

CITY OF TAKOMA PARK, MARYLAND
MAYOR AND COUNCIL WORKSESSION
April 1, 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 7:30 PM. The following matters were discussed:

1. Three houses posted as being "Unfit for Human Habitation." The City Administrator was directed to proceed with a condemnation hearing on May 18, 1981.
2. Parking space for Boy Scout bus. The City Administrator was directed to prepare an ordinance authorizing a special parking space for the bus.
3. 7667 Maple Avenue. The City Administrator reported to the Mayor and Council that PEPCO has posted a notice in the building stating its intent to shut off electrical service. An eleventh-hour payment has been promised by the management, and hopefully it will be made.
4. The meeting was closed to the public from 9:00 PM until adjournment to discuss personnel and related matters in connection with the FY-82 budget.

There being no further business to discuss, the meeting adjourned at 11:00 PM.

APPROVED _____

Sam A. Abbott
Mayor

ATTEST _____

Herbert W. Gilsdorf
City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

PUBLIC HEARING ON CABLE TELEVISION OPTIONS
and MAYOR AND COUNCIL WORKSESSION

April 6, 1981

The meeting was called to order by Mayor Abbott at 7:45 PM, with all Councilmembers present.

Ms. Lynne Bradley, 8112 Flower Avenue, Co-Chairperson, Cable TV Committee, stated that the Council must begin to seriously consider taking action on whether to join with the Counties, specifically Montgomery County, in a Cable TV franchise; referred to a listing of conditions (attached) that the Committee has proposed be requested of Montgomery County prior to any decision on joint franchise being made by the Council; noted that Mr. John Hansman, Montgomery County Cable TV representative, has stated that the County could not respond to the options proposed by the Committee until it has formally received those options from the Mayor and City Council and not the Committee. Ms. Bradley noted that by the Council formally presenting these options to Montgomery County, it would not preclude the City from becoming involved with possible joint franchise discussions with Prince George's County, of discussions of a City franchise. Stated that once Montgomery County sends out its Requests for Proposals (RFP) to the cable companies, it would be approximately six months before proposals are returned to the County; noted that Prince George's County has already received their proposals back from cable companies and the Committee has already reviewed them. Regarding revenue generated by a cable system, it was noted by Mr. Tom Ingold, Committee member, that FCC regulations prohibit the use of these revenues in general revenue uses; that cable system revenues must be turned back into the system for updating of equipment, etc. There was a lengthy discussion concerning the adaptability of cable for small multi-family residences, larger apartment buildings, as well as single-family homes; Mr. Hansman noted that Montgomery County's cable ordinance did not require large apartment building owners to have cable installed, but that he thought this problem, if it arises, would take care of itself by pressure from tenants and prospective tenants who did not have cable access and wanted it; that any landlord holdouts of the cable system would eventually give in; also noted that tenants could not be charged more for cable than single-family homeowners; rates would be the same--running around \$15 to \$20 a month.

1. Sgt. Brown, Takoma Park Volunteer Fire Department: listed the following requests for the Department: if automatic fire alarm service is provided through the cable system, requested that it be terminated in the Montgomery County Fire Department headquarters in Rockville, making it much faster for the call to be dispatched to the City's fire department (this would include Prince George's County residents of the City also); that the fire department would like public access to a channel to create programs to carry fire safety messages to citizens and the technical assistance necessary to do this; access to a channel to reach volunteer firemen for administrative information; and would also like free service for the fire department. Mr. Hansman stated that the County's ordinance requires that all public facilities, including fire service, be connected to the cable system; that cost payment for this has yet to be established.

2. Marc Ellrich, 7800 Carroll Avenue, member, Takoma Park-Silver Spring Food Coop: stated that a cooperative organization will be bidding for Montgomery County's cable franchise; stated his support for a cooperative-run system, noting that he thought this would be the best way to be assured that the needs of the community are met; requested the Council to support this idea, even for a City franchise.

3. Joe Wasa, National Citizens Committee for Broadcasting: stated that the Committee has established the Cooperative Communications Project, in an effort to popularize cooperatively-owned cable systems throughout the country; they assist groups in obtaining the technical assistance necessary to begin such projects; listed specifics concerning several coop cable systems across the country.

4. John Hemphill, 8112 Flower Avenue, member Cable TV Committee: suggested that the Council negotiate with the County on the goals that the Committee has recommended to the Council; concurred with recommendation of cooperatively operated cable system.

5. Karen Seaton, 611 Boston Avenue: stated her support for cable TV for the City, noting that she would like to see the City have the best possible technology available and a maximum number of channels; also noted her interest in a coop cable system.

6. John Pietz, 111 Sherman Avenue: asked how many channels would be coming into the City, how many would be allotted specifically for the City, and if the City could join in the County cable system after a franchise has been awarded. Lynne Bradley stated that Montgomery County has set no maximum limit on channels, but has requested a minimum of 50; that determination of the amount to be used by/for municipalities in the system has yet to be determined.

7. Bill Thompson, 7107 Sycamore Avenue: stated his support for the City participating in a cable system; noted that many of his neighbors do not realize that they and the City officials have a say in obtaining such a system.

8. David Sawyer, Buffalo Avenue: stated his interest in a cooperatively owned cable system, either County or City, and also noted that the business community should be interested in cable for uses such as a complete City directory of all businesses and associations.

Ms. Bradley stated that the Cable Committee has continued to look into the City operating its own franchise, due to the fact that there would be more community control and input.

Regarding the listing of conditions established by the Cable Committee, Councilmember Weisman requested the following changes: item 5, to be rewritten as "Based on a 5% gross afforded by the County, that the City of Takoma Park be guaranteed that they will receive 2% of Takoma Park's gross revenue fees"; also suggested that the City request an answer on these conditions from County within 30 days; Councilmember Holland suggested that the statement "Takoma Park could consider a joint franchise with Montgomery County if the following conditions are met:", be emphasized. With the concurrence of the Council, Mayor Abbott stated that the changes would be incorporated into a formal letter to the County listing the conditions requested by the City.

The Public Hearing adjourned at 9:25 PM.

The Mayor and City Council adjourned into a Council Worksession, during which they discussed the proposed Work Program for the Laurel/Carroll Business District Commercial Revitalization. The Council found the Work Program favorable and directed the staff to prepare a resolution designating the Laurel/Carroll Business District as a Special Study Area.

The Worksession adjourned at 10:10 PM.

APPROVED _____

Sam A. Abbott
Mayor

ATTEST _____

Herbert W. Gilsdorf
City Administrator

TAKOMA PARK CABLE TV COMMITTEE

Takoma Park could consider a joint franchise with Montgomery County if the following conditions are met:

- 1) that Prince George's County residents (and institutions) of Takoma Park have the same access to community television programming as other Prince George's County residents (for both institutional and subscriber services);
- 2) that the Takoma Park Municipal Building and other appropriate City offices and meeting rooms have all appropriate equipment for origination of local programs;
- 3) that at least one channel for subscriber services be designated for Takoma Park programming and that such a channel should be part of basic cable service to Takoma Park subscribers;
- 4) that appropriate production equipment including camera, recorder and accessories be dedicated for Takoma Park's use
- 5) that the City of Takoma Park be guaranteed that it will receive 1% of Takoma Park's pro-rated share of gross revenue fees;
- 6) that City agencies (i.e., library and police) receive service and capabilities comparable to their counterpart County agencies;
- 7) that the entire City of Takoma Park be specified on the service area map in the Request For Proposals;
- 8) that institutions such as Columbia Union College, Washington Adventist Hospital, and other private schools receive comparable services as other similar institutions in the County;
- 9) that Takoma Park be first on the construction schedule; and
- 10) that Takoma Park have representation on: the Cable Advisory Committee, any community television corporation to be formed, and on any municipal advisory group that the County should establish.

City of Takoma Park, Maryland

OFFICE OF CITY ADMINISTRATOR
TELEPHONE 270-1700



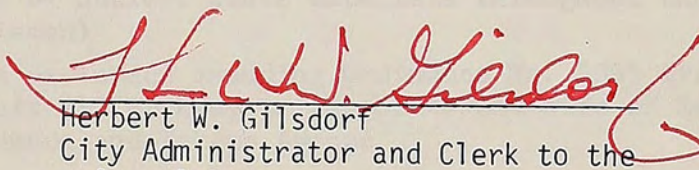
7500 MAPLE AVENUE
TAKOMA PARK, MD. 20012

APRIL 7, 1981

DECISION OF APPEAL BODY

7777 MAPLE AVENUE

The appeal having been heard on March 23, 1981, and taken under advisement that date, the Appeal Body herewith finds that the City's Commission on Landlord-Tenant Affairs ruling on 7777 Maple Avenue, dated January 21, 1981, is herewith upheld without comment.


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

Agenda 4/13

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council

and

Public Hearing on Redistricting Proposals

and

Public Hearing: Citizens' Proposals for Use of Revenue Sharing Funds, FY-1982

April 13, 1981

7:30 P. M.

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 23, 1981

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Proclamation naming May as Boys' and Girls' Club Month in Takoma Park
2. Other comments by the Mayor

PUBLIC HEARING ON WARD REDISTRICTING PROPOSALS

PUBLIC HEARING TO ELICIT CITIZENS' SUGGESTIONS ON THE USE OF FY-82 REVENUE SHARING FUNDS

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications
2. Administrative Reports and Recommendations for Council Action
 - (1) Proposed resolution calling on Montgomery County to enact legislation prohibiting transport of nuclear waste materials throughout the County (Councilmember Weisman)
 - (2) Second 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 Avenue and Takoma Avenue
 - (3) Second reading of an ordinance instituting a voluntary newspaper recycling program in the City
 - (4) Second reading of an ordinance to install a STOP sign on Elm Avenue at its intersection with Westmoreland Avenue
 - (5) Second reading of an ordinance to amend Chapter 10, Refuse, of City Code
 - (6) Second reading of an ordinance to amend Chapter 12, Trees and Vegetation, of the City Code by repealing and reenacting and retitling as "Vegetation"
 - (7) Emergency action on proposed ordinance to amend Ordinance 2555 which inadvertently repealed City's demolition authority and Ordinance 1946
 - (8) Proposed ordinance awarding bid on Block Grant street work
 - (9) First reading of an ordinance designating a parking space for Boy Scout bus
 - (10) First reading of a proposed ordinance amending Sec. 13-64, City Code, to provide for enforcement of parking violations in spaces reserved for the handicapped
 - (11) First reading of a proposed ordinance authorizing removal of one parking meter in front of 7060 Carroll Avenue and enlarging the Ride-on Bus loading zone

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
and
Public Hearing on Redistricting Proposals
and
Public Hearing on Citizens' Proposals for Use of Revenue Sharing Funds,
FY-1982

April 13, 1981.

City Officials Present:

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

The Mayor and Council of Takoma Park met on April 13, 1981, at 7:35 PM, 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 23, 1981. Councilmember Ramsey asked that the record reflect the following: In item 1, page 4, lines 12-14, he was not looking for "permission" to vote on the issue, but his written statement had stated that he would vote; that it was not a question of obtaining permission to vote. With this comment taken into consideration, the minutes of March 23 were adopted by the Council.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott read the following proclamations:

A proclamation declaring the month of May 1981 as Takoma Park Boys' and Girls' Club Month.

