. Sharp presented Ms. Broadwater with the resolution.

RESOLUTION #1993-99
(Attached)

Ms. Broadwater said that she loves what she does and does not consider it a job, that she considers her co-workers her friends, and that she gladly works evenings and at weekend events. She thanked the Council and staff for the resolution and their wonderful comments.

#2 Resolution of Appreciation - Farmers' Market Master, Francis Roland. Mr. Sharp read the resolution into the record. Moved by Mr. Sharp; seconded by Ms. Porter.

Mr. Sharp commented, in terms of next year's market, that there is no question about whether the market is an integral part of the city. He noted that some issues have been raised concerning the market activities, and that it will be important to remember the importance of the market when those issues are discussed early next year.

The resolution was unanimously adopted.

RESOLUTION #1993-100
(Attached)

Mr. Sharp noted that the next two items on the agenda are resolutions of condolence. Mr. Sharp moved the two resolutions together; seconded by Mr. Chavez.

The resolutions were unanimously adopted.

#3 Resolution of Condolence - Leroy Dinkins, Father of Former Councilmember Hamilton.

RESOLUTION #1993-101
(Attached)

#4 Resolution of Condolence - City Election Judge, James A. Barclay.

RESOLUTION #1993-102
(Attached)

PUBLIC HEARINGS

1st Reading Charter Amendments Resolutions (1) Equal Conditions for Non-U.S. Citizen Voter Registration, (2) Deletion of Specific Time for New Council Organization, and (3) Expanded Write-in Procedures. Mr. Sharp opened the three public hearings for citizen comments at 8:23 p.m, and noted that citizens are invited to speak on any of the three issues, in no particular order.

Mr. Sharp noted that the need for the second charter amendment came to the Council's attention on the night of the new Council's organization when the Council wanted to go to a meeting in Rockville, but was restricted to meeting at 8:00 p.m in Takoma Park before departing. He said that the third charter amendment deals with write-in candidates and candidacies, and explained the current process of pre-registration for a person wishing to be a write-in candidate. He commented on the proposed amendment that would no longer require a person to pre-register with the City Clerk to be eligible for election to office as a write-in candidate. However, if a person does register with the City Clerk by the Friday prior to the election, his/her name will appear in the voting booth for the purpose of identification and proper spelling. Mr. Sharp commented on the amendment to eliminate any disparities in voter qualifications between citizen and non-U.S. citizen voters in Takoma Park City elections that would require a non-U.S. citizen to affirm that he/she is not guilty of conviction for an infamous crime or under guardianship for mental disability. He noted that there is an additional issue in this charter amendment to insure that a person only registers to vote in a single jurisdiction.

In the absence of citizen comments, Mr. Sharp brought the public hearings to a close at 8:29 p.m.

#8 1st Reading Resolution - Equal Conditions for Non-U.S. Citizen Voter Registration.

Mr. Rubin said that part of this proposal extends from some people's discomfort with the ability of a non-U.S. citizen to vote in another country and the City of Takoma Park, and that this seems to be a concern about the policy of the foreign country. He commented that several of his constituents believe that the city spends too much time getting involved with foreign affairs. He reminded the Council that notifying a non-U.S. citizen's country of his/her registration with the city will reveal the whereabouts of a person who may have fled his/her country.

Ms. Porter said that she believes that the intention is for the City Clerk to only be concerned with other municipalities in the United States.

Mr. Rubin stated that the proposed language "the City Clerk shall have the power to regulate all matters concerning the registration of non United States citizen voters" does not restrict the Clerk from notifying foreign countries of a person's registration with the city, and suggested that the language specifically limit the Clerk's power to notify only domestic jurisdictions.

Mr. Elrich said that by leaving the language as it is, it allows the Clerk to use discretion in how this is carried out, keeping in mind the concerns that have been raised.

Mr. Sharp noted that he thinks that the proposed language is appropriate for a Charter amendment, and that the Clerk will work with the City Administrator and Council on the administrative regulations regarding how this will be carried out.

Mr. Elrich pointed out that voter information is public information, and that any person could obtain a list of non-U.S. citizens who are registered with the city. He stated that he would like to see the Charter remain broad and not reduced to an administrative regulation.

Ms. Silber said that this discussion will provide a legislative history of what the intention of the amendment is and explained that the proposed language is an attempt at the concept that the City Clerk will regulate to make the registration of non-U.S. citizens as equal to that of U.S. citizens as possible. The intent is that a person will vote in only one jurisdiction in this country; it is not the intent to contact jurisdictions outside of the country.

Mr. Rubin asked whether there could be the addition of "domestic", to make it clear that the notification will only be in this country.

Ms. Silber suggested that his amendment be made to the third whereas clause, "with the City Clerk for Takoma Park who will assure that the person is registered to vote in only one place in the United States."

Mr. Elrich suggested that the amendment be made to the fourth whereas clause.

Mr. Rubin proposed that the amendment be made in the fourth whereas clause, "...Takoma Park, is not a registered voter anywhere else in the United States, and will be..."; seconded by Mr. Elrich.

The amended resolution was unanimously accepted at first reading (ABSENT: Davenport).

RESOLUTION #1993-103
(Attached)

#9 1st Reading Resolution re: Deletion of Specific Time for New Council Organization. Moved by Mr. Elrich; seconded by Ms. Porter.

Ms. Porter commented on the meaning of "the Council may recess, but not more than for one calendar month during the year", and suggested that this should also be amended. She noted that the Council will later be considering a resolution setting forth a Winter recess and having already recessed during August, the Council will be violating this Charter provision by recessing for more than one calendar month during the current year.

Mr. Sharp noted that this amendment will have to be considered separate from the one that is currently being proposed.

Ms. Porter said that she feels that the Council should also deal with this issue, and that she is concerned that the Council is operating in violation of the Charter.

Mr. Sharp said that this can be interpreted to mean that the Council does not recess for longer than one month at a time.

Mr. Rubin said that if the Council changes the way that the Charter currently reads by deleting the 8:00 p.m. specific time, that the Mayor could conceivably call the meeting any time during the 24-hour period of the second Monday following the election. He said that there is a simpler solution. The Council could vote to "stop the clock". This would require no change to the Charter and would allow for the majority of the Council to vote to change the meeting time.

Mr. Elrich said that the Charter prescribes that the Council is only required to meet once each calendar month. He explained a scenario of how the Council could recess in the middle of two months and only meet on the first Monday of the first month and the last Monday of the second month. Mr. Elrich commented that he interprets a calendar month to be an entire month, as all of August or all of December.

Ms. Porter responded that the Council sets forth its recesses by resolution, and that the language includes specific dates for the recess, not simply a month (i.e. August or December) which would better support her interpretation.

Mr. Sharp commented on the requirements for meetings.

Ms. Porter moved that the Council vote to put in place the procedure for a Charter amendment regarding the Council's recess.

Mr. Sharp noted that the motion is out of order, and that it should be made after the vote on this resolution.

Mr. Rubin said that he is in opposition to the proposed Charter amendment.

Mr. Sharp said that the out-going Council could set, by resolution, the time for the new Council's organization meeting.

Mr. Rubin noted that he believes that the reason the specific time is in the Charter is to address some of the same concerns that he has raised this evening. He suggested that the proposed amendment be changed to "...shall meet ~~at the regular time~~ on the second Monday..."

Mr. Sharp said that he believes that as with any meeting, the main issue is proper public notice of the meeting time and location, and that State law and Takoma Park tradition dictates that appropriate notice be given to the public. He commented that the Charter should spell out the authorities, but that specifics are not always necessary.

Mr. Elrich suggested that the proposed amendment be changed to "shall meet ~~at a time set by resolution by the outgoing Council...~~"

Mr. Rubin said that Mr. Elrich's proposal would address his concerns.

Mr. Sharp stated that the proposed amendment should be left as it is, and that an ordinance can later be adopted to address the procedure for setting the time of the meeting.

| The resolution was accepted at first reading (NAY: Rubin; ABSENT: Davenport).

RESOLUTION #1993-104
(Attached)

Ms. Porter moved that the procedures be set in place to propose an amendment regarding the Council's recess. She said that the Charter language should be clear about how long the Council can recess. Seconded by Mr. Williams.

Mr. Elrich said that Ms. Porter's concern regarding the interpretation of a calendar month has no basis in practice, and that the current language is clear--a calendar month is a calendar month (i.e. August, December, etc.)

