

THE CITY OF TAKOMA PARK, MARYLAND
EXECUTIVE MEETING OF THE MAYOR AND CITY COUNCIL

January 12, 1976

City Officials Present:

Mayor Roth	City Administrator Gilsdorf
Councilman Forshee	Asst. to the City Administrator Nichols
Councilman Garcia	City Clerk Pusti
Councilwoman Medina	Chief of Police Porter
Councilman Ricks	Recreation Director Ziegler
Councilman Webb	Public Works Director Barile
Councilman Faulkner	Corporation Counsel Gingerich

Councilman Nishimoto was excused.

The Mayor and Council met in Executive Session on January 12, 1976, at 8:00 PM in the Council Chambers, 7500 Maple Avenue, Takoma Park, Maryland. Following the Pledge of Allegiance to the Flag, a motion to approve the minutes of the December 8 meeting was made, seconded and approved.

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

Mayor Roth welcomed everyone to the Bicentennial year and expressed pleasure and thanks in the success of the Gala Reception, three Dimensional Montage, and various groups who participated. Described several events to take place during the year including a seminar about plants on George Washington's Birthday and a Ben Franklin Kite Contest in March.

The Mayor mentioned that the Master Plan Task Forces have been meeting and discussing prospective issues.

Reported on the status of the Historic District. The information for the Historic District was forwarded to the Maryland Historic Trust and then to the State Clearing House. Council was informed that the clearing house process resulted in a report from all organizations with two organizations SHA and, Montgomery College objecting: The SHA considered the rights-of-way of two highways as not being subject for the Historic District. Montgomery College asked to be excluded from the Historic District.

CITIZEN'S REMARKS

(1) Kathryn Simpson, 7300 Cedar Avenue apologized for not attending Council Meeting when Councilman Ricks announced 2 new members for the Community Improvement Board, (Mrs. Sue Allen, Mrs. Geneva Cross).

(2) Rod Harrigan, 7520 Maple Avenue, Rep. of Deauville Tenants Assoc. requested rent control; again requested the option of taking a one year lease and renewing this lease each year.

(3) Ellen Marsh, 7405 Maple Avenue Thanked City and Mr. Gilsdorf for work on the Special Exception renewal, case 247, boarding house, 7311 Piney Branch Road. Heard that Rockville has proposed a Victorian Metro Station. Noted that during Master Plan ride around she was introduced to Colby Avenue; considered this rural slums in Takoma Park; urged Code Enforcement to clean up this area. Explained that City government has the duty and obligation to let the citizens know what is happening. Was concerned that the Historic site and district ordinances were not publicized. Asked where the Council obtained their information about the Historic District and how they arrived at their position. Complained that so much of the Council's discussions are at their work sessions which are not open to the public. Feels that Council has passed a set time limit for the process of establishing a Historic District. Claimed that many of the procedures were political. Asked what the City plans to do about Montgomery College. Was

angered that the College had ample time to comment about the Historic District but didn't and now they don't want to be a part of it.

(4) Phil Vogel, 7117 Garland Avenue was glad to see that the City has helped clean up Winchester-Takoma Apts. on Maple Ave.. Requested quarterly agendas. Felt that the ordinance to close Juniper Street to vehicular traffic was the first step made to prevent Takoma Park, from becoming another persons highway.

(5) Robert Leyshon, 7013 Sycamore Avenue Clarified the highway referred to by the SHA in the Historic District as being Rt. 320 and 195 and explained that these highways do not touch the boundaries of the proposed Historic District; He later stated that Rt. 320 (Piney Branch Road) was in the Historic District. Hoped that the Council would write to the Lt. Governor explaining the problems and even though Montgomery College objected to being in the Historic District the land was historic and important to the plans. He understood that citizens could get a tax credit owning homes in the Historic District. In response to Mayor Roth's query as to whether this would further delay approval, Mr. Leyshon said he was not particularly interested in rushing it. He explained that he did not want to interfere with the College but that the Historic District would not inhibit the school; asked that the whole area be acted upon without deleting these two areas. Councilman Faulkner said the school would only be affected if Federal Funds were involved.

(6) Dr. Stanley Evans, 7520 Maple Avenue was concerned with the amount of profits landlords are making and the unclean conditions of apartments. Urged Council to control the rents in Takoma Park.

(7) Delores Stowell, 7704 Takoma Avenue explained that in this year's Capital Budget the Montgomery College is asking 3-5 million to complete the work at the Campus; there was nothing that the National Register could do to alter this completion of work. Expressed concern about the Carroll House and felt it is up to the College to act to preserve it. Councilman Ricks understood when he voted to have the City on the National Register that there would be no need for the College to have any complaints and was in favor of delaying plans to gain the area in which the College was located. Mayor Roth asked Mrs. Stowell if she still agreed to her statement (City Public Hearing) not to oppose the College plans on the basis of having been made a part of the Historic District. Mrs. Stowell replied that she still agreed, adding that she did not oppose their Capital Budget presentation either. She recalled feelings of some citizens at the Public Hearing who were in a hurry to have a Historic District in Takoma Park.

(8) Mary Anne Leary, 7301 Takoma Avenue thought the College recommended that properties the College owns and is currently negotiating using (Blk. 68 and some of Blk. 69) not be in the Historic District; concerned that the College can presume properties that it doesn't own. Facts should be made clear to the College.