A proclamation declaring May 10-16, 1981 as Preservation Week in the City.

Regarding an appeal made by the tenants of 7777 Maple Avenue on the City's Commission on Landlord-Tenant Affairs' decision to allow the landlord to increase rents more than 10%, the Mayor stated that the Council, sitting as the Appeal Body, upheld the decision on a 5:2 vote.

Mayor Abbott reported on the legislative bills passed by the Maryland General Assembly that will affect municipalities: the Highway User Revenue bill passed, entitling municipalities to receive 100% credit for cars registered to municipal residents, based on a set formula, meaning about \$10,000 per year to the City. Police Aid bill passed, increasing the amount of financial aid to police department; however, these funds are channeled through the counties. The Double Taxation bill failed, although it was passed by the House of Delegates, it was then sent to the Senate Finance Committee, which did not approve the bill, and eventually the Senate voted it down; it will be brought up again next session.

Concerning a meeting held last week among Montgomery County Executive Gilchrist, Mayor Abbott and the City Administrator on refunding monies to the City through double taxation, stated that County officials were under the impression that the County was providing some police service to the City, which it does not; Executive Gilchrist stated that the County could not redress the situation this year, but possibly next year; noted that the County's formula for payments to the City is based on the amount of road miles in the City--a formula which should be changed; noted that Montgomery County does recognize that the inequity exists, while Prince George's County does not.

PUBLIC HEARING ON WARD REDISTRICTING

Mayor Abbott stated that the six alternative plans for redistricting City wards were published in the City Newsletter; that on Monday, June 8, at 7:30 PM, another public hearing would be held on a ward redistricting alternative selected by the Council.

May 13, 1981

April

1. David Prosten, 7428 Carroll Avenue; objected to the fact that the Grier Partnership's narrative report was not also published in the Newsletter nor made available to citizens until just recently; that the Council did not acknowledge that alternative #6 was drawn up from suggestions made by Councilmembers; that #6 would keep present Councilmembers in almost the same wards. Questioned Councilmembers Weisman and Saloma on their comments in a recent Montgomery Sentinel article. Councilmember Weisman deferred his response (see page 3). Councilmember Saloma said that the citizens' committee, which helped the Grier Partnership, had also submitted suggestions from which alternative #5 was drawn; that she did not wish to run against Councilmember Weisman in an election, and most of the alternatives placed them in the same ward.

2. Joseph Lerner, 7708 Takoma Avenue; noted that one of the striking characteristics of alternatives #'s 1-5 is that they all combine the Old Takoma and North Takoma areas as though no other possibility was considered; that the fact that both have old houses is no indication for combining them--their problems are quite different. In a flyer he received from the Citizens for Election Reform it was noted that alternative #6 may be illegal. He pointed out that the Grier's narrative report made no such suggestion, but had ranked it second in meeting the population criterion. Regarding the tilt toward #5, said he would like to see figures to support the rationale for creating a tenant ward and possibly enhancing minority participation; suggested that it may not be in the best interest of residents of high rise apartments to be segregated into one ward.

3. Suzanne Rhodenbaugh, 53 Walnut Avenue, Westmoreland Area Community Organization; stated that the Organization supports alternative #5 because there is less deviation by ward, and it does not use County line as boundary for Ward 3, thus permitting adherence to neighborhood boundaries. Speaking for herself, stated that she felt Councilmember Holland had not addressed the salient issues when speaking to the Organization; that in alternative #6, the Council will keep incumbents in office and divide the Maple Avenue apartment corridor into three different wards, thereby diluting tenant power.

4. Joseph Faulkner, 1007 Sligo Creek Parkway; presented the Council and citizens with an additional alternative ward redistricting plan which he stated was a modification of alternative #6 (available in City office). Stated that in his opinion alternative #5 would place the tenants in a weak political position and that wards made up of a cross section of the citizens would serve the City best.

5. Ron Wylie, 7618 Glenside Court; stated his support for either alternative #4 or #5, noting that he had not reviewed them in detail yet; implored Councilmembers to act responsibly and answer questions raised by citizens.

6. Bill Leary, 7301 Takoma Avenue; stated that he was distressed by the flyer he received from Citizens for Election Reform, which he felt used unfair tactics and personal innuendo toward Councilmembers; that the authors of the flyer support alternative #5, which would concentrate the residents/tenants of the Maple Avenue apartments into one ward and that they would be able to elect a Black renter representative to the Council by way of this concentration; stated his support for alternative #6, noting that it would allow the Maple Avenue tenants a chance of at least three representatives on the Council, possibly all of whom could be Black; that this alternative would assure more political power for the tenants; urged Council not to be intimidated and to vote their conscience.

7. Kathryn Simpson, 7300 Cedar Avenue; stated that she was appalled by alternatives #1, 2, 3 and 4 because of their concentration of tenants on Maple Avenue into one ward; noted her preference for not using county line as boundary for wards; stated that she was also interested in Mr. Faulkner's alternative.

8. Lance Compa, 7717 Garland Avenue; stated his support for alternative #5 because it includes his area in Ward 4; noted that the community interests of his area lie with Carroll Avenue.

9. Tom Gagliardo, 8120 Roanoke Avenue: stated his support for alternative #5 because it has less deviation than any other alternative, and felt this should be a major factor in the Council's decision; that #5 would bind together the neighborhood integrity of the tenants along Maple Avenue; that the Council has to make a decision between an alternative that favors the incumbents and one that favors integrity of all neighborhoods.

10. Herman Williams, 7667 Maple Avenue, Upper Maple Avenue Citizens Association: stated that he thought alternative #6 would mean the Maple Avenue area would stay the same as it is, with representation being poor, whereas alternative #5 would mean a change, which he thought would be for the better.

11. Nancy Perry, 7520 Maple Avenue, Deauville Tenant Association: stated that the tenants of the Deauville support alternative #5, which they feel best represents the interests of the tenants of Maple Avenue highrises; that they did not want their power split up.

12. Carlos Stewart, 7710 Maple Avenue: reiterated comments made by Mr. Williams, also urging Council to take into consideration the wishes expressed by citizens on the issue.

13. Ruth Abbott, 7308 Birch Avenue: stated that alternative #6 would split the concentration of Blacks and renters in the Maple Avenue corridor, thereby diminishing their representation on the Council; that she supported alternative #5 because it would assure the needed election of a tenant representative to the Council, also noting that tenants comprise approximately 60% of the City's population.

14. Ron Albaugh, 7202 Central Avenue: expressed support for alternative #5, saying it comes the closest to the one man-one vote plan the City is aiming for; agreed with statements made by Mr. Gagliardo; felt it was irresponsible of the Council not to publish or make available to citizens the Grier report; urged the Council and citizens to look beyond their own self-interests when considering the alternatives; also noted that if citizens did not like the selection voted on by the Council, he was sure another referendum could be arranged.

15. Michael Zimmer: suggested that if the Council votes its conscience, it would be the best way to proceed on the issue; noted that the at-large elections were voted out by the citizens because they wanted more personal representation; also stated that the Grier report should have been published.

16. Jim Seaton, 611 Boston Avenue: stated that he thought having more representatives on the Council for the tenants along Maple Avenue did not necessarily mean they would receive better representation; that a single spokesman should be more responsive; that the Grier report should have been made public much earlier; felt the Council has not acted responsibly by holding public meetings on this issue prior to establishing clear ground rules for how the six plans will be evaluated.

17. Rino Aldrighetti, 7213 Central Avenue: stated that the Council has failed to fully inform citizens on this issue, so he felt the public hearing process of this evening was a sham; noted that the Council has spoken of all wards in the context of being communities, with the exception of Ward 4, which they seem to want to integrate.

Councilmember Weisman, responding to an earlier query by Mr. Prosten, stated that he had been misquoted in the Sentinel article concerning redistricting; that an important part of his statement had been dropped when it was continued on another page, leaving an incomplete sentence; and that his statement should have read as follows: "Weisman said the report would be better left unseen by the public before the public hearing, so citizens could determine their own decision regarding the six plans without any editorial comment because the Grier's favored one plan, plan #5, over all others."

Mayor Abbott indicated that he had proposed to the Council that a May 18 public briefing be held on any plan they were seriously considering, but had received no support.

18. Carl Iddings, 7416 Carroll Avenue, reported that his neighborhood group, Carroll Ridge Neighborhood Assoc. had not yet considered the alternatives nor seen the Grier report, but he would bring the Association's recommendation to the June 8 Public Hearing. Noted that he and some other neighbors had some interest in #5 because of less deviation from the population norm and also because it respects communities of interest and established neighborhoods. Suggested that a community of interest is also present in North and Old Takoma. Reiterated

earlier statements as to the desirability of establishing a tenant ward, and urged Council to consider the testimony given by residents of the Maple Ave. corridor.

19. Larry Hodes, 7418 Hancock Avenue: expressed support for plan #5, saying that Ward 4, in which he resides, is bounded in a way which maintains his neighborhood.

20. Marc Ellrich, 7800 Carroll Avenue: stated his support for plan #5; said that he thought the basic meaning of Councilmember Weisman's statement in the Sentinel was the same, even with the clarification.

21. James Ross, 118 Ritchie Avenue, speaking for Ritchie Avenue Citizens Association, said that alternative #6 combined his Association with areas that were too distant which, in turn, would tend to destroy the identity of the Ritchie Avenue area; that the Association supports plan #5 because it offered more cohesiveness between the Ritchie Avenue citizens and the apartment residents.

22. Don Leichtling, 6808 Westmoreland Avenue: expressed a preference for plan #5, which was also preferred by the majority of those speaking. Suggested that, prior to the June 8 hearing, Councilmembers meet with the residents of their wards to determine their choice. Also requested a short recess during long meetings so that all Councilmembers could hear what each citizen had come to say.

23. Roland Halstead, 7116 Maple Avenue: stated that plan #5 is the most equitable of those presented, but that there is the possibility of devising another plan which could be even better. Indicated that one problem with alternative #6 was the barrier created by Piney Branch Road.

24. Clarence Boatman, 133 Ritchie Avenue, said that when the redistricting is accomplished, he hoped there would be six or seven residents running for election in each ward; that he did not think it was the intent of the Council to redistrict solely in their own interest, even though they may want to run; that they would still have to face other candidates if the ward system works as it is supposed to. In response to the Mayor's request to name his choice among the plans, Mr. Boatman said that he would defer that until after Council has chosen a plan.

25. Clayton Forshee, 722 Kennebec Avenue, requested that the Council consider the alternative submitted earlier by Mr. Faulkner along with the other plans proposed.