Mr. Sharp said that it would be interesting to know the history of this provision and whether it applies to a particular interpretation.

| The motion failed (NAY: Williams, Elrich, Sharp, Rubin; ABSENT: Davenport).

#10 1st Reading Resolution re: Expanded Write-in Procedures. Moved by Ms. Porter; seconded by Mr. Chavez.

Mr. Elrich suggested that (b) be amended to replace "candidate" with "person".

Ms. Porter said that she supports the suggestion.

Mr. Sharp accepted this as a non-substantive amendment.

Ms. Porter stated that her recollection is that the Council decided not to include 704.1(e) and commented that anyone can choose to decline an office.

Ms. Silber said that it is not a problem to remove this from the resolution.

Ms. Porter moved to delete 704.1(e); seconded by Mr. Williams. The amendment was unanimously accepted (ABSENT: Davenport).

Mr. Rubin stated that at some point he will be having someone come before the Council to discuss the "none of the above" option.

The amended resolution was unanimously accepted at first reading.

RESOLUTION #1993-105
(Attached)

#11 Parking Waiver Request - 7063 Carroll Avenue. Moved by Mr. Rubin; seconded by Mr. Chavez.

Mr. Williams asked what is the city's authority to monitor the sanitation concerns on the property?

Mr. Sharp explained that Mr. Williams' concern is about the garbage on the site.

Mr. Williams said that he wants the city to do all that it can to ensure that rodents do not over-run the area.

Mr. Elrich asked whether both #1 and #3 need to be conditions of the resolution.

Ms. Schwartz explained that #3 was added in an attempt to reduce two-way traffic in the driveway, because the configuration of the driveway causes it to narrow to a 12 foot width on the side of the building. (The requirement for a two-way driveway is 20 feet.)

Mr. Rubin commented on the need for the valet parking and the positive aspects of requiring this parking service. The conditions of the resolution address the issues that have been brought up by the residents in the area of the proposed restaurant.

Ms. Schwartz commented that this condition has been discussed with the applicant, and that he said he would comply with this condition if necessary.

Mr. Rubin said that it does not appear that this poses a hardship for the applicant, and that it does address the concerns expressed by the area residents.

Mr. Williams said that he will go along with the valet parking condition but that if he were a business owner, he would not go along with this because it is an additional business cost.

Mr. Sharp said that he would second a motion to delete #3.

Mr. Elrich said that since the representatives of the respective wards have expressed their support and the concerns of residents in the affected area, that he would go along with #3.

Mr. Sharp asked what would happen if the owner finds that the valet parking is not feasible.

Ms. Schwartz said that the owner would have to come back to the City Council to request that the condition be deleted from the resolution.

The resolution was adopted (ABSTAINED: Williams, Elrich; ABSENT: Davenport).

RESOLUTION #1993-106
(Attached)

#12 1st Reading Ordinance re: Parking Tickets and Court Dates. Moved by Ms. Porter; seconded by Mr. Elrich.

Ms. Porter noted that the provision for only adding \$100 to the late payment of a handicapped parking violation, as opposed to doubling the original fine, does not appear in the ordinance.

Ms. Silber stated that she would add it.

Ms. Porter said that the ordinance does not address the problem of people taking advantage of repeated requests for court dates and failing to appear in court, resulting in continual changes to the status of a person's record in the computer (court date requested--hold on flagging, no show in court--registration flagged, court date requested--hold on flagging, etc.).

Ms. Silber noted that the ordinance does address requests for court dates in terms of posting collateral.

Ms. Porter said that the concern that originally brought this issue to the Council was that persons were requesting court dates so that it would be recorded in the computer that they have requested a court date, putting a hold on the flagging of their vehicle registration.

Ms. Silber said that it is a good point that the legislation does not address the case of a person who requests a court date in a timely manner and then does not show up. She said that she will discuss this matter with the Chief Administrative Judge to determine whether the city can control this within its ordinance.

Mr. Chavez asked whether it is legal to turn the ticket over to a collection agency after the trial date.

Ms. Habada said that the city is using the flagging system for state residents, but that the city is investigating using a collection agency for out of state residents.

Mr. Sharp commented on the section regarding towing provisions.

Ms. Habada noted that the Police Department has some suggestions to make regarding towing and other provisions of the ordinance before second reading.

Mr. Sharp suggested that the ordinance be brought back to the Council for discussion in Worksession on January 18th.

Forrest Bittner, 1103 Kirkland Avenue commented on the emergency and temporary no parking zones. He asked what is the time frame between when a zone is declared and when the city will begin towing?

Mr. Sharp noted that "of" needs to be replaced with "or" in Sec.13-79(d).

The ordinance was unanimously accepted at first reading (ABSENT: Davenport).

ORDINANCE #1993-36
(Attached)

#13 Single Reading Ordinance re: Police Vehicle Procurement. Ms. Habada explained that three police cars are due for replacement as provided in the Takoma Park Vehicle Fleet Replacement Policy, and that Council approved funding (\$31,540.00) for the purchase of two replacement police vehicles as part of the FY94 Budget. The ordinance would authorize the purchase of two Ford Crown Victoria police cars for \$28,940.00.

Moved by Mr. Elrich; seconded by Ms. Porter.

The single reading ordinance was unanimously adopted by roll call vote (ABSENT: Davenport).

ORDINANCE #1993-37
(Attached)

#14 Single Reading Ordinance re: Heffner Park Playground Equipment Procurement. Moved by Mr. Elrich; seconded by Mr. Williams.

Ms. Habada explained that the ordinance would authorize the award of contracts for the procurement of playground equipment.

Condie Clayton, President of Ritchie Avenue citizens Association said that they appreciate the Council's consideration to purchase the playground equipment, and that it will better the safety of the park. He commented that the improvements are long overdue, and that the Association would appreciate the Council's support in passing this ordinance. Mr. Clayton noted that he would like to see the Council go forward with the other renovations that have been approved for the park.

The single reading ordinance was unanimously adopted by roll call vote (ABSENT: Davenport).

ORDINANCE #1993-38
(Attached)

#15 Consent Agenda. Mr. Sharp removed items (a) Council Winter Recess, (d) Martin Luther King Celebration Committee, and (f) Personnel Appeals Board from the consent agenda.

Mr. Sharp moved to amend the resolution setting forth the Council's winter recess to change the date ending the recess from January 7th to December 31st, to allow for a Worksession on January 3rd to discuss the FY95-99 Capital Improvements--Facilities.

Ms. Habada suggested that the Council add a Worksession to the meeting on January 10th.

Mr. Sharp agreed to the suggestion and put the resolution back on the consent agenda.

Mr. Sharp proposed an amendment to the second resolved clause of the resolution regarding the Martin Luther King Celebration Committee, "...that ~~Mayer City Administrator~~ of Takoma Park, Maryland is hereby authorized to make additional appointments..."

The resolution was unanimously adopted as amended (ABSENT: Davenport).

RESOLUTION #1993-107
(Attached)

Mr. Sharp stated that he removed the resolution regarding the appointment of Mr. Mills to the vacancy on the Personnel Appeals Board, to allow for any Council discussion about the applicant.

In the absence of any Council discussion, the resolution was unanimously adopted (ABSENT: Davenport).

RESOLUTION #1993-108
(Attached)

The Consent Agenda was unanimously adopted.

Council Winter Recess. Resolution setting forth the Council recess, December 21st through January 7th.

RESOLUTION #1993-109
(Attached)

Volunteer Fire Board. Resolution appointing Councilmember Davenport to the Takoma Park Volunteer Fire Board.

RESOLUTION #1993-110
(Attached)

Recreation Committee. Resolution appointing members to the Takoma Park Recreation Committee.

RESOLUTION #1993-111
(Attached)

Montgomery County Cable Citizen Advisory Committee (MCCCAC). Resolution appointing Robert Smith to the MCCCAC.

RESOLUTION #1993-112
(Attached)

1993 Holiday Hotline for Alcohol and Drug Problems. Resolution supporting the Washington Area Council on Alcoholism & Drug Abuse, Inc.'s "Holiday Hotline" campaign.

RESOLUTION #1993-113
(Attached)

Mr. Sharp allowed the comments of a citizen who arrived late for the public hearings.

