

THE CITY OF TAKOMA PARK, MARYLAND

PUBLIC HEARING  
June 6, 1983

AGENDA

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

1. Public Hearing On Intent To Exceed Constant Yield Tax Rate

ADJOURNMENT



CITY OF TAKOMA PARK, MARYLAND  
PUBLIC HEARING ON INTENT TO EXCEED CONSTANT YIELD TAX RATE  
JUNE 6, 1983

The hearing convened at 7:40 p.m., in the Council Chamber, Municipal Building, 7500 Maple Avenue, Takoma Park, MD., with Mayor Abbott in the Chair. Present were Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings, and Williams; City Administrator Nichols, City Clerk Pusti and Corporation Counsel Gagliardo.

The Mayor explained this was a special meeting in order to comply with the State regulations regarding the constant yield tax rate for FY 83-84 and to announce the City's intention to exceed that rate. Mr. Nichols informed the Mayor and Council that an announcement was published in the Suburban Record in the Prince George's Post in accordance with State law.

The City Administrator stated the Constant Yield Tax Rate is a rate which will produce the same dollar figure in revenue which the tax rate from the prior year produced, excluding any new construction on new entries onto the tax rolls. The Takoma Park tax rate in FY-83 is \$1.55 for every \$100.00 assessed valuation. This would generate revenue of approximately \$837,000 and \$1,145,383 for Prince George's and Montgomery County, respectively, on the FY-82-83 taxable base. Mr. Nichols state that the Constant Yield Tax Rate is intended to indicate what tax rate would be necessary to provide the same amount of revenue. If the tax rate of \$1.55 raised \$100,000 in FY-83, with increased assessments, it would take a lower tax rate to provide the same \$100,000 in FY-84. In the Prince George's County section of Takoma Park, the Constant Yield Tax Rate to provide the same amount of revenue would be \$1.47 per \$100.00. In the Montgomery County section of the City, the rate required to produce the same level of revenue, dollar for dollar, would be \$1.40 per \$100.00.

The City Administrator also stated, as did Mayor Abbott, that the Public Hearing is being held as required by State law; that the City Government must indicate to citizens prior to adoption of the Budget, but no more than 14 days in advance of setting the tax rate of its intent to exceed the Constant Yield Tax Rate. The Tax Rate has not yet been set.

Mayor Abbott asked if the adoption of the Budget automatically carries with it the setting of the tax rate. Mr. Nichols said it did not - they are two separate acts. The Tax Rate adoption must be carried out by June 13, since there is not another Council meeting until June 27. The Mayor also asked how to reconcile \$1.47 in Prince George's and \$1.40 in Montgomery County based on the increase in assessments? The Montgomery County assessments have gone up at a greater pace than Prince George's County; therefore, it takes a lesser tax rate in the Montgomery County section. Mr. Nichols mentioned this is just a Public Hearing and no action is required. The City Administrator pointed out that the proposed Budget presented to the Mayor and Council had a recommended rate of \$1.50 per \$100.00, which is lower than the tax rate which is currently levied, but does exceed both Counties' constant yield rate. In response to Councilmember Garcia's query, Mr. Nichols pointed out if the law required that the City adopt a Budget based on constant yield rates, then it would mean that the City would have two separate tax rates, but it does not require that. Councilmember Faulkner indicated that Corporation Counsel has previously pointed out it was not legal to have two tax rates.

The City Administrator pointed out that there are some additional considerations which were presented in order to meet the settlement in the Firefighter's suit; one of the alternatives for paying off that debt is to have a rate of \$1.53 - this is not the only option.

Mayor Abbott stated that last Thursday Mayor John Roth had telephoned him and commended the City on the settlement of the suit.



2 PUBLIC HEARING  
JUNE 6, 1983

CITIZENS COMMENTS

Mr. Clayton Forshee - 722 Kennebec Ave: Stated this is a 7% increase in the tax rate. Realized that rate has got to increase from time to time. Budget indicated that over-all assessments increased about 10%. Indicated that his assessment increased 22%. Mr. Nichols said that according to law the rate cannot increase more than 15%.

Mr. Forshee said that his tax bill would be 21.5% higher. Councilmember Bradley stated the Mayor and City Administrator pulled together materials about tax appeals and tax credits citizens are eligible for; and that at a meeting the previous week, citizens had asked questions of State Delegates regarding the assessment review.

Mayor Abbott pointed out that City has no control over assessment. Last Year he was unable to get any of the State Delegates to introduce a resolution for a study commission to be set up by the Governor to consider means of controlling assessments. Citizens that attended the meeting last Thursday noted there was no support; legislation must be introduced so that assessments in Montgomery County and Prince George's County are brought within the realm of reality. Mayor Abbott pointed out that DC maintained and even lowered the rate and in Northern Virginia there was only a 3% increase. Montgomery County suburbs are being hit with big increases.

Mayor Abbott stated the City is going to exceed \$1.47 in Prince George's County and \$1.40 in Montgomery County.

THE MEETING ADJOURNED AT 8:05 P.M.



T H E C I T Y O F T A K O M A P A R K , M A R Y L A N D

Regular Meeting of the Mayor and Council

June 13, 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 MAY 23, 1983

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

PUBLIC HEARING ON A PROPOSED TREE ORDINANCE AND RESOLUTION ESTABLISHING A TREE COMMISSION

PUBLIC HEARING ON A PROPOSED CAPITAL IMPROVEMENTS PROGRAM, FISCAL YEAR 1983-84

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
  - (2) Council approval of Proposed Use of Federal Revenue Funds, FY-84  
Citizens' comments  
Council action
  - (3) Proposed ordinance adopting Fiscal Year 1983-84 City Budget  
Citizens' comments  
Council action
  - (4) Proposed ordinance setting City Tax Rate for Fiscal Year 1983-84  
Citizens' comments  
Council action
  - (5) Proposed ordinance approving City Pay Scale Plan for FY 1983-84  
Citizens' comments  
Council action
  - (6) Second reading of an ordinance authorizing short-term borrowing  
Citizens' comments  
Council action
  - (7) Second reading of an ordinance amending Chapter 13, City Code, by adding a new section to provide for speed hump installations  
Citizens' comments  
Council action
  - (8) Second reading of an ordinance amending Chapter 11, City Code, as it pertains to requirements for curb cuts and driveway aprons  
Citizens' comments  
Council action
  - (9) Proposed resolution establishing a Tree Commission  
Citizens' comments  
Council action
  - (10) First reading of a proposed tree ordinance  
Citizens' comments  
First reading

---OVER---



- (11) Appointments to committees:
- a. Traffic Committee
  - b. Takoma Old Town Advisory Committee
  - c. Public Education Advisory Committee
  - d. COG Child Care Advisory Committee

ADJOURNMENT



CITY OF TAKOMA PARK, MARYLAND  
REGULAR MEETING OF THE MAYOR AND COUNCIL  
JUNE 13, 1983

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Nichols
Councilmember Bradley	Assistant City Administrator Schnuer
Councilmember D'Ovidio	City Clerk Pusti
Councilmember Eckert	Public Works Director Robbins
Councilmember Faulkner	Acting Police Chief Gowin
Councilmember Garcia	Sgt. Holford
Councilmember Iddings	Recreation Director Ziegler
Councilmember Williams	Corporation Counsel Gagliardo

The Mayor and City Council of Takoma Park, Maryland, met on June 13, 1983, at 8:15 p.m., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Councilmember Iddings made the following corrections in the May 23, 1983 minutes: page 2, line 7 should read "...there was a quorum of four". Councilmember Garcia noted on page 2, second paragraph, 16th line, should read "tree" planting; page 6, second paragraph last line, should read "Library Department." A motion was made and duly seconded to approve the minutes of May 23, 1983 as corrected; the motion passed with Councilmember Garcia abstaining because of absence.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott informed the Council of a phone call he had received from former Mayor Roth to extend congratulations to the Mayor and Council for the solution of the firefighters liability case. Mayor Roth stated he had given the deposition and was informed as to what transpired and stated it would have been a gamble for the City to go to court with stakes up to \$350,000, instead of settling for \$100,000. Mayor Roth regretted that he had not had foresight equal to hindsight; that, if such had been the case, he would have proposed such a settlement.

Councilmember Faulkner informed the Mayor and Council of a letter received at his home from WSSC regarding an examination being performed of the existing sewer system along Sligo Creek Parkway from Piney Branch Road south through the City to Chillum. This would require work at night beginning June 15 and ending June 17. The purpose is to identify the structural condition of the existing pipeline, and every effort will be made to keep noise to a minimum.

Councilmember Williams noted in the Montgomery Journal, June 2, 1983, an article was published regarding the former manager of Parkview Towers pleading guilty to attempted theft. This represented the end result of a situation which began in 1980 in which Mr. Williams was under fire from the press and citizens of Takoma Park during 1982. The article states a former manager of Parkview Towers bilked the County's public housing agency and low-income tenants out of extra rent money. The conviction occurred May 31, 1983. Councilmember Williams spent months on the case, collecting evidence and convincing people to speak with the States Attorney's Office. The States Attorney's office had



advised Mr. Williams not to comment on the case during the investigation; thus he could not respond to questions put to him by the Mayor and Council and citizens during that period. Mayor Abbott commended Councilmember Williams for his diligent and civic-minded work on the case, noting Councilmember Williams had been a victim of innuendoes. Mayor Abbott informed Council that there would have been no conviction in that case if it were not for Councilmember Williams' hard work.

Councilmember Faulkner moved to approve the minutes of the Public Hearing on the Constant Yield Tax Rate; seconded by Councilmember Faulkner and passed unanimously.

PUBLIC HEARING ON A PROPOSED TREE ORDINANCE AND RESOLUTION  
ESTABLISHING A TREE COMMISSION

Councilmember Bradley informed citizens that this first public hearing and first reading on the Tree Ordinance. Stated this is the outgrowth of what has been heard by citizens of Takoma Park in terms of being attracted to the City by its beautiful trees; wanting to preserve and maintain the trees, and to develop a policy to replace and improve the trees in the Community. Many citizens spoke about trees in the previous years and, as a result, a Tree Committee was formed and is chaired by Mr. Mike Haney. Councilmember Bradley noted there are many views regarding the tree ordinance and some of the provisions. Councilmember Bradley expressed her support of the ordinance as part of a larger tree policy where trees would be preserved and citizens educated on the importance of preserving trees much like historic structures.

