

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
January 10, 1983

AGENDA

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 NOVEMBER 22 AND DECEMBER 13, 1982

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Presentation of awards of heroism
2. Other presentations and comments

ADDITIONAL AGENDA ITEMS

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
 - CDBG funding for year 9: status report
 - Status report on condemned properties
 - Appeal No. 6640, waiver of zoning requirement, 1300 bl. Holton La.
 - FY 1983-84 Budget process
 - (2) Proposed ordinance authorizing sale of wrecked 1980 police cruiser to salvage company
 - Citizens' comments
 - Council action
 - (3) First reading of a proposed ordinance designating handicapped parking spaces on Larch Avenue near Our Lady of Sorrows Church
 - Citizens' comments
 - First reading
 - (4) Announcement of Mayor and Council decision on Walnut/Westmoreland parking permit area
 - Citizens' comments
 - Council decision
 - (5) Proposal to change speed limit on Takoma Avenue from 30 mph to 25 mph
 - Citizens' comments
 - Council decision

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
January 10, 1983

City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember D'Ovidio	Police Lieutenant Gowin
Councilmember Eckert	Public Works Director Robbins
Councilmember Garcia	Library Director Spottswood
Councilmember Williams	Housing Services Director Tyree
EXCUSED: Councilmember Bradley	Recreation Director Ziegler
Councilmember Faulkner	
Councilmember Iddings	

The Mayor and City Council of Takoma Park met on January 10, 1983, at 8:12 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, motions were made, duly seconded, and carried unanimously to approve the Council Meeting minutes of November 22 and December 13, 1982.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Assistant Fire Chief McBride, acting in the absence of Chief McGary, presented Steve Goodwin with a letter, plaque, and certificate of appreciation for his heroism in saving four individuals (assisted by his mother and brother) from a fire at 8733 Carroll Avenue on November 18, 1982; remarked Mr. Goodwin subsequently expressed interest in becoming a Fire Department member and is now in training as a cadet fire fighter. Letters and certificates of appreciation were also presented to Mrs. Goodwin and her other son, Brian, for their roles in the rescue.

Councilmember Eckert spoke on the December gas fume disaster in Ward 3; remarked on the spirit of cooperation between various departments involved, performance of City staff; said overall he felt the situation was handled exceptionally well, with the exception of the press who were both rude and insensitive in many instances.

Mayor Abbott reminded that Montgomery County Superintendent of Schools, Dr. Andrews, would be at the Municipal Building on December 12 for a public meeting at which he would listen to citizens and respond to questions. The Mayor remarked that it would be important to have significant citizen representation at the meeting, demonstrating the diversity, various ethnic and economic groupings of the residents of the City. Said there has been some success in turning the School Board around since the election; they have promised to look at the evidence; remarked that it was due to the assistance of Planning Board Chairman Christeller, County Executive Gilchrist and his assistant Daryl Shaw, that the meeting with Superintendent Andrews had been arranged. Emphasized the importance of everyone who could attending this meeting.

The Mayor commented that on Thursday, January 13 at 7:30 P.M., State Department of Assessment representatives from both counties would be at the Municipal Building to explain the assessment process and how assessments may be appealed, as well as respond to questions; advised citizens to bring their assessments with them. Said inequities will be pointed out to these representatives, and an appeal for reconsideration made; hoped representatives in the State legislature could be convinced to come up with a different approach on this issue. Councilmember D'Ovidio commented that the City Administrator was trying to get a computer printout from the State showing the City-wide assessments.

Mayor Abbott remarked that on Wednesday, January 19, there would be a public hearing on the new draft of a bill (MC 246-83) to allow the sale of alcoholic beverages in the Montgomery County section of the City; said details of the bill are given in the January issue of the Newsletter. Councilmember Garcia remarked that there is no reference in the bill to Mayor and Council having veto power; the Mayor said that was removed because the county delegation felt there was no chance that Montgomery County would allow a municipality to have veto power; said members of the delegation would be present at the hearing on the 19th.

Councilmember Garcia stated that some citizens are concerned about the City not having veto power; felt that would permit the county to issue liquor licenses as they wished.

The Mayor stated that on January 24, as a part of the regular council meeting, there would be a public hearing on a proposed Charter change to move the City election from March to the traditional first Tuesday after the first Monday in November of odd years. Remarked there would be numerous (about 15) meetings upcoming concerning the City budget; hoped citizens would attend and offer input.

Councilmember D'Ovidio read Police Chief Carter's resignation, to become effective February 4; remarked that Council would be discussing filling that vacancy at the work session on January 17. Mayor Abbott commended the efforts of the Chief and the visible improvements in the police force accomplished during his tenure in office; expressed confidence that the department would continue its high level of service.

Councilmember D'Ovidio announced the City's Kickoff Centennial Celebration to be held at Takoma Junior High on January 16 from 1:00 to 4:00 P.M.; Mrs. Ziegler spoke on the events that will take place and dignitaries expected to attend.

GENERAL CITIZENS' REMARKS

1. John Hemphill, 8112 Flower Avenue: spoke appreciatively of the City Newsletter, in particular the comments/replies on the "Letters to the Editor" page.

2. Abby Mandel, 7003 Woodland Avenue: spoke on fire service in the City; said now that the City has put Montgomery County on notice that they are paying the entire bill for this service, she feels concerned about residences in the Prince George's section on the other side of New Hampshire Avenue. Said she suggested some time ago a special fire service tax for the Prince George's section of the City and was told that it would be illegal; wondered why it would be illegal and hoped to see enabling legislation on the matter; requested Council to investigate. Mayor Abbott stated that Takoma Park Volunteer Fire Department is the first due unit for any call in the City, regardless of which county it is in. Councilmember Garcia remarked that he understands that Prince George's County has allocated funds in their upcoming budget to remunerate to the City for channeling to the fire department for fire service. Mayor Abbott mentioned the pending suit by Montgomery County against the City concerning retirement funds for the fire department; the City Administrator stated that the suit had been postponed until the summer. The Mayor remarked that resolution of the suit would hinge in part on getting Prince George's County to reimburse funds for fire service.

3. Sid Rosenberg, Elm Avenue: stated he had submitted a song for publication to the Newsletter, two verses were deleted when published; felt that omission changed the gist of his message; spoke briefly against sale of alcohol being permitted in the City.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

(1) CDBG Year 9 Funding Status Report. The City Administrator stated that the Montgomery County Community Development Advisory Committee had made their recommendations to the County Director of Community Development; a couple of meetings were held and the Director was considering the recommendation she would make to the County Executive for forwarding to the County Council; she was particularly concerned about the level of social services funding and possible and possible cuts in funding from HUD to the County. Said it has since been learned that the anticipated cuts in HUD funding would be less than feared (approximately \$30,000) which will not seriously impact the County's programs, thus she will not be recommending any reduction in the funds the committee recommended for the Takoma Old Town project and other programs in the City. Remarked that the planning effort for the Between the Creeks Neighborhood Strategy Area will probably be a

three-way effort involving the City, the County, and the neighborhood area, for the primary purpose of reviewing proposals. In response to query, Mr. Nichols stated that the total amount of requests for funds made to the County was several million dollars greater than the amount of funding available; **Takoma Park** was once again the largest single funding contract recommended by both the committee and the Director of the program.

(2) Status Report on condemned properties. City Administrator Nichols reported that the mortgage holder for 7709 Carroll Avenue had foreclosed, placed the property on the market for sale, and made significant improvements insofar as boarding up and securing it.

(3) Appeal No. 6640, waiver of zoning requirement, 1300 block of Holton Lane. The City Administrator explained that the request was for a waiver of 25 feet on a setback; the property was zoned commercial; the City had requested an opportunity to comment and sent a letter over a week in advance of the hearing date; the day after the hearing when the City called the Board of Appeals, they were told the letter had not been received so the record was not held open. The Board had voted to waive the 25 foot setback and grant the right to build. Councilmember Garcia questioned what sort of building was planned; thought a very strong letter of protest should be sent to the County Executive concerning the way this appeal was handled. The City Administrator remarked that the biggest outstanding question in the case concerned a buffer strip of unzoned property (which is considered by the county to be R-55, residential) that runs from Takoma/Langley Center behind all the commercial property to Holton Lane. Said it is not buildable property and does not back up to residential property but to the school, thus the county did not feel granting of the appeal would have any negative impact. Mayor Abbott commented that Sligo Press intends to construct a one-story building on the property in question, set back from the street and with parking in front.

