

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

April 7, 1978

Councilmembers Present:

Mayor Roth
Councilman Faulkner
Councilman Forshee
Councilman Garcia
Councilwoman Medina
Councilman Nishimoto
Councilman Ricks
Councilman Webb

The meeting was called to order at 5:17 PM to consider items contained in the attached Election Appeal Petition. It was noted that this meeting would be brief because there were members of the Council whose Sabbath would begin at sundown.

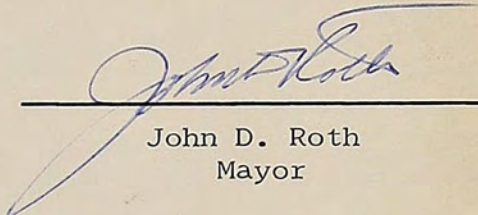
Corporation Counsel Gingerich noted that the 1st, 3rd, 4th, and 5th items of the "Election Appeal Filed Pursuant to §1.3 (s) of the City of Takoma Park, Maryland Charter" would not apply to the City Election because they referred to Article 33 §15-4 (a) of the Annotated Code of Maryland which do not apply to municipal elections; that the only rules and regulations that would apply would be those set forth in the City Charter. The following points were also made by Mr. Gingerich: That the City Charter does not give the Mayor and Council the authority to "set aside" a City election that has been certified by the City's Board of Election Judges; that the Charter provides regulations to be followed to set up another election in case of a tie, but there are no provisions for an election being contested; that if there were to be another election, it would have to be at the direction of the Circuit Court; that allegations in the petition stating that persons were not allowed to vote, even though registered, should have been protested at that time on election day--that it is up to the voter to take some initiative in this instance; that the City is bound by the certified registration lists provided by both Montgomery and Prince George's Counties to allow only those persons on those lists to vote; that in his opinion, the Council could not make any lawful judgments about the items in the petition; that they have no powers of supoena to take testimony under oath; that judgement would have to be made by the courts. It was also noted that if a person's name appeared on the certified registration list from the Counties, they would have to be allowed to vote; that if there were challenges made as to a person's actual place of residence when his name appeared on the registration list, that that challenge would have to be made to the Board of Election Supervisors of that particular county. It was also stated that contrary to the allegation in item 5, the election had been advertised in accordance with Charter requirements.

Councilman Webb, made a motion, duly seconded by Councilman Garcia, that it is the position of the Council, to the best of their knowledge, that the City Elections were held in accordance with the requirements of the City of Takoma Park Charter and that the results of same were officially certified by the Board of Election Judges. It was noted by Councilmembers that the Election was held according to the provisions in the Charter; suggestions made on changing the procedures to be followed for future elections would be considered, and that by approving the motion made by Councilman Webb, it would be up to the appellants to take further action through the court system. The motion made by Councilman Webb was voted on and approved by the Council, with Councilman Nishimoto abstaining.

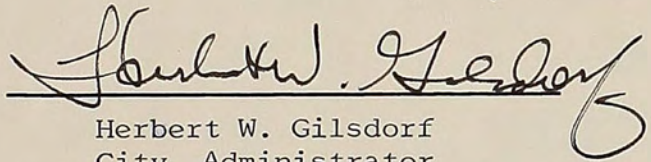
There being no further business to discuss, the meeting adjourned at 6:10 PM.

NOTE: Pursuant to the petition filed with the Council on March 29, the absentee ballots were publicly recounted at 7:00 PM March 31, 1978, and the voting machines were examined in the Rockville warehouse at 8:00 PM on the same evening. The recount of votes cast in both instances were determined to be the same as that reported by the Board of Election Judges on March 28, 1978.

APPROVED: _____


John D. Roth
Mayor

ATTEST: _____


Herbert W. Gilsdorf
City Administrator

See Attached Petition:

AN ELECTION APPEAL
FILED PURSUANT TO §1.3(s)
of the
CITY OF TAKOMA PARK, MARYLAND CHARTER

TO: MILTON KOREN
Chief Election Judge

and

JOHN T. BENNICK,
CLARENCE BOATMAN,
CHARLENE COHEN,
ELEANOR JAEGER,
CLAIRE KOZEL,
ABBIE MANDEL,
CAROL MILLER,
FLORENCE NISHIMOTO,
MAX SOLOMON and
JEANNIE TROLL

