

CITY OF TAKOMA PARK, MARYLAND  
MAYOR AND COUNCIL WORKSESSION  
Council Meeting Room  
October 3, 1977  
7:30 PM

Councilmembers Present:

- Mayor Pro-tem Forshee
- Councilman Faulkner
- Councilman Garcia
- Councilwoman Medina
- Councilman Ricks
- City Administrator Gilsdorf

Citizens Present:

- Mr. Robert Melvin
- Dr. Frances Phipps
- Mr. Martin Franks

The meeting was called to order by Mayor Pro-tem Forshee at 7:35 PM.

Mr. Robert Melvin presented extensive statistical data which was gathered throughout Takoma Park by Z.O.N.E. Considerable discussion followed relating to Z.O.N.E.'s sampling techniques, reliability, conclusions, etc. From this statistical information, Z.O.N.E. has developed three alternative proposals for dealing with the multi-family question: 1) phase out all non-conforming rental units during a 3 year period, or at the time of transfer, whichever comes first; 2) phase out all non-conforming rental untis in a 5 to 8 year period, or at the time of transfer, whichever comes first; and 3) phase out all non-conforming rental units within a time certain with procedures being established to permit owner occupants to apply for a special exception for one apartment if they had an apartment prior to 1950.

After Z.O.N.E.'s presentation, the Mayor and Council discussed the Community Development Block Grant program, with special mention being made of a request from the Hampshire Greens area. It was concluded that this subject would be discussed more throughly at a future meeting.

There being no further business to discuss, the meeting adjourned at 9:45 PM.

APPROVED: Clayton D. Forshee  
Clayton D. Forshee  
Mayor Pro-tem

ATTEST: Herbert W. Gilsdorf  
Herbert W. Gilsdorf  
City Administrator

## THE CITY OF TAKOMA PARK, MARYLAND

## MEETING OF THE MAYOR AND CITY COUNCIL

October 11, 1977

## City Officials Present:

Mayor Roth	City Administrator Gilsdorf
Councilman Faulkner	City Clerk Pusti
Councilman Forshee	Administrative Assistant Swinton
Councilman Garcia	Public Works Director Barile
Councilwoman Medina	Police Lieutenant Dalrymple
Councilman Nishimoto	Recreation Supervisor Rouse
Councilman Ricks	Corporation Counsel Gingerich
	Asst. Corporation Counsel Hoffman

EXCUSED: Councilman Webb

The Mayor and City Council of Takoma Park met at 8:00 PM, October 11, 1977, in the Council Chambers, 7500 Maple Avenue, Takoma Park, Md. Following the pledge of allegiance to the flag, a motion to approve the minutes of September 26-27, 1977 meeting was made and seconded. City Administrator Gilsdorf requested that a correction be made under Mayor Roth's Comments and Presentations (item 4) to indicate that Councilman Garcia received the "Silver Medal," the second highest award offered by the Department of Commerce. Councilwoman Medina requested that item 2 of the same section be amended to include Mr. Tim Boddy, of Baltimore Avenue was also a semi-finalist of the National Merit Scholarship Awards; also noted that four of the six from Blair High School had been Takoma Park Junior High School students.

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

Mayor Roth congratulated Mrs. Charlene Cohen for her efforts in connection with the victory on permit parking which was upheld by the United States Supreme Court.

Congratulated Mr. Tim Boddy for having been named a semi-finalist of the National Merit Scholarship Awards.

Announced the receipt of a letter from Herbert Benington, President, Montgomery County Board of Education, stating that there would be no secondary school closures until after the Board's decision on secondary school reorganization. The Mayor noted that the City should be ready for action on this sometime in the Spring.

ADDITIONAL AGENDA ITEMS

Community Development Block Grant Proposal/Prince George's County; request to reinstate item II. L. (Councilman Garcia)

Purchase of a tape recorder for Recreation Department from Recreation Reserve Funds (City Administrator Gilsdorf)

Discussion on items to be presented by ZONE (Councilwoman Medina)

Discussion of 7700 Takoma Avenue (Mayor Roth)

Prince George's County contribution to Takoma Park fire service (Mayor Roth)

Legislation on storm drains from Prince George's County Delegation (Mayor Roth)

Guidelines for rehabilitation in Takoma Park Historic Districts (Mayor Roth)

Submission of parks projects to Montgomery County Park and Planning (Councilwoman Medina).

#### CITIZENS' REMARKS

1. Charlene Cohen, 7815 Takoma Avenue: thanked the Council for their support in the battle for permit parking; expressed pleasure that Supreme Court upheld its constitutionality. Stated that the Board of Education has taken away the Blair school bus which serves her area; requested that Council contact the Board to have bus service resumed, noting the hazards to children who must walk the long distance to Blair. (Added to the agenda.) Mrs. Cohen spoke of the work of the Police Department's "Neighborhood Watch Meetings," saying they are very useful in alerting people to potential hazards. Requested implementation in all areas of City and was informed that this is the goal of the program, with the Department taking the initiative.

2. Morelyn Weisman, 7701 Takoma Avenue (speaking for David Weisman): stated that the Montgomery College Board of Trustees had ignored the Council's letter of support of retention of 7700 Takoma Avenue (Carroll House); instead the Board voted to advertise for bids to sell the house (to be transported away from the property) and if not sold, it would be demolished. Mrs. Weisman read a report of the Board's action from a Suburban Record article (9/23/77). Stated that College was not adhering to the original spece use plan, the "Potter Plan." Requested that the Council contact the Board and ask that they reverse their decision and place the property on the market for single-family residential use. Also asked that a letter be sent to the Montgomery County Council stating that the College has disregarded the wishes of the City, reminding them of their committment to the Potter Plan, and asking them to hold up college funding until the Trustees reverse their decision. Mayor Roth stated that some action would be taken on this item. (See page 6.)

3. John Tucci, 608 Philadelphia Avenue: reiterated Mrs. Weisman's comments and requested that the Council direct the Corporation Counsel to start injunction proceedings against demolition of the house, and that they contact County Executive Gleason, and urge that Dr. Strasser and Mrs. Ross be terminated from their positions.

