

EXECUTIVE MEETING OF THE MAYOR AND CITY COUNCIL

December 10, 1973

City Officials Present

Mayor Roth	City Administrator Pridgen
Councilman Burgess	Police Chief Porter
Councilman Forshee	Fire Chief LaScola
Councilman Nishimoto	Recreation Dir. Ziegler
Councilman Ricks	Public Works Dir. Barile
Councilman Sidell	Code Enf. Officer Olson
Councilman Webb	Corp. Counsel Gingerich
Excused: Councilman Faulkner	Asst. Corp. Couns. Culpepper
	Deputy City Clerk Pusti

The Mayor and City Council met in Executive Session at 8:00 P.M., December 10, 1973 in the Council Chambers, 7500 Maple Avenue, Takoma Park, Maryland. Following the Pledge of Allegiance, a motion to approve the minutes of November 26 and dispense with the reading was made, seconded and unanimously approved.

CORRESPONDENCE RECEIVED: City Administrator Pridgen reporting.

1. Dollie H. Kyte, Clerk, Mont. Co. Bd. of Appeals, Rockville. Notice of public hearing at 1:00 PM, March 7, 1974 in the Co. Council Hearing Room, Rkvl., to review Case #S-165, Boys' Home of Mont. Co., Inc. (Councilman Nishimoto noted that citizens in the area of the Boys' Home apparently have had no complaints about the home.) (Planning & Zoning)
2. E.C. Woodburn, Zoning Inf. Office, MNCPPC, Riverdale. Re: Special Exception Application #2853 requesting an extension or alteration of a non-conforming use (playground at a day nursery) at 7208 Flower Ave.; request for City review and comments. (In answer to a question from Mayor Roth, Mr. Pridgen noted that this is an existing non-conforming use.) (Planning & Zoning)
3. Lois M. Gosnell, Clerk, PG Co. Bd. of Appeals, Hyattsville. Re: Appeal #3777; notice of public hearing at 7:00 PM, Dec. 3, 1973 to review request for extension of grace period for correction or cessation of zoning violation (operating trucking business at 6429 5th ave., TP) (Mayor Roth noted that Councilman Faulkner may wish to have a comment added to the record regarding this.) (Plan. & Zoning)
4. Kathryn T. Simpson, Chairman, CIB. Additional comments from the CIB concerning the HRLF: (1) since Ord. 1946 deals mainly with exteriors, the HRLF should be used primarily to upgrade the exteriors; (2) suggestion that a nominal fee be required in all cases; (3) suggestion to include all single-family owner-occupied residences; (4) members of the CIB should be available to act in an advisory roll when necessary. (Housing & Code Enf.)
5. Kathryn T. Simpson, Chairman, CIB. Letter supporting Mayor Roth's request that the suit filed by Robin Ficker to prevent WMATA from building Metro through Jessup-Blair Park be withdrawn. (Planning & Zoning information)
6. Kathryn T. Simpson, Chairman, CIB. Letter supporting the statement made by Councilman Ricks at the meeting of Nov. 26; noted that parking on both sides of Maple is not the solution to the problems there. (Law Enforcement)
7. Fred D. Lindsey, 7301 Maple. Letter stating opposition to the Maple Ave. ordinance. Suggestion that parking be prohibited on both sides of the street for a trial period. (The Mayor noted that copies of this letter have been distributed to all Council members.) (Law Enforcement)
8. Mr. & Mrs. Richard L. Bernardi, 7111 Cedar. Request that the parking signs in the 7100 block of Cedar be changed to allow parking from 5:00 PM to 8:00 AM and on weekends. (Law Enforcement)

9. Sara & Clyde Ebenreck, 705 Auburn. Letter commending Mayor & Council for the HRLF; suggestion that all low-income families be eligible for aid and considered third in line after those who are over 65 and those who are disabled. (H & CE)

10. Margaret Holmes, Pres., Chap. 838, Amer. Assn. of Retired Persons, TP. Letter thanking the Mayor and Council for the HRLF; suggested that the fund cover some inside repairs also - such as heating units, etc.; noted that Mrs. Ferry has worked on the HRLF project for 18 years and stated that she should be congratulated for her efforts. (Housing & Code Enf.)

11. Amelia W. Burroughs, 7218 Cedar. Letter commending the Police and Fire Depts. for their prompt response to her emergency calls; thanked them for responding so willingly, promptly and efficiently. (FPC information)

FINANCIAL STATEMENT as of 11/30/73: City Treasurer Pridgen reporting.

Suburban Trust Co - General Funds

Balance October 31, 1973	\$ 26,280.73	
*November receipts	<u>225,568.33</u>	
Disbursements		\$180,183.00
Balance November 30, 1973		<u>71,666.06</u>

(*Incl. Tr. B1 \$97,368.33)

Suburban Trust Co - Payroll Account (Cost \$96,273.89)

Balance October 31, 1973	15,632.28	
Nov. transfers from Gen. Funds	<u>130,960.43</u>	
Disbursements		120,688.28
Balance November 30, 1973		<u>25,904.43</u>

Citizens Bank of Maryland - General Funds

Balance October 31, 1973	<u>58,135.43</u>	
Nov. transfer to STC Gen. Funds		58,000.00
Balance November 30, 1973		<u>135.43</u>

Citizens Bank of Maryland - Spec. Asst. Funds

Balance October 31, 1973	<u>5,250.60</u>	
Nov. transfer to STC Gen. Funds		5,054.00
Balance November 30, 1973		<u>196.60</u>

Citizens Bank of Maryland - Pub. Imp. Fund

Balance October 31, 1973	<u>3,966.82</u>	
Nov. transfer to STC Gen. Funds		3,432.29
Balance November 30, 1973		<u>534.53</u>

Citizens Bank of Maryland - Savings A/C TP63

Balance October 31, 1973	169.20	
No transactions during November	<u>- 0</u>	
Balance November 30, 1973		<u>169.20</u>

American National Bank - General Funds

Balance October 31, 1973	<u>4,480.73</u>	
Nov. transfer to STC Gen. funds		4,400.00
Balance November 30, 1973		<u>80.73</u>

Petty Cash

		<u>U.S. Treasury Bills</u>	<u>Cost</u>	<u>Maturity Value</u>
Purchased:	8/3/73	Maturity Date: 1/31/74	\$191,588.44	\$200,000.00
	9/4/73	2/28/74	95,811.25	100,000.00
	9/14/73	3/14/74	95,515.14	100,000.00
	9/21/73	3/21/74	95,992.78	100,000.00
	9/25/73	6/4/74	94,590.00	100,000.00
	10/1/73	3/28/74	96,331.39	100,000.00
	10/4/73	4/4/74	192,269.89	200,000.00
			<u>\$862,098.89</u>	<u>\$900,000.00</u>

MAYOR'S COMMENTS

Mayor Roth announced that there will not be a second meeting in Dec.; the next meeting will be January 14.

He noted that Metro is going to put an experimental shelter at the bus stop in front of High's on Carroll Ave.; this was recommended by a transportation plan and is an experiment to see how the bus riders react. If it does not work to the passengers' satisfaction or if it seems that this is not a good location, the shelter can be moved to a different location. As a result of what Metro learns from these experiments, they intend to place shelters at other bus stops. Mayor Roth noted that Metro is working on proposals for changes in the current bus system that will illustrate their adjustments to the opening of the first stop on the Glenmont Line (Rhode Island Ave.); proposals for those changes in the system will be presented during the first quarter of 1974; as additional stops open other changes will be proposed. The Mayor stated that apparently it will be about 1½ years before proposals will be made for adjustments to the bus system for the Takoma Park station.

Mayor Roth reported that there is a bill before Congress to set up a program of assistance to Fire Depts. all over the U.S. that will be similar to the Police program; there will be a Fire Academy, grants to Fire Depts., special training programs, etc. The Mayor stated that he has written a letter stating his support for this legislation. Councilman Nishimoto noted that the bill has passed the Senate but has not been introduced into the House yet; he said that the members of COG are unanimously in favor of this type of program. Mayor Roth noted that Mr. Henry Marschalk had requested that the City support this bill.

Councilman Ricks asked if the bus shelters will be in keeping with the neighborhoods they serve and if models will be on display. The Mayor said that pictures should be available at the Metro office and perhaps there may be a full-scale model at the Metro offices. He said that the shelters will be put on the sidewalks; they are modular type structures with a roof and screens so that cars can splash those waiting inside - they are not fully enclosed heated shelters.

