

CITY OF TAKOMA PARK, MARYLAND

(FINAL 2/7/95)

SPECIAL SESSION AND WORKSESSION  
OF THE CITY COUNCIL

Monday, November 7, 1994

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Executive Session 10/24/94 - Moved by Mr. Rubin; seconded by Mr. Chavez. Council convened in Executive Session by unanimous vote at 11:05 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. STAFF PRESENT: Habada, Grimmer, Espinosa, Perlman. Council discussed two land acquisition matters; authority granted to City Administrator to make a purchase offer on the first property, and to continue further efforts on the second property. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

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**OFFICIALS PRESENT:**

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Davenport	Deputy City Clerk Espinosa
Councilmember Porter	DHCD Director Nance-Sims
Councilmember Rubin	Asst. Dir. for Special Projects Ludlow
Councilmember Williams	Corporation Counsel Silber
	Police Chief Phillips
	Deputy Police Chief Wortman
	Solid Waste Manager Braithwaite

**OFFICIALS ABSENT:**

Councilmember Elrich

The Council convened in Worksession at 7:34 p.m. on Monday, November 7, 1994, in the upstairs meeting room at the Municipal Building, 7500 Maple Avenue.

Moved by Mr. Davenport; seconded by Mr. Williams. The Council moved into Special Session.

**SPECIAL SESSION**

#1 Resolution re: Hillview Tenants Association Agreement. The resolution authorizes financial assistance to the Hillview Tenants Association, Inc. to assist with acquisition expenses associated with a tenant-sponsored purchase of 20 Ritchie Avenue.

Moved by Mr. Rubin; seconded by Mr. Chavez.

Mr. Sharp asked if the proposed Agreement exceeds the scope of the Tenants Assistance Program (TAP).

DHCD Director Nance-Sims explained that the Agreement falls within the scope of the TAP and that Community Development Block Grant (CDBG) homebuyers budget money will be used as part of the financial assistance. She provided a breakdown of the funding sources for the \$4,500, in response to Mr. William's inquiry.

Mr. Sharp clarified that CDBG monies will not be reprogrammed, and asked about the terms of the loan.

Ms. Nance-Sims referred to the resolution and provided an explanation.

Mr. Sharp questioned whether the training, regarding the development process and the roles and responsibilities of ownership, is an element of the TAP.

Asst. Director for Special Projects Ludlow explained how the training falls within the parameters of the TAP.

Rick Eisen, Esquire, Counsel, Hillview Tenants Association explained the terms of the agreement.

Mr. Sharp queried whether the agreement specifies a limited equity cooperative.

Ms. Nance-Sims replied that it does not make this distinction.

Mr. Sharp explained the necessity of the public benefit derived from a limited equity cooperative. He stated that unless the agreement specifies a limited equity arrangement as the goal, public funds should not be provided.

Ms. Nance-Sims expressed a desire to examine all available options.

Mr. Sharp emphasized that public funds must go toward public benefit. He recognized the incentive to "go to market".

Mr. Eisen noted this is a pre-development loan, that will be used to get the information necessary to apply for a final development loan. If the findings do not indicate the opportunity for a limited equity cooperative, the \$4,500 will be repaid immediately.

Mr. Sharp asked if the proposal will make housing more affordable.

Mr. Eisen replied that the \$4,500 requested is to enable the Hillview Tenants Association to gather information from which, among other things, conclusions about affordability will be drawn.

Mr. Sharp commented on the definitions of "zero equity" and "limited equity."

Mr. Williams asked staff to comment on their position in this regard.

City Administrator Habada noted that staff is not biased in regards to the equity options, and would like to have additional information provided to the tenants.

Mr. Sharp noted that the TAP was based on the premise that it would facilitate limited equity cooperatives. He outlined the relative history of 7611 Maple Avenue.

Ms. Ludlow made comments in support of the need for the program (TAP).

Ms. Porter stated that she assumed the program is biased towards limited equity arrangements, remarking that the city should not act as a bank.

Kay Dellinger, Hampshire Towers said the basic question is whether it is better for tenants to be homeowners or remain "tenants". She pointed out that the law suggests that it is better for tenants to become homeowners.

Mr. Sharp recognized Ms. Dellinger's remarks regarding the law, but noted that the city's program is different. He said that if the city were to set up a program as referred to by Ms. Dellinger, there would need to be public discussion of the matter.

Mr. Davenport stated that some assistance needs to be provided to the Hillview Tenants Association.

Mr. Eisen said that it would not be a problem to put in place some incentive for tenants to purchase their units, and emphasized that the \$4500 request is only for predevelopment studies.

Mr. Rubin commented that this does not have to be a "take-it" or "leave-it" situation. He suggested that the language of the resolution be more explicit, requiring that if an opportunity for a limited equity cooperative is not realized and the project does not go forward, then the \$4500 should be repaid.

Mr. Sharp remarked that if a decision to "go to market" is made, funding would still be necessary for a percentage of the interest. He expressed concern that no feasibility study has been conducted.

Ms. Nance-Sims noted that staff had come forward in the past regarding a homebuyer's program.

Mr. Rubin asked for clarification of the terms of the Tenants Assistance Program (TAP).

Mr. Sharp responded.

Mr. Rubin proposed that an additional provision be added to the resolution, requiring the money be paid back if the association does not go with a limited equity cooperative.

Ms. Porter remarked that no one will know if the project will result in a limited equity program until the final documents are drafted.

(unintelligible), Development Consultant said that there are many unknowns, all dependent on one another, making it impossible to predict the outcome. He said that a flexible interest rate or a market rate are good options.

Ms. Porter said there must be an incentive for a limited equity program.

Ms. Dellinger commented that if the city is going to impose an interest rate on the \$4500, then it should be a low interest rate.

Mr. Sharp remarked that he does not believe the interest rate will kill the deal. He accepted Mr. Rubin's proposed amendment (seconded: Sharp) -- adding a fourth "resolved clause", "...the full amount of the loan plus market rate interest as established in the agreement, shall be repaid at or before settlement if the Hillview Tenants Association proceeds to create anything other than a limited equity cooperative."

Ms. Porter suggested there be an additional "whereas clause", between the fourth and fifth clauses, regarding the city's encouragement of limited equity cooperatives.

Mr. Rubin responded that there needs to be further discussion before making a policy statement.

Ms. Porter said she thinks this policy statement should be established.

The amendment proposed by Mr. Rubin carried (OPPOSED: Williams; ABSENT: Elrich).

Ms. Porter restated her proposed amendment, "...Whereas, the City wishes to encourage ownership as a limited equity cooperative in this instance, and..." (seconded: Rubin).

The amendment proposed by Ms. Porter carried unanimously (ABSENT: Elrich).

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

RESOLUTION #1994-55  
(Attached)

#### ADJOURNMENT

The Council moved into Worksession at 8:15 p.m., and later adjourned for the evening at 11:30 p.m.

RESOLUTION NO. 1994-55

**A RESOLUTION TO AUTHORIZE FINANCIAL ASSISTANCE TO THE HILLVIEW TENANTS ASSOCIATION, INC. TO ASSIST WITH ACQUISITION EXPENSES ASSOCIATED WITH A TENANT-SPONSORED PURCHASE OF 20 RITCHIE AVENUE.**

WHEREAS, a large segment of the population of the City of Takoma Park is tenants; and

WHEREAS, there is a shortage of decent, sanitary, and safe housing available for purchase in the City which tenants can afford; and

WHEREAS, tenant-sponsored purchases of multi-family residential buildings provide tenants with an opportunity to purchase affordable housing, thus helping to maintain neighborhood stability in the City; and

WHEREAS, converting multi-family residential buildings in the City to tenant ownership will result in better maintained buildings, less residential turnover, and will reduce the number of absentee landlords and owners; and

WHEREAS, the City wishes to encourage ownership as a limited equity cooperative in this instance; and

WHEREAS, the Hillview Apartments located at 20 Ritchie Avenue, Takoma Park, MD are being offered for sale; and

WHEREAS, the tenants of Hillview Apartments have organized the Hillview Tenants Association, Inc., and are interested in purchasing the building at 20 Ritchie Avenue, Takoma Park, MD, under the auspices of the City's Tenant Opportunity to Purchase law, Chapter 6, Article 8 of the Takoma Park Code; and

WHEREAS, the Hillview Tenants Association, Inc. has requested assistance from the City to pay for certain property acquisition expenses, such as securing legal representation, paying for a building evaluation, and obtaining technical assistance and training; and

WHEREAS, the Council supports the efforts of the tenants of Hillview Apartments who have organized for the purpose of acquiring the building at 20 Ritchie Avenue, Takoma Park, MD and desires to provide financial assistance to such tenants for these property acquisition expenses; and

WHEREAS, the Council declares that making a loan to the Hillview Tenants Association, Inc. for certain expenses associated with the acquisition of the building at 20 Ritchie Avenue serves a public purpose and promotes the peace, health, and general welfare of the City and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City Administrator is hereby authorized and empowered to make a loan in the principal sum of \$4,500.00 to the Hillview Tenants Association, Inc., to be used by the Hillview Tenants Association, Inc. for expenses related to the purchase of Hillview Apartments at 20 Ritchie Avenue, Takoma Park, MD as follows:

1. Eisen & Rome, P.C. - \$500.00 towards legal services and representation;
2. Huffle PM, Inc. - \$1,000.00 towards a building evaluation;
3. Rinker & Associates - \$2,000.00 towards technical assistance in financing and implementing the acquisition, rehabilitation, and conversion of the building at 20 Ritchie Avenue, Takoma Park, MD; and
4. National Association of Housing Cooperatives - \$1,000.00 towards training regarding the development process and the roles and responsibilities of ownership.

BE IT FURTHER RESOLVED THAT the full amount of the loan shall be repaid to the City by the Hillview Tenants Association, Inc. at or before settlement on the Hillview Tenants Association, Inc.'s purchase of 20 Ritchie Avenue, Takoma Park, MD, but if the Hillview Tenants Association, Inc., acting in good faith, is unsuccessful in purchasing 20 Ritchie Avenue, Takoma Park, MD, then repayment of the loan shall be forgiven.

BE IT FURTHER RESOLVED THAT the full amount of the loan, plus market rate interest as established in the agreement, shall be repaid at or before settlement if the Hillview Tenants Association proceeds to create anything other than as a limited equity cooperative.

BE IT FURTHER RESOLVED THAT the City Administrator or the City Administrator's designee is authorized to enter into an agreement with the Hillview Tenants Association, Inc. for the loan as set forth in this Resolution.

ADOPTED THIS 7th DAY OF November, 1994.

REGULAR MEETING, EXECUTIVE SESSION AND WORKSESSION  
OF THE CITY COUNCIL

Monday, November 14, 1994

## OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Elrich	City Clerk Sartoph
Councilmember Porter	DHCD Special Projects Coor. Ludlow
Councilmember Williams	Community Planner Schwartz

## OFFICIALS ABSENT:

Councilmember Davenport  
Councilmember Rubin

The Council convened at 7:45 p.m. on Monday, November 14, 1994, in the Council Chamber at the Municipal Building, 7500 Maple Avenue.

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

## MAYOR AND COUNCIL COMMENTS

Mr. Sharp noted that the agenda for this evening's meeting as was mailed last week listed a briefing scheduled for 7:30 p.m., and that the briefing has been postponed.

Mayoral Proclamation Commemorating the 90th Anniversary of Columbia Union College. Mr. Sharp read the proclamation for the record. He said that he and the City Administrator had the opportunity to participate in the festivities celebrating the anniversary on November 4, 1994.

MAYORAL PROCLAMATION #1994-6  
(Attached)

Mayoral Proclamation in Honor of Youth Scholar Rahman Culver. Mr. Sharp read the proclamation for the record. Mr. Sharp presented the proclamation to Mr. Culver.

MAYORAL PROCLAMATION #1994-7  
(Attached)

Mr. Culver thanked the Council for the proclamation, and said that it is both an honor and pleasure to receive recognition from the City Council.

## ADOPTION OF MINUTES

Moved by Mr. Williams; seconded by Mr. Chavez. The Council Meeting minutes from 7/25/94 and 8/1/94 were adopted unanimously (ABSENT: Davenport, Rubin).

## ADDITIONAL AGENDA ITEMS

Discussion of Resolution re: Public Safety Citizens Advisory Committee (Resolution #1994-53). This item was added to the end of the Regular Meeting.

## REGULAR MEETING

#1 Single Reading Ordinance re: Purchase of Police Vehicles. Mr. Sharp explained that the ordinance would approve a request for the purchase of three Ford Crown Victorias at \$16,532 each for the Police Department, and disposal of five Police vehicles.

Moved by Mr. Chavez; seconded by Mr. Williams.

Ms. Porter asked if the 1987 Supra on the list for disposal is a police vehicle.

Habada responded in the negative, explaining that the Supra is a seized vehicle.

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

ORDINANCE #1994-34  
(Attached)

#2 2nd Reading Ordinance re: Drug-Free Workplace Policy. Mr. Sharp explained that the ordinance would make minor changes to the City's Alcohol and Drug Policy necessary to meet specific Prince George's County Department of Housing and Community Development policies relating to a drug-free workplace and Community Development Block Grant (CDBG) projects, and to conform with federal law.

