

CITY OF TAKOMA PARK, MARYLAND
MAYOR AND COUNCIL WORKSESSION
July 2, 1979

Councilmembers present:

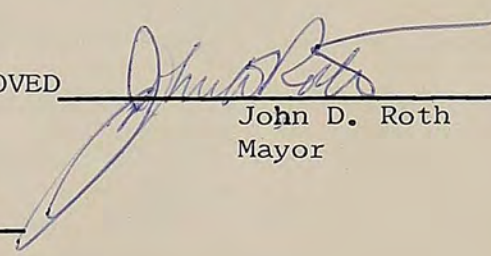
Mayor Roth
Councilman Faulkner
Councilman Forshee
Councilman Ricks
Councilwoman Saloma
Councilman Webb
City Administrator Gilsdorf

The meeting was called to order by Mayor Roth at 9:45 PM.

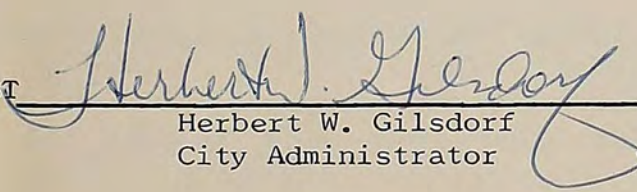
1. Code Enforcement Vehicles. The City Administrator reported to the Mayor and Council that there were no bids received on the above vehicles. Arrangements are being made to secure bids through other means.
2. Washington Adventist Hospital Bonds. Corporation Counsel Gingerich and the City Administrator will make a report to the Mayor and Council on this matter by July 6.
3. Relocation Plans for Franklin Apartments. Elements of the Relocation Plan for the Franklin Apartments were discussed by the Mayor and Council and some concern was expressed about the limited City involvement in the Plan's preparation.
4. Municipal Infractions. The City Administrator reported that he is working on bringing Sections 10 and 12, Refuse, and Trees and Vegetation, of the City Code under the Infraction process. A report will be made to the Council in the near future.
5. Population by Wards. The City Administrator was directed by the Mayor and Council to determine the population of the seven wards as they existed in 1970. He was further requested that voters by wards in the 1978 City election be computed.

There being no further business to discuss, the meeting adjourned at 10:30 PM.

APPROVED _____


John D. Roth
Mayor

ATTEST _____


Herbert W. Gilsdorf
City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

MEETING OF THE MAYOR AND CITY COUNCIL

July 9, 1979

City Officials Present:

Mayor Roth	City Administrator Gilsdorf
Councilman Faulkner	Asst. City Administrator Shaffer
Councilman Forshee	City Clerk Pusti
Councilman Garcia	Administrative Asst. Swinton
Councilman Ricks	Library Director Barclay
Councilwoman Saloma	Police Chief Porter
Councilman Webb	Public Works Coordinator Robbins
Councilman Weisman	Recreation Director Ziegler
	Corporation Counsel Gingerich
	Asst. Corporation Counsel Hoffman

The Mayor and Council of Takoma Park met on July 9 at 8:00 PM, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Md. Following the pledge of allegiance, a motion was made and duly seconded to approve the minutes of June 11, 1979. Mayor Roth asked that two revisions be made as follows: page 5, line 6, to begin after the word "employees.", "Further discussion brought out that City salaries are sufficient to attract qualified persons to transfer from other municipalities"; and in item 5, same page, after the word "salaries.", "Mayor Roth mentioned that some cities have comparable services." The minutes were then approved with these corrections.

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

Mayor Roth commended the Recreation, Police and Public Works Departments for the splendid job they did with the Fourth of July parade and celebration; noted that he thought this was one of the best displays in some years, especially noting the Recreation Department float.

ADDITIONAL AGENDA ITEMS

Status report requested on signal lights at Rts. 410 and 195 (Councilman Ricks)

CITIZENS' REMARKS

Report from Old Takoma Traffic Committee was given prior to Citizens' Remarks, but has been recorded below, under Item 3, Administrative Reports.

1. David Prosten, 7428 Carroll Avenue: expressed sympathy for residents in Old Takoma area for their traffic problems, but noted that they are not the only section of the City with traffic; that the proposed traffic plan would just move the problem, not correct it; urged Council to have police step up their enforcement of speed regulations on Maple Avenue and suggested that the traffic report be set aside and a new committee appointed to work toward a solution for the entire City.

2. Ned Young, 7320 Willow Avenue: stated that he felt the traffic diverters would reduce speeding; noted the noise from busses.

3. Joel Hirschhorn, 7214 Maple Avenue: stated that he is a new resident; that he was told that Maple Avenue was a residential street, but has found this to be untrue.

16. Bob Melvin, 7138 Carroll Avenue: stated that the traffic problems of the entire City should be looked at, and not just a small portion.

17. Ralph Magee, 7203 Holly Avenue: did not agree with proposals in the traffic plan; asked for figures showing the impact on other streets aside from Old Takoma area; noted the possible damage to cars if traffic diverters are used; also noted that he would have to go seven blocks out of his way to get home if the plan is initiated.

18. Richard Bernardi, 7111 Cedar Avenue: as a member of the Traffic Committee, suggested that the Committee hold a public meeting to answer questions and give more information to those residents outside the Old Takoma area.

19. Paul Plant, 7411 Carroll Avenue: stated that he was impressed with the plan, but would wish it applied City-wide.

20. Sammie Abbott, 7308 Birch Avenue: felt that it was evident that citizens are demanding that the City government solve the traffic problems. Questioned why the Council is amending the City Charter at this time, since he had already begun circulating petitions for a referendum election to provide for ward-only voting for Councilmembers. Mayor Roth stated that the purpose of amending the Charter was to bring it into compliance with the State Code.

21. Roland Halstead, 7116 Maple Avenue: noted the number of double-parked cars at the Post Office on Maple Avenue and the traffic hazard they cause; suggested that the General Conference open a section of their parking lot for Post Office patrons.

22. Bob Melvin: spoke about the need for fire inspections of all rental property in the City; recounted correspondence and meetings he had had with County and City officials. Mayor Roth stated that action is being taken to have the County Fire Marshal assume this responsibility and that inspections should begin soon. Mr. Melvin asked for stepped up code enforcement inspections on his block of Carroll Avenue, on which there are many rental properties.

23. David Prosten: regarding the proposed Charter amendment, noted that many people feel that the election procedure should be changed, and by amending the Charter, the referendum would be postponed until the regular election in March, which would mean it would not be in effect until the 1982 election. Mayor Roth stated that Mr. Abbott had received assistance from the Corporation Counsel in preparing his petitions for referendum; that during the process, the Corporation Counsel noted the differences in the State Code and the City Charter pertaining to referendum (the State Code supercedes the City Charter on this point) and initiated procedures to make the necessary changes.

24. Tom Gagliardo, 8120 Roanoke Avenue: asked if the City Charter amendment corresponds with the State Code; for clarification of some of the language; the earliest date for enactment; and if it is the position of the Council that this amendment would be in force now. The City Administrator stated that it would go into effect the 50th day after adoption by the Mayor and Council; Mayor Roth stated that in his opinion for all practical purposes, the amendment would be in force now, due to the fact that the State Code supercedes the City's, also stated that he felt Mr. Abbott's petition for referendum is still valid.

25. Sal Sneiderman, 7925 Sligo Creek Parkway: noted that he uses the SSI basketball court frequently and has never seen any major disturbance; hoped that the court would remain open. Mayor Roth stated that the Area IV Recreation Council had met on this problem and had only asked that there be strict enforcement of the dusk closing time.

