

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and City Council
To Consider Alternatives to
Montgomery County's Proposed Zoning Text Amendment #77003
(Multi-family Homes in R-60 Zones)

November 1, 1977

City Officials Present:

- | | |
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| Mayor Roth | City Administrator Gilsdorf |
| Councilman Faulkner | Asst. City Administrator Nichols |
| Councilman Forshee | City Clerk Pusti |
| Councilman Garcia | Recreation Director Ziegler |
| Councilwoman Medina | |
| Councilman Nishimoto | |
| Councilman Ricks | |
| Councilman Webb | |

Session convened at 8:00 PM, Council Chamber, 7500 Maple Ave., Takoma Park, Md.

Mayor Roth stated that this meeting was for the purpose of a Council decision on an alternative to Montgomery County's Proposed Zoning Text Amendment #77003; the decision will be based on what is thought to be in the best interest of all citizens. Stated that the Council is committed to making the code enforcement inspections on the strictest possible interpretation of the BOCA Code; also intends to review the BOCA Code to see if any additions should be made that would be beneficial. Noted that all discussions have indicated that enforcement of zoning regulations by Montgomery County have not been successful; that the City is not satisfied with the results; this needs to be studied to identify problems and how to correct them. Stated that legal questions had been discussed with the Corporation Counsel and that he feels that a phase-out is possible, but one in three years would not be accepted by the courts; that a five year phase-out is also doubtful.

Mayor Roth noted that the Council generally agreed to focus on three alternatives and that he could support any one of them:

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 (3) years. Must revert to single-family at time of sale, or in ten years, whichever comes first--covenant in deed will be required.

B) Special Exception similar to law already applicable to Prince George's County section of the City--Establish a special exception process that would permit two rental apartments. The authority for such a special exception would expire automatically if roomers are taken into the same property. The building must be owner-occupied at the time of the law's passage. 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 (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, 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.

Mayor Roth noted that the Montgomery County Council will reconvene a work-session on this matter on Friday, November 4, 1977 at 1:30 PM, County Office Building, Rockville, Maryland.

Councilman Forshee questioned whether owner-occupancy could legally be included in any of the alternatives and was told by the Corporation Counsel that the zoning laws do not distinguish between two classes, one being absentee landlords and the other being "live-in" landlords; that zoning laws concern mainly health, density, and police powers. It was noted that both Counties have different forms of special exception processes for non-conforming multi-family buildings; that these special exceptions have never been challenged in court. Councilwoman Medina requested the Council focus on a recommendation with some level of consistency with County zoning regulations. Agreeing with this, Councilman Forshee moved that Alternative C, subject to adjustments the Council might want to make, be accepted and forwarded to the County Council; Councilman Garcia seconded this motion. Councilman Ricks noted that to accept this proposal would be legalizing what the City basically has now, stating that the improvements asked for in Alternative C would mean large investments would have to be made for properties that would eventually be phased out; did not accept this proposal; favored a quick, clean phase-out. Councilman Nishimoto noted that what Councilman Forshee is suggesting would be separate legislation for County and City, since the registration process is practiced only by the City. Councilman Forshee noted that the City has been accepting registration and special trash fees from properties since 1954, thus sanctioning the practice to that degree. During the lengthy debate that followed, Councilman Forshee accepted the following amendments to his motion: establishment of criteria for floor space square footage requirements; that attic apartments be excluded; that basement apartments that do not conform to BOCA Code requirements be excluded (Councilman Faulkner); and that special exceptions be "locally administered" (Councilwoman Medina). There was some discussion concerning a legal case in Baltimore, Maryland where the city had a roll-back in zoning from R-10 to R-60 to lessen density, and its similarities and dissimilarities to the

City's situation. A motion was made by Councilman Garcia, duly seconded, that an inspector be allowed to inspect entire buildings, including the owner's apartment if owner-occupied; this would bring illegal apartments to the attention of the inspector. This item was discussed, with the Corporation Counsel stating that a City ordinance could be passed that would allow such inspections for health and fire safety reasons. Councilman Webb said owner's apartment should be subject to same inspection as other units, since they may be a breeding ground for other problems. Following further discussion, Councilman Garcia's motion was approved by majority vote. The following points were also discussed: the fact that the County has not enforced zoning regulations in the City; time limit for phase-out that would not create undue hardship; hardship imposed under the Alternative C screening process; possibility of down-zoning certain areas that are "grandfathered," i.e., multi-family buildings that were there before zoning laws went into effect in 1928.

Councilman Ricks moved that the Council table the motion to accept Alternative C. This motion was seconded by Councilman Nishimoto, but rejected by majority vote. There was some debate over the time requirement for phase-out of properties that do not meet special exception criteria, after which Councilman Forshee amended the main motion, to delete the word "immediately" in the second sentence; this was agreed to by his seconder, the rationale being to make it as stringent as possible, but within legal parameters.

A motion was made by Councilwoman Medina, duly seconded, that the special exception cease at time of transfer of title; this addition was approved by majority vote of the Council. There was some discussion concerning the legal ramifications (particularly corporate ownership) that might be encountered with this addition.

A motion made by Councilwoman Medina, seconded by Councilman Nishimoto, to require that buildings be owner-occupied, failed when put to a vote.

Councilman Ricks moved that the proposal be amended to read as follows: "Ask the County for legislation that would phase-out the apartments not properly zoned in three (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." Failed for lack of second.

Other issues discussed during this and ensuing debate were: Corporation Counsel's opinion that the County Council could enact legislation requiring cessation of all non-conforming uses in R-60 zones (including those "grandfathered"), provided a reasonable period of amortization were allowed prior to enforcement; the fact that any legislation enacted by Montgomery County would be inapplicable in Prince George's section of City, thus applying a different set of standards (Councilman Nishimoto); retaining desirable properties and phasing out undesirable ones quickly, as opposed to total phase out (Councilman Forshee); the belief that total elimination of all non-conforming use is the simplest and most equitable to all in the long run (Councilman Ricks);

regret that the whole issue was forced on Takoma Park during the development of Silver Spring East Master Plan, and not held for the City to deal with during preparation of the Takoma Park Master Plan (Mayor Roth); the value of the special exception process in helping to reduce the negative impact on both older and young couples who have invested in multi-family housing in good faith (Councilwoman Medina). Concern about problems with enforcing code if Alternatives A or B were decided on (Councilman Faulkner); the fact that the screening process in Alternative A would eliminate about three-fourths of the existing multi-family non-conforming uses (Councilman Nishimoto).

Councilwoman Medina made a motion to amend the proposal stating that special exception would cease at time of transfer or in ten years, whichever comes first. This motion failed for lack of a second.

After further debate pertaining to a time certain for special exceptions to cease, Councilwoman Medina made a motion, duly seconded, to amend the main motion to require special exceptions cease after eight years; this motion passed as follows: 3:3, with one abstention, the Mayor breaking the tie.

The main motion to accept Alternative C, as amended, was put to a vote, but failed by a 3:4 vote (Councilmembers Forshee and Garcia explained they voted Nay because of the eight year cessation amendment).