Mike Haney - 7806 Lockney Ave: Supported Councilmember Bradley's earlier statements regarding the trees' importance to the heritage in Takoma Park. Mr. Haney noted two important points: 1) between 1970 and 1980, the State of Maryland lost 13% of its forested areas due primarily to development within the State; 2) in Takoma Park trees are special and the City has one of the last remaining stands of the Eastern Hardwood Forest. Mr. Haney encouraged the Council to consider the ordinance favorably. Mayor Abbott questioned Mr. Haney as to similar legislation in other cities. Mr. Haney stated that the Committee obtained ordinances from Falls Church, Virginia, which was passed on March 28; Carmel, California, and one from Wisconsin. Stated the ordinance from Falls Church was used as a model because of favorable comments received. Mr. Haney spoke of citizens' concerns regarding the ordinance - that it was an infringement on personal and property rights. Stated the Tree Committee took personal property rights into consideration, and some of the revisions reflect that concern. Councilmember Garcia queried as to what major changes had been made from the draft. Mr. Haney said that the circumference of the trees was the major change; is now 33". Another change was to make it easier for maintenance of the trees and acceptable forestry management; citizens may prune up to 25% of the trees -- not beyond that. Another section having to do with notifying neighbors by registered mail of a permit issuance was dropped from the original draft. The Committee felt this was a burdensome task. Mr. Haney noted that in the June Newsletter, an article was published pertaining to the tree survey and also discussed the survey to find the largest tree in Takoma Park. Mr. Haney informed Council that calls have been received regarding this and the Committee will soon go out and measure the trees called to the Committee's attention. In August or September this information will be published in the Newsletter.

Evelyne Ferry - 24 Hickory Ave: Stated she has lived in the City for 62 years - has nine big trees in her yard. Stated trees in Takoma Park are one of the most valuable assets and citizens must preserve trees on their properties. Stated trees are part of the City's heritage. Noted the ordinance for diseased and dying trees should be enforced for health and safety of citizens. Mrs. Ferry favored protection, but said she opposed the "big brother" concept.

Jim Holland - 19 Pine Ave: Stated support for the resolution, and the formation of a committee to educate citizens and preserve trees, but opposed the ordinance because it infringes on personal and property rights of citizens. Questioned whether there is really a problem necessitating this ordinance. Said the



ordinance apparently addressed specifically the Washington Adventist Hospital's cutting of trees. Felt there was no problem in the City of taking down trees that are healthy. Councilmember Bradley stated that during the Public Hearing citizens will be stating instances in the City where healthy trees have been cut down. The work on the ordinance and the efforts surrounding it started long before the dispute with the Hospital over their trees. Mr. Holland stated that in Takoma Park more people spend money to preserve trees than they do to destroy them. Councilmember Bradley stated that in Ward 5 there are substantial numbers of trees being cut down for firewood. She said this ordinance parallels zoning and historic preservation issues where City puts more severe restrictions on what can be developed and how a building can be changed in a Historic zone than on trees that are older - one cannot rebuild a tree like a Historic landmark. Mr. Holland stated that even with the ordinance the City will not get good results. Questioned the legal aspects of the ordinance. Mayor Abbott informed the Council that on Holly Avenue a backyard of trees was cleared for a garden for about two years and then gutted out.

Paul Deustachio - 6611 Allegheny Ave: Stated his support for the ordinance, saying that he lives in Takoma Park because of beautiful surroundings, and quality of life not available in suburbs. Infringing on property rights is a serious problem that is faced every day. Stated negative developments affect quality of life and the Community has the duty to police those actions of citizens that affect quality of life in a community - trees are an integral part of a community and it is necessary to preserve them in a simple and non-bureaucratic way. Stated that the ordinance is not oppressive and will do the job of preserving the heritage of the City while allowing for reasonable development.

Ed McMahon - 7311 Wildwood Drive: Stated his support for ordinance, but noted that this is an issue where there are various points of view. In any law passed, there should be a balance of interests involved. There are many laws on the books that do infringe on personal and property rights of citizens, such as zoning codes, construction codes, electrical codes, nuisance laws, etc. Trees affect not just one person's property, they can increase or decrease property value in the City. Developers can sell houses faster with trees in the yard. Trees cut energy costs, keep houses cooler in summer, cut down air pollution, provide a habitat for wild life, screen harsh development and, most important, trees give a community visual character and identify. Citizens live in Takoma Park because it is unique. Stated support for planting more trees in the City. Mr. McMahon also stated the 33" requirement is too big, would like to see trees of a smaller stature protected. Urged adoption of the ordinance.

Jennifer Saloma - 7124 Maple Ave: Stated her support for the resolution and opposition to the ordinance; if ordinance is passed, then energy that could be directed toward a worthy goal of a master plan and public education would be used in an overly-restrictive policing program.

Arthur Karpas - 6916 Westmoreland Ave: Said he greatly enjoys the neighborhood trees; that the ordinance should have been in effect long ago. Urged support and passage of the ordinance.

John Hemphill - 8112 Flower Ave: Stated his support for the ordinance. He noted that various points of view as to private property rights had been expressed, but that the ordinance is for public benefit - aiming at the irresponsible citizens of the City. Noted that responsible citizens who spend large sums of money protecting trees would not object to a \$10.00 permit.

Drake Cutini - 8022 Maple Ave: Stated his support for the ordinance, saying that in Ward 5, citizens have cut down a great many trees on residential lots - it has harmed the neighborhood. Stated not everyone takes care of their trees. The ordinance is similar to the zoning ordinance preventing people from doing things that have an adverse impact on the City. Stated that he would



support a more stringent ordinance that prevents citizens from cutting down smaller trees; that the benefits outweigh the burden the ordinance puts on citizens.

Susan Gray - 7012 Carroll Ave, Apt. 1: Stated support for the resolution and ordinance. Citizens who live in Takoma Park who are renters have no control over trees. That is an important factor to consider. Trees make a big difference in a neighborhood. Very hot days are oppressive when there is no shade.

Ellen Roach - 7224 Minter Ave: Expressed support for the ordinance, saying she would have favored a smaller circumference. Laws are made to be enforced for the benefit of all citizens. The purpose of the ordinance is for prevention of acts by irresponsible citizens in the City; the law will not prevent responsible development. Mayor Abbott asked Councilmember Bradley to comment on the exceptions and criteria and the appeals process. Councilmember Bradley stated that the ordinance outlines the criteria that Public Works and others involved in the decision-making process must follow in determining whether a permit will be approved. One decision is the question of development; whether the tree is injured or diseased, whether the tree interferes with utility service, or creates an unsafe condition, desirability of the tree species, and impact of the removal of a tree on environment, drainage, etc. The attempt of the ordinance is to be reasonable and to balance the public interest vs. private property rights. Expressed the opinion that citizens who are responsible and want to work to save trees and make a healthy forest in the City can deal with the ordinance. She stated that the resolution regarding the tree commission has far more consensus; it speaks to the importance of education, as well as developing a policy and strategy for replacing trees. Trees are getting older and need to be replaced.

Mayor Abbott informed the Council and citizens that the second reading and further discussion on this subject will be scheduled for June 27, 1983. Further discussion was held as to the numbers and dimensions of trees that have been cut.

Ellery Denison - 7207 13th Place: Stated his support of the resolution, and opposition to the ordinance. It is another measure restricting citizens' rights on private property. He disagreed with the zoning analogy. Council should persuade citizens to preserve trees and dispense with the ordinance.

Bruce Moyer - 37 Philadelphia Ave: Stated support for the ordinance. Believes it handles the balance between the interests of a private nature as opposed to one of a public nature. Regards the quality of life in a neighborhood as being equal to its beauty and character. In response to Mr. Moyer's question, the Public Works Director stated that Sec. 12-29(a) referred to abating other violations covered by Chapter 12. Councilmember Garcia raised a question as to possible legal liability incurred by an "attractive nuisance" which causes injury to neighbor. Mr. Robbins stated that permits will be issued for trees that are liabilities to citizens and causing injuries. If an individual is denied a tree permit, an appeal can be made to the Commission. Corporation Counsel, in answer to the question of liability, stated that Corporation Counsel and Public Works will coordinate on this issue. Mr. Gagliardo further stated that the "doctrine of attractive nuisance" does not apply to trees. The City should not incur liability because it has a law regulating when and where a tree can be cut down. The existing Public Works ordinances already provide for the removal of a tree that is dangerous because the wood is dead, or because it might fall.

Bruce Weber - 101 Park Ave: Stated his support of the ordinance. There are a number of areas zoned for multi-family dwellings, some of which are in bad shape; developers could come in and level ground. The ordinance would prevent this from happening, and the trees would be retained.

(1) First Reading of a Proposed ordinance establishing a Tree Commission:



Councilmember Iddings moved that the proposed resolution be reworded "now therefore be it ordained by the Mayor and Council", instead of "resolved." Councilmember Bradley seconded the motion; the motion passed unanimously. The proposed resolution was accepted for first reading as an ordinance.

Councilmember Eckert asked about the procedure for appointing the elected officials to the Commission. Mayor Abbott stated that, according to the Charter, the Mayor appoints the members, but if anyone volunteers, it is fine.

PROPOSED ORDINANCE  
(Attached)

(2) First reading of a proposed tree ordinance: Councilmember Faulkner questioned the meaning of the word "may" in Sec. 12-28(c) of the ordinance. Corporation Counsel stated discretion can be exercised by the appropriate party as to whether or not to bring action, and whether the law has been violated. Councilmember Iddings noted that the figure of 33" circumference is a substantial tree - many trees do not get this big but also should be preserved. Asked the Tree Committee to investigate the dimension and make a report back to the Council for a more reasonable limitation on the size of the tree. Councilmember D'Ovidio requested more information on circumference as related to age which was addressed by Councilmember Garcia earlier in the meeting.

Mike Haney: Stated the ordinance was directed toward protecting the urban forest. This is defined as trees of a larger size that provide a shade canopy over the neighborhood. Stated that if it is the wish of the Council, the Committee can at a later time, address the dogwood trees and other ornamental varieties of a smaller size. The ordinance was accepted for first reading. Mayor Abbott again stated that further discussion would be held on June 27.