At this point, Mayor Abbott requested that each Councilmember state his position on the proposals: Councilman Ramsey stated that he favored citizen involvement in any revisions to the alternatives; that it may have been "bad politics" not to have published the Grier report, but that it contained nothing earth-shaking nor anything not given in their oral presentation; that they recommended plan #5 only because it has the best numbers, which may or may not be the primary criterion. He said that the Council is not confined to the Grier's product; that if the apartments along Maple Avenue and those nearby were in one ward, it could guarantee one seat as opposed to more than one or possibly none (depending on voter activity) under another plan. Stated that he does not really like any of the plans, but tends to favor #5 over #6 because the latter divides Maple Avenue into too many pieces. Councilmember Garcia stated his disappointment in having so few speakers on such an important issue. He indicated that he favors plan #6, but would consider some fine-tuning of both #5 and #6, as long as the population deviation factor remained under 10%, in an effort to find something more palatable to those who had strong objections to one or the other. Councilmember Patrick said he had come to the meeting with an open mind and would leave in that frame of mind; however, he would like to look into a possible melding of #5 and #6 and come up with something that would serve the needs of all communities in the City; that his main concern with plan #5 is that Ward 4 is too elongated, extending almost the length of the City. Councilmember Ricks said that he had not made a decision on any of the plans and that when he does, it will have no bearing on whether or not he can be reelected; that he was attending some hearings on Capitol Hill dealing with redistricting and there are a number of issues he wished to consider, including issues that could be considered as possible measures of challenge based on legal interpretations of both the Voting Rights Act and the laws on reapportionment; that reapportionment must be based on very accurate figures. Indicated that he did want to consider whether or not the residents in Ward 4, as depicted in plan #5, would have equal representation and that he intended to confer with individuals and groups to evaluate their testimony. Noted his long-time support of tenants as a Councilmember, starting long before he became a tenant; that he is now both tenant and property owner. Councilman Weisman noted that all six alternatives meet

the one-man one-vote requirement; that he has not made up his mind on any of the alternatives, and hoped the Council would come up with an alternative to #5 or #6, giving particular attention to accommodating the concerns expressed by the Ritchie Avenue Association. He pointed out that none of the plans were set in concrete and that with the raw data provided by the Griers in hand (obtained at his insistence, he said), the Council could now proceed to make some adjustments. Said he hoped that many candidates would run for all seats; that he had been very disappointed when he had run unopposed at the last election. He expressed his respect for all the viewpoints presented earlier, save one, which he characterized as inflammatory and unfairly impugning the motives of the Council and their attitudes toward specific groups of citizens. At this time, a member of the audience Janet Wise of 709 Auburn Avenue, read a letter from the Griers to the City Administrator in response to the City's request for raw data used in preparing the six plans (copy available in City Office). Councilmember Holland stated that after speaking with residents of his ward, Ward 3, it would seem that plan #4 would best suit the needs of that ward; noted that in plan #5, he is concerned that Ward 4 crosses Sligo Creek and that those residents north of the Parkway may not receive equal representation; that he had no quarrel with #6 and perhaps the residents of Ward 4 would be better represented under that plan; that it may be possible to draw another alternative to combine some aspects of those already presented and in consideration of the testimony given. Noted that, with the exception of Ward 1, all wards in the City have a majority of renters, with the largest concentration in the Maple Avenue highrises; if it is truly the sentiment of the residents of that area to be concentrated in one ward, the Council might begin to look at it in that light, but he would like to hear more testimony from the residents of that area. Councilmember Saloma stated that in making a decision on a redistricting alternative, she will consider all testimony made; that a tenant ward, as shown in #5, would not be in the best interests of either the tenants or the City as a whole; that a tenant ward would tend to emphasize the differences between citizens according to their economic situation, status as a property owner, and race; that this would be moving away from what most residents (who have chosen to live in the City's diverse community) have wanted and felt they were working toward; that it is possible to over-emphasize the length to which a Councilmember would go to stay in the running for office. Mrs. Saloma stated that she would not be manipulated into voting for a plan that she thinks is bad just because its alternative can be seen as something in her political interest; that she has always voted for what she perceived to be in the City's best interest and would continue to do so. Mayor Abbott again expressed his preference for Alternative #5, as he had several times earlier in the meeting, saying that it is only right that such a large concentration of tenants should have their own spokesperson on the Council.

Mr. Prosten suggested that since a majority of the citizens testifying supported Alternative #5, and Councilmembers seemed to be favoring preparation of a new alternative or Alternative #6, when Council makes their final decision, both their plan and Alternative #5 be placed on the ballot for a special election.

PUBLIC HEARING TO ELICIT CITIZENS' SUGGESTIONS ON THE USE OF FY-82
REVENUE SHARING FUNDS

1. Carl Iddings, Takoma Park Citizens Traffic Committee: made the following recommendations: \$10,000 for a City-wide traffic study and the installation of a pedestrian activated stop light on Philadelphia Avenue between Piney Branch Road and Maple Avenue.
2. Lou D'Ovidio, 7324 Piney Branch Road: Mayor Abbott noted that Mr. D'Ovidio is out of town and had asked that his suggested use be placed in the record: that funds be made available for the City's Centennial celebration/project.
3. Don Leichtling: suggested that major portion of Revenue Sharing funds be put into more and better lighting for the City toward City maintenance.
4. Marc Ellrich: suggested the use of Revenue Sharing funds for seed money for a cable TV cooperative or a City franchise.
5. Carlos Stewart: suggested the following uses: possible extension of the City's Landlord-Tenant Commission or alternative if the Commission is not renewed later this year; funding for cable TV; and the establishment of a program for job opportunities for needy teenagers and adults to work in the City.

CITIZENS' REMARKS

1. Ron Albaugh: applauded the Council and others involved in the Transportation Systems Management grant proposal; regarding some comments made earlier in the meeting, stated that he had meant no personal attack on the Council and that his remarks may have been misinterpreted.

ITEMS FOR COUNCIL CONSIDERATIONCommunications

1. City Administrator Gilsdorf stated that he had received a request from Dr. and Mrs. Carreno, 607 Kennebec Avenue, who asked that the Council consider their Variance Appeal to the Prince George's County Board of Appeals concerning construction of a new single-family home to be located at 812 Jackson Avenue, specifically the validation of the garage attached to the house. At the request of Councilmember Garcia this item was added to the agenda.
2. City's Commission on Landlord-Tenant Affairs. Notification of pre-hearings on Thursday, April 16, 7:30 P.M., Council Conference Room on requests for greater than 10% increases in rent at 7611 Maple Avenue and 8320 Roanoke Avenue; the formal hearings on these two cases will be held on Wednesday, April 22, 7:30 P.M., first floor meeting room.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Proposed resolution calling on Montgomery County to enact legislation prohibiting transport of nuclear waste materials throughout the County. Deferred until next meeting.
2. City Administrator Gilsdorf stated that the construction of a house and garage at 812 Jackson Avenue has been delayed because of the erroneous approval of a building permit and plat which places the garage 1.2 feet into the side yard setback of 25 feet; financing for the construction has been held up until the Prince George's County Board of Appeals hears an appeal on April 22, 1981; that there has not been enough time to survey the neighboring residents of the area, but that the Longbranch-Sligo Citizens' Association had been contacted and Mr. Vogel, the President, stated that he would survey area residents, but that there would probably be no opposition and that a letter from Mr. Vogel would be sent to the Board of Appeals; the owners had spoken with their immediate neighbors, who expressed no opposition. Councilmember Garcia made a motion, duly seconded by Councilmember Weisman, that the Council send a letter to the Board of Appeals expressing no opposition to the Variance by the Council, and noting that a letter would be sent from the

area citizens association; the motion was approved unanimously by the Council.

3. 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. Upon motion by Councilmember Weisman, duly seconded by Councilmember Holland, the Ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Holland, Patrick, Ramsey, Saloma and Weisman. NAY: Councilmembers Garcia and Ricks. EXCUSED: None. Councilmember Garcia earlier expressed his opposition to removal of all parking available to residents who live outside that immediate area.

ORDINANCE #2556

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 No. 2509, be amended by the repeal of subsection D.(1) of Section 2; AND

SECTION 2. THAT Ordinance No. 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.

4. Ordinance instituting a voluntary newspaper recycling program in the City. Upon motion by Councilmember Garcia, duly seconded by Councilmember Weisman, the Ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, Weisman. NAY: None. EXCUSED: None.

ORDINANCE #2557

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,

(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.

5. Ordinance to install a STOP sign on Elm Avenue at its intersection with Westmoreland Avenue. Upon motion by Councilmember Holland, duly seconded by Councilmember Weisman, the following Ordinance was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, Weisman. NAY: None. EXCUSED: None.

ORDINANCE #2558

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.

6. Ordinance to amend Chapter 10, Refuse, of City Code. Upon motion by Councilmember Ramsey, duly seconded by Councilmember Garcia, Ordinance #2559 was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, Weisman. NAY: None. EXCUSED: None.

ORDINANCE NO. 2559
(Attachment A)

7. Ordinance to amend Chapter 12, Trees and Vegetation, of the City Code by repealing and reenacting and retitling as "Vegetation". Upon motion by Councilmember Ramsey, duly seconded by Councilmember Garcia, Ordinance #2560 was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, Weisman. NAY: None. EXCUSED: None.

ORDINANCE NO. 2560
(Attachment B)

8. Ordinance to amend Ordinance No. 2555 which inadvertently repealed City's demolition authority and Ordinance No. 1946. Upon motion by Councilmember Holland, duly seconded, Ordinance #2561 was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, Weisman. NAY: None. EXCUSED: None.

ORDINANCE NO. 2561
(Attachment C)

9. Ordinance awarding bid on Block Grant street work. Upon motion by Councilmember Ricks, duly seconded by Councilmember Ramsey, Ordinance #2562 was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, Weisman. NAY: None. EXCUSED: None.

ORDINANCE NO. 2562
(Attachment D)

Upon motion by Councilmember Ramsey, duly seconded, the Council waived the reading of the ordinances contained in items 10, 11 and 12 below, and approved them for first reading.

10. First Reading of an ordinance designating a parking space for Boy Scout bus.

PROPOSED ORDINANCE

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

- SECTION 1. THAT in the interest of promoting the work of the Boy Scouts of Takoma Park, the Mayor and Council deem it desirable to provide an official on-street parking space for the Boy Scout bus; AND
- SECTION 2. THAT such a parking space is hereby created on the East side of the 200 block of Grant Avenue at a point beginning with the Grant Avenue barricade and extending in a southeasterly direction for a distance of twelve (12) feet beyond Pepco Pole #737979; AND
- SECTION 3. THAT the Director of Public Works is hereby directed to install a sign or signs reading OFFICIAL PARKING -- BOY SCOUT BUS ONLY at the appropriate place or places; 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(a) of the Code of Takoma Park, Maryland, 1972, as amended.

11. First Reading of a proposed ordinance amending Sec. 13-64, City Code, to provide for enforcement of parking violations in spaces reserved for the handicapped.

PROPOSED ORDINANCE

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

- SECTION 1. THAT Sec. 13-64 of Article 7, "Stopping and Parking," Code of Takoma Park, Maryland, 1972, as amended, be amended by the addition of the following subsection:
- (10) On public or private property designated as parking reserved for the physically handicapped with the proper signs posted in conformance with the sign standards in The Maryland Manual, unless said vehicle displays a special registration plate or permit issued

by any State or the District of Columbia with the
handicap designation. AND

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

12. First Reading of a proposed ordinance authorizing removal of one
parking meter in front of 7060 Carroll Avenue and enlarging the Ride-on
Bus loading zone.