Kay Dellinger, Hampshire Towers asked for clarification regarding the intent to only notify other jurisdictions in the United States of a non-U.S. citizen's registration to vote with the city. She suggested that "none of the above" be added as an option on the ballot. Ms. Dellinger commented that if no candidate comes forward from any given ward or if a ward finds itself without a representative during the first 16 months of a Council term, that a special election should be held to allow the residents of the ward to decide who will represent them. A representative should not be appointed by the Council. She said that all write-in votes should be counted.

Mr. Sharp responded to the remarks made by Mr. Dellinger and said that at some point, the Council might want to consider reconstituting an Elections Task Force to address some of these matters.

The Council adjourned to Worksession at 9:52 p.m (Moved by Mr. Elrich; seconded by Ms. Porter).

Following adjournment from Worksession at 10:00 p.m., the Council convened an Executive Session to discuss a land acquisition matter. The Council adjourned for the evening at the close of this session.

Introduced by:

Drafted By:
Linda S. Perlman
Assistant Corporation Counsel

First Reading: 12/13/93
Second Reading:

Draft Date: 1/7/94

Effective Date:

ORDINANCE NO. 1993-36

(Parking Violations and Enforcement)

WHEREAS, the City has experienced problems in enforcement of its parking regulations; and

WHEREAS, the following amendments to Chapter 13, Vehicles and Traffic, of the Takoma Park Code dealing with the issuance and enforcement of tickets for parking violations, penalties for late payment of parking fines, establishment of emergency or temporary no parking zones, and towing and impounding illegally-parked vehicles are intended to aid the City's parking enforcement process.

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

SECTION ONE. Chapter 13, Vehicles and Traffic, of the Takoma Park Code is amended as follows:

Chapter 13. Vehicles and Traffic.

Article 4. Parking Meters.

* * * *

Division 2. Parking Meter Regulations.

* * * *

~~Sec. 13-41. Enforcement of parking meter regulations; procedure.~~

~~(a) Any police officer or any other city employees specifically designated by the Council shall police the parking meters and report;~~

~~(1) The location of each parking meter which indicates that the vehicle occupying the parking zone adjacent to the parking meter is or has been parked in violation of any of the provisions of this Article.~~

~~(2) The state license and license number of the vehicle.~~

~~(3) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending the violation.~~

Sec. 13-42. Violations and penalties.

~~A violation of this Article is a Class O offense. Any person issued a ticket for a violation of Article 4 shall be subject to a fine [[of Ten Dollars (\$10.00).] as set forth in Sec. 13-61 (Schedule of fines and charges).~~

~~Sec. 13-43. Impounding vehicles parked overtime.~~

~~Any vehicle unlawfully parked within any parking meter zone for a period in excess of two (2) hours may be taken into possession by the police officers of the city and towed to some proper storage place and there held until the penalty provided for in Section 13-42 of this Article is paid and until the towing and storage charges incurred shall also have been paid.~~

* * * *

Article 7. Stopping and Parking.

* * * *

Sec. 13-63.1. Parking permit areas.

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(h) The City Administrator is authorized to prepare ~~promulgate~~ written regulations in accordance with ~~Ordinance 1989-32, adopted September 11, 1989~~ ~~Chapter 2, Administration, Article 5, Administrative Regulations,~~ to implement the provisions of this section.

(i) The City Administrator is authorized to recommend to the 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 Council.

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

~~(k)~~ (j) In addition to any other penalties available under law, violations of the City Administrator's written regulations promulgated under Subsection (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.

Sec. 13-64. Parking or standing; prohibited areas.

* * * *

(b) ~~Any person issued a ticket for violation of Subsection (a) (6) (fire lanes) is a Class M offense shall be subject to a~~

fine ~~[[of One Hundred Dollars (\$100.00) for each violation]] as set forth in Sec. 13-81 (Schedule of fines and charges).~~

(c) Any person issued a ticket for violation of subsection (a)(11) (handicapped parking) ~~is a Class B offense shall be subject to a fine [[of Two Hundred Dollars (\$200.00) for each violation]] as set forth in Sec. 13-81 (Schedule of fines and charges).~~

Sec. 13-64.1. Enforcement of parking and standing regulations.

~~For the purpose of enforcement of parking and standing regulations contained in this Article, the Mayor and Council~~ **The City Administrator** may designate a parking enforcement official (or officials), who shall have concurrent jurisdiction with police officers in the enforcement of ~~Article 7~~ **the parking and standing regulations contained in this Chapter.**

~~**Sec. 13-64.2. Penalty; exception.**~~

~~Except as provided in sections 13-63.1, 13-64(a)(6) and 13-64(a)(11), a violation of this Article is a Class N offense.~~

* * * *

~~**Sec. 13-69. Reserved.**~~ **[[Penalty;]] Violations and penalties; exceptions.**

~~Except as provided in Sections 13-64(b) (fire lanes) and 13-64(c) (handicapped parking), any person issued a ticket for a violation of Article 7 shall be subject to a fine of [[Twenty Five Dollars (\$25.00).]] as set forth in Sec. 13-81 (Schedule of fines and charges).~~

* * * *

Article 8. Traffic Signs.

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Sec. 13-71. Temporary signs; time limit.

To deal with temporary situations, the Director of Public Works is authorized, whenever the Chief Police Officer concurs, to place, erect and maintain temporary traffic signs and devices, and temporary signs controlling parking and standing, effective for not more than seventy-two (72) hours.

Sec. 13-72. Reserved- Establishment of emergency or temporary no parking and no traffic zones.

(a) The City Administrator or his or her designee and City police officers are hereby authorized and empowered at any time to designate any streets and areas within the City as emergency or temporary no parking zones or temporarily to prohibit vehicular and pedestrian traffic on such streets and areas, in the event of emergencies such as fires, riots, accidents or other events likely to attract large crowds, for the purposes of street maintenance, leaf collection, Fourth of July festivities, City-sponsored events, and [[or]] for any other public purpose.

(b) When and in the event such streets and areas are so designated, parking of vehicles and vehicular and pedestrian traffic in such streets and areas is prohibited[.] and any vehicle parked in violation of the provisions of this section may be towed and impounded as provided in Sec. 13-74 (Towing and impounding illegally parked vehicles).

(c) Any person issued a ticket for violation of this section shall be subject to a fine as set forth in Sec. 13-81 (Schedule of fines and charges) [[of Twenty-Five Dollars (\$25.00).]]

[[Sec. 13-73. Reserved- Parking vehicles in violation of traffic signs.]]

[[No vehicle shall be parked in violation of any traffic sign provided for in this Chapter or other official sign, and both the owner or operator thereof shall be subject to the penalties provided for in this Chapter for any such violation.]]

Sec. 13-[[74.]] 73. Snow emergencies; ~~route signs~~ impounding of vehicles.

(a) During periods of snow or ice accumulation, the City Administrator or his or her designee and the Chief of Police are hereby authorized and empowered to prohibit or restrict parking or to prohibit vehicular traffic on any streets and areas within the City for the purpose of facilitating snow removal and for the purpose of public safety.

(b) ~~(a)~~ When a snow emergency is declared by the Superintendent of State Police or his or her designee or by other authorized [[appropriate]] officials [[of]] for Montgomery County, Maryland, parking of vehicles shall be prohibited at any time during the snow emergency period on the streets designated in Subsection ~~(c)~~ ~~[(b)]~~.

~~(c)~~ ~~(b)~~ The Director of Public Works or his or her designee is authorized to place in appropriate locations [[permanent]] signs indicating a designation as a "snow emergency route"

[[bearing the wording SNOW EMERGENCY ROUTE - SNOW TIRES OR CHAINS REQUIRED - NO PARKING DURING EMERGENCY]] along certain streets as follows:

[[(1)]] Maple Avenue - East side from the District of Columbia line to [[Philadelphia Avenue.]] Sligo Creek Parkway.

[[(2)]] Maple Avenue - Both sides, Philadelphia Avenue to Sligo Creek Parkway.]]

(3) A person may not drive or attempt to drive a vehicle during a snow emergency period on any street that is designated and appropriately signposted as a snow emergency route, unless the vehicle is equipped with snow tires or chains on at least one wheel at each end of a driving axle.

(e) ~~[[(d)]]~~ (e) A violation of this section is a Class M offense. Any person issued a ticket for a violation of this section shall be subject to a fine [[of One Hundred Dollars (\$100.00).]] as set forth in Sec. 13-81 (Schedule of fines and charges).