PROPOSED ORDINANCE  
(Attached)

PUBLIC HEARING ON A PROPOSED CAPITAL IMPROVEMENTS PROGRAM, FY 83-84:

The City Administrator stated the lists of projects enumerated in the Budget included those Councilmembers and others have suggested to be considered for funding. The Budget brought before the Mayor and Council includes authorization for an amount to be expended for capital improvements projects, but not the adoption of the specific projects. The proposed budget has a total of \$90,000 for capital improvement programs - \$40,000 of this money will come from the General Fund as prescribed in the Charter for a Capital Improvements Reserve (1% of new revenues) and \$50,000 funding from Community Development Block Grant allocation for public improvements which the City has available in FY- 84.

Charlie Branch - 7520 Piney Branch Road: Stated need for sidewalks between 7500 and 7522 on Piney Branch Road. The City Administrator noted the cost for installing these sidewalks on Piney Branch Road between 7500 and 7522 would be \$3,600.00. Mayor Abbott stated another recommendation of Councilmember D'Ovidio - installation of curbing along Alfred Drive to help with water drainage problems.

Charles Ambush - 7509 Alfred Drive: Noted drainage problem because asphalt curbing which has not been maintained in previous years. Automobiles run on the lawns in snow and rain and lawns become gullies. Desire 6-8" asphalt curbing on Alfred Drive. Public Works Director stated Alfred Drive lies in two jurisdictions. The portion in Takoma Park district has concrete curbing over 75% (exposed curb base) above the asphalt. There is no concrete curbing from Boston Avenue to Ray Drive in the Montgomery County portion.

Paul Deustachio: Testified in favor of Councilmember Eckert's proposed improvement of First Avenue off Allegheny Avenue. Stated City should concentrate on surfacing unimproved streets before repaving other streets for the second or third time. First Avenue is a swamp after a rainstorm. It has no paving, no curbs and mud rolls down the street. Having a curb on each



side of the street would alleviate the eyesore and ease the parking situation. Strongly suggested the Mayor and Council fund this project.

Cicero Satterfield - 6801 Allegheny Ave: Endorsed the recommendation for paving First Avenue; also Allegheny Avenue down to the park, making it more accessible for the children of the City.

Drake Cutini: Stated support for Councilmember Bradley's recommendation for street lights, garbage cans on Flower Avenue, and sidewalks on Wabash and Houston Avenues. A massive sidewalk project in this Ward (5) is needed.

John Hemphill: Stated that because of constant resurfacing in the City, traffic speed has increased; suggested considering other safety items such as lights.

Tom Guins - 1200 Kingwood Drive: As a member of CDBG Citizen's Committee, stated that consideration had been given to a great number of proposals from representatives of all neighborhoods and that the addition of new projects has the effect of undermining the Committee's work. As a former member of the Committee, Councilmember D'Ovidio agreed. Councilmember Faulkner inquired about an independent study of the streets, gutters and curbs that was authorized some months ago, asking if the CDBG Committee recommendations and others proposed were consistent with the conclusions of the study. Councilmember Bradley stated that the need for the projects she had recommended had been documented in that report. She also addressed the rationale for other requests made for Ward 5, noting that although it had been designated as a Neighborhood Strategy Area, no money was being considered for the coming year. She spoke of the need for lobbying for more CDBG money. Councilmember Eckert commented on the proposal for First Avenue, saying that it was not intended to circumvent the Committee, but that it had never been reviewed by the CDBG Committee, probably because the Allegheny Avenue area is unrepresented. Reiterated a statement made by Councilmember Bradley that Council should look at needs before making allocations, rather than procedural violations. Mr. Richard Schnuer, Assistant City Administrator, stated that traditionally specific projects are approved by the Mayor and Council for submission to the County Citizens' Advisory Committee. However, the street survey was in progress at the time recommendations are normally made. For that reason, the City requested only funds from the County with specific project recommendations to be made at a later date. \$100,000 was requested for City-wide street improvements and \$50,000 for "Between the Creeks" street improvements. The Montgomery County CDBG and the County Executive approved only \$50,000 for City-wide improvements. He indicated that the recommendations of the CDBG Committee were consistent with the engineering study. The Assistant Administrator noted that the deadline for these decisions should be within the next month. As soon as the decision is made, a contract will be written specifying the projects recommended. The City Administrator further noted that a worksession on this subject will take place on July 5, 1983; if a consensus is reached, action will take place at the following Council Meeting authorizing projects to go forward.

Ellery Denison: Speaking in behalf of the CDBG Citizens Advisory Committee, stated that it has kept up active consideration of many requests of citizens' associations. In general, the Committee has made many very firm, reasonable, fair judgments, trying to spread the money around as far as possible. Opposed late suggestions that upsets the work done over many months; greater consideration should be given to the Committee's efforts. Councilmember Iddings agreed with Mr. Denison and Mr. Guins, the CDBG Committee has met and spent a great deal of time going over this, and if recommendations are over-turned, it must be done advisedly. Stated that this process really points up the need for developing a different type of instrument for dealing with capital improvements for City streets and sidewalks. Councilmember Iddings suggested that the City Administrator be directed, as part of his long-term agenda, to begin a discussion and development of long-term Capital Improvements projects program budget in order to fund projects in a more reasonable way. Councilmember Bradley noted that the money must be spent in a certain amount of time or else it is lost. Further stated that the City



should look for other sources of funding for sidewalks, curbs, etc. Councilmember Faulkner suggested that the City Administrator prioritize the projects recommended.

The City Administrator concurred with the comments regarding a reasonable process for looking at capital improvements. The street survey was the beginning of that process. The next step would be to look for long-range priority and funding. The basic steps which are required are looking and deciding how much funding is necessary to bring curbs, etc., up to par. Mr. Nichols stated that \$170,000 a year would be necessary to keep a steady cycle of work going. Mayor Abbott said that this subject will be taken up on July 5 in a worksession; urged citizen participation.

ADDITIONAL AGENDA ITEMS

1. Agreement between Mayor and Council and the State Prosecutor regarding Newsletter (Mayor Abbott)
2. Langley Park Boys and Girls Club request for permission to hold a 13-day carnival, requiring Code amendment to accomodate. (Mayor Abbott). Councilmember Faulkner objected to this item being put on June 13 agenda; moved that it be put on next Council Meeting agenda; Councilmember Garcia seconded; the motion failed by a 4:3 vote.

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

Joan Weber - 101 Park Ave: Requested help regarding #1 Columbia Avenue, 8which has been leased to the developers of a co-op cafe and restaurant. She and others circulated letters expressing concern to 25 area residents surrounding the #1 Columbia building, and received almost universal support. They are concerned about commercial development in a residential community, and are asking for rezoning from commercial back to residential status. They are not against the co-op, but opposed to the site; would welcome it in Takoma Old Town. Two persons who did not sign stated concern that if there are not adequate resources to develop the property, it will remain unkempt as it is now. Stated concern because public money is being made available through CDBG. Further stated that the Co-op has not publicized the address of the restaurant and they have obtained a three-year lease with an option to buy. Questioned as to where would money go in three years if renters cannot afford to buy the property. Mayor Abbott asked the City Administrator if there is CDBG money allocated; the Administrator stated that he did not know, but understood that no decision had been made concerning funds. It could be considered under the County Jobs Bill or other types of funding. Mrs. Weber further stated they had at that time no objection to public monies being used, but were opposed to the site selected. Further objected to the City Newsletter providing a forum for the co-op's door-to-door collection of start-up funds. Mrs. Weber reiterated that the circulated letter is asking for the City to use its power to strictly enforce whatever regulations there are governing its use as commercial property and as a restaurant. Asked that the City, on behalf of citizens, request the County to equally enforce their regulations; also traffic and parking regulations. Mayor Abbott noted that three months ago the City approved restrictive parking on Westmoreland and Walnut Avenue; at that time residents of Pine Avenue had the option to be included - but no request was made. Mrs. Weber requested that the concerns expressed be placed on the next Council Meeting agenda. She also asked for help in going to the County to request rezoning of the property and assistance from the City Attorney in pursuit of this goal, as well as pushing for an early review of the Sector Plan for the Metro area. Mayor Abbott suggested that residents go directly to Park and Planning who has jurisdiction on zoning matters. Mrs. Weber expressed hope that the City will be supportive of the residents regarding this subject.

Arthur Karpas - 6916 Westmoreland Ave: Speaking for the Westmoreland Community Organization, stated they have had numerous meetings with Mr. Elrich, who is prime mover of the co-op efforts. WACO is very supportive of his effort for the cafe. Further stated Mr. Elrich is one of the most community-minded residents of Takoma Park. Suggested a meeting between interested



citizens and Mr. Elrich. The City Administrator further noted that he has spoken with Mr. Prario, the President of B.F. Gilbert's Association, who asked about the terms of the transit impact review, as well as the planned cafe. Mr. Elrich contacted Mr. Prario, and plans to attend the next Association meeting. Mr. Tom Robertson, Park and Planning, is to visit Mr. Nichols regarding a review of the metro area zoning.

Jennifer Saloma - 7124 Maple Ave: Urged official and public recognition to the courageous act of Sanitation Supervisor, Kenny Jones, on Friday, June 3. When the brakes failed on a trash truck on Piney Branch Road, Mr. Jones risked his life and jumped into the truck to stop it and protect those in its path. The truck overturned on him and he was trapped for two hours. Fortunately, he was not killed or injured. It is important for the City as a community, and for the officials to commend Mr. Jones and to let him know in an official public way that the City is proud to have him as a City employee and as a fellow citizen. Urged a cash award and advertisement of the time and date this would take place for citizens' participation and newspaper coverage. Councilmember Bradley stated that at the Council pre-session, the Mayor and Council discussed making a "Kenny Jones Day" in Takoma Park.

Bruce Moyer: Called Council attention to legislation affecting Cable TV that is now before the Senate. The Senate will be taking a vote on SB 66 within the next 48 to 72 hours. The legislation is important and Council should take a position to oppose it because it contains provisions which critically impact on the powers of local government to regulate communications media that is of a local nature. The Bill uses federal power to restrict local governments. Councilmember Bradley stated that the Citizens' Cable TV Committee has discussed this Bill; their consensus was unanimous that a negative approach should be used. Following a lengthy discussion, Councilmember Iddings moved that Council go on record in opposition to Senate Bill 66; that this be communicated to the appropriate Senators; Councilmember Bradley seconded the motion; motion passed unanimously.

