

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
August 9, 1982

AGENDA

8:00 CALL TO ORDER: Mayor Abbott  
ROLL CALL: Councilmember Bradley  
Councilmember D'Ovidio  
Councilmember Eckert  
Councilmember Faulkner  
Councilmember Garcia  
Councilmember Iddings  
Councilmember Williams

PLEDGE

READING AND APPROVAL OF THE MINUTES OF REGULAR COUNCIL MEETING ON JUNE 14, 1982

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

8:10 REPORT BY JUNIOR HIGH SOS COMMITTEE (Dorothy Malusky)

ADDITIONAL AGENDA ITEMS

8:25 GENERAL CITIZENS' REMARKS (those not directed at items for Council action)

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

1. Communications
2. Administrative reports and recommendations for Council action:
  - (1) Administrative reports
    - Presentation by prospective purchaser of 7106 Sycamore Avenue
  - (2) Resolution confirming action of City Administrator vis-a-vis several legal actions on closure of the Junior High School
    - Citizens' comments
    - Council action
  - (3) Proposed ordinance dealing with storage of abandoned, wrecked, junked and dismantled motor vehicles
    - Citizens' comments
    - First reading
  - (4) Proposed memorandum of understanding with Montgomery County government concerning community activities at Piney Branch School
    - Citizens' comments
    - Council decision
  - (5) Ordinance accepting bid on city-wide street inventory survey (CDBG)
    - Citizens' comments
    - Council decision
  - (6) Proposed ordinance authorizing solicitation of bids for the demolition of 6761 Eastern Avenue
    - Citizens' comments
    - First reading
  - (7) Confirmation of appointments to CDBG Citizens Advisory Committee
  - (8) Confirmation of appointments to Commission on Landlord-Tenant Affairs
  - (9) Approval of amendment to Landlord-Tenant Commission rules
  - (10) Consideration of traffic improvements on lower Maple Avenue corridor (between Philadelphia and Ritchie)

ADJOURNMENT



THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council  
August 9, 1982

City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember Bradley	Admin. Asst. Tyree
Councilmember D'Ovidio	Acting Library Dir. Spottswood
Councilmember Eckert	Police Chief Carter
Councilmember Faulkner	Public Works Dir. Robbins
Councilmember Garcia	Recreation Dir. Ziegler
Councilmember Iddings	Corporation Counsel Gingerich
Councilmember Williams	

The Mayor and City Council of Takoma Park met on August 9, 1982, at 8:25 P.M. in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made and duly seconded to approve the minutes of the Council Meeting held June 14, 1982. Motion carried.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott announced that a Public Hearing will be held in September on subjects which will be brought up in the State Legislature. The topics will be unification of the City within one county, possibility of lifting prohibition on sale of alcoholic beverages, and licensing and permit power for the City. Noted that September 1 is the deadline for introducing bills in the State Legislature and asked citizens who had ideas for special legislation to call their councilmember.

Mayor Abbott stated that the Council had met with Odessa Shannon, candidate for the School Board in Montgomery County, and he and individual members of the Council endorsed her candidacy. Noted that this may seem a partisan action, but it is not forbidden by the City Charter, and the City is faced with the closing of the Junior High School.

Reported that papers were filed today in the Circuit Court on behalf of the City and other appellants. Noted that the citizens do have the opportunity to change the decision to close the school in the coming primary and general elections and stated that the Council is looking at the candidates seeking those who support keeping the school open and candidates for the Legislature who support an end to double taxation. Remarked that Councilmember Eckert is coordinating with the Prince George's candidates and Councilmember Iddings is doing the same with those from Montgomery County. Remarked that the Mayor and Council would be meeting with County Executive Gilchrist



and his slate on double taxation on August 25.

Councilmember Faulkner remarked that he was pleased to see a set of minutes available for the meeting. Noted that there was still a backlog of previous minutes and that the Sunshine Law required that minutes be produced as soon as practicable. Stated that ordinances should be published and made available in the minutes before enforcing them. Requested that the delay be put on the agenda. Remarked that although the City Newsletter was very well done, felt it was becoming politically oriented and questioned using tax moneys for expressing political views. Asked who would choose letters to the editor for publication and how this could fairly be done. Requested the matter be put on the Agenda. Mayor Abbott stated that both items would be discussed at the first meeting in September.

Councilmember D'Ovidio thanked the Public Works Department for the work done preparing for a very educational tour of the Department. Also thanked Mayor Abbott for his presentation on the gun control issue.

Councilmember Williams moved that condolences be sent to the family of Albert J. Turner of 7620 Maple Avenue. Remarked that Mr. Turner had been a life-long resident of Takoma Park. The motion was seconded and adopted.