4. Robert Melvin, 7138 Carroll Avenue, Chairman, Z.O.N.E.: on the subject of the proposed Montgomery County Text Amendment concerning multi-family housing in single-family zones, requested that a complete housing survey be made throughout the Montgomery County portion of the City; that churches, educational institutions, etc., not be excluded from this legislation, and also that the City

adopt an ordinance similar to a Rockville law which requires purchasers to sign an affidavit stating they have been told of the zoning, had seen zoning maps, master plans and other relevant materials and that they recognize their obligations. Also noted four alternatives proposed by ZONE for the amendment: 1) a phase-out in three years with no changes from present situation; 2) a phase-out in five years with stringent code enforcement; 3) a Special Exception process for owner-occupants only which includes a phase-out in ten years; and 4) a proposal for County-wide redefinition of R-60 zoning to permit one apartment whenever there is owner-occupancy. Later in the meeting, Councilwoman Medina read a staff proposal for an alternative in which all owners of registered properties in improper zoning would apply for legal nonconforming use status for their apartments. Applicants must have compliance with BOCA Codes, off-street parking, fire and other codes, density, structural appearance, and suitability of apartment location. By December 31, 1978, hopefully all applications would have complied with the items above and would either be accepted or eliminated. After that date, no consideration would be given to additional multi-family units unless they comply with zoning.

5. Joseph Lerner, 7708 Takoma Avenue: reiterated comments made about 7700 Takoma Avenue, noting earlier demolitions at Chicago and Philadelphia Avenues and Chicago and New York Avenues. Requested that Council take some action to prevent demolition of 7700 Takoma Avenue, and, noting poor maintenance, requested that all surplus College property be returned to tax rolls.

6. Bernice Myers, 7212 Cedar Avenue: requested that the Corporation Counsel file an injunction against Montgomery College to keep them from demolishing 7700 Takoma Avenue. In reference to the Wincheste/Takoma, she noted the problems tenants face with absentee landlords; made reference to an article in the Star (10/9/77) which stated that two old apartment buildings in the District had been purchased by a church, renovated, and sold as condominiums. Suggested that something similar could take place at the Winchester/Takoma--a means of taking care of the people in the community.

7. Mary Roth, 7608 Hammond Avenue, Member, Azalea Committee: suggested that in the future the City do away with the planting strip that runs between the sidewalk and the curb and replace it with some sort of cement design. Noted that where Public Works Department has planted trees along Philadelphia Avenue, neither trees nor grass is attractive; some trees have root systems too large for the area in which they are planted and simply die. Requested that the Council reinstate the sidewalk request in the CDBG proposal pertaining to the Hampshire Greens area.

8. Elizabeth Bozarth, 7326 Willow Avenue: stated she felt the trees on Philadelphia Avenue do a lot to improve the looks of the street.

9. Joseph Ferrier, 7413 Maple Avenue: requested that the Council propose a proclamation in recognition of the first meeting of the "Community Congress." Thanked the Council for responding to an earlier request to plant a dogwood tree in front of his house in memory of his late wife, Opal. In reference to 7700 Takoma Avenue, he stated that the College had agreed to keep a Victorian atmosphere, that the only thing left in the college area looking like that was the Carroll House; requested that the Corporation Counsel file for an injunction. Also noted that multi-family houses, when reconverted to single-family, are appraised, taxed and sold for more than when in multi-family use.

10. Mary Roth: stated that her primary concern for the trees on Philadelphia Avenue was that they do not have enough space for growth; she did not necessarily want them removed. Suggested the possibility of planting trees just inside the property line, with the city bearing the initial cost and the property owner having the responsibility of upkeep.

11. James Wills, 7620 Maple Avenue, #336: noted that in addition to other things, safety is a problem at the Winchester/Takoma, stating that the main entrance area and parking lot are very dark; requested that lights be installed. Spoke of the feeling of being isolated from rest of Takoma Park and that Winchester/Takoma residents are viewed as the "colored" people of Takoma Park.

12. Renee Moss, 7620 Maple Avenue: stated that the extermination process at Winchester/Takoma has been of no help, there is still a problem. Reiterated comments from previous Council meeting (9/26/77, page 4, item 2), after which there was a dialouge between Ms. Moss and Mayor Roth concerning meetings with the City Administrator, and the necessity and means of conducting the full inspection.

13. Ann Denbow, 7218 Willow Avenue: suggested that the Administrative Reports be given before the Citizens' Remarks, so that citizens could comment on the reports. Questioned whether the entire electrical and plumbing systems are being inspected at the Winchester/Takoma and was answered affirmatively.

14. Elizabeth Bozarth: stated that the residents of the Winchester/Takoma should be completely backed by the Council.

15. Bernice Myers: stated that if the Winchester/Takoma were to be turned into a cooperative apartment building, the tenants could themselves see that the building is well maintained.

16. James Wills: stated that time is of the essence, that the health and safety of Winchester/Takoma tenants are in jeopardy and problems should be taken care of as soon as possible. Suggested that problems at the building were more serious and more urgent than those raised by other speakers, and that more energy should be expended here than on problems of less magnitude.

17. Joseph Ferrier: requested that City Administrator Gilsdorf give his report at this time, instead of later in the meeting (see below).

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Report on progress with 7620 Maple Avenue maintenance problems and status of complete inspection of building. City Administrator Gilsdorf reported that the violation notice dated September 6, concerning roaches and rodents, has expired and that the problem still remains the same, and that this matter has been turned over to Corporation Counsel for prosecution. Regarding the complete inspection, all apartments except 21 had been inspected (because of lack of keys); but the City would gain entrance. After a long discussion concerning the proper legal procedures (with Corporation Counsel Gingerich explaining the rationale), it was determined that the BOCA Code procedures would have to be followed before legal action could be taken on the full inspection. It was noted that the results of the inspection are a matter of public record.

2. Report on Montgomery County Community Development Citizens' Advisory Committee (Councilwoman Medina). Announced that the first public hearing by the Citizens' Advisory Committee would be on October 18, 8:00 PM, first floor auditorium, COB, Rockville, that there would be a speakers list (279-1893) to be placed on the agenda. Second public hearing before the County Council on January 12, 1978, and the adoption of the application on February 14, 1978. Stated that she had been named Chairperson of the Committee and would be giving periodic progress reports. Stated that the County anticipates a grant of \$4,255,000. Councilman Garcia, who is the representative from the City for Prince George's County CDBG Citizens' Advisory Committee, stated that there would be a public hearing on October 12 in the County Administration Building in Upper Marlboro; noted that the County expects a grant of \$6,000,000.