PROPOSED ORDINANCE

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

SECTION 1. THAT it has been determined that access to Ride-on Bus at
its stop on Carroll Avenue at Tulip Avenue is both difficult
and hazardous for passengers, due to the fact that the space
allocated for the bus stop is inadequate, and that the steps
set forth below be taken to alleviate the problem:

SECTION 2. THAT the parking meter located in front of 7060 Carroll
Avenue be removed, and that Sec. 13-31 (2) of the Code of
Takoma Park, Maryland, 1972, as amended, be amended to read
as follows:

(2) Carroll Ave., West curb, between 7056 Carroll Ave-
and 7012 Carroll Avenue 13 meters

AND

SECTION 3. THAT parking shall be prohibited from the Carroll Avenue
entrance of 7060 Carroll Avenue to the intersection of
Carroll and Tulip Avenues; AND

SECTION 4. THAT the Director of Public Works is hereby instructed to
remove the parking meter and install the appropriate signs
in accordance with Sections 2 and 3, above; AND

SECTION 5. THAT this ordinance shall become effective upon completion
of the signing; AND

SECTION 6. THAT the penalty for violation of this ordinance shall be
as stated in Sec. 1-17(a) of the Code of Takoma Park, Md.,
1972, as amended.

Upon motion, duly seconded, the meeting adjourned at 12:40 A.M., to
reconvene on Monday, April 27, 1981, at 8:00 P.M.

APPROVED: _____
Sam A. Abbott, Mayor

ATTEST: _____
Herbert W. Gilsdorf
City Administrator

ORDINANCE NO. 2559

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.

OVER

12
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 from 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 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 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.

ONE

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.

OVER

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, 12-17, and 12-18 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, 12-17 and 12-18 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, 12-17 and 12-18 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.

ATTACHMENT D

Council meeting minutes
April 13, 1981

ORDINANCE NO. 2562

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

- SECTION 1. THAT the Takoma Park Community Development Block Grant program for FY-81 did set aside funds for the execution of certain public works projects as described in the attached "Description of Jobs"; AND
- SECTION 2. THAT bids were solicited from qualified contractors by advertising in five newspapers of local and metropolitan-wide circulation, with bids having been publicly opened at 2:00 PM, April 1, 1981; AND
- SECTION 3. THAT seven bids were received, with Nazario Construction Company, Inc. (Beltsville, Maryland) having submitted the low unit price bid of THREE HUNDRED SIXTY-NINE THOUSAND, FOUR HUNDRED SEVENTY DOLLARS (\$369,470).
- SECTION 4. THEREFORE THAT the bid of Nazario Construction Company, Inc., for the work described in the attached "Description of Jobs," be accepted for the amount of THREE HUNDRED SIXTY-NINE THOUSAND, FOUR HUNDRED SEVENTY DOLLARS (\$369,470).

*Note: Attachments C + D are in reverse order.
S. Pusti*

(over)

MONTGOMERY COUNTY PROJECTS

1. Baltimore Ave. (Takoma Ave. to Philadelphia Ave.)
As directed by the Engineer, concrete curb and gutter shall be replaced in kind along with sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 6 weeks
2. Holly Ave. (Tulip Ave. to Darwin Ave.)
As directed by the Engineer, some portions of existing concrete curb and gutter shall be removed and replaced with Montgomery County standard concrete curb and gutter. All other curb and gutter shall be replaced in kind along with sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 5 weeks
3. Maple Ave. (Post Office to Philadelphia Ave.)
As directed by the Engineer, some portions of existing concrete curb and gutter shall be removed and replaced with Montgomery County standard concrete curb and gutter. All other concrete curb and gutter shall be replaced in kind along with sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 8 weeks
4. Westmoreland Street (Ethan Allen Ave. to Walnut Ave.)
As directed by the Engineer, some portions of existing concrete curb and gutter shall be removed and replaced with Montgomery County standard concrete curb and gutter. All other concrete curb and gutter shall be replaced in kind along with sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 4 week
5. Boyd Ave. (Carroll Ave. to Jackson Ave.)
As directed by the Engineer, some portions of existing concrete curb and gutter shall be removed and replaced with Montgomery County standard concrete curb and gutter. All other concrete curb and gutter shall be replaced in kind along with sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 4 weeks
6. Davis Ave.
Miscellaneous maintenance to include concrete curb and gutter, sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 2 weeks

7. Jefferson Ave. (Lincoln Ave. to Carroll Ave.)
 As directed by the Engineer, catch basin grade shall be revised and some portions of roadway will have Montgomery County standard concrete curb and gutter constructed. All other concrete curb and gutter shall be replaced in kind along with sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 4 weeks

8. Maple Ave. (Hilltop Road to Lincoln Ave.)
 As directed by the Engineer, Montgomery County standard sidewalk shall be constructed on north side along with incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 2 weeks

9. Kennebec Ave. (Maple Ave. to Sligo Creek Pkwy.)
 As directed by the Engineer, Montgomery County standard sidewalk shall be constructed on south side along with incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 2 weeks

10. Flower Ave. (Carroll Ave. to County Line)
 As directed by the Engineer, some portions of existing concrete curb and gutter shall be removed and replaced with Montgomery County standard concrete curb and gutter. All other concrete curb and gutter shall be replaced in kind along with sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 3 weeks

11. Cockrille Ave. (Turnaround to County Line)
 As directed by the Engineer, some portions of the roadway shall have Montgomery County standard concrete curb and gutter constructed along with Montgomery County standard sidewalk and Montgomery County standard driveway aprons and turnaround and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 2 weeks

12. Central Ave.
 Miscellaneous maintenance to include concrete curb and gutter, sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 2 weeks

OVER

PRINCE GEORGES COUNTY

1. Cockrille Ave. (County Line to City Limits)
As directed by the Engineer, existing concrete curb and gutter shall be removed and replaced in kind along with sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 3 weeks
2. Elm Ave. (Poplar Ave. to Ethan Allen Ave.)
As directed by the Engineer, some portions of existing concrete curb and gutter shall be replaced with Prince Georges County standard concrete curb and gutter. All other existing concrete curb and gutter shall be removed and replaced in kind along with sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 8 weeks
3. Flower Ave. (County Line to Jackson Ave.)
As directed by the Engineer, some portions of existing concrete curb and gutter shall be removed and replaced with Prince Georges County standard concrete curb and gutter. All other existing concrete curb and gutter shall be removed and replaced in kind along with sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 2 weeks
4. Garland Ave.
Miscellaneous maintenance to include concrete curb and gutter, sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 2 weeks
5. Davis Ave.
Miscellaneous maintenance to include concrete curb and gutter, sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 2 weeks
6. Central Ave.
Miscellaneous maintenance to include concrete curb and gutter, sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.

Prop. Const. Time 2 weeks

7. Flower Ave.
Miscellaneous maintenance to include concrete curb and gutter, sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.
- Prop. Const. Time 2 weeks
8. Trescott Ave.
Miscellaneous maintenance to include concrete curb and gutter, sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.
- Prop. Const. Time 2 weeks
9. Hilton Ave.
Miscellaneous maintenance to include concrete curb and gutter, sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.
- Prop. Const. Time 2 weeks
10. Jackson Ave.
Miscellaneous maintenance to include concrete curb and gutter, sidewalk sections, driveway aprons and incidental work including sidewalk ramps at all intersections designated by the Engineer.
- Prop. Const. Time 2 weeks

ATTACHMENT C

Council meeting minutes
April 13, 1981

ORDINANCE NO. 2561

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

SECTION 1. THAT Ordinance No. 2555, adopted March 23, 1981, be amended by the reenactment, with editorial changes, of former Article 7, of Chapter 6, "Housing," Code of Takoma Park, Md., 1972, as amended, to read as follows:

Article 6. Unfit Housing

Sec. 6-63. Unsafe structure; proceedings.

(a) The Mayor and Council, upon information that any dwelling house or other structure within the City is in a condition dangerous to property or health or in a condition which menaces the lives of persons residing within, passing along or over the highways of the City or residing in the neighborhood of the structure, and which information has been duly verified after investigation by the Council, shall pass an ordinance calling upon the owner of the property to show cause within a reasonable time thereafter, the time to be definitely stated in the Ordinance, why the maintenance of the property should not be declared a nuisance and ordered to be abated.

(b) Notice of the passage of the Ordinance shall be served on the owner (if he is a resident of the City), or to a member of his household over sixteen (16) years of age, by an officer of the Police Department within ten (10) days of the passage of the Ordinance. If the owner is a resident of the City but temporarily absent, or a non-resident of the City, then a copy of the notice shall be published in two (2) successive issues of a newspaper published in the County in which the property is located, and a copy of the notice shall be mailed to the last known address of the owner.

(M.C. 1961, Art. 13, Sec. 2)

Sec. 6-64. Hearings.

At the time stated in the Ordinance described in Section 6-63, the Council shall hear the owner of the property or his representative, if either should appear, and may also hear any additional evidence bearing on the case.

(M.C. 1961, Art. 13, Sec. 2)

Sec. 6-65. Nuisance order abated.

If after the hearing the Mayor and Council shall be of the opinion that the condition of the property is dangerous to property or health or menaces the lives of persons residing within, passing along over the highways of the of the City or residing in the neighborhood of the structure, the Mayor and Council shall pass an Ordinance declaring the condition in question to be a nuisance and ordering it to be abated within a period prescribed in the Ordinance.

(M.C. 1961, Art. 13, Sec. 3)

Sec. 6-66. Repair or removal by City.

If the nuisance be not abated within the period prescribed by the Ordinance in Section 6-65, the Mayor and Council shall in addition to the penalty prescribed in Section 1-17(a) take such other steps as may be necessary, either by the repair or removal of the property, the costs to be assessed against the property and to become a lien thereon, and collectible in the same manner as delinquent City taxes.

(M.C. 1961, Art. 13, Sec. 5)

Sec. 6-67. Condemned buildings described.

(a) Any building which shall be found by the Council to come within any of the following descriptions shall be condemned by the Council as unfit for human habitation, and shall be so designated and placarded by the Inspector of Buildings:

(1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or the public.

(2) One which lacks illumination, ventilation or sanitary facilities adequate to protect the health or safety of the occupants or the

AVESP

(3) One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

(M.C. 1961, Art. 13, Sec. 6)

Sec. 6-68. Substandard buildings; notice to Council; finding and declaration of nuisance; order to repair; fine.

(a) If the Inspector of Buildings finds that any building or structure within the City, by reason of deterioration of materials lack of repair or maintenance is, or will become, a hazard to the health, safety or welfare of its occupants or the public or it will become a blighting or deteriorating factor in the neighborhood, or will impair or adversely affect the value of neighboring property, he shall report such facts to Council which may, thereupon, declare such building or structure to be a nuisance. The Council may specify upon the advice of the Inspector of Buildings what reasonable repairs or maintenance measures are necessary to abate such nuisance.

(b) Upon such finding and declaring, the Inspector of Buildings may proceed in the manner provided in this Article, for the abatement of nuisances or the Inspector of Buildings may order the owner of such building or structure to make such repairs or to take such maintenance measures within a reasonable time. Failure to comply with such order shall be considered a misdemeanor and upon conviction therefor, the owner of such building or structure shall be fined in an amount not to exceed Fifty Dollars (\$50.00) per day, each day of violation to be considered a separate offence.