Councilmember Bradley announced the formation of the Children's Community Cooperative School of Takoma Park and Silver Spring. The community is invited to open house at the school on August 8 from 11:30 to 3pm at 630 Sligo Avenue.

Dorothy Malusky of the SOCS Committee reported that on July 30 a request for a rehearing was submitted to the State Board of Education. The Board set a deadline of August 16 for any response. It is presumed that response would be a motion to dismiss, at which time the Committee would have 5 days to reply to the response; then the State Board would decide at their regular meeting of August 25 if they would take the SOCS case. Reported that an order for appeal of the State Board of Education's decision was filed by Mr. Gingerich on behalf of the appellants in the Ruth Abbott, et al case in Montgomery County Circuit Court.

Mr. Gagliardo was hired by the City to file the petition which laid out grievances with the State and County Boards; also filed on behalf of the appellants a motion to stay those proceedings in the Circuit Court until status of the rehearing request has been determined.

Announced that a county-wide meeting will be held at the Junior High on Wednesday, Sept. 8. The meeting is needed to find if there is widespread support to continue the efforts of the SOCS Committee and whether new leadership is available to follow through on any next



steps. Requested the Council to handle publicity for the meeting.

Mr. Gagliardo stated that three grounds for appeal were that the State Board of Education had applied the wrong legal standards, that the State Board made certain specific findings of fact and conclusions of law that were unsupported by the record, and that the SOCS Committee was not afforded the opportunity to present certain evidence which is also at issue in the motion for rehearing. The Order of Appeal was filed by Mr. Gingerich 10 days ago, and Mr. Gagliardo filed the appeal today. The State Board has 30 days to answer.

Mr. Clements stated that the school staff will continue to work for keeping their programs going. Felt that the fight to keep the school open is a lesson in democracy for the students.

Mrs. Malusky asked the Council to try to arrange to have a representative or observer at the Planning Board Worksessions.

#### CITIZEN'S COMMENTS

1. Dr. Joseph Lerner, 7708 Takoma Avenue: Remarked that the level of parking fines in Takoma Park was lower than that of surrounding areas. Understood parking violation fine to be \$5 and felt it was too low. Chief Carter explained that the fines varied: \$10 for general parking violations, \$5 for parking meter violations, and \$25 for handicapped parking violations. These are doubled after 7 working days. Dr. Lerner stated that he felt the parking violation fines for commercial vehicles should be higher. Inquired if the City could pass legislation to require citizens to mow the grass in the parking strips in front of their properties. Noted that there was a problem in front of 7607 Takoma Avenue. Public Works Director Robbins noted that the parking strips are City property and that several items have been printed in the City Newsletter asking citizens to cut the grass in these areas. The Corporation Counsel stated that there is no way to have a City law requiring citizens to maintain City property.

Dr. Lerner also noted that tax exempt properties have to pay water bills and requested Council to consider establishment of a presumptive index based on fire and theft insurance costs to derive amount that police and fire services save these properties. Felt perhaps 10 percent of the total bill could be taken as a presumptive amount these tax exempt owners should pay the City.

Noted the presence of a special advertising section in the City Newsletter and inquired as to the cost of such ads. Mayor Abbott stated that these ads were paid for by the merchants in a one-shot special section on the Old Town Festival. Felt regular advertising should not be in the newsletter. Dr. Lerner expressed opinion that



all City merchants should have the same opportunity to advertise as those in the area marked for revitalization. Mayor Abbott noted that this would be discussed at the September meeting.

2. Ann Collins, 8217 Roanoke Avenue: Presented a petition with 79 signatures requesting stop signs on Roanoke Avenue.

#### ITEMS FOR COUNCIL CONSIDERATION

##### Administrative Reports and Recommendations for Council Action

1. Presentation by prospective purchaser of 7106 Sycamore Avenue: City Administrator Nichols reported that since the Mayor and Council had approved the soliciting of bids for demolition of 7106 Sycamore, interest has been expressed in buying the property for renovation and avoiding demolition.

Thomas Real, 922 Malta Lane, Silver Spring: Stated that he is interested in buying the property at 7106 Sycamore Avenue after it is out of condemnation status and renovating it for sale as a single family dwelling. In response to Councilmember Eckert's questioning the time frame for rehabilitation and guarantee he could give, Mr. Real responded that it would take approximately 90 days after he acquired title. Stated that after he had title was willing to post a bond.

Michael Pincus, attorney, Silver Spring: Stated that he represents Lillian George who holds the mortgage on the property and her son, Salem George. The mortgage is in default and his clients intend to foreclose. Salem George hopes to buy the property at foreclosure, bring it up to code standards, and then sell it to Thomas Real.