(9) Ellen Marsh, reiterated strongly on her dislike for the College. Mayor Roth explained that the College's request doesn't interfere legally with the Historic District plans; the only difference will lie in the dialogue. Mrs. Marsh asked why the plans were delayed to add Spring Park which no longer has a spring and yet nothing is being done to add the area on which the College is located.

(10) Steve Pappas, 7420 Buffalo Avenue presented problems with Taxi Cabs being robbed in Takoma Park. Councilman Garcia expressing concern, was told by Mr. Pappas that most cab robberies were between 10:00 PM - 4:00 AM. The Mayor agreed that Takoma Park would not want to lose its night time taxi services and promised to hold some discussions with the Police Department to see what can be done.

(11) Joe Ferrier, 7413 Maple Avenue agreed that cab drivers need more protection; congratulated a Takoma Park Police Officer for calmly apprehending a criminal; complimented the Montage and wished the Council a prosperous Bicentennial year. Expressed desire for Juniper Street Bridge to be pedestrian only.

(12) Bob Bachman, 8008 Takoma Avenue, Silver Spring (C.U.R.E.) accused the College of going over the Council's head and creating problems re its opposition to being included in the Historic District. In response to Mr. Bachman's question, the Mayor said the College had not expressed any opposition to the Historic District to the City but they did respond to a question asked of them in the clearing process.

(13) Kathryn Simpson was distressed to hear anyone referring to the College in a derogatory manner.

(14) Mrs. Stowell The College was not on the first list of the State Clearing House. They were asked to come in by the Park and Planning Commission.

(15) Morelyn Weisman, 7701 Takoma Avenue stated that all the citizens benefit from the College but the College will benefit only if it is a good neighbor. The citizens and the College will have to cooperate.

Councilman Ricks complimented Phil Vogel as editor of the TESS Citizens Advisory Council Newsletter; felt it was very professional.

FINANCIAL STATEMENT

Bank Balances

as of December 31, 1975

<u>Suburban Trust Co-General Fund*</u>		
Balance: November 30, 1975	\$ 58,398.00	
* December Receipts	<u>122,394.52</u>	\$180,792.52
December Disbursements		<u>134,055.54</u>
Balance: December 31, 1975		<u><u>\$ 46,736.98</u></u>
<u>Suburban Trust Co-Payroll Account</u>		
Balance: November 30, 1975	\$ 17,158.28	
December Receipts	<u>88,609.42</u>	\$105,767.70
December Disbursements		<u>92,192.20</u>
Balance: December 31, 1975		<u><u>\$ 13,575.50</u></u>
<u>Suburban Trust Co-Rehabilitation Loan Fund</u>		
Balance: November 30, 1975	\$ 723.49	
December Receipts	<u>34.00</u>	\$ 757.49
December Disbursements		<u>-0-</u>
Balance: December 31, 1975		<u><u>\$ 757.49</u></u>
<u>Citizens Bank of Md-General Funds</u>		
Balance: November 30, 1975	\$ 44.66	
No transactions	<u>-0-</u>	
Balance: December 31, 1975		<u><u>\$ 44.66</u></u>
<u>Citizens Bank of Md-Special Assessment Fund</u>		
Balance: November 30, 1975	\$ 866.67	
December Receipts	<u>358.49</u>	\$ 1,225.16
December Disbursements		<u>-0-</u>
Balance: December 31, 1975		<u><u>\$ 1,225.16</u></u>

* Treasury Bill matured 12/11/75 Cost \$98,690.00

financial statement continued.

<u>Citizens Bank of Md-Public Improvement Fund</u>	\$	534.53	
Balance: November 30, 1975		-0-	
No transactions			
Balance: December 31, 1975			\$ <u>534.53</u>
<u>Citizens Bank of Md-Savings Account</u>			
Balance: November 30, 1975	\$	186.84	
Interest earned Oct. 1, 1975 thru Dec. 31, 1975		2.33	
Balance: December 31, 1975			\$ <u>189.17</u>
<u>American National Bank-General Funds</u>			
Balance: November 30, 1975	\$	75.53	
No transactions		-0-	
Balance: December 31, 1975			\$ <u>75.53</u>
Petty Cash			\$ <u>250.00</u>

U.S. Treasury Bills

<u>Purchases</u>	<u>Maturity</u>	<u>Cash</u>	<u>Maturity Value</u>
7/2/75	1/13/76	\$ 96,770.00	\$100,000.00
7/2/75	2/10/76	96,222.81	100,000.00
8/2/75	3/9/76	95,958.89	100,000.00
9/10/75	4/6/76	96,089.64	100,000.00
9/18/75	5/4/76	95,535.42	100,000.00
9/22/75	6/1/76	95,072.44	100,000.00
10/2/75	6/29/76	47,437.92	50,000.00
11/6/75	1/8/76	99,101.25	100,000.00
Total Treasury Bills.....		\$722,188.37	\$750,000.00
5/25/75 Certificate of Deposit 5/25/76..		100,000.00	108,687.50
Total Investments.....		\$822,188.37	\$858,687.50

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

Communications

Law Offices of Philipson & Mallios Letter requesting Council to waive provision of City Code Sec. 8-14 in order to install more than one Pinball Machine in the Co-Ed Lounge, 1335 Holton Lane.