A motion was made by Councilman Ricks, duly seconded, to accept the following alternative: Ask the County for legislation that would phase out the apartments not properly zoned in eight (8) 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. Councilman Ricks explained that he preferred three year phase out, but was seeking consensus. Councilwoman Medina moved that this motion be tabled; this was duly seconded and approved by majority vote.

A motion was made by Councilwoman Medina, duly seconded, to reinstate Alternative C, deleting the eight year cessation of special exceptions. This motion was approved by 6:1 vote as the first alternative to be presented to the County. The Corporation Counsel noted that there is a filing/posting requirement and a fee requirement for special exceptions estimated at between \$500 to \$1,000, suggesting negotiation with County Council on reduction of fee. The proposal read as follows: Ask the County for legislation that would permit apartment units that are currently registered with the City to apply for acceptance as a locally administered special exception, which 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, specific density standards, and suitability of apartment location (to exclude attic and basement apartments that do not conform to the BOCA Code). The criteria and standards would be established by City-County agreement. Apartments not meeting standards or creating a nuisance would be 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, or at transfer of title.

As a second option to be forwarded to the County, Councilwoman Medina moved that alternative A be selected with an amendment for cessation from ten to **eight** years; this was duly seconded. Councilman Webb moved an amendment to the motion to state that properties owned by Washington Adventist Hospital and the Colleges be accepted as owner-occupied when applying for special exception. This amendment was duly seconded and approved by majority vote. The initial motion to approve Alternative A with amendments, was defeated by majority vote.

Councilman Ricks again moved that the alternative he proposed above (page 4, paragraph 5) be accepted as the second option to go to the County; this motion failed for lack of a second.

A motion by Councilman Garcia, duly seconded, to accept Alternative B for the second option was made with an amendment to include institutional properties as owner-occupied, and no addition of units. Councilwoman Medina moved that an addition be made to include a cessation of special exceptions in eight years; this was duly seconded. By majority vote, with the mayor breaking the tie, this addition was accepted. A vote on Alternative B, as amended, was conducted by the Council and was rejected by majority vote.

A motion was made by Councilwoman Medina, seconded by Councilman Ricks, to reconsider Alternative C, amended to include the cessation of special exceptions in eight years. The vote was 3:3 with one abstention, with the Mayor casting an Aye vote, thus the motion carried as the second option to be forwarded to the Montgomery County Council. The proposal read as follows: Ask the County for legislation that would permit apartment units that are currently registered with the City to apply for acceptance as a locally administered special exception, which 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, specific density standards, and suitability of apartment location (to exclude attic and basement apartments that do not conform to the BOCA Code). The criteria and standards would be established by City-County agreement. Apartments not meeting standards or creating a nuisance would be 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, or at transfer of title, or the expiration of eight (8) years.

Upon motion, duly seconded, the meeting adjourned at 12:07 AM.

APPROVED: _____

John D. Roth
John D. Roth
Mayor

ATTEST: _____

Herbert W. Gilsdorf
Herbert W. Gilsdorf
City Administrator

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

Council Members Present:

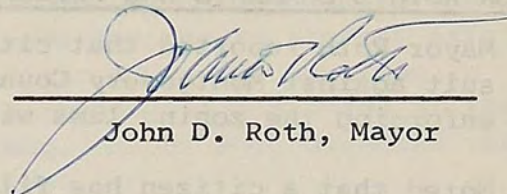
Mayor Roth
Councilman Faulkner
Councilman Forshee
Councilman Garcia
Councilwoman Medina
Councilman Nishimoto
Councilman Ricks
Councilman Webb
City Administrator Gilsdorf

The meeting was called to order by Mayor Roth at 7:45 PM.

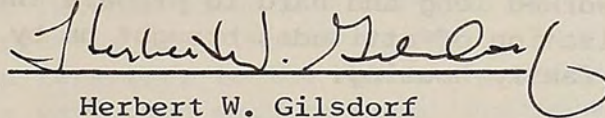
1. Operation Turnaround Relocation Payments. It was reported that some question existed as to who will pay for relocation of tenants under Operation Turnaround. Councilman Faulkner, Herbert Gilsdorf, and Alvin Nichols will meet with Dr. Jacqueline Rogers (Montgomery County CDBG Director) to resolve this question.
2. Report on Juniper Street Bridge. City Administrator Gilsdorf reported that Montgomery County has completed maintenance repairs to the Juniper Street Bridge. The City is being billed for half of this work and the item will be placed on the November 14 agenda for Council action.
3. Request for BOCA Extension--8309 Roanoke Avenue. This item was discussed by the Councilmembers and it was concluded that this request would be denied.
4. Councilwoman Medina reported that at a COG Transportation Board meeting it was recommended that reciprocity (on collection of parking tickets) be established between jurisdictions of the District of Columbia, Maryland, and Virginia. She will report further on this matter.
5. Historic District Guidelines. The City Administrator reported to the Council by memo that his understanding (through discussion with State Historic Trust personnel) was that no formal legal requirements exist which would mandate the City's adopting Historic District Guidelines. However, subsequent discussions revealed that at least one citizen's advisory body (National level) have some power of review over the environmental impact of projects carried out in historic districts. For clarification/information purposes, the Mayor directed the City Administrator to contact appropriate officials for definitive answers.

- 6. 7700 Takoma Avenue. Two items of communication have been received, one from Jean Ross, Chairman, Montgomery College Board of Trustees and the other from John Menke, President, Montgomery County Council. These items were discussed and appropriate responses were decided upon.
- 7. The Mayor directed the City Administrator to put the fire service payment on the November 14 agenda as a discussion item.
- 8. Letter from Frances Abrams, Director, Montgomery County Department of Environmental Protection. It was decided to request a meeting with Frances Abrams to discuss further her response to the City's request for a housing survey to determine possible zoning ordinance violations.
- 9. The City Administrator was directed to put Montgomery County's Proposed Zoning Text Amendment on the November 14 agenda.

There being no further business to discuss, the meeting adjourned at 10:30 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

November 14, 1977

City Officials Present:

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

The Mayor and City Council met at 8:00 PM, November 14, 1977 in the Council Chambers, 7500 Maple Avenue, Takoma Park, Md. Following the pledge of allegiance to the flag, a motion was made, duly seconded, to approve the minutes of October 25, 1977 and November 1, 1977 meetings. **The motion was carried unanimously.**

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

Mayor Roth reported that citizens and a civic association have filed a law suit against Montgomery County's Department of Environmental Protection for not enforcing the zoning laws within the City.

Noted that a citizen has filed a request with HUD to withhold Community Development Block Grant funds from Montgomery County for not enforcing the zoning laws. The Mayor stated that he is uneasy about this item, because of the fact that many citizens worked long and hard to prepare the proposals for this money. Noted the polarization of attitudes brought on by these actions and the whole issue of multi-family housing.

The Mayor said that he was most unhappy to learn that a citizen has stated to a City staff member that, if elected, that staff person would be fired.

He had been invited to a HUD seminar on Block Grant Funding Act of 1977; that there are new provisions that the staff is studying to find benefits that may be derived from it.