Salem George: Stated that he is a general contractor and felt it would take 30 days or less to repair the property to code standards. In answer to questions raised, he stated that he had not known of the condemnation. Although he had assumed that mortgage holders would be notified of such proceedings or of tax sales, they are not so notified. Councilmember Bradley inquired how long the foreclosure proceedings would take. Mr. Pincus replied that about 3 months were necessary. Councilmember Iddings noted that the whole process would take approximately 7 months until the house was ready for sale, and wondered if the neighbors would be willing to accept that delay if the house were to be restored.

Richard Amt, 7111 Sycamore Avenue: Expressed concern that present owner of property could prolong these proceedings. Corporation Counsel Gingerich stated that the owner, Mr. Karkenny, has filed in Circuit Court, noting an appeal in the Court of Special Appeals, to stay the demolition of the house until the Court of



Special Appeals acts. If the Court grants the stay, it would set a time limit. Mr. Amt stated that if he were assured the house would be restored to good condition, he could continue to wait.

Betty Amt, 7111 Sycamore Avenue: Stated that she was afraid Mr. Karkenny could continue somehow as owner as the house continues to deteriorate. Stated that there has been a steady stream of people living in the house while it has been condemned.

Rino Aldrighetti, 7311 Central Avenue: Said that the Longbranch-Sligo area has had trouble with another Karkenny property and that the City needs to find ways to deal with slumlords.

Frances Patch, 7112 Sycamore Avenue: Expressed concern with ongoing lack of action by owner and mortgage holder of the house and appreciation of Council's concern and intervention. Mr. George stated that the first he had known of problems with the property was when Mr. Real had called him about purchasing the property.

Councilmember Iddings moved that the Corporation Counsel be directed to request the Court to defer action pending negotiations with the mortgage holder. The motion was seconded by Councilmember Eckert. Discussion ensued with Mayor Abbott remarking that the Council must wait until the first meeting in September to consider the bids for demolition. Asked if the City wins the appeal, could they then change direction and work with the prospective purchaser to save the house. The Corporation Counsel replied that they could. Councilmember Iddings withdrew his motion and Councilmember Eckert withdrew his second. The Corporation Council was directed to proceed with condemnation in court.

2. Resolution confirming action of City Administrator vis-a-vis several legal actions on closure of the Junior High School: Mayor Abbott remarked that this resolution is confirming ongoing decisions that have been made; it is reconfirming the Mayor and Council's support of SOCS. Councilmember D'Ovidio moved adoption of the Resolution and Councilmember Bradley seconded the motion. Councilmember Iddings stated that the record should show that the City Administrator had been acting under general Council mandate to ensure legal services for various appeals going on. The Resolution was adopted. (Attached.)

3. Proposed Ordinance dealing with storage of abandoned, wrecked, junked and dismantled motor vehicles: It was explained that this is the first reading of this ordinance.

Dr. Joseph Lerner, 7708 Takoma Avenue: Recommended that section 13-8(c) include vehicles that are towed as well as self propelled, such as trailers and flatbeds. Also recommended that in section 13-9, the 15 day period be shortened to 5 days. Felt that the fine should be handled as a parking ticket - there should be a fee payable



when violation notice is put in place. Discussion ensued and Mayor Abbott asked Dr. Lerner to submit written amendments for consideration before the next meeting. The first reading was accepted. (Ordinance attached.)

4. Proposed memorandum of understanding with Montgomery County government concerning community activities at Piney Branch School:\*/ The City Administrator explained that this agreement was with the County Government and four agencies who provide community services at the school. It was moved and seconded to approve item one concerning Sligo Community Services. Adopted. It was moved and seconded to approve item two concerning Prepare Our Youth. Adopted. It was moved and seconded to approve item three concerning University of Maryland Cooperative Extension Services. Adopted. It was moved and seconded to approve item four concerning Double Up. Adopted. Councilmember Bradley requested that the Newsletter carry an article about these services that will be available at the school.

5. Ordinance accepting bid on city-wide street inventory survey (CDBG): City Administrator Nichols noted that 14 bids were received on the street inventory. Bids ranged from \$5,735 to \$34,500. The staff is recommending that the contract be awarded to the second lowest bidder, Byrd, Tallamy, MacDonald and Lewis. The low bidder, Kidd Consultants, has not performed such a study and the staff felt they were not allowing enough man-hours to adequately perform the survey. Byrd, Tallamy, MacDonald and Lewis has done such studies before and their references have checked out very well. Their bid was \$6,750. Two years ago the City was awarded a grant of up to \$15,000 for such an engineering survey which would determine the physical condition of all streets, sidewalks, curbs and gutters, state the priority of repairs and estimate costs of repairs.