Susan Gray: commented on the restaurant site at #1 Columbia, saying it is in a commercial area, zoned for commercial use for years, and has been vacant for years. For the City to oppose the food co-op would be a mistake, City has supported it all along and it should be advertised in the Newsletter. Hoped that by appointing a Takoma Park Old Town Advisory Committee, the parking problems and other problems that may arise will be solved. The property is in Takoma Old Town and the City needs something to bring the traffic into the area and that is what a restaurant would do. Suggested putting meters on the streets to control the traffic for the restaurant.

Mike Messenger - 7411 Flower Ave: As Chairman of the Ad Hoc City Committee on the J.Enos Ray School utilization, made the following report: The Committee has had several meetings and a preliminary decision has been made regarding the economic situation. The requirement of the County is that the City, if utilization is desired, has to take over the current County indebtedness of approximately \$298,000. There is extensive water damage in the new wing and continuing deterioration requiring about \$200,000 in repair work. It is not economically feasible for the City at this time. The Committee is still exploring other possible financing alternatives. Councilmember Garcia asked if City can make a deal for the open land. Mr. Messenger stated that at this time it must be accepted as one piece of property.

Tom Guins - 1200 Kingswood Ave: Representing the Takoma Park Independence Day Committee, expressed concerns over the illustration which accompanied an article in the Newsletter. The Committee has been working hard to interest citizens in the community in participating in the parade. Stated the Newsletter article implied that the Committee would reject citizens when, in fact, it has never rejected anyone. Such inquiries have come from citizens. As a result, the Committee feels somewhat harmed by the drawing. Mayor Abbott stated illustrations in Newsletter are intended to be humorous, and was a form of



promotion. Councilmember Iddings suggested Mr. Guins write a letter to the Editor prior to the 4th of July parade stating the policy.

Rino Aldrihetti - 7213 Central Ave: Stated his association authorized a contribution to the 4th of July Committee which will be made. Thought the illustration in the Newsletter was humorous.

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

3. Communications: The Mayor and Council will hear a COLTA appeal, No. TP 144, on June 27. This is a case where a party had been ordered to return a security deposit to a tenant, plus interest. The landlord appealed this action. Nancy Schallhorn, of Takoma Park Community Chorus, invited Mayor and Council and interested citizens to attend a concert on June 17 at 8:00 p.m., in the Municipal Building, 2nd Floor. This is the Chorus' contribution to the Takoma Park Centennial.

Mr. Nichols reported on query made by the Mayor and Council (on behalf of Mr. Phil Vogel) to WSSC inquiring of them as to why the Citizen's Committee of the Sligo Creek Relief Sewer Project not been met, and what their plans were. In response to the letter, a representative of WSSC contacted the City's Committee representative, Mr. James DiLuigi, who then contacted the City Administrator and provided the following information: An analysis of the existing sewer condition had been prepared by WSSC Staff. The Committee felt the report was not substantiated and that all of the alternatives in the improvement of the system had not been adequately considered. The Committee then generated a report with questions that had been submitted to WSSC. Since that time WSSC had been working on responses to those questions. Mr. DiLuigi advised the Administrator that WSSC had notified him they have completed their response, and were transmitting it to the Committee on June 3. The Committee will have two weeks to meet and review the responses to the questions. Mr. DiLuigi will continue to keep the Mayor and Council abreast of the Committee's progress.

The City Administrator stated that at the request of Mr. Phil Vogel, the Zoning Hearing Examiner of Prince George's County was asked to reschedule the hearing on Special Exception application No. 3447, 7403 Garland Avenue, in the Fall. That request was granted and it is scheduled to be heard on November 2, 1983 at 1:00 p.m., in Upper Marlboro.

Mr. Nichols pointed out that the Mayor and Council would not convene in Worksession on the following Monday. The next Meeting of Mayor and Council will be held on June 27, a public meeting. During the month of August, the Mayor and Council will hold two meetings: A worksession on August 1, and a regular meeting on August 8. They will be in recess until September 5, 1983, when they will meet in worksession.

(4) Council approval of Proposed Use of Federal Revenue Funds, FY 84:  
The City Administrator noted that Federal Revenue funds available totals \$105,921. Mr. Iddings moved to adopt the revised schedule of use of FY- 84 Revenue Sharing Funds; Councilmember Bradley seconded the motion and requested that any discretionary funds be used in the Ward 5 neighborhood as part of strategy area. Following further discussion the motion passed unanimously. (copy of Proposed Use Schedule attached.)

(5) Ordinance adopting Fiscal Year 1983-84 City Budget:  
The City Administrator pointed out a few errors in the Capital Improvements Project, and stated the individual Capital Improvements Projects are not a part of the Budget; they have been taken out and are scheduled for later approval; that Council would only approve the total allocation of money within the budget document. Councilmember D'Ovidio read the proposed ordinance adopting the FY 83-84 Budget. Councilmember Bradley moved to adopt the Ordinance; Councilmember Iddings seconded the motion; and Ordinance No. 2667 was adopted by roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio,



Eckert, Faulkner, Garcia, Iddings, Williams; Nay: None. Abstained: None. Councilmember Iddings stated that the Budget makes substantial revisions in the organization of the Police Department work force which will benefit both citizens and members of the Department. He commended Acting Chief Gowin for his efforts in that connection.

ORDINANCE NO.2667  
(ATTACHED)

(6) Ordinance setting City Tax Rate for FY 83-84:  
Councilmember Bradley moved to adopt the proposed ordinance setting the City Tax Rate for FY 83-84 at \$1.50. The Ordinance was duly seconded and adopted by roll call vote, recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings, Williams. Nay: None. Abstained: None.

ORDINANCE NO. 2668  
(ATTACHED)

(7) Ordinance approving City Pay Scale Plan for FY 83-84:  
Administrator said that the ordinance authorizes an across-the-board cost of living increase in all grades and salaries of 4%. No grade step increases have been made. A position and salary classification study will be done to review the total salary pay plan for the City by looking at the positions available and at comparable grade and salaries for similar positions in other jurisdictions in the area as well as in the private sector. The matter of evaluations, of merit increases, promotions, etc., are also scheduled for review. The recommendations emanating from the study will be brought to the Mayor and Council. A motion to adopt the pay plan ordinance was made by Councilmember D'Ovidio and seconded by Councilmember Iddings.

Jill Wettrich: Stated concern regarding fringe benefits for City employees not being included in the Budget. It was pointed out that these items have been included in the Departmental Budget. There followed a lengthy dialogue on specific matters to be addressed in the personnel study. Ordinance No. 2669 was adopted by roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings, Williams; Nay: None; Abstentions: None. The Mayor and members of the Council commended the City Administrator and his staff for the excellent job done on the Budget.

ORDINANCE NO. 2669  
(ATTACHED)

(8) Second Reading of an ordinance authorizing short-term borrowing:  
The City Administrator explained that borrowing is necessary because all revenues due have not been received, but expenditures are continuing. Councilmember Garcia moved to adopt ordinance authorizing short-term borrowing; Councilmember Faulkner seconded the motion. The Ordinance was adopted by roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings, Williams; Nay: None; Absentions: None.

ORDINANCE NO. 2670  
(ATTACHED)

(9) Second reading of an ordinance amending Chapter 13, City Code, by adding a new section to provide for speed hump installations:  
Mr. Iddings moved for adoption of the ordinance amending Chapter 13, City Code, to include definition of speed hump installations and give authorization to Public Works to install humps at Council's direction. Councilmember Faulkner seconded the motion. Mayor Abbott noted the favorable comments from residents on Willow Avenue regarding speed hump, but pointed out possible problems in severe snow storms going up the hill. Councilmember Eckert questioned Mr. Robbins as to problem with plows in snow. Mr. Robbins stated the only anticipated problem will be coming off hump with the snow plow blade. Councilmember Iddings stated present humps a little higher than ordinance called for. Noted a few complaints from residents. Mr. Robbins spoke of a change in the construction of humps and the possibility of modification to



achieve better results. Councilmember Iddings further stated that there will be an ordinance presented on June 27 Council Meeting for five streets - Maple Avenue, Cedar Avenue, Westmoreland Avenue, Anne Street, Walnut Avenue, with Mississippi Avenue to be added. The Ordinance amending Chapter 13 was adopted by roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings; Williams, Nay: None; Abstentions: None.

ORDINANCE NO.2671  
(Attached)

(10) Second reading of an ordinance amending Chapter 11, City Code, as it pertains to requirements for curb cuts and driveway aprons:

Councilmember D'Ovidio moved adoption of ordinance; Councilmember Eckert seconded the motion. Mr. Robbins described the procedural changes provided by the Ordinance. The Ordinance was adopted by roll call vote recorded as follows: Aye: Councilmembers Bradley, Eckert, D'Ovidio, Faulkner, Garcia Iddings, Williams; Nay: None; Abstentions: None.

ORDINANCE NO.2672  
(Attached)

(11) Cease and Desist Agreement Resolution:

Councilmember D'Ovidio moved the resolution, and the motion was seconded by Councilmember Bradley. Councilmember Eckert stated his dissatisfaction with the document the resolution makes reference to, saying he had reservations as to the personal liability and other ramifications of the agreement; that the matter needs more coverage than it is getting. Council was informed that there were negotiations between Corporation Counsel and State Prosecutor. There was no appraisal of the exact nature of the negotiations until the Council was presented with a final agreement that had been worked out between Corporation Counsel and State Prosecutor at a pre-Council worksession; that he understood it would be taken up at a latter meeting and would include a hearing. He further stated that the original document was not seen, and that he would have liked more time to receive answers to questions he had and possibly consult his own attorney. Councilmember Faulkner said he generally supported Councilmember Eckert's statements; Councilmember Garcia stated he was out of City at that time. Councilmember Bradley supported the resolution, saying she viewed it as a public statement that the agreement was signed. Councilmember Iddings also stated support for the resolution. Stated that Councilmember Eckert's position avoids the issue; that the resoluion binds, via action of the Council, the City --not individuals --to a certain course of action. Mayor Abbott stated it was an understanding that any future political endorsements would receive an even-handed approach. He requested a roll call vote so the City Clerk could attest to it. The votes were recorded as follows: Aye: Mayor Abbott, Councilmembers Bradley, D'Ovidio, Iddings, Williams; Nay: Councilmembers Eckert, Faulkner; Abstained: Councilmember Garcia; motion passed.