(4) Juniper Street Bridge. The City Administrator stated that a communication had been received from the county regarding inclusion in the County Executive's budget recommendations to the County Council of an item covering planning and construction of a new Juniper Street bridge; said in FY 1983-84, under capital improvements, \$40,000 would be allocated for planning and design, \$150,000 for construction; with an additional \$50,000 in FY 1984-85 to complete construction. Said there are footnotes to the budget that say the county should seek cost-sharing; was not sure whether that meant construction costs or continued maintenance costs, but thought it would be continued maintenance costs they would wish to discuss with the City. Mayor Abbott stated that any cost sharing should be Metro's responsibility.

(5) FY 1983-84 Budget process. City Administrator Nichols reiterated that there would be many opportunities for citizens to discuss the budget with the Mayor and Council prior to its adoption; said a schedule of meetings will be printed in the Newsletter. Commented that the first worksession (on Department of Housing Services) will be held January 31; two worksessions will be held with each department; a key date is February 14, at which time a public hearing will be held on suggested uses of Revenue Sharing Funds (approximately \$80,000 in the coming year) as well as a public hearing for the purpose of soliciting citizens' comments on public services and the budget; encouraged citizens to make a particular effort to attend those hearings.

(6) Proposed ordinance authorizing sale of wrecked 1980 police cruiser to salvage company. City Administrator Nichols explained that this vehicle had been damaged beyond repair in an accident; \$979 had been offered for it. Councilmember D'Ovidio moved adoption of the ordinance; duly seconded by Councilmember Garcia. Ordinance No. 2643 was adopted by roll call vote as follows: AYE: Councilmembers D'Ovidio, Eckert, Garcia, and Williams. NAY: None. EXCUSED: Councilmembers Bradley, Faulkner, and Iddings.

ORDINANCE NO. 2643

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

SECTION 1. THAT it has been determined that a 1980 Dodge police cruiser is beyond economical repair and the Police Department has recommended that it be sold for salvage to Brandywine Auto Parts for the amount of \$979.00.

SECTION 2. THEREFORE THAT the City Administrator is hereby authorized to remove the 1980 4-door Dodge, Title No. 9082731, Serial No. NL41GAF174106, from the City records, and to transfer title to Brandywine Auto Parts, Inc., Brandywine, Md., for the amount of \$979.00.

(7) First Reading of a proposed ordinance designating handicapped parking spaces on Larch Avenue near Our Lady of Sorrows Church. Councilmember Garcia explained that the ordinance, which would provide for two handicapped parking spaces, was drawn up at the request of parishioners; said there is some question as to the placement of the spaces which would be resolved by the City Administrator and church officials; motion made, duly seconded, and carried, to accept the ordinance for first reading.

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 there is a need for parking spaces expressly for the handicapped in the vicinity of Our Lady of Sorrows Church;

SECTION 2. THEREFORE THAT Ordinance No. 2642, adopted by the Mayor and Council on December 13, 1982, be amended by the addition of the following subsection to Section 2:

(e) On Larch Avenue, 2 parking spaces on the northeast side of the 1000 block, beginning at a point 53'8" from its intersection with New Hampshire Avenue and extending in a southeasterly direction for a distance of 44 feet.

AND

SECTION 3. THAT this ordinance shall become effective upon completion of the signing.

(8) Announcement of Mayor and Council decision on Walnut/Westmoreland parking permit area. The City Administrator stated that following the hearing in November, the record was held open for comment for thirty days and then closed. The Mayor questioned whether some residents of Pine Avenue had expressed a wish to have the permit area extended to include their neighborhood; the City Administrator stated that no petitions had been received requesting inclusion of additional areas; however, the ordinance could be amended at a later date to include other areas, if so desired. The Mayor questioned how much of an additional burden enforcement would place on the police, to which Lieutenant Gowin replied that enforcement should not create any problem as it would be accomplished by the beat officer on duty in that area. A motion was made by Councilmember Eckert, duly seconded by Councilmember D'Ovidio, that the City Administrator be directed to have an ordinance prepared creating the requested permit parking area for

presentation to the Mayor and Council; motion carried unanimously.

(9) Proposal to change speed limit on Takoma Avenue from 30 MPH to 25 MPH. Councilmember D'Ovidio explained that Takoma Avenue between Baltimore Avenue and Fenton Street is actually a state road (route 605), thus the 30 MPH limit in contrast to 25 MPH on similar streets in the City. Public Works Director Robbins stated that State Highway Administration had expressed that they would be interested in giving up jurisdiction over that road. Councilmember D'Ovidio made a motion, duly seconded by Councilmember Garcia, that a letter from Council be forwarded to State Highway Administration requesting the lowering of the speed limit on Takoma to 25 MPH to conform to the limit on other streets in the City; motion carried unanimously. A further motion was made by Councilmember D'Ovidio, duly seconded by Councilmember Williams, that the City Administrator be directed to begin discussions with the State Highway Administration concerning turnover of Takoma Avenue to the City (with clarification of maintenance/repair responsibilities prior to any turnover). In response to query, Public Works Director Robbins stated that the road is in very good condition. Motion carried unanimously.

Upon motion, duly seconded, the meeting adjourned at 9:25 P.M., to reconvene on Monday, January 24, 1983, at 8:00 P.M., in regular session.

CITY OF TAKOMA PARK, MARYLAND

PUBLIC HEARING JANUARY 19, 1983

ON

A BILL ENTITLED

MONTGOMERY COUNTY--

ALCOHOLIC BEVERAGES LICENSES--TAKOMA PARK

MC 246-83

The hearing convened at 7:50 P.M., in the Council Chamber, Municipal Building, 7500 Maple Avenue, Takoma Park, Md., with Mayor Abbott in the chair. Also present were Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings and Williams, City Administrator Nichols, City Clerk Pusti and Corporation Counsel Gagliardo.

Mayor Abbott explained that the bill (copy attached) effectively lifts the prohibition status from the Montgomery County section of Takoma Park and lists three classes of licenses for the sale of alcoholic beverages; said in order for the bill to become effective it would have not only to pass in the legislature but also in a referendum which would be held at the next municipal election. Presented the sponsor of the bill, Delegate Diane Kirchenbauer; said she and other delegates had requested that Council conduct the hearing.

Councilmember D'Ovidio spoke; said it was initially hoped the City would have veto power in the issuance of licenses as it does in the Prince George's section of the City; however, Council was advised it was unlikely that Montgomery County would go along with that and the best alternative would be to limit the types of licenses (as was done in the bill). Upon request, Corporation Counsel Gagliardo read the definitions of "restaurant" and "hotel" from the Annotated Code of Maryland; also definitions of the various alcoholic beverages permitted in the three classes of licenses.

Raymond J. Hill, Jr., 7104 Poplar Avenue: spoke on the ills that alcohol can produce and aggravate in a community, the deterioration that can result, the danger of drunk drivers; did not favor passage of the bill.

Ernest Steed, 8013 Barron Street (outside City): stated he is Executive Director of the International Commission for the Prevention of Alcoholism and Drug Dependency, travels extensively in this capacity; said he had enjoyed living in an area where alcohol was not an issue. Said alcohol and other drugs are the basis of many of the problems besetting mankind today; cited supporting statistics. Said he did not oppose a referendum on the issue, however, stated there had been no hue and cry from the citizenry requesting a referendum; thought the issue was raised by vested interests and would not benefit the citizens. In response to query, stated that his organization is a non-government organization of the United Nations, an independent organization, funded by donations with headquarters at 6830 Laurel Street. Councilmembers Iddings and D'Ovidio remarked that they had both been approached by residents of their wards regarding a referendum on the issue. Councilmember Eckert remarked that he had promised in his campaign that if elected he would work toward a referendum on this issue. Councilmember Garcia stated that to his knowledge the only vested interest involved was the fact that the design plan for the Takoma Old Town Commercial Revitalization Project includes plans for a full-service restaurant, which in order to ensure success should be licensed to serve alcohol; remarked that there was considerable public support demonstrated at a prior public hearing for this concept.

Rino Aldrighetti, 7213 Central Avenue: spoke on behalf of Longbranch/Sligo Citizens' Association; expressed support for a referendum on the issue; said citizens find the idea of a full-service restaurant in Old Town very appealing; expressed concerns that the City does not have veto power and that the County Board of Liquor Licenses might not be very sensitive in the issuance of licenses, might fail to differentiate between desirable businesses and others; wished there was some

way the City could maintain more control, said the lack thereof was a key issue in the bill. Mayor Abbott pointed out that the substantive issue at hand is whether citizens favor having a referendum on the matter. Councilmember Bradley wondered whether there had been discussion in the Sligo/Longbranch Citizens' Association concerning the relative merits or otherwise of Council having veto power over liquor licensing; Mr. Aldrighetti responded that his association had supported local control on all other issues and were consistent with this one.