Noted that the Montgomery County Chapter of the Maryland Municipal League has formed a committee to review services from municipalities to bring about equity in tax rebates; that he has been appointed to serve on this committee.

Commended Cpl. Robert Holford, Pvt. Craig Murphy, and PFC. Anne Reid, after having received a letter from their instructor at Maryland University stating what an excellent job they had done in lecturing a class on community relations.

CITIZENS' REMARKS

1. Ellen Marsh, 7405 Maple Avenue: thanked the Mayor and Council, for Allan Marsh, President, Old Takoma Park Citizens Association, for their courageous stand on the Proposed Zoning Text Amendment No. 77003. In reference to E & X Exxon station on Carroll Avenue, noted that Park and Planning had notified her that the station was legal as far as zoning regulations were concerned; requested that the new owner be notified of the parking restrictions in that area, to which the Mayor directed the City Administrator and the Chief of Police to arrange a meeting with the new owners. Noted several health code violations taking place at the Mid East Bakery on Carroll Avenue. Commented on the sale of 25 Holt Place for a price of \$105,000; that this house had once been a five unit multi-family dwelling that has been reconverted to single-family. Remarkd that the Historical Society has found a 1938 Washington Star newspaper article that concerns Montgomery County's non-enforcement of the zoning laws in Takoma Park. Questioned whether Washington Adventist Hospital would be demolishing the 1907 structure; noted that the building was the first hospital built in Montgomery County; that possibly it might be used for something other than hospital patients.

2. Eugene Herman, 511 New York Avenue: noted the lack of proper maintenance at Takoma Park Junior High School; that Montgomery County Public School Facilities were negligent in repairs; listed numerous hazards to student safety because of the lack of repairs. Stated that the Blair Advisory Committee is preparing a letter to the Public School Facilities requesting upgrading of the school; asked that the Mayor and Council do the same. Mayor Roth directed the City Administrator to prepare a letter to that effect.

3. Robert Melvin, 7138 Carroll Avenue: thanked the Council for taking a strong stand on the Text Amendment; noted that with this stand the City has sent a message to speculators; that code enforcement standards would also be more stringent. In reference to the Mayor's previous statement, stated that his group has had a very good working relationship with the City staff, and would not want to see anyone fired.

4. Mary D'Ovidio, 7324 Piney Branch Road: reiterated Mr. Herman's statement about Takoma Park Junior High; noted that Blair Ewing, member of the BOE, had been on a tour of the school and supports the repairs that need to be done. Stated that as the Vice President of the school's PTA, she is trying to keep parents actively participating in the upgrading of the school; that she knows that they can come to the Council for support on problems that they might have. Commenting on the "right turn on red" signs, requested that the sign located at Piney Branch and Philadelphia Avenues be removed, feels that these signs are not needed in residential areas, that they are a great hazard to pedestrian safety.

5. Cheryl Jones, 402 Tulip Avenue: thanked the Council for their stand on the Text Amendment question; stated that it would be a great help if the City Administrator would inform the new owner of E & X Exxon of the parking regulations.

6. Betty Zlotowitz, 418 Boston Avenue: referred to a traffic problem on Alfred Drive, stating that cars are allowed to park on both sides of the street and that it is impossible to drive on the street. Requested that some action be taken to relieve this situation. It was also noted that the problem is worse in the evening and that all homes on the block have driveways. Mayor Roth requested that the City Administrator and Chief of Police notify citizens living on the block, and ask that they park closer to the curb; also that a measurement of the street be taken.

7. David Weisman, 7701 Takoma Avenue: thanked the Mayor and Council for their attempts to save the Carroll House; noted that there were no bids received by the College to remove the house from the property; that the College will now probably speed up action for demolition of the house. Mayor Roth noted that he had received a letter from John Menke, President, Montgomery County Council, stating that members of the Council were to meet with the Board of Trustees on November 17 to discuss other possibilities for the house and that he has asked permission to attend.

8. Ed Longen, 7516 Holly Avenue: endorsed the action taken by the Council on the Text Amendment question; noted that the final decision would be made by the County Council; requested that the City take some action to make sure that alternatives recommended by the City are carefully taken into consideration.

9. Robert Moore, 7314 Willow Avenue: supports statements made by Mr. Herman vis-a-vis TPJHS; noted strength of the PTA. Commended the Council on the action taken on the Zoning Text Amendment. Read a letter to Montgomery County Council President from the Community Congress, stating that it had made a recommendation similar to City Council's on the Proposed Text Amendment and asking for vigorous pursuit. Letter indicated Congress was formed to aid, not replace **elected bodies**.

10. Susan Fleming, 6909 Westmoreland Avenue: thanked the Council for their stand on the zoning issue; hoped that the County Council would consider the City's alternatives seriously.

11. Joe Ferrier, 7413 Maple Avenue: said that the new street lights that have been installed do not illuminate streets as well as old ones; that there has been a reduction in candlepower; requested that the Council find out how to improve and do so--poor lighting is conducive to crime.

12. Morris Zlotowitz, 418 Boston Avenue: reiterated Mr. Ferrier's statement concerning lights, noted that new lights have 1/3 candlepower as the old ones.

13. Lou D'Ovidio, 7324 Piney Branch Road: thanked the Council for the action taken on the Proposed Text Amendment and noted that it is good that the emotional conflicts concerning this issue are out in the open. Mentioned that D. C. is taking down Victorian style light poles; asked Council to consider possibility of obtaining these. Stated that he had been contacted by

a person trying to buy a home in Takoma Park, but that a Gaithersburg bank had refused to accept his loan application because of the area he wanted to buy in. Mayor Roth stated that he had also been contacted about this; that he has prepared a letter (read by the City Administrator) to the bank stating that their reasons are unfounded and asking for corrective action and a response. Mr. D'Ovidio made reference to a call he had received from Governor Lee's office concerning a noise and air pollution study to be conducted on Piney Branch Road in the near future.

14. Delores Stowell, 7702 Takoma Avenue: made reference to "right turn on red" signs located at Takoma and Philadelphia Avenues, stated that these signs are not acceptable for this area because of the heavy pedestrian traffic. Noted the fact that if 25 Holt Place could be renovated and sold as single-family, other multi-family buildings could do the same.

15. Donald Ramsey, 8116 Roanoke Avenue: said that he agreed generally with the Council's stand on the Text Amendment, although he had some reservation about the number of phase-outs anticipated via screening process; also thought that alternatives could not be universally applied to the County; that stringent housing standards as stated in the alternatives could eliminate many nuisance apartments very soon; that in his view, apartments in proper zoning cause as many problems as the nonconforming. Noted that he had heard that HUD has grant money available for experimental development of land use control methods other than zoning; suggested that the City should investigate this possibility. In reference to Mr. D'Ovidio's statement regarding a bank not lending money for real estate in Takoma Park--stated that he had statistics to show that resales in the area are up above the County level.

