

## THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council  
and  
Public Hearing on Revenue Bonds for Washington Adventist Hospital  
March 9, 1981

AGENDA

CALL TO ORDER: Mayor Abbott  
 ROLL CALL: Councilmember Garcia  
               Councilmember Holland  
               Councilmember Patrick  
               Councilmember Ramsey  
               Councilmember Ricks  
               Councilmember Saloma  
               Councilmember Weisman

## PLEDGE

READING AND APPROVAL OF THE MINUTES OF FEBRUARY 23, 1981

## MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Formation of a commission to examine the proposed zoning in 7100 block Car
2. Tenant and landlord alternate vacancies on Landlord-Tenant Commission

REPORT BY LYNN BRADLEY AND OTHERS ON STATUS OF CATV COMMITTEE WORK

## ADDITIONAL AGENDA ITEMS

## CITIZENS' REMARKS:

1. Public Hearing on Washington Adventist Hospital Revenue Bonds
2. Other remarks by citizens

APPEAL OF R.N. LEVY OF COMMISSION ON LANDLORD-TENANT AFFAIRS' DECISION TO DENY A  
 GREATER THAN 10% RENT INCREASE AT 7411 ASPEN COURT

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications
2. Administrative Reports and Recommendations for Council Action:
  - (1) First reading of an ordinance authorizing the issuance of Washington Adventist Hospital bonds
  - (2) First reading of an ordinance creating a 3-way stop at the intersection of Cedar and Dogwood Avenues
  - (3) Discussion of requests from North Takoma Citizens Association (Councilmember Weisman)
  - (4) Second reading of an ordinance to install two parking meters in front of the Electric Maid, 7006 Carroll Avenue
  - (5) Proposed ordinance awarding bid and appropriating funds for two police vehicles (continued from last meeting)

ADJOURNMENT

## THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council  
and  
Public Hearing on Revenue Bonds for Washington Adventist Hospital  
March 9, 1981

## City Officials Present:

Mayor Abbott	City Administrator Gilsdorf
Councilmember Garcia	Asst. City Administrator Shaffer
Councilmember Holland	City Clerk Pusti
Councilmember Patrick	Administrative Asst. Tyree
Councilmember Ramsey	Police Chief Carter
Councilmember Saloma	Public Works Director Robbins
Councilmember Weisman	Recreation Director Ziegler
	Corporation Counsel Gingerich
	Asst. Corporation Counsel Culpepper

EXCUSED: Councilmember Ricks

The Mayor and City Council of Takoma Park met on March 9, 1981, at 8:00 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made and duly seconded to approve the minutes of February 23, 1981; when put to a vote, the minutes were approved unanimously.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott announced that the Council is accepting names of residents interested in participating in a committee to be established, if the Council so decides, to discuss the proposed downzoning of properties in the 7100 block of Carroll Avenue, as listed in the Master Plan; that this committee would be similar in nature to that established to discuss the zoning issues for the commercial properties along Carroll Avenue.

Announced that the Council is also accepting names of persons interested in filling the following vacancies on the City's Commission on Landlord-Tenant Affairs: alternate landlord and alternate tenant representatives; Mr. Harold Alston has indicated his interest in serving as tenant alternate, and Mr. Barry Stimmel, Personnel Director, Washington Adventist Hospital, has expressed his interest in serving as landlord alternate; Mayor Abbott requested that anyone eligible for these positions, who is a resident of the City, should contact the City Administrator.

Mayor Abbott presented a proclamation to DeMolay's Mike McCormick and Brian Simon of the Samuel Gomper's Chapter of DeMolay (formerly Cornerstone Chapter) designating the week of March 15-22, 1981 as "International DeMolay Week."

REPORT ON CITIZENS CABLE TV COMMITTEE WORK

Lynne Bradley, Co-Chairperson of the Committee presented the Council and citizens present with the Committee's second report on Cable TV; noted that the Committee has outlined several recommendations on page 10 of the report, and have suggested specific criteria that the Council should use in evaluating those options; noted that Committee members felt that there should be a much broader public comment on the options of Cable TV for the City and also prioritizing. In answer to Councilmember Holland's question, Mr. John Hansman of Montgomery County's Cable TV Commission, stated that the County Executive and Council have made no specific determination as to revenues from the cable system going to participants (municipalities) in the system; that of the 5% franchise fee, 2/5 will go toward community programming, 1/5 to administrative costs, and the remaining 2/5 is still discretionary as to how it will be used--divided between participants or used in some other way to support the cable system. John Hemphill, Committee member, asked whether Montgomery College's video facilities would be available for City use, if the City should opt to have its own franchise. Howard Geer, Dean of Community Services, Montgomery College, Rockville Campus, stated that the Takoma

Campus video facilities are very limited and what they have is in full use at this time; stated that with the cable system, either County or City, that he hoped the College would have access for educational programming; that probably all three campuses would be inter-connected, although this has not yet been fully explored. Mr. Jacques Dupri, Chairman, Prince George's County Education Coalition, listed the many cable programming uses for education; noted that the University of Maryland, Prince George's Community College, and the Prince George's County school system will have use of several cable channels for educational purposes; also the health department and libraries; that this is something the Coalition has worked for. Mr. Hemphill asked how many channels could be inter-connected, i.e., University of Maryland channels with the Montgomery County cable system. Mr. Dupri stated that it is possible to inter-connect a number of channels, which are primarily those used for community access and that these channels can cross cable systems boundaries; noted that if the City decides on its own cable system, that Prince George's County is in a position to inter-connect with City channels and more than likely, Montgomery County would also be. Lynne Bradley noted that the Committee is in process of studying many cable companies proposals, and that after the Committee is finished, these proposals will be available in the City Library; requested that the Council establish a date for a public hearing to discuss this issue. After discussion, it was decided that a Public Hearing would be held on Monday, April 6, at 7:30 P.M., in the Council Chamber for citizen discussion on Cable TV. (Copies of both reports available at City office.)

#### ADDITIONAL AGENDA ITEMS

Discussion of establishment of a stop sign on Westmoreland Avenue  
(Councilmember Holland)

Discussion of installation of No Left Turn sign on Westmoreland Avenue  
(Councilmember Holland)

#### CITIZENS' REMARKS

I. Public Hearing on Washington Adventist Hospital Revenue Bonds. Mayor Abbott noted that this is the First Reading of the ordinance for the bond issue and the schedule of procedures dealing with the issue that extend through April; the Second Reading will be held on March 23, with closing of issue on April 15, if all procedures approved by Council; noted that the bond issue was first proposed to the former Mayor and Council in August 1979, at which time a resolution was adopted announcing the Council's intent to approve a bond issue; that at that time, Washington Adventist Hospital (WAH) was requesting approximately \$20 million, but currently are asking for a \$4 million bond issue. Dr. Herbert Shiroma, Administrator of WAH, stated that the Hospital is asking the Council to adopt a resolution and ordinance for the issue of \$4 million; asking to use the name of the City to receive tax exempt status for bonds; that there will be no liability to City or anything to affect the City's borrowing power; all expenses of bond issue will be paid by the WAH; the bond issue will help to keep costs to patients of WAH down, while helping WAH to finance projects it has planned. Dr. Shiroma stated that the Maryland State Cost Review Commission (CRC) establishes rates for all hospitals in the State, including WAH.

Mr. Tom Gagliardo, 8120 Roanoke Avenue, asked exactly what the proceeds of the bond issue will be financing for the hospital. Dr. Shiroma stated that basically the funds will be used for capital improvement projects--completion of WAH construction project, renovation of "50 building" (two-story red brick building) which now houses the OB-GYN unit and medical-surgical areas, renovation/addition to "70 building" which will house medical and surgical intensive care units and also cardiac intensive care unit. Mr. Gagliardo requested that the public be able to review copies of specific documents dealing with statement of need, etc., for the bond issue and was told that these documents would be made public; Mr. Gagliardo questioned exactly what savings could be

expected on the patients cost per day. Mr. David Cohen, WAH financial consultant, stated that the CRC had reviewed the proposed bond issue and had agreed to pass through the debt service into WAH rates; that the bond issue debt service will probably add \$5.00 per day to rate structure of WAH, noting that WAH currently has one of the lowest rate structures in the State and even with the additional \$5.00 per day, WAH would still be among the State's hospitals lowest rates; that all this boils down to is an approximate \$1.00 to \$1.50 savings per day that is directly passed on to the patient.

Mr. Phil Vogel, 7117 Garland Avenue, asked if the corporation requesting the bond issue is the same corporation that operates Shady Grove Adventist Hospital in Gaithersburg and was told that it is not, it is a separate entity. Mr. Vogel noted his reservations about the patients of WAH and the City being able to get something (lower rates) for nothing (WAH absorbing all costs and administrative details on bond issue); questioned exactly what the City has to provide for issue. Mr. Haven Pell, legal representative for WAH, stated that WAH is requesting use of the City's name and borrowing power to obtain a lower rate of interest on bond issue and to receive the non-taxable status for the recipients or purchasers of the bonds; that the City is acting as a conduit; noted that the Maryland State Industrial Bond Development Statute is very specific in the terms of saying that municipalities involved in bond issues of this type have no obligation if default should occur; that the WAH is the credit behind the bonds. Mr. Vogel made a very lengthy statement regarding quid pro quo, saying that he felt the City should request that the WAH make a definite commitment toward the retention and use of the 1907 Sanitarium building, noting that it is listed on Montgomery County's Atlas of Historic Sites and is the oldest hospital building in the County; that the building was recommended to be placed on the National Register of Historic Places, but was not due to the opposition of the corporation that operates WAH; urged Council and WAH to discuss the retention and adaptive use of the building, in return for the City's allowing WAH to use its name in the bond issue.

Mrs. Sue Lerner, 7708 Takoma Avenue, questioned if the City would be responsible in any way for clerical or administrative costs in the issue and was told that WAH will be paying for all costs; Mrs. Lerner asked if the City has any plans in the near future for a bond issue of its own and was told no. Former Councilmember Forshee stated that there had been a bond issue in 1970 for the construction costs of the Municipal Building.

David Prosten, 7428 Carroll Avenue, asked if the WAH was planning the construction of a parking structure and if any of the money from the bond issue would be used for this purpose. Dr. Shiroma stated that the WAH long-range planning committee is seriously considering a parking facility as part of the WAH plan. When asked if there would be public input accepted on this issue, Dr. Shiroma noted that there would be and also stated that among others, Dr. Allan Marsh, a City resident, has been invited to serve on the WAH long-range planning committee, so that there can be input from City residents.

Phil Vogel asked for a response from Dr. Shiroma concerning his remarks on the Sanitarium building. Dr. Shiroma stated that the final decision on the retention of the building is ultimately up to WAH Board of Directors; that present construction plans do not include the demolition of the building; that WAH recently purchased new carpeting for the building at a cost of \$20,000, and he has asked the active staff of the Hospital if they wish to utilize space in the building; felt that these two items should show the intention of the Hospital to retain the building, at least for a while. Mr. Vogel stated that he had hoped for a more positive response for the building's permanent retention and utilization.

Tom Ainsworth, 7310 Baltimore Avenue, noted that the City has been assured that it is not liable for the bond issue, but asked what if there should be default, who would be responsible for paying the bond

holders. Mr. Terry Saxon, WAH Financial Consultant, stated that the Washington Adventist Hospital buildings and grounds were appraised in 1978 at a little over \$40 million dollars, noting that this figure is in no way what it would cost to replace the 300-bed hospital; stated that at the time of closing of the bond issue, the City would be acting as a conduit, with City's responsibility being assigned to a trustee or fiscal agent; this trustee (large banking institution) would be the actual recipient of payments made on the bond issue, and if for some reason there was default, it would be the trustee who would take action and to whom the bond holders would look to for repayment; noted that WAH has solicited bids to various banking institutions in the State and would select the bank that offers the lowest fee for servicing the debt and paying off bond holders, and handling the funds.

Joseph Lerner, 7708 Takoma Avenue, stated his support for the bond issue, but noted the same reservations as Mr. Vogel of getting something for nothing.

Tom Gagliardo requested that there be more public hearings on this issue so that any citizen with questions can have them answered. Mayor Abbott noted that the issue would be discussed again at its Second Reading on March 23; that any question that citizens may have can be directed to Dr. Shiroma at the Hospital, the City Administrator, Councilmembers or himself. Mayor Abbott noted that change in operations of the WAH emergency room, where before, a patient received one billing covering all treatment received, but currently patients receive billings from the emergency room services, physician billing, etc., all separately; noted that the new billing procedures has seemed to double the final fee for care. Dr. Shiroma stated that emergency room rates are also controlled by the CRC and he did not think they had doubled, although they had increased somewhat.