Several councilmembers expressed concern at the large disparity in the bid figures and questioned whether the survey would be done thoroughly at such low cost. Councilmember Faulkner stated that he felt the money would be better spent on repairs to streets and curbs and gutters. Noted that in earlier years the Public Works Department had recommended needed repairs. Public Works Director Robbins stated that there is not even an accurate count of street mileage in the City, and that his department could not perform the needed survey without hiring additional personnel, which would be more expensive than the contracted study. The City Administrator stated that the firm is incurring fixed costs for salaries, and overhead during a period of slow business, and they hope to recover these costs; felt this accounted for their low bid. Councilmember Iddings moved the adoption of the Ordinance. The motion was seconded and the Ordinance was adopted by a roll-call vote as follows: Aye: Councilmembers Bradley, D'Ovidio, Eckert, Garcia, Iddings and Williams. Nay: Councilmember Faulkner.

ORDINANCE NO. 2622

(attached)

\*/ Memorandum attached.



6. Proposed ordinance authorizing solicitation of bids for the demolition of 6761 Eastern Avenue: Noted that this is the first reading of this ordinance.

John Swafford, 115 Lee Avenue: Said it was his intent, through foreclosure, to obtain ownership and solicit bids for rehabilitation of this property; and requested delay in demolition. Stated that he would submit bids from contractors to Mayor and Council as assurance of intent to purchase and rehabilitate through a partnership. In response to inquiries, stated that he has not been inside the building in a long time and that he is not a mortgage holder. Mayor Abbott asked him to come to the first meeting in September and report on progress. Councilmember Eckert suggested he contact WACO, the neighborhood association in the area.

The ordinance was accepted for first reading. (Attached.)

7. Confirmation of appointments to CDBG Citizens Advisory Committee: The following citizens were appointed to serve on the CDBG Citizens Advisory Committee: Joseph Ossi, Old Takoma Citizen's Assoc., Amelia Auer, Committee on the Needs of the Disabled, Tom Guins, Hampshire Greens Citizens' Assoc., Suzanne Fleming, Westmoreland Area Community Organization, Mary Ann McGuire, Community Improvement Board, Ellery Dennison, Hillwood Manor Citizens' Assoc., Mark Yecies, Longbranch-Sligo Citizens' Assoc., Gail Dalmat, B. F. Gilbert Citizens' Assoc., Phil Vogel, Historic Takoma, Inc., Rosalind Smith, Hodges Heights Citizens' Assoc., Jean Davis, Cockerille Ave. Citizens' Assoc., Muriel Hoover, North Takoma Citizens' Assoc., Enola Kent, Between the Creeks Citizens' Assoc. (formerly West of Flower), and Lillian Hunt, Upper Maple Ave. Citizen's Assoc.

8. Confirmation of appointments to the Commission on Landlord-Tenant Affairs: The following were appointed or reconfirmed to the City's Landlord-Tenant Commission: Maurice Allain, full tenant representative, Harold Alston, alternate tenant representative, James Arisman, general public alternate, Alan Freedman, general public representative, Barry Stimmel and Vincent Abell as landlord representatives. Councilmember Eckert stated that he was opposed to Mr. Abell's appointment and Councilmembers Bradley and Williams abstained on the landlord appointments.

9. Approval of amendment to Landlord-Tenant Commission rules: Reported that COLTA members adopted a new rule last Wednesday and have presented it to the Mayor and Council as their approval is required for changes in COLTA rules. The change would allow members who had not been present at a meeting to listen to tapes and read materials presented at a meeting, certify that they had done so, and vote on such a case. Councilmember Iddings stated that he felt the presence of Commission members was very important - noted that



Council had protested absence of School Board members at hearings. Mayor Abbott noted that School Board members are elected while COLTA members are appointed. Discussion ensued with feelings expressed that this rule should only be used in extraordinary circumstances such as when a case had been heard by a quorum of 6 members and could not be voted upon as one of those 6 had died, become incapacitated, or resigned. The point was made that if an alternate was present at a meeting and heard a case, the alternate should vote; not the regular member after reviewing the case. Mrs. Tyree noted that meetings must have a quorum at the beginning and end to be valid and this would not change that requirement. The amendment passed on a majority vote with Councilmember Iddings voting Nay, following proper motion and second.

10. Consideration of traffic improvements on lower Maple Avenue corridor between Philadelphia and Ritchie: Councilmember Williams presented a map of the area and noted that the school bus for Blair stops at the corner of Ritchie and Maple Avenues where there is no traffic control. Noted also the presence of housing for senior citizens there. Proposed the need for school crossing signs, crosswalk and stop sign on Maple at the intersection. Public Works Director Robbins said that they have school crossing signs and can place them as soon as directed. Chief Carter remarked that the line of sight is limited at the intersection and there is a crossing guard and crosswalk a block down at Sherman Avenue. Stated that they have been encouraging children to cross at the crossing guard. Felt it would be better to ask that the bus stop be changed to Sherman intersection. Mayor Abbott requested the Chief and the City Administrator to review the situation and return with recommendations.