16. Stephanie Melvin, 7138 Carroll Avenue: thanked the Council for the strong stand taken on the zoning issue; that the City has just begun as far as steps taken to have zoning enforced; fears the County sees the City as a statistic for low income housing and they won't give alternatives full consideration. Said the City Administrator and City staff had been most helpful, though there were some differences of opinion.

17. Kathryn Simpson, 7300 Cedar Avenue: is in favor of retaining multi-family housing if properly maintained; said it is unfair to take away investments from those on limited incomes; thinks the County Council will consider the housing in Takoma Park as a major factor in determining the outcome of the Text Amendment.

18. Carol Robinson, 7209 Maple Avenue: stated that she is a new resident in Takoma Park; thanked the Council for their stand on multi-family housing in single-family zones. In reference to "right turn on red" signs that might be located at the intersection of Maple and Philadelphia Avenues, stated that this intersection is very busy with pedestrian traffic (school children) and that signs should not be installed there.

19. Evelyne Ferry, 24 Hickory Avenue: is in favor of retaining multi-family housing in the City, particularly if owner-occupied, saying that senior citizens and young people need apartments at reasonable rental rates.

FINANCIAL STATEMENT

A brief summary was given by the City Administrator of the City's financial status.

ITEMS FOR COUNCIL CONSIDERATION: City Administrator GilsdorfCOMMUNICATIONS

Montgomery County Board of Appeals: Appeal Case No. A-405, John Becker, 8403 Piney Branch Road; request for rear side yard variance of 16' has been granted.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Announcement of opening of Tool Bank (Montgomery County CDBG). The City Administrator announced that the City's Tool Bank will be open for business beginning Tuesday, November 15, 1977. The scheduled hours of operation are: Tuesday and Friday, 4 to 8 PM, and Saturday, 8 AM to 12 noon. It was noted that there are eligibility requirements that will be posted; Mr. Bernard Rudolph, Building Maintenance Supervisor, has been designated as the "Tool Librarian". Further information will be available in the November issue of the City Newsletter.
2. Actions taken on 7620 Maple Avenue housing code violations. City Administrator Gilsdorf reported that (1) roach and rodent violations have been turned over to the Corporation Counsel for legal action; (2) violation notice from the complete inspection expires on November 18, 1977; a final re-inspection will take place at that time and, if violations are not corrected, this will also be turned over to the Corporation Counsel; (3) the problem of filth in and around the trash rooms has been investigated; a solution that hopefully will work is to re-institute trash chutes that have been closed down for some time (had been used when incinerator was in use) instead of having a trash room on each floor. These chutes will lead to a room with two moveable dumpsters, and trash is to be collected every day. After a discussion by the Council, it was noted that this operation should be monitored very closely; possibility of chutes becoming jammed.
3. Quarterly report of Montgomery County's Landlord-Tenant Affairs Office. The City Administrator reported that during the second quarter of 1977, 14 complaints were received by OLTA: 7 were for maintenance, 3 for deposits, and 4 were of a general nature (pets, etc.). Of the 14 complaints, 11 were conciliated. A cumulative total of complaints received by OLTA since they began enforcement in Takoma Park in 1975 are as follows: tenant initiated disputes received--114, reconciled--106; landlord initiated disputes received--8, reconciled--8.
4. Maintenance problems at Takoma Park Junior High. A motion was made, duly seconded, to join with citizen recommendations to notify Montgomery County Public School Facilities of the problems at the junior high and request that action be taken to remedy them. This motion was approved unanimously by the Council.

5. Report on County Council action on proposed Zoning Text Amendment No. 77003. Mayor Roth made the following report on the County Council work-session held on November 4, 1977: Questions were raised as to why the City thought in terms of special exceptions instead of licensing as provided in the Text Amendment. The Mayor responded that (1) this would give the City a better control process, because the special exceptions would be reviewed every three years; and (2) that some citizens thought the licensing would be taken into account when rezoning is requested, whereas special exceptions are not taken into account for rezoning. It was noted by the County Council that the licensing process would have no special standing in rezoning. After an extended discussion of standards and what would be the initial impact of the screening process, the Council guessed at the number of apartments that would be eliminated through this process; the Mayor noted that he didn't think that a reasonable guess could be made. In regard to local administration of the special exceptions, the County Council noted that enforcement powers could not legally be given to the City. The Mayor stated that what the City wanted was the maximum effect on administration that could be had, and at the minimum, wanted to make the inspections, etc., and have the County accept the results/recommendations. The Mayor said that he thought the County's intention is to be cooperative. Mayor Roth suggested that a meeting should be scheduled with Ms. Sharon Martin, Director of Public Facilities, DEP, to work out the criteria and standards as stated in the alternatives submitted to the County. The Council discussed phase-out, although they did not seem to understand its meaning; most did not take a stand on it, though some were opposed. The worksession ended about 5 PM that day. Chairman Menke asked the staff to prepare materials that would represent their discussion and various alternatives presented so that it would be ready, depending upon which alternative they are to decide upon. Mayor Roth noted that none of the Council requested another worksession on this issue; that he had been told that this item would not be on the County Council agenda for at least three weeks. Councilwoman Medina concurred that work should begin on the standards and criteria stated in the alternatives; noted that if the County cannot work in the City's best interests, that the City should be prepared to request from State legislature the authority to enforce zoning. Councilman Nishimoto questioned whether it would be possible to request two readings of the Text Amendment so that the City could review and amend if necessary before it is adopted. Upon motion by Councilman Nishimoto, duly seconded, and approved unanimously by the Council, the City Administrator was directed to contact the County Council and request two readings of the Text Amendment before adoption.

6. Disc. of possible relocation of Takoma Park Fire Service. Mayor Roth stated that Montgomery County Fire and Rescue service has requested new facilities for both Takoma Park and Silver Spring Fire Departments. There has been discussion of putting both departments on the same site, with a savings of approximately \$600,000 for the County, although both fire departments have reached the conclusion that this would not be feasible. After discussion, the Mayor and Council reached the same conclusion, noting that TPVFD has an obligation to the Prince George's section of the City. With permission of the Council, Mr. Peter Menedis, President, TPVFD, was allowed to speak. Mr. Menedis stated that of the several options offered to the County, that Option No. 5,

to relocate Silver Spring Stations No. 1 and No. 19 in a convenient location such as Georgia Avenue and Spring Street, would be the most feasible option to recommend. He requested that the Council consider this and contact the County Executive recommending this option for approval. Upon motion by Councilman Faulkner, duly seconded, the Council approved this request and the Mayor directed the City Administrator to prepare a letter.

7. Consideration of Special Exception Petition #S-591, modifications to Washington Adventist Hospital (Public Hearing: 12-1-77, 9 AM, COB, Rockville). The City Administrator reported that the Special Exception requests one additional floor on top of the new section of the hospital; that the request does not include the demolition of any buildings at this time. The Council discussed this item, and following a motion, duly seconded, voted to support the Special Exception application. In addition, it was decided that a request should be made to the hospital to hold a briefing on the older buildings and what the hospital plans are for them.

8. Consideration of SHA's recommendations for "Right Turn on Red" signs at selected corners of intersections at Philadelphia and Maple and Philadelphia and Takoma Avenues. It was the concensus of the Mayor and Council that more time is needed to study the locations of these signs and it was deferred until the next meeting.