Montgomery County Board of Appeals Notice of Public Hearing, Spec. Ex. S-462, Sandra J. Littlejohn (Beauty Shop, 7320 Piney Branch Road) County Office Building, Rockville, March 23, 9:00 AM.

Prince George's County Hearing Examiner Notice of withdrawal of Sp.Ex. application #2830, Shell Service Station, East-West Highway and Red Top Road.

Prince George's County Hearing Examiner / (Public Hearing) Zoning Case ZMA A-8971, Feb. 2, 9:30 AM, Upper Marlboro (Print Shop, 6844 New Hampshire Avenue). Councilman Faulkner and Ricks recalled Council's recommendation that the zoning not be changed from C-1 to C-G. Mayor Roth suggested this be scheduled for the next Council meeting.

Letter from Dept. of Environmental Protection, Montgomery County Zoning Appeal Section - Notice that petition for Sp.Ex. #1470, renewal case #247 (Zone R-60, 7311 Piney Branch Road) to continue was denied. Councilman Faulkner asked if certain Montgomery County agencies used this place as a halfway house. Mr. Gilsdorf explained that the Boarding House Sp.Ex. was denied for a variety of reasons and the County only maintained a list of over night houses. The City Administrator was requested to monitor this case, particularly with respect to date of discontinuance of use -- June 30, 1976.

AGENDA ITEMSReport on Appeal A-178, 103 Sheridan Avenue

Corporation Counsel Gingerich explained that Montgomery County filed a Bill of Complaint in the Circuit Court to require the owner to remove an extention that was made without a building permit. After the Bill of Complaint was filed the County Attorney requested the clerk to issue an ex parte injunction and also requested an order to show cause. A judge would not sign the documents until after a plea had been filed and a hearing had been held. (There was no evidence before the Court in the form of sworn testimony.) Mayor Roth felt the building would not be here if the owner had not violated a stop-work order. Councilman Ricks asked if Council could pursue this case as a violation against the City's principles. Mr. Gingerich explained that the only thing that could be done is to work with the County Attorney. In response to Councilman Forshee's question, Mr. Gingerich said the case will come to trial in time. The Mayor requested to be notified. He also requested Mr. Gingerich to appear as a friend of the Court; since there is no basis on which City can act independently.

Administrative Report on rent control legislation in Montgomery County

The Montgomery County Rent Control Bill was scheduled to expire at the end of 1975, but was extended until the end of January 76. There is a strong urge to eliminate rent control after July 1, 1976. A bill is scheduled for County Council actions on January 13. Councilman Ricks asked if the County was reluctant to talk about the elimination of rent control. Mr. Gilsdorf did detect a reluctance by the County to make a decision until after passage of the new bill. It was explained by Corporation Counsel Gingerich that the one year lease, requested by Dr. Evans, was not impossible but there would have to be an emergency that requires such action (extent of emergency would justify expiration of lease). By consent of the Council Dr. Stanley Evans spoke: He said the County's decision would not affect Takoma Park; asked that something be done so rents in Takoma Park can not be raised; said landlords should estimate costs for one year so rents would not have to be raised; claimed that many landlords neglect the up-keep of apartments (insects, no hot water, etc.). Councilman Faulkner stated that the City Code Enforcement office will take care of these problems. Dr. Evans asked Council to take a stand for or against rent control so tenants could explore other avenues to work out their problems. Councilman Ricks thought that with rent control the landlords could raise the rent with good reason even if there is a lease involved. Mayor suggested working with the Deauville Apts. on a legal standpoint and that the Council talk with Dr. Evans in another session to discuss more on the emergency situation. Councilmen Garcia and Ricks felt that there should be some kind of a hearing or open meeting on this. A citizen pointed out that the problems were not just with one apartment. Councilwoman Medina stated she wasn't sure how to respond or how the Council should intervene the situation; feels that tenants' expectations and relations with landlords have changed. She expressed awareness of the problem but found it different that tenants are expecting financial accountability from landlords. Appreciates their frustrations for wanting rent control but hasn't reached an answer towards the problem as to the proper relations of City and County. Councilman Faulkner moved that on the following morning, code violations be noted and if there are complaints that rents have been raised beyond the spirit of the Montgomery County rent control law, which Council supports by resolution on a voluntary basis, then these landlords be called and asked why. The motion was seconded and after further discussion, approved unanimously.

(1) Historical Site Preservation Amendment to Mo.Co. Zoning Code (public hearing: 3:00, 1-20-76, COB, Rockville) (2) Historic Sites and Districts Legislation.

(1) Mayor Roth explained that this was dealing with small revisions in what exists in the zoning code which deals with Historic areas. He felt that this would not affect the Takoma Park Historic District but asked that a Councilmember attend the hearing.

(2) He also read suggested statements on a Montgomery County Council Bill on Historic Sites and Districts which has not yet been introduced and thus no public hearing has been scheduled. The suggestions were as follows: a. recommended that when a Historic District is established within a municipality, 3 City Council members from that municipality be allowed to serve on the Historic Study Committee; b. asked that when the Planning Board is in opposition to a municipality's recommendation, the case be presented to the District Council; c. objected to a provision which states "failure of the Planning Board to act on an application within the time period" be considered a denial. There was discussion on whether or not this should be sent to the District Council before the hearing, with a decision to keep abreast of the bill's progress and review the final version.