11. Proposed ordinance for stop signs on Roanoke Avenue at Houston, Hudson and Wabash Avenues: Councilmember Bradley spoke of petition presented by the Between the Parks Citizens Association with 76 signatures requesting stop signs at the intersections of Roanoke with Houston, Hudson and Wabash Avenues. Asked that this be accepted as first reading of an ordinance for these signs. Councilmember Iddings stated that he felt such matters should go first to work sessions.

John Hemphill, 8112 Flower Avenue: Supported need for stop signs and noted that all residents spoken to on issue signed petition. Spoke of need for additional street lighting in the area and stated that specific suggestions would be forthcoming. Expressed concern about traffic on Flower Avenue. It was noted that the City boundary stops at the curb line on Flower. Flower is a state road. On vote, the ordinance was accepted as a first reading, with Councilmember Iddings abstaining. (Ordinance attached.)

12. Report on bringing minutes up to date: Councilman Faulkner stated that the back minutes should be available as soon as possible and inquired as to measures being taken. The City Administrator



stated that two people are going to do them; one is working on them now, the other will work on them next week. Noted that it was not a simple transcription, but also required editing and a transcription service had been unsatisfactory. Felt the backlog would be taken care of by the September meeting.

Upon motion, duly seconded, the meeting adjourned at 12:30 am to reconvene on Monday, September 13, 1982 at 8:00 pm in regular session.



8-9-82

RESOLUTION

WHEREAS, Takoma Park is a City which derives richness and strength from its citizens' sense of community; AND

WHEREAS, the existence of local public schools serving the unique needs of Takoma Park's students and citizens is an integral part of the City's sense of community; AND

WHEREAS, the Takoma Park Junior High School has fulfilled this and other functions for the residents of Takoma Park successfully over past years; AND

WHEREAS, the closing of the Takoma Park Junior High School would be of great detriment to the residents of Takoma Park.

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

1. The Mayor and Council of Takoma Park oppose the planned closing of the Takoma Park Junior High School; AND
2. The Mayor and Council affirm their commitment to the members of the Save Our Community School Committee and the other citizens of Takoma Park who have actively sought relief from the planned closing of our Junior High School; AND
3. The City Council approves and confirms the action of the City Administrator's Office at the direction of the Mayor and Council in providing legal services to the City in connection with a rehearing before the State Board of Education, an injunction of a hearing of the Board of Education of Montgomery County, and an appeal before the Circuit Court of Montgomery County on the planned closing of Takoma Park Junior High School by the Board of Education of Montgomery County.

ADOPTED BY THE MAYOR AND COUNCIL ON August 9, 1982.



AN ORDINANCE RELATING TO ABANDONED, WRECKED, JUNKED AND DISMANTLED MOTOR VEHICLES: PROHIBITING THE STORAGE THEREOF ON PUBLIC OR PRIVATE PROPERTY: DECLARING THE SAME TO BE A NUISANCE: PROVIDING FOR THE ABATEMENT OF SUCH NUISANCE: AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, motor vehicles are or may in the future be abandoned, dismantled, partially dismantled, wrecked, junked, inoperative or discarded or left about the City, in places other than junk yards or other appropriate areas; and

WHEREAS, such conditions tend to impede traffic in the streets interfere with the enjoyment of property; reduce the value of private property; invite plundering; create fire hazards; extend and aggravate urban blight; and result in a serious hazard to the public health, safety, comfort, convenience, welfare and happiness of the residents of the City; and

NOW, THEREFORE, be it ordained by the City Council:

Section 13-7. SHORT TITLE. This ordinance shall be known and may be cited as the "Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicle Ordinance."

Section 13-8. DEFINITIONS. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) CITY is the City of Takoma Park, Maryland.

(b) POLICE OFFICER is a law enforcement officer of the City of Takoma Park, Maryland.

(c) MOTOR VEHICLE is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorcycles, motorscooters, trucks, tractors and campers.

OVER



(d) ABANDONED MOTOR VEHICLE is any motor vehicle, as defined in § (c) of Section 13-8 which does not have lawfully affixed thereto a valid registration plate or plates, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, junked or discarded.

(e) PERSON shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

(f) PRIVATE PROPERTY shall mean any real property within the City which is privately owned and which is not public property as defined in § (g) of Section 13-8.

(g) PUBLIC PROPERTY shall mean any street or highway which shall include the entire width between the boundary lines of every way public maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

Section 13-9. STORING, PARKING OR LEAVING DISMANTLED OR OTHER SUCH MOTOR VEHICLES PROHIBITED: AND DECLARED NUISANCE: EXCEPTIONS. No person shall park, store, leave, or permit the parking, storing or leaving of any abandoned motor vehicle of any kind, whether attended or not, upon any public property within the City in excess of forty-eight (48) hours, or upon any private property within the City for a period of time in excess of fifteen (15) days. The presence of an abandoned motor vehicle on private or public property in violation of this section is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this Ordinance. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise lawfully licensed and properly operated in the appropriate business zone, pursuant to the applicable zoning laws.