9. Consideration of new and relocated RIDE-ON bus stop designations on Houston near Kennebec; Maple at Philadelphia; Takoma at Fenton Avenue, and Buffalo and Albany Avenues. City Administrator Gilsdorf reported that these stops would be initiated in February 1978. Councilwoman Medina requested that route maps be made available to the Council to help visualize where and how these stops would affect traffic, etc. Councilman Nishimoto made a motion, duly seconded, that the Council accept the staff recommendations on these stops with a clause that would allow later input. This motion was approved by the Council.

10. Authorization for Mayor Roth to execute Cooperation Agreements with Montgomery and Prince George's Counties for Community Development Block Grant purposes. Upon motion by Councilman Ricks, duly seconded, this authorization was unanimously approved by the Council.

11. Ordinance appropriating Revenue Sharing Funds for payment of shared maintenance costs (with Montgomery County) of Juniper Street bridge. Upon motion by Councilman Nishimoto, duly seconded, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Medina, Nishimoto, Ricks, and Webb. NAY: None. EXCUSED: None.

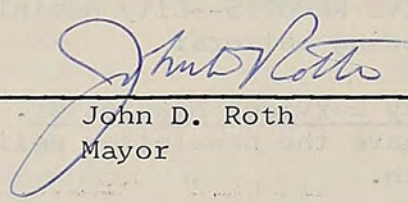
ORDINANCE #2451

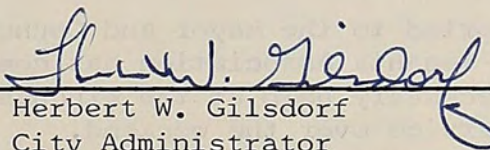
BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND
SECTION 1. THAT the Proposed Use schedule for expenditue of Federal Revenue Sharing Funds during FY-78 set aside certain funds for various Public Works projects and purchase of equipment and vehicles; AND

SECTION 2. THAT the balance remaining in the funds appropriated for purchase of vehicles be used for payment to Montgomery County to cover the shared maintenance costs of Juniper Street Bridge, the sum of \$1,653.08 now being due and payable.

SECTION 3. THEREFORE THAT funds in the amount of ONE THOUSAND, SIX HUNDRED FIFTY-THREE DOLLARS AND EIGHT CENTS (\$1,653.08) be appropriated from the Federal Revenue Sharing Fund account and transferred to the appropriate Public Works account.

Upon motion, duly seconded, the meeting adjourned at 11:10 PM, to reconvene on Monday, November 28, 1977 at 8:00 PM.

APPROVED: 
John D. Roth
Mayor

ATTEST: 
Herbert W. Gilsdorf
City Administrator

MAYOR AND COUNCIL WORKSESSION
Council Meeting Room
November 21, 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 by Mayor Roth at 7:30 PM.

ADMINISTRATIVE REPORTS--City Administrator Herbert Gilsdorf, briefed the Council on the following matters:

1. City Services Newsletter. It was generally agreed that efforts would be made to have the newsletter delivered to citizen's homes around the first of each month.
2. 7620 Maple Avenue. It was reported to the Mayor and Council that the Co-Chairperson of the Winchester-Takoma Tenants Association has complained to the City office about the hiring of unnecessary help at the Winchester-Takoma apartments and problems with elevator service over the weekend.
3. New Pumpers Delivered. Last Tuesday, November 15, 1977, two new pumpers were delivered to Takoma Park Volunteer Fire Department. These new vehicles, at a cost of \$150,000, should greatly improve fire service in Takoma Park.
4. Tool Library. It was reported that the Tool Library is now in operation for business with a good deal of citizen interest.
5. Human Relations Course. The Mayor and Council were invited to attend the third session of the Human Relations Course to be held on Tuesday, November 22, at 2:00 PM.

Washington Adventist Hospital. Future plans were presented by Administrator Breckenridge to the Mayor and Council. The plans basically involve razing of the 1907 and 1940 additions and replacing them with parking areas and landscaping. This would have the effect of reducing the total number of beds at Washington Adventist Hospital from 366 to 300. The elimination of the old buildings, taken in context with the new addition (covered by Special Exception #S-591) will, in Administrator Breckenridge's opinion, be the most cost effective means of delivering health care services at the hospital. Several members of the Council expressed their concerns, as well as those of citizens, about removal of the architecturally pleasing 1907 structure and they were advised by Administrator Breckenridge that no final commitments would be made within the next six months and that any cost effective method for saving the building would be considered.

Appointment of Committee. Mayor Roth appointed a special committee consisting of Councilmembers Garcia, Webb and Faulkner to formulate criteria inherent in the City's position (to the County Council) on Text Amendment #77003 and as an added charge it was suggested by the Mayor that this committee might also want to review existing housing code provisions and suggest improvements.

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

MEETING OF THE MAYOR AND CITY COUNCIL

APPROVED

John D. Roth
John D. Roth, Mayor

ATTEST

Herbert W. Gilsdorf

Herbert W. Gilsdorf
City Administrator

MAYOR ROTH'S COMMENTS AND OBSERVATIONS

Mayor Roth stated that the Montgomery County Council has officially notified the Montgomery Police Board of its position as to their position on the Carroll House at 1700 Takoma Avenue. The Mayor asked that the Board make a final effort to preserve the house by selling it as a single-family residence. The County Executive has also contacted the Board stating that he will not approve a demolition permit for the house. It is noted that the Board's position is that the house is the property of the City and also for the City Council. Mayor Roth requested that a letter be sent to the County Executive thanking him and the Council for their help.

Mayor Roth requested that the City Administrator investigate procedures for establishing a permit parking area for the Metro stop.

The Mayor appointed a committee comprised of Councilman Garcia, Chairman, Councilman Hoffman and City Administrator Gilsdorf to investigate and make recommendations on the Mayor and Council for the criteria and standards for housing as discussed in previous meetings pertaining to the proposed zoning text amendment 11003. The committee will report to the Council at the next meeting.

Reported that the D. C. Planning Department is in the process of drafting a zoning plan for the District of Columbia. Mayor Roth requested that a copy of this plan be provided to the Council.

Noted that at the November 14 Council meeting, citizens requested that the Council contact the Montgomery County School Board and request that provision be taken to improve deteriorating conditions at Takoma Park Junior High. Mayor Roth stated that a letter had been received by the Council concerning these conditions through the Council was unable to get a copy of this letter for some time; thought that the Council and STA were equal partners in the effort to improve the school.