Authorization for Mayor to sign 3rd amendment to COG Police Mutual Aid Agreement

Councilman Garcia moved that the Mayor have authority to sign the mutual aid agreement which added Manassas to participating jurisdictions; Councilman Webb seconded. The motion was unanimously approved.

Authorization for Mayor to sign agreements with P.G. and Mo. Counties for City's inclusion in respective Community Development Block Grant programs.

City Administrator explained that this grant was for the following fiscal year. Councilman Forshee moved that the Mayor be authorized to sign the agreement. Councilwoman Medina seconded noting that the City would have a better chance of getting a grant by combining with the County for another year. Mayor Roth explained that the money goes to cities with over 50,000 population, counties that can claim themselves as an urban county, or cities with projects that were started under the old laws. Takoma Park would have to apply for discretionary funds or combine with the County program. Discretionary funds would have to be contributed to and possibly increase low income housing. The City already had more than its share of low income housing. The motion was passed unanimously by voice vote.

Ordinance authorizing 1976 election and preparatory work.

The City Administrator announced that in order to vote in City Elections, voters must be registered prior to March 15 [NOTE: The date given was in error; the correct date is March 8] in order to be on the list of qualified voters provided by the Boards of Elections Supervisors. Upon motion by Councilwoman Medina seconded by Councilman Faulkner, the following ordinance was passed by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Medina, and Webb; NAY: none; EXCUSED: Councilman Nishimoto. Councilman Ricks was temporarily absent.

ORDINANCE # 2369

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

SECTION 1. THAT the City Clerk shall call a meeting of the citizens for the nominations for Mayor and Councilmembers at 8:00 PM, Tuesday, February 24, 1976, at the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland. The said meeting shall be conducted as prescribed in the City Charter; AND

- SECTION 2. THAT there shall be a City Election to elect a Mayor and seven Councilmembers at the Municipal Building, between the hours of 7:00 AM and 8:00 PM, Tuesday, March 23, 1976. The said elections shall be conducted by means of voting machines, and as nearly as practicable all laws and regulations governing the use of voting machines in the elections in Montgomery County shall apply to the use of voting machines in the said City Election. Absentee voting procedure shall be conducted in conformity with the City Charter, as amended; AND
- SECTION 3. THAT the City Clerk shall make arrangements with the Board of Election Supervisors of Montgomery County for the use of eight voting machines at the said City Election, and shall arrange to have placed on each voting machine the names of all candidates nominated at the Citizens' Meeting on February 24, except any who may within three days thereafter have filed in writing with the City Clerk his/her refusal to have his/her name so placed; AND
- SECTION 4. THAT the City Clerk shall cause a notice of the citizens' meeting and the City Election to be inserted in the Suburban Record and the Prince George's Post in February, two weeks prior to February 24, 1976. Clerk shall also cause the insertion in the Suburban Record and the Prince George's Post, the third week in March, of a facsimile of the arrangement of the names and wards on the voting machine; AND
- SECTION 5. THAT the City Clerk shall prepare cards bearing the names and addresses of all voters certified by the Boards of Election Supervisors of Montgomery and Prince George's Counties, and shall furnish such cards to the Judges and Clerks of Election; AND
- SECTION 6. THAT the City Clerk shall recommend to the Council the names of eighteen persons for designation by the Council as Judges and Clerks of Election; AND
- SECTION 7. THAT the City Clerk, with the assistance of the Chief of Police, shall see that the City Election is conducted in accordance with the provisions of this ordinance and the City Charter; AND
- SECTION 8. THAT the Judges of Election shall meet in the Municipal Building, 7500 Maple Avenue, as a Board of Election, at 10:00 AM, Wednesday, March 24, 1976, and shall determine and certify the results of the election, as provided in the City Charter. The Council shall meet in Special Session to receive the Certification from the Judges at 8:00 PM, Wednesday, March 24, 1976.

Ordinance authorizing closure of Juniper Street to vehicular traffic

Mayor Roth pointed out that this decision was not just one of whether or not to close Juniper Street but it concerned the possible closing of Fenton Street at that point or possibly another street. Upon Motion by Councilman Garcia, seconded by Councilman Forshee, the below ordinance was adopted by roll call vote as follows: AYE: Councilmembers Forshee, Faulkner, Garcia, and Webb; NAY: none; EXCUSED: Councilman Nishimoto; Councilman Rick's was temporarily absent; ABSTAINED: Councilwoman Medina (since this issue first came up before she was on the Council and at that time was in favor of the pedestrian bridge and because she would appear to have a vested interest.)

ORDINANCE # 2370

WHEREAS, a public hearing was held on November 17, 1975, to hear views from citizens and other interested parties on the question of whether the Mayor and City Council should close or abandon the existing public right-of-way to vehicular traffic on a roadway known as Juniper Street, between the north side of the Baltimore and Ohio Railroad right-of-way and Takoma Avenue, within the municipal boundary of the City of Takoma Park, with written comments being accepted through November 24, 1975; AND

WHEREAS, the Mayor and City Council, after fully weighing all comments and all other considerations, have concluded that it is in the public interest to close the above-described public right-of-way to vehicular traffic.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MD.

SECTION 1. THAT vehicular traffic shall be prohibited on the roadway known as Juniper Street, lying between the north side of the Baltimore and Ohio Railroad and Takoma Avenue in the City of Takoma Park.

SECTION 2. FURTHER THAT this ordinance shall become effective on January 12, 1976.