(Ord. 1946, Sections 1 and 2, 3/27/67.)

Sec. 6-69. Notice of unfit building.

Whenever the Inspector of Buildings, or the Fire Marshall, or the Health Officer of the County in which the premises are situated, has reason to believe that any building used for human habitation, or intended to be so used, should be condemned as unfit for human habitation, he shall notify the Council, stating the location of the building and the reason he believes it to be unfit.

(M.C. 1961, Art. 13, Sec. 7)

Sec. 6-70. Hearings and notice.

(a) The Council may set a time and place for a hearing as to the condition of any building to which their attention has been called under Section 6-69 of this Article.

(b) The Council shall give at least ten (10) days' notice of the hearing. The notice, which shall state the nature of the alleged defect or defects in the building, shall be served personally on the owner or his agent, if he can be found in the City.

(c) In the event the owner or his agent cannot be found in the City the notice shall be sent to the owner or his agent by registered mail to his last known address. A copy shall be:

(1) Published in a newspaper of general circulation in the City;

(2) Sent by regular mail to the occupant of the building; and

(3) Posted in a conspicuous place on the premises on which the building is located.

(M.C. 1961, Art 13, Sec. 8)

Sec. 6-71. Proceedings at hearing.

(a) At the hearing, the Inspector of Buildings or the Fire Marshal, and/or any representative he may designate, shall submit evidence to substantiate his belief that the building comes within one of the descriptions set forth in Section 6-67 of this Article. Any person who wishes to oppose the condemnation of the building as unfit for human habitation shall, if having filed notice of such intention with the City Clerk at least two (2) days previously, be given a reasonable time for the presentation of any reasons why the building should not be so condemned.

(b) The Mayor or Acting Mayor, or in their absence any Councilmember designated for the purpose by a majority of the Council present, shall preside at the hearing and determine how much time shall be allotted to each person, and the order in which they shall speak. The Inspector of Buildings shall present his evidence first and shall be permitted to address the Council after all others have spoken.

(M.C. 1961, Art. 13, Sec. 9)

Sec. 6-72. Condemnation decision; building destroyed or improved.

After the hearing the Council shall determine whether or not the building should be condemned as unfit for human habitation. In case it is so condemned, the Council may also determine whether it should be destroyed or whether the defect found may be corrected by making specified improvements.

(M.C. 1961, Art. 13, Sec. 10)

Sec. 6-73. Placarding condemned buildings.

Any building condemned by the Council as unfit for human habitation, after a hearing provided under this Article, shall if so directed by the Council, be so placarded by the Inspector of Buildings. The building shall be vacated within a reasonable time as ordered by the Council, or by the Inspector of Buildings if no time has been specified by the Council.

(M.C. 1961, Art.13, Sec. 11)

Sec. 6-74. Reinstatement and placard removal.

No building which has been condemned by the Council under the provisions of this article shall again be used for human habitation until written approval is secured from the Inspector of Buildings, or from the Fire Marshal, and from the Health Officer if he has participated in any way in the proceedings under this Article. The approval must be given, and the placard removed, by the Inspector of Buildings, whenever the defect on which the Council's condemnation was based shall have been eliminated or adequately corrected.

Sec. 6-75. Placard defacing or removal.

No person shall deface or remove, except as provided in Section 6-74 of this article, any placard placed on any premises in accordance with Section 6-73 of this article.

(M.C. 1961, Art. 13, Sec. 13)

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

4-17-81

TO: Mayor and Council

FROM: Herbert Gilsdorf

RE: Council Worksession: TUESDAY, April 21, 7:30 PM

7:30 PM - 8:00 PM COLTA appeal by owners of 7513 and 7611 Maple Avenue

8:00 PM - 8:15 PM Preliminary subdivision plat dividing Masonic Lodge
lot into 2 lots -- corner of Jackson and Boyd Avenues

8:15 PM - 9:00 PM Discussion of ward redistricting procedure

9:00 PM Closed session for personnel considerations re
1981-82 budget

CITY OF TAKOMA PARK, MARYLAND
MAYOR AND COUNCIL WORKSESSION
April 21, 1981

Councilmembers present:

Mayor Abbott
Councilmember Holland
Councilmember Ramsey
Councilmember Ricks
Councilmember Weisman
City Administrator Gilsdorf

The meeting was called to order by Mayor Abbott at 7:45 PM.

1. The Mayor and Council heard an appeal from the owners of 7513 and 7611 Maple Avenue concerning the decision to deny rent increases greater than 10% by the City's Commission on Landlord-Tenant Affairs. The decision of the Mayor and Council as the Appeal Body is attached.
2. Preliminary subdivision plat dividing lot into two lots -- corner of Jackson and Boyd Avenues. The preliminary subdivision plat was presented to the Mayor and Council by the City Administrator, who was directed to send a letter to the Park and Planning Commission requesting additional information before a decision could be reached by the Council.
3. Takoma Park Community School. Mrs. Dorothy Malusky appeared before the Mayor and Council to advise them that user fees are being considered for non-profit groups using the School. Mrs. Malusky requested that the Mayor and Council send a letter to the Montgomery County Interagency Coordinating Board for Community Use of Educational Facilities and Services, opposing this plan. By consensus vote, the Mayor and Council agreed and directed the City Administrator to send such a letter.
4. Discussion of ward redistricting procedure. This item was scheduled for discussion at the pre-Council meeting on Monday, April 27, 1981.
5. Closed session for personnel considerations re 1981-82 budget. The Council worksession was closed at 9:30 PM for personnel considerations.

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

April 22, 1981

DECISION OF APPEAL BODY

7611 Maple Avenue
and
7513 Maple Avenue

The appeal was heard on April 21, 1981, and the Appeal Body herewith upholds the decision of the City's Commission on Landlord-Tenant Affairs on 7611 Maple Avenue and 7513 Maple Avenue.


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

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council

April 27, 1981

AGENDA

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

PLEDGE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications

---Announcement of hearings:

- May 18, 7:30 PM (Monday): Condemnation hearings on 7511 Carroll Avenue, 7106 Sycamore Avenue and 6761 Eastern Avenue
 May 11, 7:30 PM (Monday): Public Hearing on budgets for Library, Code Enforcement and Public Works Departments
 May 26, 7:30 PM (Tuesday): Public hearing on Recreation, Administration and Police Departments
 Proposed use of Federal Revenue Sharing Funds
 Intent to Exceed Constant Yield Tax Rate

2. Administrative Reports and Recommendations for Council Action

- (1) Proposed resolution calling on Montgomery County to enact legislation prohibiting transport of nuclear waste materials throughout the County (Councilmember Weisman)
- (2) Discussion of redistricting procedure (Mayor Abbott)
- (3) Proposed resolution supplementing Ordinance No. 2552 (WAR bond issue), adopted March 23, 1981, to establish the principal amount, years of maturity, interest rates per annum, and annual debt service required for Hospital Facilities Revenue Bonds and determining certain other matters in connection with the issuance, sale and delivery of such bonds
- (4) Resolution designating Laurel/Carroll district as a Commercial Revitalization Area
- (5) Authorization to proceed with work program for Laurel/Carroll Commercial Revitalization
- (6) Emergency legislation instituting condemnation proceedings for property located at 7511 Carroll Avenue
- (7) Emergency legislation instituting condemnation proceedings against property located at 7106 Sycamore Avenue
- (8) Emergency legislation instituting condemnation proceedings against property located at 6761 Eastern Avenue
- (9) Second reading of an ordinance designating a parking space for the Boy Scout bus
- (10) Second reading of an ordinance amending Sec. 13-64, City Code, to provide for enforcement of parking violations in spaces reserved for the handicapped
- (11) Second reading of an ordinance authorizing removal of one parking meter in front of 7060 Carroll Avenue and enlarging the Ride-on Bus loading zone
- (12) Consideration of request for approval of two Ride-on bus stops: on Fenton Street southbound at the Juniper Street pedestrian bridge and on Fenton Street northbound 100 feet north of Takoma Avenue

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council

April 27, 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	Parks Coordinator Smith
Councilmember Saloma	Recreation Director Ziegler
Councilmember Weisman	Corporation Counsel Gingerich

The Mayor and Council of Takoma Park met on April 27, 1981, at 8:00 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, it was noted that the minutes of the April 13 Council meeting were not yet completed, but would be available at the next Council meeting.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Regarding the City's proposed budget for Fiscal Year 1982, Mayor Abbott stated that the City has just recently been informed of a severe increase in the payments to the Maryland State Retirement System (MSRS), in which the City employees participate; the payment for 1981 totalled \$107,000, and has now been increased to \$267,000 for 1982; noted that he, along with Councilmembers Garcia and Ricks, and the Assistant City Administrator, Alan Shaffer, had attended a meeting in Annapolis to obtain an explanation; the information given at the meeting was incomplete, but generally indicated that the MSRS has begun a 40-year accrued liability plan to guarantee in advance payments to those participants already retired and those to be retired; noted that only 25 out of 135 municipalities, and 9 out of 23 counties, participate in the MSRS; stated that this issue was discussed by the Maryland Municipal League Board of Directors, with the following points agreed on: that a small committee be set up to meet with the Governor, to request a shift in the 40-year plan, advancing the payment due by two or three years; to point out that the bill sent to participating localities by MSRS is due and payable before the end of the current fiscal year because a large amount of funds were not budgeted, and that the 7% interest charge be either decreased or dropped.

Also regarding the City budget, Mayor Abbott noted that the bill that went before the State legislature on Double Taxation of municipal residents was defeated; that it will be presented again next year, hopefully with much more support from local governing bodies and citizens to push for its adoption; noted that Prince George's County does not abide by tax differential payments to municipalities, while Montgomery County has participated in such a program with the City but not at an equitable level; that he and the City Administrator had met with the Montgomery County Executive and his financial aides to discuss the formula established for such payments, and it has been agreed that although the County cannot afford to increase the payments in the upcoming budget year, that once the City's budget and tax rate is finalized, the County would commence meetings with the Council to work out the questions of increasing the tax differential payments. Mayor Abbott stated that in view of the shrinking revenues from governmental agencies, and the City not receiving its fair share in tax differential payments from both counties, the City Council and citizens are left with two choices for the coming budget year--either cut the level of services provided by the City, or increase the property taxes paid by citizens.

CITIZENS' REMARKS

1. Joseph Lerner, 7708 Takoma Avenue, North Takoma Citizens' Assn: regarding the establishment of two new Ride-on bus stops on Fenton Street, specifically the one to be located on Fenton Street, northbound, suggested that the footage be increased to 150 feet (instead of 100 feet) so that the two stops would be located almost opposite each other;

requested that a crosswalk be painted connecting the two, and also that no parking be instituted on Takoma Avenue for approximately 60 feet going south from Fenton to better accommodate right-turns for the busses. Regarding the redistricting procedures and alternatives, suggested that the Council develop a mode in which the different views of citizens and the Council can be heard by the entire public, possibly utilizing the Columbia Union College radio station; stated that he though the interests of the North Takoma area are better served by being separate from Old Takoma area in Council wards, because the Councilmember from the adjoining ward usually lends his support for concerns of North Takoma area; noted that the proposed combination of Wards 1 and 2 did not concern him because of the possibility of two councilmembers having to run against each other, but because of the lessened voting power on the Council; regarding the withholding of the Grier report by the Council, noted that the report did not speak to items some people said the report would answer if it had been released.