Mary Pennifield, 7305 Takoma Avenue, urged the Council to support the bond issue.

Councilmember Ramsey stated that his relationship with the Washington Adventist Hospital in the past has been that he has served them in the capacity of a real estate agent and that he sees no reason to believe that this service will not continue in the future; that he has filed a more detailed statement with the City Clerk on this same subject, which all pertains to the Maryland State Ethics Law; stated that he will be voting on the bond issue.

## II. Other remarks by citizens.

1. Dorothy Malusky, Chairperson, Takoma Park Junior High/Community School: stated that for the past 10 years the school has been receiving a State grant to support programs of the school; that recently the State subcommittee issuing this grant had plans to eliminate it, but as of now it has been reinstated into the budget which has been sent onto the Maryland House of Delegates to be voted on March 12; requested that the Council contact the State Delegates and Senators asking their support for retention of this grant in the budget, because of the possibility that it may still be cut; stated that the grant funds Project Assist, which helps approximately 400 students of the Community School each year with after school studies and some of the extra programs held at the School; noted that the School's portion of the total grant of \$130,000 is about \$8,000, which is put to good use each year. Upon motion by Councilmember Weisman, duly seconded by Councilmember Garcia, the Council unanimously voted that State legislators be contacted first by telephone because of the limited amount of time prior to the vote, with letters being sent also, urging their support of this grant for Project Assist.

2. Naomi Turner, 7667 Maple Avenue, Acting President, Upper Maple Avenue Citizens Association: advised the Council of the formation of this new association as of March 3, 1981; listed its boundaries as being

Maple Avenue from Sligo Creek Parkway to Philadelphia Avenue, including all apartment buildings on the west side of Maple Avenue, and extending to the east up to Hancock Avenue, and excluding all single-family residences; the purpose of the Association is to promote the common goals and interests of all citizens within its boundaries and to work with other civic associations, City, County, State and Federal agencies in promoting these goals and interests. Mrs. Turner questioned what agency enforces housing codes in the City, how these codes are enforced and if there is an effective means of forcing landlords to comply with these codes. The City Administrator stated that the City enforces the BOCA Basic Property Maintenance Code for all rental dwellings in the City; that this Code is similar to those used throughout the State and Country; currently the BOCA Code is enforced in the following manner: code enforcement inspectors inspect an apartment and if a violation of the code is found, the inspector issues a First Violation Notice which gives the landlord a reasonable amount of time to correct any violations; the inspector must then reinspect and if corrections have not been made, a Second Violation Notice is issued, also giving a specific amount of time for corrections; upon reinspection for Second Notice Violations, if the landlord has not made corrections, the case is turned over to the Corporation Counsel's office and the landlord is sent a letter stating that if violations are not corrected, court action will be sought; noted that court actions are very lengthy and that the whole process is very time-consuming; stated that he has proposed to the Council that code enforcement be placed under the Municipal Infraction system, which would shorten the amount of time it takes to have violations corrected, and if violations are not corrected by the end of time given, the code enforcement officer would be able to issue the landlord a Municipal Infraction ticket, which lists a specific fine the landlord will have to pay for not correcting violations; noted that the Council is now in the process of reviewing the proposed change to Municipal Infraction system. Mrs. Turner urged the Council to assist the tenants in the many problems they are experiencing at the present time.

3. Joseph Lerner, 7708 Takoma Avenue, President, North Takoma Cit. Association: advised the Council of the operation of a car repair business at 7411 Baltimore Avenue, noting that this problem has persisted for several years, with no affirmative action being taken to end it. Mr. Lerner made the following requests for changes in parking restrictions: to establish No Parking At Any Time along New York Avenue between Takoma and Chicago Avenues, this would be to eliminate the late-evening traffic congestion caused by College students; requested that parking be eliminated completely on the west side of Eastern Avenue between Piney Branch Road and Baltimore Avenue; noted that this location is actually in the District of Columbia and asked that the Council contact the D.C. government with this request, noting that the current parking causes many problems for the Ride-on bus stop, which he asked be located in the middle of that block, and for motorists at the intersection of Piney Branch and Eastern who encounter blind spots when trying to make turns onto Piney Branch Road; also asked that no parking be permitted on Eastern Avenue, south-side, within 60 feet of its intersection with Piney Branch Road, to better accommodate right turns from Piney Branch onto Eastern Avenue. Councilmember Weisman noted that the requests of the North Takoma Citizens Association are on the Council agenda as item #3. Mr. Lerner noted that the widening of Fenton Street between Chicago and Burlington Avenues has been reduced from 50 feet to 36 feet; noted that he felt this was a good project and hoped that the City would support it; stated the desirability of having the corner at Fenton and Route 410 pulled back to make turning onto Fenton Street from Route-410 coming from Silver Spring, much easier, and less confusing with the right-turn-only lane located there; suggested City contact the County and the State Highway Administration concerning this idea.

4. Herman Williams, 7667 Maple Avenue: stated his support for the statements made by Mrs. Turner and also the purpose of the Upper Maple Avenue Citizens Association; noted that the biggest problem facing tenants is depression, which is caused by other people deciding what is

best for tenants; that now is the time for tenants to elect and choose what is best for themselves.

5. Carl Rosscamp, 7667 Maple Avenue: noting the high density along Maple Avenue and the many problems in the apartment buildings, said that this portion of the City is the beginnings of a slum; that good people are being driven out of the City because of the conditions in these buildings, and they could be replaced with much worse; that it was to the Council's advantage to help the tenants because they and the rest of the single-family homeowners have to live with what they are creating.

6. Mary Pennifield, 7305 Takoma Avenue: stated her support for Mr. Lerner's requests for parking restrictions on Eastern Avenue, noting that it is a dangerous situation.

7. David Prosten, 7428 Carroll Avenue: stated that in the February 23 Council minutes dealing with ward redistricting, it was reported that Alternatives 5 and 6 were prepared on the suggestions of the Citizens Ward Redistricting Committee; stated that the Committee had given input into Alternative #5, but Alternative #6 was not discussed by the Committee.

8. Ed Longen, 7516 Holly Avenue, speaking for daughter who lives at 7055 Eastern Avenue: stated that prior to the changes made in Parking Permit Area #2, by establishing Special Impact Area #2A, his daughter was able to park in the 7100 block of Holly Avenue, but at this time, she must park in the 7300 block; requested that the Ordinance establishing the new Impact Area provide parking for the residents of Eastern Avenue, where there is no parking at all. Councilmembers decided to discuss this item later in the meeting.

APPEAL OF R.N. LEVY OF COMMISSION ON LANDLORD-TENANT AFFAIRS' DECISION TO DENY A GREATER THAN 10 % RENT INCREASE AT 7411 ASPEN COURT. Between 11:05 and 11:30 P.M., the Mayor and Council heard an appeal from R.N. Levy on the City's Commission on Landlord-Tenant Affairs' decision to deny a greater than 10% rent increase at 7411 Aspen Court. The Mayor and Council took the appeal under advisement.

ITEMS FOR COUNCIL CONSIDERATION

Communications\*/

1. Ellen Marsh, 7405 Maple Avenue. Suggested that the City contact WMATA requesting information on completion of landscaping of Takoma Metro Station grounds; pointed out that Azalea Committee and Horticultural Club had decided that landscaping of Metro grounds would be their Bicentennial project and thought they could take it up again for the Centennial; also suggested that WMATA pave more walkways where pedestrians have worn paths through the grass and asked that the City install more plantings along Eastern Avenue to screen the residential properties.

2. Ron Wylie, 7618 Glenside Court. Statement that as a member of the Citizens Advisory Committee on Ward Redistricting, he appreciated the expertise, helpfulness and personal pleasantness of the Grier Partnership and felt that they have more than discharged their responsibility to the City in preparing redistricting alternatives and that they should be paid and allowed to continue their work with their professional reputation still intact.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. First Reading of an ordinance authorizing the issuance of Washington Adventist Hospital bonds. The proposed ordinance was approved for First Reading by the Council. Because of length, the proposed ordinance is not included herein; copies are available in the City Office along with other information on the WAH bond issue.

\*/ The following was inadvertently omitted from the Correspondence section:  
3. Montgomery County Board of Appeals. Notification that Appeal No. A-774, variance request for 6811 Westmoreland Avenue, has been granted.

2. First Reading of an ordinance creating a 3-way stop at the intersection of Cedar and Dogwood Avenues. The ordinance below was approved for First 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 all vehicular traffic travelling in either a northerly or southerly direction on Cedar Avenue shall come to a complete stop at its intersection with Dogwood Avenue, thereby creating a 3-way stop; AND

SECTION 2. THAT the Director of Public Works is hereby authorized and instructed to install STOP signs at the appropriate locations; AND

SECTION 4. THAT this ordinance shall become effective upon completion of the signing; AND

SECTION 5. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17 of the Code of Takoma Park, Md., 1972, as amended.

3. Discussion of requests from North Takoma Citizens Association. Councilmember Weisman noted that the Council had heard remarks during the meeting and had also received a letter outlining the requests from the Association; made a motion, duly seconded by Councilmember Holland, that an ordinance be drawn up for First Reading on March 23, establishing No Parking At Any Time, on the West side of New York Avenue between Takoma and Chicago Avenues. Councilmember Garcia stated his opposition to more parking restrictions around Montgomery College. When the motion was put to a vote, it was approved by the majority, with Councilmember Garcia voting in opposition. Councilmember Weisman made a motion, duly seconded, that letters be sent to the D.C. Government requesting the following: that parking be prohibited on the east side of Eastern Avenue between Baltimore and Piney Branch Road, and the Ride-on bus stop be moved to the center of that block; that parking be prohibited on the west side of Eastern Avenue 60 feet from its intersection with Piney Branch Road, going northward. When the motion was put to a vote, it was approved by the majority of the Council, with Councilmember Garcia abstaining. Councilmember Weisman made a final motion, duly seconded, that a letter be sent to Montgomery County Ride-on service notifying them of the City's requests to the D.C. Government; when the motion was put to a vote, it was approved by the majority of the Council, with Councilmember Garcia abstaining.

4. Second Reading of a proposed ordinance to install two parking meters in front of the Electric Maid, 7006 Carroll Avenue. Mayor Abbott stated that he had spent several days observing this location and several others, and after a lengthy dialogue on rationale, stated that he saw no reason for not installing the two parking meters because of traffic movement and pedestrian visibility in crossing the street at this location; made a motion, <sup>seconded</sup> by Councilmember Holland for discussion purposes only, that the ordinance be adopted. Councilmember Holland noted that the opinions of the members of the Westmoreland Area Community Organization (representing residents of area surrounding this location) are divided; that there is adequate parking available in the immediate area and the installation of these meters would interrupt traffic flow of vehicles turning right, going toward Metro, during morning rush hours. Other Councilmembers noted their opposition to the ordinance, indicating that the consultants for the Carroll-Laurel Commercial Revitalization study had strongly suggested that parking on the street was not a solution to the parking problems in that area; Councilmember Saloma noted that she had received complaints regarding the lack of



parking in that area from merchants and area residents. The ordinance was defeated, with the following roll call vote taken: AYE: Councilmember Ramsey. NAY: Councilmembers Garcia, Holland, Patrick, Saloma, Weisman. EXCUSED: Councilmember Ricks.

5. Ordinance awarding bid and appropriating funds for two police vehicles (continued from last meeting). The City Administrator stated that this ordinance was postponed from the last meeting because the bids received were over the amount allocated; that during the interim, one police cruiser was wrecked; that with the salvage and insurance payments received from this and other funds from the department's budget, an amount has been reached to cover the bid price; urged Council to approve the purchase of the vehicles, noting that next year's budget may not be able to include replacement police cruisers. Chief Carter explained the suggested purchase of a station wagon in the ordinance because of its multiple uses in the every-day activities of the department. Upon motion by Councilmember Garcia, duly seconded by Councilmember Holland, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Saloma, Weisman. NAY: None. EXCUSED: Councilmember Ricks.