ADDITIONAL AGENDA ITEMS

Proposed change in Council representation on TWDG (The Board - Mayor Roth)

Report from citizens representative on Operation Turtleneck Board - Mayor Roth

THE CITY OF TAKOMA PARK, MARYLAND

MEETING OF THE MAYOR AND CITY COUNCIL
November 28, 1977

City Officials Present:

Mayor Roth	City Administrator Gilsdorf
Councilman Faulkner	Asst. City Administrator Nichols
Councilman Forshee	City Clerk Pusti
Councilman Garcia	Police Chief Porter
Councilwoman Medina	Recreation Director Ziegler
Councilman Nishimoto	Corporation Counsel Gingerich
EXCUSED: Councilman Ricks	Asst. Corporation Counsel Hoffman
Councilman Webb	

The Mayor and City Council of Takoma Park, Maryland met at 8:05 PM, November 28, 1977, in the Council Chambers, 7500 Maple Avenue, Takoma Park, Md. Following the invocation and the pledge of allegiance to the flag, a motion to approve the minutes of the November 14, 1977 meeting was made and seconded, and approved unanimously.

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

Mayor Roth stated that the Montgomery County Council has officially notified the Montgomery College Board of Trustees as to their position on the Carroll House at 7700 Takoma Avenue; the letter asked that the Board make one final effort to preserve the house by selling it as a single-family residence. The County Executive has also contacted the Board stating that he will not approve a demolition permit for the house, if applied for. These two actions represent respect for the citizens of the City and also for the City Council; Mayor Roth requested that a letter be sent to the County Executive thanking him and the Council for their help.

Mayor Roth requested that the City Administrator investigate procedures for establishing a permit parking area for the Metro stop.

The Mayor appointed a committee comprised of Councilman Garcia, chairman, Councilmen Faulkner and Webb to investigate and make recommendations to the Mayor and Council for the criteria and standards for housing as discussed in previous meetings pertaining to the Proposed Zoning Text Amendment #77003.

Reported that the D. C. Planning Department is in the process of drafting a zoning plan for the Takoma- D. C. Metro area; that a copy of this plan has been requested.

Noted that at the November 14 Council meeting, citizens requested that the Council contact the Montgomery County School Board and request that measures be taken to improve deteriorating conditions at Takoma Park Junior High; stated that a letter had been received by TPJHS PTA concerning these conditions though the Council was unable to get a copy of this letter for some time; thought that the Council and PTA were equal partners in the effort to improve the school.

ADDITIONAL AGENDA ITEMS

Proposed change in Council representation on TPVFD Fire Board--Mayor Roth
Report from citizen representative on Operation Turnaround Board--Mayor Roth

Formulation of procedure for citizen request for placement of items on Council agenda--Councilman Nishimoto

Limitation of property tax increases to 15%--Councilman Nishimoto

Councilman Nishimoto congratulated Corporation Counsel Gingerich for having been named President Elect of the Maryland Bar Association--an honor for the City as well as Corporation Counsel in being considered one of the more outstanding attorneys in the State.

CITIZENS' COMMENTS

1. Allan Marsh, 7405 Maple Avenue, representing Operation Turnaround Board: Announced that the Board is now in possession of two more properties--55 Walnut Avenue and 7100 Cedar Avenue. That the Board has purchased a total of four properties; ~~hoped~~ they will be on the market very soon; thinks progress is very encouraging; thanked the Council for its support of the Board. Mayor Roth stated that he also was very pleased.

2. Lewis Porter, 7128 Willow Avenue, President, Landlords & Tenants/PLUS: requested that the Council reconsider their decision on the Proposed Zoning Text Amendment #77003, and to support Option #1 of the Amendment with special emphasis on the enforcement of the housing code and the annual registration process of multi-family dwellings; through this process, the City could control undesirable dwellings and related problems, and would eliminate the necessity of putting tenants out of their apartments. Suggested that the City may want to step up the process of down-zoning (reconversion) by the purchase of multi-family homes that are for sale and reconvert them into single-family homes; suggested methods of funding and enumerated advantages of this method over a certain phase-out. It was decided that this item would be placed on the agenda for further discussion.

3. Kathryn Simpson, 7300 Cedar Avenue: stated that Mr. Porter has offered a very interesting and positive alternative to the discussions held in the past few weeks; complimented him for his efforts and recommended it to the Council.

4. Ralph Porter, 7108 Maple Avenue: stated that in his opinion, City Council made ~~wrong~~ decision when recommending phase-out; that multi-family owners registered their dwellings in good faith in 1954; that action taken by the Council is discriminatory to a certain class/category of people who have by choice or otherwise opted to be apartment dwellers in the City; by taking this action have condoned a general characterization of apartment dwellers as misfits or undesirable. Feels that the action taken by the Council has not produced any positive results for the City; that it shows a class discrimination by the City. Requested that the Council reconsider their stand and change their recommendation to support Option #1 of the Proposed Text Amendment #77003 and to consider the alternatives offered by Lewis Porter.

5. Vera Lindsey, 7301 Maple Avenue: is in favor of multi-family housing; feels that the City and County duly recognized the need for these units when registration was started in 1954. Stated that the housing code is apparently more lenient than it should be; that stricter code enforcement (as stated in Option #1) should be applied and noted that option chosen by Council does not solve problems such as the Winchester-Takoma. Should not deprive the young and less fortunate of less expensive housing, or the older generation of supplementing their incomes as they retire.

6. Mrs. Ralph Magee, 7203 Holly Avenue: stated that transient tenants are not a problem on Holly Avenue, most have been there from 5 to 23 years; asked that in addition to other considerations, the Council also look at this issue from the tenants point of view.

7. Leroy Brown, 7518 Dundalk Road: registered a protest with the Council for having received a ticket that he thought was undeserved.

8. Bernice Myers, 7212 Cedar Avenue: stated that the text amendment issue is not about down-zoning, as Mr. Porter had stated, but concerning multi-family houses in single-family zones--non-conforming uses. Referring to reconversion, noted that it is not that much trouble to remove stoves, refrigerators, etc., from apartments. Noted that citizens are trying to save Takoma Park, not degrade it.

9. Ernest Erber, Columbia, Md.: owner of property at 7403 Buffalo Avenue; hopes to build on it soon. Stated that he is a city planner professionally and is concerned with what is happening in the City since he plans to move here. Had experienced a similar problem as the City's in New Jersey, where he wrote what he thought to be the nation's first conversion zoning in 1953. Stated that he has studied positions of both groups and that there are many misconceptions. Spoke of some flaws in the Montgomery County Zoning Ordinance and requested that the Council consider forming a study committee of technically competent people and citizens to look at what other communities have done.

10. Ruth Abbott, 7308 Birch Avenue: asked the Council to keep the future of Takoma Park in mind with the development that is bound to take place with Metro. In reference to the Winchester-Takoma apartments, questioned what has taken place to improve the conditions there. Mayor Roth reported that the September inspection for insects and rodents has been turned over to City attorneys for court action; the full inspection of all apartments (all but approximately 30-40 to which the management had no keys) has been written up as a 27 page violation notice and the management is now in the process of correcting the deficiencies. (There followed an inaudible dialouge between Mrs. Abbott, a resident of the Winchester-Takoma and Mayor Roth.) The Mayor also noted that the City is having problems trying to get tenants to contact the Code Enforcement Office when they have problems; that if the tenants would do so, the officers could be out on the same day trying to get them corrected. (See City Administrator's report, page 6)

11. Mary Pennifield, 7305 Takoma Avenue: questioned how ZONE could say that multi-family housing breeds crime; that this has never been proven. Said that ZONE has spread many false rumors to get people to sign their petition; had heard that HUD has been doing a great deal of reasearch for ZONE in their efforts to sue the County. Was disappointed with the Council's decision for phase-out; felt that the County Council disagrees with phase-out; thinks that it is strictly a matter of code enforcement; confident that the County Council will take the proper action.