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

The ordinance was unanimously adopted at second reading by roll call vote (ABSENT: Davenport, Elrich, Rubin).

ORDINANCE #1994-30  
(Attached)

#3 2nd Reading Ordinance re: Alleys and Rights-of-Way. Moved by Ms. Porter; seconded by Mr. Williams.

Ms. Porter noted that the ordinance does not change the status of any public right-of-way or alley, it only changes the policy for addressing closing and abandoning those rights-of-way (e.g. standards for considering a closure or abandonment, notification requirements, liability for associated costs, etc.).

The ordinance was adopted unanimously at second reading by roll call vote (ABSENT: Davenport, Elrich, Rubin).

ORDINANCE #1994-31  
(Attached)

#4 Resolution re: Boyd Avenue Alley - Use Agreement. Mr. Williams asked Mr. Speizman to summarize the final agreement.

Richard Speizman, 319 Boyd Avenue (petitioner) summarized the final agreement, noting that the agreement (1) grants the applicants exclusive vehicular use of the section of alley adjacent to 317 and 319 Boyd Avenue for 20 years, (2) requires the applicants to maintain the upkeep of the alley in accordance with the City Code, (3) allows pedestrians access to the alley, (4) is renewable after 20 years if the Council has no objections at that time, and (5) will be transferred to future owners of the property at 319 Boyd Avenue should the current owners sell the property before the terms of the agreement expire. In the event of property transfer or sale, the new owners will have one month after the date of the transfer or sale of 319 Boyd Avenue to terminate the agreement.

Ms. Porter questioned how the agreement is going to be filed so that a purchaser of the property would have knowledge of the agreement, in the event of property transfer.

Mr. Williams said that the new owner would be notified.

Mr. Speizman concurred.

(Mr. Elrich arrived at 9:03 p.m.)

Ms. Porter said that in consideration of the possibility of several transfers of the property, Corporation Counsel should advise on the best way to record the agreement.

Mr. Elrich suggested that the agreement be recorded on the deed.

Mr. Williams supported seeking Corporation Counsel's advise.

Mr. Sharp asked about removing the provisions for a new owner to have the option to "give back" the rights to the alley.

Mr. Speizman explained that the provision is included in the agreement,

should a future property owner not wish to maintain the alley.

Mr. Chavez said that he believes there is a real estate law that requires the seller to notify a buyer of any existing agreements associated with the property.

Mr. Elrich expressed concern that the applicants may improve the area in such a way that the City does not later wish to maintain.

Mr. Speizman remarked that the City does not lose either way. He explained that he intends to improve and maintain the alley, and if a future property owner were to terminate the agreement, the City would be getting back an improved alley.

The resolution was unanimously adopted (ABSENT: Davenport, Rubin).

RESOLUTION #1994-56  
(Attached)

Mr. Speizman thanked the Council for their efforts in coming to a conclusion on this matter.

**ADDITIONAL ITEM**

Discussion of Resolution re: Public Safety Citizens Advisory Committee (Resolution #1994-53). Mr. Williams explained that this item is back before the Council to confirm the persons who were originally appointed to the committee at the time the resolution was adopted (10/24/94), and said he would like to make an additional appointment.

Mr. Sharp questioned whether the Council wants to grant the City Administrator the authority to make future appointments to the committee.

Ms. Porter said that due to the nature of the charter for the committee, future appointments will be difficult and should be carefully considered since it will be hard for a person to come in on the middle of the review process.

Mr. Williams made a motion for reconsideration of Resolution #1994-53 (seconded: Porter).

Mr. Williams proposed two amendments: (1) to add Julie Grabe to the list of appointees and (2) to grant the City Administrator authority to make future appointments (seconded: Porter).

Clarence Boatman, 135 Ritchie Avenue said he was unsure of the charge to the committee at the time he was approached by his Councilmember regarding appointment, and hence, declined the opportunity. He verified that his name was not included in the appointments to the committee.

The amendments were unanimously adopted (ABSENT: Davenport, Rubin).

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

RESOLUTION #1994-53  
(Attached)

**ADJOURNMENT**

The Council adjourned from Regular Session at 8:18 p.m. and moved into Executive Session. Following the Executive Session, the Council reconvened in Worksession at 8:32 p.m and later adjourned for the evening at 10:21 p.m.

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Executive Session 11/14/94 - Moved by Ms. Porter; seconded by Mr. Chavez. Council convened in Executive Session by unanimous vote at 8:20 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Williams. OFFICIALS ABSENT: Davenport, Rubin. STAFF PRESENT: Habada, Sartoph. Council discussed Lake Street land acquisition and another possible land acquisition; City Administrator was directed to continue negotiations on both items (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

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# MAYORAL PROCLAMATION #1994-6 COMMEMORATING THE 90TH ANNIVERSARY OF COLUMBIA UNION COLLEGE

**WHEREAS,** *Columbia Union College was established by the Seventh-day Adventist Church in 1904 as a co-educational institution to train young men and women in the liberal arts; AND*

**WHEREAS,** *the College has been a pioneer in the Adventist educational system; AND*

**WHEREAS,** *since its founding, the College has undergone steady growth in its student body, faculty, and departments, all the while maintaining its emphasis on education as a means of developing the whole person, and college as a preparation for a life of service to God and the community; AND*

**WHEREAS,** *in its ninetieth year, the College serves approximately fifteen hundred students with one hundred sixty faculty and staff members, offering more than thirty majors in the liberal arts, allied health, and business; AND*

**WHEREAS,** *in its ninetieth year, the College puts Christianity into action, through sponsorship of extensive campus ministries which address social challenges through tangible, constructive efforts which feed the hungry, heal the sick, and fortify children's education.*

**NOW, THEREFORE, I, EDWARD F. SHARP, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND,** *on behalf of the Citizens, Council, and Staff of the City of Takoma Park, do hereby offer the heartiest of congratulations and best of good wishes to Columbia Union College on the occasion of its ninetieth anniversary.*

*Dated this 4th day of November, 1994.*

*Edward F. Sharp*

Edward F. Sharp  
Mayor

**ATTEST:**

*Beverly K. Habada*

Beverly K. Habada  
City Administrator



# **MAYORAL PROCLAMATION #1994-7**

## **IN HONOR OF RAHMAN CULVER**

**WHEREAS,** *Rahman Culver has pursued excellence in his studies at Montgomery Blair High School; AND*

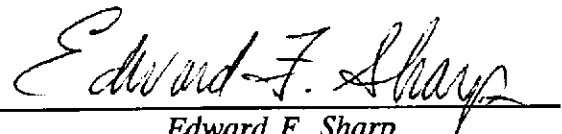
**WHEREAS,** *Rahman Culver has contributed to the betterment of the Washington area community at large through his service as a tutor at Brightwood Elementary School, as a National Park Service Volunteer, and as a leader in his Church choir; AND*

**WHEREAS,** *Rahman Culver is one of very few high school students throughout the United States selected for invitation to the 1994 National Young Leaders Conference in Washington, D.C.; AND*

**WHEREAS,** *Rahman Culver is a source of pride for his family and the Takoma Park Community, and is an inspiration to all to achieve their full potential.*

**NOW, THEREFORE, I, EDWARD F. SHARP, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND,** *on behalf of the Citizens, Council, and Staff of the City of Takoma Park, do hereby extend the heartiest of congratulations to Rahman Culver of 115 Lee Avenue for his achievements, and do hereby offer the best of good wishes to Mr. Culver for the future.*

*Dated this 14th day of November, 1994.*

  
\_\_\_\_\_  
Edward F. Sharp  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Catherine E. W. Sartoph  
City Clerk

Introduced By: Councilmember Porter

RESOLUTION #1994-53  
ESTABLISHING THE PUBLIC SAFETY CITIZENS ADVISORY COMMITTEE  
AND MAKING APPOINTMENTS TO THE COMMITTEE

WHEREAS, the Charter and Code of the City of Takoma Park, Maryland, empower the City Council to appoint such special and standing committees as may be deemed necessary; AND

WHEREAS, the City Council wishes to obtain the views of a wide cross-section of city residents and business owners on the levels and kinds of services that ought to be provided by the City, beginning with the area of public safety; AND

WHEREAS, the City Council has determined that a special committee is the most appropriate way of obtaining the views of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT the Public Safety Citizens Advisory Committee is hereby established; AND

BE IT FURTHER RESOLVED THAT the Committee is charged by the City Council with gathering the views of the community on the levels and kinds of public safety services the citizens of Takoma Park would like the City to provide, and how any additional services should be paid for; AND

BE IT FURTHER RESOLVED THAT the Committee shall solicit and encourage the participation of the entire community in their work, through such means as public presentations and forums, surveys of the community, articles in the City Newsletter, and meetings with neighborhood associations, business groups, and other interested parties; AND

BE IT FURTHER RESOLVED THAT the Committee shall make special efforts to invite the participation of groups within the community that have special viewpoints on the issue of public safety, including, but not limited to, persons of racial and ethnic minority groups, seniors, business owners, tenants, and persons with disabilities; AND

BE IT FURTHER RESOLVED THAT the Committee shall report its preliminary findings to the City Council by March 1, 1995, and provide a final report by October 1, 1995; AND

BE IT FURTHER RESOLVED THAT the following persons are hereby

appointed as members of the Public Safety Citizens Advisory Committee:

<u>Name</u>	<u>Address</u>
<u>Ward 1</u>	
David Bates	46 Philadelphia Avenue
Jeanne Dooley	7321 Willow Avenue
Thomas Gagliardo	107 Hodges Lane
Rita Marth	7308 Cedar Avenue
Wolfgang Mergner	104 Tulip Avenue
Virginia Ripley-Wolf	24 Darwin Avenue
<u>Ward 2</u>	
Dennis Fruitt	706 Devonshire Road
Marie Ritzo	7113 Central Avenue
Carol Stewart	7211 Central Avenue
<u>Ward 3</u>	
Karin Anderson	7007 Woodland Avenue
Yvonne Bolz	7051 Carroll Avenue
Herman Goodyear	119 Sherman Avenue
Paul Huebner	7405 Carroll Avenue
Elizabeth Pugh	34 Freemont Avenue
Elizabeth Reynolds	203 Spring Avenue
<u>Ward 4</u>	
Alan Fisher	7600 Maple Avenue #1001
Benjamin Onyeneke	7600 Maple Avenue
Montressa Staples	7600 Maple Avenue #1001
<u>Ward 5</u>	
Margery Chalofsky	8108 Roanoke Avenue
<u>Ward 6</u>	
Lamar Burnside	7333 New Hampshire Avenue Hyattsville, Maryland 20783
Lloyd Johnson	1121 Holton Lane
Nelson Pallasa	8120 Lockney Avenue
Monroe Stokvis	7505 New Hampshire Avenue Hyattsville, Maryland 20783

BE IT FURTHER RESOLVED THAT the City Administrator has the authority to make additional appointments to the Committee.

Adopted this 24th day of October, 1994.

Introduced by: Mayor Sharp

Resolution Date: Nov. 14, 1994

Drafted by:

Linda S. Perlman

Asst. Corporation Counsel

RESOLUTION NO. 94-56

(Authorizing the City Administrator to Enter into an Agreement Granting the Owners of 319 Boyd Ave. the Right to Use the Section of Boyd Alley Between 317 and 319 Boyd Ave.)

WHEREAS, in August, 1993 Richard A. Speizman and Faith A. Horowitz, the owners of property located at 319 Boyd Ave., Takoma Park, MD 20912 (hereinafter referred to as "property owners"), made a request to the City to consider closing the section of an alley between 317 and 319 Boyd Ave. (hereinafter referred to as "Boyd Alley") and abandoning this section of Boyd Alley to them; and

WHEREAS, the City, in accordance with the requirements of Sections 11-53 and 11-54 of the Takoma Park Code, gave notice of a public hearing on the request to consider the closing or abandoning a section of the Boyd Alley right-of-way and requested comments from the entities listed in Section 11-54 on the proposed closure or abandonment of a section of the Boyd Alley right-of-way; and

WHEREAS, the Council held public hearings on the request to consider closing or abandoning the section of the Boyd Alley right-of-way between 317 and 319 Boyd Ave. on September 27, 1993 and on April 25, 1994; and

WHEREAS, the Council heard considerable testimony and received written submissions both in favor of and in opposition to the request to close or abandon the section of Boyd Alley between 317 and 319 Boyd Ave. from the property owners, from citizens of the Boyd Ave. and Carroll Ave. neighborhoods, and from the Boyd-Carroll Neighborhood Association; and

WHEREAS, after considerable deliberation, the Council has decided not to close or abandon the section of the Boyd Alley right-of-way between 317 and 319 Boyd Ave., as requested by the property owners, but to authorize the City Administrator to enter into an agreement with the property owners providing for the property owners to have the right to use this section of Boyd Alley for a twenty year renewable term and to rescind all prior agreements relating to this section of Boyd Alley.

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

RESOLVED THAT, the City Administrator is authorized to negotiate and enter into an agreement with the property owners granting the property owners the right to use the section of the Boyd Alley right-of-way between 317 and 319 Boyd Ave. upon substantially the terms and conditions set forth on the attached Exhibit "1"; and

FURTHER RESOLVED THAT, all prior agreements between the City and the owners of 317 and 319 Boyd Ave., or such owner's predecessors in interest, relating to the section of the Boyd Alley right-of-way between 317 and 319 Boyd Ave. are hereby rescinded.