Election Judges

and

JOHN ROTH
Mayor, City of Takoma Park, Maryland

and

JOSEPH FAULKNER,
CLAYTON FORSHEE,
FRANK GARCIA,
MARY ANN MEDINA,
KENISHI NISHIMOTO,
VERNON RICKS and
JOSEPH WEBB

Council Members, City of Takoma Park, Maryland

and

JOHN FISLE
Supervisor of Elections for
Montgomery County, Maryland

and

ROBERT J. ANTONETTI, SR.
Supervisor of Elections for
Prince George's County, Maryland

and

ANDREW SONNER
State's Attorney for Montgomery County, Maryland

and

SIBYL PUSTJ
City Clerk of Takoma Park, Maryland, and

- 2 -

HERBERT GILSDORF
City Administrator
City of Takoma Park, Maryland

Come now the undersigned petitioners and respectfully move the City Council of Takoma Park, Maryland, to set aside the election of March 28, 1978, and to order a new election held.

In support thereof petitioners represent to the City Council as follows:

1. Contrary to the dictates of the Annotated Code of Maryland Art. 33§15-4(a) which provides, inter alia:

"A registered voter offering to vote at any election, before being permitted to vote, shall identify himself by signing a voting authority card and giving any change of address or name in the presence of the judges. ... [emphasis added]

the election officials conducting the election of March 28, 1978, failed to require voters to sign a voter authority card or otherwise identify himself/herself/ as otherwise provided by the laws of the City of Takoma Park and the State of Maryland.

2. Prominently displayed before persons presenting themselves to vote in said election of March 28, 1978, a nonpartisan election as required by law, there did appear a facsimile ballot designating Candidate-for-Mayor/Petitioner Sammie A. Abbott as a Republican and containing other misleading and prejudicial information making a fair election impossible.
3. Contrary to the Annotated Code of Maryland Art. 33, §§2-6 and 2-7 and the Instructions of the Attorney General which prohibits persons from serving as an election official if he/she "hold[s] or be a candidate for any public or party office, nor may an election judge be a campaign manager or treasurer for a candidate [emphasis added].

(a) one Charlene Cohen, a campaign manager and/or

treasurer for Ward One, Council Candidate David Weisman did serve as an election judge pursuant to Ordinance #2462 of the City of Takoma Park, Maryland; and

(b) likewise, one Clarence Boatman, a campaign manager and/or treasurer for Mayoral Candidate John Roth did serve as an election judge.

4. Contrary to the Annotated Code of Maryland Art. 33, §16-12(c) which provides inter alia:

"Assistance in marking their ballots or operating a voting machine shall be given to voters who shall declare under oath to the judges that by reason of blindness, impaired vision or other physical disability they are unable without assistance to . . . operate the voting machine **** the voter shall retire to one of said . . . voting machines with . . . two judges. . . ." [emphasis added]

Chief Election Judge Milton Koren did enter voting booths by himself with various voters and without any other election judge being present.

5. Contrary to the Annotated Code of Maryland Art. 33 §2-10 which provides, inter alia, that

"Each board shall give public notice of the time and place of all elections in each precinct. Such notice shall be given in newspapers of general circulation. . . ."

adequate notice was not provided.

6. Voters were not identified by ward nor were ward numbers designated on voter authority cards in the place provided for same.
7. To date petitioners' requests for absentee and emergency ballot applications have been refused and no official list of voters casting absentee or emergency ballots has been provided to petitioners making a full and meaningful election protest

impossible.

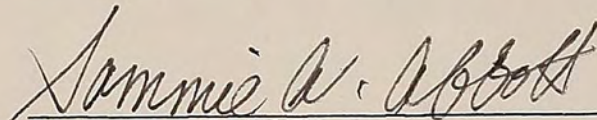
8. Election officials appointed pursuant to City Ordinance #2462 were not designated as judges and clerks.
9. Further, the following improprieties constitute independent and sufficient grounds to set aside the election of March 28, 1978, necessitating a new election:
 - (A) one Joyce Gueory, of 7620 Maple Avenue, a registered voter of Takoma Park and Montgomery County, Maryland, did attempt to vote in the municipal election of March 28, 1978, but was improperly and unlawfully refused a ballot and otherwise prevented from voting;
 - (B) likewise, one Bruce G. Freeman, of 108 Elm Street, a registered voter of Takoma Park and Prince George's County, Maryland did attempt to vote in the municipal election of March 28, 1978, but was improperly and unlawfully refused a ballot and otherwise prevented from voting;
 - (C) likewise, one Elijah Walker of 7101 Poplar Ave., a registered voter of Takoma Park and Montgomery County, Maryland, did attempt to vote in the municipal election of March 28, 1978 but was improperly and unlawfully refused a ballot and otherwise prevented from voting;
 - (D) one Hernando Rivera voted (Poll Book #2809) from his place of business at or about 7420 Maple Ave., which is not his residence;
 - (E) one John Alden (Poll Book #353) and one Ruth Alden (Poll Book #352), registered voters of Prince George's County who, on March 28, 1978, had removed themselves to Montgomery County,