Following discussion of the liquor license situation in various other jurisdictions in both Montgomery and Prince George's Counties, Delegate Diane Kirchenbauer spoke. Delegate Kirchenbauer stated that, at the delegation hearing, the representative for the county government expressed definite opposition to the unique situation in Takoma Park of the City having veto power since there are no other areas in the county having that power; would not support the bill if it created the precedent of municipalities having that power. Said from discussions, she felt the Liquor Board does try to be sensitive to communities, and even if the bill and the referendum did pass, there exists no guarantee that any liquor license would ever be issued in the City if the citizens were opposed to a restaurant opening with a liquor license.

Susan Bray, 7012 Carroll Avenue: said there is alcohol within reach of citizens of the City, but no place conveniently close by to invite friends for a drink and dinner; spoke in favor of a referendum on the issue; said there is no pressure on anyone to abuse alcohol, however, the reality of the matter is that in order to get a quality restaurant in the City that can succeed economically, they will require a liquor license.

Jan Schwartz, 7309 Garland Avenue: said she felt there had been a lot of expressions of extremism; believed people should be afforded choices; conveyed confidence in the ability of the citizens of the City to make a wise choice if the issue goes to referendum.

Louis Walter, 8638 Flower Avenue: inquired as to how the City became a dry area; to which Councilmember Garcia responded, with the Mayor adding some pertinent facts; expressed support for a referendum, said citizens are fortunate to live in a country where they have freedom of choice, which was not the case in his native land.

Margaret McFarland, 806 Maplewood Avenue: expressed support for the growth and economic development of the City; said, however, even if the bill passed and a referendum was held, there would be a problem with having a restaurant in Old Town due to laws on the books prohibiting issuance of a liquor law within so many feet of a church; thought location would present a real problem. Thought the limited classes of licenses in the bill were an excellent improvement over the original bill; wished the City could have veto power; pointed out that one thing not provided which citizens in the Prince George's section do have is the right of residents within a certain distance of licenses being applied for to mini-referendums to express their views. Said when business interests are at stake, intense pressures may be exerted on the Liquor Board. Said she thought most people would like to see a restaurant in Old Town.

Councilmember Eckert commented that he understood the liquor board had some sort of exemption powers on the question of church proximity. Corporation Counsel Gagliardo stated that there is a distance requirement, which varies in the two counties, the required distance from church property being 750 feet in Montgomery County unless the liquor board votes unanimously, in which case it can be reduced to 300 feet. Said this requirement pertains not only to a church, but to any elementary or secondary school, public library, or youth center sponsored or conducted by a governmental agency. In Prince George's County, the requirement is 1,000 feet of a school or 500 feet of a church. Councilmember Eckert stated that he did not think these restrictions would be as prohibitive of location of a restaurant in Old Town as was first thought. Councilmember Bradley said that while different control mechanisms had been discussed, i.e., City veto power, different kinds of

referenda either within the City or within contiguous areas to potential licenses; wondered if Ms. McFarland had a preference. Ms. McFarland stated "the more local control, the better"; thought it would be great for Council to have veto power as well as licenses being restricted; stated there is not enough control provided presently for her to be able to support the bill; had hoped it could be parallel to the situation in the Prince George's section. Councilmember Iddings queried the possibility of the City procuring licensing power for restaurants, which might provide a circuitous route to controlling liquor licenses within the City; requested Corporation Counsel to research the possibility. Corporation Counsel stated that Council would have to consider what criteria they would utilize in such licensing; remarked that they do have authority as a Board of Health and could regulate on that basis. Councilmember Bradley wondered whether, under the State Code, there was an option provided for limiting the number of licenses and the actual location (aside from the zoning question); Corporation Counsel responded that there was a limitation on the number of licenses in Prince George's, but not in Montgomery County or most other places; said as to location, yes there would be limitations and recognition of various municipal rights. Mayor Abbott stated he felt the fact would have to be faced that Montgomery County was not going to relinquish any of the power they had vested in the county Liquor Control Board, the City would have to accept the provisions provided should a referendum be undertaken and the results be in favor of lifting the prohibition status.

Bev Havada, 236 Manor Circle: questioned whether there was any concern over the differences in the way liquor licensing/sale would be handled in the two different counties within the City, in particular the veto power the City has in Prince George's. Mayor Abbott stated that during his term in office, no applications for liquor licenses had been received from the Prince George's section in the City; in response to query, stated that should the City unify, the two existing liquor stores in the Prince George's section would either be "grandfathered" in under the Montgomery County Law, or be bought out by the county. Ms. Havada expressed that she would wish for more local control, but granted that given the political realities that might not be possible.

Mr. Steed queried whether it was because of the need for funds for the City that the Mayor felt it reasonable to consider liquor licensing for businesses in the City; the Mayor replied that that was one reason, but that his main reason was the belief that you cannot legislate morality or health or the conduct or mores of the American public. Councilmember Bradley remarked that the issue was not a purely economic one, but also whether it is right to try to regulate beliefs and also a question of whether it is fair to have a third of the City that is not dry and the balance dry; said citizens who had approached her on the matter did not do so on the basis of Old Town development or tax bases. Mr. Steed stated Council should explore other avenues of raising revenue for the City, should establish dialogues with churches and other non-profit organizations; Councilmember Bradley assured that attempts at so doing had been made, in particular with Washington Adventist Hospital.

Mrs. Rolena Hill, 7104 Poplar Avenue: spoke in opposition; expressed concern at how God would react to the proposed change; thought people should read their Bibles and learn how God feels about alcohol.

The hearing adjourned at 10:00 P.M.

Montgomery County—
Alcoholic Beverages Licenses—Takoma Park
MC 246-83

FOR the purpose of permitting the voters of the town of Takoma Park, Montgomery County, to authorize the issuance, renewal, or transfer of certain alcoholic beverages licenses within the County section of Takoma Park; providing that this proposal shall be submitted to the town's voters; providing that this Act is contingent on a favorable election result; providing that, subject to the referendum, Takoma Park is excepted from certain general provisions prohibiting the issuance of any alcoholic beverages licenses; and generally relating to the town of Takoma Park and the issuance, renewal, or transfer of alcoholic beverages licenses.

BY adding to

Article 2B—Alcoholic Beverages
Section 37(d)
Annotated Code of Maryland
(1981 Replacement Volume and 1982 Supplement)

BY repealing and reenacting, with amendments,

Article 2B—Alcoholic Beverages
Section 37(a)
Annotated Code of Maryland
(1981 Replacement Volume and 1982 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 2B—Alcoholic Beverages

37.

(a) (1) In Montgomery County, no license for the sale of alcoholic beverages authorized by this article shall be issued for any place of business located in any one of the following election districts or towns of said county: Laytonsville (1st district); Clarksburg (2nd district), Darnestown (6th district), and Damascus (12th district), and the towns of Barnesville, Kensington, Takoma Park and Washington Grove. In the town of Barnesville, the Montgomery County board of license commissioners may issue a special 7 day on-sale beer, wine, and liquor license to any bona fide religious, fraternal, civic, or charitable organization.

(2) THE TOWN OF TAKOMA PARK IS EXCEPTED FROM THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION IF SUBSECTION (D) OF THIS SECTION BECOMES EFFECTIVE.

(D) THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE, RENEW, AND TRANSFER 3 CLASSES OF ALCOHOLIC BEVERAGES LICENSES IN THE MONTGOMERY COUNTY SECTION OF TAKOMA PARK AS FOLLOWS:

(1) CLASS B (ON-SALE) BEER AND LIGHT WINE, HOTEL AND RESTAURANT LICENSES;

(2) CLASS H (ON-SALE) BEER AND WINE, HOTEL AND RESTAURANT LICENSES; AND

(3) CLASS B (ON-SALE) BEER, WINE, AND LIQUOR, HOTEL AND RESTAURANT LICENSES.