THIS RESOLUTION IS ADOPTED THE 14th DAY OF NOVEMBER, 1994.

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## AGREEMENT

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 1994 by and between the City of Takoma Park, Maryland, a municipal corporation, 7500 Maple Ave. Takoma Park, MD 20912 (hereinafter referred to as "City") and Richard A. Speizman and Faith A. Horowitz, 319 Boyd Ave., Takoma Park, MD 20912 (hereinafter referred to as "Owners").

### W I T N E S S E T H:

WHEREAS, Owners own property known as Lot numbered One (1) in Block numbered Ninety-One (91) of Beale's unrecorded subdivision which has the address of 319 Boyd Ave., Takoma Park, MD 20912 (hereinafter referred to as the "property"); and

WHEREAS, an alley extending off of Boyd Avenue borders the west side of the property (hereinafter referred to as "Boyd Alley"), as shown on the attached Exhibit "A"; and

WHEREAS, this section of Boyd Alley is not open to vehicular traffic and is presently being used by the owners of 317 and 319 Boyd Ave. pursuant to a 1956 "exclusive use" agreement which is being rescinded and replaced by this Agreement; and

WHEREAS, in August, 1993 Owners made a request to the Council of the City of Takoma Park (hereinafter referred to as "Council") to formally close the section of Boyd Alley adjoining the property and to abandon that section of Boyd Alley to them; and

WHEREAS, the Council has held two public hearings on Owners request and has decided not to formally close and abandon the section of Boyd Alley adjoining the property, but to enter into an agreement allowing Owners continued use of the alley for a twenty (20) year period upon the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Owners agree as follows:

1. Owners shall have the right to use the section of Boyd Alley which adjoins the west side of the property at 319 Boyd Ave. as part of Owners yard, i.e., to construct a connection from Boyd Alley to a garage on the property, to landscape, etc.

2. Owners right to use the section of Boyd Alley adjoining the property shall be co-existent with the right of pedestrians to use Boyd Alley as a public way and also with the right of the owners of Lot 16, Block 40 of "Fred L. Glaize's Addition to

If to the City: City Administrator  
City of Takoma Park  
7500 Maple Ave.  
Takoma Park, MD 20912.

If to Owners: Richard A. Speizman & Faith A. Horowitz  
319 Boyd Ave.  
Takoma Park, MD 20912.

8. This Agreement contains the entire understanding of the parties with respect to the subject matter of this Agreement. No modification, waiver, revocation or amendment of any of the terms of this Agreement shall be effective unless it is in writing and signed by both parties. No waiver of any breach or default of this Agreement shall be deemed a waiver of any subsequent breach or default.

9. This Agreement shall be governed by and construed according to the laws of the City and of the State of Maryland.

10. This Agreement shall apply to and be binding upon the heirs, successors, assigns, and transferees of the parties.

11. Notwithstanding anything in this Agreement to the contrary, if all or any part of the property is sold or transferred, then Owners, within one (1) month of the date of such sale or transfer, may terminate this Agreement upon one (1) month written notice to the City. For purposes of this ¶11 only, the term "Owners" does not include Richard A. Speizman or Faith A. Horowitz.

IN WITNESS WHEREOF, the City and Owners have signed this Agreement on the day and year first above written.

CITY OF TAKOMA PARK, MARYLAND

\_\_\_\_\_  
Witness

By: \_\_\_\_\_ (Seal)  
Beverly K. Habada  
City Administrator

Date signed: \_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Richard A. Speizman (Seal)

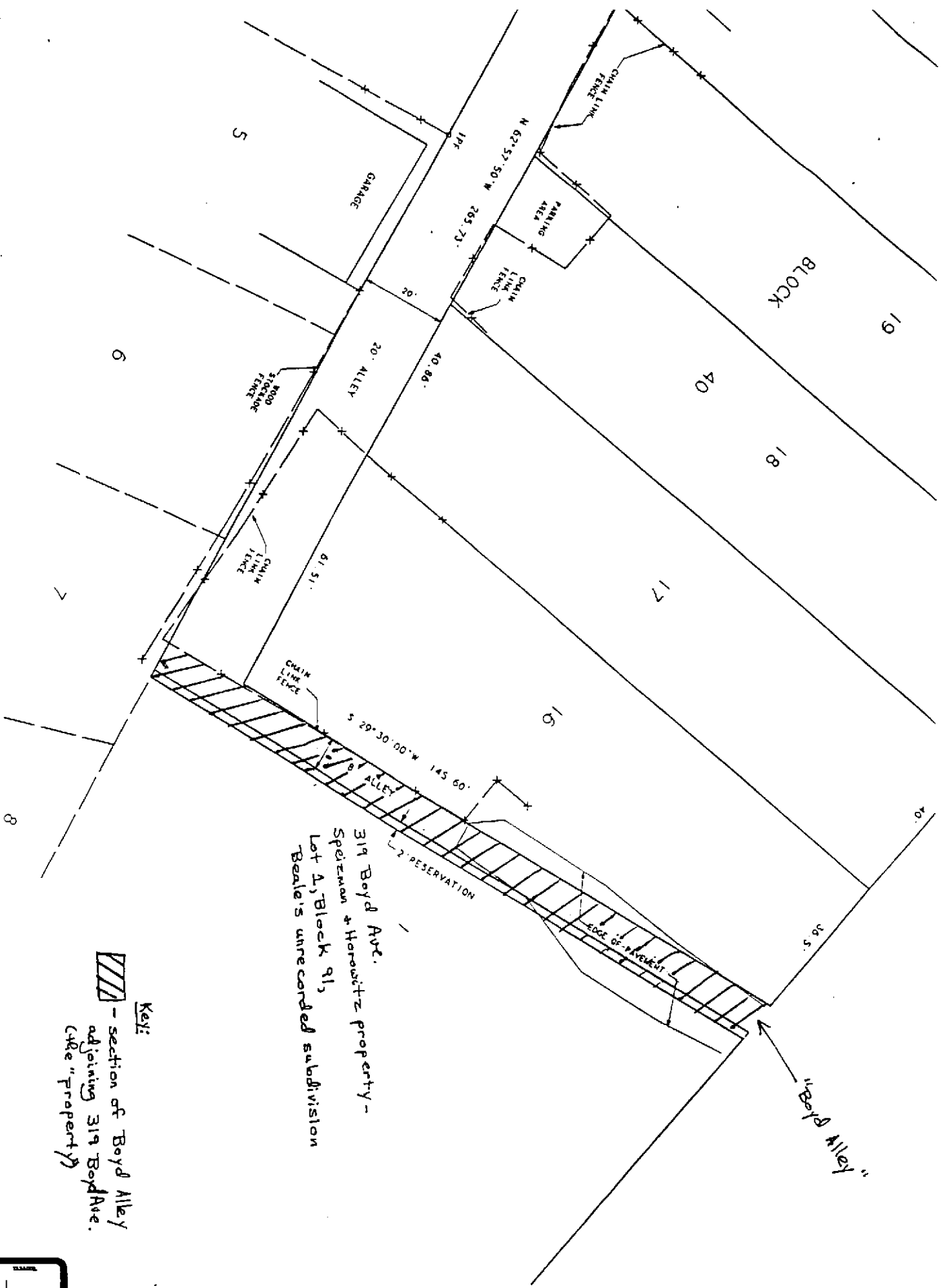
Date signed: \_\_\_\_\_


\_\_\_\_\_  
Witness

\_\_\_\_\_  
Faith A. Horowitz (Seal)

Date signed: \_\_\_\_\_





Key:  
 - section of Boyd Alley adjoining 319 Boyd Ave. (the "property")

319 Boyd Ave.  
 Speizman & Horowitz property -  
 Lot A, Block 91,  
 Beale's unrecorded subdivision

EXHIBIT  
 "A"

Introduced by: Councilmember Chavez  
(Drafted by T. Wayne Hobbs)

1st Reading: October 24, 1994  
2nd Reading: November 14, 1994  
Effective: November 14, 1994

ORDINANCE NO. 1994 - 30

**AN ORDINANCE TO AMEND CHAPTER 8B, ARTICLE 3 (Alcohol And Drug Policy)  
OF THE CODE OF THE CITY OF TAKOMA PARK, MARYLAND**

WHEREAS, the Prince George's County Department of Housing and Community Development has prescribed specific policies relating to a drug-free workplace and CDBG projects; AND

WHEREAS, the Takoma Park Alcohol and Drug Policy requires amending in order to meet the Prince George's County policy.

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

SECTION 1: Chapter 8B of the Takoma Park Code entitled "Personnel Procedures", Article 3, is amended to read as follows:

**Sec. 8B-212. Substance Abuse Policy.**

(h) All employees must notify the City in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace within five (5) calendar days of that conviction.

(1) The City is required to notify the appropriate County, State or Federal Agency in writing within ten calendar days after receiving notice under Sec. 8B-212 (h) from an employee or otherwise receiving actual notice of such conviction. The City must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal Agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) and CDBG Program Years of such affected grants.

(2) Within 30 calendar days of receiving notice under this provision with respect to any employee who is so convicted, one of the following actions will be taken:

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(o) All employees will be provided a copy of this policy and are required to acknowledge receipt by returning a signed copy of the following affirmation to their supervisors for insertion in their personnel files:

=====
CITY OF TAKOMA PARK
SUBSTANCE ABUSE POLICY ACKNOWLEDGEMENT OF RECEIPT

As an employee of the City Of Takoma park, I, \_\_\_\_\_, hereby certify that I have received a copy of the City's policy regarding the maintenance of a drug-free workplace. I realize that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited on the City's owned or utilized premises and violation of this policy can subject me to discipline up to and including termination. As a condition of employment, I must abide by the terms of this policy and will notify my supervisor of any criminal drug conviction no later than five (5) calendar days after such conviction. I further realize that law mandates that the employer communicate this conviction to the appropriate county, state or federal agency, and I hereby waive any and all claims that may arise from conveying this information to the appropriate agency.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

Section 2. That this Ordinance shall become effective upon adoption.

Adopted this 14th day of November, 1994 by roll call vote as follows:

- AYE: Sharp, Chavez, Porter, Williams
NAY: None
ABSTAINED: None
ABSENT: Davenport, Elrich, Rubin

Introduced by: Councilmember Porter

1st Reading: October 24, 1994  
2nd Reading: November 14, 1994  
Effective: November 14, 1994

ORDINANCE NO. 1994 - 31

AN ORDINANCE TO AMEND CHAPTER 11, ARTICLE 3  
(Closing and Abandoning Rights-of-Way)  
OF THE CODE OF THE CITY OF TAKOMA PARK, MARYLAND

WHEREAS, the Council finds that certain changes to the City's procedures for closing and abandoning rights-of-way are necessary and desirable;

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

SECTION 1: Chapter 11, Article 7 of the Takoma Park Code entitled "Closing and Abandoning Rights-of-Way" is amended to read as follows:

Sec. 11-51. **Definitions and Scope.**

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

(a) ~~Definition of rRight-of-way. For purposes of this Article, the term "right-of-way" includes sStreets, roads, alleys, pedestrian walkways, water mains, sanitary sewers, storm sewers, storm drainage rights-of-way or any other rights-of-way that are under the jurisdiction of the city.~~

(b) ~~Abandon. To permanently surrender, relinquish, or cede property with the intent of not resuming one's right or interest.~~

(c) ~~Close. To prevent current and/or future motorized vehicular access.~~

(d) ~~Proceedings covered by this Article. This article applies to the closing or abandoning of all rights-of-way. The provisions are the same for rights-of-way that have been used and those that have never been used; however, requests for closures of improved rights-of way that are used by motorized vehicular traffic are also subject to any and all adopted ordinances and procedures concerning traffic management. This Article determines how the city must exercise its authority if the city:~~

- (1) Has the authority to close or abandon the right-of-way; or
- (2) Has been asked to comment on the closing or abandoning of

a right-of-way.

**Sec. 11-52. Requests to close or abandon.**

(a) Who may make a request. If a person has an interest in the closing or abandoning of a right-of-way within the city, the person may request that the city consider the closing or abandoning of a right-of-way. The request must be in writing. The Mayor and Council may also initiate a consideration of whether or not to close or abandon a right-of-way.

(b) Contents of a request. The request must state include:

(1) A legal description and survey of exactly what the person would like the city to consider closing or abandoning. In requests for closures, the requirement for a legal description or survey may be waived.

(2) ~~Whether Montgomery County or Prince George's County has begun proceedings to close or abandon the right-of-way within the last year.~~ Certification to the City that written notice of the request to close or abandon a right-of-way has been given to all those persons owning or living on property that shares a common boundary with the right-of-way in question or is located between the proposed area to be closed or abandoned and the nearest cross streets.

(3) An application fee to be established by administrative regulation.

**Sec. 11-53. Hearings; notice.**

(a) Hearing required. The city must hold a hearing within ~~forty-five (45) days~~ within ninety (90) days if the city:

(1) Receives a request to consider the closing or abandoning of a right-of-way; or

(2) Initiates a consideration of whether or not to close or abandon a ~~street~~ right-of-way.