voted in the municipal election without changing their voter registration.

- (F) Investigation to date has failed to confirm that the following persons who voted in the election of March 28, 1978, are residents of Takoma Park: Freeman E. Morgan, Poll Book #2023, Helen Sing, Poll Book #2719, John Joseph Shea, Poll Book #2703, Merrill M. Lypowsky, Poll Book #1930, and Morris Kischbaum, Poll Book #702.
- (G) Two absentee/emergency ballots counted for John Roth should have been invalidated and not counted.

Petitioners further request the City Council to investigate and affirm these and any other claims brought to their attention on April 7, 1978 and any they may know of or come to know, including the failure of bona fide applicants for voter registrants to be entered on the rolls of eligible voters, and to grant petitioners the relief they seek.

Respectfully submitted,



SAMMIE A. ABBOTT
Candidate for Mayor
7308 Birch Avenue
Takoma Park, Maryland 20012

and

RUTH ABBOTT

RINO ALDRIGHETTI

WILLIAM E. BRAILEY

TOM GAGLIARDO

ROBERT MOORE

PAUL PLANT

JOAN and DAVID PROSTEN

MAUREEN THOMPSON

VICKI WEST

Citizens of Takoma Park, Maryland

THE CITY OF TAKOMA PARK, MARYLAND

MEETING OF THE MAYOR AND CITY COUNCIL

April 10, 1978

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	Police Chief Porter
Councilman Nishimoto	Recreation Director Ziegler
Councilman Ricks	Corporation Counsel Gingerich
EXCUSED: Councilman Webb	Asst. Corporation Counsel Culpepper
	Asst. Corporation Counsel Hoffman

The Mayor and Council of Takoma Park met on April 10, 1978, at 8:00 PM, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge of allegiance, a motion to approve the minutes of March 27 was made, duly seconded, and approved by the Council.

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

Mayor Roth presented a Proclamation to Mr. Jesse McKnight of the Takoma Park Lions Club proclaiming the week of April 22 through April 29, 1978 as Lions White Cane Week in the City; asked that all citizens participate in this program to ensure its success.

Noted a newspaper report that Sligo Creek has been stocked with trout between Colesville Road and Wayne Avenue; that several Boy Scout troops and the Montgomery County Parks Department staff worked together to build 11 weirs. Hoped that the City's portion of Sligo Creek would soon be able to have the same treatment and that citizen organizations would ask for and help in the preparations for such.

Referred to an article in the Post concerning Metro's proposal for increased parking at the stations; asked that this be added to the agenda.

Announced that by letter of March 22, he was notified that he had been nominated to serve on the National League of Cities nationwide committee on effective government.

Councilman Nishimoto stated that he had thoroughly enjoyed the rewarding experience of serving as a City Councilmember; that because of his teaching duties, he had not run for reelection. Referred to this year's election as polarizing the citizens; said that the slate campaign is almost overpowering to the candidate who is running alone; also thought that the citizens would be better represented if Councilmembers were elected by ward. Concerning the election, noted that Councilwoman Medina was elected into office after only being a resident of the City for approximately one year; that other new citizens might consider this as an incentive. Referred to Mrs. LaVaute's earlier comments on not having been asked to serve on Council appointed citizen committees; noted that there are many talented citizens who have never served in this capacity; he thought that they should be involved, for they may raise points which need investigation. Mayor Roth noted that the Master Plan Task Force committees were formed by appointing citizens from the wards in which they lived; that he thought that this gave a wide

representation of the entire City. Councilman Ricks and Mayor Roth stated that they would accept Councilman Nishimoto's comments as suggestive thoughts to keep in mind for the next two years. Several Councilmembers expressed their pleasure in serving on the Council with Councilmembers Medina and Nishimoto; hoped that they would continue to lend their expertise to the City.