Mayor Roth noted that the Council Business Session did not begin until 11:10 PM.

ITEMS FOR COUNCIL CONSIDERATION
Communications

The City Administrator stated that he had received 15 calls regarding the proposed traffic plan--14 in opposition and one in favor.

1. Harry Wickline, President, North Takoma Citizens' Association. Request that the 2-hour parking on New York and Boston Avenues be terminated, to be replaced with no parking on Boston Avenue beside SSI Gym from 8 AM to 5 PM and no parking on New York Avenue from 8 AM to 8 PM.

2. Clerk, Montgomery County Board of Appeals. Notification of petition of Columbia Union College for Special Exception S-699 to permit the addition of a new science building. Public Hearing to be held on August 9, 1979 at 10:00 AM, COB, Rockville.

3. Clerk, Prince George's County Board of Appeals. Notification of request to construct a sundeck 4.5 feet from side lot line at 6909 Woodland Avenue; a varinace of 3.5 feet is requested for one side yard; public hearing is set for July 25, 1979, 6:30 PM, CAB, Upper Marlboro. It was requested that a neighborhood survey be made.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Decision of Prince George's County Board of Appeals on Appeal #5508, side and rear yard variance, 6902 Cherry Avenue. The City Administrator reported that this variance had been granted.

2. Resloution approving City's participation in new State Employees' Pension System. The City Administrator stated that the new system will not affect current employees, but all new employees after January 1, 1980; that this system will be implemented State-wide; that the benefits of the new plan will be approximately 25% less, in effect, picking up where Social Security leaves off. Councilwoman Saloma asked if there were any possible way to join with another municipality if the new plan would not provide as much as the old; the City Administrator stated that this would be very unlikely, also contribution rates would be very high. Councilman Webb moved that the Council adopt the resolution approving City participation in the new system; this was seconded by Councilman Forshee. When put to a vote, the following resolution was approved with Councilmembers Faulkner, Forshee, Garcia, Ricks, Webb and Weisman voting Aye, and Councilwoman Saloma abstaining.

4. Bill Robinson, 7409 Maple Avenue: presented photos of Maple Avenue during rush hour; noted the large number of non-resident cars that travel the street and excessive speed; felt that this traffic report would eventually help other areas of the City.
5. Sue Engels, 201 Dogwood Avenue: noted that the volume of traffic on Cedar is not as large as Maple, but speeding is a real problem; that it is being used as a short-cut/thoroughfare.
6. Dan O'Boyle, 7306 Maple Avenue: spoke of speeding problem on Maple Avenue.
7. Steve Melov, 7302 Maple Avenue: noted the absence of City policy and planning, saying the traffic plan is an attempt to focus on one area, so that at a later time it will encompass the entire City; noted that the prohibition of trucks on Maple is not strictly enforced.
8. Bruce Geararos, 7514 Piney Branch Road: stated that he thought the traffic plan is a good start toward a comprehensive plan for the City; that a City traffic engineer is needed to deal with the Counties and State; that the Ride-on system should have small busses for residential streets and larger ones for arterial streets.
9. Janet Gordon, 7331 Carroll Avenue: expressed sympathy for residents in Old Takoma, but felt there should be a comprehensive traffic plan for the entire City; felt more information/statistics are needed, such as the current volume of bus traffic on Carroll, Philadelphia and Piney Branch; also what impact the traffic plan would have on these volumes.
10. Diane Devaul, 7218 Maple Avenue: stated concern that emergency vehicles would not be able to get through the proposed maze of traffic diverters during rush-hour; noted the damage to vehicles and other property by speeding cars; requested that action be taken to control traffic in the area.
11. Lou D'Ovidio, 7324 Piney Branch Road: expressed support for Mr. Prosten's remarks; reiterated need for comprehensive traffic plan and not just localized; regarding the 13th Street turnaround from a major arterial back to a residential street, noted that, before considering implementation, the D. C. DOT looked into what would occur in other areas; agreed that some type of solution is necessary, but felt this plan should be looked at further.
12. Wally Lovejoy, 7415 Cedar Avenue: stated that he felt there was a consensus that there is a problem with traffic, but not on the plan presented; hoped for increased police enforcement and questioned the current policy for issuing warnings and tickets; noted that Metro is very good for the City, but a traffic plan is needed because of it. Chief Porter explained the ticketing procedure, and noted that there is a regular working schedule for the Old Takoma area.
13. Nancy Schallhorn, 7401 Maple Avenue: noted that she is no longer receiving the City Newsletter along with other bulk mail; noted her hope that an acceptable traffic plan comes along in the near future.
14. Nancy Ricks, 5 Lee Avenue: thanked Council for listening and asking for suggestions from citizens; noted the real need for the larger Ride-on busses; stated that there should be more studies on the impact the traffic plan would have on other streets in City before it is even considered for public hearing.
15. Allan Marsh, 7405 Maple Avenue: stated that he has been bringing up the traffic problem of the Old Takoma area for approximately 15 years; is encouraged by the traffic plan and is concerned with the apathy on the part of the Council.

RESOLUTION

WHEREAS, by agreement, in accordance with Sections 130 through 139, of Article 73B of the Annotated Code of Maryland, the Legislative Body of the City of Takoma Park has given its approval to the participation of its officers and employees in the said Employees' Pension System of the State of Maryland, including employees of the Board of Education not eligible for the Teachers' Pension System,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Takoma Park, Maryland that it desires to participate in the employees' Pension System of the State of Maryland, and hereby petitions the Board of Trustees of the Employees' Pension System of the State of Maryland to be included in the System, effective January 1, 1980.

BE IT FURTHER RESOLVED THAT the City of Takoma Park, Maryland will abide by all laws and regulations of the Employees' Pension System now or hereafter in effect.

3. Report of Old Takoma Traffic Committee. Councilwoman Saloma reported that the Committee was appointed in December; clarified a statement which appeared in The News that said the City would not agree to reduction of size and frequency of Ride-on busses; that statement should read that the County would not agree to this. Listed Committee members: Councilmembers Saloma (co-chairwoman), Forshee, Ricks; Richard Bernardi, Joe Ossi, and Dee Raff (co-chairwoman). Stated that the four sections of the report were voted on independently with the following result: Councilman Forshee opposing all four sections; Councilman Ricks abstaining on Section I, approving Section II, and opposing Sections III and IV; the remaining members approved all four sections. The Committee recommends that a public hearing be held in early September; also noted that she had conducted traffic counts at the corner of Maple and Tulip Avenues.

A brief summary of Committee recommendations contained in the report follows: Section I, City Policy Regarding Residential Traffic Controls, recommended that City adopt policy similar to Montgomery County, which would include the designation of a traffic committee to evaluate complaints made by citizens of a residential area and produce a comprehensive plan to reduce traffic which would be presented at a public hearing; in turn, the Mayor and Council would weigh all factors and effects and take action based on their best judgement. Section II, Traffic Engineer, recommend that a City traffic engineer be hired to coordinate and evaluate traffic problems and plans and act as an liasion between the City, Counties, and State. Section III, Recommended Traffic Plan, recommend that traffic diverters be installed in Old Takoma area to prohibit the flow of through-traffic in the neighborhood; also noted that this plan may have an effect on other City streets and monitoring this effect would be important. Section IV, Ride-on, reported on the continually increasing size and frequency of the busses; two options were listed: have County re-route all busses off of secondary residential portion of Maple Avenue onto arterial highway system (State roads); or, allow existing Langley Park/Silver Spring route to continue using Maple, but have all other routes (existing and proposed) use arterial highways. The majority of the Committee favor the first option. (Copies of the Traffic Committee Report are available in the City Administrator's Office.)