ADDITIONAL COMMITTEE AGENDA ITEMS

Councilman Burgess requested discussion of the purchase of automatic traffic counters; Mayor Roth stated that this can be discussed during the LEC report.

PUBLIC PARTICIPATION

1. Evelyne Ferry, 24 Hickory. Mayor Roth commented on the letter from Mrs. Holmes, and added his thanks to Mrs. Ferry for all the work she has done. Mrs. Ferry thanked the Council for the HRLF. She suggested that the City set up a type of referral system whereby unemployed artisans can be put in touch with persons who need home repairs and can't afford the high prices that are usually charged; she said that there are many retired and semi-retired persons who are capable of doing a variety of home repairs, and their services should be utilized. She noted that there are many houses throughout the City that can be put in good shape with a minimum of work and sold to young couples rather than to speculators who will tear them down. She requested that the HRLF funds be used judiciously. In answer to a question from Councilman Ricks, Mrs. Ferry stated that the craftsmen would be located by the City and put in contact with those who need repairs, etc. - they will not be retained by the City, just referred. Councilman Ricks said that he would like to discuss this in more detail with Mrs. Ferry. Mayor Roth noted that \$50,000 could be a very small fund, depending on the number of persons who wish to utilize the service. The program has been proposed for people over 65 or disabled and is limited to exterior repairs as an initial step until it can be determined how the program is working. If it appears that the funds will go further than projected, changes can be proposed for the use of the funds.

2. Mrs. Shapiro, 7667 Maple. Commented on the trash and debris in front of the Maple Deli, and noted that there have been some discarded mattresses in front of 7611 Maple for 5 weeks. She stated that in addition to the City's annual drive to get rid of rats, there should be an effort made to get rid of the conditions that breed rats. She requested more frequent trash pick-ups and that more trash containers be placed around the City; stated that school children should be educated in an anti litter campaign. Councilman Burgess noted that trash always seems to pile up around commercial places; he stated that the P.W. Dept. has made a great effort to keep City streets clean, but it cannot be done without the cooperation of all citizens. In answer to a question from Mayor Roth, Mr. Barile noted that there are enough trash containers, but the delivery men fill them with their empty cartons and trash. Mayor Roth requested that the P.W. Committee discuss this during their next committee meeting.

3. Nancy Schallhorn, 7401 Maple. Thanked the Mayor and Council for turning off the extra lights in the Municipal Bldg. Noted that there are three spotlights on the Library sign and suggested turning out some of the Library lights so that one can be put on the Municipal Bldg. Mayor Roth noted that he feels the parking lot lights at the Library are necessary for security reasons, but he would like to see all decorative lights turned off.

4. Joe Cangialosi, 7001 Poplar. He said that he does not think that High's is the best place for the proposed bus stop shelter; the amount of pedestrian and vehicle traffic there might have an adverse impact. Mayor Roth noted that Metro was advised to try that location, but they are willing to be flexible. Mr. Cangialosi stated that an animal control committee report is long overdue and he hopes one will be made soon. Councilman Ricks noted that the last committee meeting was in June.

5. Robert Moore, 7314 Willow. Thanked the Council for the resolution that was sent to the School Board to support the TPES PTA's request; noted that it had been read at the hearing. He stated that he will be back if the PTA needs more help. Noted that Councilman Ricks' response to Mr. Cangialosi's comments about the animal control was very upsetting. He said that he had understood that there was going to be a meeting of the committee and asked if there would be one soon. There was further discussion between Mr. Moore and Councilman Ricks about the animal control committee. He noted that some bushes have been planted along the walk by TPES; thanked the City for planting them. He mentioned that the fence along the sidewalk has been damaged and asked that it be repaired as soon as possible so it does not get worse. Mayor Roth stated that Mr. Barile will have the fence repaired.

6. Phil Vogel, 7117 Garland. Requested that the Municipal Building be used for the elections since it is so easily accessible and has good parking facilities. He also requested that the City polls remain open until 8 PM as the County polls do; this will give people who work a chance to get home and eat without having to rush to be able to vote. He requested that these suggestions be acted upon in time for the coming election. Mayor Roth noted that Mr. Pridgen has been surveying possible locations for polling places; he asked Mr. Pridgen to check into the possibility of keeping the polls open an hour longer as Mr. Vogel suggested. Councilman Nishimoto noted that a change in poll hours may require a Charter amendment. In regard to Spec. Ex. #2840, Mr. Vogel asked the Council to take an official position on this. Mayor Roth noted that this has been assigned to Councilman Faulkner's committee, and that a hearing date has not yet been set. Mr. Vogel stated that he reluctantly opposes this; reluctantly because this type of housing is needed, opposition because the City is saddled with more than its share of things like this and because of the procedure by which PG Co. locates the homes.

Mayor Roth said that Councilman Faulkner is interested in the impact of Mr. Kelly's bill that was passed by the County Council before making any recommendation. Mr. Vogel noted that he fails to see how this bill will affect the City's position - it only provides for a public hearing; he requested that the City make its position clear to the Counties. Regarding Spec. Ex. Appl. #A-8971 (C-1 to C G, Takoma Letter Shop), Mr. Vogel stated that he has checked into this and feels that this is the type of business the City should encourage - it is a small, privately owned business. He requested that the City take the position to support the request for a zoning change. Mayor Roth stated that he will pass Mr. Vogel's comments and suggestions to Councilman Faulkner for his consideration. In regard to the statement made by Mrs. Shapiro, Mr. Vogel noted that he has brought this up a number of times. He suggested that the City contact the landlords and proprietors of commercial establishments and tell them that since they are making their livelihoods there, it is their responsibility to keep the area clean. He noted that the County has had some success with this approach and cited the 7-11 Store at Carroll and Merrimac as an example. He noted that he realizes that this does not come under the jurisdiction of the City CE officers, and suggested cooperation between the City and County CE divisions so that the County can be contacted for assistance in situations like this. Mayor Roth referred this to the PW and H & CE Committees; he noted that the City requires commercial establishments to keep their walks free from snow and asked if they can be required to keep the walks free from debris. Mr. Vogel noted that the Norfolk Pine in the Mun. Bldg. lobby should be planted in a bigger pot; Mayor Roth said that the PW Dept. will check with the Hort. Club about this.

7. Ellen Marsh, 7405 Maple. Suggested that perhaps a litter basket can be placed across the street from the delicatessen; she stated that the store owners are not the only ones who fail to pick up trash - the apartment maintenance men do not pick trash up on the apt. properties. Mrs. Marsh noted that she has heard many people say that we are "sitting on" a lot of valuable real estate, meaning that in a few years its commercial value will be very high; commented on the number of trees in the City and noted that trees make any property more valuable.

8. Dolores Stowell, 7704 Takoma. Stated that Pepco has been cutting trees on Takoma Ave. and that more trees are marked for cutting on Philadelphia. Mr. Barile noted that a large oak at Takoma & New York is dead and that might be the one she noticed. Stated that the Park & Planning staff has recommended that the college replace several large trees that will be cut down on their property; she mentioned that the College emphasized that no trees were going to be cut down. Requested that the Mayor and Council contact MC about the trees. Councilman Burgess noted that before any tree located on a public right-of-way can be cut down, a permit must be obtained from the State Forester.

9. James Jeffas, 7600 Hammond. Thanked the Mayor and Council for having the Sanitarium cut the bushes along Maple & Maplewood; stated that the bushes along Kirklynn have not been trimmed yet. He stated that if delivery men are putting trash in public trash containers, their plant managers should be contacted. Mayor Roth asked Councilman Burgess to check into this. Mr. Jeffas stated that he would like to see all cosmetic lights turned off. He asked if a professional man or a physician moving into a private residence has the right to open up a practice there without a Spec. Ex. Councilman Sidell stated that an exception is not necessary if he resides on the property. Mayor Roth asked Mr. Pridgen to check into this. Mr. Jeffas requested that the north end of Hammond be opened up to traffic; he noted that with the street blocked off people have to drive out of their way and with the present gas shortage this is unreasonable. Asked that action on this be taken during this meeting or the next one.

10. Kathryn T. Simpson, 7300 Cedar. She stated that the first CIB meeting after the HRLF was proposed resulted in the five points that were presented at

...the last Council meeting; the CIB has had another meeting and some of the points have been amended (correspondence received.) Stated support for Mr. Vogel's suggestion that owners or operators of businesses should be responsible for keeping the area around their stores free from litter. Noted that the property around the Review & Harold is always clean because of the efforts of the people there.