SECTION 2. AND BE IT FURTHER ENACTED, That before this Act becomes effective it shall first be submitted to a referendum of the legally qualified voters of Montgomery County section of Takoma Park, at the general election to be held in November of 1984 or the next municipal election. There shall be printed on the ballots or ballot labels to be used at the Montgomery County section of Takoma Park the title of this Act and underneath the title, on separate lines, a square or box to the right of and opposite the word "For", and a corresponding square or box to the right of and opposite the word "Against", so that the voters of the Montgomery County section of Takoma Park are able to designate his or her decision for or against this Act. If a majority of the votes cast in the election in the Montgomery County section of Takoma Park are "For", then this Act shall become immediately effective, but if a majority of the votes cast in the Montgomery County section of Takoma Park are "Against," then this Act is null and void.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1983.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Public Hearing on Proposed Change in Election Date
January 24, 1983

Agenda

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 JANUARY 10, 1983

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

PUBLIC HEARING ON CHANGE IN ELECTION DATE TO NOVEMBER IN ODD-NUMBERED YEARS

ADDITIONAL AGENDA ITEMS

CITIZENS' COMMENTS (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
 - (2) Appointment of Lt. John Gowin as Acting Police Chief
Citizens' comments
Council action
 - (3) Appointment of Sue Silber as Assistant Corporation Counsel
Citizens' comments
Council action
 - (4) Proposed Charter Amendment to change city elections from the fourth Tuesday in March in even-numbered years to the first Tuesday after the first Monday in odd-numbered years
First reading
 - (5) Second reading of an ordinance designating handicapped parking spaces on Larch Avenue at Our Lady of Sorrows Church
Citizens' comments
Council action
 - (6) Appeal No. 6647, 7403 Garland Avenue, request for extension of grace period for correction of zoning violation (Public Hearing: Board of Appeals, 7:15 PM, Wednesday, 2-9-83, CAB, Upper Marlboro)
Citizens' comments
Council action
 - (7) First reading of an ordinance establish Parking Permit Area #3 in the Westmoreland-Walnut Avenue area
Citizens' comments
First reading
 - (8) Proposed ordinance awarding bid for the demolition of 7511 Carroll Avenue
Citizens' comments
Council action
 - (9) First reading of an ordinance installing stop sign on Jefferson Avenue at Lincoln Avenue
Citizens' comments
Council action
 - (10) Authorization to install a sign reading "15 MPH Safe Speed, Curve Ahead" on Columbia Avenue

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Public Hearing on Proposed Change in Election Date
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City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember Bradley	City Clerk Pusti
Councilmember D'Ovidio	Asst. Housing Services Dir. Austin
Councilmember Eckert	Corporation Counsel Gagliardo
Councilmember Faulkner	Police Lieutenant Gowin
Councilmember Garcia	Public Works Director Robbins
Councilmember Iddings	Asst. Corporation Counsel Silber
EXCUSED: Councilmember Williams	Library Director Spottswood
	Recreation Director Ziegler

The Mayor and City Council of Takoma Park met on January 24, 1983, at 8:10 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made, duly seconded, and carried to approve the Council Meeting minutes of January 10, 1983 (Councilmembers Bradley, D'Ovidio, and Faulkner abstained due to their absence from the January 10 meeting).

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

The Mayor commented on the January 20 meeting of the Bi-County Delegation on Unification; said Council was not aware of the scheduled meeting until Friday, January 21; however, the Committee for a Referendum was notified and related that attendance was fair, knowledge of the delegation was low-level on the subject and not only lack of support but opposition could likely be expected; some residents of other areas of Prince George's have expressed opposition to unification due to a fear of increased taxes to make up for those to the county should unification occur. The Mayor pointed out that those monies do not rightfully belong to Prince George's County as they are not providing the services, nor remitting the funds to the City for the services provided; stated this is a very important issue for the City and concentrated efforts will have to be directed toward building support. Councilmember Eckert remarked that obstacles to unification seem to keep arising; cited the liquor licensing for two existing stores in the Prince George's sector that would be affected if unification occurred; expressed optimism that unification would ultimately take place.

PUBLIC HEARING ON CHANGE IN ELECTION DATE TO NOVEMBER IN OFF-NUMBERED YEARS

The Mayor remarked that this proposal had been brought before the previous Council and defeated, with the arguments being weak and primarily based upon tradition; pointed out that the change would permit the incumbent Council complete involvement in the budget process, rather than having new Councils come in at a time when the budget is practically a fait accompli. Regarding tradition, stated that, based upon information provided by the City Clerk, election dates have changed several times over the course of the years. For example, from 1890 to 1950, elections were held on the first Monday in May. In contrast, the caucus does appear to have been the traditional forum for the nomination of candidates, dating back to at least 1906.

1. David Prosten, 7428 Carroll Avenue: supported the proposed change; said that when it came up before, to his recollection only one citizen testified against the idea while a number favored it, regardless of Council's ultimate decision; enumerated the reasons he felt the change would be beneficial.

2. Ron Wylie, 7618 Glenside Court: expressed support for the proposed change; read a Letter to the Editor he wrote in September 1980 citing in particular the benefits that would accrue to the budget process through this change.

3. Vernon Ricks, 7667 Maple Avenue: spoke in opposition to the change; did not think the present election date in any way precludes anyone, whether running for office or not, from taking part in the open budget hearings and being well aware of what is taking place; did not think, realistically, the weather should be a consideration, being so variable.

Councilmember Bradley remarked on having been approached by a resident concerning having the City election in November of even-numbered years, corresponding to federal elections; no support was expressed for that concept, several individuals conveyed opposition and gave reasons therefor.

4. Abby Mandel, 7003 Woodland Avenue: voiced opposition to the proposed change; felt the fall months are a far busier time for most people than early spring; thought weather conditions should not be a consideration due to the variability; said the two-month involvement period new Councilmembers have in the budget process is sufficient and best, permits only superficial changes rather than anything drastic. Councilmember Eckert pointed out that incoming Councils have the power to make any budget changes they deem necessary or prudent, but that a November election date would permit a longer period of education and familiarization prior to actual involvement. Councilmember D'Ovidio stated that in election years, the incumbent Council is probably not deeply involved in the budget preparation and the incoming Council has to make decisions on items they are not really familiar with, thus not providing the sort of Council involvement he felt should exist. Councilmember Garcia thought the budget argument was pointless; said 90-95% of expenses are set; under normal circumstances, Council has little involvement with the budget process until March and April anyway, thus having the election in November would have little impact on the budget process. Mayor Abbott commented that once the process is understood and set into motion, the budget could be prepared and supplied earlier. Ron Wylie commented that he felt holding the election on the odd-years would assure it being more non-partisan.

CITIZENS' COMMENTS

1. Arthur Karpas, 6916 Westmoreland Avenue: spoke regarding 6906 Westmoreland, the house severely damaged during the gasoline explosion episode; said conversations had taken place among WACO members concerning whether it is an appropriate time to request action be taken on the abuse the neighborhood suffers from that building; explained that it is a two-bedroom bungalow that has been divided into six apartments housing greater than twenty individuals; hoped the building could be brought into zoning compliance and appropriate use for the neighborhood; said the owner had been advised of the neighbors' feelings; cited Montgomery County Zoning ordinance amendments aimed at getting buildings damaged and not in compliance with zoning back into compliance - said one item states that if the structure is more than 50% damaged, rather than be repaired as multiple-use it should be repaired as zoned conforming use; felt that the building in question was probably more than 50% damaged and hoped the City would assist in requiring the building be put to conforming use; remarked that the owner had already begun remodeling for use as six apartments. The City Administrator remarked that zoning officials had met with City staff on the matter and are being pressed to respond formally as to how they go about determining whether a property is damaged 50% or not; said they seemed reluctant to pursue the issue, but the City is demanding to know how the determination is made prior to issuance of any permits for restoration of the property; further information would be supplied when received. Councilmember Faulkner commented he did not see how the structure could have passed the City's code inspection; Mr. Karpas replied that there were approximately a hundred outstanding violations in the structure. The City Administrator remarked that this was one of the properties required under county law to phase out in 1988. In response to query, Mr. Karpas stated that if one individual occupied each apartment, it might meet the requirement as to floor

space; said, however, that was not the case and that groups of individuals were occupying them. The Mayor remarked that county zoning ordinance 77003 requires that in order to operate until the phaseout period units must meet existent code and fire standards; wondered whether that house met those standards. The City Administrator stated that all of the houses have not yet met those standards; said he met with zoning officials a couple of months ago and reviewed those houses which have and have not met the standards (did not recall which category 6906 fell into), but the evaluation has not been completed. Councilmember D'Ovidio remarked that it should be ascertained whether the owner has a building permit if he is indeed doing work on the structure; reminded that if the building is not used for apartments for six months it must revert to single-family. Mr. Karpas remarked that he had information from personal sources that the county would make no move to prevent issuance of a building permit to restore the structure to six units.