Section 13-10. RESPONSIBILITY FOR REMOVAL. Upon proper notice, as hereinafter set forth, the owner of any abandoned motor vehicle and the owner or occupant of the private property on which the same is located,



or all of them, shall be responsible for its removal, and in the event of removal and disposition by the City, the owner or occupant of the private property where same is located and the owner of the abandoned vehicle shall be liable for the expenses incurred.

Section 13-11. NOTICE TO REMOVE.

(a) Private Property. Whenever it comes to the attention of a police officer that any nuisance, as defined in Section 13-9 of this ordinance, exists on private property in the City of Takoma Park, he shall issue a notice to remove and a municipal infraction warning, to the last known registered owner of the vehicle, requiring its removal within fifteen (15) days. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by certified mail to the owner or occupant of the private property and to the registered owner of said vehicle at their last known addresses. The notice to remove shall require the removal of said motor vehicle within fifteen (15) days, and shall advise that upon failure to comply with the notice to remove, the City or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property and the owner of the abandoned vehicle.

(b) Public Property. Whenever it comes to the attention of a police officer that a nuisance, as defined in Section 13-9 of this ordinance, exists on public property in the City of Takoma Park, he shall affix to said vehicle a written notice requiring the removal of said vehicle within forty-eight (48) hours.

Section 13-12. REMOVAL OF MOTOR VEHICLE. If the nuisance described in the notice to remove has not been abated within the time for compliance the chief of police or his designee shall have the right to take possession of the abandoned motor vehicle and remove it from the premises and issue a municipal infraction citation. It shall be unlawful for any person to interfere with, hinder or refuse to allow such person or persons to enter upon public or private property for the purposes of removing an abandoned motor vehicle under the provisions of this ordinance.



Section 13-13. NOTICE OF REMOVAL.

(a) Within seven (7) days of the removal of such vehicle, the Chief of police shall give notice to the last known registered owner of the motor vehicle by registered mail, return receipt requested, and to each secured party as shown on the records of the Motor Vehicle Administration, and also to the owner or occupant of the private property from which the motor vehicle is removed, that said motor vehicle, or vehicles, have been impounded and stored for violation of this Ordinance. The notice shall state that the abandoned vehicle was taken into custody; described the location of the facility where the vehicle is held; inform the parties of their right to reclaim the vehicle within three (3) weeks from the date of the notice, on payment of all outstanding municipal infraction fines and all towing, preservation, and storage charges resulting from taking or placing the vehicle in custody, and state that the failure of the parties notified to exercise this right within the time provided constitutes a waiver of all right, title and interest in the vehicle and their consent to the sale of the vehicle at public auction.

(b) If the identity of the last registered owner of the abandoned vehicle cannot be determined or the registration of the vehicle gives no address of the owner, or it is impossible to determine with reasonable certainty the identity and address of the secured party or the registered owner, the notice required by § (a) of this section is returned as undeliverable, the police department shall give the required notice by publication in at least one newspaper of general circulation in the area where the abandoned vehicle was found. Notice by publication may contain multiple listings of abandoned vehicles, shall contain the information required as indicated above, and shall be published within fifteen (15) days of taking into custody of the vehicle or, if the notice of publication is made because of the return as undeliverable of a prior notice by registered mail, within seven (7) days of the return of that prior notice.



Section 13-14. STORAGE OF ABANDONED MOTOR VEHICLES: PLACE, FEES, RELEASE.

(a) Any abandoned motor vehicle which the police department shall take into custody or impound shall be stored at an appropriate place or facility selected by the Chief of Police until such time as it is claimed by the registered owner, lawful custodian or secured party, or otherwise disposed of according to law.

(b) All towing, storage and preservation fees and charges and municipal infraction fines must be paid to the City Administrator or his designee and a receipt properly issued before the vehicle may be reclaimed.

(c) In extreme hardship cases or extraneous circumstances, adjustments in the storage charges may be authorized by documental agreement between the Chief of Police, the City Administrator and the storage facility.

Section 13-15. SALES OF ABANDONED MOTOR VEHICLES: PROCEDURE, DISPOSITION OF PROCEEDS.