11. Jim Welu, 7330 Piney Branch. Stated that he supports the suggestions made by Mr. Vogel regarding City elections; noted that both the Middle School and the Municipal Bldg. are easily accessible and have good parking facilities. He stated that if there is a time factor involved the suggestions should be acted upon as soon as possible. Asked the City CE officers to inspect the property at 25 Holt so that the condemnation signs can be removed. He noted that all the repairs except those to the heating system have been completed. Mayor Roth said that he has seen the house and is very impressed. Mr. Welu mentioned two other properties in the area that have been renovated; he asked the Mayor and Council to contact the District about the Katy Lee mansion and make an effort to preserve it for historical purposes. He stated that the HRLF will not be of much help if it cannot be used for interior basic structural needs such as furnaces, plumbing, etc. Mayor Roth noted that the Mont. Co. fund covers extensive repairs; the City fund is not intended to duplicate the County fund, it is to cover things that are not included in the County program. Mr. Welu noted that he had looked into the County fund some time ago and was under the impression that it is intended mainly for homes in the upper portion of the County that are without indoor plumbing. Mayor Roth noted that most of the funds are used for repairs of that type but the program has been expanded to cover other things as well. Mr. Welu asked if the information regarding the County program can be made available to the public; he inquired about the legal procedure regarding housing inspections - if the exterior of a house is in disrepair is the inside inspected also. Mayor Roth noted that the CE officers are guided by City Ord. #1946 and by the BOCA Code (a national code based in the health and welfare of the community) which the City has adopted. Mayor Roth stated that although the Ord. has not been tested in Court it is being enforced, and if it ever does go to Court, the City hopes it will be upheld. Councilman Ricks noted that some violations are also covered under the Fire Code. Mr. Welu asked about the property at 29 Hickory; Mayor Roth asked the CE officers to check into this and report to Mr. Welu.

COMMITTEE REPORTS

PARKS & RECREATION COMMITTEE: Councilman Webb reporting.

152. Req. for review of Mun. Bldg. fee schedule. Councilman Webb pointed out that a fee schedule for the use of the Mun. Bldg. had been under discussion for many months and moved the following: meeting rooms will be available with no fee to City official and department activities, City sponsored activities such as Sister City, Azalea Comm., CIB, etc., civic and service organizations within the City. The following fees will be charged to political groups, private groups, promotional or commercial groups, weddings and/or wedding receptions: \$5.00 for morning or afternoon meetings (during normal workday); \$12.00 for all evening meetings or functions; \$12.00 either morning or afternoon weekend functions; \$75.00 weddings (residents); \$75.00 wedding receptions (residents). A deposit will be required and if extra custodial services are required an additional fee will be charged to all groups. The motion was seconded by Councilman Ricks. Councilman Burgess suggested charging a security deposit rather than a fee. There was further discussion among the members of the Council and Mrs. Ziegler. The fees were approved by a voice vote with two Councilmen dissenting and four approving.

Report on activities. Councilman Webb reported that the Christmas program will be Dec. 15 at 7 PM in the Firehouse gym; activities will include a program by

the TP Community School Drill team, the TP Jr. High Singers, a community sing, the arrival of Santa Claus, the lighting of the tree, and treats to all children. (Admission is free.) (Councilman Webb was excused from the meeting at this point.)

LAW ENFORCEMENT COMMITTEE: Councilman Nishimoto reporting.

163. Petitions on traffic control: (a) Maple Ave. Councilman Nishimoto noted that he has had a number of comments regarding this. He gave the following statistics from the Police Dept. accident map: there has been one accident on Maple between Phila & Tulip, over 80 accidents on Maple between Phila & Sligo Creek, and no accidents on Maple between Tulip & Valley View. (This covers the period of time from Jan. 1, 1973 to the present.) He stated that the traffic light is scheduled to be installed in front of the Firehouse by March of 1974; that light will be coordinated with the lights at Carroll & Ethan Allen and at Phila & Maple.

Traffic consultant. Councilman Nishimoto noted that Royce Hanson of the Mont. Planning Board recommended that Donald Spivack, a community planner, be contacted to do a traffic survey of Maple; he will make a recommendation before or during the hearing on Jan. 7. In response to a request from Councilman Forshee, Councilman Nishimoto said that he will ask Mr. Spivack to study the streets adjacent to Maple also.

167. Traffic control on Erskine St. Councilman Nishimoto reported that a more extensive patrol of the street should help the situation; noted that he has requested P.G. Co. to help.

178. Hickory & Elm: (a) stop sign on Hickory. Councilman Nishimoto moved that the following ordinance be adopted (first reading, Nov. 26). The motion was seconded by Councilman Forshee and adopted by a roll call vote as follows. Aye: Councilmen Burgess, Forshee, Nishimoto, Ricks, Sidell. Nay: none. Excused: Councilmen Faulkner, Webb.

ORDINANCE NO. 2290

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

SECTION 1. THAT all traffic traveling in a southerly direction on Hickory Avenue shall come to a complete stop at its intersection with Elm Ave.; AND

SECTION 2. THAT the Director of Public Works is hereby directed to erect an appropriate sign to effect the directive in Section 1; AND

SECTION 3. THAT this ordinance shall become effective upon completion of the work described in Section 2.

SECTION 4. FURTHER THAT the penalty for violation of this ordinance shall be as prescribed in Chapter 1, Section 1-17 of the City of Takoma Park Code, 1972.

Councilman Burgess mentioned the letter read from Mrs. Simpson as Chairman of the CIB; he asked how many members of the CIB were present at the meeting and if an actual vote was taken to support Councilman Ricks' statement. Mayor Roth said that he did not remember if a vote was taken; Councilman Nishimoto said that he did not recall a vote.

179. Traffic & parking control in MC area. Noted that this had been reported on at the last meeting; this is still being worked on and the P.D. is trying very hard to keep it under control.

185. Complaint re juveniles congregating in Forest Park. Councilman Nishimoto stated that frequent patrols of this area will continue.

186. Req. for parking prohibition - South side of N.Y. Avenue. Councilman Nishimoto moved that the following ordinance be adopted. The motion was seconded

by Councilman Burgess. In answer to a question from Councilman Forshee, Councilman Nishimoto stated that the ordinance will be in effect during the period of construction. The ordinance was adopted by a roll call vote as follows. Aye: Councilmen Burgess, Forshee, Nishimoto, Ricks, Sidell, Nay: none. Excused: Councilmen Faulkner, Webb.

ORDINANCE NO. 2291

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

- SECTION 1. THAT parking on New York Avenue between Takoma and Chicago Avenues shall be restricted to facilitate the movement of heavy equipment at the Montgomery College Construction site.
- SECTION 2. THEREFORE THAT parking shall be restricted between the hours of 6 AM to 6 PM from a point 120 feet east of Chicago Avenue on the south side of New York Avenue for a distance of 120 feet; AND
- SECTION 3. FURTHER THAT parking shall be restricted between the hours of 6 AM to 6 PM at a point beginning 250 feet west of Takoma Avenue on the south side of New York Avenue for a distance of 150 feet; AND
- SECTION 4. THAT the Director of Public Works is hereby directed to erect appropriate signs to effect the directives in Sections 2 and 3; AND
- SECTION 5. THAT this ordinance shall become effective upon the completion of the work described in Section 4; AND
- SECTION 6. FURTHER THAT the penalty for violation of this ordinance shall be as prescribed in Chapter 1, Section 1-17 of the City of Takoma Park Code, 1972.

Administrative action: resignation of police officer. Councilman Nishimoto moved that the resignation of Pvt. Gonzales, effective as of Nov. 26, be accepted. The motion was duly seconded and unanimously approved.

Authorization to advertise for bids on 2 police cars (bids to be opened 12/21 at 3 PM). Councilman Nishimoto moved that the Police Dept. be authorized to advertise for bids for two cruisers; one will replace a cruiser that has over 70,000 miles on it, the other is a replacement for a car that was involved in an accident. The motion was seconded by Councilman Forshee. In answer to a question from the Mayor, Chief Porter noted that the new cars will be medium size with less horsepower and fewer cylinders. The motion was unanimously approved.