ORDINANCE #2551

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

- SECTION 1. THAT the Proposed Use Schedule for FY-81 Revenue Sharing Funds earmarked \$13,500 for the purchase of two (2) replacement police vehicles; AND
- SECTION 2. THAT bids were solicited from qualified dealers and advertised twice in two weekly newspapers of local circulation, with bids having been publicly opened at 2:00 P.M., February 20, 1981; AND
- SECTION 3. THAT two bids were received, with Sport Chevrolet Company of Silver Spring submitting the low bid of \$15,751 for one (1) 1981 4-door Malibu sedan and one (1) 1981 4-door Malibu station wagon, including trade-in allowance and tax exemption, and is hereby accepted; AND
- SECTION 4. THAT the City Administrator is authorized to transfer title of the trade-in vehicle, a 1973 Ford Pinto, 2-door sedan, Serial #3T10X252850, Title #3982291, to Sport Chevrolet Company; AND
- SECTION 5. THAT funds to cover this purchase in the amount of FIFTEEN THOUSAND, SEVEN HUNDRED FIFTY-ONE DOLLARS (\$15,751) shall be appropriated from the following accounts: \$13,500 from the Revenue Sharing Fund Account set aside for this purchase; \$290 earmarked for the purchase of a paper shredder from the Revenue Sharing Account; \$1,826 from the insurance settlement on Car #8; and \$135 from Public Works A/c 12.3923, representing the proceeds of parts salvaged from Car #8.

6. Councilmember Holland presented the Council with petitions and a letter from the Westmoreland Area Community Organization requesting the following: the establishment of a 4-way stop at the intersection of Westmoreland, Walnut and Elm Avenues, noting that Elm Avenue is the only corner that does not have a stop sign; also the installation of a No Left Turn sign on Carroll Avenue, prohibiting traffic from turning left onto Westmoreland Avenue; noted that these requests were brought about because the neighborhood is being used as a short-cut for motorists trying to avoid the signal lights at Carroll and Laurel Avenues. Councilmember Holland requested that the Chief of Police and Director

of Public Works investigate these requests and that an ordinance be drawn up for First Reading at the next Council meeting; also noted that if these requests are approved by the Council, he would like to contact the District of Columbia government requesting a No Right Turn sign to be installed on Eastern Avenue, prohibiting traffic from turning right onto Walnut Avenue.

7. Mayor Abbott made a motion, duly seconded by Councilmember Patrick, that an ordinance be drawn up to amend Ordinance #2548, Special Impact Area #2A, to include the residences of the 7000 block of Eastern Avenue, which were inadvertently omitted, and that this ordinance be read at the March 23 Council meeting. When the motion was put to a vote, it was unanimously approved. It was noted by the City Administrator and Corporation Counsel that parking permits could not be issued to those residents of Eastern Avenue until the ordinance to amend had been adopted by the Council.

Upon motion, duly seconded, the meeting adjourned at 12:20 A.M., to reconvene on Monday, March 23, 1981, at 8:00 P.M.

APPROVED \_\_\_\_\_

Sam A. Abbott  
Mayor

ATTEST \_\_\_\_\_

Herbert W. Gilsdorf  
City Administrator

CITY OF TAKOMA PARK, MARYLAND  
MAYOR AND COUNCIL WORKSESSION  
March 16, 1981

Councilmembers present:

- Mayor Abbott
- Councilmember Garcia
- Councilmember Holland
- Councilmember Patrick
- Councilmember Ramsey
- Councilmember Ricks
- Councilmember Saloma
- Councilmember Weisman
- City Administrator Gilsdorf

The meeting was called to order by Mayor Abbott at 7:40 PM.

1. Interviews with candidates for Alternate Landlord and Alternate Tenant vacancies on the City's Commission on Landlord-Tenant Affaris. The Mayor and Council interviewed the following candidates for vacancies on COLTA: Alternate landlord -- Barry Stimmel; Alternate tenant -- Harold Alston and Lillian Hunt.
2. The following item, unscheduled on the worksession agenda, was brought before the Mayor and Council. Residents made the following formal requests of the Mayor and Council concerning historic preservation: 1) that the Council begin preparations for the 1983 Centennial; 2) that funds be appropriated for the publication of a Centennial booklet; 3) appointment of Historic District Commission; 4) creation of City archives; and 5) appropriation of funds to update the City Brochure. The Mayor and Council agreed to take these items under advisement and to place the matter of Centennial observance on the March 23 Council meeting agenda.
3. Decision of 7411 Aspen Court appeal on rent increases. See attached Appeal Body Decision.
4. Discussion of application of Municipal Infraction law to Chapters 10 and 12 of the City Code and BOCA. These items were discussed by the Mayor and Council and it was decided that they should be placed on the March 23 Council meeting agenda for First Reading.
5. Discussion of proposal by the Mason-Dixon Recycling Corporation for a City newspaper recycling program. It was decided that this item should be placed on the agenda of the March 23 Council meeting for First Reading.
6. 7100 block Carroll Avenue Zoning Commission. It was the unanimous decision of the Mayor and Council to decline the pursual of the official appointment of the Carroll Avenue Zoning Commission.
7. Letter received from the Grier Partnership. After discussion, the Mayor and Council directed the City Administrator to discuss with the Corporation Counsel the City's options under the agreement signed with The Grier Partnership, and to obtain legal opinion as to the Partnership's obligation to furnish the block population counts that were used in determining the six alternative redistricting proposals.

There being no further business to discuss at this time, the meeting adjourned at 11:30 PM.

APPROVED \_\_\_\_\_

Sam A. Abbott, Mayor

ATTEST \_\_\_\_\_

Herbert W. Gilsdorf  
City Administrator

# City of Takoma Park, Maryland

OFFICE OF CITY ADMINISTRATOR  
TELEPHONE 270-1700



7500 MAPLE AVENUE  
TAKOMA PARK, MD. 20012

March 17, 1981

## DECISION OF APPEAL BODY

### 7411 ASPEN COURT

The appeal having been heard on March 9, 1981, and taken under advisement that date, the Appeal Body herewith finds that the City's Commission on Landlord-Tenant Affairs ruling on 7411 Aspen Court, dated January 21, 1981, is herewith upheld without comment.

Herbert W. Gilsdorf  
City Administrator and Clerk  
to the Appeal Body

cc: R. N. Levy  
Dr. S. V. Battiata  
COLTA Chairperson McKinney  
COLTA Clerk Tyree  
Members of the Appeal Body

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council  
March 23, 1981

AGENDA

CALL TO ORDER: Mayor Abbott  
ROLL CALL: Councilmember Garcia  
Councilmember Holland  
Councilmember Patrick  
Councilmember Ramsey  
Councilmember Ricks  
Councilmember Saloma  
Councilmember Weisman

PLEDGE

READING AND APPROVAL OF THE MINUTES OF MARCH 9, 1981

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

APPEAL OF TENANTS OF 7777 MAPLE AVENUE ON LANDLORD-TENANT COMMISSION'S  
DECISION TO GRANT A GREATER THAN 10% RENT INCREASE AT THAT ADDRESS

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications
2. Administrative Reports and Recommendations for Council Action:
  - (1) Second reading of an ordinance authorizing the issuance of Washington Adventist Hospital bonds
  - (2) Appointment of Alternate Landlord and Alternate Tenant to fill vacancies on the Landlord-Tenant Commission
  - (3) Second reading of an ordinance amending Ordinance No. 2548 (Special Permit Parking Impact Area #2A) to include Eastern Avenue
  - (4) Discussion of Centennial observance
  - (5) Second reading of an ordinance creating a 3-way stop at the intersection of Cedar and Dogwood Avenues
  - (6) First reading of an ordinance amending Ordinance No. 2395 (Parking Permit Area #1) to prohibit all parking on the Southwest side of New York Avenue between Chicago and Takoma Avenues
  - (7) First reading of an ordinance instituting a voluntary newspaper recycling program
  - (8) First reading of an ordinance to install a STOP sign on Elm Avenue at its intersection with Westmoreland Avenue
  - (9) First reading of an ordinance to amend Chapter 10, Refuse, of the City Code
  - (10) First reading of an ordinance to amend Chapter 12, Trees and Vegetation, of the City Code by repealing and reenacting and retitling as "Vegetation."
  - (11) First reading of an ordinance adopting "The Basic Property Maintenance Code, First Edition, 1981," declaring violations to be Municipal Infractions, and setting fines
  - (12) Resolution authorizing the opening of a City checking account at Citizens Bank and Trust Company

ADJOURNMENT

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

PHYSICAL CHEMISTRY

REPORT

TO THE DIRECTOR OF THE UNIVERSITY OF CHICAGO  
FROM THE PHYSICAL CHEMISTRY DEPARTMENT  
CHICAGO, ILLINOIS

RESEARCH REPORT NO. 1000

BY J. H. SCHNEIDER AND R. M. WILSON

RESEARCH REPORT NO. 1000

CHICAGO, ILLINOIS

1950

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BY \_\_\_\_\_

FOR THE UNIVERSITY OF CHICAGO

PHYSICAL CHEMISTRY DEPARTMENT

CHICAGO, ILLINOIS

1950

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## THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council  
March 23, 1981

## City Officials Present:

MAYOR Abbott	City Administrator Gilsdorf
Councilmember Garcia	Asst. City Administrator Shaffer
Councilmember Holland	City Clerk Pusti
Councilmember Patrick	Administrative Asst. Tyree
Councilmember Ramsey	Police Chief Carter
Councilmember Ricks	Public Works Director Robbins
Councilmember Saloma	Recreation Director Ziegler
Councilmember Weisman	Corporation Counsel Gingerich

The Mayor and City Council of Takoma Park met on March 23, 1981, at 8:00 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made and duly seconded to approve the minutes of March 9, 1981; when put to a vote, the minutes were approved unanimously.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott stated that at previous Council meetings, problems arose as to the scheduling of agenda items, specifically, which should come first--Citizens' Remarks or COLTA Appeal Hearings; noted that either way, there will be complaints, so the Council has decided to alternate them.

Regarding the request at the last Council meeting on the official formation of a citizen-landlord committee to discuss the proposed down-zoning (per the Master Plan) for the 7100 block of Carroll Avenue, Mayor Abbott stated that the Council has decided not to officially sanction such a committee, and the City Administrator has so notified the person who requested such; that this decision was reached because it was felt such a committee would delay the adoption process of the Master Plan; stated that the Council does however encourage the exchange of ideas between citizens and landlords without being officially sanctioned; that it is felt there is ample opportunity for citizens to have input into the Plan during the public hearing process.

APPEAL OF TENANTS OF 7777 MAPLE AVENUE ON LANDLORD TENANT COMMISSION'S DECISION TO GRANT A GREATER THAN 10% INCREASE AT THAT ADDRESS. Between 8:10 and 9:15 P.M., the Mayor and Council heard an appeal from tenants of 7777 Maple Avenue, regarding COLTA's decision in favor of a greater than 10% rent increase for residents of that address. The Mayor and Council took the appeal under advisement and agreed that it would be discussed at their April 6 meeting.

CITIZENS' REMARKS

1. Ellen Marsh, 7405 Maple Avenue: noted that she had written a letter to the Mayor and Council concerning the unfinished appearance of the landscaping of the Metro station asking that they contact WMATA requesting information on final landscaping plans; that she had received a letter sent by the City Administrator to WMATA; requested that the Council, as the official body, contact WMATA regarding this; regarding a complaint she had made to the City office about residents on Maple Avenue parking on their front lawns, stated that she had received information from the Police Department that those residents had been advised that this was in violation of the City Code and the practice would have to cease; felt City should enforce the Code.
2. Jean Craig, 7129 Carroll Avenue: thanked the Council for their encouragement concerning the citizen-landlord dialogue on the down-zoning of the 7100 block of Carroll Avenue and also for their encouragement in having all citizens raise their concerns at Council meetings; stated that she was disappointed that there would be no official committee and noted that the land owners on that block felt their problems should be

aired in committee, just as the citizen-businessmen committee was allowed to do; requested that Council reconsider her request for the formation of a committee.

3. Shirley Jones, 7427 Carroll Avenue: pointed out that the original draft of the Master Plan did not include any downzoning in the 7100 block of Carroll Avenue; that this is a recent proposal in the past two drafts of the Plan. It was noted by the Mayor and Councilmembers that the Council would be interested in hearing any recommendations that an informal citizen-landlord group might want to offer, but did not want to officially form such a group because it is felt it would delay the Master Plan process.