(b) Notice of the hearing. The city must give notice of the hearing to the public at least fourteen (14) days in advance by:

(1) Sending a written notice to every person who has ~~a financial interest in property~~ owns or lives on property within ~~two hundred (200) feet of the right-of-way~~ that shares a common boundary with the right-of-way in question or is located between the proposed area to be closed or abandoned and the nearest cross streets.

(2) Publishing a notice in the city ~~newsletter~~ newspaper of record or another publication that is widely distributed in the city.

(3) Posting a notice at the right-of-way.

(c) Emergency hearings. If the Mayor and Council determines that an emergency exists, they may hold a hearing without giving notice fourteen (14) days in advance. However, they must give as much notice as practical and they must leave the record of the hearing open for written submissions until a decision is made.

(d) Effect of ~~failing~~ failure to receive notice. If a person fails to receive notice of the hearing under this section, the city's action is still valid unless there are other defects in the

proceeding.

**Sec. 11-54. Request of comments prior to closing or abandoning.**

(a) Request of comments required. If the city has the authority to abandon or close a right-of-way, the city must ask the following entities to comment before closing or abandoning the right-of-way.

- (1) The county in which the property is located.
- (2) The Maryland National Capital Park and Planning Commission.
- (3) The Washington Suburban Sanitary Commission.
- (4) The Chesapeake and Potomac Bell Atlantic Telephone Company.
- (5) The Potomac Electric Power Company.
- (6) The Maryland Natural Washington Gas Company.
- (7) The Washington Metropolitan Area Transit Authority.
- (8) Montgomery County Transportation Department, Transit Services Division.
- (9) The State Highway Administration, if applicable.
- (10) Montgomery County Fire and Rescue Services Department.
- (11) Any other person who owns or operates property or a public franchise or license if:

(A) The property is located in the right-of-way; or

(B) The operation of the public franchise or license involves regularly scheduled use of the right-of-way.

(b) Failure to receive comments. If an entity does not respond to the city's request for comments within thirty (30) days, the city may assume that the entity has no comments.

**Sec. 11-55. Action by Mayor and Council.**

The Mayor and Council may only close or abandon a right-of-way or advise Montgomery County or Prince George's County that the city consents to the closing or abandoning of a right-of-way if:

~~(a) The city has requested comments as required under Section 11-54.~~

~~(b) The right-of-way is not necessary for current or anticipated public use in the foreseeable future, or for motorized vehicular use in the case of a closing.~~

~~(c) (b) The proposed closing or abandoning is necessary for would not be detrimental to the health, safety and welfare of the residents of Takoma Park in view of any or all of the following considerations:~~

- ~~(1) The master plan.~~
- ~~(2) Safe and efficient pedestrian and vehicular traffic patterns and flows, together with alternatives, in the immediate neighborhood, both as to local and through traffic.~~
- ~~(3) Changes in fact and circumstances since the original dedication of the right-of-way to be closed or abandoned.~~

~~(d) (c) The right-of-way does not provide the only means of access to a property.~~

**Sec. 11-56. Withdrawal of request.**

A person may withdraw ~~the person's a~~ request to consider the closing or abandoning of a right-of-way at any time before the ~~Mayer and Council~~ takes action.

**Sec. 11-57. Subdivision requests.**

A person who has requested and is granted a right-of-way abandonment by the city is responsible for initiating and paying any applicable fees for a resubdivision of the abandoned property with the appropriate county authorities, if necessary, as well as all fees and costs associated with required surveys and plats, in order to complete the abandonment process.

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

NOTE: In this ordinance, \_\_\_\_\_ shall denote language deleted from the code and [REDACTED] shall denote language being added.

Adopted this 14th day of November, 1994 by roll call vote as follows:

AYE: Sharp, Chavez, Porter, Williams  
NAY: None  
ABSTAINED: None  
ABSENT: Davenport, Elrich, Rubin

arowclab.cod

Introduced by: Councilmember Chavez      Single Reading: 11/14/94

Ordinance No. 1994- 34

PROCUREMENT OF POLICE DEPARTMENT VEHICLES

WHEREAS, the FY-95 Budget included \$45,000 for the purchase of three (3) Police Department vehicles, AND

WHEREAS, these replacement vehicle purchases were included in the FY-95 Budget pursuant to the Takoma Park Vehicle Fleet Replacement Policy, AND

WHEREAS, three Ford Crown Victorias are available from World of Fords for \$16,532 each for a total of \$49,596 through Council of Governments cooperative purchasing, AND

WHEREAS, trade-in values are not included in the COG cooperative purchasing prices, AND

NOW BE IT ORDAINED THAT authorization is granted to purchase three (3) Ford Crown Victorias from World of Fords for FORTY NINE THOUSAND FIVE HUNDRED AND NINETY SIX DOLLARS (\$49,596), AND

THAT funds for this purchase be charged to the Capital Expenditures Budget Account No. 9000-8001 in the amount of FORTY NINE THOUSAND FIVE HUNDRED AND NINETY SIX DOLLARS (\$49,596.00)

Adopted by Roll Call Vote As Follows:

AYE: Sharp, Chavez, Porter, Williams

NAY: None

ABSTAINED: None

ABSENT: Davenport, Elrich, Rubin



**REGULAR MEETING, WORKSESSION AND EXECUTIVE SESSION  
OF THE CITY COUNCIL**

**Monday, November 28, 1994**

Executive Session 11/14/94 - Moved by Ms. Porter; seconded by Mr. Chavez. Council convened in Executive Session by unanimous vote at 8:20 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Williams. OFFICIALS ABSENT: Davenport, Rubin. STAFF PRESENT: Habada, Sartoph. Council discussed Lake Street land acquisition and another possible land acquisition; City Administrator was directed to continue negotiations on both items (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

Executive Session 11/21/94 - Moved by Mr. Davenport; seconded by Mr. Chavez. Council convened in Executive Session by unanimous vote at 10:45 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. STAFF PRESENT: Grimmer, Espinosa, Koch, Ludlow. Council discussed possible land acquisition; staff was directed to continue negotiations (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

**OFFICIALS PRESENT:**

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Asst. City Administrator Hobbs
Councilmember Davenport	City Clerk Sartoph
Councilmember Elrich	Community Planner Schwartz
Councilmember Porter	Corporation Counsel Silber
Councilmember Rubin	Solid Waste Manager Braithwaite
Councilmember Williams	

The Council convened at 7:35 p.m. on Monday, November 28, 1994, in the Council Chamber at the Municipal Building, 7500 Maple Avenue.

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

**MAYOR AND COUNCIL COMMENTS**

Mr. Sharp announced that City Administrator Habada is attending a Recreation Committee meeting, and will be arriving following its adjournment. He noted that Assistant City Administrator Hobbs is filling-in until she arrives.

Mr. Rubin wished everyone a Happy Hannukah.

Mr. Williams commented on the opening celebration of the Washington Adventist Rehabilitation Center that he attended two weeks ago. He also remarked that he attended the 10th Annual International Network of Lesbian and Gay Officials Conference in Seattle, Washington, where there were 120 people in attendance--40 who were elected officials and a number of other appointed officials.

Mr. Davenport announced that on Tuesday and Wednesday evenings, area residents meet in front of the Municipal Building to depart on a walk through the neighborhood (7:00-9:00 p.m.), and invited residents to participate.

Mr. Davenport said that persons interested in serving on the Martin Luther King Commemoration Planning Committee should contact him, directly.

**ADOPTION OF MINUTES**

Moved by Mr. Williams; seconded by Ms. Porter. The Council Meeting minutes from 9/12/94, 9/26/94 and 10/3/94 were unanimously adopted.

**ADDITIONAL AGENDA ITEMS**

Single Reading Ordinance re: Purchase of Wood Chipper. Mr. Williams noted that an additional agenda item was included in the Council packages regarding authorization to purchase a wood chipper.

Mr. Sharp added a discussion of the item to the end of the Regular Meeting.

#### REGULAR MEETING

#1 Resolution of Appreciation - DHCD Director, Gloria Nance-Sims. Mr. Sharp read the resolution for the record. Moved by Mr. Sharp; seconded by Ms. Porter.

The resolution was unanimously adopted (ABSENT: Elrich, Williams).

#### RESOLUTION #1994-57 (Attached)

Mr. Sharp said that he appreciates the work Ms. Nance-Sims has done while she has been with the City and her ability to handle all of the Council's directives to the Department of Housing and Community Development (DHCD).

Ms. Porter added her thanks, saying that the list of projects included in the resolution reflects the considerable workload that Council puts on DHCD.

Mr. Davenport complimented Ms. Nance-Sims' ability to juggle the many requests and "big load" put on her department by the Council, and thanked her, wishing her all the best in future endeavors.

Mr. Chavez said he will miss her professional profile and helpfulness, and commented that Ms. Nance-Sims will be an asset where ever she goes. He noted that she was helpful in orienting him, as a new Councilmember, on the workings of DHCD.

Mr. Rubin remarked that Ms. Nance-Sims always handled "conflicting priorities" well, and that she will be missed. He thanked her for her helpfulness.

Ms. Nance-Sims thanked the Council for their gracious words, and gave a special thanks to her staff who she believes to have truly worked with her, not for her. She also thanked the citizens of the various neighborhood associations who have worked with her and other members of the DHCD staff in an effort to make the City a better place to live.

Richard Csarny, New Hampshire Gardens Citizens Association read a letter he wrote on the occasion of her departure.

Lloyd Johnson (former Councilmember) added his support to this evening's comments about Ms. Nance-Sims. He said that she epitomizes a superb professional, and that the City is fortunate to have had a person of her stature as an employee.

#2 Resolution re: Last Takoma Junction Committee. Mr. Williams read the resolution for the record. Moved by Mr. Williams; seconded by Mr. Chavez.

Ms. Porter noted that once again a group of extremely talented citizens have contributed something valuable to the city. She said she considers this resolution a "thank-you" not a "good-bye" and looks forward to continuing to work with the committee.

Mr. Sharp commented on the Design Charrette.

Mr. Williams expressed his appreciation, complimenting the committee on its continuing efforts in regards to the development of Takoma Junction.

The resolution was unanimously adopted (ABSENT: Elrich).

#### RESOLUTION #1994-58 (Attached)

#3 Resolution re: New Hampshire Gardens Traffic Study. Moved by Mr. Sharp; seconded by Mr. Chavez. The resolution would adopt the New Hampshire Gardens Neighborhood Traffic Management Study.

Mr. Sharp said that he is particularly interested in the discussion of the Anne Street/Carroll Avenue intersection and that he is not clear about what

work needs to be done. He asked for clarification on the \$9,000 estimate.

Community Planner Schwartz summarized the staff memorandum, stating that the \$9000 estimate for the project includes all of the intersection improvements and the "turn-around". Ms. Schwartz noted a letter from Ms. Kellock, stating she is not willing to pay for a "turn-around" on her property, and is concerned that bushes planted as illustrated in the plan, to the right of her driveway, will block visibility. Ms. Schwartz commented that the estimate may be somewhat high, and that one of the tasks of the new traffic engineering consultant will be to devise a test of the schematics of the plan's traffic design.

Mr. Williams asked if the current City Code requirement that vegetation height not exceed three feet, would address Ms. Kellock's concern about the proposed plantings.

Ms. Porter said she would assume that the City would not plant bushes in such a position as to block visibility coming onto Carroll Avenue.

Mr. Chavez requested clarity on the breakdown of the estimated project cost, and questioned how the "test" referred to by Ms. Schwartz figures into the overall cost.

Ms. Schwartz said that the expense of the temporary test has been budgeted for this year. She explained that the "turn-around" would need to be in place as part of the temporary test, and that the test itself will need to be discussed with the traffic engineer. She said that the "turn-around" cost could be covered by the anticipated expense of the temporary test.

Lloyd Johnson, on behalf of Takoma-Langley Crossroads Authority, provided the Council with a written statement and summarized its contents (attached). He said that the CDA supports the adoption of the resolution, and believes the plan is well thought-out, with the exclusion of the proposal to replace the stop sign at the shopping center with a yield sign. Mr. Johnson stated that there has never been a pedestrian or vehicular accident at the intersection where the stop sign is currently located, and that it would be difficult to enforce a yield sign versus a stop sign.

(Mr. Elrich arrived at 8:09 p.m.)

Richard Csarny, New Hampshire Gardens Citizens Association, said he supports the plan as presented by the traffic engineers, including the removal of the stop sign. The replacement yield sign is meant to be a vehicular "flow" device, and additionally, there is a need for a "yield to pedestrians" sign and complementary pavement markings. Mr. Csarny stated that removal of the stop sign makes it clear to persons exiting the shopping center that they must yield to vehicles approaching the intersection from other directions.

Forrest Bittner, President of New Hampshire Gardens Citizens Association, said that the association's vote on the stop sign was made without input from the CDA, and that in retrospect, he recognizes that there is validity to the concerns of the CDA. He also commented that removal of the stop sign is not a "majority" desire of the association members, but only a "plurality" of those persons who were present for the vote. Mr. Bittner stated it is the association's recommendation that the City compensate Ms. Kellock, 50% of the cost for constructing a "turn-around" on her property.

Kay Dellinger, resident of Hampshire Towers, said she believes the proposed yield sign will be sufficient at the intersection, and supported moving forward with the traffic engineer's plan in toto.

Mr. Rubin asked if this intersection is the same one described in past discussions of this matter as having too many signs.