RESOLUTION  
(Attached)

(12) Proposed Ordinance Amending Sec. 8-19(b) of the City Code  
Oliver Jones - Executive Director, Langley Park Girls and Boys Club

Stated the club is a non-profit organization, depending on fund-raisers and hoped that Mayor and Council would support its activities. Mayor Abbott stated the City Code would preclude holding a planned carnival for the club because of time limitations on such permits. He moved that Council accept for first reading an amendment to subsection (b) of Sec. 8-19, City Code, to reflect a 14-day provision instead of 10 days. With no objections being made, the proposed ordinance was accepted for first reading.

PROPOSED ORDINANCE  
(Attached)

(13) Appointments to Committees:

Councilmember Iddings moved the appointment of the following persons to sit on the Traffic Committee: Ward 7 - Phil Vogel, Charlotte Chapman; Ward 2 - Jonathan Weiss; Ward 1 - Ruth Abbott. Stated that Derek Krieger has resigned



to serve on other Committees. Councilmember Eckert seconded the motion; motion passed unanimously.

Mayor Abbott said the Child Care Advisory Committee for Council of Governments has a slot open and Mrs. Melda Henry of Takoma Park has been recommended for the position. A motion to accept that recommendation was made by Councilmember Faulkner, seconded by Councilmember Eckert, and passed unanimously.

Mayor Abbott appointed the following persons to the Citizens Committee on Educational Affairs: George Wright, Carolyn Bassing, Eugene and Esther Herman, Stanley Parris, Arthur Karpas, Bill Brailey, Leroy Brown, Faith and Kenneth Kusterer, Jay Levy, Carolyn and Charles Horowitz, Mary Duru, Larry Robinson, Josephine and Dean Hoge, Nancy Perry, Cicero Satterfield, Lamont Wyche, Ingrid Abeguz-Hassen, and the President of the Takoma Park Junior High School PTA, Janice Taylor; Mayor Abbott and Councilmembers Bradley and Iddings. Council approved the appointments unanimously.

Upon proper motion, meeting adjourned at 12:05 a.m., to reconvene on Monday, June 27, 1983 at 8:00 p.m.



PROPOSED ORDINANCE

WHEREAS, the Mayor and City Council of Takoma Park, Maryland find that trees:

- enhance the physical and aesthetic environment of the City as a whole
- provide noise abatement, air purification, and visual screening
- reduce stormwater runoff and erosion and costs associated therewith
- preserve the watershed system and provide for reforestation
- provide shade in summer, thus reducing air conditioning costs and
- serve as windbreaks in winter as protection against severe weather
- aid in the removal of carbon dioxide from the atmosphere and the generation of oxygen
- protect and enhance property values
- affect the quality of life so necessary to a community; AND

WHEREAS, the Mayor and Council find that it is in the best interests of the City to preserve and protect the urban forest and promote the principle of sound urban forestry management.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of Takoma Park, Maryland, that a Tree Commission be established to preserve, protect and promote the urban forest of Takoma Park.

COMPOSITION

The Tree Commission shall be composed of the Director of Public Works, an elected official of the City designated by the Mayor and Council, and three citizens designated by the Mayor and Council. The three citizen members shall serve staggered three year terms, with initial appointments of one, two, and three years.

PROCEDURES

The Tree Commission shall propose actions to be taken by the City to preserve and protect the urban forest, subject to the approval of the Mayor and Council.



DUTIES

The Tree Commission shall prepare an annual report on the condition of the urban forest; prepare and update at least annually, a Master Tree Plan consisting of an inventory of trees on public space and a multi-year planting schedule; notify the Mayor and Council of significant events related to the urban forest; recommend, as needed, changes in law or other action the Mayor and Council may wish to take to protect and promote the urban forest in Takoma Park; and, perform any other related duties assigned by the Mayor and Council by ordinance or resolution.

SECTION 1. The urban forest of Takoma Park is part of the natural and scenic beauty and health of the community and shall be preserved and enhanced to the maximum extent possible.

SECTION 2. The urban forest of Takoma Park has significant aesthetic value which affects property values and the quality of life of the community.

SECTION 3. It is the policy of the Mayor and Council of the City of Takoma Park, Maryland,

to amend Chapter 11, entitled "Trees and Landscaping" of the Code of Takoma Park, Maryland, 1978, as amended, by further adding to the addition of a new Article 11-21, entitled "Urban Forest" as set forth below:

ARTICLE 11-21 URBAN FOREST

- Sec. 11-21-01: Purpose and scope of the urban forest.
- Sec. 11-21-02: Permits required for tree removal affecting the urban forest.
- Sec. 11-21-03: Public notice required upon application for permit.
- Sec. 11-21-04: Approval of permit applications.
- Sec. 11-21-05: Criteria for permit decisions.
- Sec. 11-21-06: Penalties.
- Sec. 11-21-07: Exemptions.

Page 1 of 1



PROPOSED ORDINANCE

ON PROTECTING THE URBAN FOREST OF TAKOMA PARK

WHEREAS, it is in the interest of the City of Takoma Park to protect, preserve and promote its urban forest; AND

WHEREAS, the urban forest of Takoma Park is part of a larger ecosystem which contributes significantly to air, noise and visual pollution control; AND

WHEREAS, the existence of shade-providing trees in Takoma Park moderates climatic extremes and promotes sound energy conservation; AND

WHEREAS, the urban forest of Takoma Park is part of the watershed of Long Branch and Sligo Creek and therefore controls water run-off and replenishes the watershed system; AND

WHEREAS, the urban forest of Takoma Park has significant aesthetic value which affects property values and more importantly the quality of life necessary to a community.

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

SECTION 1. THAT Chapter 12, entitled "Trees and Vegetation," of the Code of Takoma Park, Maryland, 1972, as amended, be further amended by the addition of a new Article 4, entitled "Urban Forest," as set forth below:

ARTICLE 4. URBAN FOREST

- Sec. 12-23. Sizable trees considered part of the urban forest.
- Sec. 12-24. Permit required to take action affecting the urban forest.
- Sec. 12-25. Public notice required upon application for permit.
- Sec. 12-26. Appeals of permit decisions.
- Sec. 12-27. Criteria for permit decisions.
- Sec. 12-28. Enforcement.
- Sec. 12-29. Exceptions.



ARTICLE 4. URBAN FOREST

Sec. 12-23. Sizable trees considered part of the urban forest.

All trees on private property in Takoma Park measuring more than thirty-three inches in circumference at five feet above ground level are considered as part of the City's urban forest and are subject to the provisions of this Article.

Sec. 12-24. Permit required to take action affecting the urban forest.

(a) No person shall remove or destroy or cause the removal of destruction of a tree on private property or undertake construction or other action that may significantly and permanently detract from a tree's health or growth without approval from the Director of Public Works or the Director's representative and issuance of a permit.

(b) The Director of Public Works shall develop rules, regulations, and forms consistent with this Article for application, public notice, appeals and issuance of permits.

(c) A fee of \$10.00 shall be required for issuance of a permit.

Sec. 12-25. Public notice required upon application for permit.

(a) A notice of the application shall be posted by the applicant on the property in plain view from the public right of way for at least 15 calendar days before the Director of Public Works or the Director's representative grants approval for the issuance of a permit.

(b) A copy of each application will be provided by the Director of Public Works or the Director's representative to any citizen requesting one.

Sec. 12-26, Appeals of permit decisions.

(a) The permit applicant or any resident or property owner in Takoma Park who can show the Tree Commission that he or she is affected may appeal the granting or denial of a permit by the Director of Public Works or the Director's representative to a Tree Commission, appointed by the Mayor and Council, or, should such body not have been appointed at the time of the appeal, such appeal may be made directly to the Mayor and Council.

(b) Subsequent to administrative appeal, a judicial appeal may be taken by any party to the administrative proceedings in accordance with Maryland Rules of Procedure, Chapter 1100, Subtitle B.



(c) The Director of Public Works or the Director's representative shall not approve the issuance of a permit if a written appeal is filed within fifteen days of the first day public notice of the application is posted.

Sec. 12-27. Criteria for permit decisions.

The Director of Public Works, or, upon appeal, the Tree Commission, shall consider these or similar factors in approving or disapproving an application for a permit:

(a) the extent to which tree clearing is necessary to achieve proposed development or land use;

(b) proposed reforestation;

(c) the hardship which the applicant will suffer from a modification or rejection of the application;

(d) the desirability of preserving any tree by reason of its age, size or outstanding quality such as uniqueness, rarity or status as a landmark or species specimen ;

(e) the extent to which the area would be subject to environmental degradation due to removal of the tree or trees;

(f) the desirability of preserving tree cover;

(g) whether the tree is diseased, injured beyond restoration in danger of falling, or for other sound forest management reasons should have action taken;

(h) whether the tree interferes with utility services or creates an unsafe condition; and,

(i) the desirability of the tree species as a permanent part of the urban forest.

Sec. 12-28. Enforcement.

(a) It shall be a misdemeanor to fail to obtain a permit as required in Sec. 12-24.

(b) A misdemeanor violation of this Article shall be punishable by a mandatory fine for each tree affected of \$50.00 plus \$25.00 per inch of tree circumference greater than thirty-three inches measured at five feet above ground level or at the highest remaining point of less than five feet, to a maximum per tree of \$500.00 or the limit allowed by state law.



(c) This Article may be enforced by the City or any interested party who petitions for an injunction in a court of competent jurisdiction. An injunction shall be issued prohibiting any action requiring a permit under Sec. 12-24 when it is shown that no permit has been issued or that an appeal from a decision to issue a permit is pending or that the time allowed for the submission of an appeal has not expired.

(d) A civil action for damages may be brought against any person or persons who violate the provisions of the Article by any person or persons who suffer personal injury, property damage or financial loss as a result of such violation.

Sec. 12-29. Exceptions.

(a) No permit shall be required when action is taken to abate an apparent violation as specified in this Chapter.

(b) No permit shall be required when performing professionally accepted tree maintenance.