2. Audrey Gibbs, 7520 Maple Avenue: expressed concern that Code Enforcement Officer Olson, who has retired from City employ, is now the new property manager for her building; said that some complaints reported by tenants were not on file and asked that this be looked into. Councilmember Saloma stated that she would determine when the next full inspection is scheduled, and would accompany the code enforcement officer and tenants on the inspection; stated that Mr. Olson's new job has no bearing on the manner in which the housing codes are enforced in the City. Councilmember Holland requested that a discussion of code enforcement be placed on the agenda for the next Council worksession.

3. Nancy Perry, 7520 Maple Avenue: stated that the City files indicated only two complete yearly inspections had been made during the past 3 years at her building; three violation reports written on tenant complaints; and there were no letters to indicate whether or not corrections had been made.

4. Herman Williams, 7667 Maple Avenue: reiterated the above-speakers remarks; said that many former tenants have been forced to leave the City because of the conversion of 7620 Maple Avenue to Section 8. Councilmember Weisman pointed out that three members of the present Council had voted in opposition to that conversion. Mr. Williams said that he and Ms. Naomi Turner had received eviction notices which he viewed as retaliatory because of their work toward improving their building; Councilmember Ricks, also a tenant of 7667 Maple Avenue, stated that he had earlier received a notice, but had been able to have it rescinded through the Montgomery County Office of Landlord-Tenant Affairs as a retaliatory eviction; that Ms. Turner has an attorney assisting her and that he is also working with both Ms. Turner and Mr. Williams to secure a rescission of the notices. Mr. Williams spoke of the overdue utility bills and threats to cut off service; requested Council to consider the adoption of an ordinance considered previously which would require landlords to pay a security deposit to be used in emergency situations.

5. Steven Rollins, 7520 Maple Avenue: stated that he felt Mr. Olson's position as a property manager reflects on the City.

6. Larry Robinson, 7504 Holly Avenue: pointed out that warnings of deterioration along the Maple Avenue apartment corridor had been made at the time problems were encountered at the Winchester-Takoma; that the City must force the landlords to repair their properties; and that the condition of all housing in the City is of paramount importance, even beyond that of City services.

7. Harold Myers, 7212 Cedar Avenue: at the time when many code violations and court cases were being brought against the owners of the Winchester-Takoma, he had pointed out conditions would worsen along Maple Avenue and that this had proved to be an accurate prediction.

8. David Sawyer, 7422 Buffalo Avenue: announced that free legal advice, including information on setting up a coop building, is available for low-income tenant groups from the Montgomery County Legal Aid Bureau through the Takoma-East Silver Spring Center (TESS), located at 8513 Piney Branch Road (565-7675).

9. Ron Wylie, 7618 Glenside Court: presented the Mayor and Council with a proposed resolution (Attachment A) dealing with the proposal of the Council of Governments (COG) Board of Directors to consolidate the several citizen advisory committees into one committee, reducing citizen-member input from 96 to 35; urged the Council to adopt the resolution and that copies be sent to COG member jurisdictions. Councilmember Ricks made a motion, duly seconded by Councilmember Holland, that the resolution be adopted; when the motion was put to a vote, it was adopted unanimously by the Council; Councilmember Ricks requested that a copy of the resolution be sent to the Chairman of COG's Public Safety Committee, of which he is a member, asking that it be placed on the next agenda.

10. Lou D'Ovidio, 7324 Piney Branch Road: said the City's recent resolution on National Preservation Week, is not being supported on Maple Avenue. Indicated that the Montgomery County Historic Preservation Committee has on its next agenda a proposal to include the Washington Sanitarium building as a landmark. Pointed out that he has not yet received a response to his January letter to the Mayor and Council regarding a City-wide traffic study.

11. William Articola, 8306 Roanoke Avenue: Spoke to the proposed resolution before the Council dealing with nuclear waste transports through Montgomery County, giving a detailed account of the many hazards involved and urged adoption. Councilmember Ricks said this issue is being discussed by GOG's Public Safety Committee.

ITEMS FOR COUNCIL CONSIDERATION

Announcements

The City Administrator announced the following public hearings:

- Monday, May 18, 7:30 P.M., Condemnation hearings on 7511 Carroll Avenue, 7106 Sycamore Avenue and 6761 Eastern Avenue
- Monday, May 11, 7:30 P.M., Public Hearing on FY-82 budgets for Library, Code Enforcement and Public Works Departments
- Tuesday, May 26, 7:30 P.M., Public Hearing on Recreation, Administration and Police Departments; Proposed use of Federal Revenue Sharing Funds; and Intent to Exceed Constant Yield Tax Rate.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Resolution calling on Montgomery County to enact legislation prohibiting transport of nuclear waste materials through the County. Councilmember Weisman introduced the resolution, (which was accompanied with a petition with over 300 signatures) and made a motion for its adoption; the motion was duly seconded, and when put to a vote, the Resolution (Attachment B) was adopted unanimously by the Council, with copies and cover letter to be sent to Montgomery County Council, County Executive, and others.

2. Discussion of redistricting procedure. Mayor Abbott read a memo (Attachment C) he had presented to the Council outlining a proposed redistricting procedure and moved its adoption; Councilmember Garcia seconded the motion for discussion purposes. There followed a lengthy discussion among the Mayor and Council in which the following points were made: that it was premature for the Mayor to propose such a procedure before Council has had a chance to prepare and present a plan which may be acceptable to all; that contrary to the opening statement of the memo Councilmembers were confident that any plan they drew up would fulfill the one man-one vote requirement; that the Charter provides for a representative form of government, not a direct democracy. The proposed procedure does not conform to the City Charter. The Council is accountable for, and charged with the responsibility of developing a plan, and to accede to the proposed procedure would constitute an abrogation of that responsibility. In response to questions from Mr. Gagliardo and

others, Corporation Council Gingerich explained that a referendum, as proposed by some citizens, would not be in order until after the Council has adopted a Charter amendment defining the ward boundaries. The City Council must pass a resolution amending the City Charter; after passage, the resolution and specific wording for the Charter amendment must be posted and published, and would become effective on the fiftieth day after passage; within the first forty days, if there is opposition to the Charter amendment, there is a provision for a referendum on a petition to be signed by 20% of the registered voters of the City; after validation a referendum would be held based on the petition statement. Twenty percent of the registered voters may also initiate a proposed Charter amendment by a petition containing the language of the amendment which would subsequently be submitted to referendum. In all forms, a proposed Charter amendment can embrace only one subject. Mayor Abbott said that it was his understanding that the Council could place alternate amendments on the same referendum ballott, as had been done recently in Prince George's County.

The following persons spoke on the issue: David Prosten suggested that the Council consider adopting items 1-5 of the procedure. Tom Gagliardo, 8120 Roanoke Avenue, supported that suggestion, saying that item 6 should be addressed as a separate issue. Following a lengthy dialogue with the Corporation Counsel, on the issue of Council's lack of authority to initiate a referendum such as the one proposed, Mr. Gagliardo said the Council could amend the Charter to provide that authority. Marc Ellrich, 7800 Carroll Avenue, stated his support for having citizens vote on a redistricting plan because of Council's vested interest. Larry Robinson reiterated the above opinion and said that, though he did not necessarily favor option #5, the matter should be decided by the voters and not the Council; questioned the Corporation Counsel as to the legal effect of going ahead with proposed procedure if there were no challenge. Mr. Gingerich stated that in his opinion it would constitute a nullity. Joseph Lerner noted that the democratic process referred to had not been followed since the proposed redistricting procedure had only been made available to a select few and not to all the citizens; that a change of this magnitude in the normal procedure should be the subject of a public hearing. John Hemphill, 8112 Flower Avenue, stated that there are many other considerations in the issue besides the one man-one vote principle; that the Council should be given a chance to come up with their own alternative, but the citizens should be given an equal chance for input on all alternatives, and all published in the Newsletter; noted that there would be problems with limiting a referendum to two alternatives because many citizens may have their own alternatives which would not be given a chance. Rino Aldrighetti, 7213 Central Avenue, urged the Council to adopt items 1-5 of the Mayor's proposal, but to also consider item six. Mary Pennifield, 7305 Takoma Avenue, stated her support for a citizen vote on the issue. Carlos Stewart, 7710 Maple Avenue, requested the definition of gerrymandering; Mayor Abbott stated that it means to take liberties with a map so that one group has more political clout than others. Mr. Wylie questioned whether the Corporation Counsel saw anything illegal about the redistricting alternatives presented, to which the answer was no; Mr. Wylie stated that he would like to see a public hearing held on the procedures proposed by the Mayor. Ron Albaugh, 7202 Central Avenue, agreed with Mr. Wylie's suggestion for a public hearing; stated that he sees no reason why several issues could not be placed on a special election ballot. Mayor Abbott stated that if the Council is not willing to hold a special election on this issue, then they are not listening to the majority of the citizens who have spoken; noted also that he had not heard any motion from the Council for another procedure. Councilmember Ramsey made a motion to amend Mayor Abbott's motion, by deleting item 6 from the proposed procedure; the motion failed for lack of a second. When the original motion was put to a vote, it was defeated by unanimous vote.

3. Resolution supplementing Ordinance No. 255? (Washington Adventist Hospital bond issue), adopted March 23, 1981, to establish the principal amount, years of maturity, interest rates per annum, and annual debt service required for Hospital Facilities Revenue Bonds and determining certain other matters in connection with the issuance, sale

and delivery of such bonds. Mayor Abbott made a motion, duly seconded by Councilmember Garcia, that the Council adopt the Resolution. Councilmember Ricks stated that at a previous meeting, questions were raised as to the agreement between the Hospital and the City for the future retention and use of the Sanitarium Building, which has not yet been put in writing; that the Council would like to have input into any proposed disposition of the Building. Councilmember Ricks read the following into the record from a WAH document entitled "Preliminary Official Statement", page 51, Sale and Release of Hospital's Property: "The Hospital may sell or otherwise dispose of any personal property constituting part of the trust estate which is no longer useful to the Hospital or any part of the real estate constituting part of the trust estate upon which no building then stands and which is deemed by the Hospital not to be useful in the continued operation of the Hospital, and the Trustee shall release all or any part of such property from the lien of the indenture, upon delivery to the Trustee...."; questioned whether this statement would negate any agreement between the Hospital and the Council for retention of the Sanitarium building; also noted that he was raising this question as a point of interest and understanding, and not to delay the bond issue. Dr. Herbert Shiroma, Administrator of WAH, replied that the statement quoted would not negate any agreement between the City and WAH; that he has written the Mayor and Council stating that WAH would be willing to work with the Council and Takoma Park citizens on the retention and use of the Sanitarium Building if it could not continue in its present use; that he is in the process of trying to work out an arrangement with Hospital physicians or Columbia Union College officials to use the Sanitarium Building for office space; that all avenues are being explored to have Building's space utilized. Attorney from Kutak, Rock and Huie law firm, stated that the purpose of the section Councilmember Ricks quoted is that if there is any part of the Hospital property, including the Sanitarium Building, that has been deemed no longer critical to the Hospital's operation and would not affect the revenue producing ability of the Hospital, it could be removed from the lien of indenture to allow the Hospital flexibility. Councilmember Holland stated that in all the discussions of the bond issue, the only reservation voiced has been that of the Council and citizens trying to impress upon the Hospital the feelings of the general citizenry about the Sanitarium Building; that such a feeling cannot be tied into a legal document; speaking for himself, stated that he felt the Hospital is acting in good faith for the retention of the Building and he saw no need for legal entanglements. When the motion for the adoption of the Resolution was put to a vote, it was adopted unanimously by the Council (Attachment D).