(f) (e) Any vehicle parked and left unattended in violation of the provisions of this section or of any snow emergency order or declaration [[of]] issued by the Superintendent of State Police or his or her designee or by other authorized [[the appropriate]] officials [[of]] for Montgomery County or Prince George's County, Maryland may be [[removed]] towed and impounded as provided in Sec. 13-74[[75]].
Sec. 13-74[[75]]. Towing and impounding illegally parked vehicles.

(a) Any vehicle parked in violation of this Chapter or otherwise parked so as to constitute a hazard to public safety or that is parked, stopped or standing so as to impede or obstruct the normal movement of traffic or pedestrians may be towed or impounded by police officers or other authorized persons designated by the City Administrator.

(b) In any case involving the towing or impounding of a vehicle pursuant to this section, a service fee as set forth in Sec. 13-81 (Schedule of fines and charges) may be charged to the owner of the vehicle in addition to all outstanding fines and penalties assessed for violations of this Chapter, plus any towing or storage charges incurred. All such fines, penalties, costs and fees shall be paid to the City or its agent before the owner or his or her authorized agent may reclaim or secure the release of the vehicle.

Article 9. Speed Humps.

Sec. 13-75. Erection and maintenance of speed hump installations.

* * * *

Article 10. Bridges.

Sec. 13-76. Weight limits.

* * * *

Article 11. Parking tickets; enforcement.

Sec. 13-77. Issuance of parking tickets.

(a) Any police officer or parking enforcement official of the City of Takoma Park finding a vehicle parked or standing in violation of this Chapter shall:

(1) Deliver a parking ticket to the operator of the vehicle or, if the vehicle is unattended, attach a ticket to the vehicle in a conspicuous place; and

(2) Keep a copy of the citation, bearing his or her certification under penalty of perjury that the facts stated in the citation are true.

(b) In the absence of the operator, the registered owner of the vehicle is presumed to be the person receiving the ticket.

(c) ~~[[(b)]]~~ Parking tickets shall state:

(1) The state license number of the vehicle.

(2) The make and model of the vehicle.

(3) The section of the Takoma Park Code the vehicle was parked or standing in violation of.

(4) The date, time and location of the violation.

(5) The amount of fine charged for the violation.

(6) The name of the officer reporting the violation.

(7) Any other facts necessary to an understanding of the circumstances of the violation.

(8) In any violation involving a vehicle parked at a parking meter, the parking meter number.

(d) ~~[[(c)]]~~ The parking ticket shall instruct the owner or operator of the vehicle to pay the fine imposed as a penalty for such violation to the City of Takoma Park within fifteen (15)

days from the date of issuance of the parking ticket, or to give written notice to the City of Takoma Park within ten (10) days from the date of issuance of the parking ticket of the owner or operator's intention to stand trial for the violation in the District Court.

~~(e)[(d)]~~ The parking ticket shall notify the owner or operator of the vehicle that failure to pay the prescribed fine by the payment date or to appear in court may result in the vehicle's registration not being renewed or transferred by the State Motor Vehicle Administration and in the imposition of an additional penalty and service charge.

~~(f)~~ The registered owner of the vehicle is responsible for a parking ticket issued for a violation of this Chapter, whether or not the owner was the operator or otherwise in possession of the vehicle at the time of the violation and whether or not the owner actually received the parking ticket.

~~Sec. 13-78 [(79)]. Election to pay or stand trial; presence of officer at trial.~~

~~(a) The owner or operator of a vehicle receiving a parking ticket shall:~~

~~(1) Pay the fine for the violation directly to the City of Takoma Park by the payment date set forth in the parking ticket; or~~

~~(2) Request to stand trial on the violation.~~

~~(b) A request to stand trial on the violation shall be made by sending a written notice of intention to stand trial to the~~

City of Takoma Park at least five (5) days before the payment date specified in the parking ticket.

(1) If a person requests a trial on the violation and desires the presence at trial of the officer who issued the parking ticket, he or she shall so notify the City of Takoma Park at the time the request to stand trial is made.

(2) If proper notification is not given, the officer need not appear at the trial and the copy of the parking ticket bearing the officer's certification under penalty of perjury shall be prima facie evidence of the facts stated in the ticket.

(c) If a defendant who has timely requested a trial on the violation fails to appear in District Court on the trial date set, then before a new trial date may be scheduled the defendant shall post collateral with the city of Takoma Park in the amount of the parking ticket fine, along with any penalty and service charge due for the violation as set forth in Sec. 13-79 (Failure to pay or comply; penalty for late payment; service charge), unless otherwise ordered by the court.

(1) If the defendant fails to appear in District Court on the new trial date set for the violation, the collateral shall be forfeited in full as the fine on the original violation, unless otherwise ordered by the court.

(2) If the defendant does appear in District Court on the new trial date set for the violation:

A. First, the collateral shall be applied to any fine and other charges that the court imposes for the violation; and

B. Then, the balance of the collateral not applied to the fine and other charges shall be returned to the defendant.

Sec. 13-79. Failure to pay or comply; penalty for late payment; service charge.

(a) In the event the owner or operator of the vehicle neither sends written notice of his or her election to stand trial within ten (10) days from the date of issuance of the parking ticket, nor pays the fine for the violation within fifteen (15) days from the date of issuance of the parking ticket, nor appears in District Court on the trial date set, then as an additional penalty the fine for the violation shall double. In addition, a service charge as set forth in Sec. 13-81 (Schedule of fines and charges) [[of Ten Dollars (\$10.00)]] shall be imposed if payment of the fine is made more than thirty (30) days after the date of issuance of the parking ticket.

(b) Notwithstanding the foregoing, the fine for a violation of Sec. 13-64(a)(10) (handicapped parking) shall not double if an election to stand trial is not timely made or if the fine is not paid by the payment date set forth in the parking ticket, but as an additional penalty, the fine shall increase as set forth in Sec. 13-81 (Schedule of fines and charges). A service charge [[of Ten Dollars (\$10.00)]] also shall be imposed as set forth in Sec. 13-81 (Schedule of fines and charges) [[subsection (a).]] if

payment of the fine for a violation of Sec. 13-64(a)(10) (handicapped parking) is made more than thirty (30) days after the date of issuance of the parking ticket.

(c) A request to stand trial on the violation made after ten (10) days from the date of issuance of the parking ticket shall be granted provided that the owner or operator of the vehicle posts collateral [[a penalty deposit]] with the City of Takoma Park in the amount of the parking ticket fine, along with any additional penalty and service charge as set forth in subsections (a) and (b).

(1) If the defendant fails to [[does not]] appear in District Court on the trial date set, the [[deposit]] collateral shall be forfeited in full as the fine on the original [[charge, if authorized by the court.]] violation, unless otherwise ordered by the court.

(2) If the defendant does appear in District Court on the trial date set:

A. First, the [[deposit]] collateral shall be applied to any fine and other charges that the court imposes for the violation; and

B. Then, the balance of the [[deposit]] collateral not applied to the fine and other charges shall be returned to the defendant.

[[d) Whenever the City is able to ascertain by reasonable access to state motor vehicle administration records, the name and address of the owner of the vehicle, the City shall send a

written notice to the vehicle owner that the parking ticket fine is overdue, that the fine has been increased as set forth in subsection (a), and, if applicable, that a service charge has been added. The failure of the City to give such written notice or the failure of the vehicle owner to receive such written notice shall not affect the validity of the parking ticket fine or any additional penalty or service charge.]]

Sec. 13-80. Effect of parking violation on vehicle registration.

(a) In accordance with the provisions of State of Maryland law, the Motor Vehicle Administration may not register or transfer the registration of any vehicle involved in a parking violation under this Chapter if:

(1) The City of Takoma Park notifies the Motor Vehicle Administration that the owner or operator of a vehicle that has received a parking ticket under this Chapter has failed to either:

A. Pay the fine for the violation by the payment date specified in the parking ticket; or

B. File a written notice of his or her intention to stand trial for the violation;

(2) The City of Takoma Park notifies the Motor Vehicle Administration that an owner or operator who has requested a trial on the violation has failed to appear for trial.