Ms. Schwartz responded in the affirmative.

Mr. Rubin questioned whether there are any liability issues related to the removal of the sign.

Mr. Sharp replied that currently, the city would not be liable if a person were to run the stop sign, and that a change of signage should not affect the city's liability.

Ms. Porter questioned whether there is a way to test the replacement yield sign on a temporary basis, to help resolve some of the concerns regarding traffic flow safety. She said she could conceive of a test where the

behavior of motorists, in regards to pedestrians, would be observed, and suggested that some type of a test be devised to quantify the impact of the yield sign.

Ms. Schwartz said she would have to consult with the traffic engineer, and pointed out that any additional tests would be added costs.

Ms. Porter asked Ms. Schwartz to get a sense of the costs for additional tests from the traffic engineer.

Mr. Elrich stated that he would like to see the stop sign remain, and that he cannot see spending \$1,500 for the removal of the speed hump on Anne Street that causes no harm by remaining in place.

Ms. Schwartz said it is her understanding that the residents in the area of Anne Street are concerned about the noise and vibrations caused by heavy trucks driving over the speed hump. She commented on the confusion of having a speed hump so close to a stop sign, observing that these two devices would almost require two immediate stops in the flow of traffic.

Mr. Csarny noted that the speed hump was installed to slow traffic, and that the stop sign will cause traffic to come to a stop. He stated that when 18-wheelers go over the speed hump they make a lot of noise.

Mr. Elrich questioned whether making the street a "one-way" street alleviates the problem of trucks using the street as a route for accessing the shopping center for deliveries.

Mr. Csarny said he is not convinced that it will have a great effect on delivery traffic.

Mr. Williams asked about the New Hampshire Gardens Citizens' Association's recommendation regarding the "turn-around".

Mr. Bittner responded that the association suggests that the City provide Ms. Kellock with 50% of the cost of constructing a gravel "turn-around."

Mr. Davenport remarked that being a frequent user of the shopper center, he is inclined to believe that the stop sign should remain at its current location.

Mr. Bittner said that regardless of what happens with the stop sign, there needs to be better traffic enforcement at the intersection.

Mr. Rubin commented that he does not see the value of the test as described by Ms. Porter. The real test is safety. He stated that since there have been no accidents at the location of the stop sign, he is inclined to support leaving the stop sign in place.

Ms. Porter said she thinks the intent of the sign exchange is to change the traffic flow, making it more clear who yields to whom. She commented that her reason for suggesting a test, is to examine the contention of whether safety will be compromised by changing the signage in the intersection. Can the traffic flow work better without compromising pedestrian safety?

Mr. Johnson reiterated that there have been no accidents at the intersection since the stop sign was installed, and said he does not believe that a pedestrian or motorist involved in a potential accident as related to a "test" would be very happy to be a victim of a well intentioned test.

Mr. Chavez commented on a yield sign at New Hampshire and Kirkland Avenue that is currently being tested.

Mr. Csarny said he agrees with Ms. Porter and supports going with the signage recommended in the traffic plan.

Mr. Sharp remarked that the matter of the stop sign needs to be addressed as part of the resolution, but that the issue of paying for the turn-around can be worked out separately from the resolution and plan.

Ms. Schwartz noted that Ms. Kellock felt the additional curving at Anne Street and Carroll Avenue is not necessary.

Mr. Sharp said he thinks it is a lot more problematic for Ms. Kellock to back up into Anne Street to make a right-hand turn onto Carroll Avenue. The current situation is bad, but it is not as bad as it would be if the street

were made a one-way street. He recommended that with or without the planter, the City pay for the \$500 turn-around.

Mr. Elrich proposed two amendments (1) delete the removal of the stop sign from the plan, and (2) leave the speed hump in place on Anne Street, and give the City Administrator the authority to later conduct an evaluation of whether it should be removed and act accordingly (seconded: Davenport). Mr. Elrich explained that the intent of his second proposed amendment is to save the residents from having to undergo the petition process to have the speed hump removed, by giving the City Administrator the authority to evaluate the situation after the other components of the plan have been put in place.

Mr. Sharp said he thinks there would be some value to requiring the petition process.

Mr. Bittner remarked that the one-way Anne Street will only address approximately 50% of the delivery truck traffic.

Ms. Porter suggested that staff investigate the cost of conducting a "test" of the yield sign installation. She explained that she will vote against the amendment regarding the speed hump because the Council has taken the position in the past that speed humps should be looked at in the context of an overall traffic plan for an area. She asked for a division of the amendments, so each can be considered separately.

The first amendment carried unanimously. The second amendment failed (OPPOSED: Chavez, Porter, Rubin, Williams); therefore, the speed hump will be removed without the petition process.

Mr. Davenport proposed an amendment to add "no-thru truck" signage in the Anne Street/Kirkland Avenue neighborhood (no second to motion).

Ms. Schwartz said the New Hampshire Gardens Citizens' Association made this same suggestion.

Ms. Porter asked if there is an understanding of the City's responsibility for the cost of the turn-around.

Mr. Sharp said that the matter of the City paying for the "turn-around" is a separate discussion, and that Council will discuss it at a future meeting.

The resolution was unanimously adopted.

RESOLUTION #1994-59  
(Attached)

Mr. Rubin confirmed that it is the consensus of the Council that the City will pay for the turn-around if the cost is approximately \$500.

#4 Resolution re: Police Grant Agreement. Mr. Sharp explained that the resolution would authorize him to execute an Agreement regarding the U.S. Department of Justice Grant for four additional police officers, and commented on how the officers will be assigned. Moved by Mr. Rubin; seconded by Mr. Chavez.

Ms. Porter explained her concern that by accepting the grant, the Council will be locking future Councils into continuing to fund the four additional police officer positions that will be funded by the grant. She said that she is supporting the Agreement because the Police Department has really focused on how the additional officers will be used in a community policing mode, and that she hopes the Citizens Public Safety Committee will have the opportunity to provide input on future decisions of this kind.

Mr. Sharp commented that the programs the four officers will support have been well articulated, and that the officers are not simply being put on patrol. The types of things these officers will be doing are proactive efforts in crime prevention. He said he disagrees with Ms. Porter's concern regarding locking-in future funding, emphasizing that the program will have to be evaluated before continued funding for the positions will be approved in future years.

Mr. Williams said he supports the Agreement, and added that Chief of Police Phillips recognizes the need to re-evaluate the positions in the future. He remarked that the citizen feedback he has received has been in support of the grant positions.

Mr. Rubin suggested that the task of re-evaluating the effectiveness of the program and coming up with ideas of "if" and "how" to continue the program should be left up to the Citizens Public Safety Committee, as much as is feasible--not an exclusive re-evaluation.

The resolution was unanimously adopted (ABSENT: Chavez).

RESOLUTION #1994-60  
(Attached)

#5 1st Reading Ordinance re: Increases in Municipal Infraction Fines. Mr. Sharp explained that Maryland State law has been amended to increase the maximum fine which may be imposed for a municipal infraction from \$400 to \$1000, and to also revise the procedures for the service of citations, for the trial of municipal infractions, and for the abatement of infractions. In accordance with the 1993 State Law amendments, the ordinance affects increases in the amounts of the fines for the classes of municipal infractions offenses.

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

Mr. Williams referred to the municipal infraction listing extracted from the City Code, and asked if it could be pared down in the future.

Ms. Porter commented that looking at the lengthy list leads her to speculate whether anyone has ever considered the relevance of many of the municipal infractions included in the City Code.

City Administrator Habada noted that staff has been asked to review the list of municipal infractions and make recommendations regarding amendments and deletions to the list. Staff will be coming back to the Council with their recommendations in the future.

The ordinance was unanimously accepted at first reading.

ORDINANCE #1994-35  
(Attached)

#6 Resolution re: Commission on Landlord-Tenant Affairs (COLTA). Mr. Sharp explained that the resolution effects the appointment of Marilyn Schuyler to fill the COLTA vacancy.

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

The resolution was unanimously adopted.

RESOLUTION #1994-61  
(Attached)

#7 Resolution re: Boyd Avenue Alley - Access for Parking. Moved by Mr. Williams; seconded by Ms. Porter.

Mr. Williams proposed an amendment to delete #4 from the "resolved" clause, "...Maintenance of the alley improvements will be the responsibility of the current property owner or any future owner(s) of 310 Boyd Avenue" (seconded: Porter), stating that he does not feel comfortable requiring a resident to maintain a City alley. Once the improvements have been made, the City should be responsible for the maintenance.

Ms. Habada pointed out that by not holding the property owner responsible for maintenance of the improvements, the City would be taking on maintenance for the rest of the alley from the point where Mr. Adler ends his improvements. She recalled a situation that occurred on Niagra Court where a resident improved a paper street and the City held him responsible for maintaining the improvements.

Mr. Sharp remarked that in this case, Mr. Adler will benefit from his proposal to improve the alley because the improvements will make his development work by providing access to parking at the rear of the lot. Mr. Sharp supported the position that Mr. Adler or any future owner(s) of the property should be responsible for maintaining the improvements.

Mr. Elrich agreed with Mr. Sharp's position, and concluded it is not too onerous a burden for Mr. Adler or any future owner(s) of the property to be responsible for the maintenance.

Mr. Williams commented that he would agree if Mr. Adler or the resident of the property were to be the sole user of the improved area, but that the other neighbors that back the alley beyond 310 Boyd Avenue will also be utilizing the improved area.

Mr. Sharp asked why Mr. Adler needs to put down gravel when the unimproved alley is already being used.

Ms. Habada explained that to make parking accessible behind the property, the alley needs to be improved from its current condition of overgrowth and mud.

Ms. Porter said she suspects that the County will not consider parking on the back side of a lot to meet the parking requirements, unless the parking area is accessed by a paved road.

Mr. Elrich said he does not believe this would be a problem, and again emphasized his position that any benefit to the neighbors is inconsequential, the point being that Mr. Adler is profiting from the improvements and should be responsible for the maintenance.

Corporation Counsel Silber noted that if the Council does decide to require Mr. Adler or any future owner(s) of the property to maintain the improvements, another "resolved" clause needs to be added to the resolution, requiring that a formal Agreement be appended to the property deed, so that the maintenance responsibility is conveyed with ownership of the property.

The amendment to delete #4 of the "resolved clause" carried (OPPOSED: Sharp, Elrich).

The resolution was unanimously adopted, as amended.

RESOLUTION #1994-62  
(Attached)

**ADDITIONAL AGENDA ITEM**

#8 Single Reading Ordinance re: Purchase of Wood Chipper. Ms. Habada explained the need for the 50HP capacity and 12" diameter handling capacity wood chipper.

Ms. Porter asked that staff provide a more direct explanation of bids, in the future.

Mr. Sharp said that in this case, the bid was described as the "third lowest bid", when it actually turned out to be a sole source bid, since the other bids submitted did not meet the requirements of the Request for Proposal (RFP). He asked if this had been a sealed bid.

Ms. Habada responded in the affirmative.

Ms. Porter questioned whether a 50HP capacity and 12" diameter handling capacity are really needed.

Solid Waste Manager Braithwaite replied that there is no "in-between" between the 40HP and 50HP models, and that the current 40HP model is not sufficient.

Ms. Habada noted the inadequacy of the current 9" diameter capacity.

Mr. Williams pointed out an amendment to the fifth "whereas" clause--replace "...the Director of Public Works..." with "...the City Administrator..."

The single reading ordinance was unanimously adopted by roll call vote.

ORDINANCE #1994-36  
(Attached)

**ADJOURNMENT**

The Council adjourned from Regular Session and moved into Worksession. Following adjournment from Worksession at 10:20 p.m., the Council convened in Executive Session.

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Executive Session 11/28/94 - Moved by Mr. Williams; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote at 10:25 p.m., in the

Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Porter, Rubin, Williams. OFFICIALS ABSENT: Elrich. STAFF PRESENT: Habada, Sartoph. Council discussed the purchase of one property, and the continued efforts in regards to the purchase of a second property; City Administrator was directed to add the purchase of property to the Council's 12/12/94 agenda for action, and to take further actions on the purchase of the second property (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

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**Resolution No. 1994-57**

**Resolution In Appreciation of Gloria Nance-Sims,  
Director of the Department of Housing and Community Development**

**WHEREAS,** Gloria Nance-Sims began employment as Director of the Department of Housing and Community Development for the City of Takoma Park on January 21, 1993;  
**AND**

**WHEREAS,** Ms. Nance-Sims will be leaving her employment with the City on November 30, 1994 to pursue other career opportunities; **AND**

**WHEREAS,** during her tenure with the City, Ms. Nance-Sims has faithfully and conscientiously executed her duties as Director of the Department of Housing and Community Development, and has been responsible for or supervised the accomplishment of many projects, including the following:

--Completing the City's Traffic Management Plan, draft Open Space Plan, draft Affordable Housing Plan, and draft Alternative Transportation Modes Plan;

--Installing a departmental Local Area Network system;

--Completing a departmental brochure;

--Preparing the Takoma Junction Market Study;

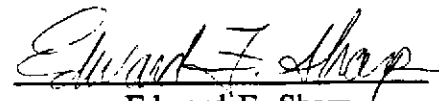
--Building a cohesive and effective staff team within the Department of Housing and Community Development, and implementing professional and personal staff development training; **AND**

**WHEREAS,** Ms. Nance-Sims's contributions have greatly enhanced the quality of life in the City of Takoma Park; **AND**

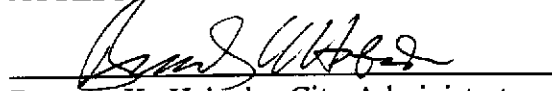
**WHEREAS,** her staff and colleagues hold her in high regard and will sorely miss her.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL,** on behalf of the citizens and employees of the City of Takoma Park, commends Gloria Nance-Sims for her exemplary contributions and service to the citizens of Takoma Park, Maryland.