2. Elizabeth Walpole, 7716 Carroll Avenue; representing the Prince George's County Nuclear War Crisis Relocation Coalition; presented a Nuclear Freeze Resolution in the hope Council would lend their support; explained the Resolution would go to the Prince George's County Council with a request that they establish a committee to hold hearings on the crisis relocation plan developed by the federal government, getting public input on the feasibility of the plan and whether the county should participate. Said they hoped to gain the endorsement of the resolution from elected bodies in the county as well as civic organizations. Mayor Abbott expressed support for the resolution; commended the citizens in the coalition for their initiative. Councilmember Eckert questioned whether the members of the coalition had a position on relocation; Ms. Walpole stated that, basically, it was not thought to be a viable idea; hoped testimony at the proposed hearings by qualified individuals would make that obvious. Commented that the federal plan proposed to relocate 600,000 people from the county to southern Virginia via the Woodrow Wilson Bridge in the event of a nuclear crisis. Councilmember Iddings expressed support for the resolution; hoped the County Council would adopt it and urged endorsement by Council. Councilmember Eckert expressed support, as did Councilmember Bradley who commented that on any issue of this magnitude it was imperative to have public involvement. A motion was made by Councilmember Bradley that Council endorse the resolution and communicate their official endorsement to the appropriate Prince George's County officials. Motion duly seconded by Councilmember Eckert; carried unanimously. (Copy of Resolution attached.)

3. Patrick Donnelly, 7002 Sycamore Avenue: spoke on taxation; said it is the duty of the Mayor to see that City residents are treated fairly regardless of their county affiliation; stated that figures published in the Newsletter clearly indicate that Prince George's residents of the City are paying a great deal more in City taxes than those residing in the Montgomery County portion. Called upon the Mayor and Council to further investigate the figures, and if the seeming inequities in fact exist, take steps toward correction. The Mayor pointed out that City taxes are a fixed rate (regardless of which county) based upon state assessments. Mr. Donnelly remarked that each household in the City receives the same City services and should pay the same amount of City tax, rather than the tax being based upon property tax assessments. The Mayor suggested that Mr. Donnelly become a volunteer member of the citizen committee looking into the question of taxation.

4. Vernon Ricks, 7667 Maple Avenue: spoke of long-standing problems with getting certain properties into code compliance (108 Sheridan Avenue for one); congratulated the City and members of the Centennial Committee on the very successful kick-off celebration.

5. Rino Aldrighetti, 7213 Central Avenue: conveyed appreciation from Longbranch/Sligo Citizens' Association for the boarding-up of 7709 Carroll Avenue; wondered whether formal appointments had been made to the traffic committee and appointees notified, to which the

City Administrator responded that those appointments were made and the individuals notified, thought there might be a few remaining seats to be filled. Mr. Aldrighetti stated that the citizens' association had submitted Derek Krieger's name for membership on the committee, had heard nothing; Councilmember Iddings remarked that it was his oversight that he had neglected to pass on Mr. Krieger's name to the City Administrator. Councilmember Bradley remarked that the traffic committee is a very important one; hoped a representative could give Council and citizens a briefing in the near future on their plans and agenda. Mr. Aldrighetti inquired when the departmental report on services provided by the City to Washington Adventist Hospital would be ready for presentation; the City Administrator replied "in about two weeks."

6. Jill Wettrich, 1006 Elm Avenue: mentioned three inoperable vehicles within a block of her residence (a truck on Linden Circle, car in the 1000 block of Elm Avenue on the street, and a truck in a yard in the 1000 block of Elm Avenue). The City Administrator remarked that a number of vehicles have been towed under the new ordinance, the police department is doing a tabulation of the number of vehicles cited and/or towed, a meeting is upcoming on the progress under the ordinance and a report will be forthcoming to the Council. Ms. Wettrich wondered if this issue could be emphasized in the Newsletter; the Mayor suggested she write an article for publication.

Councilmember Iddings wondered if there was any feedback to date on the effectiveness of the 15 m.p.h. school zones. The City Administrator remarked that the flashing yellow lights were put into operation earlier in the day. Police Lieutenant Gowin stated that now that the flashing lights are operational, a patrol car would monitor school zones and issue warnings for the first week prior to issuing citations for violations; several comments were made that the school zone has been existent for years and thus no grace period should be permitted prior to citing people for excessive speed in those zones.

7. Phil Vogel, 7117 Garland Avenue: read a letter from Washington Adventist Hospital received in response to one he had written to Mr. Thomas Flynn, Chairman of the Board of Trustees. Mr. Vogel stated that his letter to Mr. Flynn indicated that he had received information that Mr. Wilmot was not only the architect for the proposed new ambulatory care facility but would also participate financially in the building; the letter confirmed that this was indeed true; Mr. Vogel felt this was a conflict of interest and Mr. Wilmot's financial involvement had been kept under wraps.

The Mayor commented that the City had requested a meeting with hospital officials for the purpose of being briefed by the hospital on their plans; the City Administrator stated that the hospital had agreed to such a meeting at a mutually agreeable time and date - February 21 or 28 was tentatively scheduled. Councilmember Bradley remarked that an agenda should be set for the briefing, that the scope of such a meeting should be broader than just a discussion of the proposed ambulatory care center if the objective of establishing communications with the hospital was to be met. At the request of Councilmember D'Ovidio, Mr. Vogel agreed he would make copies of the letter from the hospital available to Park and Planning officials.

8. David Prosten, 7428 Carroll Avenue: thanked Mr. Vogel for making his letter from the hospital public; spoke in favor of proceeding with the demolition of 7511 Carroll Avenue with no further delay (No. 8 on the agenda).

9. Rino Aldrighetti, 7213 Central Avenue: stated he had hoped Council would have learned enough from prior dealings with Doctors Shiroma and Northam that they would have directed their requests elsewhere, primarily at the Board of Trustees of the hospital.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. The City Administrator stated that the Hearing Examiner on the Dawes zoning case at 5 Grant Avenue recommended denial of the request for rezoning from R-60 to C-2; said it would still have to be acted upon by the District Council. Announced that the flashing yellow lights in the school zone on Maple Avenue are now operational. Mentioned that Paul Mok, the new Economic Development Specialist was present at the meeting earlier, as well as James Arisman, the newly-elected chairperson for COLTA.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. First reading of an ordinance establishing Parking Permit Area #3 in the Westmoreland-Walnut Avenue area.

Arthur Karpas, 6916 Westmoreland Avenue: expressed concern about amendments to the ordinance prepared by Councilmember Iddings; requested a reading of the ordinance prior to comment. Councilmember Eckert related background on how and why the ordinance came into being; said Councilmember Iddings had voiced concerns about the possible impact on merchants in the Old Town area, feared it would take away parking spaces for patrons and employees of some of the businesses, had suggested amending the ordinance to allow the issuing of permits to employees of businesses fronting on the permit parking area and in the case of demonstrated need, to allow the issuance of a limited number of visitor permits to business owners for patron parking; said the consensus of the neighborhood was that the ordinance be permitted to stand without the proposed changes, however, they did suggest that the upper 1/3 of Westmoreland Avenue (from Carroll Avenue to the Grant Auto entrance) might be excluded from permit parking and left open to the City's development of parking for the commercial area - this would provide approximately seven parking spaces. Councilmember Eckert urged consideration by Council of this alternative. Councilmember Iddings expressed concerns about the lack of a long-term parking plan for the Old Town area, the impact on merchants trying to encourage business of limiting parking, the conflicting interests of business owners and residents; said he raised his concerns in order to encourage focussing on the issue. Mayor Abbott commented that there is an interim parking solution that will immediately alleviate the parking situation in the Old Town area, i.e., the paving and striping of the parking area behind the Citizens Bank property; said he had suggested to the City official responsible that they approach the bank with that proposition with the City being responsible for its accomplishment; encouraged that this be done and the permit parking properly instituted. Councilmember Faulkner expressed agreement. Mr. Karpas said residents of Westmoreland would certainly endorse the Mayor's proposal; however, thought the expense might more properly be borne by the property holder; supported the exception of the upper 1/3 of Westmoreland from the ordinance on the basis that there are not residences fronting on that portion of the street, but business establishments. Expressed concern that a negative response is received from some Councilmembers to requests/proposals from residents of the WACO area; mentioned Councilmember Iddings' proposed amendments to the ordinance favoring the commercial interests in the area. Councilmember Iddings remarked that prior to the last council meeting, which he was unable to attend, he had discussed the issue with Councilmember Eckert and it was felt that the major problem was metro impact parking and his proposed amendments probably would not generate substantial objections, however, Councilmember Eckert said he would take up the matter with Mr. Karpas and other residents. Subsequently, proceeded to investigate various alternatives in an attempt to alleviate business parking shortage and prevent metro parking and felt his amendments would serve both purposes; reiterated support for Councilmember Eckert's memorandum concerning the permit parking area. Councilmember Eckert commented that his memory of the conversation did not coincide with Councilmember Iddings' - said he advised Mr. Iddings that Mr. Karpas would be the person to approach and discuss any proposed changes with, did not support any alterations to the original

request without coordination with the neighborhood. In response to query from Councilmember Bradley, Mr. Karpas reiterated that WACO would support the proposal contained in Councilmember Eckert's memorandum, i.e., to exclude the upper 1/3 of Westmoreland from permit parking; said the question of metering that parking was the City's prerogative. Following discussion of the best approach to excluding the upper 1/3 of Westmoreland, the Mayor suggested that the ordinance could be changed in its first reading in regard to the area of inclusion on Westmoreland. Councilmember Iddings remarked that if that were done, an ordinance should be presented at the next meeting establishing seven metered parking spaces in the area of Westmoreland excluded from permit parking.