(b) The Motor Vehicle Administration shall continue the refusal to register or transfer the registration of a vehicle involved in a parking violation under this Chapter until:

(1) The City of Takoma Park notifies the Motor Vehicle Administration that the parking ticket fine, along with any additional penalty and service charge due for the violation as set forth in Sec. 13-79 (Failure to pay or comply; penalty for late payment; service charge) has been paid; or

(2) The City of Takoma Park notifies the Motor Vehicle Administration that the owner or operator of a vehicle that received a parking ticket under this Chapter has appeared for trial on the violation in District Court or has pleaded guilty and paid the parking ticket fine, along with any penalty and service charge due for the violation.

(c) An owner of a vehicle who is denied registration of a vehicle under the provisions of this section or State of Maryland law shall pay the fee established by the Motor Vehicle Administration before renewal of the registration of the vehicle.

Article 11. Fines, Late Payment, Penalties, and Service Charges.
Sec. 13-81. Schedule of fines and charges.

The amount of the fines, additional penalties, and service charges for violations of Chapter 13, Vehicles and Traffic, shall be as follows:

<u>Article/ Section</u>	<u>Brief Description</u>	<u>Fine</u>	<u>Penalty¹</u>	<u>Service Charge²</u>
<u>Article 4</u>	<u>Parking meter regulations</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$15.00</u>
<u>Article 7, except Sections 13-64(b) & 13-64(c)</u>	<u>Parking prohibitions (\$13-63); residential permit parking (\$13-63.1); prohibited parking areas (\$13-64); manner of parking (\$13-65); displaying for sale sign on parked vehicle (\$13-66); commercial vehicle parked in residential zone (\$13-67); storing or parking vehicles (\$13-68).</u>	<u>\$25.00</u>	<u>\$25.00</u>	<u>\$15.00</u>
<u>Section 13-64(b)</u>	<u>Fire lanes</u>	<u>\$100.00</u>	<u>\$100.00</u>	<u>\$15.00</u>
<u>Section 13-64(c)</u>	<u>Handicapped parking</u>	<u>\$200.00</u>	<u>\$100.00</u>	<u>\$15.00</u>
<u>Section 13-72</u>	<u>Emergency or temporary no parking and no traffic zones.</u>	<u>\$ 25.00</u>	<u>\$ 25.00</u>	<u>\$ 15.00</u>
<u>Section 13-73</u>	<u>Show emergency.</u>	<u>\$100.00</u>	<u>\$100.00</u>	<u>\$ 15.00</u>
<u>Section 13-74.</u>	<u>Towing and impounding.</u>	<u>Fine for the violation, plus towing/ storage charges.</u>	<u>\$15.00</u>	<u>None</u>

¹ See Sec. 13-79. A penalty for late payment is imposed if the fine for the violation is not paid within fifteen (15) days from the date of issuance of the parking ticket.

² See Sec. 13-79. A service charge is imposed if payment of the fine is made more than 30 days after the date of issuance of the parking ticket.

SECTION TWO. This Ordinance shall be effective immediately.

Adopted this _____ day of _____, 1994 by
roll call vote as follows:

Aye:

Nay:

Absent:

Abstain:

EXPLANATORY NOTE: **Shading** indicates additions to the current
Takoma Park Code language.

~~Crossouts~~ indicate deletions from the current Takoma
Park Code language.

* * * * indicates material from the Takoma Park Code
which is not reproduced in this ordinance.

Underlined shading indicates additions to Ordinance No.
1993-36 made after 1st reading.

[[Double bracketing]] indicates deletions from
Ordinance 1993-36 made after 1st reading.

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Introduced by: Councilmember Elrich

Single Reading: 12/13/93

Ordinance #1993 - 37

WHEREAS, three (3) 1988 Dodge Diplomat Police Cars in the existing Police Department vehicle fleet are due for replacement according to the City of Takoma Park Vehicle Fleet Replacement Policy; AND

WHEREAS, the FY-94 Budget identifies funds to purchase two (2) replacement Police vehicles; AND

WHEREAS, the recommended, desired and requested replacement vehicle has been identified as the Ford Crown Victoria police car; AND

WHEREAS, 1994 Ford Crown Victoria police cars will be available from Sheehy Ford, Inc. through cooperative purchasing pursuant to a Council of Governments contract; AND

WHEREAS, the \$31,540.00 authorization in FY-1993-94 Capital Budget for Police Department fleet vehicles is sufficient to satisfy the purchase price of \$28,940.00.

NOW, THEREFORE, BE IT ORDAINED THAT authorization is granted to purchase two (2) Ford Crown Victoria police cars from Sheehy Ford, Inc. for TWENTY EIGHT THOUSAND NINE HUNDRED AND FORTY DOLLARS (\$28,940.00), charged to Account 2100-8000.

Adopted this 13th day of December, 1993 by Roll Call Vote:

AYE: Chavez, Elrich, Porter, Rubin, Sharp, Williams

NAY: None

ABSTAINED: None

ABSENT: Davenport

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ORDINANCE NO. 1993-38

HEFFNER PARK PLAYGROUND EQUIPMENT PROCUREMENT

WHEREAS, Montgomery County has allocated \$30,000 in Program Year 18 funds to the City through the Community Development Block Grant Program for improvements to Heffner Park, \$17,000 of which was designated for the purchase of new playground equipment; AND

WHEREAS, the City could obtain below catalog prices for the equipment by competitively bidding the three selected pieces out separately in accordance with the City's procurement procedures; AND

WHEREAS, area playground equipment manufacturers were contacted and asked to provide separate prices for each of the three pieces; AND

WHEREAS, the lowest bids received for the three pieces of equipment are as listed below:

Large Play Structure: All Recreation \$9,212.00

Small Play Structure: West Recreation \$6,135.41

Track Glide: All Recreation \$893.00

WHEREAS, the apparent low bidders are considered to be responsive and responsible; AND

WHEREAS, based on the itemized costs of each piece of equipment, the allocated funds are sufficient to purchase the equipment for the park,

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

SECTION 1. THAT contracts should be awarded to the low bidders for the three pieces of playground equipment as follows:

Large Play Structure: All Recreation \$9,212.00

Small Play Structure: West Recreation \$6,135.41

Track Glide: All Recreation \$893.00

SECTION 2. THAT the funds to cover this purchase in the combined amount of SIXTEEN THOUSAND TWO HUNDRED FORTY DOLLARS AND FORTY ONE CENTS (\$16,240.41) shall be charged to the Special Revenue Fund, Account No. 0010 6822.

ADOPTED THIS 13th DAY OF DECEMBER, 1993

AYE: Chavez, Elrich, Porter, Rubin, Sharp, Williams

NAY: None

ABSTAINED: None

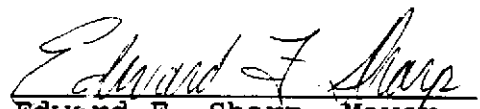
ABSENT: Davenport

RESOLUTION #1993-99
IN APPRECIATION OF SANDRA BROADWATER, VOLUNTEER COORDINATOR

- WHEREAS, Sandra Broadwater is leaving the City of Takoma Park at the completion of her service as Volunteer Coordinator as of December 15, 1993; AND
- WHEREAS, Ms. Broadwater began her assignment with the City Of Takoma Park as part of a Volunteer Maryland Grant Project in January, 1993; AND
- WHEREAS, she was responsible for organizing and integrating existing City volunteer efforts; AND
- WHEREAS, she expanded the City's volunteer programs and recruited numerous volunteers to provide services which include providing assistance to crime victims, addressing critical issues such as latch key children, offering recreation, tutoring, and guidance to our youth and helping to maintain City parks; AND
- WHEREAS, as a direct result of her efforts and exceptional abilities, the volunteer program has grown and is enabling the City to more efficiently provide public services and to seek new and better ways in which to directly serve the citizenry; AND
- WHEREAS, the volunteer effort has grown to over 500 hours of service a month to the City.

NOW THEREFORE BE IT RESOLVED THAT the City Council on behalf of the citizens and employees of the City of Takoma Park commends and thanks Sandra Broadwater on her exemplary contributions and dedicated service to the citizens, staff and Council of the City of Takoma Park, Maryland.

Adopted this 13th day of December, 1993.


Edward F. Sharp, Mayor

Attest:


Catherine Sartoph
City Clerk

RESOLUTION 1993 - 100

A Resolution to recognize the service to the City of Takoma Park provided by Market Master Francis Roland.