Mayor Roth noted the need to send a letter to WMATA describing events at the public hearing and of the ordinance and encourage them to get into some discussion about the bridge.

Report on Spec. Ex. 2252--Petition to amend condition - day care center, 7003 Sycamore Avenue (Hearing: 9:30 AM, 2-2-76, Ct. House, Upper Marlboro)

Mr. Gilsdorf explained that this hearing concerns a requested amendment to a condition of the special exception to permit more children (presently limited to 26) and the County Health Dept. has already made their inspection and approved up to 45 children. Councilwoman Medina expressed the importance of knowing the exact number of children scheduled to attend the school. Councilman Faulkner recommended that Council get views from surrounding Sycamore residents.

Ordinances relating to traffic control in Westmoreland Avenue area

Upon motion by Councilman Faulkner, seconded by Councilwoman Medina the below ordinance was passed by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Medina and Webb; NAY: none; EXCUSED: Councilman Nishimoto. Councilman Ricks was temporarily absent.

ORDINANCE #2371

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

SECTION 1. THAT West-bound traffic on Eastern Avenue service drive shall come to a complete stop at its intersection with Walnut Avenue; AND

SECTION 2. THAT the Director of Public Works is hereby instructed to erect a STOP sign at the above-described location; AND

SECTION 3. FURTHER THAT the penalty for violation of this ordinance shall be as described in Sec. 1-17 of the Code of Takoma Park, Md., 1972, as amended.

Upon motion by Councilwoman Medina, seconded by Councilman Garcia, the below ordinance was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Garcia, Medina and Webb; NAY: Councilman Forshee; EXCUSED: Councilman Nishimoto. Councilman Ricks was temporarily absent. Councilman Forshee felt that Westmoreland was not the busiest street in the city and that a traffic count should be taken to determine whether there was a real need for a stop sign; was confused why

anyone would want a stop sign on a dead end street; said it cheapened the value. Other Councilmembers expressed their disagreement.

ORDINANCE # 2372

- BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND
- SECTION 1. THAT all traffic on Westmoreland shall come to a complete stop at its intersection with First Avenue; AND
- SECTION 2. THAT the Director of Public Works shall erect the appropriate signs to effect the above directive; AND
- SECTION 3. FURTHER THAT the penalty for violation of this ordinance shall be as stated in Sec. 1-17 of the Code of Takoma Park, Md., 1972, as amended.

Upon motion by Councilwoman Medina, seconded by Councilman Garcia the below ordinance was passed by roll call vote as follows: AYE: Councilmembers Faulkner, Garcia, Medina, and Webb; NAY: Councilman Forshee; EXCUSED: Councilman Nishimoto. Councilman Ricks was temporarily absent.

ORDINANCE #2373

- BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND
- SECTION 1. THAT all traffic shall come to a complete stop at the intersection of Allegheny Avenue and Second Avenue; AND
- SECTION 2. THAT the Director of Public Works shall erect the signs necessary to create a 4-way stop intersection; AND
- SECTION 3. THAT the penalty for violation of this ordinance shall be as stated in Sec. 1-17 of the Code of Takoma Park, Md., 1972, as amended.

Upon motion by Councilman Faulkner, duly seconded, the below ordinance was passed by roll call vote as follows: AYE: Councilmembers, Faulkner, Garcia, and Medina; NAY: Councilman Forshee and Webb; EXCUSED: Councilman Nishimoto. Councilman Ricks was temporarily absent.

ORDINANCE #2374

- BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND
- SECTION 1. THAT all traffic shall come to a complete stop at the intersection of Westmoreland Avenue and Second Avenue; AND
- SECTION 2. THAT the Director of Public Works shall erect the signs necessary to create a 4-way stop intersection; AND
- SECTION 3. THAT the penalty for violation of this ordinance shall be as stated in Sec. 1-17 of the Code of Takoma Park, Md., 1972, as amended.

[Councilman Ricks returned to the meeting at this point.]

Authorization to solicit bids on Police Dept. equipment (LEAA grant)

A new burglary educational apprehension team has been authorized, and the following equipment is necessary to begin operations: 1 compact vehicle, 2 lightweight scooters, 3 (5 watt) portable chargers, and 1 camera, 35mm. In response to Councilwoman Medina's question, Chief Porter said that there were 5 marked cars and 4 plain cars in the Police Dept. He also described the use of the cycles. Councilman Faulkner moved for the authorization to solicit bids; Councilman Forshee seconded and the motion was passed unanimously by voice vote.

Ordinance authorizing addition of assessor building to Public Works greenhouse, using RSF/ Councilwoman Medina asked why this request didn't come up when Council was discussing the budget. Mr. Gilsdorf explained that the Parks Supervisor, who was hired after budget adoption, has set up a very effective program and is in need of an area to work during inclement weather. Upon motion by Councilman Forshee, seconded by Councilman Garcia, the following ordinance was passed by roll call vote as follows: AYE: Councilmembers Forshee, Faulkner, Garcia, Medina, Ricks, and Webb; NAY: none; EXCUSED: Councilman Nishimoto.