(a) If the motor vehicle is not reclaimed as provided, the Chief of Police or his designee shall sell said motor vehicle at public auction. The sale shall be at some place which is convenient and accessible to the public, at any time between the hours of 10:00 a.m. and 6:00 p.m. An advertisement of the time, place and terms of the sale, together with a full, detailed description of such motor vehicle, shall be inserted in at least one (1) newspaper of general circulation in the City, at least once a week for two (2) successive weeks prior to the sale. A notice, by registered mail, shall be sent at least ten (10) days prior to the sale to the last known registered owner or lawful custodian if known and any secured party if their address is known, or ascertainable by the exercise of reasonable diligence. If such addresses cannot be ascertained, then this notice shall not be required.



(b) After payment of the expenses of sale, including all notice and publication costs, towing, storage and preservation charges, and after payment of all liens filed against a motor vehicle, the balance, if any, received by the City in any sale shall be held by the City Administrator or his designee for a period of six (6) months from the date of the sale. The City Administrator or his designee shall pay such balance to any person who shall file his verified claim prior to the expiration of such six (6) month period establishing that he is the owner or person entitled to the possession of such motor vehicle. If no proper claim is filed within such period, the balance shall be transferred to the General Fund of the City.

Section 13-16. MUNICIPAL INFRACTIONS; FINES; OTHER REMEDIES.

(a) The following Sections 13-9, 13-11 and 13-12 of this Ordinance have been declared to be municipal infractions; violation of Section 13-11 and 13-12 shall cause a twenty-five-dollar (\$25.00) fine to be imposed, provided that 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 (1) municipal infraction warning of fifteen (15) days shall be issued to the person responsible for violation of Section 13-11 which has been declared to be a municipal infraction in accordance with



Subsection (a) of this section. No warnings shall be issued for violation of Section 13-11(b), 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 13-11(a).

(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 person 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 that citation.

(g) If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance 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.



MEMORANDUM OF UNDERSTANDING

This agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 1982, by and among Montgomery County Government-TESS Community Center, the City of Takoma Park Government, and the following agencies:

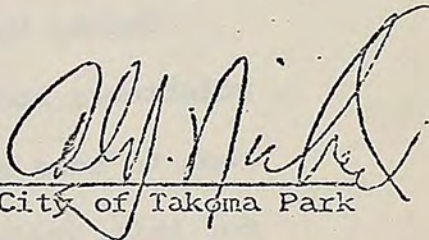
1. Sligo Community Services

In exchange for office and storage space at the Piney Branch Center, 7510 Maple Avenue, the Sligo Seven-Day Adventist Church-Community Services will provide emergency food and/or clothing in the Takoma Park-East Silver Spring area. In the conduct of providing these services they (Sligo Community Services) will make appropriate referrals and provide information dealing with other services in the area when required. A brief interview will be required before services are rendered. The operating hours are: Tuesdays from 10 to 12 noon and 1:00 P.M. to 3:00 P.M. and from 7:00 P.M. to 8:30 P.M. Phone number 270-8600 will be in service during the above hours.

This arrangement is expected to last until such time as the new building for Community Services has been completed.

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Montgomery Co. Govern-  
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Sligo Community Services

  
\_\_\_\_\_  
City of Takoma Park

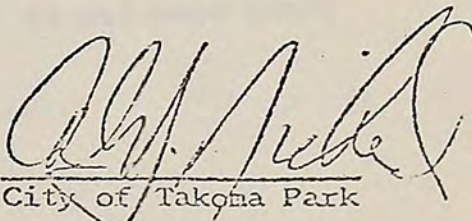
2. Prepare Our Youth, Inc.

In exchange for office space, a desk, a telephone, and use of the lobby, Prepare Our Youth, Inc. will provide a comprehensive tutorial program on Monday and Wednesday evening from 6:30 to 8:00 P.M.

Prepare Our Youth, Inc. also plans to offer services in other specific areas, i.e., health education and counseling, as the need arises and logistics can be worked out with other agencies participating in the Center operations.

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Montgomery Co. Govern-  
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Sligo Community Services

  
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City of Takoma Park

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3. University of Maryland - Cooperative Extension Service

Montgomery County Government will provide one office with a desk, a telephone and the use of the front lobby space when scheduling permits to Cooperative Extension Service.

Cooperative Extension will provide nutrition education when appropriate and offer sewing classes and/or nutrition workshops on Wednesdays from 10 to 12 noon and 1 to 4 P.M. Nutrition workshop sessions are planned for the Spring on Friday evening from 7 to 9 P.M.

\_\_\_\_\_  
Montgomery Co. Government

\_\_\_\_\_  
Cooperative Extension

*[Signature]*  
\_\_\_\_\_  
City of Takoma Park

4. Double-Up

Double Up is a program which matches volunteer high school students with younger children. The program's goals stresses friendship, building self-esteem, and having fun.

This program is targeted for Takoma Park area Youngsters and it involves parents, volunteers and children in an effort to assist children to grow into caring and responsible adults.