WHEREAS, the Farmers' Market is a tremendous asset to the City of Takoma Park benefitting the whole community; AND

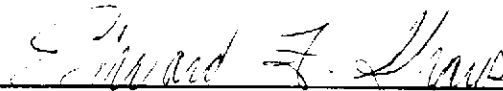
WHEREAS, the success of the Market is due in large part to the capable on site supervision of Francis Roland; AND

WHEREAS, Mr. Roland has generously contributed his time to resolve Market-related issues; AND

WHEREAS, his suggestions have been an important contribution in improving the overall operation of the Market;


NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Council formally thanks Francis Roland for his service to the City and wishes him well in his continuing responsibility as Market Manager for 1994.

Adopted this 13th day of December, 1993.



Edward F. Sharp
Mayor

ATTEST;



Catherine Sartoph
City Clerk

RESOLUTION OF CONDOLENCE

#1993 - 101

WHEREAS, it was with sorrow that the City Council learned of the sudden death on Friday, November 26, 1993, of LeRoy S. Dinkins, father of former Councilmember Gregory Hamilton; AND

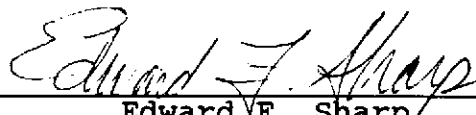
WHEREAS, LeRoy S. Dinkins served his nation with distinction, receiving numerous commendations and citations during his service in the United States Army; AND

WHEREAS, he was highly dedicated, for more than forty years, to the taxicab business, demonstrating a phenomenal ability to teach others to work with the public; AND

WHEREAS, he will long be remembered and his memory cherished by his colleagues and friends, who share with his family a tremendous sense of loss.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park, Maryland, on behalf of its employees, as well as the citizens of the community, that we hereby extend to his son, Gregory Hamilton, and other members of Mr. Dinkins' family, this expression of heartfelt sympathy.

Adopted this 13th day of December, 1993.



Edward F. Sharp
Mayor

ATTEST:



Catherine Sartoph
City Clerk

RESOLUTION OF CONDOLENCE

#1993 - 102

WHEREAS, it was with sorrow that the City Council learned of the death on Saturday, November 6, 1993, of James A. Barclay, a longtime resident and outstanding citizen of Takoma Park; AND

WHEREAS, Mr. Barclay was a distinguished, longtime member of the Takoma Park Presbyterian Church, where he was active in social action and adult education; AND

WHEREAS, Mr. Barclay was an active, longtime member of the Takoma Park Horticulture Club; AND

WHEREAS, Mr. Barclay also served his community with distinction as an Election Judge, most recently in the November 2, 1993, City Election, as well as participating for twenty years as a Montgomery County Election Judge; AND

WHEREAS, Mr. Barclay will long be remembered for his prudence, quiet strength, numerous contributions to the personal development of members of the community, and exemplary participation in the democratic process; and his memory will be cherished by his many colleagues and friends, who share with his family a deep sense of loss.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park, Maryland, on behalf of its employees and the citizens of the community, that we hereby extend to Mr. Barclay's family and other friends, this expression of heartfelt sympathy.

Adopted this 13th day of December, 1993.



Edward F. Sharp
Mayor

ATTEST:



Catherine Sartoph
City Clerk

Introduced by:
(Drafted by: Susan Silber,
Corporation Counsel)

1st Reading: 12/13/93
2nd Reading:
Posted:
Effective:

CHARTER AMENDMENT RESOLUTION #1993-103

AMENDING CHARTER ARTICLE VII, SECTION 701(A) REGARDING
"QUALIFICATIONS OF VOTERS" AND SECTION 703(B) REGARDING
NON CITIZEN VOTER REGISTRATION

- WHEREAS, Citizens of the United States who live in Takoma Park must register to vote at the Board of Election supervisors for Montgomery and Prince George's Counties.
- WHEREAS, Each citizen of the United States who wishes to register to vote at the Board of Election Supervisors for Montgomery and Prince George's Counties must certify, under penalty of perjury, that he or she: is a citizen of the United States, will be at least 18 years old by the next general election, is a legal resident of Maryland, has not been convicted (without pardon) more than once of an infamous crime, is not under sentence or on probation following conviction for an infamous crime, is not under guardianship for mental disability.
- WHEREAS, Residents of Takoma Park who are not United States citizens may register to vote with the City Clerk for Takoma Park.
- WHEREAS, Each resident of Takoma Park who is not a United States citizen who wishes to register to vote must certify that he or she: resides within the corporate limits of Takoma Park, is not a registered voter anywhere else in the United States, and will be at least 18 years old by the next City Election.
- WHEREAS, The City Council of Takoma Park recognizes that all residents of the City have an equal interest in participation in City government, and deserve an equal opportunity to influence decisions that directly affect there lives.
- SECTION 1: NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT pursuant to Article XI-E of the Maryland Constitution and Article 23A of the Annotated Code of Maryland (1990 Replacement Volume) that Sections 701 (a) and Section 703 (b) of the Charter of the City of Takoma Park are hereby amended as follows:

ARTICLE VII - REGISTRATION, NOMINATIONS, AND ELECTIONS

SECTION 701- QUALIFICATIONS OF VOTERS

(a) Every person who (1) is a resident of Takoma Park, (2) is at least eighteen years of age, (3) has resided within the corporate limits of the City for 30 days next preceding the City election, [and] (4) has not been convicted of buying or selling votes, and (5) is registered in accordance with the provisions of this charter, is a qualified voter of the City. Every qualified voter of the City is entitled to vote in all City elections.

SECTION 703- REGISTRATION

(b) Any resident of Takoma Park who is not a United States citizen, and who is otherwise qualified to be registered as a voter in any election, pursuant to Article I, Section 1 of the Constitution of Maryland, and Section 3-4 of Article 33, as amended, or any equivalent provision(s) of the Annotated Code of Maryland, may register with the City Clerk, who shall maintain a separate voter roll from the existing voter rolls generated by the Montgomery County and Prince George's County Boards of Election, to include the names of those non United States Citizens. The City Clerk shall promptly send notice to any jurisdiction in the United States, if any, where the new registrant was formerly registered, requesting the cancellation of said voter's prior registration.

SECTION 2: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the date of adoption of this Resolution is scheduled for _____, 1993, and the amendment of Sections 701 (a) and Section 703 (b) of the Charter of the City of Takoma Park hereby enacted shall become effective on _____, 1994 unless a proper petition for referendum hereon shall be filed as permitted by Article 23A of the Annotated Code of Maryland, Section 16, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board of the Municipal Building until _____, 1994, and provided further that a copy of the fair summary of this Charter Resolution shall be published in a newspaper of general circulation in the City of Takoma Park, once a week for four weeks.

SECTION 3: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the City Clerk shall carry out the provisions of Section 2 hereof, and, as evidence of such compliance, the City Clerk shall cause to be maintained appropriate certificates of publication of the newspaper in which the title of the Resolution shall have been

published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed amendment hereby enacted to have been approved by the voters and the Charter amendment shall become effective on the date provided by law.

SECTION 4: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the City Clerk shall send by registered mail, to the Department of Legislative Reference of Maryland, a clear certified copy of this Resolution showing the number of Councilmembers voting for and against it and report on the votes case for or against the amendment hereby enacted at any referendum thereon and the date of such referendum.

SECTION 5: The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Regular Meeting of the Council of the City of Takoma Park on _____, 1993, _____ members of the City Council voting affirmative _____ members of the City Council voting negative, _____ abstaining and _____ members of the City Council absent, and the said Resolution becomes effective in accordance with law on the _____ day of _____, 1994.

SECTION 6: In this ordinance, [brackets] shall denote language to be deleted from the current City Charter and underlining shall denote language to be added.

regis.ord
mcr7/mr

Introduced by:
(Drafted by: C. Sartoph)

1st Reading: 12/13/93
2nd Reading:
Posted:
Effective:

CHARTER AMENDMENT RESOLUTION #1993-104

AMENDING CHARTER ARTICLE III, SECTION 304 REGARDING THE
TIME OF THE FIRST MEETING OF THE NEWLY ELECTED COUNCIL

WHEREAS, Section 304 of the Takoma Park Charter of 1989, as amended, requires that the newly elected Council shall meet at 8:00 P.M. on the second Monday following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules, but generally not less frequently than once each calendar month; AND

WHEREAS, the Council has adopted Council Procedures that prescribe that the Council will hold its meetings at 7:30 P.M.; AND

WHEREAS, the specific hour of 8:00 P.M. for the organizational meeting of the newly elected Council is not in keeping with the regular time for Council meetings and furthermore, the inclusion of any specific time in the Charter for this meeting does not allow for flexibility in scheduling.