RESOLUTION

(Attachment D)

4. Resolution designating Laurel/Carroll district as a Commercial Area. Councilmember Holland made a motion, duly seconded, that the resolution and work program for the area be tabled for two weeks, due to the lateness of the hour and financial considerations of the item. When the motion was put to a vote, it was defeated by a 3:4 vote, with Councilmembers Holland, Saloma and Weisman voting in favor of tabling for two weeks. Mr. Alan Shaffer, Director of Community Development, stated that the resolution to designate Laurel/Carroll commercial district as a Commercial Revitalization Area is only a public statement from the Council which would show some commitment to revitalize the area and to designate it for further study. Upon motion by Councilmember Ricks, duly seconded, the resolution below was adopted unanimously by the Council.

RESOLUTION

WHEREAS, the City of Takoma Park is committed to revitalize the commercial area known as the Laurel/Carroll Neighborhood Business District; AND

WHEREAS, the City of Takoma Park has undertaken a revitalization study of the Laurel/Carroll Neighborhood Business District; AND

WHEREAS, the City of Takoma Park wants to have a coordinated rehabilitation of the Laurel/Carroll Neighborhood Business District.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Takoma Park, Maryland that the Laurel/Carroll Neighborhood Business District shall be designated as a area under review, and encourage all owners of businesses and property and residents in the area to provide a coordinated revitalization rehabilitation of the Business District; AND

BE IT FURTHER RESOLVED that the City of Takoma Park seeks the input from the owners of businesses and property and residents in developing a coordinated plan for rehabilitating the Laurel/Carroll Neighborhood Business District.

5. Authorization to proceed with work program for Laurel/Carroll Revitalization. Councilmember Garcia made a motion, duly seconded by Councilmember Ramsey, that the Council proceed with the work program. Several Councilmembers stated their concerns and reservations about the organizational chart accompanying the work program; Councilmember Ricks moved that the motion be amended to authorize the hiring of a commercial rehabilitation specialist to be paid with Community Development Block Grant funds already allocated, while deferring action on the work program and remainder of the chart until they could be discussed at the next worksession. The amendment was accepted by Councilmember Garcia, and when the amended motion was put to a vote, it was unanimously approved by the Council. (Copies available in the City Office.)

6. Emergency legislation instituting condemnation proceedings for property located at 7511 Carroll Avenue. Upon motion by Councilmember Holland, duly seconded by Councilmember Ricks, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, Weisman. NAY: None. EXCUSED: None.

ORDINANCE NO. 2563

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

SECTION 1. THAT WHEREAS it has been reported to the Mayor and Council by the City Administrator that conditions are prevalent so as to make the building identified as 7511 Carroll Avenue, situated on Lot 36, Block 37, B.F. Gilbert Subdivision within the City of Takoma Park, Maryland, recorded in the Land Records of Montgomery County, Liber 4587, Folio 761, and in Tax Record a/c #1074472, Leola S. Quarles, unfit for human habitation; AND

SECTION 2. THAT the building referred to in Section 1 of this Ordinance is presently in violation of PM 302.3.3 (formerly H-321.3), PM 303.2 (formerly H-321.1), PM 303.3 (formerly H-337.0), PM 303.8 (formerly H-322.1), PM 602.3 (formerly H-414.1), PM 704.2 (formerly H-410.1), and PM 801.2 (formerly H-502.0) of the Code of Takoma Park, Maryland, 1972, as amended; AND

SECTION 3. THAT certain members of the City Administrator's Office, as authorized by the Mayor and City Council, inspected the building referred to in Section 1 of this Ordinance and verified the conditions to be as reported.

SECTION 4. THEREFORE THAT Leola S. Quarles show cause on or before May 18, 1981, why the maintenance of the building at 7511 Carroll Avenue, Takoma Park, Maryland, should not be declared a nuisance, provided that NOTICE of the passage of this Ordinance and a copy of the same be served on Leola S. Quarles, pursuant to Article 6 (formerly Article 7), Section 6-69-B of the Code of Takoma Park, on or before May 7, 1981; AND

SECTION 5. THAT the date of May 18, 1981, at 8:00 P.M., at 7500 Maple Avenue, Takoma Park, Maryland is hereby set for the time and place for a Hearing as to the condition of the aforementioned building, and the City Clerk is instructed to give notice within ten days of the adoption of this Ordinance to all persons known to be involved in these proceedings, all in accordance with Article 6 of the City Code aforementioned in Section 4 of this Ordinance.

7. Emergency legislation instituting condemnation proceedings against property located at 7106 Sycamore Avenue. Upon motion of Councilmember Holland, duly seconded by Councilmember Ricks, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, Weisman. NAY: None. EXCUSED: None.

ORDINANCE NO. 2564

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

- SECTION 1. THAT WHEREAS it has been reported to the Mayor and Council by the City Administrator that conditions are prevalent so as to make the building identified as 7106 Sycamore Avenue, situated on Lot 14, Block 21, B.F. Gilbert Subdivision within the City of Takoma Park, Maryland, recorded in the Land Records of Montgomery County, Liber 474, Folio 723, and Tax Record a/c #1064850, Samuel Karkenny, unfit for human habitation; AND
- SECTION 2. THAT the building referred to in Section 1 of this Ordinance is presently in violation of PM 301.1 (formerly H-502.0), PM 302.3.2 (formerly H-321.2), PM 302.4.5 (formerly H-323.4), and PM 303.3 (formerly H-337.0) of the Code of Takoma Park, Maryland, 1972, as amended; AND
- SECTION 3. THAT certain members of the City Administrator's Office, as authorized by the Mayor and City Council, inspected the building referred to in Section 1 of this Ordinance and verified the conditions to be as reported.
- SECTION 4. THEREFORE THAT Samuel Karkenny show cause on or before May 18, 1981, why the maintenance of the building at 7106 Sycamore Avenue, Takoma Park, Maryland, should not be declared a nuisance, provided that NOTICE of the passage of this Ordinance and a copy of the same be served on Samuel Karkenny, pursuant to Article 6 (formerly Article 7), Section 6-69-B of the Code of Takoma Park, on or before May 7, 1981; AND
- SECTION 5. THAT the date of May 18, 1981, at 8:00 P.M., at 7500 Maple Avenue, Takoma Park, Maryland, is hereby set for the time and the place for a Hearing as to the condition of the aforementioned building, and the City Clerk is instructed to give notice within ten days of the adoption of this Ordinance to all persons known to be involved in these proceedings, all in accordance with Article 6 of the City Code aforementioned in Section 4 of this Ordinance.

8. Emergency legislation instituting condemnation proceedings against property located at 6761 Eastern Avenue. Upon motion by Councilmember Holland, duly seconded by Councilmember Ricks, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, Weisman. NAY: None. EXCUSED: None.

ORDINANCE NO. 2565

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

- SECTION 1. THAT WHEREAS it has been reported to the Mayor and Council by the City Administrator that conditions are prevalent so as to make the building identified as 6761 Eastern Avenue, situated on Lot 16, Block 17, Pinecrest Subdivision within the City of Takoma Park, Maryland, recorded in the Land Records of Montgomery County, Liber 2202, Folio 77, and in Tax Record a/c #1059168, William Lee Brock, unfit for human habitation; AND
- SECTION 2. THAT the building referred to in Section 1 of this Ordinance is presently in violation of PM 302.2 (formerly H-321.3), PM 302.3.2 (formerly H-321.2), PM 303.2 (formerly H-321.1), PM 303.3 (formerly H-337.0), PM 801.2 (formerly H-502.0), and PM 801.3 (formerly H-503.0) of the Code of Takoma Park, Maryland, 1972, as amended; AND
- SECTION 3. THAT certain members of the City Administrator's Office, as authorized by the Mayor and City Council, inspected the building referred to in Section 1 of this Ordinance and verified the conditions to be as reported.
- SECTION 4. THEREFORE THAT William Lee Brock show cause on or before May 18, 1981, why the maintenance of the building at 6761 Eastern Avenue, Takoma Park, Maryland, should not be declared a nuisance, provided that NOTICE of the passage of this Ordinance and a copy of the same be served on William Lee Brock, pursuant to Article 6 (formerly Article 7), Section 6-69-B of the Code of Takoma Park, on or before May 7, 1981; AND
- SECTION 5. THAT the date of May 18, 1981, at 8:00 P.M., at 7500 Maple Avenue, Takoma Park, Maryland, is hereby set for the time and place for a Hearing as to the condition of the aforementioned building, and the City Clerk is instructed to give notice within ten days of the adoption of this Ordinance to all persons known to be involved in these proceedings all in accordance with Article 6 of the City Code aforementioned in Section 4 of this Ordinance.

9. Ordinance designating a parking space for the Boy Scout bus. Upon motion by Councilmember Ricks, duly seconded, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, and Weisman. NAY: None. EXCUSED: None.

ORDINANCE NO. 2566

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

- SECTION 1. THAT in the interest of promoting the work of the Boy Scouts of Takoma Park, the Mayor and Council deem it desirable to provide an official on-street parking space for the Boy Scout bus; AND

- SECTION 2. THAT such a parking space is hereby created on the East side of the 200 block of Grant Avenue at a point beginning with the Grant Avenue barricade and extending in a southeasterly direction for a distance of twelve (12) feet beyond Pepco Pole #737979; AND
- SECTION 3. THAT the Director of Public Works is hereby directed to install a sign or signs reading OFFICIAL PARKING -- BOY SCOUT BUS ONLY at the appropriate place or places; 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(a) of the Code of Takoma Park, Md., 1972, as amended.

10. Ordinance amending Sec. 13-64, City Code, to provide for enforcement of parking violations in spaces reserved for the handicapped. Upon motion by Councilmember Ricks, duly seconded by Councilmember Weisman, the following ordinance was adopted by roll call vote as follows:
 AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, Weisman. NAY: None. EXCUSED: None.

ORDINANCE NO. 2567

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

SECTION 1. THAT Sec. 13-64 of Article 7, "Stopping and Parking," Code of Takoma Park, Maryland, 1972, as amended, be amended by the addition of the following subsection:

(10) On public or private property designated as parking reserved for the physically handicapped with the proper signs posted in conformance with the sign standards in The Maryland Manual, unless said vehicle displays a special registration plate or permit issued by any State or the District of Columbia with the handicap designation. AND

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

11. Ordinance authorizing removal of one parking meter in front of 7060 Carroll Avenue and enlarging the Ride-on Bus loading zone. Upon motion by Councilmember Garcia, duly seconded by Councilmember Ricks, the ordinance below was adopted by roll call vote as follows:
 AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, Weisman. NAY: None. EXCUSED: None.