ADDITIONAL AGENDA ITEMS

Operation Turnaround Board status report by Allan Marsh - Councilman Faulkner.

CITIZENS' REMARKS

1. Allan Marsh, Member, Operation Turnaround Board: stated that on March 18, he represented the Operation Turnaround Board at a practical rehabilitation workshop which included lectures and visits to old houses that were purchased for rehabilitation. Noted that the Board is now ready to sell two of the properties that have been rehabilitated; that it was decided to enlist the help of real estate agents that live in the City; the agents would be selected on a revolving basis and would have to be willing to put the houses on a multiple listing. Said that it was a pleasure serving on the Board and that Councilwoman Medina, a member, would be much missed; thanked the Council for their support. Councilmembers questioned whether they could take a tour of the houses that have been renovated and in response to the queries, Mr. Marsh stated that he was sure they could tour the houses, noting also that they would be on the House and Garden Tour this year. Councilman Faulkner noted that there have been problems in locating real estate agents who reside in the City and asked that anyone with information contact the City Administrator.

2. Sammie Abbott, 7308 Birch Avenue: noted that he had not intended to speak and stated that the matter of the Mayoral election results is now in the hands of the courts. Stated that he did not feel that the citizens were polarized by the election; that if there weren't singular candidates running against the slates, there would be no challenge to the incumbents; thought that there were healthy signs coming from this election, not polarization. Stated that there will be a change in the election procedures, to institute voting by wards instead of at large; that this would either be done by referendum or, depending on how the courts rule, it will be done by the Council.

3. Lou D'Ovidio, Chairman, CDBG Citizens Advisory Committee: offered three resolutions that the CAC has voted on: 1) that the City strive to insure that in any revitalization effort of the City's business districts that care be taken to insure that the areas and the businesses therein be restored and not massively redeveloped. Further that an effort be made to maintain a character consistent with the size and scale of surrounding areas. It was the consensus of the CAC that owners of properties in the areas may try to redevelop instead of restore; that the Council should be aware of this and take action to prevent it. 2) That the City transfer any funds that might be remaining in the current year's CDBG Public Works programs (due to the inability to carry out projects, or funds remaining as a result of overbudgeting) to the housing rehabilitation section of the CDBG program. 3) In the CDBG proposal presented last Fall, it was stated in the Housing Rehabilitation section that the City had a Historic District Commission or that it was being planned; that at this point, the City has not appointed such a commission; thought that the Council needs to take action on

this or remove it from the proposal. Also noted that on February 27, he had presented a recommendation to the Council that has not been acted on which pertained to the City requesting Montgomery County to reserve contingency funds for the City to carry out whatever housing policies that become necessary as a result of action taken by the County Council regarding ZTA 77003; requested that this be placed on the agenda, to which the Mayor agreed. Also stated that the CAC tenure will soon be over; that the Council needs to take action to reappoint members; recommended that the CAC be enlarged, so as to encompass more of the City and the new citizen associations that have been formed.

4. Joseph Ferrier, 7413 Maple Avenue: stated that he has never held any personal animosity toward anyone and has never felt slighted. Noted that he fears unity; feels that this means "rubber stamp"; listed several examples of things that could have occurred if City were unified. Said that the Council should be elected by wards; that they may possibly be better known by the people that vote for them; also did not object to slates.

5. Charlene Cohen, 7815 Takoma Avenue: read the following statement to the Mayor and Council into the record: "A recent document appealing the election of March 28, 1978 and being circulated in the City has been brought to my attention. It is stated in Paragraph 3 (a) that I illegally served not only as Campaign Manager for David Weisman, but also as an election judge. I wish the record to show that prior to assuming either position I checked with the City Clerk of Takoma Park, Maryland as to the propriety of my serving in both capacities. I was informed by the City Clerk that it would be perfectly proper for me to serve in both capacities. It has never been my intention to do anything improper and I wish the record to clearly indicate that fact."

6. Phil Vogel, 7117 Garland, Member, CDBG-CAC: stated that he thought that Lou D'Ovidio has done an outstanding job as Chairman of the CAC; that his work has benefited the City; that Mr. D'Ovidio had his personal endorsements for the recommendations that he made. Also noted that the City receives less than 10% of Montgomery County's CDBG funds; that he thought the Council should act more quickly on the recommendations made by the CAC, or at least explain why no action has been taken. Stated his concern about on-duty police officers being at the meeting; did not think that they were there at the citizens request; knows that there are differences of opinions, but hoped that this would be the last meeting at which they would appear.