SECTION 1. NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, pursuant to Article XI-E of the Constitution of the State of Maryland and Article 23A of the Annotated Code of Maryland (1990 edition, as amended), title: "Corporations - Municipal," that Section 304 of the Charter or the City of Takoma Park is hereby amended as follows:

Section 304 Meeting of the Council

The newly elected Council shall meet ~~at 8:00 P.M.~~ on the second Monday following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules, but generally not less frequently than once each calendar month. However, the Council may recess, but not more than for one calendar month during the year.

Special meetings may be called by the Mayor, or a majority of the members of the Council. All meetings of the Council shall be open to the public except for executive matters as defined by state law. The rules of the Council

shall provide that residents of the City will have a reasonable opportunity to be heard at any meeting in regard to any municipal question.

SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the date of adoption of this Resolution is _____, and the amendment of Section 304 of the Charter of the City of Takoma Park hereby enacted shall become effective on _____, unless a proper petition for referendum hereon shall be filed as permitted by Article 23A of the Annotated Code of Maryland, Section 16, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board of the Municipal Building until _____, and provided further that a copy of the fair summary of this Charter Resolution shall be published in a newspaper of general circulation in the City of Takoma Park, once a week for four weeks.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the City Clerk is hereby specifically directed to carry out the provisions of Section 2 hereof, and, as evidence of such compliance, the City Clerk shall cause to be maintained appropriate certificates of publication of the newspaper in which the title of the Resolution shall have been published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed amendment hereby enacted to have been approved by the voters and the Charter amendment shall become effective on the date provided by law.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the City Clerk shall send by registered mail, to the Department of Legislative Reference of Maryland, a clear certified copy of this Resolution showing the number of Councilmembers voting for and against the amendment hereby enacted at any referendum thereon and the date of such referendum.

SECTION 5. The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Regular Meeting of the Council of the City of Takoma Park on _____, _____ members of the City Council voting in the affirmative, _____ members of the City Council voting in the negative, _____ members of the City Council abstaining

and _____ members of the City Council absent,
and the said Resolution becomes effective in
accordance with law on the _____ day of _____.

SECTION 6. In this Resolution, ~~striketrough~~ shall denote
language to be deleted from the current City
Charter.

Adopted this _____ day of _____ by Roll Call vote as
follow:

- AYE:
- NAY:
- ABSTAINED:
- ABSENT:

COUNCILMEMBERS OF THE CITY OF TAKOMA PARK

Edward F. Sharp, Mayor

Larry Rubin, Councilmember, Ward 1

Kathy Porter, Councilmember, Ward 2

Bruce Williams, Councilmember, Ward 3

Anthony Davenport, Councilmember, Ward 4

Marc Elrich, Councilmember, Ward 5

Reggie Chavez, Councilmember, Ward 6

ATTEST:

City Clerk

Date

Introduced by:

1st Reading: 12/13/93

2nd Reading:

Posted:

Effective:

CHARTER AMENDMENT RESOLUTION #1993-105

AMENDING CHARTER ARTICLE VII, SECTION 704 (d), 704 (e), and 704 (f)
REGARDING NOMINATIONS AND SECTION 704.1 REGARDING WRITE-IN
CANDIDATES FOR MAYOR AND COUNCILMEMBER

WHEREAS, Residents of Takoma Park who wish to be write-in candidates for the Takoma Mayor or Councilmember must file their names with the City Clerk at least seven days prior to the election to be eligible to hold office; AND

WHEREAS, It is the desire of Takoma Park residents to write-in the candidates of their choice at the time they cast their ballots, regardless of whether such candidate has filed with the City Clerk; AND

WHEREAS, The Mayor and City Council of Takoma Park want to provide potential candidates with maximum access to public office in the City.

SECTION 1. NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, pursuant to Article XI-E of the Constitution of the State of Maryland and Article 23A of the Annotated Code of Maryland (1990 edition, as amended), title: "Corporations - Municipal," that Sections 704 (d), 704 (e), 704 (f) and 704.1 of the Charter of the City of Takoma Park are hereby amended as follows:

ARTICLE VII - REGISTRATION, NOMINATIONS, AND ELECTIONS

Section 704 Nominations

(d) Any person nominated [or presenting herself/himself] as a [write-in] candidate must meet the qualifications of the office for which she/he is nominated.

(e) repealed.

(f) repealed.

Section 704.1 Write-In Candidates

(a) Any write-in candidate for Mayor or Councilmember who wishes to be pre-registered as a write-in candidate and to have her/his name posted in the voting booth for the purpose of identifying her/him as a candidate for office, must file her/his name with the City Clerk [at least seven (7) days before] by 5:00 p.m. on the Friday prior to the election. [Only those write-in candidates who are registered are eligible to hold office.]

(b) A voter in a City election may write-in the name of any [candidate] person for the office of Mayor or Councilmember in the method provided by the City Clerk on election day.

(c) A voter may only write-in one candidate for each office.

(d) Only those write-in candidates who are qualified to serve for the office for which they are written-in as Mayor or Councilmember as provided by this Charter shall be eligible to hold said office.

[(e) Any write-in candidate who is declared elected may decline her/his nomination and choose not to serve in the office for which she/he was elected.]

SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the date of adoption of this Resolution is _____, and the amendment of Section 304 of the Charter of the City of Takoma Park hereby enacted shall become effective on _____, unless a proper petition for referendum hereon shall be filed as permitted by Article 23A of the Annotated Code of Maryland, Section 16, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board of the Municipal Building until _____, and provided further that a copy of the fair summary of this Charter Resolution shall be published in a newspaper of general circulation in the City of Takoma Park, once a week for four weeks.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the City Clerk is hereby specifically directed to carry out the provisions of Section 2 hereof, and, as evidence of such compliance, the City Clerk shall cause to be maintained appropriate certificates of publication of the newspaper in which the title of the Resolution shall have been published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed amendment hereby enacted to have been approved by the voters and the Charter amendment shall become effective on the date provided by law.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the City Clerk shall send by registered mail, to the Department of Legislative Reference of Maryland, a clear certified copy of this Resolution showing the number of Councilmembers voting for and against the amendment hereby enacted at any referendum thereon and the date of such referendum.

SECTION 5. The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Regular Meeting of the Council of the City of Takoma Park on _____, _____ members of the City Council voting in the affirmative, _____ members of the City Council voting in the negative, _____ members of the City Council abstaining and _____ members of the City Council absent, and the said Resolution becomes effective in accordance with law on the _____ day of _____.

SECTION 6. In this Resolution, ~~brackets~~ shall denote language to be deleted and underlining shall denote language to be added to the current City Charter.

Adopted this _____ day of _____ by Roll Call vote as follow:

AYE:
NAY:
ABSTAINED:
ABSENT:

COUNCILMEMBERS OF THE CITY OF TAKOMA PARK

Edward F. Sharp, Mayor

Larry Rubin, Councilmember, Ward 1

Kathy Porter, Councilmember, Ward 2

Bruce Williams, Councilmember, Ward 3

Anthony Davenport, Councilmember, Ward 4

Marc Elrich, Councilmember, Ward 5

Reggie Chavez, Councilmember, Ward 6

ATTEST:

City Clerk

Date

Introduced By: Councilmember Rubin

ADOPTED: December 13, 1993

Resolution No. 1993-106

**Resolution Recommending Approval, With Conditions,
of a Parking Waiver Application
for 7063 Carroll Avenue, Takoma Park**

WHEREAS, Mr. Frank Calcara has submitted an application for parking waivers to the Montgomery County Department of Environmental Protection for the property located at 7063 Carroll Avenue, Takoma Park; AND

WHEREAS, the applicant is seeking to develop the property as a fine dining restaurant and seeks the requested waivers in order to provide the required parking for the facility; 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 application has been reviewed by City staff, which has recommended that the Council **Approve** the application **With Conditions** on the basis of analysis contained in the pertinent staff report dated December 3, 1993; AND

WHEREAS, the City has provided public notice and the Council has taken public comment on this matter;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the City Council hereby **Supports** the parking waiver application and recommends that the Department of Environmental Protection **Approve** the application with the following **Conditions** of the applicant:

1. Require that the applicant successfully obtain a joint use driveway easement agreement with the Sickler property in order to ensure an adequate entranceway.
2. Remove landscaping strip along driveway and move proposed crape myrtle further back in parking lot in order to increase width of driveway.
3. Require that the applicant provide valet parking for the proposed restaurant in order to mitigate circulation problems.