**ADOPTED** this 28th day of November, 1994.

  
Edward F. Sharp  
Mayor

**ATTEST:**

  
Beverly K. Habada, City Administrator

**RESOLUTION #1994 - 58**

**EXPRESSING APPRECIATION TO THE LAST TAKOMA JUNCTION COMMITTEE AND RECOGNIZING THE TAKOMA JUNCTION DESIGN CHARRETTE**

**WHEREAS,** *the Last Takoma Junction Committee is an exemplary community-based effort which reflects broad community support for the revitalization of Takoma Junction and the importance of economic development in our commercial centers; AND*

**WHEREAS,** *the Last Takoma Junction Committee has established a new level of cooperation and understanding between the Takoma Junction businesses and residents; AND*

**WHEREAS,** *the Last Takoma Junction Committee demonstrates strong community support for the transformation of our commercial centers into true "village centers;" AND*

**WHEREAS,** *the Community Design Charrette held June 25, 1994 was a resounding success and resulted in plan concepts that not only would improve the appearance and health of the Takoma Junction area but would vitally connect the area with the rest of Takoma Park; AND*

**WHEREAS,** *the following architects, planners and landscape architects devoted a great deal of time and energy in voluntarily organizing and directing the Takoma Junction Design Charrette:*

*Carl Elefante, Chair  
Mark Broyles  
Andy Euston  
Faroll Hamer  
Holt Jordon  
Brian McCarthy  
Bill Reed  
Charlotte Sobel*

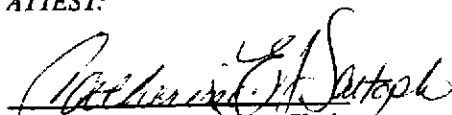
*Kent Abraham, Vice Chair  
Joan Duncan  
Michael Finn  
Dan Hayes  
Bill Mallari  
Chas Poor  
Jim Schulman  
Paul Treseder*

**NOW, THEREFORE, BE IT RESOLVED THAT** *the City Council of the City of Takoma Park hereby expresses its appreciation to the Last Takoma Junction Committee for its continuing efforts to advance the revitalization of Takoma Junction, and to all organizers and participants of the Takoma Junction Design Charrette for their significant contributions.*

*Dated this 28th day of November 1994.*

  
Edward F. Sharp  
Mayor

**ATTEST:**

  
Catherine Sartoph, City Clerk

Introduced By: Mayor Sharp

Resolution No. 1994-59

**Resolution Adopting New Hampshire Gardens  
Neighborhood Traffic Management Study**

WHEREAS, in 1991, the New Hampshire Gardens Citizens' Association requested that the City of Takoma Park arrange for a traffic study for their neighborhood; AND

WHEREAS, the City obtained assistance for preparation of this traffic study from the Planning Assistance to Municipalities program of the Prince George's County Maryland-National Capital Park and Planning Commission (M-NCPPC); AND

WHEREAS, citizen volunteers from the neighborhood collected traffic counts in fall 1992 and met several times with City and M-NCPPC staff to identify problems and discuss alternate solutions; AND

WHEREAS, the New Hampshire Gardens Citizens' Association has endorsed the resulting neighborhood traffic management study prepared by the M-NCPPC; 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 **Adopts** the New Hampshire Gardens Neighborhood Traffic Management Study, with the following exception:

--Retain the Stop sign on Kirklynn Avenue at the New Hampshire Avenue service road and do not replace it with a Yield sign as recommended in the study.

BE IT FURTHER RESOLVED THAT the Council commends the New Hampshire Gardens Citizens' Association for its hard work and thoroughness in assisting with the report's preparation, and also commends the Takoma-Langley Crossroads Development Authority for their role in reviewing the recommendations.

BE IT FURTHER RESOLVED THAT the City Administrator or her designee is hereby directed to prepare an implementation schedule for the study's recommendations.

ADOPTED THIS 28TH DAY OF NOVEMBER, 1994.

nhgtsadp.res

Introduced By: Councilmember Rubin

RESOLUTION #1994 - 60

AUTHORIZING MAYOR TO SIGN AN AGREEMENT FOR ACCEPTANCE AND RECEIPT OF A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE FOR FUNDING FOUR (4) ADDITIONAL CITY POLICE OFFICER POSITIONS

WHEREAS, on September 13, 1994, the President of the United States of America signed House Resolution 3355, entitled "Violent Crime Control and Law Enforcement Act of 1994" which is effective as Public Law 103-322; AND

WHEREAS, certain provisions of Public Law 103-322 provide that the United States Department of Justice may receive grant applications from municipalities for funding additional municipal police officer positions, and may make grants to municipalities pursuant thereto; AND

WHEREAS, it has been determined that the best interests of the City of Takoma Park would be well-served by the City receiving such a grant; AND

WHEREAS, the City of Takoma Park has applied for a grant of \$375,000 from the United States Department of Justice to provide seventy-five percent (75%) of the funding for four (4) additional City police officer positions, over a period of three years; AND

WHEREAS, the United States Department of Justice has approved the City's grant application, and has asked the City to sign an agreement for acceptance and receipt of the \$375,000 grant.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT the Mayor of the City of Takoma Park, Maryland, is hereby authorized to execute an agreement of acceptance and receipt of the United States Department of Justice grant of \$375,000 to the City of Takoma Park, pursuant to Public Law 103-322, for funding seventy-five percent (75%) of the funding for four (4) additional City police officer positions, over a period of three years.

Dated this 28th day of November, 1994.

Introduced by: Councilmember Chavez

RESOLUTION #1994 - 61

APPOINTING A NEW COMMISSIONER TO COLTA

WHEREAS, effective March 1, 1994, a commissioner of the Commission on Landlord-Tenant Affairs (COLTA) resigned; AND

WHEREAS, consequently, there is one vacancy on COLTA; AND

WHEREAS, a number of City residents have applied to fill the vacancy; AND

WHEREAS, Council has interviewed the applicants, and has evaluated their qualifications; AND

WHEREAS, a person has been selected for appointment to fill the vacancy.

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Takoma Park, Maryland, hereby appoints the following individual to fill the vacancy on the Takoma Park Commission on Landlord-Tenant Affairs:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
Marilynn Schuyler	700 Chaney Drive #6	June 30, 1997

BE IT FURTHER RESOLVED THAT this appointment becomes effective immediately.

Dated this 28th day of November, 1994.

ATTEST:

  
Catherine Sartop, City Clerk

Introduced by: Councilmember Williams

RESOLUTION #1994 - 62

Authorization to Issue a Permit to Improve Boyd Avenue Alley

- WHEREAS, Mr. Jeffrey Adler is requesting authorization to improve the Boyd Avenue alley; AND
- WHEREAS, Adler Construction Group, Inc. will be the general contractor for the work to be performed on the alley; AND
- WHEREAS, the proposal is to lay a gravel surface beginning at the end of the existing pavement and extending to include the area directly behind 310 Boyd Avenue; AND
- WHEREAS, the proposed alley improvement is considered to be a change to the alley pursuant to Section 11-25 of the City of Takoma Park code requiring Council approval for issuance of a permit; AND
- WHEREAS, the City Administrator and Public Works Coordinator have recommended Council approval for this action subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council authorizes the issuance of a City permit to J. Adler for the purpose of laying a gravel surface on the existing unimproved Boyd Avenue alley, subject to the following conditions:

1. Completion of a survey to identify the portion of the alley to be improved with gravel surfacing.
2. Applicant will pay half the cost of the alley survey or \$900.
3. All improvements will meet the City's specifications.
4. ~~Maintenance of the alley improvements will be the responsibility of the current property owner or any future owner(s) of 310 Boyd Avenue.~~
- 5 4. Other requirements of the City Administrator or Public Works Coordinator outlined and authorized in Chapter 11 of the City of Takoma Park Code.

ADOPTED this 28th day of November, 1994.

NOTE: Shading indicates additions; ~~eressents~~ indicate deletions.

Introduced by: Councilmember Chavez

Drafted By: Susan Silber  
Corporation Counsel  
Draft Date: November 17, 1994

First Reading: 11/28/94  
Second Reading:

Effective Date:

ORDINANCE NO. 1994-35

(Increase in Municipal Infraction Fines)

WHEREAS, by an amendment effective October 1, 1993, the General Assembly of Maryland revised the provisions of Article 23A, Section 3(b) of the Annotated Code of Maryland dealing with municipal infractions; and

WHEREAS, this amendment to Article 23A, Section 3(b) of the Annotated Code of Maryland increased the maximum fine which may be imposed for a municipal infraction from Four Hundred Dollars (\$400.00) to One Thousand Dollars (\$1,000.00) and also revised the procedures for the service of citations, for the trial of municipal infraction, and for the abatement of infractions; and

WHEREAS, in accordance with the 1993 amendments to the state law on municipal infractions, the Council desires to amend the Takoma Park Code to increase the amount of the fines for the classes of municipal infraction offenses, as set forth in this ordinance.

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

SECTION ONE. Chapter 1, General Provisions, of the Takoma Park Code is amended as follows:

**Sec. 1-19. Municipal infractions.**

(a) Issuing citations. The City Administrator shall

~~designate enforcement officers who shall have determines whether the Police Department or the Housing Department has primary responsibility for issuing citations. A police officer or a code~~  
An enforcement officer may issue a citation for a municipal infraction if the officer:

(1) Observes a violation of the Charter, City Code or ~~regulation of the city~~; or

(2) Receives an affidavit citing the facts of an ~~the~~ alleged ~~incident~~ infraction.

(b) Contents of citations. The citation must contain:

(1) A certification by ~~the enforcement officer~~ a ~~city official~~ that the information in the citation is true ~~or that the citation is based on an affidavit.~~

(2) The name and address of the person ~~that the city is prosecuting~~ charged.

(3) A description of the nature of the ~~violation~~ ~~infraction.~~

(4) The location and time of the ~~violation~~ ~~infraction.~~

(5) The amount of fine.

(6) The manner, location and time in which the fine may be paid.

(7) An explanation of the person's right to elect to stand trial.

(8) An explanation of the consequences of failing to pay the fine or demand a trial on time.

(c) Serving citations. The ~~enforcement officer~~ who issues



a citation must deliver the citation ~~in person~~ to the person charged by personal delivery or by certified mail. For real property-related violations, if proof is made by affidavit that good faith efforts to serve the citation on the person charged have not succeeded, then the citation may be served by:

(1) Regular mail to the last known address of the person charged; and

(2) Posting of the citation at the property where the infraction occurred or is occurring, and, if located in the city, at the residence or place of business of the person charged.

(d) Paying the fine. Within twenty (20) days after ~~receiving a~~ service of the citation, a person charged in a citation may pay the fine to the City Treasurer.

(e) Demanding a trial. Instead of electing to pay the fine, a person charged in the citation may notify the City in writing ~~that~~ within fifteen (15) days after service of the citation of the person's intent to stand ~~demands a~~ trial for the infraction. ~~The person must notify the City within fifteen (15) days after receiving of the citation.~~

(f) Effect of failing to pay the fine or demand a trial. If a person charged in a citation fails to pay the fine ~~or demand a trial~~ within twenty (20) days, ~~finer of less than two hundred dollars (\$200) automatically double. Larger fines increase to four hundred dollars (\$400).~~ of service of the citation and fails to deliver to the City a written notice of intent to stand trial

within fifteen (15) days of service of the citation, the person is liable for the assessed fine. The City may double the fine to an amount not to exceed \$1,000.00 and request adjudication of the infraction through the District Court. The procedures for the trial of municipal infractions shall be as set forth in Article 23A, Section 3 of the Annotated Code of Maryland, as amended from time to time.

(g) Amount of fine.

(1) The amount of the fine for a municipal infraction is the amount shown in this subsection.

Class of Offense	Initial Offense		Repeat Offenses	
AA	\$1,000		\$1,000	
A	500	400	1,000	400
B	400	200	800	400
C	200	75	400	150
D	75	20	150	40
M		100		200
N		25		50
O		10		20

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

**SECTION TWO.** Chapter 6, Housing, Article 9, Licensing of Rental Units, Sections 6-121, 6-123, and 6-125 are amended to change the classes of municipal infraction offenses as follows:

**Sec. 6-121. License required.**

~~After the effective date of this Division, it~~ It shall be a municipal infraction to conduct or operate a rental facility within the City of Takoma Park without having first applied for and obtained a license to operate or conduct such rental

facility. A violation of this section is a Class ~~C~~ B ~~offense~~ municipal infraction.

Sec. 6-123. Violation to operate or conduct rental facility without license.

(a) ~~Any~~ No owner or agent ~~who shall~~ operates or conducts a rental facility or ~~causes or allows~~ a rental facility to be operated or conducted without first having obtained a license, as provided herein, or after a license has expired or been suspended, revoked, or denied. ~~or fails to comply with any order or summons issued pursuant to this division shall be guilty of a Class C offense.~~ A violation of this section shall be a Class A municipal infraction.