Suzanne Rhodenbaugh, 53 Walnut Avenue: expressed opposition to amendments offered by Councilmember Iddings, said they introduce an unnecessary/unneeded complication; the intent of the ordinance is not to provide parking for businesses, but to ensure to a greater extent parking spaces for residents near their homes.

John Fleming, 6909 Westmoreland Avenue: stated that, as a small business owner, he is fully aware of the parking problems merchants in the area face; thought it is imperative the City face the problem head-on rather than looking to any residential area to provide business parking; endorsed the Mayor's proposal of looking to the available parking in the commercial area.

Alan Spärber, Architect, office at 7056 Carroll Avenue: supported Councilmember Iddings' proposed amendments; said some differentiation should be made between business people having to use their offices and commuter parking; suggested a yearly parking permit for business people in the area; supported the Mayor's proposal, remarked that the Citizens Bank lot is now very much under-used. Councilmember Bradley suggested that staff be requested to make overtures to Citizens Bank concerning the lot and the Director of Public Works ascertain what the cost of paving it would be if the bank was agreeable, so that a time frame for possible utilization of the lot for parking could be worked out. An unidentified citizen voiced strenuous objections to the City absorbing the cost of resurfacing the Citizens Bank lot; thought the cost should be borne equally by all businesses located in that vicinity. The City Administrator remarked that he had met with a representative of the bank, the subject of the lot was broached, and a followup meeting would be scheduled very shortly. Councilmember Bradley inquired whether WACO might agree to having the permit parking become effective at such time as the lot in question could be paved and ready for business parking (perhaps a month or so), if it were ascertained that the lot could be procured; to which Mr. Karpas replied that he felt that would not be appropriate. John Fleming inquired what procedures would be involved in the county acquiring property for a county parking lot such as exists in Silver Spring. The City Administrator responded that there are two approaches: 1) through the county Department of Transportation, through the capital improvements budget of the county, and 2) through the Montgomery County Revenue Authority (which runs Takoma Tower) - they have the authority to acquire, develop, and operate property on a non-profit basis; however, it would not be permitted to lose revenue, and all beneficiaries of the service if it lost money would have to pay a tax to subsidize its operational cost to the extent of the loss. Said those avenues had been explored to an extent, but the most desirable option would be the participation of a private developer in the development of parking in connection with development in Takoma Old Town. The City Administrator spoke briefly on the initial plan for parking incorporated in the revitalization project for Takoma Old Town, which would be structured parking. Councilmember Bradley moved adoption of the ordinance for first reading with the stipulation that it be amended (as mentioned earlier) to place the boundary of the restricted area (under Section 2 (a) between the entrance to Grant Auto and Walnut Avenue on Westmoreland; motion duly seconded by Councilmember D'Ovidio. Councilmember Iddings reminded that staff

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was also directed to prepare an additional ordinance establishing seven metered parking spaces on Westmoreland along the excepted strip. (Proposed ordinance attached.)

(2) Appointment of Lt. John Gowin as Acting Chief of Police.

The City Administrator reminded that Chief Carter's last day with the department would be February 4; said the proposal is to appoint Lt. Gowin Acting Chief, effective January 31, thus providing a one-week transition period for the Lieutenant to assume command for the interim period until the Mayor and Council make a decision on a permanent replacement for Chief Carter. Stated that the Mayor and Council had determined that they would like to move immediately into an organized formal search process, which will be discussed further at the January 31 work-session. A motion was made by Councilmember Garcia, duly seconded by Councilmember Bradley, that Lt. Gowin be appointed Acting Chief of Police. Mayor Abbott commented briefly on Lt. Gowin's 14-year service with the department, promotional record, and achievements; said he felt confident the interim period would be in capable hands. Motion carried unanimously; congratulations were extended to Lt. Gowin.

(3) Appointment of Sue Silber as Assistant Corporation Counsel.

A motion was made by Councilmember D'Ovidio, duly seconded by Councilmember Iddings, that Ms. Silber be appointed. Rino Aldrighetti expressed support for the appointment of Ms. Silber; Corporation Counsel Gagliardo expressed appreciation of Council taking this action, spoke on the role Corporation Counsel plays in representing the City in litigation, said with the caseload it is not always possible for one person to fulfill the entire responsibility, some delegation is necessary, thus the decision that an assistant be appointed (as has been done traditionally); commented that this action does not entail a budgetary increase as the money goes to the law partnership. Councilmember Garcia remarked that one vital service provided by Corporation Counsel is knowledgeable advice in legal matters. Following expressions of appreciation of Ms. Silber's qualifications and accomplishments, motion carried unanimously.

(4) Appeal No. 6647, 7403 Garland Avenue. Request for extension of grace period for correction of zoning violation (Public Hearing: Board of Appeals, 8:15 P.M., Wednesday, February 9, 1983, County Administration Building, Upper Marlboro, Md.). The City Administrator related that the petitioner had stated he acquired the property on July 31, 1979 as a structure with four units registered by the City; sometime in 1982, Prince George's County Zoning Enforcement Office cited the property for use of these units in an R-55 zone (inappropriate use) and gave him until December 22 to bring the property into compliance. Said the owner has requested that the Board of Appeals grant him an extension of time to "sort out the confusing situation," but did not request a specific time period; the Board of Appeals is empowered to grant extensions but have no set policy on the amount of time allowed; they take into consideration a variety of factors. In the event the Board of Appeals denies the request for extension, the case would be remanded back to zoning enforcement to pursue its initial order to cease operation; they would afford the owner whatever they deem a reasonable period to pursue other legal options and should he opt to do nothing would again cite him and turn it over to the Office of Law for prosecution. Pointed out there are two possibilities in terms of "grandfathering"; explained those options, but said apparently the owner has not pursued them.

Phil Vogel, 7117 Garland Avenue: speaking for Longbranch/Sligo Citizens' Association, stated that the owner also has other properties in the City, is a knowledgeable landlord; did not think there was any legal protection legitimately open to this owner and he was probably just attempting to prolong the process; thought Council should go on record to the Board of Appeals as opposing the granting of any extension. Councilmember Bradley inquired whether the property owner or his representative was present; response was negative; the City Administrator remarked that the owner was notified that the matter would be

on the agenda at the present meeting. Councilmember Iddings expressed concern that the City registers apartments regardless of whether the zoning supports the number of apartments being registered; thought this situation should be corrected; the City Administrator remarked that it is now in the process of being corrected. Councilmember Garcia commented that 1954 was the cutoff date for registration of apartments, none were supposed to be registered after that time, and yet any number have been registered subsequently, in violation of City Code. Councilmember Bradley made a motion, duly seconded by Councilmember Faulkner, that Council go on record as opposing the granting of any extension. The City Administrator suggested that Council additionally go on record as implicitly supporting single-family occupancy of the property; suggestion accepted as an amendment; the question was called; motion and amendment carried unanimously.

(5) Proposed ordinance awarding bid for the demolition of 7511 Carroll Avenue. The City Administrator explained that this property was condemned by the City many months ago; the City was considering an ordinance to award bid for demolition; prior to award being made, the Internal Revenue Service seized the property and advised that the City could take no further action until they satisfied their concerns with the property. Said the City has since been notified in writing that the Internal Revenue Service has no further interest and they can proceed. Stated that the low bid received for demolition was from Jefferson & Bucheimer for \$3,714.00 to include demolition and seeding of the ground thereafter.