ORDINANCE NO. 2568

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

SECTION 1. THAT it has been determined that access to Ride-on Bus at its stop on Carroll Avenue at Tulip Avenue is both difficult and hazardous for passengers, due to the fact that the space allocated for the bus stop is inadequate, and that the steps set forth below be taken to alleviate the problem:

SECTION 2. THAT the parking meter located in front of 7060 Carroll Avenue be removed, and that Sec. 13-31 (2) of the Code of Takoma Park, Md., 1972, as amended, be amended to read as follows:

(2) Carroll Ave., West curb, between 7056 Carroll Avenue
 and 7012 Carroll Avenue 13 meters

AND

- SECTION 3. THAT parking shall be prohibited from the Carroll Avenue entrance of 7060 Carroll Avenue to the intersection of Carroll and Tulip Avenues; AND
- SECTION 4. THAT the Director of Public Works is hereby instructed to remove the parking meter and install the appropriate signs in accordance with Sections 2 and 3, above; AND
- SECTION 5. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 6. THAT the penalty for violation of this ordinance shall be as stated in Sec. 1-17(a) of the Code of Takoma Park, 1972, as amended.

12. Consideration of request for approval of two Ride-on bus stops: on Fenton Street southbound at the Juniper Street pedestrian bridge and on Fenton Street northbound, 100 feet north of Takoma Avenue. Councilmember Ricks made a motion, duly seconded by Councilmember Weisman, that there be no objection made to the installation of the two bus stops at the locations specifically mentioned by Mr. Lerner earlier in the meeting; the City Administrator noted that both he and Mr. Lerner had spoken with Montgomery County Department of Transportation officials regarding Mr. Lerner's suggestions for placement, and that the County had no objection. When the motion was put to a vote, it was unanimously approved by the Council.

Upon motion, duly seconded, the meeting adjourned at 11:40 P.M., to reconvene on Monday, May 11, 1981, at 7:30 P.M.

APPROVED: _____

Sam A. Abbott
Mayor

ATTEST: _____

Herbert W. Gilsdorf
City Administrator

ATTACHMENT A

Council meeting minutes
April 27, 1981

RESOLUTION

MAYOR AND CITY COUNCIL

TAKOMA PARK, MARYLAND

WHEREAS: The Metropolitan Washington Council of Governments (COG) is an important regional organization of local elected officials serving 16 cities and counties; and

WHEREAS: It is necessary to increase the COG outreach to all regional publics while at the same time offsetting COG's anticipated budget reductions; and

WHEREAS: With little consideration of the recommendations of the COG Executive Director and the objections of many citizen members of the present Public Advisory Committees, the COG Board of Directors on March 11, with 50% of the Board members absent including the Chairman, voted to consolidate the present three Public Advisory Committees, involving 96 citizens, into only one Public Advisory Committee with 35 members; and

WHEREAS: The opportunity for maximum feasible citizen in-put is particularly important in an organization like the COG whose decisions significantly impact on metropolitan residents and especially at a time when Federal budgetary cut-backs require increasingly sensitive local decisions,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF

TAKOMA PARK, MARYLAND, THAT THEY HEREBY

Request the COG Board of Directors to reconsider their March 11 action establishing only one Public Advisory Committee and to defer final action for at least 30 days after their May 13 meeting during which time a determination can be made regarding the kind of citizen advisory structure that is best suited to the needs of the metropolitan region, including comparative costs of alternatives, possible private sector funding for a more extensive citizen role, and a more active role for Public Advisory Committee members in the expanded outreach objectives of the COG.

RESOLUTION

TAKOMA PARK CITY COUNCIL

- WHEREAS, no federal, state, or local officials have an exact count of the number of atomic shipments transported through Montgomery County per year because no person is notified or monitors these shipments; AND
- WHEREAS, up to now, there have been fewer than a total of 4,000 shipments of spent fuel made nationwide, but by 1985 over 2,000 shipments per year are predicted, thus greatly increasing the probability of release of spent fuel and radiation by accident on highways or railroads; AND ^{1/}
- WHEREAS, Sandia Labs of New Mexico estimates that a release of spent fuel in an urban environment could result in \$2 billion in damages while a plutonium release could result in over \$2 billion in damages, plus hundreds of morbidities and thousands of latent cancer fatalities; AND ^{2/}
- WHEREAS, the Prince Anderson Act limits the liability in any nuclear mishap to \$560 million and local communities would presumably have to make up the rest of the costs required for a clean up of radioactive materials; AND
- WHEREAS, over eighty localities have passed ordinances banning or restricting large shipments of radioactive materials, including New York City, New London, CT, Shaker Heights, OH, and Prince George's County, Maryland; AND
- WHEREAS, a portion of the B&O railroad tracks, which lie within the Metro tracks, is within Takoma Park, and Route 495 is less than two miles from its city limits, easily within range of a possible wind-borne radiation plume from a major release of radioactive materials in transit.

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

Call upon the Montgomery County Council to enact legislation which will effectively prohibit the transportation of nuclear waste materials throughout Montgomery County, with some provisions made of humanitarian, medical, and educational purposes;

Express their support of the passage of the pending (Mason) Bill in the District of Columbia, because this bill would prevent the most dangerous rail shipments of radioactive waste from traversing Montgomery County;

Voice their opposition to the U. S. Department of Transportation's regulations concerning the transportation of nuclear waste that would pre-empt the right of a locality or state to regulate such transport.

NOTES: 1/ U.S. Nuclear Regulatory Commission (NRC); NUREG-0170, Final Environmental Statement on the Transportation of Radioactive Material by Air and Other Modes.

2/ NRC; Sandia Report: Sand 79-0369, Transportation of Radio-nuclides in Urban Environments.

MEMO TO: Takoma Park City Council

MEMO FROM: Mayor Sam Abbott

SUBJECT: Proposal for Ward Redistricting Procedure

DATE: April 24, 1981

In order to make the necessary Charter changes in our ward boundaries to conform with the "one man-one vote" principle, I am proposing the following steps as the most representative and democratic procedure:

- 1) That the one redistricting plan to be worked out by the Councilmembership be labeled PLAN A.
- 2) That the Grier proposal, Alternative No. 5, be now labeled PLAN B.
- 3) That both be the specific plans to be discussed at the Monday, June 8 Public Hearing.
- 4) That both maps be published in the June City Newsletter (deadline for material--Monday, May 18, 9 am; distribution--Saturday, May 23). This would be a 4-page, 2-color insert.
- 5) That each map be accompanied by text not to exceed a total of 1,000 words (equivalent of two columns of 10 point type). Each of the two viewpoints to be signed by one elected official plus one citizen, using any format desired within the 1,000-word limit.
- 6) That the Charter-changing decision on adopting either PLAN A or PLAN B be made by the qualified voters of Takoma Park as follows:
 - Public Hearing - Monday, June 8, 7:30 pm
 - New Voter Registration - cutoff date, Friday, June 30. (Usual County registration forms.)
 - Absentee voting deadline - Monday, July 13.
 - Special Election - Tuesday, July 14, 7 am to 7 pm, at the Municipal Building.
 - All judges and election workers to be volunteers, donating their services, in view of our budgetary constraints. A simple mimeographed ballot will eliminate the cost of voting machines or punch-out devices.
 - The \$5,000 allocation for Ward Redistricting use in the FY 80-81 budget would break down as follows:
 - **\$2,000 - consultants, Grier Partnership
 - **\$1,000 - 8-page insert, April Newsletter
 - **\$2,000 - proposed 4-page insert in June Newsletter plus costs of Charter-required advertising, printing, staff time, etc., in running the special election.

In closing, the above procedure would insure maximum participation by both the public and the elected officials, and would result in a most representative and democratic decision as to the new ward boundaries.

Please give serious thought to the above procedure. I have put the subject on the agenda for pre-Council discussion and the Monday, April 27th session of the City Council--at which time I hope you will accept these proposals.

Sincerely,

Sam Abbott

Sam Abbott, Mayor

0187

ATTACHMENT D

Council meeting minutes
April 27, 1981

RESOLUTION

A RESOLUTION OF THE MAYOR AND CITY COUNCIL SUPPLEMENTING ORDINANCE NO. 2552, OF THE MAYOR AND CITY COUNCIL, SUCH SUPPLEMENTATION BEING EXPRESSLY AUTHORIZED IN SAID ORDINANCE NO. 2552, WHICH AUTHORIZED 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, TO ESTABLISH THE PRINCIPAL AMOUNTS, YEARS OF MATURITY, INTEREST RATES PER ANNUM, AND ANNUAL DEBT SERVICE REQUIREMENTS FOR SUCH BONDS; AND DETERMINING CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS.

WHEREAS, on March 23, 1981, the Mayor and City Council of the City of Takoma Park, Maryland (the "City") adopted Ordinance No. 2552 (the "Ordinance"), authorizing, among other things, the issuance by the City of its 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"); and

WHEREAS, as provided in the Ordinance, certain particulars in connection with the Series 1981 Bonds were to be determined in a resolution supplemental to the Ordinance:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Takoma Park as follows:

- (1) The Series 1981 Bonds shall be issued in the aggregate principal amount of \$4,000,000 and mature on November 1, 1988 and bear interest at the rate of 11.5 %.
- (2) Series 1981 Bonds maturing on November 1, 1982, shall be subject to mandatory sinking fund redemption on the following dates and in the following amounts:

<u>Year</u> <u>(November 1)</u>	<u>Principal</u> <u>Amount</u>
1982	\$100,000
1983	110,000
1984	120,000
1985	135,000
1986	150,000
1987	170,000

(3) Total debt service requirements on the Series 1981 Bonds for each Bond Year ending November 1 with respect to amounts necessary to pay principal of (whether at maturity or upon mandatory sinking fund redemption) and interest on the Series 1981 Bonds shall be as follows:

<u>Bond Year</u> <u>Ending</u> <u>1</u>	<u>Principal</u>	<u>Interest</u>	<u>Total Debt</u> <u>Service</u>
TOTALS	\$ <u>4,000,000</u>	\$ <u>3,200,258.33</u>	\$ <u>7,200,258.33</u>

(4) All changes heretofore made in the form of the documents approved by the Ordinance, specifically the Loan Agreement, Indenture, Official Statement, Inducement Letter and Bond Purchase Agreement, as referred to in the Ordinance, are hereby ratified and confirmed, such ratification and confirmation to be evidenced by the execution of such documents by the Mayor of the City of Takoma Park. Subsequent changes to the documents may be made by the Mayor pursuant to the authority granted in the Ordinance and this Resolution. The Bonds are hereby awarded and shall be

OVER

delivered pursuant to the terms and conditions of the Bond Purchase Agreement, a copy of which is attached hereto as Exhibit A and made a part hereof.

ADOPTED by the Mayor and City Council of the City of Takoma Park this 27th day of April, 1981.

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council, in public meeting assembled, on the 27th day of April, 1981.

Herbert W. Gilsdorf,
City Administrator