ORDINANCE #2375

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

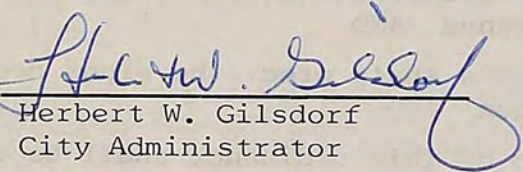
SECTION 1. THAT it has been determined that there is a pressing need for additional work and storage space for the Parks Division; AND

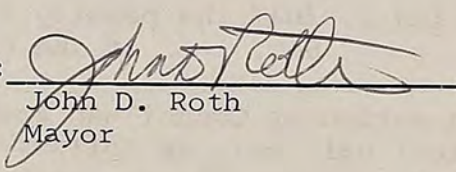
SECTION 2. THAT the needed space can be provided by the construction of an extension to the present greenhouse;

SECTION 3. THAT the building can be erected at a cost of \$3,000, using City forces.

SECTION 4. THEREFORE THAT a sum in the amount of THREE THOUSAND DOLLARS (\$3,000) be appropriated from Federal Revenue Sharing Funds and transferred to A/C 18.3232, Greenhouse Assessor Building.

ADJOURNMENT: 12:05 AM - Council to reconvene Monday, January 26 at 8:00 PM.

ATTEST: 
Herbert W. Gilsdorf
City Administrator

APPROVED: 
John D. Roth
Mayor

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

January 26, 1976

City Officials Present:

Mayor Roth	City Administrator Gilsdorf
Councilman Forshee	Asst. to the City Administrator Nichols
Councilman Faulkner	City Clerk Pusti
Councilman Garcia	Chief of Police Porter
Councilwoman Medina	Public Works Director Barile
Councilman Nishimoto	Recreation Director Ziegler
Councilman Ricks	
Councilman Webb	

The Mayor and Council met in Regular Session on January 26, 1976 at 8:00 PM in the Council Chambers, 7500 Maple Avenue, Takoma Park, Maryland. Following the Pledge of Allegiance to the Flag and the invocation by Monsignor Patrick Bogley, Our Lady of Sorrows Catholic Church, a motion to approve the minutes was made and seconded. Councilman Ricks requested a correction in the minutes on Page 5, 2nd topic, line 4 and 5; asked that "elimination of" be omitted. City Administrator made a correction on Page 6, 4th topic, 2nd line: He said that the correct cut-off date for new voters to register for the City Election is March 8, not March 15. Mr. Vogel noted an error on Page 2 in his statement (see Citizens Remarks below). With these corrections the minutes were approved unanimously.

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

Mayor Roth presented Mrs. Louise Kunz with a certificate of appreciation for her 20 years of valuable service as crossing guard. Mrs. Kunz is retiring.

The Mayor received from County Executive a new schedule of 1976 Town Meetings for Prince George's County Residents. The first meetings close by will be Feb. 25, 8:00 PM, Rolling Crest Jr. High and April 28, Greenbelt Jr. High. In past meetings citizens were allowed to hold open discussion with representatives of the County, Board of Education, and Rep. of the State Legislature.

Mayor Roth made known the Bicentennial Program "States of the Union" to be broadcast by Radio Station WGTS fm. (Exact dates may be obtained from station.)

He noted that Montgomery County Superintendent of Schools was meeting Jan. 26 (discussion on Elementary schools to serve Junior High schools). The Mayor was informed by members of the P.T.A. that the County's recommendations are not favorable. Council felt that County's judgement will create an underutilization in Takoma Park Jr. High and hoped to hear that their decision will be deferred for a more thorough study. Mayor and Council sent a telegram to the BOE recommending that withdrawal of Rolling Terrace and New Hampshire Estates from Takoma Park Jr. High be replaced with service area of Highland View and Parkside Elementary Schools.

Announced that the City has received the first payment on the LEAA grant for the Burglary Apprehension Team.

As a member of the Prince George's County Municipal League Executive Committee, Mayor Roth and other committee members met to discuss a proposed legislation to go before the Prince George's County Council which might mean more of a tax rebate for the 28 municipalities in the County.

Councilman Faulkner announced that Eleanor Roosevelt High School (P.G. County) will be open next year. Plans for its use will affect students going to High Point or North Western High Schools. He said it is not expected to affect Takoma Park children now but urged citizens to be aware of the situation. The Mayor requested that Councilmen Faulkner and Garcia keep abreast of the situation.