4. Proposed resolution amending Sec. 1.31 of City Charter (Charter amendment and referendum procedure) to reflect changes in State Law--First Reading. It was noted by the Corporation Counsel that this is a basic updating of the Charter to conform to the State law with a few additions dealing with the City's particular circumstances of being a municipality in two counties; that the provisions of the City Charter may do more than the State law, but not less; that a report will be made at the next meeting. (First Reading Amending City Charter Attached.)

5. Ordinance authorizing purchase of two Code Enforcement vehicles, using Revenue Sharing Funds. The City Administrator reported that there were no bids received from the first request, and that when bidders were recontacted, there was one response for the small compact cars requested with a six month delivery and a price of \$5,219 each; that County purchasing offices were contacted for suggestions, and through Prince George's County, the City contacted the Americar Corporation which had immediate availability of 1978 cars. Councilman Ricks noted his concern that these were used cars, the maintenance and also the lessened gas mileage; suggested that City wait until new cars are available. Upon motion by Councilman Webb, duly seconded by Councilwoman Saloma, the following ordinance was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Saloma, Webb and Weisman. NAY: Councilman Ricks. EXCUSED: None.

ORDINANCE #2502

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

SECTION 1. THAT funds in the amount of \$9,000 were set aside in the FY-80 Federal Revenue Sharing schedule of planned use for the purchase of two Code Enforcement vehicles; AND

SECTION 2. THAT bids were solicited from qualified dealers and advertised twice in two newspapers of local circulation, with no bids having been received for the scheduled bid opening at 2:00 PM, June 29, 1979; AND

SECTION 3. THAT dealers were subsequently re-contacted and requested to submit bids by 2:00 PM, July 6, 1979. The one bid received was rejected because of excessive cost and delayed delivery date.

SECTION 4. THAT on July 9, 1979, estimates on used vehicles were obtained and approval is hereby given for the purchase of two (2) Plymouth Volares, 6 cylinder, 1978 models, from the Americar Corporation for the total price of SEVENTY-TWO HUNDRED DOLLARS (\$7,200); AND

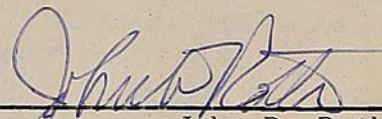
SECTION 5. THAT funds to cover this purchase in the amount of SEVENTY-TWO HUNDRED DOLLARS (\$7,200) be appropriated from the Federal Revenue Sharing Fund Account and transferred to the appropriate Code Enforcement account.

SECTION 6. Regarding the installation of traffic signals at Maryland Routes 195 and 410, the City Administrator stated that cables have been installed on Ethan Allen Avenue and the contractor stated that the job should be completed in a reasonable length of time.

7. Councilman Ricks noted the receipt of a memo concerning relocation plans for Franklin Apartments which stated that there would be 51 family units in the building, with the remaining units designated for elderly; that the memo states nothing concerning Takoma Park participation in this plan; requested further information. The City Administrator stated that information would be provided in the Wednesday package.

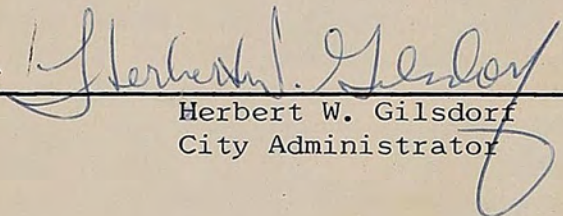
Upon motion, duly seconded, the meeting adjourned at 11:53 PM, to reconvene on Monday, July 23, 1979, at 8:00 PM.

APPROVED



John D. Roth
Mayor

ATTEST



Herbert W. Gilsdorf
City Administrator

FIRST READING

PROPOSED ORDINANCE NO.
PROPOSED RESOLUTION NO. 1979-1

CITY CHARTER AMENDMENT
TO UPDATE REFERENDUM PROCEDURE, SEC. 1.31

WHEREAS, changes in the Maryland State Law and recent court decisions have rendered portions of Sec. 1.31., "Charter; amendment; referendum," of the City Charter obsolete; AND

WHEREAS, the Mayor and City Council deem it necessary to bring the referendum procedure in compliance with State Law.

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

SECTION 1. THAT Sec. 1.31, "Charter; amendment; referendum," of the Charter of Takoma Park, Maryland, 1972, as amended, be amended to read as follows:

Sec. 1.31. Charter; amendment, referendum.

Amendments to this Charter may be made by the registered voters of the city as provided in this section; except, that no such amendment shall affect this section or section 1.2 of this Code. Amendments may be proposed at any time by the Council, or by a petition signed by ~~[[fifteen]]~~ TWENTY per cent or more of the registered voters of the city within a period of six months. [[The Council shall by ordinance (1) prescribe the form of such petitions, which must show the]] THE PETITION MUST CONTAIN THE SIGNATURE OF PETITIONERS, THEIR PRINTED NAME, RESIDENCE, DATE OF EACH SIGNATURE, AND EACH PAGE OF PETITIONS SHALL HAVE APPENDED THERETO AN AFFIDAVIT OF THE PERSON PROCURING THE SIGNATURES ON SUCH PAPER THAT TO THE AFFIANT'S PERSONAL KNOWLEDGE EVERY SIGNATURE ON IT IS BONA FIDE AND THAT ALL SIGNERS ARE REGISTERED VOTERS OF THE CITY. [[(2) provide for checking the names on the petition against the list of voters registered by the respective boards of election supervisors, and (3)]] IN ADDITION, EACH PAGE OF PETITIONS SHALL CONTAIN THE COMPLETE AND EXACT WORDING OF PROPOSED AMENDMENT AND SHALL REQUEST THAT AMENDMENT BE SUBMITTED ON REFERENDUM TO THE VOTERS OF THE CITY. EACH PROPOSED AMENDMENT SHALL EMBRACE ONLY ONE