4. Naomi Turner, 7667 Maple Avenue, President, Upper Maple Avenue Citizens Association: asked that the Council discuss at their next meeting the greatly deteriorating conditions at 7667 Maple Avenue; felt that the deterioration of the building made it an emergency situation. It was noted by the City Administrator that the Second Notice violations of the building are in court at this time, and currently there is nothing more the City can do to force the landlord to make the necessary corrections; that the Council will consider later in the meeting the adoption of a revised edition of the BOCA Code which would declare violations of that Code to be Municipal Infractions, allowing the Code Enforcement Officers to write citations and require landlords to either make the corrections or pay a fine. Councilmember Weisman questioned Corporation Counsel as to the possibility of adopting the Ordinance placing the BOCA Code under Municipal Infractions as emergency legislation on first reading. Corporation Counsel Gingerich stated that this could be done.

5. Phil Vogel, 7117 Garland Avenue: reiterated his concerns about the retention and adaptive uses of the Washington Adventist Hospital sanitarium building and making this a quid pro quo to Council's approval of the Washington Adventist Hospital bond issue.

6. Enid Hodes, 7418 Hancock Avenue: inquired about the status of the Master Plan. Mayor Abbott stated that the Prince George's portion of the Plan has been approved by the Mayor and Council; that there will be more public hearings on the Montgomery County portion of the Plan, probably to be held in June or early July.

7. Carl Iddings, 7416 Carroll Avenue, President, Carroll Ridge Neighborhood Association: asked the status of the apartment building located at 7511 Carroll Avenue, noting that the property has a condemnation notice posted on it, but there are people still living in it; also requested that the Council contact the State Highway Administration concerning the short pedestrian cycle at the light at Carroll and Ethan Allen Avenues. The City Administrator noted the many problems connected with the property at 7511 Carroll Avenue, saying that the persons residing at the property would be made to leave; the Council agreed to contact the State Highway Administration concerning the traffic signal at Carroll and Ethan Allen Avenues. Mr. Iddings stated that the Association felt it was unnecessary to discuss the downzoning proposals for 7100 block of Carroll Avenue, noting that the Association approved of the downzoning.

8. Tom Gagliardo, 8120 Roanoke Avenue: stated his support for Mr. Vogel's statements concerning the Washington Adventist Hospital bond issue and retention of the sanitarium building; urged Council to postpone their vote on the ordinance until more hearings are held and all questions concerning this issue are answered.

9. Lou D'Ovidio, 7324 Piney Branch Road: stated that he was glad to see the City's Centennial celebration on the agenda for discussion and presented the Council with a copy of Montgomery County's first annual Report from the Historic Preservation Commission. Suggested that the Washington Adventist Hospital investigate having the sanitarium building placed on an historic register, noting the possibility of obtaining funds from the State for restoration and reuse of the building; regarding



the minutes of the last Council meeting, noted an error in which it was stated that the sanitarium building is on the County's Historic Sites Atlas; that if it were, the Historic Preservation Commission would have to review and approve any plans for the building, including demolition; questioned why the City was proposing to change banking institutions to Citizens Bank and Trust and whether this change has anything to do with the bank owning most of the property located in the Laurel/Carroll Revitalization Study area; noted that he has still not received a response from the Council on a letter he had sent in January concerning a City-wide traffic plan.

10. Paula Roark, 7001 Westmoreland Avenue: noted that the requests of the Westmoreland Area Community Organization, that are on the agenda for First Reading, are the result of a year and a half of study of traffic patterns in that area; noted that the area is being used as a shortcut for non-residents trying to avoid traffic signals and stop signs on the outskirts of the area; requested that the Council support their requests.

11. Rino Aldrighetti, 7213 Central Avenue: noted that several years ago the Council received copies of a law pertaining to code enforcement procedures being used in a county outside the State; that this law required landlords to pay a security deposit to the county which was in turn used by the county if repairs were not made by the landlord; the security deposit had to then be paid by the landlord again within a specific amount of time, otherwise the landlord was fined a substantial amount; suggested Council look into a similar system for problem landlords.

12. David Prosten, 7428 Carroll Avenue: stated that the Citizen-Businessmen Committee has had its sixth and final meeting and that both groups would be presenting the Council a written report prior to April 6.

13. Tom Gagliardo: regarding the revisions to the BOCA Code, questioned why the section concerning the use of lead-based paint was being deleted. The City Administrator stated that there are State and Federal laws regarding the production of lead-based paint. Mr. Gagliardo asked why the City would be banking with Citizens Bank, instead of Suburban Trust, which is currently used. The City Administrator stated that it is proposed to change the City's payroll account to Citizens Bank, while retaining other accounts where they presently are; that hopefully this will give Citizens Bank incentive to cooperate with plans for revitalization of the Laurel/Carroll commercial area.

14. Karen Seaton, 611 Boston Avenue: urged Council not to vote on Washington Adventist Hospital bond issue until more public hearings are held and there is some accomodation for the retention of the sanitarium building.

15. Shirley Jones: said that the bonds to be sold by Washington Adventist Hospital are not going to be bought by the City, but by City residents or others and that she did not see the reasoning for tying the bond issue to the retention of the sanitarium; stated that she thought all ordinances should have to go through a First and Second Reading process; reiterated point made earlier that downzoning for 7100 block of Carroll Avenue was not in the original Master Plan drafts.

16. Herman Williams, 7667 Maple Avenue: stated that he has a copy of the law mentioned by Mr. Aldrighetti.

#### ITEMS FOR COUNCIL CONSIDERATION

##### Communications

1. City Commission on Landlord-Tenant Affairs. Notice of Public Hearing on excessive rent increases at 8302 Roanoke Avenue: Pre-hearing, Wednesday, April 1, 1981, 7:30 P.M., first floor meeting room of Municipal Building; hearing on same case on Wednesday, April 8, 1981, same time and place.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Ordinance authorizing the issuance of Washington Adventist Hospital bonds. Councilmember Weisman stated that he felt Councilmember Ramsey should disqualify himself on this item because of his real estate dealings with the Hospital. Councilmember Ramsey stated that he had filed a formal disclosure statement concerning this with the City Clerk, Council and Corporation Counsel, and indicating that he would vote on the issue; that although the City has not yet adopted the State Ethics Code, he had followed it in filing his statement. Mayor Abbott said that he did not question Councilmember Ramsey's integrity; that in some situations it is necessary to maintain the appearance of propriety even though integrity is not at issue; but that it is a judgment that Councilmember Ramsey would have to voluntarily make. After further discussion, Mayor Abbott ruled that, in the absence of action by the Council, Councilmember Ramsey would be permitted to vote. For purposes of discussion, a motion, duly seconded, was made by Councilmember Garcia to adopt the ordinance authorizing the issuance and sale of the Washington Adventist Hospital bonds. There was lengthy discussion of a motion made by Councilmember Ricks to tie (in writing) the retention of the sanitarium building to the Council's approval of the ordinance whereby there would be assurances that the Hospital would exhaust all possible means of saving the building and guaranteeing the involvement of the Citizens and the City government prior to any consideration of demolition; that this be a condition to adoption of the ordinance and included in the ordinance. At several points during the ensuing debate, members of the Council noted the positive change in the stance of the Hospital Board on the matter of the Sanitarium Building during Dr. Shiroma's tenure. They expressed their confidence in Dr. Shiroma's continued good faith efforts. Councilmember Ricks concurred, but noted Dr. Shiroma would likely move on at some future date and his successor may not be of like mind. It was noted that the ordinance then before the Council was not the last item that needed their approval prior to issuance of the bonds; Corporation Counsel stated that if the Council were to disapprove any one part of the process, it would have the effect of negating the entire bond issue. All Councilmembers noted their great desire to retain the sanitarium building and suggested various forms of assurances. The Washington Adventist Hospital Bond Counsel said that the Council could draw up a separate agreement between the City and Washington Adventist Hospital for the retention of the sanitarium, but that it could not be tied to the bond issue because of prior outstanding bond issues imposing conditions on the Hospital which, in essence, prevents the Hospital from doing anything to the economic detriment of the outstanding bondholders; that the Hospital could not legally accept such a condition precedent to the new bond issue. Tom Gagliardo stated his disagreement and requested a thorough analysis of the situation prior to Council action, suggesting that Bond Counsel could find a way to accommodate the conditions.

Corporation Counsel Gingerich recommended that the ordinance be either adopted or rejected as written, saying that Council could prepare a resolution or agreement regarding the Sanitarium Building prior to considering the final Resolution, at which time the whole thing could be scuttled if so desired. It was the consensus of the majority of the Council that that course should be followed and, during the interim period, attempt to secure a separate written agreement with the Hospital authorities setting forth the wanted assurances, and that this intent be expressed in the form of a motion. After further deliberations, Councilmember Ricks moved that, prior to acting on the Ordinance, the Council make an expression of an intent to obtain an agreement between the Hospital and the City to the effect that during its deliberations on the bond issue the Council decided to seek an agreement with the Hospital authorities expressing the Council's desire that Washington Adventist Hospital exhaust all possible means to prevent the demolition of the Sanitarium Building, and should that possibility arise, the Hospital would inform and involve the Council and the community by holding public meetings of various kinds. Councilmember Weisman seconded the motion.

Councilmember Saloma proposed that Council go ahead with the Ordinance and then proceed to draw up a Memorandum of Understanding between the City and the Hospital. Upon motion by Councilmember Holland, duly seconded, Councilmember Ricks' motion was tabled. Councilmember Holland, with Councilmember Saloma seconding, moved for passage of the Ordinance. The Ordinance was adopted with the roll call vote recorded as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma and Weisman. NAY: None. EXCUSED: None. When voting, Councilmembers Ricks and Weisman explained that their vote had been predicated on the understanding that the City and the Hospital would have a written agreement on the Sanitarium Building as expressed earlier. (Attachment A)

ORDINANCE NO. 2552 WAH BOND ISSUE  
(Attachment A)

Councilmember Ricks moved, with Councilmember Weisman seconding, that a memorandum of agreement be drawn up between Washington Adventist Hospital and the City which would assure the Council that the Hospital would make every effort to retain the Sanitarium Building and that before any decision to the contrary is made, the Hospital authorities would so inform the Council and involve the Council and citizens via public forums, citizen participation, and other means. Councilmember Garcia moved that the motion be amended to authorize the Corporation Counsel, Bond Counsel and the Hospital Counsel to meet and prepare the memorandum of agreement based on Council's preceding discussion. The motion was seconded, but failed, with the following vote recorded: AYE: 3. NAY: 3. ABSTENTION: 1. At the Mayor's request, Councilmember Ramsey explained that he had abstained because he opposed the main motion and viewed the amendment as irrelevant.

Councilmember Saloma made the following motion, which was later seconded by Councilmember Weisman: It is the consensus of the City Council that the Sanitarium Building is a historic landmark of considerable significance to the Takoma Park Community and, upon the occasion of its approval of an ordinance authorizing the issuance of Washington Adventist Hospital bonds, the Council request the Hospital Board to meet with the City Council to execute a memorandum of understanding recognizing the historic significance of the building and agreeing that the Hospital will explore every reasonable avenue for preservation and alternative uses of the building, including applications for listing on the Montgomery County Historic Atlas and the National Register, in consultation with the Mayor and Council, and to involve Council and citizens in the process, should the building become endangered, by holding public forums. After Councilmembers Ricks and Weisman withdrew the main motion, a vote was taken on Councilmember Saloma's motion, which was recorded as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ricks, Saloma, and Weisman. NAY: Councilmember Ramsey.

2. Appointment of Alternate Landlord and Alternate Tenant to fill vacancies on the Landlord-Tenant Commission. Mayor Abbott made a motion, duly seconded by Councilmember Holland, that Mr. Barry Stimmel be appointed the Landlord Alternate; when the motion was put to a vote, it was unanimously approved. Councilmember Saloma made a motion, duly seconded by Councilmember Weisman, that Mr. Harold Alston be appointed the Tenant Alternate; Councilmember Ricks noted his preference for Mrs. Lillian Hunt, saying that Mr. Alston lives in the same building as another member of the Commission and that he would prefer to appoint someone from another building. Councilmember Saloma noted that this is Mr. Alston's second time in offering his services for the Commission, and felt he would be much better qualified than Mrs. Hunt, because her building is not affected by the rent stabilization ordinance. When the motion to appoint Mr. Alston was put to a vote, it was adopted by the majority of the Council, with Councilmembers Garcia and Ricks voting in the negative.