SECTION 2. THAT this ordinance shall become effective \_\_\_\_\_



6-10-83

**PROPOSED USE OF FEDERAL  
REVENUE SEPARING FUNDS FOR FY 1984**

Police Communications System (Partial Cost)	\$ 68,721
Trees	3,000 (1)
Street Lighting Improvements	9,000
Two Bicycle Racks	750
Municipal Building Display Case	1,200
Library Roof Repair	17,250
Archives Management	2,000
T.O.T. Park Play Equipment	2,000
Trash Containers	2,000
	<u>2,000</u>
<b>TOTAL</b>	<b><u>\$105,921</u></b>

**FUND AVAILABILITY**

Funds Anticipated FY 1984	94,816
Funds Remaining From Prior Years	<u>11,105</u>
	<b><u>\$105,921</u></b>

(1) Includes trees for Spring Park, recommended by the CDBG Citizens



ORDINANCE NO. 2667

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

- SECTION 1. THAT in accordance with Sec. 1.14 of the Charter of Takoma Park, Maryland, as amended, the Budget for Fiscal Year 1983-84 is hereby approved and adopted for the year beginning July 1, 1983, said Budget providing estimated revenues of THREE MILLION, NINE HUNDRED FORTY-FIVE THOUSAND, FIVE HUNDRED AND TWENTY-SEVEN DOLLARS (\$3,945,527), and appropriations of FOUR MILLION, ONE HUNDRED FORTY-SEVEN THOUSAND, FIVE HUNDRED AND FORTY DOLLARS (\$4,147,540), including a General Contingency Account in the amount of SEVENTY-EIGHT THOUSAND DOLLARS (\$78,000), and a Capital Improvements Reserve Fund in the amount of FORTY THOUSAND DOLLARS (\$40,000); AND
- SECTION 2. THAT the City Treasurer is hereby authorized to compute salaries for all City employees as related to various departments and disburse accordingly; to pay all rentals on the first of each month and bills monthly, discounting such bills as possible; AND
- SECTION 3. THAT all capital outlay items be expressly authorized by the Council with the exception of items costing less than five hundred dollars (\$500), funds for which shall be properly authorized; AND
- SECTION 4. THAT the City Treasurer be hereby authorized to transfer the projected General Fund balance as of June 30, 1983, \$296,573, to the Fiscal Year 1984 Budget.

ADOPTED BY THE MAYOR AND COUNCIL JUNE 13, 1983.



ORDINANCE NO. 2668

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

SECTION 1. THAT in accordance with Sec. 1.9 of the Charter of Takoma Park, Maryland, as amended, a general tax rate for Fiscal Year 1983-84 of ONE DOLLAR AND FIFTY CENTS (\$1.50) on each ONE HUNDRED DOLLARS (\$100.00) assessed valuation be and is hereby levied and approved, and the City Treasurer is authorized to collect taxes on the basis of the \$1.50 tax rate on all assessable real and public property, and on all corporate tangible property, located within the boundaries of the City of Takoma Park, Maryland, and to proceed to advertise for sale such delinquent properties that may be in arrears on the date specified by law; AND

SECTION 2. THAT the taxes collected from the aforementioned tax levy are for the purpose of any and all general expenses of the City of Takoma Park for the Fiscal Year beginning July 1, 1983 and ending on June 30, 1984.

ADOPTED BY THE MAYOR AND COUNCIL JUNE 13, 1983.

Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
1983	1,000	2,000	3,000	4,000	5,000	6,000	7,000	8,000	9,000	10,000	11,000	12,000	13,000	14,000	15,000	16,000	17,000	18,000	19,000	20,000	21,000	22,000	23,000	24,000	25,000	26,000	27,000	28,000	29,000	30,000
1984	1,500	3,000	4,500	6,000	7,500	9,000	10,500	12,000	13,500	15,000	16,500	18,000	19,500	21,000	22,500	24,000	25,500	27,000	28,500	30,000	31,500	33,000	34,500	36,000	37,500	39,000	40,500	42,000	43,500	45,000
1985	2,000	4,000	6,000	8,000	10,000	12,000	14,000	16,000	18,000	20,000	22,000	24,000	26,000	28,000	30,000	32,000	34,000	36,000	38,000	40,000	42,000	44,000	46,000	48,000	50,000	52,000	54,000	56,000	58,000	60,000
1986	2,500	5,000	7,500	10,000	12,500	15,000	17,500	20,000	22,500	25,000	27,500	30,000	32,500	35,000	37,500	40,000	42,500	45,000	47,500	50,000	52,500	55,000	57,500	60,000	62,500	65,000	67,500	70,000	72,500	75,000
1987	3,000	6,000	9,000	12,000	15,000	18,000	21,000	24,000	27,000	30,000	33,000	36,000	39,000	42,000	45,000	48,000	51,000	54,000	57,000	60,000	63,000	66,000	69,000	72,000	75,000	78,000	81,000	84,000	87,000	90,000
1988	3,500	7,000	10,500	14,000	17,500	21,000	24,500	28,000	31,500	35,000	38,500	42,000	45,500	49,000	52,500	56,000	59,500	63,000	66,500	70,000	73,500	77,000	80,500	84,000	87,500	91,000	94,500	98,000	101,500	105,000
1989	4,000	8,000	12,000	16,000	20,000	24,000	28,000	32,000	36,000	40,000	44,000	48,000	52,000	56,000	60,000	64,000	68,000	72,000	76,000	80,000	84,000	88,000	92,000	96,000	100,000	104,000	108,000	112,000	116,000	120,000
1990	4,500	9,000	13,500	18,000	22,500	27,000	31,500	36,000	40,500	45,000	49,500	54,000	58,500	63,000	67,500	72,000	76,500	81,000	85,500	90,000	94,500	99,000	103,500	108,000	112,500	117,000	121,500	126,000	130,500	135,000
1991	5,000	10,000	15,000	20,000	25,000	30,000	35,000	40,000	45,000	50,000	55,000	60,000	65,000	70,000	75,000	80,000	85,000	90,000	95,000	100,000	105,000	110,000	115,000	120,000	125,000	130,000	135,000	140,000	145,000	150,000
1992	5,500	11,000	16,500	22,000	27,500	33,000	38,500	44,000	49,500	55,000	60,500	66,000	71,500	77,000	82,500	88,000	93,500	99,000	104,500	110,000	115,500	121,000	126,500	132,000	137,500	143,000	148,500	154,000	159,500	165,000
1993	6,000	12,000	18,000	24,000	30,000	36,000	42,000	48,000	54,000	60,000	66,000	72,000	78,000	84,000	90,000	96,000	102,000	108,000	114,000	120,000	126,000	132,000	138,000	144,000	150,000	156,000	162,000	168,000	174,000	180,000
1994	6,500	13,000	19,500	26,000	32,500	39,000	45,500	52,000	58,500	65,000	71,500	78,000	84,500	91,000	97,500	104,000	110,500	117,000	123,500	130,000	136,500	143,000	149,500	156,000	162,500	169,000	175,500	182,000	188,500	195,000
1995	7,000	14,000	21,000	28,000	35,000	42,000	49,000	56,000	63,000	70,000	77,000	84,000	91,000	98,000	105,000	112,000	119,000	126,000	133,000	140,000	147,000	154,000	161,000	168,000	175,000	182,000	189,000	196,000	203,000	210,000
1996	7,500	15,000	22,500	30,000	37,500	45,000	52,500	60,000	67,500	75,000	82,500	90,000	97,500	105,000	112,500	120,000	127,500	135,000	142,500	150,000	157,500	165,000	172,500	180,000	187,500	195,000	202,500	210,000	217,500	225,000
1997	8,000	16,000	24,000	32,000	40,000	48,000	56,000	64,000	72,000	80,000	88,000	96,000	104,000	112,000	120,000	128,000	136,000	144,000	152,000	160,000	168,000	176,000	184,000	192,000	200,000	208,000	216,000	224,000	232,000	240,000
1998	8,500	17,000	25,500	34,000	42,500	51,000	59,500	68,000	76,500	85,000	93,500	102,000	110,500	119,000	127,500	136,000	144,500	153,000	161,500	170,000	178,500	187,000	195,500	204,000	212,500	221,000	229,500	238,000	246,500	255,000
1999	9,000	18,000	27,000	36,000	45,000	54,000	63,000	72,000	81,000	90,000	99,000	108,000	117,000	126,000	135,000	144,000	153,000	162,000	171,000	180,000	189,000	198,000	207,000	216,000	225,000	234,000	243,000	252,000	261,000	270,000
2000	9,500	19,000	28,500	38,000	47,500	57,000	66,500	76,000	85,500	95,000	104,500	114,000	123,500	133,000	142,500	152,000	161,500	171,000	180,500	190,000	199,500	209,000	218,500	228,000	237,500	247,000	256,500	266,000	275,500	285,000
2001	10,000	20,000	30,000	40,000	50,000	60,000	70,000	80,000	90,000	100,000	110,000	120,000	130,000	140,000	150,000	160,000	170,000	180,000	190,000	200,000	210,000	220,000	230,000	240,000	250,000	260,000	270,000	280,000	290,000	300,000



ORDINANCE NO. 2669

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

SECTION 1. WHEREAS, Section 2-67 of Article 5, entitled Personnel, of the City of Takoma Park Code, 1972, as amended, provides that pay scales may be altered by the Mayor and Council to reflect employee cost-of-living needs, AND

SECTION 2. THAT Section 8 of Ordinance No. 1400, and subsequent amendments thereto, known as the Pay Scale Plan for the City of Takoma Park, has been reviewed, AND

SECTION 3. THEREFORE THAT Section 8 be revised to provide a new salary scale in accordance with the schedule below, to be effective July 1, 1983.