3. Ordinance authorizing transfer of funds within the FY-78 RSF Proposed Use schedule and appropriating funds for improvement of government buildings. Councilman Ricks moved that this ordinance be adopted. It was duly seconded by Councilwoman Medina and adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Medina, Nishimoto, and Ricks. NAY: None. EXCUSED: Councilman Webb.

ORDINANCE #2448

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

SECTION 1. THAT the FY-78 Proposed Use schedule for expenditure of Federal Revenue Sharing Funds set aside \$5,000 for the improvement of government buildings, with \$4,800 of that amount having been spent;  
AND

SECTION 2. THAT additional funds are needed to proceed with the various projects initiated, such funds totaling an estimated \$5,200; AND

SECTION 3. THAT funds are available in the \$10,000 earmarked for gym renovation, the expenditure of which will not occur during the current Fiscal Year;

SECTION 4. THEREFORE THAT funds in the amount of \$5,000 be transferred from those funds earmarked for Gym Renovation to Improvement of Government Buildings in the schedule for Proposed Use of Revenue Sharing Funds for FY-78; AND

SECTION 5. THAT a sum in the amount of \$5,200 (FIFTY TWO HUNDRED DOLLARS) be appropriated from the General Revenue Sharing Fund account and transferred to the appropriate Government Buildings account.

4. Authorization to solicit bids on two (2) police cruisers, using Revenue Sharing Funds. A motion to approve this authorization was made and duly seconded and carried unanimously.

5. Councilman Garcia requested that item II. L. of the CDBG proposal be reinstated, to read as follows: "Hampshire Greens: 1. Improvement to Hammond Avenue between Jackson and Kirkland, including sidewalk, curbs, gutters and greenspace--\$10,000." After a lengthy discussion, upon motion by Councilman Garcia, duly seconded, this item was reinstated in the proposal by majority vote.

6. Mayor Roth moved that the Council contact the Montgomery College Board of Trustees and also the Montgomery County Council in reference to having the Board reverse their decision on 7700 Takoma Avenue (Carroll House). This motion was seconded and unanimously approved by the Council.

7. Councilwoman Medina moved that the City contact Montgomery County Department of Environmental Protection and request that a comprehensive housing survey be conducted in conjunction with the proposed Text Amendment No. 77003, to determine which properties in the City have apartment units but are not registered. This motion was seconded and approved unanimously by the Council. The Council also approved a motion to hold a PUBLIC FORUM on OCTOBER 25, 1977 at 8:00 PM and also a SPECIAL MEETING OF THE COUNCIL on NOVEMBER 1, 1977 to make a final decision on the alternatives offered for this amendment. See enclosed sheet for additional information. (A SPEAKER'S LIST IS BEING PREPARED FOR THE OCTOBER 25 PUBLIC FORUM. IF YOU WISH TO SPEAK AT THE MEETING, PLEASE CALL THE CITY ADMINISTRATOR'S OFFICE (270-1700) AND ASK TO HAVE YOUR NAME PLACED ON THE LIST.)

8. City Administrator Gilsdorf requested approval for the purchase of a tape recorder for the Recreation Department, using Recreation Reserve Funds. Councilman Garcia so moved, it was duly seconded by Councilman Ricks, and approved.

9. Mayor Roth requested that the open land located at Sheridan and Hancock Avenues be submitted to Montgomery County Park and Planning Commission for acquisition under "Program Open Space." Councilman Ricks so moved; it was duly seconded and approved.

10. Mayor Roth noted that Prince George's County's financial funding for Takoma Park fire service has been cut off, stated that contact has been made with the County Executive, but to no avail. The Mayor moved that the Council ask members of the Prince George's County Council to initiate and approve appropriate legislative action to make sure that the County budget now being prepared for next year does in fact contain an item to provide financial support for Fire Service out of Takoma Park station to the citizens in the Prince George's section of the City. Also that steps be taken by Prince George's County Council to explore what can be done with regard to the current year's budget. This motion was duly seconded and approved unanimously by the Council.

11. Regarding the Guidelines for Takoma Park's Historic District, Mayor Roth noted that members of the Council are reviewing them; requested that the staff obtain additional information and try to resolve the issue.

12. Mayor Roth noted that PG/MC Bill No. 12-78 (concerning WSSC turning over responsibility of storm drains to respective counties) would be discussed by the Prince George's County Delegation soon; moved that the same position of non-support be taken on this as was taken with Montgomery County. This motion was approved unanimously by the Council.

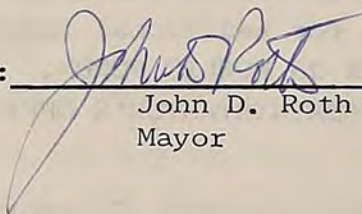
13. Mayor Roth asked that the City Administrator obtain additional information and contact the Montgomery County Board of Education and request that the school bus for Blair High School be reinstated as per Mrs. Cohen's request.

14. Councilman Ricks asked that consideration of the State Highway Administration's recommendations for "right turn on red after stop" signs, on Route 410, be delayed until the Council could consider them further. It was also suggested that affected citizen associations be asked for comment on them.

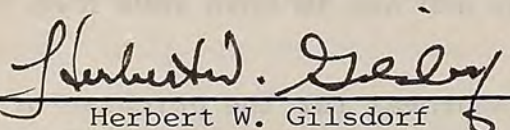
15. Councilwoman Medina requested that the Mayor issue a proclamation recognizing the Neighborhoods Together, Inc. "Community Congress." Mayor Roth moved that this be postponed; it was duly seconded and carried.

Upon motion, duly seconded, the meeting adjourned at 12:16 AM, to reconvene on Tuesday, October 25, 1977, at 8:00 PM.

APPROVED: \_\_\_\_\_

  
John D. Roth  
Mayor

ATTEST: \_\_\_\_\_

  
Herbert W. Gilsdorf  
City Administrator



## THE CITY OF TAKOMA PARK, MARYLAND

PUBLIC FORUM

Tuesday, October 25, 1977, 8:00 PM  
Municipal Building  
7500 Maple Avenue, Takoma Park, Maryland

Your City Council has set October 25 as the date to hear additional citizen views on control or reduction of apartments in residential areas of the City. Some background information follows.