12. Dennis Seekins, 8217 Roanoke Avenue: stated that he is an officer of Landlords & Tenants/PLUS. Would like to see the two opposing groups get together and come to some sort of compromise; also would like to see the poorly maintained housing eliminated. Presented a petition to the Mayor and Council opposing phase-out of non-conforming uses and supporting stricter code enforcement.

13. Ralph Magee, 7203 Holly Avenue: stated that aspects of this issue are very unfortunate for Takoma Park; thinks proposal given by Mr. Porter could be very helpful and asked Council to consider it; noted that issue has brought about much bad publicity for the City, especially the suit against Montgomery County DEP; that this is very unproductive. Said it is unfair to take away apartments that have been well maintained and fees paid regularly; also asked that the Council do something about the publicity problem.

14. Bill Nelson, 7104 Sycamore Avenue: considers code enforcement the key to cleaning up neighborhoods; thinks that the codes should be enforced more thoroughly.

15. Allen Bassing, 7325 Takoma Avenue: came to Takoma Park as tenant and after investigating other possible locations for buying a home, decided to stay in the City; is now in the process of buying a larger house and plans to rent out one apartment. Thinks codes should be more strongly enforced; this would help alleviate many problems. Noted that the battles of the opposing groups is not helping the City's image.

16. Stephanie Melvin, 7138 Carroll Avenue: commended the Council again for their stand taken on phase-out. Noted the possibility of speculators that will be coming into the City because of the opening of Metro and pressure for more development; people are waiting to see the outcome of multi-family issue in terms of whether the City will go for reconversion or succumb to higher density. Said the people asking for reconsideration of the Council's stand are very short-sighted; that the Council should look toward the next 20 years--whether they want to stabilize the City as a single-family residential community.

17. Bob Melvin, 7138 Carroll Avenue: clarified ZONE's ideas, stating that a diverse group had attended the meetings. Stated that the law suit against the County and the request for withholding CDBG funds were not associated with ZONE, although possibly half of the 35 people suing the County have attended ZONE meetings.

18. Dorothy Porter, 7305 Maple Avenue: stated that she favors Option #1 of Proposed Text Amendment #77003; that it offers the best opportunity for constructive action. Noted that she spoke because Mrs. Melvin had raised some specter of fear because of Metro's opening; stated that citizens have bought homes in the community because they like it here and it should be obvious by now that they are not going to leave because of Metro; these people, single-family and multi-family alike, stabilize the community; sees no reason why she, as a multi-family homeowner, should have to leave the community just because a certain group would like to rid the City of multi-family houses.

19. Amelia Burroughs, 7218 Cedar Avenue: said that she is no "Johnny come lately" --has been a resident of the City since 1908; that the two World Wars were the cause of the large number of multi-family units. Stated that single-family zones should be modified to accomodate those who are alone or in need of money; has recommended to the City and County Councils that single-family zones should allow one apartment in owner-occupied buildings and no more than two unrelated persons in a single-family home.

20. Elizabeth Bozarth, 7326 Willow Avenue: stated that if there is no phase-out, the City would be rewarding those that have broken the zoning laws; that the County should take a strong stand now not to allow more non-conforming uses; that zoning laws have not been enforced in the City and enforcement should begin now.

21. Leroy Rubottom, 500 Elm Avenue: stated that he is a landlord, but not one making any excess money; does not understand how his units can be registered with the City and still be illegal; thinks that code enforcement is good, although it could be more stringent. Asked the Council to consider both sides--the upkeep of property and also the landlord that needs the rental income to exist; does not favor phase-out.

22. Lou D'Ovidio, 7324 Piney Branch Road: glad to see citizens concerned with the image of the City; noted that an image committee had been formed about a year ago, possibly could go over their recommendations for some answers. Referred to issue he brought up at 11-14-77 Council meeting concerning a bank in Gaithersburg which had engaged in red-lining in the City because of its image; stated that the bank has now granted the loan and the buyer is expected to move in very soon. Thanked the Mayor for his help in this matter.

23. Ann Townsend, 7620 Maple Avenue, #506: referred to Mrs. Abbott's question about the Winchester-Takoma; stated that some maintenance problems have been improved, but there is no resident manager, there was no heat in the building for the past week, the insect and rodent problem has not improved, and that the elevators are not working. Stated that the men hired to do the repair work did not do a proper job; did not understand why the repairs could not be taken care of properly.

24. Amelia Burroughs: referring to the roach problem at Winchester-Takoma, suggested that the tenants try using Borric Acid.

25. Marjorie Scribner, 7408 Glenside Drive: referring to the large homes in the City split into apartments, stated that costs of heating and general trend toward smaller families would serve as a deterrent to single-family ownership; more than likely they would become dilapidated and end up in the hands of developers who could build apartment buildings on the lots; more Winchester-Takomas.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. Mrs. Evelyne Ferry, 22 Hickory Avenue: Stated that she became ill before finishing her testimony at the last Council meeting on the Text Amendment issue. Noted that she did not approve of multi-family housing in its entirety; however, is in favor of well kept, owner-occupied, two family dwellings as long as in conformity with strict regulations.

2. Prince George's County District Council: Ruling of the Hearing Examiner on Special Exception #3031, involving Hechinger, Inc., for permission to stack hardware and nursery materials on part of the area designated for parking in the original site plan. This matter was approved with the following conditions: that half of the display area used be solely for nursery stock and that appropriate warning signs be installed and that the display area is to be developed in accordance with the sketch which provides storage on the northern part of the property.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Report on progress with 7620 Maple Avenue maintenance problems. The City Administrator reported that the violations for insect and rodent infestation will be heard by the Montgomery County Circuit Court on December 30, 1977 at 10 AM. In reference to the full inspection, a re-inspection will take place on November 28, 29, and 30; if violations have not been corrected, this will also go to court. Mayor Roth requested the City Administrator to obtain information on the problems that Ms. Townsend had mentioned and report back to the Council.
2. Report on status of Juniper Street pedestrian bridge. City Administrator Gilsdorf reported that the concept plans for the permanent pedestrian bridge have been approved by the WMATA board and concerned jurisdictions; it is now being studied by a special committee of the WMATA board and personnel from Montgomery County to determine how funding will be allocated. It is estimated that construction should begin within 18 to 24 months.
3. Consideration of SHA's recommendations for "Right Turn on Red" signs at selected corners of intersections at Philadelphia and Maple and Philadelphia and Takoma Avenues (deferred from 11-14-77 meeting). The City Administrator stated that citizen associations within these two areas opposed the proposals because of the large amount of pedestrian traffic. Councilman Nishimoto questioned whether the RTORAS would become mandatory in Maryland and was told that after July 1, 1978, it would be mandatory except where otherwise posted. The two intersections were voted on separately, with recommendations going to SHA requesting that RTOR not be designated at either corner. Upon motion by Councilman Nishimoto, duly seconded, the Council voted unanimously against RTOR at the intersection of Takoma and Philadelphia Avenues; also from a motion by Councilman Nishimoto, duly seconded, and by majority vote of the Council, it was decided that RTOR not be designated at the intersection of Maple and Philadelphia Avenues.
4. Consideration of Zoning Appeal #5027, Paul O. Davis, 1121 Holton Lane, front and side yard variance (Public Hearing, 12-7-77, 6:30 PM, CAB, Upper Marlboro). The City Administrator reported that this Zoning Appeal was to permit the enclosure of a car port. The neighbors in the surrounding area were surveyed, and of the seven questionnaires mailed, five responses have been received, with no objections noted. Upon motion by Councilman Garcia, duly seconded, the Council voted unanimously to notify the County they have no objection to this appeal.
5. Ordinance authorizing purchase of two Police cruisers equipped with Visibar units (Revenue Sharing Funds). Upon motion by Councilman Forshee, duly seconded, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Medina, and Nishimoto. NAY: None. EXCUSED: Councilmembers Ricks and Webb.