Authorization to purchase typewriter and two stands. Councilman Nishimoto moved that the Police Dept. be authorized to transfer \$492.25 from the Reserve Fund to purchase a replacement for a 7 year old electric typewriter and to purchase two typewriter stands to replace old ones. The motion was seconded by Councilman Forshee and unanimously approved.

Councilman Nishimoto reported that COG has requested that citizen representatives from member communities be appointed to serve on the COG public safety policy board. Councilman Nishimoto moved that the recommendation of the LEC to appoint Mr. Peter Menedis be approved. He noted that the citizen representatives participate in the discussions, but have no vote. Mayor Roth stated that he will seek the advice of the Council as a whole before making the appointment. The motion by Councilman Nishimoto was seconded by Councilman Burgess and a voice vote was recorded as follows. Aye: Councilmen Burgess, Nishimoto. Nay: Councilmen Forshee, Sidell. Abstain: Councilman Ricks. Mayor Roth cast a nay vote and the motion was defeated. Councilman Forshee moved that the Mayor and City Administrator be authorized to make the appointment; the motion was seconded by Councilman Ricks and carried.

Councilman Nishimoto reported that Chief Porter has inquired about various types of traffic counters and asked if Council authorization is necessary before obtaining estimates. Mayor Roth asked if the need for counters is constant or just a one-time thing. In answer to a question from Councilman Nishimoto, Chief Porter stated that the PD has borrowed 6 traffic counters for one day; he noted that they can be borrowed infrequently. Councilman Burgess noted that more and more citizens have been complaining about increased traffic and stated that the counters can be used to determine the increase in traffic; they might also be helpful in determining the impact of Metro when it opens. Councilman Nishimoto stated that Chief Porter will get price estimates and present the information to the Council.

Tess Commission: land use committee. Councilman Nishimoto stated that the TESS land use committee has been discussing land utilization along Carroll; he said that he does not want a small group of individuals to decide what should be done on a City street. He suggested a general public discussion or hearing regarding land use along Carroll and asked the Council to consider setting a hearing date. Councilman Ricks noted that there are some Takoma Park residents on the TESS committees and that various TESS committees will report on Carroll; he stated that Carroll is not the only area that is concerned and suggested a series of hearings. The Mayor stated that citizen input can be very helpful, but December is a bad month for meetings. He said that he will consult the chairman of the P & Z committee and report back to the Council.

HOUSING & CODE ENFORCEMENT COMMITTEE: Councilman Ricks reporting.

There was no report at this time.

PUBLIC WORKS COMMITTEE: Councilman Burgess reporting.

175. Req. for reexamination of Juniper St. Bridge plans. Councilman Burgess noted that spanning Fenton St. had been proposed at one time; WMATA stated that it could be done if the City would pay part of the cost. It was decided that it would be too expensive for Metro to go under the bridge. The Metro plans were then put in the Library for public comments and suggestions; with the exception of Mr. LeMay, there were none. Councilman Burgess stated that the P.W. Comm. has decided to take no further action on this and requested that it be removed from the agenda. Councilman Nishimoto noted that, in his suit against Metro, Robin Ficker is asking that the Juniper St. Bridge be for pedestrians only. Councilman Forshee noted that some of the people in that area have requested that the bridge be eliminated completely. Councilman Burgess requested that this item be retained on the agenda for further consideration.

187. Req. for night lighting in Spring & Forest Parks. Reported that the P.W. Director has checked on this and there is a light out in Spring Park; most of the lights on Poplar between Elm and Spring have been vandalized, and Pepco has been requested to replace the bulbs. The flood light in Forest Park has been turned off in compliance with the request to conserve energy. He stated that the new incandescent lights that are being installed have a protective plastic cover which should prevent vandals from breaking them. He noted that citizens can call Pepco at 833-7500 to report broken or burned out lights. He asked the Police Dept. to continue frequent patrols in this area.

Authorization for purchase of two dump trucks. Councilman Burgess said that \$10,000 has been provided in the current budget for the purchase of two trucks. His motion that the Council approve advertising for bids on two trucks was seconded by Councilman Forshee and unanimously approved.

FIRE PROTECTION COMMITTEE: Councilman Sidell reporting.

There was no report at this time.

PLANNING & ZONING COMMITTEE: Councilman Faulkner (excused).

There was no report at this time.

FINANCE COMMITTEE: Councilman Forshee reporting.

Approval of expenditures. Councilman Forshee moved that the following monthly expenditures of the Fiscal Year 1972-73 be approved. The motion was duly seconded and unanimously approved.

July, 1972	\$128,717.05	January, 1973	\$154,348.95
August	134,016.87	February	122,463.02
September	149,125.33	March	121,302.29
October	141,543.31	April	322,520.10 *
November	126,216.86	May	162,360.82
December	167,967.22	June	293,281.04

*Treasury Bills - \$172,234.69

Announcement relating to holiday policy. Since Christmas Eve and New Year's Eve both fall on Mondays this year, and the holiday schedule calls for ½ day holiday on each of these days, Councilman Forshee moved that Dec. 24 and 31, 1973 be full holidays. The motion was seconded by Councilman Ricks and unanimously approved. Councilman Forshee noted that there will have to be skeleton crews at the Police and Fire Depts., and the sanitation workers will have to be on duty but will receive compensatory time.

COUNCIL AS A WHOLE COMMITTEE: Mayor Roth reporting.

48. Constitutionality of age & residency requirements for elective office.

49. Req. for absentee ballot. Mayor Roth stated that Mr. Pridgen and Corp. Couns. Gingerich have drawn up a proposal for a charter amendment to provide for an absentee ballot, eliminate length of residence and minimum age requirements for candidates and clarify some of the language in the charter; a candidate for Mayor or Councilmember must be a qualified City voter and a candidate for Council must reside in the ward from which he is nominated. Mayor Roth requested that the suggestions made by Mr. Vogel be discussed now so that they can be incorporated into the amendment. In response to a comment by Mr. Pridgen, Councilman Nishimoto said that he realizes that keeping the polls open until 8 PM will make a long day for the workers but the City should try to conform as much as possible with the County regulations. The motion by Councilman Nishimoto to keep the polls open until 8 PM was seconded by Councilman Ricks and unanimously approved. Mr. Pridgen said that it is not necessary to include the location of polling places in the amendment. Mayor Roth's motion that Ordinance #2292 (Resolution #1-1973) attached, which amends the Charter to provide for absentee ballots and remove length of residence and age requirements was seconded by Councilman Forshee and adopted by a roll call vote as follows. Aye: Councilmen Burgess, Forshee, Nishimoto, Ricks, Sidell. Nay: none. Excused: Councilmen Faulkner, Webb.

The Mayor, on behalf of the members of the Council and City employees, wished all the citizens of Takoma Park HAPPY HOLIDAYS.

There being no further business to come before the Mayor & Council, the meeting was adjourned at 11:00 PM, to reconvene at 8:00 PM, Monday, January 14, 1974.

ATTEST

Haynes M. Pridgen
City Administrator

APPROVED

John W. Roth
Mayor

ORDINANCE NO. 2292
RESOLUTION NO. 1-1973
CITY CHARTER AMENDMENT

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

WHEREAS, recent court decisions and amendments to Maryland State Law relating to voters and candidates for office reduces the voting age; eliminates property ownership and length of residence requirements; and requires provision for absentee voting. Therefore, the Mayor and Council have concluded it is mandatory

THAT portions of Section 73-3 of the Montgomery County Code (1972 Edition) and portions of Section 74-5 of the Prince George's County Code (1963 Edition, as amended), entitled "Elections--Generally," be amended to delete age, length of residence, and property ownership requirements for councilmen and the mayor; and to provide for absentee voting in compliance with State Law; and that other portions of the above-mentioned Codes be amended to provide that nominations for mayor and councilmen be made at a citizens meeting four weeks prior to election rather than two weeks; and to provide for closing of polls at 8:00 PM rather than at 7:00 PM; and to clarify procedure in the case of vacancies in the offices of mayor and councilmen.