10

SUBJECT AND THAT SHALL BE DESCRIBED IN THE TITLE. TO PROVIDE FOR CHECKING THE NAMES ON THE PETITION AGAINST A CURRENT LIST OF VOTERS REGISTERED BY THE RESPECTIVE BOARDS OF ELECTION SUPERVISORS, THE COUNCIL shall require the deposit with the city treasurer of the estimated cost of checking the names, which deposit shall be returned if it is found that the petition has been signed within a period of six months by a number of registered voters not less than ~~[[fifteen]]~~ TWENTY per cent of the number of names on the ~~[[most recent]]~~ CURRENT lists certified by the board of election supervisors of the two counties. ~~[[Any amendment proposed by the Council, or by the number of registered voters specified in the preceding sentence, shall be submitted to the registered voters of the city at the next general or special municipal election, not less than sixty days thereafter; provided, that if no such election is to be held within three months, the council may call a special election for this purpose.]]~~. IF THE PETITION FOR A REFERENDUM COMPLIES WITH THE REQUIREMENTS OF THIS SECTION, THE MAYOR AND COUNCIL SHALL BY RESOLUTION, PASSED AS IN ITS NORMAL LEGISLATIVE PROCEDURE, SPECIFY THE DAY AND THE HOURS FOR THE ELECTION AT WHICH THE QUESTION SHALL BE SUBMITTED TO THE VOTERS OF THE CITY. THIS MAY BE AT EITHER THE NEXT MUNICIPAL ELECTION OR AT A SPECIAL ELECTION, IN THE DISCRETION OF THE MAYOR AND COUNCIL. IN THE EVENT A SPECIAL ELECTION IS DESIGNATED, IT SHALL BE HELD WITHIN A PERIOD OF NOT LESS THAN FORTY DAYS NOR MORE THAN SIXTY DAYS AFTER THE FINAL PASSAGE OF THE RESOLUTION PROVIDING FOR THE REFERENDUM. THE RESOLUTION PROVIDING FOR THE REFERENDUM SHALL SPECIFY THE EXACT WORDING WHICH IS TO BE PLACED ON THE BALLOTS AND/OR VOTING MACHINES. ANY AMENDMENT PROPOSED BY THE COUNCIL MAY BE SUBMITTED TO THE VOTERS OF THE CITY, AT THEIR DISCRETION, USING THE PROCEDURE DESCRIBED ABOVE FOR PETITIONS. IN ADDITION, ~~[[T]]~~the Council may submit an alternative proposal to be voted on at the same election as any proposal submitted by petition BUT NO LESS THAN FORTY DAYS PRIOR TO THE ELECTION ~~[[and such alternative may be submitted at any time within thirty days, even if such submission is less than sixty days prior to the election]]~~ at which it is to be voted on ; OR THE COUNCIL MAY BY RESOLUTION ADOPT THE AMENDMENT PETITIONED AND TO PROCEED THEREAFTER IN THE SAME MANNER AS IF

THE AMENDMENT OR AMENDMENTS HAD BEEN INITIATED BY THE MAYOR AND COUNCIL,
WHICH SHALL BE IN CONFORMANCE WITH STATE REQUIREMENTS APPLICABLE AT THE
TIME OF INITIATION. All proposed amendments SUBMITTED ON REFERENDUM
shall be advertised once a week for [[the two weeks next]] IN EACH OF THE
FOUR WEEKS IMMEDIATELY preceding the election at which they are to be
voted on, in some newspaper of general circulation within the City of
Takoma Park; provided, that the council may direct the publication of
a summary instead of the full text of any proposed amendment [[containing
over one thousand words]]. The full text of each proposed amendment
[[shall be available for public inspection]] SHALL BE POSTED IN THE
MUNICIPAL BUILDING and at least two other public places in the City of
Takoma Park, for [[two]] FOUR weeks immediately prior to the election.
THE REFERENDUM ELECTION SHALL BE CONDUCTED GENERALLY ACCORDING TO THE
PROCEDURES AND PRACTICES OBSERVED FOR REGULAR MUNICIPAL ELECTIONS,
EXCEPT WHERE NECESSARILY MODIFIED BY THE PROVISIONS OF THIS SECTION.
PROMPTLY FOLLOWING THE CLOSING OF THE POLLS, THE OFFICIAL OR OFFICIALS
CHARGED WITH THE CONDUCT OF THE REFERENDUM ELECTION SHALL TALLY THE
RESULTS THEREOF, AND SHALL FORTHWITH CERTIFY THE RESULTS OF THE REFERENDUM
TO THE MAYOR. Except as provided in the two following sentences, each
amendment receiving an affirmative vote of [[not less than three-fifths]]
THE MAJORITY of those voting thereon [[shall be declared adopted and
shall become a part of this Charter on the first day of the following month.]]
SHALL BE PUBLICLY PROCLAIMED BY THE MAYOR WITHIN 10 DAYS FOLLOWING RECEIPT
OF CERTIFICATION OF THE VOTES FROM THE OFFICIALS CONDUCTING THE REFERENDUM;
AND ON THE THIRTIETH DAY FOLLOWING THE PUBLIC PROCLAMATION, THE PROPOSED
CHARTER AMENDMENT SHALL BECOME A PART OF THE CHARTER OF THE CITY OF TAKOMA
PARK. If two or more amendments to the same provision of the Charter
(whether an entire section or a specified portion of a section) each receive
a [[three-fifths]] MAJORITY affirmative vote at the same election, only the
receiving the largest number of affirmative votes shall be declared
adopted. The council may direct that two or more proposals to add one or
more new sections, or one or more new portions of an existing section, shall
be treated as amendments to the same provision, for purpose of the preceding
sentence; AND

SECTION 2. FURTHER THAT any sections of the Charter which is inconsistent with the foregoing provisions are hereby repealed; AND

SECTION 3. THAT the provisions contained herein shall become effective upon the fiftieth day after adoption on second reading.

CITY OF TAKOMA PARK, MARYLAND
MAYOR AND COUNCIL WORKSESSION
July 16, 1979

Councilmembers present:

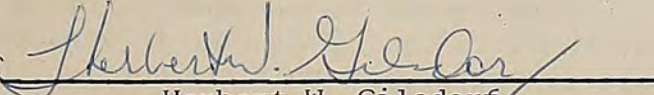
- Mayor Roth
- Councilman Faulkner
- Councilman Forshee
- Councilman Garcia
- Councilman Webb
- Councilman Weisman
- City Administrator Gilsdorf

The meeting was called to order by Mayor Roth at 7:35 PM.

1. Auto Mileage--17¢. The City Administrator advised the Mayor and Council that the mileage payment to individuals for use of their personal vehicles for City business had not been adjusted since 1974. In view of the fact that other area jurisdictions average 17¢ or more, this figure was recommended and adopted by the Mayor and Council.
2. Relocation Plan for Franklin Apartments. This matter was discussed by the Mayor and Council at some length with no specific changes being recommended to the County. However, the Mayor suggested that individual Councilmembers may choose to make individual comments during the coming week.
3. Municipal Infraction for Refuse and Vegetation. This matter was scheduled for First Reading on the July 23 agenda.
4. County Director of Fire and Rescue Services Authorized to Enforce City Fire Code. The Mayor and Council unanimously directed the City Administrator to send a letter to the Chief Administrative Officer of Montgomery County advising him that the above official was duly authorized to enforce the Fire Code for the City of Takoma Park. The City Administrator advised the Council that this was the system in effect in Rockville and Gaithersburg.
5. Text Amendment 77003 Tenant Relief. The City Administrator was directed to contact County officials and determine whether or not unexpended funds from the Franklin Apartments relocation allotment would be spent for the relocation of tenants under Text Amendment 77003.
6. Fire House Gymnasium Tour. The Mayor and Council will tour the renovation project at the Fire House gym on July 30.

There being no further business to discuss, the meeting adjourned at 9:30 PM.

APPROVED 
 John D. Roth
 Mayor

ATTEST 
 Herbert W. Gilsdorf
 City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

MEETING OF THE MAYOR AND CITY COUNCIL

July 23, 1979

City Officials Present:

Mayor Roth
 Councilman Faulkner
 Councilman Forshee
 Councilman Garcia
 Councilwoman Saloma
 Councilman Weisman
 EXCUSED: Councilman Ricks
 Councilman Webb

City Administrator Gilsdorf
 Asst. City Administrator Shaffer
 City Clerk Pusti
 Administrative Asst. Swinton
 Police Sergeant Duvall
 Public Works Director Robbins
 Recreation Director Ziegler
 Corporation Counsel Gingerich
 Asst. Corporation Counsel Hoffman

The Mayor and Council of Takoma Park met on July 23 at 8:00 PM, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Md. Following the pledge of allegiance, a motion was made and duly seconded to approve the minutes of July 9, 1979. Councilwoman Saloma noted that item 10 on page 2 may not be correct, saying that she would announce any corrections at the next meeting; with this notation, the minutes were approved.