ORDINANCE #2452

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

SECTION 1. THAT funds were set aside in the Proposed Use Schedule for expenditure of FY-78 Federal Revenue Sharing Funds for the purchase of Police Department equipment and vehicles; AND

- SECTION 2. THAT, in accordance with law, bids on two police cruisers were solicited from qualified dealers and by advertising twice in two newspapers of local circulation, with the bids having been publicly opened at 3:00 PM, November 15, 1977; AND
- SECTION 3. THAT bids from six dealers were received, with the low bid having been made by L. P. Steuart Silver Spring, Inc. on two Plymouth Volares HL 41 at the total net price of \$8,412.02, including trade-in allowance on two vehicles and tax exemption.
- SECTION 4. THEREFORE THAT the bid quoted in Section 3 be hereby accepted for the net sum of EIGHT THOUSAND, FOUR HUNDRED TWELVE DOLLARS AND TWO CENTS (\$8,412.02) and the City Administrator is duly authorized to transfer titles of trade-in vehicles to L. P. Steuart (Cruiser #5, 1975 Ford Torino, 4-door sedan, Serial #5H27H154219, Title #5066329; and Cruiser #7, 1976 Chevrolet Nova, 4-door sedan, Serial #1X69L6T131804, Title #5695532).
- SECTION 5. FURTHER THAT said vehicles be equipped with TwinSonic Visibar units (Model 12X) to be supplied by Southern Police Equipment Company (at a cost of \$350.00 per unit) for the total sum of SEVEN HUNDRED DOLLARS (\$700); AND
- SECTION 6. THAT funds in the amount of NINE THOUSAND, ONE HUNDRED TWELVE DOLLARS AND TWO CENTS (\$9,112.02) be appropriated from Federal Revenue Sharing Funds Account and transferred to the appropriate Police Department Account.

6. Ordinance to amend Ordinance No. 2440; increasing appropriation for street resurfacing (Revenue Sharing Funds). Upon motion by Councilman Faulkner, duly seconded, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Medina and Nishimoto. NAY: None. EXCUSED: Councilmembers Ricks and Webb.

ORDINANCE #2453

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

SECTION 1. THAT Ordinance No. 2440, adopted August 22, 1977, be amended to increase the appropriation of General Revenue Sharing Funds for street resurfacing to \$21,455.20, said increase being necessitated by additional work performed on Hancock Avenue.

7. Ordinance appropriating funds for Police Department emergency lighting equipment (Revenue Sharing Funds). Upon motion by Councilwoman Medina, duly seconded, the following ordinance was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Medina, and Nishimoto. NAY: None. EXCUSED: Councilmembers Ricks and Webb.

ORDINANCE #2454

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 Federal Revenue Sharing Funds set aside funds for the purchase of emergency lighting equipment for the Police Department; AND

SECTION 2. THAT verbal quotations were solicited from three suppliers, with Graybar Electric submitting the low bid of \$509.40, and is hereby approved for purchase; AND

SECTION 3. THAT funds in the amount of FIVE HUNDRED NINE DOLLARS AND FORTY CENTS (\$509.40) be appropriated from the Federal Revenus Sharing Fund Account and transferred to the appropriate Police Department Account.

8. Referring to the request for reconsideration of the Council's stand on Text Amendment #77003, Councilman Nishimoto stated that it should be placed on the December 12, 1977 agenda for disucssion by the entire Council. Councilwoman Medina suggested that the Council not reconsider the issue until the two opposing groups--Landlords and Tenants/PLUS and ZONE, meet and come to some sort of compromise proposal between themselves. After further discussion by the Council, it was determined that the group leaders should discuss this proposal among their entire groups and that the leaders, Bob Melvin, ZONE and Ralph Porter, Landlords & Tenants/PLUS, would meet with City Administrator Gilsdorf to decide on a compromise position. Councilman Nishimoto requested that the Council Council be contacted to determine whether enough time is left for more proposals to be offered. Mayor Roth stated that after re-reading the City's position, that he has found some difficulty in supporting the logic of a definite phase-out while at the same time imposing stricter code enforcement standards; that he is uneasy about lessening the available apartments particularly for the College and Hospital students and staff; that he would welcome the opportunity to reexamine the position. The Mayor requested that the City Administrator place this item on the agenda for the December 12 meeting.

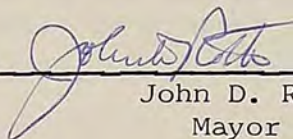
9. Mayor Roth announced a change in the Council's representation on the TPVFD Fire Board; that since Councilman Faulkner has a large responsibility as chairman of the Operation Turnaround Board that he will be replaced on the Fire Board by Councilman Garcia.

10. Councilman Nishimoto requested that the City Administrator prepare a procedural outline for citizens who would like an item placed on the agenda; to include a written request to the Mayor, after which it will be discussed by the Council to determine whether it is appropriate to place on the agenda.

11. On a request from Councilman Nishimoto, it was determined that a draft ordinance be prepared for discussion by the Council concerning raising property tax rates. Councilman Nishimoto said that he would like the ordinance to state that property taxes in the City cannot be raised by more than 15% in one year, whether caused by an increase in assessment or in the tax rate; however, if the City finds that it cannot operate on a 15% tax increase, then the increased tax will be subject to a referendum vote by the citizens. He would also like the City Administrator to determine a formula by which this can be calculated; also the cost of a referendum.

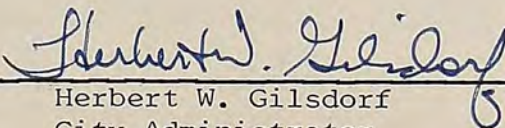
Upon motion, duly seconded, the meeting adjourned at 11:00 PM, to reconvene on Monday, December 12, 1977 at 8:00 PM.

APPROVED:



John D. Roth
Mayor

ATTEST:



Herbert W. Gilsdorf
City Administrator