SECTION 1. Be it enacted by the Mayor and City Council of the City of Takoma Park, Maryland that portions of Section 73-3 of the Montgomery County Code (1972 Ed.) and Section 74-5 of the Prince George's County Code (1963 Ed., as amended), entitled "Elections--Generally," be amended as follows:

Section 73-3(a) Montgomery County Code; Sec. 74-5(a), Prince George's County Code;
Section 1.3(a) City Charter:

1.3(a) VOTERS; ELECTION OF MAYOR AND CITY COUNCIL

Every resident of said city whose name shall be certified to the mayor and council under the provisions of the next succeeding section of this Charter shall be entitled to vote in municipal election in said city, and no person shall vote in any such municipal election whose name shall not be so certified; provided, however, that this section and the next succeeding section shall not apply to special elections held under the provisions of this Charter. The residents of said city whose names shall be so certified are hereby designated as the "Voters" of the city, and by that designation are hereinafter referred to in this section and they shall on the fourth Tuesday of March, 1966, AND EACH SECOND YEAR THEREAFTER, elect as councilmen seven persons [[not less than twenty-five years of age]] and as mayor one person [[at least thirty years of age]] each of whom shall [[have resided in said city at least one year previous to his election]] RESIDE IN THE CITY and be a voter of the city [[and a property owner therein]] and in the case of the said councilmen, be residents of the areas from which they are so elected. The mayor and the councilmen so elected shall serve for two years, beginning with the second Monday in April ensuing after their election, or until their successors are duly qualified.

Section 73-3(1) Montgomery County Code; Section 74-5(1) Prince George's County Code;
Section 1.3(1) City Charter:

1.3(1) NOMINATIONS--CITIZENS MEETING.

Nominations for mayor and councilmen shall be made at a meeting of citizens called by the city clerk at the direction of the council. Such meeting shall be held at a convenient place within the city to be designated by the council and notice thereof shall be given through a newspaper or newspapers of general circulation within the city or by handbills generally distributed and posted throughout the city and the said meeting shall be held on the Tuesday evening [[two weeks]] FOUR WEEKS prior to the election. The city clerk shall preside at said meeting; a voter of the city shall be chosen as secretary of the meeting by the voters of the city present; the said secretary shall keep a record of the proceedings of said meeting and file the same in the office of the city clerk.

NOTE: [[]] indicates deletions
CAPS indicates additions

Section 73-3(m) Montgomery County Code; Section 74-5(m) Prince George's County Code;
Section 1.3(m) City Charter:

1.3(m) QUALIFICATIONS OF NOMINEES; PROCEDURE FOR NOMINATING

Each candidate for mayor [[shall at the time of his nomination be not less than thirty years of age; shall have resided in the city for at least one year immediately preceding his nomination and shall be a voter of the city and a property holder therein]] AND COUNCILMAN SHALL RESIDE IN THE CITY AND SHALL BE A QUALIFIED VOTER OF THE CITY. Each candidate for councilman shall at the time of his nomination [[be not less than twenty-five years of age; shall be a voter of the city; and shall have resided in the precinct or area from which he shall be nominated for at least one year immediately preceding his nomination and be a property holder therein]] RESIDE IN THE WARD FROM WHICH HE SHALL BE NOMINATED. Nominations of candidates for mayor and councilmen shall be made on motion of any voter of the city, and if such nomination is seconded by at least two additional voters of the city, and not otherwise, the person so nominated shall be considered a candidate and his name shall be placed upon the official ballot unless he shall in person file with the city clerk within three days after his nomination HIS DECLINATION.

Section 73-3(o) Montgomery County Code; Section 74-5(o) Prince George's County Code;
Section 1.3(o) City Charter:

1.3(o) POLLING TIME; TABULATION OF VOTES; CERTIFICATES OF ELECTION

Elections shall be conducted by the judges and clerks appointed by the council, and shall be held at some convenient place or places to be designated by the council; any vacancy in the list of judges or clerks occurring between their appointment and the election shall be filled by the mayor. The polls shall be opened at 7:00 o'clock A.M. and closed at [[7:00 8:00 o'clock P.M., and as soon thereafter as practicable the ballots shall be carefully counted, or the tabulators on the voting machines. The judges of the several polling places shall meet as a board of election the day following the election, and shall therefore determine what persons have been elected, issue certificates of election to such persons, and certify the results to the council.

Section 73-3(s) Montgomery County Code; Section 74-5(s) Prince George's County Code;
Section 1.3(s) City Charter:

1.3(s) ELECTION QUESTIONS; MAYOR PRO-TEM

The council shall within ten days after each election determine all questions arising thereon; and any person conceiving himself aggrieved by reason of such decision may appeal to the circuit court of Montgomery County, or to the circuit court of Prince George's County, depending upon the place of residence of the appellant, which shall hear and determine the same, and determine who shall pay the cost of appeal. In case of a tie vote at any election for mayor and members of the council, another election shall be held, after ten days' notice, pursuant to the provisions foregoing in regard to elections. [[In case of any vacancy in the office of the mayor or a councilman by death, resignation, or removal from the city, the said vacancy shall be filled by a vote of the council until the next election for members of the council.]] As soon as practicable after taking office, the mayor shall, subject to the approval of the council, designate a councilman to perform all the duties of mayor at such times as the mayor is incapacitated or is absent from the city for more than three days consecutively. Such designation may, with the consent of the council, be terminated at any time and another councilman designated instead.

Section 73-3(u) Montgomery County Code; Section 74-5(u) Prince George's County Code;
Section 1.3(u) City Charter

1.3(u) ABSENTEE VOTING

(1) WHO MAY VOTE: THE FOLLOWING PERSONS MAY VOTE AS AN ABSENTEE VOTER UNDER THE PROVISIONS HEREIN:

(i) ANY QUALIFIED VOTER WHO MAY BE UNAVOIDABLY ABSENT FROM THE CITY OF TAKOMA PARK FOR ANY REASON ON ANY MUNICIPAL ELECTION DAY; AND

(ii) ANY QUALIFIED PERSON AS DEFINED IN SUBSECTION (2) OF THIS SECTION.

(2) VOTING BY ILL AND DISABLED PERSONS: EMERGENCY ABSENTEE BALLOT

(i) APPLICATION; PROCEDURE FOR VOTING. ANY QUALIFIED VOTER WHOSE PHYSICAL DISABILITY OR CONFINEMENT IN OR RESTRICTION TO AN INSTITUTION PREVENTS OR WILL PREVENT HIM FROM BEING PRESENT AND PERSONALLY VOTING AT THE POLLS ON ANY ELECTION DAY SHALL ALSO BE ENTITLED TO VOTE AS AN ABSENTEE VOTER UNDER THIS SECTION. SUCH VOTER SHALL MAKE APPLICATION FOR AN ABSENTEE BALLOT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION. THE APPLICATION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK NOT LATER THAN TEN (10) DAYS PRIOR TO ANY ELECTION. UPON RECEIPT OF THE APPLICATION THE CITY CLERK SHALL MAIL TO THE VOTER ENTITLED THERETO AN ABSENTEE BALLOT. IN ALL OTHER RESPECTS, ABSENTEE VOTING AS PROVIDED FOR IN THIS SECTION SHALL BE SIMILAR TO AND CONTROLLED BY THE APPLICABLE PROCEDURES PROVIDED BY LAW FOR ABSENTEE VOTING.