Leonard Collins, Attorney for Mrs. Quarles: stated that notification of the impending demolition was ineffective as he had been unable to contact the mother-in-law of the owner of record, Mrs. Leola S. Quarles, however, was present to hopefully protect her interests; said it was his understanding, however, that the present owner did not care about the property, which had formerly belonged to her late husband, the Reverend Quarles. Hoped the matter could be deferred for a few weeks longer to afford an opportunity to contact the mother-in-law. The City Administrator remarked that the process had stretched over a number of years now, all legal requirements had been met insofar as publication of notices, notification to involved parties, etc. Attorney Collins clarified that he represents the mother of the late Reverend Quarles; the widow Leola Quarles had verbally promised to convey title to the property in question to Reverend Quarles' mother, but had not yet done so. In response to query, Corporation Counsel Gagliardo stated that the attorney of the owner of record was contacted by telephone in New Orleans and indicated that his client had no interest in preserving the property. City Clerk Pusti remarked that the property was bought at tax sale in 1981 by Mr. Karkenny; did not know the present status, since both foreclosure and redemption proceedings were in progress. A motion for adoption of the ordinance was made by Councilmember Iddings, duly seconded by Councilmember D'Ovidio. Councilmember Iddings pointed out that since this is an ordinance authorizing the expenditure of funds, it requires only one reading; said he moved adoption due to the fact that this property has been a long-standing problem in the community; felt the City should move ahead on it.

Samuel Karkenny, 7106 Sycamore Avenue: stated he did hold a certificate on the property, had a proceeding in court; was not clear on whether it had been redeemed; said the redemption takes place at the tax office; wondered what his present status in the matter was; if it had been redeemed, he would have no interest in the property; if not, would like an opportunity to present his case. Said the tax office was closed by the time he learned the matter was on the meeting agenda; did not want to have a lien on the property (as a result of demolition) if he did hold an interest.

The question was called, Ordinance No. 2645 was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, and Iddings. NAY: None. EXCUSED: Councilmember Williams.

ORDINANCE NO. 2645
(Attached)

(6) Proposed Charter Amendment to change City elections from the fourth Tuesday in March in even-numbered years to the first Tuesday after the first Monday in odd-numbered years. Councilmember Faulkner expressed opposition to the proposed change on the basis he did not feel it proper to tamper with terms of office while one is in that term; even though it would be legal; also felt it would be unfair to potential candidates in the City as they would be given approximately 8 months notice, while others aware of the proposed change have had a much longer time to prepare a campaign; did not feel the arguments concerning the budget process were valid; proposed making the change in November 1985 rather than November 1983, moved that proposal as an amendment, duly seconded by Councilmember Garcia. Councilmember Iddings noted his support of the amendment saying he was elected for a two year term and that the proper course to follow would be to make changes for the next sitting body. Following discussion and in view of the limited number of citizens present for comment; the proposed amendment was withdrawn until the next regular Council meeting, February 14, 1983; Charter Amendment accepted for first reading. (Attached)

(7) Second reading of an ordinance designating handicapped parking spaces on Larch Avenue at Our Lady of Sorrows Church. A motion for adoption was made by Councilmember Faulkner, duly seconded by Councilmember Garcia, who pointed out that the request for the spaces was initiated by the Parish Council. Following discussion, Ordinance No. 2644 was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, and Iddings. NAY: None. EXCUSED: Councilmember Williams.

ORDINANCE NO. 2644

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

SECTION 1. THAT it has been determined that there is a need for parking spaces expressly for the handicapped in the vicinity of Our Lady of Sorrows Church;

SECTION 2. THEREFORE THAT Ordinance No. 2642, adopted by the Mayor and Council on December 13, 1982, be amended by the addition of the following subsection to Section 2:

(e) On Larch Avenue, 2 parking spaces on the north-east side of the 1000 block, beginning at a point 53'8" from its intersection with New Hampshire Avenue and extending in a southeasterly direction for a distance of 44 feet.

AND

SECTION 3. THAT this ordinance shall become effective upon completion of the signing.

(8) First reading of an ordinance installing stop sign on Jefferson Avenue at Lincoln Avenue. Councilmember Iddings stated that this item was recommended for approval by the traffic committee; Councilmember Faulkner remarked that the police department also agreed that the stop sign was needed. Ordinance accepted for first reading.

(9) Authorization to install signs reading "15 m.p.h. Safe Speed, Curve Ahead" on Columbia Avenue. The City Administrator explained that this issue was scrutinized some months ago; the police department

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in conjunction with the neighborhood recommended putting up 15 m.p.h. speed limit signs on Columbia off of Carroll Avenue as it goes down around the curve; however, Corporation Counsel advised that in order to put up 15 m.p.h. signs, the area would have to be an urban district and that area does not meet the criteria of an urban district. Therefore, the alternative of posting the warning signs was decided upon, although the rate of speed cannot be enforced - it is an advisory to motorists. Following discussion, a motion was made, duly seconded, and carried unanimously to authorize posting of the signs.

Upon motion, duly seconded, the meeting adjourned at 12:30 A.M., to reconvene on Monday, February 14, 1983, at 8:00 P.M., in regular session.

A Resolution on
NUCLEAR WAR CRISIS RELOCATION PLANNING

WHEREAS the Federal Emergency Management Agency is charged with developing, in collaboration with local governments, a multi-billion dollar Crisis Relocation Plan for the evacuation of up to 145 million citizens of the United States in the event of the imminent threat of nuclear war; and

WHEREAS there is currently national debate over the survivability of nuclear war, and over the protection afforded by civil defense preparations such as the Nuclear War Crisis Relocation Plan; and

WHEREAS numerous government bodies across the United States have rejected the creation and implementation of such plans; and ,

WHEREAS Prince George's County has already begun to develop, without public consultation, a preliminary plan for the evacuation of county residents to rural Virginia during a nuclear war crisis; and

WHEREAS the cost of completing and implementing such a plan will constitute a large, and as yet undisclosed, financial burden on the Prince George's County taxpayers; and

WHEREAS the County Council is responsible for protecting the health and welfare of county residents; therefore

BE IT RESOLVED that the Prince George's County Council establish, within sixty days of the passage of this resolution, a Special Committee on Nuclear War Crisis Relocation to study this issue, and to make recommendations to the County Council as to whether or not, or to what extent, Prince George's County should participate in nuclear war crisis relocation planning; and that

THE SPECIAL COMMITTEE shall consist of at least twenty-five members broadly representative of the county, including such groups as elected officials, business and labor leaders, healthcare professionals, appropriate scientific and technical specialists, spokespersons for religious, women's, minority, senior citizen, environmental, and other community organizations, and representatives of those groups designated as "essential workers" who would remain in the county during a crisis according to the preliminary plan; and that

THE SPECIAL COMMITTEE shall hold several public hearings throughout the county, and in potential host areas, to gather information on the consequences of nuclear war, and the status and effectiveness of civil defense preparations for nuclear war, and that

THE SPECIAL COMMITTEE shall submit its recommendations to the Council within 120 days from the date of the official establishment of the committee.

Prepared by the Nuclear War Crisis Relocation Coalition, 3602
Maurice Ln. Bowie, MD 20715 (301)-464-1159. (1 December 1982)

PROPOSED ORDINANCE

WHEREAS, the Mayor and Council have found that the health, safety and welfare of certain groups of residents of the City are adversely affected by conditions created by the existence of public and commercial facilities and, in recognition of this, amended the City Code to permit the establishment of parking permit areas in residential sections of the City where such conditions are extant; AND

WHEREAS, pursuant to the provisions set forth in Sec. 13-63.1 of the Code of Takoma Park, 1972, as amended, citizens have petitioned the Mayor and Council to establish a parking permit area in the general vicinity of Takoma Old Town, citing the existing and anticipated use of accessible parking space by nonresident commuters and shoppers, coupled with intolerable levels of pollution and noise created by said nonresidents; AND

WHEREAS, the City Administrator, following a survey of the subject area, has determined that all criteria set forth in Sec. 13-63.1 of the City Code have been met and has recommended to the Mayor and Council that Parking Permit Area #3 be established.

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

SECTION 1. THAT Parking Permit Area #3 be hereby established, said area to include that residential section lying to the southeast of Takoma Old Town, with parking restrictions applicable to the streets enumerated in Section 2 of this ordinance; AND

SECTION 2. THAT, except where otherwise designated, parking on the following streets shall be restricted to vehicles displaying a proper parking permit between the hours of 8:00 AM to 5:00 PM, Monday through Friday; ^

- (a) Westmoreland Avenue, north side, from Carroll Avenue to Walnut Avenue;
- (b) Westmoreland Avenue, south side, beginning at a point 272 feet from its intersection with Carroll Avenue and extending to Walnut Avenue;
- (c) Walnut Avenue, between Westmoreland Avenue and Eastern Avenue;

SECTION 3. THAT the Police and Public Works Departments are hereby directed to work with the City Administrator to fully implement the directives of this ordinance at the earliest possible date; AND

SECTION 4. THAT permits will be sold annually at a cost of \$5.00 per year each by the Police Department. Such funds collected by the Police Department shall be deposited with the Office of the City Treasurer daily, along with a listing of the corresponding serial numbers of permits; AND

SECTION 5. THAT all ordinances in conflict with the provisions of this ordinance are hereby repealed; AND

SECTION 6. THAT the penalty for violation of Section 2 of this ordinance shall be as stated in Sec. 13.63.1(i) of the Code of Takoma Park, Md., 1972, as amended; AND

SECTION 7. FURTHER THAT this ordinance shall become effective April 30, 1983.