(b) \* \* \*

(c) \* \* \*

Section 6-125. Duration and display of license.

(a) \* \* \*

(b) \* \* \*

(c) A violation of this section is a Class ~~C~~ D ~~offense~~ municipal infraction.

SECTION THREE. 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.

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Ordinance No. 94- 56

AUTHORIZATION TO PURCHASE  
TRAILER MOUNTED HAND FED DISC STYLE BRUSH CHIPPER

WHEREAS, \$18,000 was earmarked for the purchase of a replacement Wood Chipper for an obsolete and below capacity existing Chipper; AND

WHEREAS, in accordance with City procurement procedures a request for bids was mailed and faxed to seven (7) interested vendors and manufacturers of this equipment; AND

WHEREAS, bids were received and publicly opened at 2:00 p.m., April 14, 1994 with three (3) bids being received; AND

WHEREAS, the apparent low and second low bids vary substantially from the specified equipment; AND

WHEREAS, the Director of Public Works has determined that the apparent third lowest bidder is considered to be responsive and responsible; AND

WHEREAS, sufficient funds are available to award a contract to the third lowest bidder.

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

SECTION 1.      THAT the bid being received from LAWN & POWER EQUIPMENT in the amount of EIGHTEEN THOUSAND FIVE HUNDRED AND NINETY SEVEN DOLLARS AND NINETY-FOUR CENTS (\$18,597.94) be accepted; AND

SECTION 2.      THAT funds to cover this work in the amount of \$18,597.94 be charged to Capital Expenditures Account 9100-8001.

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

**NAY:** None

**ABSTAIN:** None

**ABSENT:** None

INTERVIEWS, REGULAR MEETING AND WORKSESSION  
OF THE CITY COUNCIL

Monday, December 12, 1994

Executive Session 11/28/94 - Moved by Mr. Williams; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote at 10:25 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Porter, Rubin, Williams. OFFICIALS ABSENT: Elrich. STAFF PRESENT: Habada, Sartoph. Council discussed the purchase of one property, and the continued efforts in regards to the purchase of a second property; City Administrator was directed to add the purchase of property to the Council's 12/12/94 agenda for action, and to take further actions on the purchase of the second property (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

Executive Session 12/5/94 - Moved by Mr. Davenport; seconded by Mr. Rubin. Council convened in Executive Session by unanimous vote at 10:25 p.m., in the Conference Room (ABSENT for vote: Elrich, Porter). OFFICIALS PRESENT: Sharp, Davenport, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Chavez. STAFF/OTHERS PRESENT: Habada, Grimmer, Hobbs, Sartoph, Gay Goen, Claudine Dussert, Bonnie Berger -- Council was briefed on the "Planned Change" effort, with specific personnel issues being addressed; no action taken. STAFF PRESENT: Habada, Grimmer, Sartoph -- Council was briefed on the status of a land acquisition matter; City Administrator was directed to continue exploring land acquisition options. STAFF PRESENT: Habada -- Council discussed personnel management issues dealing with individual staff members; no action taken. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(ii), 10-508(a)(3) and 10-508(a)(1)(i), respectively).

**OFFICIALS PRESENT:**

Mayor Sharp	City Administrator Habada
Councilmember Chavez	City Clerk Sartoph
Councilmember Davenport	Community Planner Schwartz
Councilmember Elrich	
Councilmember Porter	
Councilmember Rubin	
Councilmember Williams	

The Council convened at 7:36 p.m. on Monday, December 12, 1994, in the Council Chamber at the Municipal Building, 7500 Maple Avenue.

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

**MAYOR AND COUNCIL COMMENTS**

Mr. Williams announced that Delegate Dana Dembrow has \$2,000 of scholarship funds available, which must be awarded by the end of this year, for an academic scholarship for tuition at an institution in Maryland. Interested persons should contact Dr. Jacob Melamed of the Takoma Foundation at (301) 445-0023.

Mr. Sharp noted that the National Council of Elected County Executives has issued a commendation to Takoma Park for the City's urban forest conservation efforts.

Mr. Sharp commented that the City has been proclaimed by the Governor's Commission on Neighborhoods as one of the "5 Best Neighborhoods of Maryland." He said that Councilmember Davenport will receive the Proclamation on behalf of the City, along with a check for \$500, in Annapolis on December 14th.

**ADDITIONAL AGENDA ITEMS**

Resolution re: Compressed Natural Gas (CNG) Fueling Station. Ms. Habada asked for the Council's consent to remove item #4 from the agenda. There

were no objections.

Ms. Habada stated that this item will be rescheduled for Council's consideration on January 9, 1995.

#### CITIZEN COMMENTS

John Fleming, Westmoreland Avenue announced the formation of the Takoma Junction Business Association. He said that up until now, the association has been a loose organization and noted that currently, 30 business owners are members of the association which now meets regularly on the second Wednesday of each month. He invited the Councilmembers to attend. Mr. Fleming explained that the association is working toward incorporating as a business entity, and expects to be filed with the State by the end of the year. He noted that he was elected President, and that Ms. Howard of Takoma Framers was elected Vice-President. Mr. Fleming commented on some of the public works issues that need addressing, and stated that the association will be looking at the sign ordinance for an understanding of a business' responsibility in regards to the law. He said that in the long run, the association hopes to work with the city regarding economic growth for Takoma Junction, the possibility of an economic development coordinator, and potential "village zoning".

Mr. Rubin congratulated the association on this accomplishment.

Mr. Sharp commented on the accomplishments of the Takoma-Langley Commercial Development Authority (CDA), recognizing its status as one of the most successful commercial development authorities in the State of Maryland. He suggested that Mr. Fleming contact the Takoma-Langley CDA should the Takoma Junction Business Association decide to head in the direction of a CDA.

Mr. Sharp remarked that in regards to the Open Space Plan, the "superlots" referred to by residents, who gave testimony at the last public hearing on this matter and who were opposed to the properties being included in the plan, have since been removed from the plan. He said he wants to set the record straight, to clear any confusion that may have arisen from some misleading information that was circulated over the weekend.

#### INTERVIEWS

#1 Personnel Appeals Board - Lloyd Johnson and Milford Sprecher. The Council interviewed Mr. Johnson, who is a first-time applicant, and Mr. Sprecher, who is seeking re-appointment, for appointment to the Personnel Appeals Board.

Mr. Sharp suggested that the Council schedule a Worksession discussion to make a decision regarding the appointments, and added that it is his understanding that there may be another person interested in interviewing for appointment.

#### REGULAR MEETING

#2 Resolution re: City Open Space Plan. Moved by Ms. Porter; seconded by Mr. Rubin.

Mr. Sterns, 7401 Piney Branch Road confirmed that 7310 Holly Avenue, 7333 and 7401 Piney Branch Road, have been removed from the plan. He called attention to the second-to-last page of the plan, where the properties are still listed.

Ms. Porter explained that the properties are listed in the appendix for historical purposes, as part of the original recommendations presented to the Council by the Open Space Committee.

Monte Agro, 7813 Carroll Avenue read a prepared statement (copy not submitted). He said he is disturbed by the short amount of time that the plan has been available for residents to review, noting that he only recently received his copy. He focused on several points: (1) easements were to be voluntary; (2) the superlots are still listed in the plan; and (3) dismay that the Council did not consider the concerns he and others expressed at public hearings in the past. Mr. Agro stated he called as many persons as possible over the weekend to inform them about this evening's discussion of the Open Space Plan, and recalled that he spent a lot of time preparing the

remarks he made at previous public hearings and feels they went to waste. He said the "process" has been poor, and the document before Council is not a true plan since it lacks a cost analysis and other components. Mr. Agro remarked that it is questionable, in his mind, what Council will be voting on this evening.

Leslie Agro, 7813 Carroll Avenue noted her letter that was sent to each Councilmember over the weekend (attached) regarding removal of her property from the plan, and summarized the letter.

Paul Rivera, 7901 Carroll Avenue (representing his mother and brother) said he is dismayed by the plan. He commented that the portion of his family's lot proposed for purchase is an aggregate of 1/3 - 1/2 of the lot, and questioned whether the City or the M-NCPPC would seek eminent domain over the portion of land.

Ms. Porter proposed that the plan be amended by striking the section regarding 7813 Carroll Avenue and its neighboring lots (as per Plan Map 6, pg.10) (seconded: Chavez). She said she makes this proposal with some reluctance, since she has supported the "whole" of the plan all along. However, she commented that the Council has agreed to remove another piece of land from the plan, and in the interest of equity, she proposes this amendment.

Mr. Williams said that the first "deletion" of property from the plan occurred as a result of a Worksession discussion, where he does not recall there having been a vote. He said had there been a vote he would have voted against the deletion of the property and in following, he will vote against the proposed amendment this evening.

The amendment carried (OPPOSED: Williams).

Mr. Sharp remarked that this "open space" effort was begun three years ago, and outlined the history. From the experience that acted as a catalyst for the overall effort, it was recognized that the City did not have a way of identifying what properties were available in the City, and prioritizing properties for purchase. He explained that the Open Space Citizens Advisory Committee (CAC) was formed three years ago to make recommendations to the Council about the City's open space. A plan was formulated and circulated to the neighborhood associations and property owners of land that was identified in the plan, and public hearings have been held. Mr. Sharp clarified that he makes these comments in response to the earlier comment that this was a rush process. He said with regard to the latest amendment, that he is not particularly distressed about changing what was recommended by the CAC, and that he is pleased after this long process to have a plan up for adoption. He remarked that implementation will come next. In regards to funding for the plan, available sources will not be known until the opportunities to purchase properties arise.

Ms. Porter said there is value to the plan as a whole. She commented that the Council has made a step forward by putting an emphasis on preserving the City's open space. She remarked that the Council should recognize the efforts of the committee members and staff in putting the plan together.

Mr. Agro asked that there be a statement, on the second-to-last page of the plan, that the listing is from the original plan submitted by the CAC.

Ms. Porter noted that the list is part of an appendix to the plan, but that it could be separated from the final plan, since it will be on file as part of the original plan submitted by the CAC.

Mr. Rivera asked for clarification on the amendment.

Mr. Sharp responded.

Ms. Agro stated her family's feelings about the procedure. She began with the history of how her family acquired the property, saying she believes it is important to preserve the property and noting that her family is not against the open space plan. They are indeed open space advocates. Ms. Agro said that the property owners who have opted against being included in the open space plan are not against the plan and are also advocates of open space, just preserving their own land. She said she hopes that her property will be enjoyed by generations to come. Ms. Agro commented that her family thought the final draft would include some of the things that were brought out at previous public hearings, and that her family did not feel they had very much time to review the final plan that is before Council this evening.



Andy Rivera, 7901 Carroll Avenue thanked the Council for their responsiveness to the concerns of many property owners, and for their efforts to adopt the plan.

The resolution was unanimously adopted.

RESOLUTION #1994-63  
(Attached)

Mr. Sharp thanked those persons who attended the meeting for the discussion of this matter, and said the Council will start considering implementation of the plan during the next budget discussions.

#3 Resolution re: Surplus Public Works Equipment. Moved by Mr. Davenport; seconded by Mr. Chavez.

Ms. Porter explained that the resolution authorizes disposal of an old trash truck, leaf grinder and tractor which powers the leaf grinder, and that all are to be sold for scrap.

The resolution was unanimously adopted.

RESOLUTION #1994-64  
(Attached)

#5 Resolution re: Nuclear-Free Zone Prohibited Contractors List. Mr. Sharp explained that the resolution adopts the August 1994 Nuclear-Free America listing of parent companies of U.S. Departments of Defense and Energy nuclear weapons contractors.

Moved by Mr. Williams; seconded by Mr. Elrich.

Terry Berkley, Nuclear-Free Zone Committee, noted that the copies of the list that are available for the public this evening are missing the "flip-side" of each page. He said as long as the Council is adopting the entire list, as it should be copied, he has no objections to the resolution.

The Council noted that it is their intention to adopt the whole list.

Ms. Habada noted that both Xerox and Johnson Towers Company (the later which manufactures Allison Transmissions), have come off the list.

The resolution was unanimously adopted.

RESOLUTION #1994-65  
(Attached)

#6 Resolution re: Purchase of Lake Street (Norton/Wagner) Property. Mr. Sharp explained that the resolution would authorize the City Administrator to sign a contract for the purchase of the Lake Street property.

Moved by Mr. Williams; seconded by Mr. Chavez.

Mr. Williams said he is glad the City is finally getting somewhere on this matter, and hopes that the City may come to an equally agreeable solution regarding other land acquisitions.

Mr. Sharp noted that this purchase uses some open space funds.

The resolution was unanimously adopted.

RESOLUTION #1994-66  
(Attached)

#7 2nd Reading Ordinance re: Increases in Municipal Infraction Fines. Mr. Sharp explained the ordinance, and noted the increases effected. He commented on the ordinance recently adopted by the City of Laurel regarding a curfew, and noted the ordinance has violations with fines up to \$5,000. Mr. Sharp said he would have to call the City of Laurel to verify their fee schedule.

Moved by Mr. Chavez; seconded by Mr. Davenport.