(ii) EMERGENCY ABSENTEE BALLOT. WITHIN TEN (10) DAYS OF AN ELECTION AND ON THE DAY OF THE ELECTION PRIOR TO THE TIME THE POLLS CLOSE, ANY PERSON REGISTERED AND OTHERWISE QUALIFIED TO VOTE MAY APPLY FOR AN EMERGENCY ABSENTEE BALLOT IF HE IS NOTIFIED AFTER THE TIME FOR MAKING APPLICATION FOR AN ABSENTEE BALLOT THAT, AS A CONDITION OF HIS EMPLOYMENT, HE IS REQUIRED TO BE ABSENT FROM THE CITY OF TAKOMA PARK WHERE HE IS REGISTERED TO VOTE ON THE DAY OF AN ELECTION, IF HE IS UNABLE TO BE PHYSICALLY PRESENT AT THE POLLS AS A RESULT OF ILLNESS OR ACCIDENT OCCURRING AFTER THE TIME OF MAKING APPLICATION FOR AN ABSENTEE BALLOT OR IS UNABLE TO BE PRESENT BECAUSE OF A DEATH OR SERIOUS ILLNESS IN HIS IMMEDIATE FAMILY OCCURRING AFTER THE TIME FOR MAKING APPLICATION. THE APPLICATION SHALL BE MADE UNDER PENALTY OF PERJURY BUT WITHOUT FORMAL OATH, SETTING FORTH THE REASON WHY THE VOTER IS UNABLE TO BE PRESENT AT THE POLLS ON THE DAY OF THE ELECTION. UPON RECEIPT OF THE APPLICATION, THE CITY CLERK, IF SATISFIED THAT THE PERSON CANNOT, IN FACT, BE PRESENT AT THE POLLING PLACE ON THE DAY OF THE ELECTION, SHALL ISSUE TO THE APPLICANT, OR HIS DULY AUTHORIZED AGENT, AN ABSENTEE BALLOT WHICH SHALL BE MARKED BY THE VOTER, PLACED IN A SEALED ENVELOPE, AND RETURNED TO THE CITY CLERK. IF THE APPLICANT DOES NOT APPLY IN PERSON, THE APPLICATION SHALL DESIGNATE A REGISTERED VOTER IN THE CITY OF TAKOMA PARK AS AGENT FOR THE PURPOSE OF DELIVERING THE ABSENTEE BALLOT TO THE VOTER, AND THE AGENT SHALL EXECUTE AN AFFIDAVIT UNDER PENALTY OF PERJURY THAT THE BALLOT WAS DELIVERED TO THE VOTER WHO SUBMITTED THE APPLICATION, WAS MARKED BY THE VOTER IN THE AGENT'S PRESENCE, AND RETURNED, UNDER SEAL, TO THE CITY CLERK BY THE AGENT. ANY EMERGENCY ABSENTEE BALLOT RECEIVED BY THE CITY CLERK AFTER THE TIME FOR CLOSING OF THE POLLS SHALL NOT BE COUNTED.

Sec. 1.3(u), continued

(iii) ASSISTANCE IN MARKING BALLOT, ETC. ANY OTHERWISE QUALIFIED VOTER WHO IS BLIND, PHYSICALLY DISABLED OR WHO HAS IMPAIRED VISION AND IS FOR ONE OF THESE REASONS UNABLE TO MARK HIS ABSENTEE BALLOT AND SIGN THE REQUIRED OATH, MAY BE ASSISTED IN VOTING BY ANY PERSON SELECTED BY THE VOTER. ANY PERSON RENDERING ASSISTANCE PURSUANT TO THIS SUBSECTION SHALL EXECUTE THE CERTIFICATION SET FORTH IN SUBSECTION (8) OF THIS SECTION.

(3) ELECTIONS IN WHICH ABSENTEE VOTER MAY VOTE: THIS SECTION APPLIES TO ELECTIONS FOR ALL CANDIDATES, CHARTER AMENDMENTS AND OTHER QUESTIONS AT ANY ELECTION HELD IN ANY YEAR.

(4) APPLICATIONS FOR ABSENTEE BALLOTS: A QUALIFIED VOTER DESIRING TO VOTE AT ANY ELECTION AS AN ABSENTEE VOTER SHALL MAKE APPLICATION IN WRITING TO THE CITY CLERK FOR AN ABSENTEE BALLOT, WHICH APPLICATION MUST BE RECEIVED NOT LATER THAN TEN (10) DAYS BEFORE THE ELECTION. THE APPLICATION SHALL CONTAIN AN AFFIDAVIT, WHICH NEED NOT BE UNDER OATH, BUT WHICH SHALL SET FORTH THE FOLLOWING INFORMATION UNDER PENALTY OF PERJURY:

- (i) THE VOTER'S NAME AND RESIDENCE ADDRESS, INCLUDING STREET AND NUMBER, IF ANY;
- (ii) THAT THE PERSON IS A QUALIFIED VOTER AT THE RESIDENCE ADDRESS GIVEN;
- (iii) IF THE PERSON VOTED AT THE PRECEDING ELECTION, THE RESIDENCE ADDRESS FROM WHICH HE VOTED.

(5) APPLICATION FORMS:

(i) THE CITY CLERK SHALL USE THE FORMS PRESCRIBED BY THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS AND RELATED AFFIDAVITS AND STATEMENTS; THEY SHALL BE PROVIDED BY THE CITY CLERK TO ANY QUALIFIED VOTER UPON REQUEST.

(ii) THE CITY CLERK SHALL USE FORMS PRESCRIBED BY THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS FOR "APPLICATION FOR ABSENTEE REGISTRATION AND BALLOT," "APPLICATION FOR ABSENTEE BALLOT BY REGISTERED VOTER," "APPLICATION FOR EMERGENCY ABSENTEE BALLOT BY REGISTERED VOTER," AND RELATED AFFIDAVITS AND STATEMENTS, MAKING SUCH ADJUSTMENTS AS MAY BE REQUIRED TO DESIGNATE THE CITY CLERK AS THE PERSON TO WHOM THOSE APPLICATIONS ARE MADE.

(iii) THE APPLICATION FOR ALL OTHER ABSENTEE VOTERS SHALL BE IN THE FOLLOWING FORM:

(DATE) _____

CITY CLERK, CITY OF TAKOMA PARK, MARYLAND

I, _____ (NAME), HEREBY APPLY FOR A CITY OF TAKOMA PARK ABSENTEE BALLOT FOR THE ELECTION TO BE HELD ON _____ (DATE). I WILL NOT BE ABLE TO VOTE IN PERSON BECAUSE _____ (STATE REASON). MY HOME ADDRESS IS _____ (NO. AND STREET), TAKOMA PARK, MARYLAND, AND MY VOTING DISTRICT, TO THE BEST OF MY KNOWLEDGE, IS _____. I DESIRE THAT THE ABSENTEE BALLOT BE SENT TO ME AT THE FOLLOWING ADDRESS: _____

I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH IN THIS APPLICATION ARE TRUE.

SIGN NAME

WARNING! THE ABSENTEE VOTING LAW PROVIDES THAT ANYONE WHO WILFULLY SIGNS ANY FALSE APPLICATION OR OATH, OR WHO WILFULLY DOES ANY ACT CONTRARY TO THE TERMS

Sec. 1.3(u), continued

AND PROVISIONS OF THE ABSENTEE VOTING LAW WITH INTENT TO CAST AN ILLEGAL VOTE OR TO AID ANOTHER IN DOING SO, OR WHO WILFULLY VIOLATES ANY OF THE PROVISIONS OF THAT LAW OR WHO APPLIES FOR A BALLOT UNDER ANY OTHER NAME THAN HIS OWN, SHALL, UPON CONVICTION, BE SUBJECT TO A FINE OF \$1,000 OR TO IMPRISONMENT FOR NOT MORE THAN TWO YEARS, OR TO BOTH, IN THE DISCRETION OF THE COURT.

WARNING! AN ABSENTEE BALLOT WILL NOT BE SENT TO YOU UNLESS YOU ARE REGISTERED TO VOTE IN ELECTIONS IN THIS CITY.

(6) DETERMINATION OF ABSENTEE VOTER'S APPLICATION: DELIVERY OF BALLOTS.

(i) REJECTION OF APPLICATION. UPON RECEIPT OF AN APPLICATION, THE CITY CLERK MAY REJECT THE APPLICATION AND WHEN REJECTED SHALL NOTIFY THE APPLICANT OF THE REASONS THEREFOR IF HE DETERMINES UPON INQUIRY THAT THE APPLICANT IS NOT LEGALLY QUALIFIED TO VOTE AT THE ELECTION AS AN ABSENTEE VOTER. IF THE CITY CLERK SUSPECTS THAT THE APPLICANT IS NOT A QUALIFIED VOTER, THE CITY CLERK SHALL MAKE INQUIRIES IN REFERENCE THERETO, AND UPON CAUSE DULY SHOWN THAT THE APPLICANT IS NOT A QUALIFIED VOTER, THE CITY CLERK SHALL WITHHOLD A DELIVERY OF AN ABSENTEE BALLOT.