3. Ordinance amending Ordinance No. 2548 (Special Parking Permit Impact Area #2A) to include Eastern Avenue. Upon motion by Mayor Abbott, duly seconded by Councilmember Patrick, Ordinance No. 2553, below, was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Saloma, Weisman. NAY: Councilmember Ricks. EXCUSED: None.

ORDINANCE #2553

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

SECTION 1. THAT Section 1.B of Ordinance No. 2548, adopted February 9, 1981, be amended to read as follows:

SECTION 1. B. THAT a Special Impact Area, to be designated as Parking Permit Area #2A, be hereby established to lie within Parking Permit Area #2, and to include the following streets: Eastern Avenue from Cedar Avenue to Piney Branch Road; from Eastern Avenue to the 7300 blocks of Holly, Cedar and Maple Avenues; and on Tulip Avenue from Holly Avenue to Willow Avenue; AND

SECTION 2. THAT this ordinance shall become effective upon adoption.

4. Discussion of Centennial observance. It was the consensus of the Council that, due to the lateness of the hour, this item be deferred until the next Council meeting.

5. Ordinance creating a 3-way stop at the intersection of Cedar and Dogwood Avenues. Councilmember Garcia made a motion, duly seconded, that this ordinance be adopted. Councilmember Ricks noted his objections to adopting ordinances establishing random traffic controls, instead of working on a comprehensive City-wide traffic plan. Councilmember Ramsey moved to establish the 3-way stop at the intersection of Birch and Cedar, noting that it was a much more dangerous intersection and a stop at that intersection would slow the traffic on the lower portion of Cedar. The motion failed for lack of a second. It was noted by the Mayor that the ordinance before the Council had been petitioned by some 50 residents. Ordinance #2554 was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks (with objections noted), Saloma, Weisman. NAY: None. EXCUSED: None.

ORDINANCE #2554

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

- SECTION 1. THAT all vehicular traffic travelling in either a northerly or southerly direction on Cedar Avenue shall come to a complete stop at its intersection with Dogwood Avenue, thereby creating a 3-way stop; AND
- SECTION 2. THAT the Director of Public Works is hereby authorized and instructed to install STOP signs at the appropriate locations; AND
- SECTION 3. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 4. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

Upon motion by Councilmember Ramsey, duly seconded, the Council waived the reading of the ordinances contained in items 6 thru 10 below and approved them for first reading.

6. First Reading of an ordinance amending Ordinance No. 2395 (Parking Permit Area #1) to prohibit all parking on the Southwest side of New York Avenue between Chicago and Takoma Avenues.

PROPOSED ORDINANCE

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

- SECTION 1. THAT Ordinance No. 2395, adopted August 9, 1976, establishing the boundaries of a Parking Permit Area and setting forth specific parking regulations within the area, as amended by Ordinance 2509, be amended by the repeal of subsection 2; AND
- SECTION 2. THAT Ordinance 2395 be further amended by the addition of the following subsection A.(13) to Section 2:
- A. NO PARKING AT ANY TIME:
- (13) New York Avenue, Southwest side, between Chicago and Takoma Avenues;                   AND
- SECTION 3. THAT the Director of Public Works is hereby instructed to install the appropriate signs; AND
- SECTION 4. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 5. FURTHER THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 13.63.1(i), Code of Takoma Park, Maryland, 1972, as amended.

7. First Reading of an ordinance instituting a voluntary newspaper recycling program.

PROPOSED ORDINANCE

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

- SECTION 1. THAT the Mayor and Council have determined that it is in the public interest to institute a voluntary newspaper recycling program; AND
- SECTION 2. THAT the Mason-Dixon Recycling Corporation (the Contractor) is hereby authorized to begin a newspaper collection program in Takoma Park, to the exclusion of all other persons or organizations, upon the execution of a contract with the City, the basic elements of which are:
- (1) For participating households, newspapers are to be separated from all other refuse and placed in secure bundles on the curbside for Wednesday pickup by the Contractor;
  - (2) The proceeds from the sale of the newspapers collected by the Contractor shall be paid to the City on a monthly basis in accordance with the terms of the contract; AND
- SECTION 3. THAT the City Administrator is hereby authorized to enter into a contract agreement with the Mason-Dixon Recycling Corporation for a period of one year, with the option of automatic renewal for succeeding years, or termination at any time for good cause upon thirty days written notice; AND
- SECTION 4. THAT it shall be unlawful for any person, firm, corporation or organization to remove newspapers which have been placed at the curbside for collection by the Mason-Dixon Recycling Corporation; AND
- SECTION 5. THAT the penalty for violation of Section 4 of this Ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, 1972, as amended.

8. First Reading of an ordinance to install a STOP sign on Elm Avenue at its intersection with Westmoreland Avenue.

PROPOSED ORDINANCE

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

- SECTION 1. THAT all vehicular traffic travelling on Elm Avenue shall come to a complete stop at its intersection with Westmoreland Avenue, thereby creating a 4-way stop; AND
- SECTION 2. THAT the Director of Public Works shall install a STOP sign at the appropriate location; AND
- SECTION 3. THAT this ordinance shall become effective upon the completion of the signing; AND
- SECTION 4. FURTHER THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, Maryland, 1972, as amended.

9. First Reading of an ordinance to amend Chapter 10, Refuse, of the City Code. (See Attachment B)

10. First Reading of an ordinance to amend Chapter 12, Trees and Vegetation, of the City Code by repealing and reenacting and retitling as "Vegetation." (See Attachment C)

ATTACHMENT C

11. Ordinance adopting "The Basic Property Maintenance Code, First Edition, 1981," declaring violations to be Municipal Infractions, and setting fines. Councilmember Ricks made a motion, duly seconded by Councilmember Weisman, that this ordinance be adopted immediately as emergency legislation, without having a Second Reading; Councilmember Ricks noted that there is more than one building where this ordinance would give great relief where the health, safety and welfare of the tenants are at stake. Councilmembers Garcia and Saloma stated that they were in favor of the ordinance itself, but noted their opposition to adopting the ordinance without a Second Reading or public hearing because it affects many residents of the City who are not aware of its existence. After further discussion, Ordinance No. 2555 (Attachment D), was adopted by roll call vote as follows: AYE: Councilmembers Holland, Patrick, Ramsey, Ricks, Weisman. NAY: Councilmembers Garcia and Saloma. EXCUSED: None.

ORDINANCE NO. 2555

ATTACHMENT D

12. Resolution authorizing the opening of a City checking account at Citizens Bank and Trust. Councilmember Ricks inquired as to the bank's practices on loans to minorities and redlining; and asked if a minority operated bank had been considered. The City Administrator responded by saying that there are no minority-operated banks in the City and that he was unaware of any discriminatory acts by Citizens Bank. Mayor Abbott said that if the Council and City are serious about the revitalization of the Laurel/Carroll commercial area, the opening of an account with Citizens Bank and Trust should show that the City is willing to take the first step. Upon motion, duly seconded, the following Resolution was adopted unanimously by the Council.

RESOLUTION

BE IT RESOLVED that the Citizens Bank and Trust Company is hereby designated as a depository of this Corporation and that a checking account be opened and maintained in the name of this Corporation with said bank; that the City Administrator/Treasurer is hereby authorized on behalf of this Corporation and in its name to sign checks, drafts, notes, bills of exchange, acceptances or other orders for the payment of money from said account; to endorse checks, notes, bills, certificates of deposit, or other instruments, owned or held by this Corporation, for deposit in said account, or for collection or discount by said bank, to accept drafts, acceptances, and other instruments payable at said bank; to waive demand, protest and notice of protest, or dishonor any check, note, bill, draft, or other instrument made, drawn or endorsed by this Corporation; AND

BE IT FURTHER RESOLVED that the City Clerk shall certify to said bank the name of the presently duly appointed City Administrator/Treasurer of this Corporation and shall from time to time hereafter, as changes in the personnel are made, immediately certify such changes to the bank, and said bank shall be fully protected in relying on such certifications of the City Clerk and shall be indemnified and saved harmless from any claims, demands, expenses, loss or damage resulting from, or growing out of honoring the signature of any officer so certified or refusing to honor any signature not so certified; AND

BE IT FURTHER RESOLVED that the foregoing resolution shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said bank, and that receipt of such notice shall not affect any action taken by the bank prior thereto; AND

BE IT FURTHER RESOLVED that the City Clerk be, and hereby is, authorized and directed to certify to said bank the foregoing resolution and that the provisions thereof are in conformity with the Charter and By-Laws of this Corporation.

Upon motion, duly seconded, the meeting adjourned at 12:55 A.M., to reconvene on Monday, April 13, 1981, at 8:00 P.M.



ATTACHMENT A

Regular Council meeting minutes  
March 23, 1981

ORDINANCE NO. 2552

ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$4,000,000 AGGREGATE PRINCIPAL AMOUNT OF HOSPITAL FACILITIES REVENUE BONDS, SERIES 1981 (WASHINGTON ADVENTIST HOSPITAL, INCORPORATED PROJECT) OF THE CITY OF TAKOMA PARK, MARYLAND PURSUANT TO THE PROVISIONS OF SECTIONS 266A THROUGH 266-I, INCLUSIVE, OF ARTICLE 41 OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, IN ORDER TO LOAN THE PROCEEDS TO WASHINGTON ADVENTIST HOSPITAL, INCORPORATED, A MARYLAND CORPORATION, FOR THE SOLE AND EXCLUSIVE PURPOSE OF FINANCING THE ACQUISITION BY SUCH CORPORATION OF CERTAIN HOSPITAL FACILITIES AS PROVIDED IN THIS ORDINANCE; CONFIRMING AND APPROVING THE EXECUTION OF THE LETTER OF INTENT; AUTHORIZING THE USE OF A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING EXECUTION OF A TRUST INDENTURE, LOAN AGREEMENT, BOND PURCHASE AGREEMENT, INDUCEMENT LETTER AND FINAL OFFICIAL STATEMENT, ALL RELATING TO THE SERIES 1981 BONDS; AND MAKING CERTAIN FINDINGS RELATING THERETO.

BE IT ORDAINED by the City Council of the City of Takoma Park, Maryland (the "City") as follows:

Section 1. It is hereby found, determined and declared as follows:

(A) Under Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, as amended (the "Act"), all of the counties and municipalities of the State of Maryland are authorized and empowered to (i) issue revenue bonds for the purpose of financing the cost of acquiring any industrial building or buildings and leasing or selling such industrial buildings to an industrial concern and, (ii) as an alternative procedure, to issue revenue bonds for the purpose of loaning the proceeds of the revenue bonds to an industrial concern to finance the acquisition by such industrial concern of any industrial building or buildings.

(B) The issuance of the Series 1981 Bonds (as hereinafter defined) for the purpose of financing the Project (as hereinafter defined), which Project is an "industrial

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building" under the Act and is owned by an "industrial concern" under the Act, will further the public purposes of the Act by helping to relieve conditions of unemployment in the State, encouraging an increase of industry and a balanced economy in the State, promoting economic development and in this manner promoting the health, welfare and safety of the residents of the City and the State.

(C) Pursuant to the Act, the acquisition and construction of any industrial building, and the issuance of revenue bonds therefor, shall be authorized by an ordinance or resolution of the governing body of the issuer.

(D) The Series 1981 Bonds are issued in order to finance an "industrial building" and to pay ancillary expenses, and the industrial building is or will be acquired by a bona fide borrower, as evidenced for purposes of Section 266B(d) of the Act by the letter of intent submitted by Washington Adventist Hospital, Incorporated (the "Corporation") to the City on March 9, 1980 (the "Letter of Intent").

(E) The City hereby determines to issue and sell not to exceed \$4,000,000 aggregate principal amount of the City's Hospital Facilities Revenue Bonds, Series 1981 (Washington Adventist Hospital, Incorporated Project) (the "Series 1981 Bonds") pursuant to the Act. The proceeds of the Series 1981 Bonds will be loaned (the "Loan") by the City to the Corporation in order to pay the costs of financing the acquisition and construction of certain general hospital and related health facilities which have a certification of need from the State Comprehensive Health Planning Agency within the meaning of the Act (the "Project"). The Project is described in greater detail in Exhibit A to the Loan Agreement (as hereinafter defined).