Double Up will use office space to meet with prospective clients, volunteers and parents, they will also occasionally use the conference room to hold meetings for all participants in the program. In exchange for this, Double Up will be providing a valuable service to the community.

\_\_\_\_\_  
Montgomery Co. Government

\_\_\_\_\_  
Double Up

*[Signature]*  
\_\_\_\_\_  
City of Takoma Park

All participant agencies have agreed to work together to maintain/provide an acceptable level of services to the residents in Takoma Park. Montgomery County Government, through TESS, will continue to monitor and support these agencies in any possible manner.



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

- SECTION 1. THAT the City of Takoma Park's CDBG Year 7 Agreement with Montgomery County designated \$15,000 for the purpose of conducting a city-wide street inventory survey; AND
- SECTION 2. THAT bids were solicited from qualified bidders and advertised twice in two newspapers of local circulation with bids having been publicly opened at 5:00 PM, July 30, 1982; AND
- SECTION 3. THAT fourteen bids were received with the engineering firm of Byrd, Tallamy, MacDonald and Lewis submitting the lowest responsible bid of \$6,750, and is hereby accepted; AND
- SECTION 4. THAT funds to cover this contract in the amount of SIX THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND NO CENTS (\$6,750) be appropriated from the City's CDBG Year 7 Agreement with Montgomery County.

ADOPTED BY THE MAYOR AND COUNCIL ON AUGUST 9, 1982



PROPOSED ORDINANCE

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

- SECTION 1. THAT WHEREAS on April 27, 1981, Ordinance No. 2565 was adopted by the Mayor and Council, authorizing legal proceedings for condemnation of the building located at 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; AND
- SECTION 2. THAT a Public Hearing was held on May 18, 1981, as prescribed by law, and that the owner or his representative was given opportunity at that time to show cause why the building should not be declared a nuisance, Minutes of such Hearing being recorded in Minute Book Volume No. 45; AND
- SECTION 3. THAT whereas, on June 8, 1981, Ordinance No. 2579 was adopted by the Mayor and Council declaring the building located at 6761 Eastern Avenue a nuisance and ordering that, in accordance with Chapter 6, Article 6 (formerly Article 7), Section 6-71 of the Code of Takoma Park, Md., 1972, as amended, the owner, William Lee Brock, abate code violations 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), and to restore the building to a habitable condition or demolish the building and remove all debris within a period of thirty (30) days from May 26, 1981; AND
- SECTION 4. THAT whereas the owner has not accomplished, nor made a consistent effort to accomplish, the abatement of any of the aforementioned code violations as ordered under Ordinance No. 2579.
- SECTION 5. THEREFORE THAT the Director of Public Works be hereby authorized to solicit and receive at least three sealed bids from reliable persons or firms to demolish the building and appurtenances thereto and remove all debris, weeds and underbrush from same location, and to fill in the excavation and resod; AND
- SECTION 6. FURTHER THAT the Director of Public Works report the results of such bids with his recommendation to the City Council for further consideration.



ORDINANCE

WHEREAS: Roanoke, Eastridge, Houston, Hudson and Wabash Aves. are residential streets; and

WHEREAS: The residents in the vicinity of the intersections referred to in this ordinance desire overwhelmingly (as evidenced by the petitions submitted to the Mayor and Council) to have stop signs placed as stated in this ordinance; and

WHEREAS: The installation of stop signs will contribute to reducing speed of traffic; and

WHEREAS: The placement of stop signs as called for herein is consistent with the over-all traffic flow in the area:

BE IT ORDAINED by the Mayor and Council of the City of Takoma Park, Maryland:

Section 1. That all north and southbound traffic on Roanoke Ave. shall come to a complete stop at that street's intersection with Houston Ave.; and

Section 2. That all north and southbound traffic on Roanoke Ave. shall come to a complete stop at that street's intersection with Hudson Ave.; and

Section 3. That all north and southbound traffic on Roanoke Ave. shall come to a complete stop at that street's intersection with Eastridge and Wabash Aves.; and

Section 4 That all northbound traffic on Eastridge Ave. shall come to a complete stop at that street's intersection with Roanoke and Wabash Aves.; and

Section 5 That all westbound traffic on Wabash Ave. shall come to a complete stop at that street's intersection with Roanoke and Eastridge Aves.; and

Section 6 That all westbound traffic on Hudson Ave. shall come to a complete stop at that street's intersection with Roanoke Ave.; and

Section 7 That the director of public works is hereby instructed to

OVER



install a stop sign at each of the appropriate locations.

Section 8 That this ordinance shall become effective on completion of the signing; and

Section 9 Further, that the penalty for violation of this ordinance shall be as prescribed in Section 1-17<sup>(c)</sup>, the Code of Takoma Park, Maryland, 1972, as amended.

ADOPTED BY THE MAYOR AND COUNCIL \_\_\_\_\_