In 1952 and 1953, the City Council in office at that time was aware that a number of citizens had converted their houses to add apartments during and before the World War II period. This previous Council was aware that many of the conversions were not in proper zoning. After lengthy study and many citizen meetings, searching for an equitable solution, they passed a Housing Ordinance which required the registration of apartments in existence at that time. They required an inspection system for proper compliance with sanitation, health and housing standards. They also established a policy to oppose any future conversions to apartments. This system has existed for almost 25 years.

Early last summer the Montgomery County Council recognized a similar problem in East Silver Spring and proposed legislation for a county-wide registration system that would give legal recognition to apartments that have been in continuous existence since 1954. This would be subject to some additional controls, including a provision to revoke or suspend the registration for failure to comply with standards, a provision for off-street parking, and others (a more complete outline can be obtained at the City Office). Also, the County is considering the option of phasing out improperly zoned apartments when the building is sold or changes hands.

At the request of citizens, the City asked for more time to study the County proposals, and the County gave us an extension to the first week in November. A citizen group did a great deal of work to assemble useful data and made a sampling survey of a number of streets. After analysis, ZONE has recommended that the city consider the following alternatives:

- ° Ask the County for legislation that would phase out the apartments not properly zoned in 3 years, or at transfer of ownership, whichever comes first. In the meantime provide strong code enforcement. Also provide a covenant in the deed acknowledging the requirement to phase out.

OR

- ° Phase out in 5 years or time of sale or transfer of ownership, whichever is first. Provide for registration of properties contingent on:
  - Housing and fire, etc. code inspection prior to registration
  - Time for code compliance cannot exceed 18 months
  - Cost for code compliance cannot exceed \$3,000
  - Covenant in deed to acknowledge phase-out requirement

OR

- ° Establish a special exception process that would permit only one rental apartment. The building must be owner occupied. No roomers would be permitted if an apartment exists. The special exception would be granted only for apartments in continuous use since 1954. The building must meet housing and fire codes and

- provide off-street parking. Must re-apply for special exception every four years. Must revert to single family at time of sale, or in 10 years, whichever comes first. Covenant in deed as in previous alternatives.
- ZONE also recommends a house-to-house survey to be made by the County to identify all illegal uses of housing.

Other Alternatives:

- Ask the County for legislation that would permit apartment units that are currently registered with the City to apply for acceptance as a legally recognized use, but this would be granted only if they can pass a stringent and thorough screening that will include meeting higher housing standards, the fire code, off-street parking requirement, exterior appearance standard, structural integrity, density standard, suitability of apartment location. The criteria and standards would be established by City-County agreement. Apartments not meeting standards or creating a nuisance would be phased out.
- ZONE is continuing to meet and may have additional options.

Some citizens have already expressed their views on this issue. The meeting of October 25 is an opportunity for those who have not yet spoken.

To meet the County's deadline, the City Council plans to make its decision in a special meeting on November 1 (8:00 PM, Council Chamber, Municipal Building).

**SPECIAL NOTE:** A speaker's list is being prepared for the October 25 Public Forum. If you wish to speak at the meeting, please call the City Administrator's Office (270-1700) and ask to have your name placed on the list. Speaking time will be allotted as follows: individuals - 3 minutes; representatives of recognized groups - 5 minutes; no speaker may exceed 5 minutes even though other speakers may have relinquished their time for that purpose. A timing device will be used.

NOV 01 1982 8:00 PM

MUNICIPAL BUILDING

CITY OF TAKOMA PARK, MARYLAND  
MAYOR AND COUNCIL WORKSESSION  
Council Meeting Room  
October 17, 1977  
7:30 PM

Councilmembers Present:

Mayor Roth  
Councilman Faulkner  
Councilman Forshee  
Councilman Garcia  
Councilwoman Medina  
Councilman Nishimoto  
Councilman Webb  
City Administrator Gilsdorf

Haynes Pridgen, City Treasurer

The meeting was called to order by Mayor Roth at 7:30 PM.

1. Proposed New Accounting Procedures. Mr. Pridgen presented to the Mayor and Council the pros and cons of having a portion of the City's accounting handled by a Data Processing Service. The total annual cost would be approximately \$4,000 a year. Both he and Herb Gilsdorf recommended that the system be tried. Mayor Roth asked that additional information be furnished to the Council and that the matter be placed on the agenda for the October 25th Council meeting.
2. MML Legislative Report. Mayor Roth gave a brief report on the Fall Legislative Conference held in Salisbury, Maryland, October 12-15. The conference was attended by Councilwoman Medina, Councilman Garcia and Mayor Roth and dealt with municipalities' support for various bills to come before the State Legislature.
3. Park on Library Grounds. Herb Gilsdorf presented a request of the Montgomery County School Board that parking be made available for Teachers (on the Library lot) during the construction of the New TPES. After discussing the matter it was decided that 25 spaces could be made available for this purpose.
4. Right Turn on Red for Maple-410 and Takoma-410. The City Administrator was directed to submit these two State Highway Department Proposals to the affected citizen association for comment.
5. BOCA Extensions. Herb Gilsdorf discussed with the Council several requests for time extension on BOAC notices. After discussion the Mayor and Council decided to place 7209 Cedar Avenue on the agenda for the October 25th Council meeting.
6. 7700 Takoma Avenue. It was reported to the Mayor and Council that Montgomery College Board of Trustees has sought a demolition permit for 7700 Takoma Avenue. The City Administrator was directed to

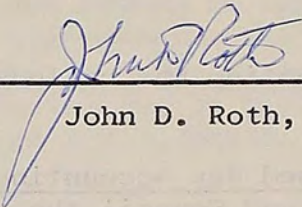
Worksession  
October 17, 1977

contact the Department of Environmental Protection in writing and the Licensing and Permit Office by phone to state the City's official position against the issuance of a demolition permit at this time.

- 7. 7620 Maple Avenue. The City Administrator was instructed to set up a meeting with the owners of 7620 Maple Avenue on October 25th, at 1:00 PM. The Mayor and Council will attend this meeting.
- 8. Multi-Family Housing Text Amendment. The City Administrator was directed to do a brief analysis of the four alternatives under consideration at this time.

There being no further business to discuss, the meeting adjourned at 10:40 PM.