CITIZENS REMARKS

1. Robert Leyshon, 7103 Sycamore Avenue Noted his recent request for Council to communicate by letter to Lt. Governor concerning problems with the Historic District and Montgomery College; inquired as to what had been done. The Mayor replied by saying the Council had not made a decision. He added that this information is before the Lt. Governor and it isn't likely that there will be a great delay. Mr. Leyshon mentioned he had had no problem with the Modern Day Nursery (Sp. Ex. #2252) nor with traffic to and from the Nursery; claimed them to be good neighbors and as long as they maintained a sound program he would be in favor of their expansion.
2. Kathryn Simpson, 7300 Cedar Avenue Referring to Sp. Ex. S-462, 7320 Piney Branch Road, beauty shop, Mrs. Simpson recalled the application for the Sp. Ex. two years ago when she had testified against granting it, but was impressed with applicants' efforts to support her family. Mrs. Simpson was not encouraging any kind of commercial use in this area but noted that there were other businesses on that street (7322 & 7400 Piney Branch); reminded Council that she was not changing her position on this; urged them to explore the socio-economic problem before acting.
3. Lou Diminio, 7324 Piney Branch Road Agreed with Mrs. Simpson; preferred this type of business to others, but encouraged Council to look seriously at the Sp. Ex. and the effects it will have as a commercial property in the Historic District. He expressed concern for the spread of Sp. Ex. in R-60 zones.
4. Phil Vogel, 7117 Garland Avenue Constructively criticized the minutes of Jan. 12; felt he was misquoted on Page 2, first two sentences. Councilman Nishimoto moved that the statement be changed, Councilwoman Medina seconded and the motion was approved with the correction as follows: "Mr. Vogel noted that the management of the Winchester-Takoma Apts. has changed and the maintenance has changed for the worse; hoped that residents did not have to put up with some of the same problems that existed before help was made available to them last year." He recalled two gentlemen appearing before the Council, Oct. 14, 1975, promoting free trash cans and benches for the City on which community-oriented advertising would appear and asked what was decided. There was some discussion after which Councilman Ricks said, and City Administrator confirmed that the group never contacted Council after additional information was requested of them. Mr. Vogel asked that there be some follow-up on this. Mayor Roth requested the City Administrator to contact the group and report at the next meeting. Referring to Sp. Ex. S-462, (beauty shop, 7320 Piney Branch Road), he felt that for the Council to be consistent they would have no alternative but to oppose for the same reason they oppose the rezoning for the print shop (6844 New Hampshire).
5. Inwid Gray, 700 Chaney Drive inquired about the telegram Mayor and Council sent to the School Board; asked when the discussion occurred prompting Council to send the telegram. Mayor Roth explained that Council was acquainted with the matter January 22 and the school board was meeting on January 26. Council took the advice of the PTA and acted on it. He said that Montgomery Hills Jr. High was closed calling for a revision for feeder schools in the Jr. Highs. The PTA informed Council that Rolling Terrace and New Hampshire Estates will be taken out of the area and be assigned to two other Jr. High schools leaving no replacement for Takoma Park Jr. High (this would cause underutilization in Takoma Park Jr. High).

Administrative Reports and Recommendations for Council Actions

Report from City Administrator on recently passed rent control legislation in Mo. Co. and City action to secure voluntary compliance.

The County Council Jan. 20 voted to extend the County rent control program for two

years, until December 31, 1977. The first year landlords may increase rents by no more than 5%, twelve months after the most recent rent increase. An alternative to this could be an increase of 3% plus actual utility costs and property taxes. The second year of the program the 5% and 3% figure would be adjusted upward or downward depending on the index change. Vacancy decontrol will begin July 1, 1976. Mr. Gilsdorf stated that Takoma Park landlords were asked what increases were made since the voluntary Resolution in Sept. 1975 was passed and only half have responded. Landlords will have until Friday, Jan. 30 to respond. Councilman Ricks was concerned with the reasons that some landlords gave for raising the rent. He mentioned that Mr. Gilsdorf, Tom Hamilton (Landlord-Tenant Office) and he had met to discuss rent control. Mr. Hamilton felt that there are problems with rent control and it would be administratively difficult to handle rent control in the City but not impossible. Councilman Ricks urged Council to consider further possibilities of joining the Montgomery County rent control bill. Councilwoman Medina didn't wish to be in the position of defending a landlord but that low income apts. must obtain money for repairs and heating from somewhere. Councilman Ricks replied that low income apts. should find ways of keeping their costs low. Councilmembers Nishimoto, Garcia, and Forshee suggested that Council see that results of the survey before making a decision. Councilman Faulkner moved that a letter be sent to landlords telling them that the voluntary resolution was still in effect. The motion failed for lack of a second. Councilwoman Medina noted that if the Council joined with the Montgomery County rent control bill it would be at considerable expense to the City. Councilman Ricks moved that the City pursue the implementation of Montgomery County rent control bill for Takoma Park. Motion failed for lack of a second. Councilman Nishimoto asked for more information on the scope of the problem after which the Mayor said it was the sense of the Council to see the additional information from the survey before proceeding.

Special Exception S-462, 7320 Piney Branch Road, beauty shop in R-60 zone
(Hearing: 9:00 AM, 3-23-76, COB auditorium, Rockville)

Mr. Gilsdorf mentioned that in 1972 the same request was denied by the Board of Appeals and at that time City Council opposed the granting of the Sp. Ex.. Councilman Nishimoto noted the attractiveness of the house; asked that the City Administrator get opinions from the surrounding neighbors. Councilmembers Faulkner, Forshee and Medina visited the place some time ago and noted that a sign would have to be erected advertising the business (beautician's liscense requirement). Councilwoman Medina found some special exceptions to be humanizing, creating a sense of neighborhood, but said one can't selectively choose the Sp. Ex. one would like in his neighborhood; feels that if the Sp. Ex. leaves the City vulnerable and attracts others then she would be against it. Councilman Faulkner pointed out that special exceptions were not designed to attract other Sp. Ex. and were not supposed to be viewed that way. After some discussion on the philosophy of special exceptions, Mayor Roth reminded Council that the City Administrator had been asked for some information that will be presented as soon as possible.