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

Mayor Roth noted that the thermostat in the Council Chamber had been turned up in compliance with Federal regulations.

Recommended reading Senator Mathias' Newsletter for a comprehensive summary of the Country's energy problems.

CITIZENS' REMARKS

I. Washington Adventist Hospital presentation re bonds for hospital construction.

Mr. Herbert Shiroma, Administrator, Washington Adventist Hospital (WAH), stated the following: because of rising health care costs, request Mayor and Council to help keep these costs down by issuing tax exempt bonds under City's name; primary benefactor would be citizens of Takoma Park; would save WAH approximately \$500,000 to \$700,000 per year in debt service payments, which in turn would mean a \$5-8 savings in per-patient, per-day costs; proceeds of bonds will be used only for existing projects--refinancing existing indebtedness for new wing, completion of construction in progress and a laundry service project; hopeful of having bonds issued in early Fall; stated that there would be no liability on City's part; would not constitute an indebtedness or charge against the general credit or taxing powers of the City; would not alter credit rating of City should Council elect to issue a public debt on City's behalf; all costs and fees involved in issuing bonds would be paid by WAH. Elder Butler, Chairman, Board of Trustees, WAH, stated that heretofore, WAH has utilized conventional financing and now has a substantial debt; stated that interest rate would be considerably lower if tax exempt bonds were issued as was done by cities of Riverdale and Gaithersburg; felt that there is strong support in area for lowering costs for health care, noting that it would cost the City nothing, but would

be beneficial to citizens. Mayor Roth asked what assurance could be given that health care costs would decrease. Elder Butler stated that the Hospital's budget must be approved each year by the Maryland Health Service Cost Review Commission, which sets rates for hospitals based on individual debt services; stated that current WAH rates are a little below middle of scale. There followed some discussion about the Shady Grove Adventist Hospital as reported in the Washington Post. Mayor Roth summed up as follows: WAH is requesting Council to issue tax exempt bonds for construction of addition, etc.; noted that the Hospital could issue taxable bonds, but this would increase interest rates which, in turn, would increase patient costs.

1. Joseph Lerner, 7708 Takoma Avenue: stated that he and many of his friends, who are of the Jewish faith, are treated with much respect and feel very much at home at WAH.

2. Joan Prosten, 7428 Carroll Avenue: asked for the present occupancy rate and whether or not a certificate of need had been issued, noting that Montgomery County has too many hospital beds. Elder Butler stated that there is an 83% occupancy rate; that the certificate of need is updated every year and that beds will be reduced by 60, with the new addition to be used for auxiliary facilities.

3. Sammie Abbott, 7308 Birch Avenue: asked amount of bond issue and whether or not the WAH would be willing to publish materials to inform citizens of the proposal. Elder Butler stated that the bonds would amount to \$15-17 million; that WAH would make information available to the City Council for citizens.

4. Maurice Berez, 7215 Central Avenue: regarding payments on debts, asked what the cash flow is like at the hospital. Elder Butler stated that financial consultants have prepared a statement of what cash flow would be during entire project and that no difficulty is anticipated.

5. Donald Ramsey, 8116 Roanoke Avenue: noted that the Federal government is preparing a challenge to the concept of tax exempt housing bonds; thought this might affect WAH proposal. Mr. Terry Saxon, financial consultant for WAH, stated that there is a distinct difference between bonds issued under State statute and housing bonds; that WAH bonds would not be affected by Federal regulations alluded to.

II. Other Remarks by Citizens.

1. Christine Alego, 7102 Maple Avenue: questioned policy of Code Enforcement on giving names of tenants who make complaints, stating her belief that her name had been given to landlord when she specifically asked that it be withheld. The City Administrator stated that it is not the policy to give names, but sometimes identification cannot be avoided as in a case where initial complaint has been made to landlord or where tenant's general health and welfare are at stake; that he would check into Ms. Alego's statement.

2. Joseph Lerner: noted a complaint he has made several times concerning residents who park illegally on front lawns where there is no permanent driveway or graveled surface; suggested that if City is having problems in having applicable ordinance stand up in court, it should change law so that it is enforceable.

3. Allan Marsh, 7405 Maple Avenue: spoke of Montgomery County Council Report which stated that the Council has introduced new legislation concerning multi-family housing originally built as such; that these properties would be exempt from 10 year phase-out, roomers would not be allowed, and have exclusions from off-street parking requirements; said that some 30 homes in Takoma Park would be affected. Mayor Roth noted that the 30 homes reported were not all located in the City.

4. Sammie Abbott: stated that problem Ms. Alego referred to was debris in back yard which attracted rats; said that there should be public hearing regarding the bond issue at which WAH should provide informational materials for citizens. Stated that minutes of July 9 omitted some central points of his statement: Council's proposed charter amendment, long overdue, may cause a change in timetable for circulation of petitions for a referendum to provide for ward-only voting for Councilmembers and limits the chances of a special election, which would result in maintaining the present system for two more years. Mayor Roth replied that Mr. Abbott received help from the Corporation Counsel in preparing petitions to comply with State law on referendum elections; that proposed charter amendment would only bring City Charter into compliance with State law and should not affect his timetable, since presumable petitions were prepared in conformance with State Code.

5. David Prosten, 7428 Carroll Avenue: stated that there is a basic inequity in not having the City Charter up-to-date.

6. Donald Ramsey: noted that the County has now included R-40 properties under ZTA 77003; that County Attorney has ruled that R-40 is considered single-family zoning; requested City use its clout to raise issue of the number of apartments which are legal in R-10, 20, and 30 zones; that zoning regulations should be enforced in all zones.

7. Ellery Dennison, 7207 - 13th Place: regarding proposed traffic plan for Old Takoma area, urged Council to take negative action on this noting increased pollution on other streets; felt entire City should be considered, not one section; that the entire City had provided the tax money for paving the streets and should have free access to them.

8. Maurice Berez: hoped that Council considers City as a whole as far as traffic control is concerned; noted an eyesore on Erie Avenue--an old tractor-trailer and debris on property.

9. Ruth Abbott, 7308 Birch Avenue: stated that Ms. Alego has been threatened with eviction, and if this should happen, felt the City would be responsible.

10. Clarence Hubbard, 214 Hodges Lane: stated that City should anticipate problems and take action so as to relieve citizens of having to make complaints.

Concerning the Proposal of the WAH, Mayor Roth stated that this proposal would not benefit WAH, but for benefit of patients; that if WAH proceeds with issuing bonds on a taxable basis, costs will increase, but if issued on tax exempt basis, would produce lowered costs.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. M.S. Caltrider, State Highway Administrator. Letter stating that the SHA has again reviewed the City's request to remove Right Turn on Red signs at Piney Branch and Philadelphia; that after observance of the intersection, SHA is of the opinion that the signs should remain because there is no safety or engineering justification for removing them; that it is in compliance with the State Motor Vehicle Code.