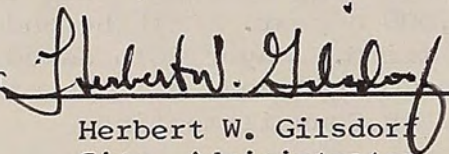
APPROVED




---

John D. Roth, Mayor

ATTEST




---

Herbert W. Gilsdorf  
City Administrator

THE CITY OF TAKOMA PARK, MARYLAND  
MEETING OF THE MAYOR AND CITY COUNCIL  
and  
PUBLIC FORUM ON ALTERNATIVES TO  
MONTGOMERY COUNTY'S PROPOSED ZONING TEXT AMENDMENT #77003

October 25, 1977

City Officials Present:

- |                             |                                     |
|-----------------------------|-------------------------------------|
| Mayor Roth                  | City Administrator Gilsdorf         |
| Councilman Faulkner         | City Clerk Pusti                    |
| Councilman Garcia           | Administrative Assistant Swinton    |
| Councilwoman Medina         | Public Works Director Barile        |
| Councilman Nishimoto        | Police Chief Porter                 |
| Councilman Webb             | Recreation Director Ziegler         |
| EXCUSED: Councilman Forshee | Asst. Corporation Counsel Culpepper |
| Councilman Ricks            | Asst. Corporation Counsel Hoffman   |

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

Mayor Roth announced the purpose of the Public Forum as one of gaining knowledge from citizen opinions to form a basis for the Council's recommendations to be forwarded to the Montgomery County Council on the non-conforming use question. Noted that flyers had been distributed announcing the meeting with a brief background on the Proposed Text Amendment. A deadline of noon Friday, October 28, 1977 was set for all written submissions to the Council on this question.

CITIZENS' REMARKS

I. Public Forum on Alternatives to Montgomery County's Proposed Zoning Text Amendment #77003.

1. Robert Melvin, 7138 Carroll Avenue, Chairman, ZONE (owner-occupied, single-family): outlined the recommendation from his group as follows: 1) phase-out in three years or at time of transfer; 2) Special Exception for elderly tenants and owner-occupants until ownership transfer; 3) aid in relocation for tenants who are not elderly who are living in apartments when the legislation is passed; 4) notification to new renters that the apartment will close at "X" date; 5) deed covenant so prospective purchasers and present owners are fully informed of the status of apartments; and 6) continued code enforcement. Gave statistics that his group had formed: that 5.5% of owner-occupied multi-family people are elderly; 7.0% of tenants are elderly, overlap yields approximately 10% of properties; 195 of 226 R-60 properties are in a small (0.8 square mile) portion of the City (boundaries being the D. C. line, Prince George's County line, Piney Branch Road, and south of Sligo Creek Parkway).

2. Martin Franks, 51 Walnut Avenue: owns a two-family house in an R-40 zone, would not be affected by the Text Amendment. Suggested that a moderate position be taken rather than the one proposed by ZONE. Proposed that a special exception process be used for units that have been registered for a certain number of years, houses should not be allowed more than one unit with owner occupancy.

3. Mary Ann Leary, 7301 Takoma Avenue (owner-occupied, single-family): supports ZONE's proposal for phase-out in three years. Stated that the single-family homeowners pay an equal amount in taxes as do the multi-family homeowners who are earning money through their home; noted that the single-family homeowners pay any additional burden through taxes.

4. Patrick Keyes, 113 Sherman Avenue (o-o,m-f): opposed ZONE's proposal, stated that ZONE did not represent a large portion of the community. Stated that many people purchase multi-family homes to help pay the mortgage; also asked the Council to consider the number of tenants that would be put out of their homes. Requested that the Council accept the proposal made by PLUS (Please Let Us Stay): that all apartments now registered with the City be legally recognized, and that all buildings (multi- and single-family) meet high standards of code compliance.

5. Harold Phipps, 7210 Holly Avenue (o-o,s-f): stated that land use plans and zoning laws provide the rationale for use of land, that Park and Planning is now in the process of updating this area's land use plan. Noted that multi-family properties are contrary to zoning laws. Supports ZONE's proposal with consideration for elderly homeowners and tenants.

6. Frances Phipps, 7210 Holly Avenue (o-o,s-f): noted that according to ZONE's survey, 66% of tenants relocate within one year; cited other statistics from that survey; also noted that multi-family property owners receive income and property tax breaks. Supports ZONE's proposal for phase-out.

7. Bill Strum, 36 Columbia Avenue (o-o,m-f): stated that zoning density impact must be dealt with; that one rental unit should be allowed to be maintained with stringent code enforcement; requested that "closet" apartments be closed out.

8. Ed Longen, 7516 Holly Avenue (o-o, s-f): noted the need to tighten legislation on zoning, must preserve residential character of the City; stated that density is much too high; if multi-family units are allowed to stay, parking permit areas would have to be initiated; that multi-family owners do not bear an equal share of the burden in taxes. Supports ZONE's proposal of phase-out.

9. Mrs. John Fleming, 6909 Westmoreland Avenue (o-o,s-f): supports ZONE's proposal for phase-out, but would like included the addition of one unit in an R-60 zone. From a survey that ZONE had conducted, noted that out of 67 streets, there were only 12 that didn't have any multi-family units on them. Stated that the increased density that multi-family units bring, breeds crime, that the density should be spread out more.

10. E. W. Pedersen, 102 Park Avenue (o-o,s-f): in reference to the 1954 apartment registration, questioned whether the law should be made retroactive. Stated that there were three **classes** of multi-family properties: 1) houses that were built before the zoning was in effect; 2) houses in R-60 zones that received permission to convert during the 1940's; and 3) houses that are illegal (not registered with the City). Supports option number 1 proposed by Montgomery County.

11. Ann Denbow, 7218 Willow Avenue (o-o,s-f): supports ZONE's proposal for a phase-out period; opposed to any legalization of multi-family units. In the event that phase-out is not used, suggested that 1) owners of multi-family properties must live in the home, 2) the number of occupants should be limited according to size, 3) the City must adopt registration procedures to include stringent code enforcement, 4) off-street parking must be available, and 5) owners should be subject to a strict monetary penalty if they do not comply with registration procedures (i.e., additional unregistered units).

12. Katherine Pappas, 7420 Buffalo Avenue (o-o,s-f): urged that the City institute a firm legislative enforcement policy; supports ZONE's proposal for phase-out.