ZMA A-8971, print shop, 6844 New Hampshire Avenue, C-1 to C-G
Hearing: 9:30 AM, 2-2-76, Court House, Upper Marlboro

Giving some background, City Administrator noted that this was heard before the Planning Board; resulted in a split vote, but was approved and is now going to the District Council for a final hearing. City Council opposed the zoning change but not the print shop itself. Councilman Faulkner explained that the purpose of C-1 is to allow professions and businesses that meet the needs of local communities; C-G allows for a larger trade selection in a heavily travelled area with fewer restrictions on residential property. He moved that Council reaffirm

its stand against the change of C-1 to C-G and by letter notify the Planning Board of the City Councils' position. Councilman Garcia seconded. The motion was passed unanimously by voice vote. Mayor Roth, Councilmembers Nishimoto and Medina thought it would be best if the Council noted the impact of C-G and included alternatives to the problem such as investigating the print shop and redescribe or redefine it to fit in the C-1 zoning; explain that businesses serving automobiles are divided into categories and possibly print shops could be handled in the same manner.

Special Exception 2252, petition to amend enrollment condition, day care center, 7003 Sycamore Avenue (Hearing: 9:30 AM, 2-2-76, Court House, Upper Marlboro)

This is an operation of a Day Care Center (with 26 children) asking for a Sp. Ex. to expand its enrollment to 48 children. Mr. Gilsdorf reported that the City has had no complaints about the nursery and has received favorable reviews from the County Health Department, Code Enforcement, and Fire Prevention Office. Since the last Council Meeting a survey of the neighborhood was taken for their opinion. Letters were sent to 82 residents; 21 responded (15 not opposed, 6 opposed). No additional facilities have been noticed. Councilwoman Medina was concerned with the increase of noise but if neighbors have no objection then she would favor the special exception. Councilman Faulkner moved that Council not oppose the amendment and so notify the Hearing Examiner. Councilwoman Medina seconded and the motion was carried unanimously.

Request to waive Code restriction on number of pinball machines permitted per establishment. At present the City of Takoma Park permits one pinball machine per establishment. A vending company asked that Sec. 8-14 of the City Code be waived. Mr. Gilsdorf noted that the City has had no trouble with the present code and suggested that waiving the code could possibly bring on problems. Councilwoman Medina could see no justification for changing the present ordinance. Councilman Ricks replied by stating that he could see no justification for not changing the ordinance (pinball machines and electronic tennis were quite popular; wondered if Council was giving it undue strain). Councilman Faulkner moved to support the staff recommendation (keep the present code). Councilman Nishimoto seconded and the motion was passed unanimously.

SPECIAL REPORTS

Courtesy Service Co. (Promotion of benches and trash containers)

Councilman Nishimoto felt that the people were not too interested in promoting their product and suggested that the company be called once more. Councilman Garcia was afraid that the advertisements to be placed on the benches and litter containers may not go with the Historic District. Councilwoman Medina thought that benches and litter containers were not so big of an item that the City couldn't buy them and control the advertisements. Councilman Webb thought that it was possible the reason the gentlemen representing Courtesy Co. never came back was due to the many questions presented to them about the effects this would have on the ecology and the Councils strong concern about the type of advertisement to be used. Councilman Ricks requested information on the shelters to be build by Metro. Mr. Barile reported that the shelter for Philadelphia and Maple Avenues is ready to go to contract. One will be placed near the Adventist Church (Northeast side of Flower Avenue) and the third will be located at Laurel and Carroll Avenues. He added that there are 200 shelters for the entire County; the criteria will be based on the number of stops and people utilizing the system. Councilman Faulkner asked if the shelters were harmonious with the Historic District. Mr. Barile knew of no plans for a shelter to be located within the Historic District.

Signalization (Councilman Ricks reporting)

SHA has proceeded to place lights and poles in front of the Takoma Tower. An inquiry was made by Councilman Ricks about an accident that occurred at Piney Branch Road and Ritchie Ave; questioned the safety of this intersection. Public Works Director Barile reported that this has been explained to SHA and they plan to reduce the slope (South side of Ritchie Ave.) to increase visibility. Councilman Ricks asked the City to further pursue signalization at Piney Branch Road and Ritchie Avenue. Councilman Garcia requested a progress report on other signalization projects within the City.

NEW BUSINESS

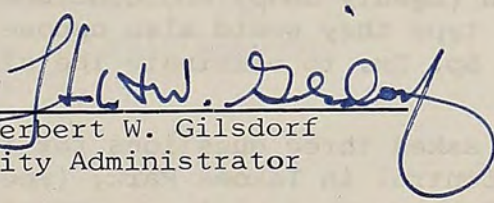
Councilman Ricks requested Council to allow 5-10 minutes for audience participation. By consent of the Council the following people spoke:

Dr. Stanley Evans felt that Council should ask landlords for a list of rent increases from the past year and not just since Sept. to get a more accurate picture.

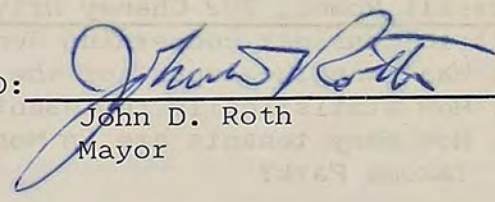
Mr. David Gray thought there was no hope of Council passing a rent control bill. He suggested that Council form a tenants advisory committee that can relay information to the Council.

ADJOURNMENT: 10:20 PM - Council to reconvene Monday, February 9 at 8:00 PM.

ATTEST:


Herbert W. Gilsdorf
City Administrator

APPROVED:


John D. Roth
Mayor