(F) Pursuant to a Loan Agreement anticipated to be dated as of April 1, 1981 (the "Loan Agreement") between the City and the Corporation, the form of which has been presented to the City Council at the meeting at which this Ordinance was read for the second time and which has been reviewed to the extent deemed necessary, the Corporation agrees to repay the Loan in specified amounts and at specified times sufficient to make the necessary payments of principal of, premium, if any, and interest on the Series 1981 Bonds. In addition, the Loan Agreement contains provisions relating to the construction and completion of the Project, the payment by the Corporation of administrative costs of the City and the Trustee (as hereinafter defined), conditions of alteration,

improvements and removals of items constituting the Corporation's facilities, the establishment of rates and charges, the incurrence of other indebtedness, indemnification, insurance and other agreements and covenants which are required by the Act or which are permitted by the Act and which the City and the Corporation deem necessary or desirable to the financing of the Project and the sale of the Series 1981 Bonds, and the Loan Agreement requires the Corporation to operate and maintain its Facilities (as defined in the Loan Agreement) while the Series 1981 Bonds are outstanding, and requires the Corporation to make all equipment replacements and repairs necessary to ensure that the security for the Series 1981 Bonds shall not be impaired.

(G) Pursuant to a Trust Indenture anticipated to be dated as of April 1, 1981 (the "Indenture"), between the City and a trustee to be named therein (the "Trustee"), the form of which has been presented to the City Council at the meeting at which this Ordinance was read for the second time and which has been reviewed to the extent deemed necessary, the City assigns and pledges all of its rights, title and interest in the Loan Agreement (except only certain rights for administration costs and for indemnification) to the Trustee. In addition, the Indenture, among other things, provides for the setting of the interest rates, maturity dates and redemption provisions for the Series 1981 Bonds, provides for the terms and conditions for the issuance of any Additional Bonds (as defined in the Indenture), establishes the various funds and accounts for the deposit and transfer of moneys and contains other provisions which are required by the Act or which are permitted by the Act and which the City and the Corporation deem necessary or desirable to the financing of the Project and the sale of the Series 1981 Bonds.

(H) The Series 1981 Bonds and the interest coupons appertaining thereto issued under the authority of the Act will be limited obligations of the City payable solely from revenues derived from loan repayments under the Loan Agreement or payments under the First Mortgage Bonds (as hereinafter defined), other than to the extent payable from the proceeds of insurance or condemnation awards. Neither the Series 1981 Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

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(I) As additional security for the holders of the Series 1981 Bonds, the Corporation will issue to the City or the Trustee certain first mortgage bonds (the "Series 1981 First Mortgage Bonds") which, together with other first mortgage bonds of the Corporation, are secured by a security interest in certain property as more fully described in the documents creating such security interest subject to certain specified permitted encumbrances. The Series 1981 First Mortgage Bonds are issued pursuant to a Third Supplemental Indenture between the Corporation and the First National Bank of West Bend, Wisconsin and M.J. Conring of West Bend, Wisconsin (the "Third Supplemental Indenture") the form of which has been presented to the City Council at the meeting at which the Ordinance was read for the second time and which has been reviewed to the extent deemed necessary. The City, pursuant to the Indenture, will assign and pledge all of its rights, title and interest in the Loan Agreement (except only certain rights for administration costs and for indemnification) and the Series 1981 First Mortgage Bonds to the Trustee.

(J) Pursuant to a Preliminary Official Statement (the "Preliminary Official Statement") (together with the final Official Statement, referred to herein as the "Official Statement"), the form of which has been presented to the City Council at the meeting at which this Ordinance was read for the second time and which has been reviewed to the extent deemed necessary, certain information relating to the City, the Corporation, the Series 1981 Bonds, the Series 1981 First Mortgage Bonds and the documents securing them and the above-described documents will be given to the purchasers of the Series 1981 Bonds by Miller & Schroeder Municipals, Inc. (the "Underwriter").

(K) Pursuant to an Inducement Letter (the "Inducement Letter"), the form of which has been presented to the City Council at the meeting at which this Ordinance was read for the second time and which has been reviewed to the extent deemed necessary, the Corporation makes certain representations and agrees to indemnify the City and the Underwriter for any untrue statements or omissions contained in the Official Statement. In addition, the Inducement Letter also contains other agreements and covenants deemed necessary or desirable by the City and the Corporation for the sale of the Series 1981 Bonds.

(L) Pursuant to a Bond Purchase Agreement (the "Bond Purchase Agreement") between the City and the Underwriter, the form of which has been presented to the City Council at

the meeting at which this Ordinance was read for the second time and which has been reviewed to the extent deemed necessary, the Underwriter will purchase the Series 1981 Bonds from the City at the discount price and on the terms and conditions (including interest rates) specified therein and in a resolution of the City Council supplemental hereto.

Section 2. In order to provide for the financing of the acquisition and construction of the Project, the City hereby authorizes the issuance of the Series 1981 Bonds as revenue bonds under the Act, to be designated "City of Takoma Park (Maryland), Hospital Facilities Revenue Bonds, Series 1981 (Washington Adventist Hospital, Incorporated Project)" in an aggregate principal amount not to exceed \$4,000,000. The Series 1981 Bonds shall be solely and exclusively payable from, and secured by, the revenues derived from payments under the Loan Agreement and the Series 1981 First Mortgage Bonds and any first mortgage bonds hereafter issued by the Corporation to the City to secure the Series 1981 Bonds, other than to the extent payable from the proceeds of insurance or condemnation awards. The Series 1981 Bonds shall be dated as of April 1, 1981, or as of any other date mutually agreed upon by the City and the Corporation, and shall contain the redemption and other provisions as are set forth in the Indenture, and shall mature in the years, in the amounts, and bear interest at the rates per annum (but not to exceed 13%) to be specified in the Indenture and a resolution supplemental hereto, which resolution shall also set forth the annual debt service requirements on the Series 1981 Bonds.

Section 3. Each Series 1981 Bond shall be executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Administrator (such City Administrator shall constitute the "clerk" for purposes of Section 266D(b) of the Act) of the City, and its corporate seal (which may be in facsimile) shall be thereunto affixed, imprinted or engraved. The coupons to be attached to the Series 1981 Bonds shall bear the facsimile signatures of the Mayor and the City Administrator. If any of the officers who shall have signed or sealed any of the Series 1981 Bonds or whose facsimile signature shall be upon the coupons shall cease to be such officers of the City before the Series 1981 Bonds so signed and sealed shall have been actually delivered by the City, such signature shall nevertheless be valid and sufficient for all purposes and the same as if he had remained in office until delivery of the Series 1981 Bonds.

Section 4. (a) No part or proportion of the receipts and revenues of the City from the loan of the proceeds of Series 1981 Bonds to the Corporation shall be set aside as a depreciation account (mentioned in the Act) since such a depreciation account would (i) be inconsistent with the transactions authorized hereby and (ii) place an unreasonable burden on the Corporation so as to adversely affect the feasibility of the transactions and thus frustrate the legislative purposes of the Act and (b) as a condition of the City's entering into the Loan, the Corporation will covenant and agree properly to operate and maintain its Facilities (as defined in the Loan Agreement) while the Series 1981 Bonds are outstanding and to make all equipment replacements and repairs necessary to ensure that the security for the Series 1981 Bonds shall not be impaired.

Section 5. The City reserves the right to issue Additional Bonds (as defined in the Indenture) for the purposes and upon the conditions set forth in the Indenture, which Additional Bonds shall be equally and ratably secured with the Series 1981 Bonds.

Section 6. The execution by the City of the Letter of Intent is hereby confirmed and approved.

Section 7. The forms of the Indenture and the Loan Agreement and the Third Supplemental Indenture are hereby made a part of this Ordinance as fully as though set forth in full herein and are hereby approved in the form submitted to this meeting, and the Mayor is hereby authorized and directed to accept the delivery of the Series 1981 First Mortgage Bonds and assign them to the Trustee and to execute, acknowledge and deliver the Indenture and the Loan Agreement on behalf of the City with such changes, insertions and omissions therein as do not change the substance of the Indenture or Loan Agreement or the Series 1981 First Mortgage Bonds or the Third Supplemental Indenture and as may be approved by the Mayor, such approval to be evidenced conclusively by his execution of the Indenture and the Loan Agreement and accepting and assigning the Series 1981 First Mortgage Bonds to the Trustee and the City Administrator is hereby authorized and directed to affix to the Indenture and the Loan Agreement the corporate seal of the City and to attest thereto.

Section 8. The form of the Preliminary Official Statement is hereby made a part of this Ordinance as fully as though set forth in full herein and is hereby approved in the

form submitted to the meeting at which this Ordinance was read for the second time, and the Mayor is hereby authorized and directed to execute a final Official Statement on behalf of the City, with such changes, insertions and omissions therein as do not change the substance of the Preliminary Official Statement, and as may be approved by the Mayor, such approval to be evidenced conclusively by his execution of the Official Statement, and said Preliminary Official Statement and final Official Statement and the information contained therein are hereby authorized to be used by the Underwriter in connection with the sale of the Series 1981 Bonds to the public.

Section 9. The forms of the Bond Purchase Agreement and Inducement Letter are hereby made a part of this Ordinance as fully as though set forth in full herein and are hereby approved in the form submitted to the meeting at which this Ordinance was read for the second time and the mayor is hereby authorized and directed to execute the Bond Purchase Agreement and Inducement Letter on behalf of the City, with such changes, insertions and omissions therein as do not change the substance of the Bond Purchase Agreement and the Inducement Letter and as may be approved by the Mayor, such approval to be evidenced conclusively by his execution of the Bond Purchase Agreement and Inducement Letter.

Section 10. The Mayor of the City and the City Administrator and all members of the City Council are hereby authorized and directed to execute and deliver all other documents which may be required under the terms of the Indenture, the Loan Agreement, the Inducement Letter or the Bond Purchase Agreement, and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof.

Section 11. In the absence or disability of the Mayor, City Administrator or other officer of the City or any other officer that the City named in any instrument to be executed on behalf of the City in connection with the issuance of the Series 1981 Bonds, the acting Mayor, City Administrator or any other officer designated by resolution of the City Council may execute such instrument. The execution of any instrument by an officer of the City so designated shall be conclusive evidence of its approval.

PROPOSED ORDINANCE

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

SECTION 1. THAT the Mayor and Council deem it necessary to revise and update certain portions of Chapter 10 of the City Code; AND

SECTION 2. THEREFORE THAT the following sections of Chapter 10, "Refuse," of the Code of Takoma Park, Md., 1972, as amended, be repealed in their entirety and reenacted as set forth below: Sec. 10-1(a)(3); Sec. 10-3; Sec. 10-6; Sec. 10-8; Sec. 10-11; Sec. 10-22; Sec. 10-23; Sec. 10-28(d); Sec. 10-32; Sec. 10-40; Sec. 10-43; Sec. 10-46; Sec. 10-

Sec. 10-1. Definitions.

(a)

(3) With respect to refuse from any premises, the term:

(A) Dead Animal shall mean the dead body of any animal not killed for food.

(B) Non-Collectible Waste shall include poisons, acids, caustics, explosives and such other waste material as may cause damage to collection equipment or personal injury to collectors.

(C) Household Furniture. Furniture designed and constructed specifically for use inside a house or office.

(D) Person Responsible. Property owner, property manager or occupant.

Sec. 10-3. Rules, regulations and determination of violation.

(a) The Director of Public Works shall prepare such regulations and recommend such policies as may be necessary to effect the collection and disposal of refuse and dead animals. These regulations and policies, when approved by the Mayor and Council, shall have the same effect as though set forth in this Chapter.

(b) In the preservation of health, safety and general welfare, the Director of Public Works or the Director's representative shall determine if any provisions of this Chapter have been violated. In the event that any such violations exist, the Director of Public Works or the Director's representative shall send a copy of the Section or Sections with a copy of the municipal infraction in accordance with Section 10-58.

10-6. Refuse receptacles.

(a) Where refuse is accumulated, the person responsible shall provide and maintain in good condition on that premises any receptacle for the deposit of refuse. Refuse receptacles shall not have rusted-through areas, tears or fractures, and lids shall fit properly so as to secure the refuse.

(b) The Director of Public Works or the Director's representative shall serve, in accordance with Section 12-20, upon the person responsible a Municipal Infraction, in accordance with Section 10-58, for maintaining refuse receptacles in improper condition as specified in this Section.

Sec. 10-8. Placement of refuse receptacles in public way.