13. Carl Eide, 7502 Palmer Lane: owns three multi-family houses on Palmer Lane. Suggested that improvements should be made, but reverting properties to single-family is not the answer. Stated that code enforcement should be more stringent, that monetary fines should be issued to landlords that do not maintain their properties, and that off-street parking should be made available.

14. John McCann, 7214 Holly Avenue (o-o,s-f): supports ZONE's proposal for phase-out.

15. Raymond McGuire, 7212 Willow Avenue (o-o,s-f): stated that when he bought his property it was multi-family, but he has converted it back. Does not want to see apartments legalized.

16. Mary Ann McGuire, 7212 Willow Avenue (o-o,s-f): stated that transient tenants of multi-family units bring down the quality of single-family neighborhoods. Supports phase-out proposal.

17. Phil Vogel, 7117 Garland Avenue (o-o,s-f): supports three year phase-out as proposed by ZONE. Stated that both City and County code enforcement operations are overwhelmed by their current work load and that any plan relying on strict enforcement of codes is unrealistic.

18. Ralph Porter, 7108 Maple Avenue (o-o,m-f): stated that the City should legally recognize multi-family units already registered; that there should be more stringent code enforcement; also monetary penalties issued to landlords that do not maintain their buildings. Suggested that codes should apply to multi-family and single-family homes alike as far as outside maintenance is concerned.

19. Joseph Lerner, 7708 Takoma Avenue (o-o,s-f): supports the three year phase-out proposal; suggested a registration fee of \$200 per unit per year for multi-family homes.
20. Alyce Reichenbaugh, 7325 Baltimore Avenue (o-o,m-f): requested that the Council approve the proposal for legally recognizing apartment units already registered with the City. Stated that the monies from tenants is used to pay taxes and also for maintenance. Stated that if units are phased out that she would have to move.
21. Delores Stowell, 7704 Takoma Avenue (o-o,s-f): in favor of the phase-out proposal, except for owner-occupied multi-family dwellings owned by the elderly; possibly they could apply for a special exception. Stated that real estate agents should be held responsible for not informing purchasers of zoning regulations.
22. Mary Pennifield, 7305 Takoma Avenue (o-o,s-f): supported the proposal to permit multi-family units that are now registered with the City, stated that all sub-standard homes should be eliminated, but that multi-family units serve a useful purpose. Requested licensing regulations and stricter code enforcement.
23. Karen Czapanskiy, 7310 Maple Avenue, speaking for PLUS (o-o,m-f): stated that her house would not be affected by the Text Amendment because of proper zoning, noted that she had received appraisals for reconversion of her home to single-family, that it would cost between \$5 to \$10,000 per floor. Opposed any legislation which would result in the elimination or phasing out of any existing apartment. Wants the City to permit apartments that are now registered to be legally recognized and for all buildings, multi- and single-family, to meet high standards of code compliance; this is the basis of PLUS's petition. Stated that problem apartments exist because of lack of code enforcement; asked the Council to put effort into good housing. **Would** not be eliminating density problem by phasing out smaller multi-family units; larger density problem in the highrise buildings on Maple Avenue. Noted that property values will not drop because of a few good units, values will continue to increase because of the location of the City.
24. Steve Pappas, 7420 Buffalo Avenue (o-o,s-f): supports a compromise-- suggested that illegal apartments be eliminated completely or rezoned to make them legal.
25. Paul Plant, 7411 Carroll Avenue (o-o,s-f): supports phase-out in three year period, to apply in R-60 zones only; use of County or City money to accomplish reconversion.



26. Lewis Porter, 7128 Willow Avenue (o-o,m-f): owns two multi-family units; when purchased, were in poor condition; has now renovated them. Thinks that landlords should be required to maintain their buildings. Supports the retention of multi-family units already registered with the City.

27. Elaine LaVaute, 240 Park Avenue (o-o,s-f): supports the proposal of phase-out "to start tomorrow."

28. Bernice Myers, 7212 Cedar Avenue (o-o,s-f): supports ZONE's proposal of phase-out in three years; would like to see special exception process for elderly multi-family homeowners. Would like the City to protect the single-family homeowners. Requested another hearing; also requested that Councilmembers owning multi-family units abstain from voting on this issue.

29. Jerry Carter, 8208 Flower Avenue (o-o, m-f): stated that the highrise buildings are contributing more to the density problem than small multi-family units. Supports stricter code enforcement, and would like to have multi-family units already registered with the City legally recognized.

30. Mrs. Robin Edwards, 7113 Woodland Avenue (o-o,m-f): stated that she has spent approximately \$10,000 for renovations in her home; uses the rent she receives to pay mortgage and taxes. Opposed to phase-out proposal; would like legal recognition of units already registered with the City; also suggested stricter code enforcement.

31. Alex Kontos, 326 Lincoln Avenue: owns several multi-family units within the City, questioned what would be done with all the vacant properties if phase-out took place. Supports legalization of units already registered with the City.

32. Steve Ebner, Rockville, MD.: owns multi-family building at 12 Grant Avenue; questioned what would happen to all the tenants that would be displaced if phase-out takes place. Opposes the proposal of phase-out. Noted that the second income from units is sometimes vital to landlords to continue living.

33. John Bennett, 7614 Glenside Court: opposed phase-out proposal; is in support of legally recognizing apartments now registered with the City. Owns a multi-family building; would also like to see stricter code enforcement and upgrading of the community.

34. Alan Norman, 808 Jackson Avenue (o-o,m-f): supports retention of multi-family units; noted that there is room for improvement for both single- and multi-family homes.

35. Norman Johnson, 810 Jackson Avenue (o-o,m-f): stated that small multi-family units do not constitute a density problem; noted that his one unit assisted him in making his mortgage payments. Supports the proposal to legally recognize apartments already registered with the City, also to retain code enforcement as it is.

36. Allan Bassing, 7325 Takoma Avenue (o-o,s-f): intends buying a larger house with rental unit which he could not otherwise afford. Questioned what is to happen to houses if phase-out is instituted (i.e., communes, demolitions, boarding up, etc.); what happens to people that can not afford to live in the City if units are taken away from them. Stated that if there is continued maintenance/upkeep on homes, multi-family houses should be allowed to continue legally.