STEP	A	B	C	D	E	F	G	H	I	J	L-1	L-2
1	9,064	9,389	9,726	10,076	10,438	10,816	11,207	11,613	12,034	12,472	13,070	13,697
6-A	2,959	3,216	3,475									
6-B	11,288	11,697	12,121	12,562	13,020	13,495	13,988	14,500	15,031	15,581	16,335	17,126
7	11,801	12,229	12,674	13,136	13,616	14,113	14,630	15,165	15,722	16,300	17,089	17,917
8	12,339	12,788	13,254	13,738	14,241	14,762	15,303	15,864	16,447	17,053	17,880	18,747
9	12,903	13,374	13,863	14,370	14,896	15,442	16,010	16,598	17,209	17,843	18,710	19,619
10	13,497	13,990	14,503	15,034	15,585	16,157	16,752	17,369	18,009	18,673	19,581	20,535
11	14,123	14,640	15,177	15,734	16,311	16,911	17,534	18,181	18,852	19,549	20,500	21,500
12	14,777	15,319	15,882	16,465	17,072	17,701	18,354	19,031	19,735	20,465	21,461	22,509
13	15,482	16,051	16,641	17,254	17,889	18,549	19,235	19,946	20,685	21,450	22,497	23,596
14	16,178	16,785	17,401	18,044	18,710	19,401	20,119	20,863	21,636	22,439	23,535	24,685
15	16,966	17,591	18,240	18,914	19,612	20,338	21,091	21,872	22,684	23,526	24,677	25,884
16	17,742	18,397	19,076	19,781	20,513	21,273	22,060	22,880	23,730	24,612	25,816	27,081
17	18,581	19,266	19,978	20,718	21,485	22,282	23,110	23,968	24,859	25,785	27,048	28,374
18	19,459	20,179	20,927	21,702	22,507	23,342	24,209	25,110	26,044	27,014	28,339	29,730
20	21,405	22,199	23,022	23,877	24,766	25,687	26,643	27,636	28,666	29,736	31,196	32,730
21	22,449	23,285	24,148	25,046	25,978	26,946	27,950	28,992	30,074	31,197	32,731	34,341
23	24,701	25,620	26,574	27,564	28,592	29,658	30,765	31,914	33,107	34,346	36,037	37,813
25	27,176	28,189	29,241	30,333	31,465	32,641	33,861	35,128	36,444	37,809	39,673	41,631
29	32,924	34,156	35,434	36,761	38,138	39,567	41,051	42,591	44,190	45,849	48,116	50,495



GRADE STRUCTURE

POLICE DEPARTMENT

Crossing Guard	6-A
Clerk/Dispatcher	9
Parking Enforcement Officer	10
Private	16
Private First Class	17
Corporal	18
Sergeant	20
Lieutenant	23
Police Chief	25

PUBLIC WORKS DEPARTMENT

Custodial Worker	6-B
Mechanic's Helper	7
Laborer	7
Assistant Driver	8
Driver Foreman	9
Equipment Operator I	9
Equipment Operator II	10
Equipment Operator III	11
Parks Foreman	11
Mechanic	14
Tree Maintenance Foreman	14
Public Works Coordinator	18
Building Maintenance Supervisor	18
Vehicle Repair Shop Supervisor	18
Sanitation Supervisor	18
Streets Supervisor	20
Public Works Director	25

DEPARTMENT OF HOUSING SERVICES

Code Enforcement Officer I	13
Code Enforcement Officer II	16
Assistant Director of Housing Services	18
Director of Housing Services	21

RECREATION DEPARTMENT

Recreation Attendant	1
Recreation Aide	6-B
Recreation Counselor	9
Recreation Supervisor	12
Recreation Director	21

LIBRARY DEPARTMENT

Library Assistant	8
Librarian	14
Assistant Library Director	18
Library Director	21

ADMINISTRATIVE STAFF

Clerk/Typist	7
Secretary	9
Administrative Aide I	10
Administrative Aide II	11
Administrative Supervisor	15
City Clerk	20
Assistant City Administrator/ Director of Community Development	25
City Administrator	29

COMMUNITY DEVELOPMENT DIVISION

Tool Librarian	6-B
Community Development Coordinator	16

ACCOUNTING DIVISION

Accounting Clerk I	10
Accounting Clerk II	11
Accounting Supervisor	18



ORDINANCE NO. 2670

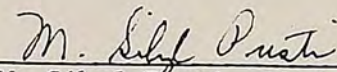
- WHEREAS, the budget of the City of Takoma Park adopted for the Fiscal Year 1982-83 includes revenues to be received from the State of Maryland, Montgomery County and Prince George's County; AND
- WHEREAS, a substantial part of the revenues due the City of Takoma Park from the State of Maryland, Montgomery County and Prince George's County have not been received as of this time; AND
- WHEREAS, substantial expenses for the first quarter of Fiscal Year 1984 will be incurred prior to the collection of tax revenues for that year; AND
- WHEREAS, the City of Takoma Park requires that it borrow up to \$400,000 to meet payroll and current day-to-day obligations of the City for the period June 7, 1983 through September 30, 1983; AND
- WHEREAS, Section 1.7(h) of the Charter of the City of Takoma Park provides that "The Council may issue interest-bearing certificates of indebtedness, not to exceed in amount the annual revenue of the City, less the amount of all sinking funds previously provided for, said certificates and interest to be paid only from such revenue and within one (1) year from the date of their issue; and such certificates may be issued in pursuance of an ordinance duly passed without submitting the question to the registered voters of the City"; AND
- WHEREAS, the City Administrator has negotiated with banking institutions to determine the best interest rate that may be obtained on a certificate of indebtedness when issued; AND
- WHEREAS, the City Administrator shall receive in writing offers or bids, which shall become part of the records of the City of Takoma Park, to issue an interest-bearing certificate of indebtedness in the amount of \$400,000.

NOW, THEREFORE, IT IS ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

- SECTION 1. THAT the City of Takoma Park issue an interest-bearing certificate of indebtedness establishing a line of credit in the amount of \$400,000 with the institution which submits the responsible offer with the lowest rate of interest.
- SECTION 2. THAT each draw upon the certificate of indebtedness shall be payable at any time without penalty but in any event each draw shall be due and payable within one (1) year from issue of the certificate of indebtedness.
- SECTION 3. THAT the certificate of indebtedness shall be payable from the revenues of the City.
- SECTION 4. THAT the certificate of indebtedness when issued shall be signed by the City Administrator on behalf of the City of Takoma Park and attested to by the City Clerk.

ADOPTED BY THE MAYOR AND COUNCIL JUNE 13, 1983.

THE AFOREGOING IS HEREBY CERTIFIED TO BE A TRUE AND CORRECT COPY OF AN ORDINANCE ADOPTED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND ON JUNE 13, 1983.

  
\_\_\_\_\_  
M. Sibyl Pusti, City Clerk



ORDINANCE NO. 2671

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

SECTION 1. THAT Chapter 13 of the Code of Takoma Park, Md., 1972, as amended, be further amended by the addition of the following subsections, article and section:

Sec. 13-2. Definitions.

(a)

(14.1) "Speed hump" shall mean a raised section of asphalt or other road construction material constructed on a roadway, with a circular cross-section on a base twelve feet long, measured parallel to the curb lines of the roadway, and with a height of 5 inches. Such speed humps shall be installed for the purpose of controlling traffic speed and volume.

(14.2) "Speed hump installation" shall mean one or more speed humps spaced every 200 to 400 feet along a public highway for the purpose of controlling traffic speed and volume on that public highway. Each speed hump in the installation shall be painted with distinctive markings. Warning signs marked "Speed Humps" shall be placed on the right-hand side of the street at the approach to each speed hump.

ARTICLE 9. SPEED HUMPS

Sec. 13-75. Erection and maintenance of speed hump installations.

(a) In the regulation and supervision of traffic, the Director of Public Works is authorized to place, erect, and maintain upon the public highways of the City those speed hump installations as the Mayor and Council have or may direct, at the locations designated by the Mayor and Council.

ADOPTED BY THE MAYOR AND COUNCIL JUNE 13, 1983.



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

SECTION 1. THAT Chapter 11, entitled "Streets," of the Code of Takoma Park, Md., 1972, as amended, be further amended by the addition of a new section 11-1 A, Definitions, and by the amendment of Sections 11-15, 11-16, 11-21, 11-26 and 11-27, as set forth below:

Sec. 11.1A Definitions

(a) As used in this Chapter:

- (1) Driveway apron shall mean a concrete or bituminous concrete area designed and shaped to Public Works' specifications, and shall consist of the entire concrete or bituminous concrete area between the property line and the roadway or curb line, and it shall be used for ingress and egress of vehicles or other equipment between driveways and public roads.
- (2) Single vehicle driveway apron shall mean a driveway apron that is no more than (10) ten feet long at the property line where it meets the driveway.
- (3) Double vehicle driveway apron shall mean a driveway apron that is no more than (20) twenty feet long at the property line where it meets the driveway.

Sec. 11-15 Permit required for grading or construction.

No person shall grade, construct, cut or excavate any street, road, highway, alley, driveway apron, sidewalk, right-of-way, curb, or gutter, or begin any of the work of such grading or construction, without first having obtained a permit from the Clerk. To obtain a permit, the applicant must submit plans to the Clerk bearing the approval from the Director of Public Works or the Director's representative.

Sec. 11-16. Permit application; contents.

(a) All applications for grading and construction permits as described in Section 11-15 shall be filed in the Clerk's office on forms provided by that office, and shall be accompanied by two (2) sets of detailed plans of the project, indicating, wherever applicable, the following:

- (1) Right-of-way, name of street (if any), and width of right-of-way, abutting lots, north point and scale;
- (2) Pavement plan, curb and gutter, sidewalks, curb cuts, driveways, and dimensions;
- (3) Catch basins, inlets, culverts, and other drainage structures, and dimensions;
- (4) Construction details, including cross section pavement, curb and gutter, details of drainage structures, culverts, headwalls, etc.;
- (5) Grading plan and profile, showing existing grades, and finishing grades;
- (6) Driveway apron applicants shall provide the address, lot and block number where construction is to be done, and a drawing showing measurement for the property, all buildings, all porches, all permanent walks, all other permanently installed improvements, and the size and location of the driveway to be installed.
- (7) Any additional data required by the Director of Public Works or the Director's representative.

Sec. 11-21. Permit fee.

(a) Before any street, sidewalk, gutter, curb, or drainage project (except a project which is entirely a grading project) may be begun on a road or street or within the boundaries of a dedication to the public use, the applicant for a permit to undertake the project shall pay to the Treasurer four percent (4%) of the estimated cost of the project as determined by the Director, as an inspection and engineering fee.

(b) Where any project is entirely a grading project, the applicant shall pay ten percent (10%) of the estimated cost of the project as determined by the Director, to the Treasurer as an inspection and engineering fee, if the office of the Director does the engineering work on the project, and two percent (2%) if the applicant for the permit furnishes the engineering work.