2. W.L. Shook, District Engineer, SHA. Stated that as a result of study conducted at intersection of Flower and Carroll Avenues, it is their opinion that signalization is warranted and will be recommended in the FY-82 funding request of SHA.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Quarterly report, Montgomery County Office of Landlord-Tenant Affairs. The City Administrator stated that this report covers the period of January through March 1979; noted that complaints taken up by OLTA must be in writing; included in this report were 13 complaints of which 5 were alleged violations of security deposit law, 1 maintenance complaint, 3 violations of lease agreement, and 4 of a multifarious nature; of these 13 complaints, 3 were conciliated. Accumulative totals since City joined in 7-75: 286 tenant-initiated complaints, of which 246 were conciliated; 9 landlord-initiated complaints, of which 9 were conciliated. It was suggested by Councilmembers that the City Administrator try to locate where the majority of complaints are coming from.

2. First Reading of proposed ordinance declaring violation of certain sections of Chapter 10, Refuse, City Code, to be Municipal Infractions. Mayor Roth suggested that the language pertaining to Sec. 10-43, special pick-up, might be stronger; directed City Administrator to look into this.
(First Reading of Proposed Ordinance concerning Chapter 10 is attached.)

3. First Reading of Proposed ordinance declaring violation of certain sections of Chapter 12, Trees and Vegetation, City Code, to be Municipal Infractions. The City Administrator noted that the principal additions pertain to inclusion of Municipal Infractions.
(First Reading of proposed ordinance concerning Chapter 12 is attached.)

4. Proposed resolution amending Sec. 1.31 of City Charter. Mayor Roth stated that the Corporation Counsel is reviewing the amendments to see if some of the requirements over and above the State law can be made easier to comply with; requested that the Council take no action on this until next meeting.

5. Special Exception S-699 to permit addition of new science building, Columbia Union College; public hearing: 10:00 AM, 8-9-79, COB, Rockville. The City Administrator stated that the staff recommendation from Park & Planning was for approval subject to conditions--detailed landscaping and site lighting to be approved prior to issuance of a building permit. Councilman Faulkner moved that the Council pose no objections to this Special Exception, but request that the staff recommendations be incorporated in the conditions for approval; this was duly seconded by Councilman Garcia and approved by the Council.

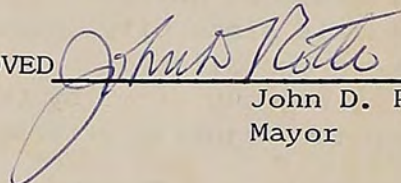
6. Appeal No. 5543; 3.5' side yard variance, 6909 Woodland Avenue; public hearing: 6:30 PM, 7-25-79, CAB, Upper Marlboro. The City Administrator noted that questionnaires were sent to seven neighboring property owners, with three responses received, all of which stated no objections. Upon motion by Councilman Faulkner, duly seconded, the Council voted to raise no objections to this Appeal.

7. Authorization to solicit bids on radio and recording equipment for Police Department (Revenue Sharing Funds). Councilman Forshee moved that this authorization be given by the Council; this was duly seconded by Councilman Faulkner; Councilman Weisman requested that a specification for extended warranties be included in the bid packages. When the motion was put to a vote, it was approved unanimously.

8. Prior to adjournment, the Mayor and Council, by consensus, decided that a public hearing would be held on the WAH bond proposal, with the date to be set after the City staff investigates most appropriate way of giving notice by special issue of Newsletter or other means.

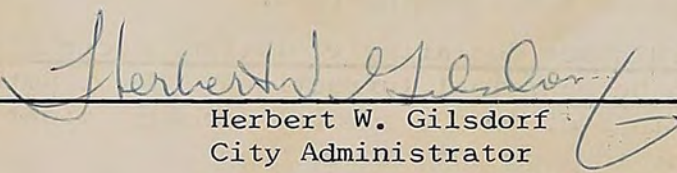
The meeting adjourned at 10:30 PM, to reconvene on Monday, August 13, 1979, at 8:00 PM.

APPROVED



John D. Roth
Mayor

ATTEST



Herbert W. Gilsdorf
City Administrator

FIRST READING OF A PROPOSED ORDINANCE

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

SECTION 1. THAT the Mayor and Council in Ordinance No. 2486, adopted January 22, 1979, set forth the procedure by which a violation of City codes and ordinances may be enforced as a Municipal Infraction; AND

SECTION 2. THAT the Mayor and Council do hereby ordain that Sections 10-11, 10-22, 10-28, 10-32, 10-40 and 10-43 of Chapter 10, Refuse, of the Code of Takoma Park, Md., 1972, as amended, shall be enforceable as Municipal Infractions, subject to the penalties contained therein; AND

SECTION 3. THEREFORE THAT the Code of Takoma Park, Md., 1972, be amended by repealing and reenacting Secs. 10-11, 10-22, 10-28, 10-32, 10-40 and 10-43, and by the addition of new section 10-58, as set forth below:

Sec. 10-11. Littering prohibited.

No person shall deposit, place or leave in or upon any of the places designated in Sec. 8-2 of this Code glass, crockery, nails, tin, or iron cuttings, tires, wire, or other article or thing liable to wound or injure man or beast or cause damage to personal property. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A MUNICIPAL INFRACTION, SUBJECT TO THE PENALTIES SET FORTH IN SEC. 10-58.

Sec. 10-22. Depositing of trash on public or vacant lots prohibited.

No person shall throw, or deposit, or cause to be thrown or deposited, in or upon any vacant lot or open space in the City, any tin cans, bottles and broken glass, vegetable matter, paper, rubbish, litter, or any dead animal, offal, garbage, putresible matter of any sort, or any other matter or thing injurious to public health. This Section shall not apply to deposits of substances not injurious to health on any place designated by the Mayor and Council as a public dump, where permission to make such deposits is granted by the Mayor and Council. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A MUNICIPAL INFRACTION, SUBJECT TO THE PENALTIES SET FORTH IN SEC. 10-58.

Sec. 10-28. Nauseous matter prohibited.

(a) No person shall keep, collect, use, or suffer to be in his or her house, cellar, or premises, any putrid or decaying animal or vegetable matter, nauseous liquids, stagnant water, or other offensive matter.

(b) No person shall keep any poultry, or any birds or any animals of any description, in such manner that the filth and stench therefrom shall become offensive to or annoy any neighbor or other person.

(c) No person shall deposit or suffer to be deposited on his or her ground and premises, any excrement or filth from vaults or privies, necessary house, or water closets, nor any garbage, dead animals, fowls, or fish, nor parts thereof.

(d) FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A MUNICIPAL INFRACTION, SUBJECT TO THE PENALTIES SET FORTH IN SEC.10-58.

Sec. 10-32. Depositing trash on public ways; burning.

(a) No person shall deposit or burn any trash, garbage or refuse of any description upon any public park, parkway, sidewalk parking or public street, except upon permission of the Mayor and Council and under direction of the Director of Public Works.

(b) No trash or rubbish of any description, including leaves, paper or like material shall be burned in the open yard of any premises.

(c) FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A MUNICIPAL INFRACTION, SUBJECT TO THE PENALTIES SET FORTH IN SEC. 10-58.

[----] denotes deletion.

ALL CAPS denotes addition.

Sec. 10-40. Other abandoned property.

Whenever any readily movable property of any kind, such as, but not limited to, furniture, appliances, personal effects, and so forth, shall be abandoned or left in violation of any law, ordinance or order, on public or private premises, it may be removed by order of the Mayor. ~~[Such property shall be dealt with respectively as in the case of abandoned, unattended, junked or wrecked vehicles in Article 2 of Chapter 13.]~~ FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A MUNICIPAL INFRACTION, SUBJECT TO THE PENALTIES SET FORTH IN SEC. 10-58.

Sec. 10-43. Placement time for collection.