37. Carolyn Bassing, 7325 Takoma Avenue (o-o,s-f): supports idea of legally recognizing units already registered with City; suggested better code enforcement, off-street parking; possibly lower density by restricting highrise apartment buildings.

38. David Wachter, 7125 Carroll Avenue (tenant): supports the continuation of multi-family units.

39. Alan Daugherthy, 7020 Carroll Avenue (o-o,m-f): supports proposals made by PLUS for continuation. Stated that the landlords of homes do pay their fair share as far as taxes and City services are concerned.

40. Melinda Howes, 703 Erie Avenue (tenant): supports the retention of already registered multi-family units; suggested strict housing standards and code enforcement; also would like to see off-street parking made available to tenants. Noted that the City should be more strict with absentee landlords. Appreciates the fact that she can live in a small unit building that is close to her work.

41. Oscar Wuerstlin, 309 Boyd Avenue (o-o,m-f): supports the retention of multi-family units; but would like to see a phase-out of non-owner-occupied buildings. Suggests that landlords be selective about their tenants; would not like to see the elderly driven out of the City.

42. Jean Craig, 7129 Carroll Avenue (o-o,m-f): stated that within the City there are low- to moderate rent apartments that can not be found too often in the metropolitan area. Supports the retention of units already registered with the City--to improve these buildings, but not to phase them out.

43. Kurt Stern, 103 Grant Avenue (o-o,s-f): suggested that apartments that are illegal in the sense that they are not registered with the City should be phased out; that the City will have to make some kind of decision about the other units which they have condoned as legal, even though they are in the wrong zone.

44. Ellen Marsh, 7405 Maple Avenue (o-o,s-f): referred to Sentinel article (9/29) that said the multi-family units in the City were a drawback to prospective buyers; noted that single-family homes sold faster and for more money. Stated that owner-occupied multi-family buildings are better maintained. Supports ZONE's proposal for phase-out.

45. Allan Marsh, 7405 Maple Avenue, President, Old Takoma Park Citizens Association: stated that 86% of all multi-family units (Montgomery County) are within the small boundaries of south of Sligo Creek Parkway, Prince George's County line, District of Columbia line, and Piney Branch Road; noted that this is a high density area. Mentioned COG's Growth Policy Statement in reference to Metro impact areas; stated that the City has not been given any assurance that there will be no more development. Supports ZONE's proposal for phase-out.

46. Stephanie Melvin, 7138 Carroll Avenue (o-o,s-f): said that of the 23 landlords and tenants who had spoken, 14 were speaking about properties that are not in R-60 zones. Feels that people should not buy homes on which they can not afford the mortgage payments. Stated that from police department literature it is noted that transiency of tenants sets up a conducive environment for crime. Repeated Mrs. Marsh's comments on the resale values of single-family homes.

47. Elizabeth Amt, 7111 Sycamore Avenue (o-o,s-f): questioned what the City is going to do about the rights of the single-family homeowner. Stated that single-family owners lose part of their investments without any additional tax benefits, rental income, business deductions, or depreciation breaks.

48. Melvin Raff, 7319 Willow Avenue (o-o,m-f): stated that he had served on ZONE's steering committee along with two other multi-family homeowners. Spoke of his disenchantment with ZONE, noting that a small group had a preconceived solution that they were trying to force on the rest. Explained that the ZONE proposal did not represent the varied elements of the community.

49. Ralph Magee, 7203 Holly Avenue (o-o,m-f): noted that his house has been on the City's House and Garden Tour, has won a plaque for a house of unusual age and architectural merit. Stated that there is off-street parking available for his tenants, also a private entrance for each of the two apartments. Is using the rental income to send his children through college and also planned on it for his retirement; this money is also his family's financial security if anything should happen to him. Would oppose ZONE's proposal for phase-out, would like to see the retention of units that are registered with the City.

50. Cheryl Jones, 402 Tulip Avenue (o-o,s-f): stated that the zoning was designed to protect the use of the land; that no one has the right to have an illegal apartment.

51. Emily Underwood, 7209 Holly Avenue (o-o,m-f): noted that it is almost impossible to find decent, moderate-cost housing, which is what the City provides. Suggested that illegal (unregistered) apartments and ones that are not maintained should be phased out, but that ones that are registered should be allowed to continue.

52. Lou D'Ovidio, 7324 Piney Branch Road (o-o,s-f): noted that he has converted his house from a multi-family to single-family. Referred to the Community Development Block Grant Proposal which was to have included a multi-family home improvement loan, which would have helped owner-occupied buildings to convert back to single family; would like people to consider reconversion. Thought ZONE research materials were very good.

53. Elizabeth Bozarth, 7326 Willow Avenue (o-o,s-f): supports phase-out proposal. Thought something may be wrong with code enforcement procedures if new apartments can appear at any time.

54. Michael Dolan, 6517 Westmoreland Avenue (o-o,s-f): in favor of three year phase-out with such provisions as necessary to protect elderly tenants and landlords. Noted the diversity of single-family owners as well as tenants.

55. Mr. Colin Standish, 7633 Carroll Avenue, President, Columbia Union College (tenant, single-family home): stated that multi-family homes are there for college students, that the College does not make money, usually breaks even or loses money; that their housing is up to code standards with several improvements having been made. Does not support ZONE proposal; urged that a special exception process be considered for college facilities.

56. Naomi Manigold, 7911 Garland Avenue (o-o,m-f, outside City): owns six unit building, house has 19 rooms and 6 baths, each apartment has separate entrance, could not be converted to single-family, the rents are in the low to moderate range. Could not support herself without renting units, is retired, would support retention of multi-family units.

57. Alva Appel, Sec., Columbia Union Conf. Assoc.: stated that both single- and multi-family owners "milk" their houses. Does not think the County should try to regulate how a person invests his money in a house, whether it be single- or multi-family; should not phase-out houses that were built for apartments, that are well maintained or licensed. Doesn't think that multi-family homes should be blamed for the poor looks in some parts of the City; it is the multi- and single-family homes that are not well maintained that blemish the City. Supports PLUS's proposal for retention of multi-family homes that are already registered with the City and also for all buildings to meet high standards of code compliance. Said that if Councilmembers who own multi-family units are requested to abstain from voting, then by using the same logic, Councilmembers who own single-family houses should also abstain.