1-21-83 OK

ORDINANCE NO. 2645

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

- SECTION 1. THAT on April 27, 1981, Ordinance No. 2563 was adopted by the Mayor and Council authorizing legal proceedings for condemnation of the building located at 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; 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. 2578 was adopted by the Mayor and Council, declaring the building located at 7511 Carroll 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, Leola S. Quarles, abate code violations 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) 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 Ordinance No. 2616, adopted June 14, 1982, authorized the solicitation of bids to demolish the building and appurtenances thereto and remove all debris, weeds and underbrush from the site, and to reseed or resod; AND
- SECTION 5. THAT bids were solicited from qualified contractors and advertised in two newspapers of local circulation, with the low bid of \$3,714.00 having been received from Jefferson & Bucheimer, Inc., Rockville, Maryland; AND
- SECTION 6. THEREFORE THAT the bid of Jefferson and Bucheimer, Inc., in the amount of THREE THOUSAND, SEVEN HUNDRED FOURTEEN DOLLARS (\$3,714.00) be accepted; AND
- SECTION 7. FURTHER THAT the Accounting Supervisor is hereby directed to assess the cost of demolition as authorized by this ordinance, and all other costs incident thereto, against Lot 36, Block 37, B. F. Gilbert Subdivision within the City of Takoma Park, presently identified as Tax Record a/d #1074472, Leola S. Quarles, and to collect such assessment in the same manner as City taxes are collected by authority of the City Charter.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND ON JANUARY 24, 1983.

Preliminary Draft

RESOLUTION NO. 1-1983

ORDINANCE NO. _____

CITY CHARTER AMENDMENT
 TO CHANGE THE TIME FOR THE NOMINATION AND ELECTION
 OF THE MAYOR AND COUNCIL OF TAKOMA PARK; CERTIFICATION
 OF THE REGISTERED VOTERS AND THE FIRST MEETING OF THE
 NEWLY ELECTED MAYOR AND COUNCIL

WHEREAS, the Mayor and Council, after deliberation, have concluded that it is in the best interest of the City to have the biennial City election held in the month of November in the odd numbered years in order to enable the Mayor and Council to give adequate consideration to the budget needs of the City for the next succeeding fiscal year; AND

WHEREAS, it is necessary to amend the City Charter so as to change the time for nominations, election, certification of voters, and first meeting of the newly elected Mayor and Council.

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

SECTION 1. THAT Sec. 1.3(a), Sec. 1.3(c), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(e) and Sec. 1.5(a) of the City Charter be amended as follows:

Sec. 1.3. Elections--Generally.

- (a) Every resident of ~~[[said]]~~ THE city whose name shall be certified to the mayor and council under the provisions of the next succeeding section of this charter shall be entitled to vote in THE municipal elections in ~~[[said]]~~ THE city, and no person shall vote in any such municipal election whose name shall not be so certified~~[[, provided, however, that this section and the next succeeding section shall not apply to special elections held under the provisions of this Charter]]~~. The residents of ~~[[said]]~~ THE city whose names shall be so certified are hereby designated as the "Voters" of the city, and by that designation are hereinafter referred to in this section and they shall on the ~~[[fourth Tuesday of March, 1966]]~~ FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER 1983, and each second year thereafter, elect as ~~[[councilmen]]~~ COUNCILMEMBERS seven persons and as mayor one person each of whom shall reside in the city and be a voter of the city and in the case of the ~~[[said councilmen]]~~ COUNCILMEMBERS, be residents of the areas from which they are so elected. The Mayor and the ~~[[councilmen]]~~ COUNCILMEMBERS so elected shall serve for two years, beginning with the ~~[[second Monday in April]]~~ THIRD MONDAY IN NOVEMBER ensuing after their election or until their successors are duly qualified.

(c) Beginning with the election to be held on the ~~[[fourth Tuesday in March, 1980]]~~ FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER, 1983, and every second year thereafter, the mayor shall be elected at large; one member of THE council shall be elected from each of the wards by voters of that ward only.

Sec. 1.4. Same--Lists of registered voters; certification by supervisors of elections.

(a) On the ~~[[first Monday in January 1982]]~~ THIRD MONDAY IN AUGUST, 1983, and each two years thereafter on the ~~[[first Monday in January]]~~ THIRD MONDAY IN AUGUST, prior to the city election, the boards of election supervisors for Montgomery and Prince George's Counties, respectively, shall certify to the mayor and council alphabetical lists of the names and addresses of the registered voters in the state and county elections within the 13th Election District of Montgomery County lying within the city, and within that portion of Prince George's County within the city.

[[--]] denotes deletions.
 CAPS denotes additions.

* See notes, page 2.

- (c) The respective boards of election supervisors shall, on or before the ~~[[first Monday in March]]~~ LAST MONDAY IN OCTOBER FALLING AT LEAST THREE WEEKS PRIOR TO THE ELECTION of each second year, beginning in ~~[[March 1982]]~~ OCTOBER 1983, certify to the mayor and council, revisions, if any, in the lists so certified theretofore by them.
- (3) ~~[[which may be required to correct clerical mistakes in the preparation of the original lists.]]~~

- (e) The right to vote in city elections under this Charter ~~[[, except special elections under section 1.7 of this Charter, and 199(G) of Article 17]]~~ shall depend entirely upon whether or not the name of the person claiming such right shall have been certified in accordance with the provisions of this section.
- (1)

Sec. 1.5. Meetings of the council; mayor's duties, etc.

(a) The council shall meet at some convenient place in said city on or before the ~~[[fourth Monday in April]]~~ SECOND MONDAY IN DECEMBER next succeeding their election, and as often thereafter as may be necessary to discharge the duties of their office; not less, however, than once in every month. A majority of the council shall constitute a quorum for the transaction of business, and the council shall pass rules and bylaws for their own government while in session; upon a tie vote the vote of the mayor shall be deciding. Any single action of the council relative to the borrowing of money or expenditures of \$10,000.00 or more, receiving less than four affirmative votes, shall be submitted to the mayor for his approval; if he does not approve, it shall not become effective until it does receive an affirmative vote of four councilmembers. In the absence of the mayor at any meeting, the councilmember designated in subsection (s) of Section 1.3 of this charter to act as mayor in case of the absence or disability of the mayor shall preside; if such councilmember is also absent, the council shall designate one of the councilmembers present to preside; a councilmember presiding in the absence of the mayor shall retain his vote as councilmember, but shall have no additional vote in case of a tie.

SECTION 2. THAT this charter amendment shall become effective on the fiftieth day after adoption.

- NOTES: (1) Secs. 1.3(a) and 1.4(e): These deletions refer to the provisions of 1.7(g), now repealed, which required that prior to creating a debt via issuing certificates of indebtedness, the question must have received the affirmative vote of at least three-fifths of the voters at a special election called for that purpose. (City Charter, 1953, notes, p. 15; Charter, 1965, Sec. 49-7(g); Ordinance 2133, 11/9/70)

The final draft of this proposal will include a new subsection to provide that special elections are to be conducted generally in accordance with the procedures and practices followed in regular city elections.

- (2) Since 1950, the election has been held on Tuesday following the last council meeting in March, with the outgoing and incoming bodies sharing the next regular meeting on the second Monday in April. In moving election day to the first Tuesday after the first Monday in November, there arises the question of when the incoming Mayor and Council should take office. The second Monday in November would be the most logical time; however, the charter provides in Sec. 1.3(s): "The Council shall within 10 days after each election determine all questions arising thereon." The second Monday in November falls short of the ten day period, and the fourth Monday is too far removed from election day. Thus, the third Monday in November is proposed.
- (3) The County Boards of Elections are offended by this characterization of their original lists.

FILED
1-21-83
d 1-21-83

PROPOSED ORDINANCE

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

- SECTION 1. THAT all vehicular traffic shall come to a complete stop on Jefferson Avenue at its intersection with Lincoln Avenue; AND
- SECTION 2. THAT the Public Works Director is hereby instructed to install a "Stop" sign at the appropriate location; AND
- SECTION 3. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 4. THAT the penalty for violation of this ordinance shall be as prescribed in Section 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.