4. Provide a mixed shrub ground cover planting bed in the 10 foot landscape strip at the front of the property. Increase proposed foundation plantings to enhance residential character.
5. Provide a 6 foot solid wood fence along the rear property line abutting the Takoma Towers property, to match the existing wood fence along the adjoining single family property.
6. Extend the perimeter landscaping along the east and west sides of the property to the rear property line.

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

ADOPTED THIS 13TH DAY OF DECEMBER, 1993.

7063carr.res

Introduced by: Mayor Sharp

RESOLUTION #1993-107

A RESOLUTION APPOINTING MEMBERS TO THE 1994
MARTIN LUTHER KING, JR. COMMEMORATION COMMITTEE

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

WHEREAS, these observances have included successful commemoration celebrations planned by a Council appointed committee, made up of the citizens and City Staff of Takoma Park, Maryland; AND

WHEREAS, such celebrations are planned to coincide with the Federal holiday observance of Dr. King's day of birth which is celebrated on Monday, January 17, 1994.

NOW THEREFORE, BE IT HEREBY RESOLVED THAT the following persons are hereby appointed to serve on the 1994 Martin Luther King, Jr. Commemoration Committee:

1. City of Takoma Park Recreation Department
2. Cynthia Carter, 666 Houston Avenue #205

BE IT FURTHER RESOLVED THAT the City Administrator of Takoma Park, Maryland is hereby authorized to make additional appointments to this Committee as necessary.

Adopted this 13th day of December, 1993.

ATTEST:



Catherine Sartoph, City Clerk

Introduced by: Councilmember Porter

**RESOLUTION #1993-108
APPOINTMENT TO THE PERSONNEL APPEAL BOARD**

WHEREAS, Section 8B-181 of the Takoma Park City Code, establishes a Personnel Appeal Board composed of three members who are residents of the City, to hear non-union employee appeals; AND

WHEREAS, there is a is currently a vacancy on the Board as a result of a resignation; AND

WHEREAS, the Council has interviewed Mr. Robert Mills who has expressed an interest in serving.

NOW THEREFORE BE IT RESOLVED THAT the Council hereby appoints Robert Mills of 711 Sligo Creek Parkway as a replacement to the Takoma Park Personnel Appeal Board to complete a three year term expiring in January, 1996.

AND BE IT FURTHER RESOLVED THAT this appointment is effective immediately.

Dated this 13th day of December, 1993.

Introduced By: Councilmember Elrich

RESOLUTION #1993 - 109

SETTING FORTH THE CITY COUNCIL'S WINTER 1993 RECESS

WHEREAS, It has been decided that in order to accomodate winter holiday schedules of the City Council, a winter recess shall be called; AND

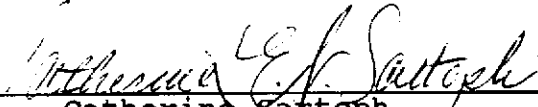
WHEREAS, this recess shall commence after the Council/Staff Retreat scheduled for Monday, December 20, 1993; AND

WHEREAS, further, the Council will reconvene their first Regular Meeting of official business, scheduled on Monday, January 10, 1994.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby set forth its winter recess from December 21, 1993, through January 7, 1994.

Dated this 13th day of December, 1993.

ATTEST:



Catherine Sartoph
City Clerk

Introduced by: Councilmember Elrich

RESOLUTION NO. 1993 - 110

WHEREAS, as a matter of practice, a representative of the Takoma Park City Council has been designated to serve on the Takoma Park Volunteer Fire Department Board of Directors;
AND

WHEREAS, on November 2, 1993, the term of Councilmember Gregory Hamilton (appointed in 1992) expired; AND

WHEREAS, Councilmember Anthony Davenport has expressed interest in serving on said Board; AND


WHEREAS, the City Council desires to appoint Mr. Davenport as the Councilmember to serve on the Board.

NOW, THEREFORE, BE IT RESOLVED THAT Councilmember Anthony Davenport is hereby appointed to serve on the Takoma Park Volunteer Fire Department Board, as the Council's representative, until his two-year term expires on November 7, 1995, the City's Election Day.

BE IT FURTHER RESOLVED THAT this appointment is effective immediately.

Dated this 13th day of December, 1993.

ATTEST:



Catherine Sartoph
City Clerk

Introduced By: Councilmember Elrich

RESOLUTION NO. 1993-111

APPOINTING MEMBERS TO THE RECREATION COMMITTEE

WHEREAS, the Takoma Park Recreation Committee has been established by the City Council as a means to promote citizen volunteers and their assistance to the Recreation Department of the City; AND

WHEREAS, there are vacancies on the City's Recreation Committee; AND

WHEREAS, the following Takoma Park residents have made application to serve on the Recreation Committee.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, does hereby appoint to the Takoma Park Recreation Committee:

Name	Address	Term Expires
Lance Kargbo	7600 Maple Avenue	June 14, 1994
Robert Padula	515 Boyd Court	June 14, 1994
La Donna Smoot	7777 Maple Avenue #301	June 14, 1994
Bill Valdez	53 Walnut Avenue	June 14, 1994

BE IT FURTHER RESOLVED, THAT this appointment becomes effective immediately.

Adopted this 13th day of December, 1993.

ATTEST:



Catherine Sartoph, City Clerk

Introduced by: Councilmember Elrich

RESOLUTION #1993-112

**APPOINTING CITY REPRESENTATIVE TO THE MONTGOMERY COUNTY
CITIZENS CABLE ADVISORY COMMITTEE**

WHEREAS, the Montgomery County Citizens Cable Advisory Committee (CCAC) was established to provide advice and recommendations on the administration of County and municipal cable television franchise agreements; AND

WHEREAS, the CCAC membership includes one representative selected by the City of Takoma Park; AND

WHEREAS, the Takoma Park representative, Mr. Michael Strait, has resigned his membership on the CCAC; AND

WHEREAS, the City of Takoma Park Council desires to appoint another City resident to serve as the City's representative on the CCAC.

NOW THEREFORE BE IT RESOLVED THAT the City Council hereby appoints the following individual to serve as the City's representative on the Montgomery County Citizens Cable Advisory Committee:

Robert F. Smith

308 Grant Avenue
Takoma Park, Maryland 20912

AND BE IT FURTHER RESOLVED THAT this appointment is effective immediately.

Dated this 13th day of December, 1993.

RESOLUTION #1993 - 113

RECOGNIZING THE 1993 HOLIDAY HOTLINE FOR SUBSTANCE ABUSE PROBLEMS

WHEREAS, substance abuse, and the complications of such abuse, are among the most serious health problems affecting our citizens; AND

WHEREAS, the Washington Area Council on Alcoholism & Drug Abuse (WACADA) has assisted the City of Takoma Park, as well as Montgomery and Prince George's Counties, in addressing these problems for more than forty years; AND

WHEREAS, since 1973, WACADA has mounted a "Holiday Hotline" campaign to provide a ready treatment and crisis referral resource for the Washington Metropolitan Area; AND

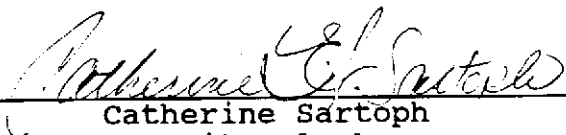
WHEREAS, for the twentieth consecutive year, WACADA will mount the Holiday Hotline Campaign from December 22, 1993, through January 4, 1994; AND

WHEREAS, the Holiday Hotline has been of incalculably great value in preserving the well-being of the community.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Takoma Park, Maryland, on behalf of its employees and citizens, does hereby commend the Washington Area Council on Alcoholism & Drug Abuse on its efforts in combatting substance abuse, and urges all residents to join in support of the Holiday Hotline Campaign as well as WACADA's other efforts against substance abuse.

Dated this 13th day of December, 1993.

ATTEST:



Catherine Sartoph
City Clerk