(ii) DELIVERY OF ABSENTEE BALLOT. IF THE APPLICANT IS A QUALIFIED VOTER AS STATED IN HIS APPLICATION, THE CITY CLERK SHALL, AS SOON AS PRACTICABLE THEREAFTER, DELIVER TO HIM, AT THE OFFICE OF THE CITY CLERK, OR MAIL TO HIM AT AN ADDRESS DESIGNATED BY HIM, AN ABSENTEE VOTER'S BALLOT AND AN ENVELOPE THEREFOR. POSTAGE FOR TRANSMITTING THE BALLOT MATERIAL TO THE VOTER SHALL BE PAID BY THE CITY CLERK, AND POSTAGE FOR THE RETURN OF BALLOTS SHALL BE PAID BY THE VOTERS. IF THE BALLOTS ARE TO BE SENT BY MAIL, THE DETERMINATIONS REQUIRED IN (i) OF THIS SUBSECTION SHALL BE MADE IN SUCH TIME AS WILL ALLOW FOR THE SENDING AND RETURN OF THE BALLOTS BY REGULAR MAIL, OR AIRMAIL, DEPENDING ON THE MAILING ADDRESS, AND INCLUDING AT LEAST ONE SECULAR DAY FOR MARKING THE BALLOTS. ALL SUCH INVESTIGATION SHALL BE CONCLUDED AND ANY DETERMINATIONS MADE AS TO ALL ABSENTEE BALLOT APPLICATIONS NOT LATER THAN FIVE DAYS BEFORE ELECTION DAY.

(iii) RECORD OF APPLICATIONS RECEIVED AND BALLOTS DELIVERED.

(aa) THE CITY CLERK SHALL KEEP A RECORD OF APPLICATIONS FOR ABSENTEE VOTERS' BALLOTS AS THEY ARE RECEIVED, SHOWING THE DATE AND TIME RECEIVED, AND NAMES AND RESIDENCES OF THE APPLICANTS, AND SUCH RECORD SHALL BE AVAILABLE FOR EXAMINATION BY ANY REGISTERED VOTER.

(bb) AFTER APPROVAL OF AN APPLICATION FOR AN ABSENTEE BALLOT AND THE MAILING TO THE APPLICANT OF AN ABSENTEE BALLOT, THE CITY CLERK SHALL MAKE A NOTATION ON THE ALPHABETICAL LIST OF THE REGISTERED VOTERS SUPPLIED TO THE CITY CLERK BY THE BOARD OF ELECTIONS SUPERVISORS FOR MONTGOMERY AND PRINCE GEORGE'S COUNTIES RESPECTIVELY THAT AN ABSENTEE BALLOT HAS BEEN MAILED, WHICH SHALL SHOW THE DATE ON WHICH THE BALLOT WAS SENT AND THE CITY CLERK SHALL ALSO MAKE A CARD SHOWING THE VOTER'S NAME, WARD AND ADDRESS, AND SHOWING THE DATE ON WHICH THE BALLOT WAS SENT, WHICH SHALL BE DELIVERED BY THE CITY CLERK TO THE CHIEF JUDGE OF ELECTIONS. NO SUCH VOTER SHALL VOTE OR BE ALLOWED TO VOTE IN PERSON IN A POLLING PLACE ON THE DATE OF ELECTION.

(cc) ONE BALLOT TO AN APPLICANT. NOT MORE THAN ONE ABSENTEE BALLOT SHALL BE MAILED TO ANY ONE APPLICANT UNLESS THE CITY CLERK HAS REASONABLE GROUNDS TO BELIEVE THAT THE ABSENTEE BALLOT PREVIOUSLY MAILED HAS BEEN LOST, DESTROYED OR SPOILED.

Sec. 1.3(u), continued

(7) BALLOTS FOR ABSENTEE VOTERS.

(i) PRINTING OF BALLOTS, ENVELOPES AND INSTRUCTIONS. IN SUFFICIENT TIME PRIOR TO ANY ELECTION, THE CITY CLERK SHALL HAVE PRINTED AN ADEQUATE NUMBER OF ABSENTEE BALLOTS, THE THREE KINDS OF ENVELOPES DESCRIBED IN THIS SUBSECTION, AND THE INSTRUCTIONS TO ABSENTEE VOTERS DESCRIBED IN SUBSECTION (8) OF THIS SECTION.

(ii) FORM OF BALLOTS. THE BALLOTS SHALL CONTAIN THE WORDS "ABSENTEE BALLOT" PRINTED IN LARGE LETTERS IN A CLEAR SPACE AT THE TOP OF EACH BALLOT. UNDERNEATH THESE WORDS SHALL BE PRINTED THE FOLLOWING WARNING: "MARK BALLOT BY PLACING 'X' IN PROPER BLANK AFTER EACH CANDIDATE OR QUESTION. DO NOT ERASE OR MAKE IDENTIFYING MARK." THE DESIGNATION OF THE ELECTION DISTRICT SHALL BE LEFT BLANK ON THE BACK AND OUTSIDE OF SAID BALLOTS AND SHALL BE FILLED IN BY THE CITY CLERK BEFORE BEING SENT TO ANY REGISTERED ABSENTEE VOTER.

(iii) ENVELOPES.

(aa) ONE ENVELOPE SHALL BE KNOWN AS THE "RETURN ENVELOPE" AND SHALL BE SUFFICIENTLY LARGE ENOUGH TO ENCLOSE AND CONTAIN THE "BALLOT ENVELOPE," HEREINAFTER DESCRIBED IN SUBSECTION (bb). ACROSS THE LEFT-HAND FACE OF THE "RETURN ENVELOPE" SHALL BE PRINTED OR WRITTEN THESE WORDS: "RETURN ENVELOPE FOR THE ELECTION OF (DATE)." THE BLANK SPACE IN THESE WORDS SHALL BE FILLED IN WITH THE DATE OF THE ELECTION, FOLLOWING WHICH SHALL BE ADDED THE WORDS "CITY CLERK, CITY OF TAKOMA PARK" TOGETHER WITH THE ADDRESS OF ITS OFFICE, AND BELOW THIS LAST PHRASE SHALL BE PRINTED IN BOLD TYPE THE WORDS "OFFICIAL ABSENTEE BALLOT, CITY OF TAKOMA PARK."

(bb) THE "BALLOT ENVELOPE" SHALL BE OF SUFFICIENT SIZE TO CONTAIN THE ABSENTEE BALLOT. THE FOLLOWING OATH SHALL BE PRINTED ON THE FACE OF THE ENVELOPE:

OATH OF ABSENTEE RESIDENT

I, (NAME OF APPLICANT), DO HEREBY SWEAR (OR AFFIRM) UNDER PENALTY OF PERJURY THAT I AM A VOTER LEGALLY QUALIFIED TO VOTE IN THE MUNICIPAL ELECTION TO BE HELD ON (DATE OF ELECTION); THAT I AM LEGALLY REGISTERED AS A VOTER OF THE CITY OF TAKOMA PARK, AS STATED IN MY APPLICATION FOR SAID BALLOT; THAT I WILL BE UNABLE TO VOTE IN PERSON ON THE DAY OF SUCH ELECTION BECAUSE (REASON); THAT I HAVE NOT QUALIFIED NOR DO I INTEND TO VOTE ELSEWHERE THAN AS SET FORTH HEREIN; THAT THE WITHIN BALLOT WAS BY ME MARKED SECRETLY, FOLDED AND ENCLOSED AND SEALED IN THIS BALLOT ENVELOPE; THAT I AM NOT NOW DISQUALIFIED FROM VOTING UNDER THE LAWS OF MARYLAND.

(ABSENTEE VOTER MUST SIGN HIS NAME)

WARNING! THE ABSENTEE VOTING LAW PROVIDES THAT ANYONE WHO WILFULLY SIGNS ANY FALSE APPLICATION OR OATH, OR WHO WILFULLY DOES ANY ACT CONTRARY TO THE TERMS AND PROVISIONS OF THE ABSENTEE VOTING LAW WITH INTENT TO CAST AN ILLEGAL VOTE OR TO AID ANOTHER IN DOING SO, OR WHO WILFULLY VIOLATES ANY OF THE PROVISIONS OF THAT LAW OR WHO APPLIES FOR A BALLOT UNDER ANY OTHER NAME THAN HIS OWN, SHALL, UPON CONVICTION, BE SUBJECT TO A FINE OF \$1,000 OR TO IMPRISONMENT FOR NOT MORE THAN TWO YEARS, OR TO BOTH, IN THE DISCRETION OF THE COURT.

(cc) THE THIRD ENVELOPE SHALL BE A "COVERING ENVELOPE" IN WHICH ALL BALLOTING MATERIAL SHALL BE SENT TO THE ABSENTEE VOTER. ON THIS ENVELOPE SHALL BE PRINTED THE RETURN ADDRESS OF THE CITY CLERK AND IN BOLDFACE TYPE THE WORDS "OFFICIAL ABSENTEE BALLOT, CITY OF TAKOMA PARK, MARYLAND."