(a) No person shall place refuse receptacles for collection upon any public sidewalks, streets, avenues, alleys or other public spaces except for those persons who have obtained authorization from the Director of Public Works or the Director's representative to place refuse receptacles on public sidewalks, streets, avenues, alleys or other public spaces.

(b) Persons who obtain permission to place refuse receptacles for collection upon public sidewalks, streets, avenues, alleys or other public spaces shall remove those receptacles by seven o'clock (7:00 AM) in the morning following the day after actual pick-up of refuse from those containers.

(c) The Director of Public Works or the Director's representative shall serve, in accordance with Section 12-20, upon the person responsible a Municipal Infraction, in accordance with Section 10-58, for violation of this Section.

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Sec. 10-11. Reserved

Sec. 10-22. Abandonment of refuse on public property.

(a) No person shall abandon on any public space, public street, public alley, public right-of-way, or public park, any garbage, debris, paper of any type, foil of any type, tin cans, glass containers, broken glass, plastic containers, vegetable matter, putrescible matter, crockery, fiberglass or metal items, nails, iron cuttings, wire, furniture, appliances, carpeting, automotive or truck parts, tires, wood, construction material and filth.

(b) The Director of Public Works or the Director's representative shall serve, in accordance with Section 12-20, upon the person responsible a Municipal Infraction, in accordance with Section 10-58, for abandonment of refuse on public property as specified in this Section.

Sec. 10-23. Disposal of refuse on private property.

(a) No person shall maintain or abandon on their private or rented property or on other private property garbage, debris, paper of any type, foil of any type, tin cans, glass containers, filth, broken glass, plastic containers, vegetable matter, putrescible matter, crockery nails, iron cuttings, and wire unless they are deposited and maintained in a refuse receptacle as described in Section 10-6.

(b) No person shall maintain or abandon on their private or rented property or on other private property unless they be contained within or inside a permanent structure, household furniture, appliances, carpeting, automotive or truck parts, tires, bath tubs, sinks, wood, or construction material.

(c) The Director of Public Works or the Director's representative shall serve, in accordance with Section 12-20, upon the person responsible a Municipal Infraction, in accordance with Section 10-58, for maintaining or abandoning refuse, or maintaining or abandoning other items as specified in this section.

Sec. 10-28. Nauseous matter prohibited.

(d) The Director of Public Works or the Director's representative shall serve, in accordance with Section 12-20, upon the person responsible a Municipal Infraction, in accordance with Section 10-58, for maintaining nauseous matter as specified in this Section.

Sec. 10-32. Burning refuse on public property.

(a) No person shall burn any trash, garbage or refuse of any description upon any public park, public sidewalk, public right-of-way, public street or other public spaces except upon permission of the Mayor and Council and under the direction of the Director of Public Works or the Director's representative.

(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) The Director of Public Works or the Director's representative shall serve, in accordance with Section 12-20, upon the person responsible, a Municipal Infraction, in accordance with Section 10-58, for burning materials as specified in this Section.

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.

Sec. 10-43. Placement time for collection.

(a) No person shall place refuse or items for Wednesday special collection on the public right-of-way prior to the preceding Tuesday afternoon.

(b) No person shall place bulky items out for Wednesday bulky collection without an appointment and permission for the Director of Public Works or the Director's representative.

(c) The Director of Public Works or the Director's representative shall serve, in accordance with Section 12-20, upon the person responsible, a Municipal Infraction, in accordance with Section 10-58, for violation of this Section.

Sec. 10-46. Items excluded from special collection.

(a) Items that may not be included in the Wednesday special collection are as follows:

(1) Residue or left-over material from landscaping, alterations to buildings or property, remodeling, construction, salvaging, etc. (whether done by a contractor or not).

(2) Wrecked cars or trucks or parts thereof, tree stumps, logs, or the like.

(b) The items in Subsection (a) must be disposed of by the owner at his own expense.

Sec. 10-58. Municipal Infractions; fines; other remedies.

(a) The following Sections 10-6, 10-8, 10-22, 10-23, 10-28, 10-32 and 10-43 of this Chapter have been declared to be Municipal Infractions; violation of Sections 10-6, 10-8, 10-22, 10-23, 10-28, 10-32 and 10-43 shall cause a twenty-five dollar (\$25.00) fine to be imposed, providing Subsection (d) of this Section does not apply.

(b) If the Municipal Infraction fine has not been satisfied within twenty (20) days as specified, then a formal notice shall be sent by certified mail to the person whose name appears on the fine citation, stating that if the fine is not satisfied within fifteen (15) days, the City of Takoma Park shall request adjudication of the case through the District Court and double the fine from twenty-five dollars (\$25.00) to fifty dollars (\$50.00), in accordance with Section 1-17(b) of the City Code.

(c) Nothing contained herein shall prevent the City of Takoma Park from filing suite in the appropriate court to enjoin or otherwise require or prevent any action or omission provided for by this Chapter.

(d) One municipal infraction warning of twenty-four (24) hours shall be issued to the person responsible for violation of Section 10-6, 10-8, 10-23, 10-28, 10-32 and 10-43 which have been declared to be municipal infractions in accordance with Subsection (a) of this Section. No warnings shall be issued for violation of Section 10-22, which has also been declared a municipal infraction. No additional warnings shall be issued to the person responsible for subsequent Infractions for which a Municipal Infraction warning was received. Procedures for issuing warnings shall be as described in Section 12-20.

(e) Failure to abate the cited violation at the time of paying the fine shall cause the violation to be treated as a repeat violation.

(f) Any individual who receives a municipal infraction fine citation and wishes to stand trial by signing the citation and returning it as specified, shall not receive additional citations until the court rules on the citation for which the defendant is standing trial.

(g) In cases where the Director of Public Works has determined that extreme danger exists, or extreme unsanitary conditions exist to person or property, the warning notice shall be dispensed with and the Director of Public Works shall take action in accordance with Section 12-21(b) and issue a municipal infraction fine citation.

(h) In cases where the Director of Public Works has determined that the person responsible cannot be found, the violation shall be corrected in accordance with Section 12-21(a).

(i) In cases where the Director of Public Works has determined that the person responsible has failed to abate the violation after being ordered to do so by the court, the City may take corrective action to abate the violation in accordance with Section 12-21(a).

(j) If any provision of this Article, or the application thereof to any person or circumstance 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.

(k) The Director of Public Works or the Director's representative shall have the authority to enforce all the provisions of this Article.

AND

SECTION 3. THAT this ordinance shall become effective upon adoption.

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

SECTION 1. THAT the Mayor and Council deem it necessary to revise and update Chapter 12 of the City Code: AND

SECTION 2. THEREFORE THAT Chapter 12, "Trees and Vegetation," of the Code of Takoma Park, Md., 1972, as amended, be repealed and reenacted as set forth below:

#### CHAPTER 12. VEGETATION

##### ARTICLE 1. GENERAL PROVISIONS

Sec. 12-1. Definitions.

(a) As used in this Chapter:

(1) Director shall mean the Director of Public Works.

(2) Representative shall mean any City employee authorized by the Director of Public Works.

(3) Person Responsible shall mean the property owner, property manager or occupant.

Sec. 12-2. Authority of Director to make rules and regulations.

The Director of Public Works may, with the approval of the Mayor and Council, make additional rules and regulations, not inconsistent with this Chapter, pertaining to the planting, removal and care of trees, bushes and shrubs, and such rules and regulations, once duly adopted, shall be deemed a part of this Chapter as though set forth fully herein.

Sec. 12-3. Interference with Director of Public Works or the Director's representative.

No person shall prevent, delay or interfere with the Director of Public Works or the Director's representative while engaged in carrying out the provisions of this Chapter in or upon any public highway or public space as authorized by this Chapter.

Sec. 12-4. Reserved.

Sec. 12-5. Charges for taking corrective action by the City.

(a) If the City has taken corrective action to bring a property into compliance with a municipal infraction Section of the City Code, the Director of Public Works or the Director's representative who has caused the offensive condition to be corrected shall certify the cost to the Treasurer.

(b) The Treasurer shall examine the certificate, and if approved by the Mayor and Council and found correct, shall cause the cost as shown thereon to be charged against the lands. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, the amount to bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

##### ARTICLE 2. VEGETATION.

Sec. 12-6. Director of Public Works to have authority over all trees on all City rights-of-way, parks and on other City property.

(a) The Director of Public Works shall have authority over all trees located within all City rights-of-way, parks and other City owned property, and shall have the power to plant, trim, spray, preserve, remove and destroy trees subject to the provisions of this Article.

(b) The Director of Public Works or the Director's representative may cause or order to be removed or destroyed, a tree or part thereof on all City rights-of-way, City parks and other City property which is in an unsafe condition or which may cause damage to sewers or other public improvements, or is affected with any injurious fungus, infestation or infection that may cause the eventual death of other healthy trees, or to ensure safety or to preserve the symmetry and beauty of City property.

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Sec. 12-7. Inspection of trees for insects and disease.

The Director of Public Works or the Director's representative is authorized to inspect any tree within the corporate limits of Takoma Park that are infected or infested or reported to be infected or infested with any disease or disease carrying parasite that may cause harm to other trees, or parasites that may cause damage to other private property.

Sec. 12-8. Examination, diagnosis and report on any tree.

If the Director of Public Works finds it impossible to determine with certainty the existence of disease in any tree inspected by him, he may take a specimen or specimens from the tree, which shall be forwarded for examination, diagnosis and report to the Phytopathology Department at the University of Maryland. The action of the Director shall await and be based upon the report received from the examination and diagnosis.

Sec. 12-9. Infected and infested woody vegetation on private property.

(a) No person shall maintain on their private property woody vegetation, i.e., trees, shrubs and bushes infected with a fungus, virus, bacterium or other pathogens or infested with insects or other parasites of which either said infection or infestation may cause damage to other woody vegetation as well as other property.

(b) After inspection, in accordance with Sections 12-7 and 12-8, the Director of Public Works shall inform the person responsible for maintaining the woody vegetation in question that it is infected or infested and should be treated, trimmed, removed or destroyed.

(c) The Director of Public Works or the Director's representative shall serve, in accordance with Section 12-20, upon the person responsible a municipal infraction, in accordance with Section 12-22, for maintaining infected or infested woody vegetation as specified in this Section.

Sec. 12-10. Permit required to prune, spray, plant or remove vegetation from City property.

(a) A permit shall be required to prune, spray, plant or remove any type of vegetation from any City right-of-way, City park, or other City property.

(b) Permits issued for pruning, spraying, planting or removing vegetation shall state specifically the extent of authorization and the conditions under which the permit was granted. Permit shall not be necessary for property owners to mow planting strips adjacent to their property.

(c) The Director of Public Works or the Director's representative shall serve, in accordance with Section 12-20, upon the person responsible a municipal infraction, in accordance with Section 12-22, for failure to obtain a permit as required in this Section.

Sec. 12-11. Tree removal at owner's request.

Nothing in this Article shall be construed to prohibit any owner from requesting in writing an inspection or removal of any tree on private property and to have the cost of removal assessed in the manner prescribed in this Chapter.

Sec. 12-12. Fallen or dangerous trees on private property.

(a) No person shall permit to stand on private property any dead tree, dead part of tree, stumps displaced from the ground, 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, public improvement, or other property. The stumps from dead trees shall be removed flush with the surrounding ground.

(b) No person shall maintain a fallen tree or brushwood or any part of a fallen tree on private property except when the tree is cut to firewood size and stacked. Firewood size shall be considered any tree part, other than the stump, cut to an average diameter of less than ten (10) inches and an average length of less than forty (40) inches.

(c) The Director of Public Works or the Director's representative shall serve, in accordance with Section 12-20, upon the person responsible a municipal infraction, in accordance with Section 12-22, for maintaining fallen or dangerous vegetation as specified in this Section.

Sec. 12-13. Director of Public Works; reports on removed trees.

The Director of Public Works shall provide a report to the Mayor and Council, at the next meeting after the removal, of the location of any tree removed from either public or private property. The report may be made verbally, with a written copy to the Clerk for the record.

Sec. 12-14. Vegetation not to obscure intersection.

(a) No person shall maintain or permit to be maintained any hedge, shrub, bush, vine, or grasses to a height greater than thirty-six (36) inches within a twenty (20) foot radius from the corner of the property lines that establishes the boundaries of the property itself, in accordance with Subsection (b) of this Section.