No person shall place refuse or items for Wednesday special collection on the public right of way prior to the preceding Tuesday afternoon. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A MUNICIPAL INFRACTION, SUBJECT TO THE PENALTIES SET FORTH IN SEC. 10-58.

ARTICLE 7. MUNICIPAL INFRACTIONS

SEC. 10-58. MUNICIPAL INFRACTIONS; FINES; OTHER REMEDIES.

(a) VIOLATION OF THE FOLLOWING SECTIONS OF THIS CHAPTER ARE DECLARED TO BE MUNICIPAL INFRACTIONS, THE FINES FOR WHICH ARE SET FORTH BELOW:

(1) A FINE IN THE AMOUNT OF FIFTEEN DOLLARS (\$15.00) SHALL BE IMPOSED FOR EACH VIOLATION OF SECS. 10-11, 10-22, 10-28, 10-32, 10-40 AND 10-43 WHICH HAS NOT BEEN ABATED WITHIN TWENTY-FOUR (24) HOURS FROM DATE OF NOTICE TO CORRECT SAID VIOLATION.

(b) NOTHING CONTAINED HEREIN SHALL PREVENT THE CITY OF TAKOMA PARK FROM FILING SUIT IN THE APPROPRIATE COURT TO ENJOIN OR OTHERWISE REQUIRE OR PREVENT ANY ACTION OR OMISSION PROVIDED FOR BY THIS CHAPTER.

(c) VIOLATIONS WILL NOT BE LIMITED TO ONE CITATION. FAILURE TO ABATE THE CITED VIOLATION WITHIN TWENTY-FOUR HOURS FROM DATE OF NOTICE TO ABATE SHALL CAUSE THE VIOLATION TO BE TREATED AS A NEW VIOLATION.

(d) THE DIRECTOR OF PUBLIC WORKS OR HIS DESIGNEE AND THE CHIEF OF POLICE OR HIS DESIGNEE SHALL HAVE THE AUTHORITY TO ENFORCE ALL PROVISIONS OF THIS ARTICLE.

(e) IF ANY PROVISION OF THIS ARTICLE, OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES, IS HELD INVALID, THE REMAINDER OF THE ARTICLE AND THE APPLICATION OF SUCH PROVISION TO PERSONS OR CIRCUMSTANCES OTHER THAN THOSE AS TO WHICH IT IS HELD INVALID, SHALL NOT BE AFFECTED THEREBY.

SECTION 4. THAT this ordinance shall become effective upon adoption after second reading.

FIRST READING OF A PROPOSED ORDINANCE

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

SECTION 1. THAT the Mayor and Council, in Ordinance No. 2486, adopted January 22, 1979, set forth the procedure by which a violation of City codes and ordinances may be enforced as a Municipal Infraction; AND

SECTION 2. THAT the Mayor and Council do hereby ordain that Sections 12-10, 12-11, 12-12, 12-14, 12-16, 12-17, 12-18, 12-19 and 12-22 of Chapter 12, Trees and Vegetation, of the Code of Takoma Park, Md., 1972, as amended, shall be enforceable as Municipal Infractions, subject to the penalties contained therein; AND

SECTION 3. THEREFORE THAT the Code of Takoma Park, Md., 1972, be amended by repealing and reenacting Secs. 12-10, 12-11, 12-12, 12-14, 12-16, 12-17, 12-18, 12-19 and 12-22, and by the addition of new section 12-24, as set forth below:

12-10. Director of Public Works to spray, trim or remove infected or infested trees on private property.

(a) If, after inspection as provided in Section 12-8, the Director of Public Works or his designee shall determine that a tree, shrub or plant is infected or infested by any parasite or insect pest, he shall serve upon the owner, occupant or tenant of the property a written notice that the tree is so infected or infested and that it must be sprayed, treated, trimmed, removed or destroyed under the supervision of such Director or his designee within ten (10) days of service of the notice, so as to prevent scattering of the parasites or pests to other public or private plants. If the owner, occupant or tenant cannot be found, a copy of the notice shall be posted upon the infected or infested tree.

(b) If the tree is not treated within ten (10) days after service or posting of the notice as provided in Subsection (a), ~~[the Director or his designee shall cause the tree to be treated, removed or destroyed.]~~ THEN SECTION 12-22, REMOVAL OR DESTRUCTION BY THE CITY, OR SECTION 12-24(a) (1), MUNICIPAL INFRACTION, SHALL APPLY AS WRITTEN.

(c) Whenever the owner, occupant or tenant of the private grounds shall refuse or neglect his responsibility for the above, the cost for the above shall be certified by the Director of Public Works as provided in Section 12-5 of this Chapter.

12-11. Trees on public or private property infected with Dutch Elm disease or Elm Blight; notice to remove or burn; failure; lien.

(a) If, after inspection as provided in Section 12-8, the Director of Public Works or his designee shall determine that a tree located on public or private property is infected with Dutch Elm disease, Phloem Necrosis, he shall immediately serve upon the owner, occupant or tenant of the property a written notice that the tree is so infected and that it must be removed and burned under the supervision of the Director of Public Works or his designee within ten (10) days of the service of notice. If the owner, occupant or tenant cannot be found, a copy of the notice shall be posted upon the infected tree

(b) If the tree is not removed and burned within ten (10) days after the service or posting of notice as provided in Subsection (a), ~~[the Director of Public Works or his designee shall cause the tree to be removed and burned.]~~ THEN SECTION 12-22, REMOVAL OR DESTRUCTION BY THE CITY, OR SECTION 12-24(a) (1), MUNICIPAL INFRACTION , SHALL APPLY AS WRITTEN.

(c) Whenever the owner, occupant or tenant of the private grounds shall refuse or neglect his responsibility for the above, the cost for the above shall be certified by the Director of Public Works as provided in Section 12-5 of this Chapter.

[----] denotes deletion.

ALL CAPS denotes addition.

Sec. 12-12. Permit required for land owner to prune, spray, plant or remove trees

No person shall prune, spray, plant or remove a tree in any street or park, except that the owner of land abutting on a street may, upon obtaining prior written permission from the Director of Public Works or his designee, prune, spray, plant or remove a tree or trees in that part of the street abutting his land not used for public travel. Every permit shall specifically state the extent of the authorization and the conditions under which the permit is granted. FAILURE TO OBTAIN A PERMIT SHALL CAUSE SEC. 12-24(a)(2), MUNICIPAL INFRACTION, TO APPLY.

Sec. 12-14. Removal of dangerous or overhanging trees; notice to remove.

(a) No property owner shall maintain or permit to stand upon his property, any dead tree and dead part of a tree, a stump, or any diseased or damaged tree or any diseased or damaged part of a tree, or any healthy tree or part of such tree which is a menace to public safety or which endangers any building or other property. The stumps shall be removed flush with the surrounding ground.

(b) No property owner, or any lessee or occupant of any property shall permit the limbs, branches and/or foliage of any tree or shrub upon such property to project into or extend over any street, lane, alley or sidewalk in such manner that there shall be a clearance of less than eight (8) feet between the surface of the street, lane, alley or sidewalk and such limbs, branches and/or foliage.