Sec. 1.3(u), continued

(8) INSTRUCTIONS TO VOTERS. THE PRINTED INSTRUCTIONS FOR THE CASTING OF ABSENTEE BALLOTS SHALL BE AS PRESCRIBED BY THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS.

(9) CANVASSING OF BALLOTS.

(i) OPENING OR UNFOLDING BALLOTS. THE JUDGES AND CLERKS APPOINTED BY THE COUNCIL SHALL NOT OPEN OR UNFOLD ANY ABSENTEE BALLOT PRIOR TO THE CLOSING OF THE POLLS AND THE BEGINNING OF THE CANVASS OF THE ABSENTEE BALLOTS.

(ii) PROCEDURE GENERALLY: AT ANY TIME AFTER THE CLOSING OF THE POLLS AND NOT LATER THAN THE CANVASS OF THE VOTES CAST AT THE REGULAR POLLING PLACES IN THE CITY AT ANY ELECTION, THE JUDGES AND CLERKS OF ELECTION SHALL MEET AT A PLACE TO BE DETERMINED BY THEM AND SHALL PROCEED TO COUNT, CERTIFY AND CANVASS THE ABSENTEE BALLOTS CONTAINED IN THE BALLOT ENVELOPES RECEIVED BY THEM PRIOR TO THE CLOSING OF THE POLLS ON ELECTION DAY. NO BALLOT SHALL BE REJECTED BY THE JUDGES AND CLERKS OF ELECTION EXCEPT BY THE UNANIMOUS VOTE OF ALL JUDGES AND CLERKS OF ELECTION. ALL VOTERS' APPLICATIONS, CERTIFICATIONS, BALLOT ENVELOPES AND BALLOTS SHALL BE KEPT SEPARATE AND APART FROM BALLOTS CAST IN THE REGULAR VOTING PLACES AND RETAINED FOR SIX MONTHS AFTER THE DATE OF ELECTION AT WHICH THEY WERE CAST, UNLESS PRIOR TO THAT TIME, THE CITY CLERK SHALL BE ORDERED BY A COURT OF COMPETENT JURISDICTION TO KEEP THE SAME FOR ANY LONGER PERIOD.

(iii) BALLOT VOTED FOR PERSON WHO HAS CEASED TO BE A CANDIDATE. ANY ABSENTEE BALLOT VOTED FOR A PERSON WHO HAS CEASED TO BE A CANDIDATE SHALL NOT BE COUNTED FOR SUCH CANDIDATE, BUT SUCH VOTE SHALL NOT INVALIDATE THE REMAINDER OF SUCH BALLOT.

(iv) VOTER DYING BEFORE ELECTION DAY. WHENEVER THE JUDGES AND CLERKS OF ELECTION SHALL DETERMINE FROM PROOF OR INVESTIGATION THAT ANY PERSON WHO HAS MARKED AND TRANSMITTED OR DEPOSITED IN PERSON WITH THE CITY CLERK AN ABSENTEE BALLOT HAS DIED BEFORE ELECTION DAY, SAID JUDGES AND CLERKS OF ELECTION SHALL NOT COUNT THE BALLOT OF THE DECEASED VOTER, BUT IT SHALL BE PRESERVED BY THE CITY CLERK FOR SIX MONTHS AND MAY THEN BE DESTROYED UNLESS, PRIOR TO THAT TIME, THE CITY CLERK IS ORDERED BY A COURT OF COMPETENT JURISDICTION TO KEEP THE SAME FOR ANY LONGER PERIOD. IF AT OR PRIOR TO THE TIME OF SUCH COUNTING AND CANVASSING, THE JUDGES AND CLERKS OF ELECTION SHALL NOT HAVE DETERMINED THAT THE ABSENTEE RESIDENT WHO MARKED A BALLOT HAD DIED BEFORE ELECTION DAY, SAID BALLOT SHALL BE COUNTED AND THE FACT THAT SAID ABSENTEE RESIDENT MAY LATER BE SHOWN TO HAVE BEEN ACTUALLY DEAD ON ELECTION DAY SHALL NOT INVALIDATE SAID BALLOT OR SAID ELECTION.

(v) PLACING BALLOT IN BALLOT BOX AND ENTRY IN REGISTRY; MORE THAN ONE BALLOT IN ENVELOPE; MARKING BALLOTS. IF THE JUDGES AND CLERKS OF ELECTIONS DETERMINE THAT THE PROVISIONS FOR FILLING OUT AND SIGNING THE OATH ON THE OUTSIDE OF THE BALLOT ENVELOPE HAVE BEEN SUBSTANTIALLY COMPLIED WITH AND THAT THE PERSON SIGNING THE VOTER'S OATH IS ENTITLED TO VOTE UNDER THIS SECTION IN ANY DISTRICT OF THE CITY, AND HAS NOT ALREADY VOTED THEREIN ON ELECTION DAY, THEY SHALL OPEN THE BALLOT ENVELOPE AND REMOVE THE BALLOT THEREFROM AND PLACE IT IN A BALLOT BOX OR BALLOT BOXES PREPARED FOR THAT PURPOSE. WHEN ANY BALLOT ENVELOPE IS OPENED, THE JUDGES AND CLERKS OF ELECTION SHALL ENTER IN THE APPROPRIATE REGISTER THE FACT THAT THE VOTER WHOSE NAME APPEARS THEREON HAS VOTED, USING THE INITIALS "A.B." TO INDICATE THE VOTE HAS BEEN BY ABSENTEE BALLOT. IF THERE BE MORE THAN ONE BALLOT IN THE BALLOT ENVELOPE, ALL SHALL BE REJECTED. ABSENTEE BALLOTS MAY BE MARKED BY ANY KIND OF PENCIL OR INK.

Sec. 1.3(u), continued

(vi) MORE THAN ONE BALLOT RECEIVED FROM SAME PERSON. IF THE JUDGES AND CLERKS OF ELECTION RECEIVE FROM THE SAME PERSON PRIOR TO THE CLOSING OF THE POLLS ON ELECTION DAY MORE THAN ONE ABSENTEE BALLOT, THEY SHALL COUNT, CERTIFY AND CANVASS ONLY THE ABSENTEE BALLOT CONTAINED IN THE BALLOT ENVELOPE WHICH THE VOTER FIRST EXECUTED, AND IF TWO OR MORE OF THE BALLOT ENVELOPES CONTAINING ABSENTEE BALLOTS ARE DATED THE SAME, OR IF BOTH ARE UNDATED, NONE OF THE BALLOTS RECEIVED FROM SUCH PERSON SHALL BE COUNTED.

(10) PENALTIES. ANY PERSON WHO SHALL VIOLATE ANY OF THE PROVISIONS OF THIS SECTION SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS, OR BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN THIRTY DAYS, OR BOTH, IN THE DISCRETION OF THE COURT.

Section 73-3(v) Montgomery County Code: Section 74-5(v) Prince George's County Code:
Section 1.3(v) City Charter:

1.3(v) VACANCIES IN OFFICES OF MAYOR AND COUNCIL

IN CASE OF A VACANCY ON THE COUNCIL BY REASON OF DEATH, RESIGNATION, REMOVAL FROM THE CITY, OR OTHERWISE, THE COUNCIL SHALL ELECT SOME QUALIFIED PERSON TO FILL SUCH VACANCY FOR THE UNEXPIRED TERM. IN CASE OF A VACANCY IN THE OFFICE OF THE MAYOR FOR ANY OF THE AFORESAID REASONS, THE COUNCIL SHALL ELECT SOME QUALIFIED PERSON, INCLUDING AN INCUMBENT COUNCILMAN, TO FILL THE VACANCY FOR THE REMAINDER OF THE UNEXPIRED TERM. ANY VACANCIES ON THE COUNCIL OR IN THE OFFICE OF MAYOR SHALL BE FILLED BY THE FAVORABLE VOTES OF A MAJORITY OF THE REMAINING MEMBERS OF THE COUNCIL. THE RESULTS OF ANY SUCH VOTE SHALL BE RECORDED IN THE MINUTES OF THE COUNCIL.

Ordinance No. 2292 (Resolution 1-1973) was adopted by the Mayor and City Council on December 10, 1973, by roll call vote recorded as follows: Aye: Councilmen Burgess, Forshee, Nishimoto, Ricks and Sidell. Nay: none. Absent (excused): Councilmen Webb and Faulkner.

*Hague m. Pridgen
City Clerk, Administrator*