(c) In other projects involving street cuts excavation, curb cuts, or driveway aprons, the Director may require that an inspection and engineering fee of Ten Dollars (\$10.00) be paid by the applicant to the Treasurer before work is begun.

(d) In all cases in this Article the Director of Public Works may require that an escrow deposit or a bond to cover costs of possible damage or other related problems to public property be paid to the Treasurer, the amount of the escrow deposit or bond shall be determined by the Director based on the project, and to be refunded after completion of the project with the approval of the Director.

Sec. 11-26 Driveway apron cost; corrective action; requirements.

- (a) Circumstances in which the city shall charge all cost of driveway apron installation or replacement to the property owner:
- (1) When the property owner requests in writing to have the city install or replace the driveway apron.
  - (2) When the Director of Public Works determines that the driveway apron has deteriorated to the point where pieces of concrete project above the surface, or pieces of concrete have become dislodged, and that these conditions are deemed hazardous to vehicular or pedestrian traffic, or threatens to erode the public right-of-way, or threatens to erode the public improvements the Director of Public Works or the Director's representative shall send by certified mail to the property owner that he or she has (30) thirty days to repair or replace the driveway apron. After (30) thirty days if the driveway apron has not been repaired or replaced the city shall replace the driveway apron at the owners expense and charge all cost as specified in Subsection (b) of this Section.
- (b) Charges for city taking corrective action.
- (1) If the city has taken corrective action to bring the driveway apron into compliance with Subsection (a) (2) of this Section, the Director of Public Works or the Director's representative who has caused the offensive condition to be corrected shall certify the cost to the Treasurer.
  - (2) The Treasurer shall examine the certificate and, if approved by the Mayor and Council and found correct, shall cause the cost as shown thereon to be charged against the lands. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, the amount to bear interest at the same rate as taxes, and shall be collected and enforced by the officers and in the same manner as taxes.
- (c) When the city replaces driveway aprons crossing public right-of-ways as a result of sidewalk or street repairs, there shall be no charge to the property owner whose property the driveway apron serves.
- (d) A contractor or property owner may install or replace a driveway apron providing a construction permit has been issued with the Director of Public Works or the Director's representatives approval and that the installation or replacement is in accordance with specifications provided by Public Works.
- (e) The Clerk shall issue construction permits for all driveway apron installations and replacement providing all requirements of this Article have been complied with.
- (f) Requirements to install or replace driveway aprons on a city right-of-way:
- (1) Obtain forms from Public Works and complete them as specified by the Director of Public Works or the Director's representative.
  - (2) Obtain a construction permit from the Clerk.
  - (3) Comply with all requirements of this Article.



Sec. 11-27. Driveway apron limitations, exemptions and qualifications.

- (a) Length of driveway aprons, for single family homes and apartments, to be installed shall not exceed (24) twenty four percent or (20) twenty feet whichever should occur first or be less than (10) ten feet measured at the property line of the respective property frontage abutting the right-of-way where the driveway apron is to be installed.
- (b) Length of driveway aprons for duplex homes that share the same deeded lot, to be installed shall not exceed (24) twenty four percent or (20) twenty feet whichever should occur first or be less than (10) ten feet for each dwelling in the duplex, measured at the property line, based on one half of the respective property frontage abutting the right-of-way. Duplex homes that do not share the same deeded lot shall be treated as a single family home in Subsection (a) of this Section.
- (c) Replacement of an existing driveway apron is exempt from length limitations providing the length of the new apron, measured at the property line, is the same size as the one it is replacing, and that it is installed in the same location.
- (d) Dwellings that do not have property abutting a right-of-way except for an easement or a narrow piece of land intended for ingress and egress are exempt from driveway apron size limitations only.
- (e) Commercial properties shall conform to all county codes for driveway apron size limitations and location. Residential properties and apartments shall conform to all county codes for driveway apron locations.
- (f) A construction permit may be issued for a (1) one vehicle driveway apron to serve a (2) two vehicle driveway providing the driveway parking area has a minimum of (162) one hundred sixty two square feet allocated for the parking of each vehicle and that a (10) ten foot maneuvering distance is maintained between the edge of the driveway apron abutting the private property and the parking area of the driveway.
- (g) A construction permit may be issued for a (2) two vehicle driveway apron to serve a (3) three vehicle driveway providing the driveway parking area has a minimum of (162) one hundred sixty two square feet allocated for the parking of each vehicle and that a (10) ten foot maneuvering distance is maintained between the edge of the driveway apron abutting the private property and the parking area of the driveway.
- (h) Cement concrete shall be used for installing or replacing driveway aprons when it abutts to a cement concrete curb. Bituminous concrete or cement concrete shall be used for installing or replacing driveway aprons when it does not abutt to a cement concrete curb.
- (i) Driveway aprons shall not be installed within (3) three feet of a tree planted in the city right-of-way.
- (j) Trees in city right-of-ways shall not be removed for the purpose of installing a driveway apron.

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

ADOPTED BY THE MAYOR AND COUNCIL JUNE 13, 1983.



Resolution

Whereas: An anonymous complaint was filed with the Maryland State Prosecutor; and

Whereas: A mutually satisfactory agreement has been reached which sets forth, in part, the legal parameters concerning the publication of political endorsements in The Takoma Park Newsletter; and

Whereas: The Mayor, a majority of the city council and the corporation counsel have already signed the agreement (a copy of which is attached hereto and hereby incorporated by reference;

NOW THEREFORE BE IT RESOLVED that the Mayor and City Council of the City of Takoma Park, Maryland, hereby adopt said agreement as binding on the City of Takoma Park, and agree to publish the newsletter in accordance with its terms and conditions.

Adopted this 13<sup>th</sup> day of June, 1983.

Attest: M. Sybil Pusti  
Sybil Pusti  
City Clerk

Sammie A. Abbott  
Sammie A. Abbott  
Mayor

Lynne E. Bradley  
James H. [unclear]  
Will [unclear]  
Herman Wilkin  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SEAL



AGREEMENT TO CEASE AND DESIST

Now comes the State of Maryland, by Gerald D. Glass, State Prosecutor, and Charles Burton Frey, Deputy State Prosecutor, and the City of Takoma Park by the Mayor and City Council, the City Administrator, and Thomas J. Gagliardo, Corporation Counsel, and do hereby execute this memorandum of agreement. This memorandum constitutes the entire agreement between the parties and there exists no promises, terms or conditions other than those enumerated herein.

The underlying facts and subject activity to which this agreement is directed are as follows:

That the Takoma Park Newsletter is a publication which is published under the auspices of the City of Takoma Park through the expenditure of public funds.

That printed in the September 1982 issue of the Takoma Park Newsletter, Volume 23, Number 3, was a list of "endorsed" candidates running in the September 14, 1982 Primary Election.

That the endorsement constituted the personal political opinion of those individuals who are also called upon to appropriate and expend the public funds necessary to publish the Takoma Park Newsletter.

That the activity described constituted partisan political activity since it involved the promotion of the success of one candidate over another in a matter which was to be submitted to a vote at an election.

THEREFORE, BE IT AGREED on this 2nd day of MAY, 1983, that the City of Takoma Park, by and through its Mayor and City Council, will cease and desist from using any public funds for the publication of partisan political endorsements.

IT IS FURTHER AGREED that no judicial finding of guilt has been made and no admission that any applicable law or



regulation has been violated has been made.

IT IS FURTHER AGREED that nothing contained herein shall be interpreted to restrict the free expression of anyone's personal beliefs and opinions on one's own time and at one's own expense.

IT IS FURTHER AGREED that nothing contained herein shall be interpreted to prohibit the City of Takoma Park from accepting paid political advertisements in accordance with Article 33 of the Annotated Code of Maryland provided, however, that the right to access be provided uniformly and in accordance with non-discriminatory criteria to all candidates, positions and points of view.

IT IS FURTHER AGREED that nothing contained herein shall be interpreted so as to prohibit the publication of notices and articles of general public interest provided, however, that no preferential treatment be accorded to the political activities and opinions of the Mayor and Council members.

IT IS FURTHER AGREED that this "Agreement to Cease and Desist" is entered into by the State of Maryland in order to assure compliance with the laws of the State of Maryland in lieu of litigating this matter or any matter of a similar nature occurring prior to the date of this agreement in a court of competent jurisdiction.

IT IS FURTHER AGREED that this "Agreement to Cease and Desist" shall be published and retained as part of the minutes of the Council meeting next following the date of its execution.

IT IS FURTHER AGREED that this "Agreement to Cease and Desist" shall be incorporated in and retained as part of any formal document of editorial policy developed in connection with the publishing of the Takoma Park Newsletter or any successor publication.

IT IS FURTHER AGREED that this agreement applies to all acts of similar nature which occurred or may have occurred prior



to the date it is executed and no prosecution or other action will result from any such act.

IT IS SO AGREED.

THE CITY OF TAKOMA PARK

THE STATE OF MARYLAND

By: Sam Abbott  
Sam Abbott  
Mayor

Louis D'Ovidio  
Louis D'Ovidio  
Ward 1 Councilmember

Carlton Iddings  
Carlton Iddings  
Ward 2 Councilmember

William Eckert  
William Eckert  
Ward 3 Councilmember

Herman Williams  
Herman Williams  
Ward 4 Councilmember

Lynne Bradley  
Lynne Bradley  
Ward 5 Councilmember

Frank Garcia  
Frank Garcia  
Ward 6 Councilmember

William Faulkner  
William Faulkner  
Ward 7 Councilmember

Alvin Nichols  
Alvin Nichols  
City Administrator

Thomas J. Gagliardo  
Thomas J. Gagliardo  
Corporation Counsel

By: Gerald D. Glass  
Gerald D. Glass  
State Prosecutor

Charles Burton Frey  
Charles Burton Frey  
Deputy State Prosecutor

Date: 5-2-83

Date: 5/24/83



PROPOSED ORDINANCE

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

SECTION 1. THAT Subsection (b) of Sec. 8-19, "Permit required for use of land for amusement purposes," Code of Takoma Park, 1972, as amended, be amended to read as follows:

Sec. 8-19.

(b) No circus, carnival, rodeo, by whatever name called, shall be permitted except when located upon vacant property not less than one (1) acre in extent. No circus, carnival or rodeo shall operate in the City for a period longer than fourteen (14) days in any one (1) year.

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