Mr. Sharp made it clear that the Council is not discussing a Takoma Park curfew.

The ordinance was unanimously adopted by roll call vote.

ORDINANCE #1994-35  
(Attached)

#8 Resolution re: City Council 1994 Holiday Season Recess. The resolution would set forth the Council's 1994 Holiday Season Recess from December 13, 1994, through January 8, 1995.

Moved by Mr. Davenport; seconded by Mr. Williams.

The resolution was unanimously adopted.

RESOLUTION #1994-67  
(Attached)

Mr. Sharp added a discussion of the Hotel/Motel Tax Bill to the end of the Worksession agenda.

**ADJOURNMENT**

The Council adjourned from Regular Session at 8:37 p.m., and convened in Worksession. Following the Worksession, the Council adjourned for the evening at 10:12 p.m.

Introduced by: Councilmember Chavez

Drafted By: Susan Silber  
Corporation Counsel  
Draft Date: November 17, 1994

First Reading: 11/28/94  
Second Reading: 12/12/94

Effective Date: 12/12/94

ORDINANCE NO. 1994-35

**(Increase in Municipal Infraction Fines)**

WHEREAS, by an amendment effective October 1, 1993, the General Assembly of Maryland revised the provisions of Article 23A, Section 3(b) of the Annotated Code of Maryland dealing with municipal infractions; and

WHEREAS, this amendment to Article 23A, Section 3(b) of the Annotated Code of Maryland increased the maximum fine which may be imposed for a municipal infraction from Four Hundred Dollars (\$400.00) to One Thousand Dollars (\$1,000.00) and also revised the procedures for the service of citations, for the trial of municipal infraction, and for the abatement of infractions; and

WHEREAS, in accordance with the 1993 amendments to the state law on municipal infractions, the Council desires to amend the Takoma Park Code to increase the amount of the fines for the classes of municipal infraction offenses, as set forth in this ordinance.

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

SECTION ONE. Chapter 1, General Provisions, of the Takoma Park Code is amended as follows:

**Sec. 1-19. Municipal infractions.**

(a) Issuing citations. The City Administrator shall

~~designate enforcement officers who shall have determines whether the Police Department or the Housing Department has primary responsibility for issuing citations. A police officer or a code~~  
An enforcement officer may issue a citation for a municipal infraction if the officer:

(1) Observes a violation of the ~~Charter, City Code or regulation of the city~~; or

(2) Receives an affidavit citing the facts of an ~~the~~ alleged ~~incident~~ infraction.

(b) Contents of citations. The citation must contain:

(1) A certification by ~~the enforcement officer~~ a ~~city official~~ that the information in the citation is true ~~or that the citation is based on an affidavit.~~

(2) The name and address of the person ~~that the city is prosecuting~~ charged.

(3) A description of the nature of the ~~violation~~ ~~infraction.~~

(4) The location and time of the ~~violation~~ infraction.

(5) The amount of fine.

(6) The manner, location and time in which the fine may be paid.

(7) An explanation of the person's right to elect to stand trial.

(8) An explanation of the consequences of failing to pay the fine or demand a trial on time.

(c) Serving citations. The ~~enforcement officer~~ who issues

a citation must deliver the citation ~~in person~~ to the person charged by personal delivery or by certified mail. For real property-related violations, if proof is made by affidavit that good faith efforts to serve the citation on the person charged have not succeeded, then the citation may be served by:

(1) Regular mail to the last known address of the person charged; and

(2) Posting of the citation at the property where the infraction occurred or is occurring, and, if located in the City, at the residence or place of business of the person charged.

(d) Paying the fine. Within twenty (20) days after ~~receiving a~~ of service of the citation, a person charged in a citation may pay the fine to the City Treasurer.

(e) Demanding a trial. Instead of electing to pay the fine, a person charged in the citation may notify the City in writing that within fifteen (15) days after service of the citation of the person's intent to stand ~~demands a~~ trial for the infraction. ~~The person must notify the City within fifteen (15) days after receiving of the citation.~~

(f) Effect of failing to pay the fine or demand a trial. If a person charged in a citation fails to pay the fine ~~or demand a trial~~ within twenty (20) days, ~~finer of less than two hundred dollars (\$200) automatically double. Larger fines increase to four hundred dollars (\$400).~~ of service of the citation and fails to deliver to the City a written notice of intent to stand trial

within fifteen (15) days of service of the citation, the person is liable for the assessed fine. The City may double the fine to an amount not to exceed \$1,000.00 and request adjudication of the infraction through the District Court. The procedures for the trial of municipal infractions shall be as set forth in Article 23A, Section 3 of the Annotated Code of Maryland, as amended from time to time.

(g) Amount of fine.

(1) The amount of the fine for a municipal infraction is the amount shown in this subsection.

Class of Offense	Initial Offense	Repeat Offenses
AA	\$1,000	\$1,000
A	500	400
B	400	200
C	200	75
D	75	20
M		100
N		25
O		10

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

**SECTION TWO.** Chapter 6, Housing, Article 9, Licensing of Rental Units, Sections 6-121, 6-123, and 6-125 are amended to change the classes of municipal infraction offenses as follows:

**Sec. 6-121. License required.**

~~After the effective date of this Division, it~~ It shall be a municipal infraction to conduct or operate a rental facility within the City of Takoma Park without having first applied for and obtained a license to operate or conduct such rental

facility. A violation of this section is a Class ~~C~~ offense ~~B~~  
municipal infraction.

Sec. 6-123. Violation to operate or conduct rental facility  
without license.

(a) ~~Any No~~ owner or agent ~~who shall~~ operates or conducts  
a rental facility or causes or allows a rental facility to be  
operated or conducted without first having obtained a license, as  
provided herein, or after a license has expired or been  
suspended, revoked, or denied, ~~or fails to comply with any order~~  
~~or summons issued pursuant to this division shall be guilty of a~~  
~~Class C offense.~~ A violation of this section shall be a Class A  
municipal infraction.

(b) \* \* \*

(c) \* \* \*

Section 6-125. Duration and display of license.

(a) \* \* \*

(b) \* \* \*

(c) A violation of this section is a Class ~~C~~ offense ~~D~~  
municipal infraction.

SECTION THREE. This Ordinance shall be effective  
immediately.

Adopted this 12th day of December, 1994, by roll  
call vote as follows:

Aye: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams

Nay: None

Absent: None

Abstain: None

**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.

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Introduced By: Councilmember Porter

Resolution No. 1994-63

**Resolution Adopting Final Draft of  
City of Takoma Park Open Space Plan,  
Part I: Vacant Land Policy and Recommendations**

- WHEREAS, in March 1992, the City Council appointed a citizen Open Space Committee to provide input for and assist in developing a city Open Space Plan; AND
- WHEREAS, the City obtained additional assistance in preparing the City Open Space Plan from the Planning Assistance to Municipalities program of the Prince George's County Maryland-National Capital Park and Planning Commission (M-NCPPC); AND
- WHEREAS, the Open Space Committee identified and visited over 118 undeveloped sites within the City, and prepared goals, objectives, methodology, site selection criteria, and recommendations; AND
- WHEREAS, the M-NCPPC provided invaluable assistance in the preparation of text and maps for the Plan; AND
- WHEREAS, the City has provided public notice and the Council has taken public comment on this matter; AND
- WHEREAS, the Council has decided to split the Plan into two parts and proceed with adoption of Part I, which is entitled "Vacant Land Policy and Recommendations;" AND
- WHEREAS, Part II of the Open Space Plan, which will address broader open space, recreation, and environmental goals, will take place in concurrence with the update of the City's Master Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, the City Council hereby **Adopts** the City of Takoma Park Open Space Plan, Part I: Vacant Land Policy and Recommendations, with the following amendment:

--Remove recommendation concerning 7813 Carroll Avenue and Neighboring Lots (page 10, Map 6).

BE IT FURTHER RESOLVED THAT the Council commends the members of the Open Space Committee and the Maryland-National Capital Park and Planning for their work in preparing the Open Space Plan.

ADOPTED THIS 12TH DAY OF DECEMBER, 1994.

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Introduced by; Councilmember Davenport

RESOLUTION NO. 1994- 64

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

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

<u>MAKE</u>	<u>SERIAL NUMBER</u>
International Tractor	2610159U021486
Roto Grind	75501
81 GMC Truck	16DM701Y4BV577978

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

SECTION 3: THAT Public Works has received two bids on the above equipment; AND

SECTION 4: THAT the highest bid was received from Brandywine Companies, c/o Brandywine Auto Sales, Routes 301 & 381, Box 68, Brandywine, Maryland 20613 as follows:

1981 GMC Packer	-	\$2,500.00
Tractor & Grinder	-	\$6,750.00

SECTION 5: THAT the bid from Brandywine Companies in the amount of NINE THOUSAND TWO HUNDRED AND FIFTY DOLLARS (\$9,250.00) be accepted; AND

SECTION : THAT the above equipment listing be disposed of by the Public Works Management Team Leaders or designated representative.

Dated this 12th day of December 1994.

Introduced by: Councilmember Williams

RESOLUTION 1994 - 65

ADOPTING THE AUGUST 1994 NUCLEAR FREE AMERICA LISTING OF PARENT COMPANIES OF U.S. DEPARTMENTS OF DEFENSE AND ENERGY NUCLEAR WEAPONS CONTRACTORS

WHEREAS, Ordinance #2700, adopted on 12/12/83, established the City of Takoma Park as a nuclear-free zone as set forth in the Nuclear-Free Zone (NFZ) Act; AND

WHEREAS, The NFZ Act prohibits the purchase of goods and services from producers of nuclear weapons; AND

WHEREAS, Section 8A-6(e) of the NFZ Act requires the City Council to establish and publish a list of nuclear weapons' producers to guide the City, its officials, employees, and agents in the procurement of goods and services for the City; AND

WHEREAS, Nuclear Free America has provided the City with a listing of companies that are U.S. Departments of Defense and Energy nuclear weapons contractors for fiscal year 1993.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the Nuclear Free America list of "Parent Companies of U.S. Departments of Defense and Energy Nuclear Weapons Contractors", dated August, 1994, is hereby adopted.

ADOPTED this 12th day of December, 1994.

Introduced By:  
Councilmember Williams

Resolution Date: 12/12/94

**RESOLUTION NO. 1994-66**

**(A Resolution Authorizing the City to Purchase Lake Street Lots  
for the Purpose of Preserving this Property as Open Space)**

**WHEREAS**, preserving greenery and open space are important to the residents of the City of Takoma Park; and

**WHEREAS**, the Takoma Park Open Space Committee has recommended the acquisition of property along the Lake Street paper street in Prince George's County at the edge of the City; and

**WHEREAS**, the property along the Lake Street paper street is an undeveloped wooded area with an open spring; and

**WHEREAS**, the City wishes to preserve the property along the Lake Street paper street in its natural state in order to provide passive recreational open space for the pleasure and use of the residents of the City; and

**WHEREAS**, the owners of Lots 4, 5, and 6, Block 13, "J.D. Gibbs and F.W. Kosack's Addition to Takoma Park", which comprises approximately 22,500 square feet along the Lake Street paper street, are willing to sell these lots to the City for the sum of \$18,000.00; and

**WHEREAS**, the purchase can be funded with money from the State of Maryland Open Space Program; and

**WHEREAS**, the price for these three lots along the Lake Street paper street is consistent with the appraisals of the property obtained by the City; and

**WHEREAS**, the City declares that the acquisition of Lots 4, 5, and 6, Block 13, "J.D. Gibbs and F.W. Kosack's Addition to Takoma Park", along the Lake Street paper street promotes a public purpose by preserving an undeveloped area of significant aesthetic value to the community.

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT** the City of Takoma Park shall purchase Lots 4, 5, and 6, Block 13, "J.D. Gibbs and F.W. Kosack's Addition to Takoma Park", Prince George's County, Maryland, which property consists of approximately 22,500 square feet along the Lake Street paper street.

**BE IT FURTHER RESOLVED THAT** the City Administrator is authorized to enter into a contract to purchase Lots 4, 5, and 6,

Block 13, "J.D. Gibbs and F.W. Kosack's Addition to Takoma Park", Prince George's County, Maryland, along the Lake Street paper street, for the sum of \$18,000.00 and to take all actions deemed necessary to accomplish the purchase and settlement on the purchase of this property.

**THIS RESOLUTION IS ADOPTED THIS 12th DAY OF DECEMBER, 1994.**

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Introduced By: Councilmember Davenport

RESOLUTION #1994 - 67

SETTING FORTH THE CITY COUNCIL 1994 HOLIDAY SEASON RECESS

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

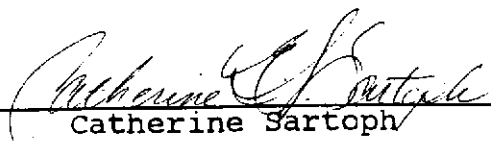
WHEREAS, this recess shall commence following adjournment from the Council's Regular Meeting of official business on Monday, December 12, 1994; AND

WHEREAS, the Council will reconvene their first Regular Meeting on Monday, January 9, 1994.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby set forth its 1994 Holiday Season Recess from December 13, 1994, through January 8, 1995.

ADOPTED this 12th day of December, 1994.

ATTEST:

  
\_\_\_\_\_  
Catherine Sartoph  
City Clerk