(c) The Director of Public Works shall notify in writing the owner, or the agent of the owner, or the lessee or the occupant of the property whereon is located such illegally maintained tree, stump, or shrub, to remove such tree, stump, or shrub or portion of such tree or shrub. If, at the expiration of the date set forth in such notice the illegally maintained portion of the tree, stump or shrub has not been removed, and no extension of time has been granted by the Director, [~~the Director or any authorized City official shall obtain a warrant for the arrest of the violator of this Section.~~] THEN SECTION 12-22, REMOVAL OR DESTRUCTION BY THE CITY, OR SECTION 12-24(a)(1), MUNICIPAL INFRACTION, SHALL APPLY AS WRITTEN.

Sec. 12-16. Vegetation not to obscure intersection.

No person, upon premises owned or occupied by him, shall maintain, or permit to be maintained, any hedge, shrub, vine, plant, or other form of vegetation, of a height greater than thirty-six (36) inches; this height is to be determined by a measurement made from the established street level nearest the hedge, shrub, vine, plant or other form of vegetation, at or within twenty (20) feet from any intersection. FAILURE TO COMPLY WITH THIS SECTION WITHIN TEN (10) DAYS SHALL CAUSE SECTION 12-24(a)(1), MUNICIPAL INFRACTION, TO APPLY.

Sec. 12-17. Defacing or cutting vegetation in public areas.

No person shall cut, deface, mutilate or remove any trees, bushes or branches or shrubs, plants or flowers from any public park, parkway or sidewalk parking. FAILURE TO COMPLY WITH THIS SECTION SHALL CAUSE SECTION 12-24(a)(2), MUNICIPAL INFRACTION, TO APPLY.

Sec. 12-18. Vegetation not to obstruct sidewalk or traffic.

No person shall plant or in any way allow a hedge or any other kind of bush, weeds or shrubbery whatsoever to project or reach over or beyond the line of private property adjoining any street or sidewalk, or to overhang the public or municipal property in a manner that will interfere with or impede pedestrian or vehicular traffic. FAILURE TO COMPLY WITH THIS SECTION WITHIN TEN (10) DAYS SHALL CAUSE SECTION 12-24(a)(1), MUNICIPAL INFRACTION, TO APPLY.

Sec. 12-19. Notice to remove and destroy within ten days.

The owners, occupants or tenants of lands shall remove and destroy from their lands all brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash, and debris within ten (10) days after notice to remove. The notice shall be in writing and served as hereinafter set forth. FAILURE TO COMPLY WITH THIS SECTION WITHIN TEN (10) DAYS SHALL CAUSE SECTION 12-24(a)(1) TO APPLY.

Sec. 12-22. Removal or destruction by the City.

(a) Whenever the owners, occupants or tenants of lands or premises shall refuse or neglect to remove from such lands or premises, all brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris within the time provided by this Article such items enumerated under this Section may be removed or destroyed by the City.

(b) In cases of extreme danger to persons or property, the City shall have the authority to require immediate compliance by the violator AND SHALL SUPERSEDE THE TEN (10) DAYS AS SPECIFIED IN SEC. 12-24.

SEC. 12-24. MUNICIPAL INFRACTIONS; FINES; OTHER REMEDIES.

(a) VIOLATION OF THE FOLLOWING PROVISIONS OF THIS CHAPTER ARE CONSIDERED A MUNICIPAL INFRACTION AND THE FINE FOR THE VIOLATION OF EACH PROVISION IS AS SET FORTH BELOW:

(1) UPON EXPIRATION OF A TEN (10) CALENDAR DAY NOTICE TO CORRECT VIOLATIONS, SECTIONS 12-10, 12-11, 12-14, 12-16, 12-18, and 12-19 SHALL RESULT IN A FINE OF FIFTEEN DOLLARS (\$15.00).

(2) UPON VIOLATION/SECTIONS 12-12 AND 12-17, A FINE OF FIFTEEN DOLLARS (\$15.00) SHALL BE IMPOSED.

(b) NOTHING CONTAINED HEREIN SHALL PREVENT THE CITY OF TAKOMA PARK FROM FILING SUIT IN THE APPROPRIATE COURT TO ENJOIN OR OTHERWISE REQUIRE OR PREVENT ANY ACTION OR OMISSION PROVIDED FOR BY THIS CHAPTER.

(c) VIOLATIONS WILL NOT BE LIMITED TO ONE CITATION. FAILURE TO ABATE THE CITED VIOLATION WITHIN TEN (10) CALENDAR DAYS FROM DATE OF NOTICE SHALL CAUSE THE VIOLATION TO BE TREATED AS A NEW VIOLATION.

(d) THE DIRECTOR OF PUBLIC WORKS OR HIS DESIGNEE OR THE CHIEF OF POLICE OR HIS DESIGNEE SHALL HAVE THE AUTHORITY TO ENFORCE ALL ASPECTS OF THIS SECTION. IN ADDITION, WHERE DIRECTOR OF PUBLIC WORKS OR HIS DESIGNEE IS WRITTEN IN SECTIONS 12-10, 12-11, 12-12 AND 12-14, WILL HENCEFORTH INCLUDE THE CHIEF OF POLICE OR HIS DESIGNEE.

(e) IN CASES WHERE EXTREME DANGER TO PERSONS OR PROPERTY EXIST, SECTION 12-22 SHALL SUPERSEDE THE TEN (10) DAY NOTICE ALLOWED FOR IN SECTION 12-24. ALL OTHER ASPECTS OF 12-24 SHALL STILL APPLY.

SECTION 4. THAT this ordinance shall become effective upon adoption after second reading.

24

CITY OF TAKOMA PARK, MARYLAND
MAYOR AND COUNCIL WORKSESSION
July 30, 1979

Councilmembers present:

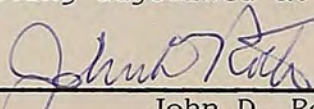
Mayor Roth
Councilman Faulkner
Councilman Garcia
Councilman Ricks
Councilwoman Saloma
Councilman Webb
Councilman Weisman
City Administrator Gilsdorf

The meeting was called to order at 7:00 PM by Mayor Roth.

1. Fire House Gymnasium. The Mayor and Council toured the facility and observed the renovation efforts underway.
2. Report from CDBG Citizens' Advisory Committee. After discussion, the Mayor and Council unanimously accepted the reporting schedule proposed by Chairman Holland, which would involve hearing the Prince George's County recommendations on August 27 (with public hearing on September 10) and Montgomery County recommendations on September 10 (with public hearing on September 24).
3. Letter from North Takoma Citizens' Association re Parking at SSI and New York Avenue. This matter has been scheduled for the August 13 Council meeting.
4. Washington Adventist Hospital Bond Issue. The City Administrator reported that a special issue of the Newsletter will go out this month informing citizens of the August 27 public hearing on this subject.
5. Memo from Library Staff. The City Administrator read a memo to the Mayor and Council from the Library staff in which it was reported that lack of in-step raises (in view of recent inflation) and general lack of information had created confusion among Library employees. The thrust of the memo was a request for recent actions of the economy. The Mayor, after expressing to the Council the severe constraints of the budget, appointed Councilmembers Faulkner and Forshee, and the City Administrator as a committee to look into the matter and report back within 90 days.

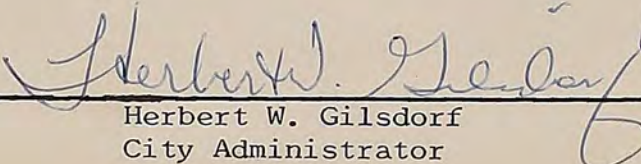
There being no further business, the meeting adjourned at 9:30 PM.

APPROVED



John D. Roth
Mayor

ATTEST



Herbert W. Gilsdorf
City Administrator