(b) The corner from which the twenty (20) foot radius measurement shall be taken must be that corner of the property nearest to the intersection where the roads intersect. The thirty-six (36) inch height shall be determined by measuring from the road surface nearest the vegetation. In cases where several different measurements may be obtained due to an uneven road surface, the lowest point shall be used. If the vegetation as described in Subsection (a) of this Section should be located on top of a retaining wall, the retaining wall shall be considered part of the thirty-six (36) inches.

(c) The Director of Public Works or the Director's representative shall serve, in accordance with Section 12-20, upon the person responsible a municipal infraction, in accordance with Section 12-22, for maintaining vegetation over thirty-six (36) inches within twenty (20) feet of the intersection as specified in this Section.

Sec. 12-15. Vegetation not to obstruct sidewalks or traffic.

(a) No person shall permit any type of vegetation to overhang any street, lane, alley, sidewalk, or other City property in such a manner that there shall be a clearance of less than eight (8) feet between the surface of the street, lane, alley, sidewalk or other City property and such limbs, branches and/or foliage.

(b) The Director of Public Works or the Director's representative shall serve, in accordance with Section 12-20, upon the person responsible a municipal infraction, in accordance with Section 12-22, for maintaining vegetation within eight (8) feet in height from the surface of City property as specified in this Section.

Sec. 12-16. Obnoxious growths.

(a) No person shall maintain on their property obnoxious growths which includes poison ivy (*Rhus radicans*), poison oak (*Rhus toxicodendron*), poison sumac (*Rhus vernix*), ragweed (*Ambrosia artemisiifolia*), Kudzu vine (*Puraria lobata*) and other vines that are causing damage to adjacent private properties.

(b) The Director of Public Works or the Director's representative shall serve, in accordance with Section 12-20, upon the person responsible a municipal infraction, in accordance with Section 12-22, for maintaining obnoxious growths as specified in this Section.

Sec. 12-17. Uncontrolled growth of vegetation on vacant lots.

(a) No person shall maintain uncontrolled growth of vegetation, except trees, on their vacant lot. All other vegetation on the property shall be cut back to within six (6) inches of the ground at least two (2) times each growing season with the first (1st) cutting occurring after thirty percent (30%) of the vegetation has reached a height of twenty (20) inches or by July 1 if the vegetation fails to obtain the required percent of height of twenty (20) inches, and the second cutting shall occur after thirty percent (30%) of the vegetation has once again reached twenty (20) inches in height or by September 15 if the vegetation fails to obtain the required percent of height of twenty (20) inches.

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(b) The Director of Public Works or the Director's representative shall serve, in accordance with Section 12-20, upon the person responsible a municipal infraction, in accordance with Section 12-22, for maintaining uncontrolled growth on a vacant lot as specified in this Section.

Sec. 12-18. Uncontrolled growth of lawns on private property.

(a) No person shall maintain uncontrolled growth of a lawn on their property and allow thirty percent (30%) of the lawn to reach or exceed the height of ten (10) inches.

(b) The Director of Public Works or the Director's representative shall serve, in accordance with Section 12-20, upon the person responsible a municipal infraction, in accordance with Section 12-22, for maintaining uncontrolled growth of their lawn as specified in this Section.

Sec. 12-19. Determination of violation.

(a) In the preservation of health, safety and general welfare, the Director of Public Works or the Director's representative shall determine if any provisions of this Chapter have been violated.

(b) In the event that any such violation exists, the Director of Public Works or the Director's representative shall send a copy of the Section or Sections that are being violated with a copy of the municipal infraction, in accordance with Section 12-22.

Sec. 12-20. Method of giving notice.

Whenever the person responsible cannot be served personally with the municipal infraction and a copy of the Section or Sections being violated, as described in Section 12-19, the Director of Public Works or the Director's representative shall mail the aforementioned documents described in this Section by mail, to the last known address obtained from the City's tax records.

Sec. 12-21. City to take corrective action.

(a) Whenever the person responsible cannot be found, or fails to abate the violation as ordered by the court as a result of a municipal infraction, the City shall obtain a court order to take corrective action and bring the private property into compliance and charge all costs to the property as specified in Section 12-5 providing the health and well being of surrounding properties and persons are threatened. Types of situations that shall be considered a threat to health and well being to persons or other private property are: accumulation of organic matter or other items that can lead to rat harborages or affect the health and well being of others; infected or infested trees that can cause damage to other healthy trees; overhanging limbs that can cause damage to vehicular traffic, or damage to other private property, or injury to pedestrian traffic; vegetation that obstructs the view at an intersection; obnoxious growths that can spread onto other private property or cause injury to pedestrian traffic; uncontrolled growth of vegetation on vacant lots where refuse is being abandoned.

(b) In cases of extreme danger to persons or property, the City shall immediately obtain a court order to take corrective action providing the person responsible cannot take the required corrective action within a time frame specified by the Director of Public Works; and Section 12-22 pertaining to municipal infractions shall apply as written; and all costs shall be charged to that property as specified in Section 12-5.

## ARTICLE 3. MUNICIPAL INFRACTIONS

Sec. 12-22. Municipal infractions; fines; other remedies.

(a) The following Sections 12-9, 12-10, 12-12, 12-14, 12-15, 12-16, and 12-17 of this Chapter have been declared to be a municipal infraction; violation of Sections 12-9, 12-10, 12-12, 12-14, 12-15, 12-16 and 12-17 shall cause a twenty-five dollar (\$25.00) fine to be imposed, providing Subsection (d) of this Section does not apply.

(b) If the municipal infraction fine has not been satisfied within twenty (20) days as specified, then a formal notice shall be sent by certified mail to the person whose name appears on the fine citation, stating that if the fine is not satisfied within fifteen (15) days, the City of Takoma Park shall request adjudication of the case through the District Court and double the fine from twenty-five dollars (\$25.00) to fifty dollars (\$50.00) in accordance with Section 1-17(b) of the City Code.

(c) 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.

(d) One municipal infraction warning of ten (10) days shall be issued to the person responsible for violation of Sections 12-9, 12-12, 12-14, 12-15, 12-16 and 12-17 which have been declared to be municipal infractions in accordance with Subsection (a) of this Section. No warning shall be issued for violation of Section 12-10 which has also been declared a municipal infraction. No additional warnings shall be issued to the person responsible for subsequent violations of those previously violated Sections declared to be municipal infractions for which a municipal infraction warning was received. Procedure for issuing warnings shall be as described in Section 12-20.

(e) Failure to abate the cited violation at the time of paying the fine shall cause the violation to be treated as a repeat violation.

(f) Any individual who received a municipal infraction fine citation and wishes to stand trial by signing the citation and returning it as specified shall not receive additional citations until the court rules on the citation for which the defendant is standing trial.

(g) In cases where the Director of Public Works has determined that extreme danger exists to persons or property, the ten (10) day notice described in this Section shall be dispensed with and the Director of Public Works shall take action in accordance with Section 12-21(b), and issue a municipal infraction fine citation.

(h) In cases where the Director of Public Works has determined that the person responsible cannot be found, the violation shall be corrected in accordance with Section 12-21(a).

(i) In cases where the Director of Public Works has determined that the person responsible has failed to abate the violation after being ordered to do so by the court, the City may take corrective action to abate the violation in accordance with Section 12-21(a).

(j) If any provisions 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 provisions to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

(k) The Director of Public Works or the Director's representative shall have the authority to enforce all provisions of this Article.

SECTION 3. THAT this ordinance shall become effective upon adoption.

ORDINANCE NO. 2555

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

SECTION 1. THAT the Mayor and Council deem it necessary to amend, delete and add to certain parts of Chapter 6 of the City Code; AND

SECTION 2. THEREFORE THAT the following Sections of Chapter 6, "Housing," of the Code of Takoma Park, Md., 1972, as amended, be repealed in their entirety and reenacted as set forth below: Sec. 6-4; Sec. 6-6; Sec. 6-16:

Sec. 6-4. Basic Property Maintenance Code; adoption by reference; copies.

(a) That a certain document, three (3) copies of which are on file in the office of the City Administrator for public inspection and use, being marked and designated as "The Basic Property Maintenance Code, First Edition, 1981," as published by Building Officials and Code Administrators (BOCA) International, Inc., and is hereby adopted as the property maintenance code of the City of Takoma Park in the State of Maryland as though set out in full herein with the exceptions and modifications set forth in Division 2 of this Article.

Sec. 6-6. Enforcement of Article; coordination with County and State.

(a) The City Administrator is designated the City Official responsible for the enforcement and administration of the Property Maintenance Code. The City Administrator, with the approval of the Mayor and Council, shall appoint such number of officials designated as Code Enforcement Officers, and other employees as shall be necessary for the administration of the Property Maintenance Code and, further, may designate an employee as his deputy who shall exercise all his powers and responsibility during his temporary absence or disability.

(b) Administration and enforcement of the Property Maintenance Code will be coordinated to the maximum extent feasible with other City and County departments, boards, commissions, agencies and the Mayor and City Council in order that corrective actions and resources may be efficiently and effectively applied to the common goal of attainment of improved housing conditions.

Sec. 6-16. Penalty.

The violation of any provision of this Code shall constitute a municipal infraction for which a citation may be issued, and the following fines may be imposed:

<u>Sections Violated</u>	<u>Fine for Initial Offense</u>
PM-300.0 (300.1-300.3)	\$ 25.00
PM-301.0 (301.1-301.11)	25.00
PM-302.0 (302.1-302.4.7)	25.00
PM-303.0 (303.1-303.8.2)	25.00
PM-400.0 (400.1-400.5)	25.00
PM-401.0 (401.1-401.4)	25.00
PM-402.0 (402.1-402.5)	25.00
PM-403.0 (403.1-403.3)	25.00
PM-404.0 (404.1-404.6)	25.00
PM-500.0 (500.1-500.2)	25.00
PM-501.0 (501.1-501.4)	25.00
PM-502.0 (502.1-502.6)	25.00
PM-503.0 (503.0-503.5)	25.00
PM-504.0 (504.1-504.4)	25.00
PM-505.0 (505.1-505.2)	25.00
PM-506.0 (506.1)	25.00

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PM-600.0 (600.1-600.2)	\$ 25.00
PM-601.0 (601.1-601.5)	100.00
PM-601.0 (601.6)	25.00
PM-602.0 (602.1-602.3)	100.00
PM-603.0 (603.1)	100.00
PM-700.0 (700.1-700.2)	100.00
PM-701.0 (701.1-701.5)	100.00
PM-702.0 (702.1-702.4)	100.00
PM-703.0 (703.1)	100.00
PM-704.0 (704.1-704.4)	100.00
PM-800.0 (800.1)	25.00
PM-801.0 (801.1-801.10)	25.00
PM-802.0 (802.1-802.5)	25.00

A fine in the amount of twice the initial fine may be imposed for each repeat offense; AND

SECTION 3. THAT the following Section, "6-40.1," be added to the Code of Takoma Park, Md., 1972, as amended, and read as follows:

Sec. 6-40.1. Deletions.

The following Sections of the BOCA Code are hereby deleted:

- PM-110.2 Appeals board.
- PM-110.2.1 Membership.
- PM-110.2.2 Vote.
- PM-110.2.3 Financial interest.
- PM-110.3 Records.
- PM-303.3 Interior surfaces.
- PM-303.3.1 Lead-based paint.
- PM-801.5 Rubbish storage facilities; AND

SECTION 4. THAT Article 2, presently entitled "Housing Code," of the Code of Takoma Park, Md., 1972, as amended, be amended to read: "Property Maintenance Code;" and that Article 2, Division 1, entitled "Basic Housing Code Adoption," be amended to read: "Basic Property Maintenance Code Adoption;" and that Division 2, entitled "Exceptions and Modifications to Basic Housing Code," be amended to read: "Exceptions and Modifications to Basic Property Maintenance Code;" and that the words "BOCA Basic Housing Code," in Section 6-20, be amended to read: "BOCA Basic Property Maintenance Code; AND

SECTION 5. THAT Section 6-10 of the Code of Takoma Park, Md., 1972, as amended, be amended to read as follows:

Sec. 6-10. Records.

The Building Official shall keep, or cause to be kept, a record of the business of the Department. The records of the Department shall be open to public inspection unless otherwise prohibited or restricted by Maryland or Federal statute, or by any ordinance or regulation having the force and effect of law; AND

SECTION 6. THAT Articles 6, 7 and 8 of the Code of Takoma Park, Md., 1972, as amended, are hereby repealed in their entirety; AND

SECTION 7. THAT this ordinance shall become effective upon its adoption.