II. Other Remarks by Citizens

1. Robert Leyshon, 7013 Sycamore Avenue: referred to comments made in the October 11, 1977 Council meeting (Citizens' Remarks, page 3, item 7) by Mrs. Roth; requested that the trees that die should be replaced; did not approve of idea for cement designs.

2. Bill Robinson, 7409 Maple Avenue: requested that the speeding problem on Maple Avenue be investigated.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Ordinance authorizing purchase of Public Works trailer (Revenue Sharing Funds). City Administrator Gilsdorf reported that the trailer would be used to transport lawn mowers, tractors, etc. from the Public Works building to various parks. Councilman Faulkner moved that the ordinance below be approved; it was seconded by Councilwoman Medina and adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Garcia, Medina, Nishimoto, and Webb. NAY: None. EXCUSED: Councilmembers Forshee and Ricks.

ORDINANCE #2449

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

SECTION 1. THAT the FY-78 Federal Revenue Sharing Funds proposed use schedule set aside certain funds for the purchase of Public Works Department equipment; AND

SECTION 2. THAT verbal bids were solicited from qualified dealers on a trailer for use by the Parks Division, with the low bid having been received from Culp Welding & Machine Co., Silver Spring, at \$1,313.13, and is hereby approved for purchase; AND

SECTION 3. THAT a sum in the amount of ONE THOUSAND THREE HUNDRED THIRTEEN DOLLARS AND THIRTEEN CENTS (\$1,313.13) be appropriated from the Federal Revenue Sharing Account and transferred to the appropriate Public Works Account.

2. Ordinance authorizing transfer of funds within FY-78 RSF Proposed Use Schedule and appropriating funds to set up computerized accounting procedures. Councilwoman Medina moved that the following ordinance be approved; it was seconded by Councilman Garcia and adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Garcia, Medina, Nishimoto, and Webb. NAY: None. EXCUSED: Councilmembers Forshee and Ricks.

ORDINANCE #2450

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

SECTION 1. THAT Ordinance No. 2448, adopted October 11, 1977, transferred \$5,000 of the \$10,000 FY-78 Revenue Sharing Funds earmarked for Gym Renovation to the Government Building account; AND

SECTION 2. THAT the remaining \$5,000 (FIVE THOUSAND DOLLARS) set aside for Gym Renovation be hereby appropriated from the General Revenue Sharing Fund account and transferred to the appropriate Government Administration account, for use in setting up computerized accounting procedures.

3. Request for extension of time for compliance with BOCA notice--7209 Cedar Avenue. City Administrator Gilsdorf reported that this property has recently been purchased by a new owner who has requested a six month extension to conclude the repairs; the BOCA notice was outstanding from the previous owner. Councilwoman Medina requested that the City should receive written notice from the owner on the extent of work to be done and the time frame in which it is to take place. Councilwoman Medina moved that the extension be given with these provisions included, this was seconded and approved by the Council.

4. Councilman Nishimoto questioned the status of E & X Exxon station and was told that the City had written two letters to the owner with no response; that correspondence was sent to Montgomery County Park and Planning requesting the status of zoning compliance.

Upon motion, duly seconded, the meeting adjourned at 11:40 PM, to reconvene on Monday, November 14, 1977 at 8:00 PM.

APPROVED: *John D. Roth*  
John D. Roth  
Mayor

ATTEST: *Herbert W. Gilsdorf*  
Herbert W. Gilsdorf  
City Administrator

11-12-1977 Oct 31  
89

CITY OF TAKOMA PARK, MARYLAND  
MAYOR AND COUNCIL WORKSESSION  
Council Meeting Room  
October 31, 1977  
7:30 PM

Councilmembers Present:

Mayor Roth  
Councilman Faulkner  
Councilman Forshee  
Councilman Garcia  
Councilwoman Medina  
Councilman Nishimoto  
Councilman Ricks  
Councilman Webb  
City Administrator Gilsdorf

The meeting was called to order at 7:30 PM.

The matter of Montgomery County's multi-family housing Zoning Text Amendment #77003 was discussed at length. It was agreed that the following alternatives to that proposed legislation be brought before the Council for vote at the Special Meeting on November 1, 1977.

A. ZONE Alternative #3

Establish a special exception process that would permit only one rental apartment. The building must be owner occupied at the time of the law's passage. An authorized special exception would automatically expire if roomers were taken into the same building. The special exception would be granted only for apartments in continuous use since 1954. The building must meet housing and fire codes and provide off-street parking. Must re-apply for special exception every three years. Must revert to single-family at time of sale, or in 8 years, whichever comes first--covenant in deed will be required.

B. Special Exception similar (but not identical) to law already applicable to Prince George's section of the City.

Establish a special exception process that would permit two rental apartments. The building must be owner occupied at the time of the law's passage. The authority for such a special exception would expire automatically if roomers are taken into the same property. The special exception would be granted only for apartments in continuous use since 1954. The building must meet housing and fire codes and provide off-street parking. Must reapply for special exception every three (3) years. Covenant in deed as in previous alternative.

C. Staff Alternative

Ask the County for legislation that would permit apartment units that are currently registered with the City to apply for acceptance as a special exception, but this would be granted only if they can pass a stringent and thorough screening that will include meeting higher housing standards, the fire code, off-street parking requirement, exterior appearance standard, structural integrity, density standard,

2.

WORKSESSION - October 31, 1977

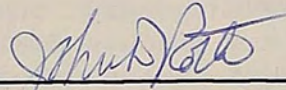
and suitability of apartment location. The criteria and standards would be established by City-County agreement. Apartments not meeting standards or creating a nuisance would be immediately phased out. The special exception would be subject to review every three (3) years, and would automatically expire if roomers were taken into the same building.

Special Note: Add to all alternatives?

A requirement that owner must agree to allow inspector (on request) to inspect all parts of the structure, including owner-occupant quarters?

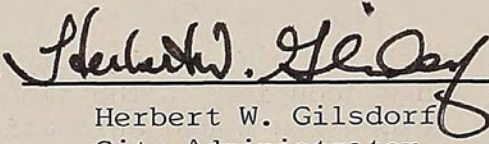
There being no further business to discuss, the meeting adjourned at 10:15 PM.

APPROVED: \_\_\_\_\_



John D. Roth  
Mayor

ATTEST: \_\_\_\_\_

  
Herbert W. Gilsdorf  
City Administrator