7. John McCann, 7214 Holly Avenue: asked that Mr. Vogel's question be addressed as to why the police officers were in attendance. City Administrator Gilsdorf stated that he had requested Chief Porter to station the officers in case they were needed. Mr. McCann stated that he felt very insulted.

8. Sammie Abbott: related an incident which took place early Easter morning in which Mr. Gilsdorf called him at home and told him that the Police Department had received a threat on his life; requested to see the police log of details; also stated that he was insulted by the officers' presence and demanded that they leave. Upon motion by Councilman Nishimoto, duly seconded, and approved by the Council, the police officers were requested to leave and did so.

9. Kathryn Simpson, 7300 Cedar Avenue: thanked the Council for all the help that they have offered the citizens and those members that are leaving she wished well.

10. Roland Halstead, 7116 Maple Avenue: stated that he was very troubled at the March 29 meeting of the Council and had written a Letter to the Editor explaining why (see attachment).

Councilman Forshee expressed appreciation to those who presided at the election and for the work that they endeavored to do; was a difficult time for them and has been since. Mayor Roth also concurred with this expression of appreciation.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. City Administrator Gilsdorf gave a brief summary of the City's financial status.

2. Referring to the requests made by Mr. D'Ovidio for action on the CAC's recommendations, Councilwoman Medina suggested that the Council discuss them at their next worksession; that Mr. D'Ovidio or a representative of the CAC be present to clarify any questions and that the Council prepare a position for the following Council meeting. Councilman Nishimoto recommended that the Council develop a program that would assist in the phasing out of apartments; that the Council has a responsibility to try to prevent hardships. It was noted by Councilwoman Medina that the Council may want to redefine the CDBG contract with Montgomery County concerning the City's use of rehabilitation funds; thought that any recommendations or positions that are made should be sent to the County as soon as possible. In reference to the CAC's request for the transfer of current remaining funds from Public Works projects to the housing rehabilitation fund, noted that there is one project that has yet to be completed; questioned how this is to be financed if the funds are to be transferred. Mayor Roth noted that both counties and also the State have rehabilitation loan funds.

3. Councilman Ricks questioned whether there has been a reply from the certified letter sent to SHA concerning the signalization at Carroll and Philadelphia Avenues and was told that the return receipt has come back, but no letter of reply.

4. Concerning the OLTA hearings on Winchester-Takoma, Councilman Ricks noted that the hearings have been postponed from April 5 and 6 to April 19 and 20 by mutual agreement of both parties.

5. Councilwoman Medina suggested that when discussing the Historic District Commission, the Council should invite the persons that made the original recommendation to the worksession.

6. Councilman Nishimoto questioned the status of the law suit against the owners of the Winchester-Takoma and was told that it is scheduled for May 12.

Councilman Nishimoto moved for adjournment, which was duly seconded, after which both he and Councilwoman Medina noted their wish for luck to the new members of the Council and stated that they would be back as audience participants with comments and recommendations that they hoped would help; noted that if and when there was criticism, it would only go to prove that they care. With these parting comments, the meeting adjourned at 9:20 PM, with the convening of the new Council to follow.

THE CITY OF TAKOMA PARK, MARYLAND

Initial Meeting of New Council

April 10, 1978

The first meeting of the newly elected Council convened at 9:40 PM, April 10, 1978, with the re-elected Mayor Roth in the Chair. Mayor Roth, who had been sworn in at the Circuit Courts in Montgomery County and Prince George's County prior to the meeting, administered the Oath of Office to the Councilmembers. He then called the meeting to order. Present were:

- Councilman Faulkner
- Councilman Forshee
- Councilman Garcia
- Councilman Ricks
- Councilwoman Saloma
- Councilman Weisman
- EXCUSED: Councilman Webb

NEW BUSINESS

City Administrator Gilsdorf reported on the status of the Public Works projects including: the process of repairing potholes; Spring tree planting programs; major Public Works projects that will be partially funded by CDBG funds and including resurfacing projects for parts of the following streets--Central, Palmer, Woodland, Allegheny, and Westmoreland; sidewalks, curbs and gutters will also be improved on the following streets--Ritchie, Lee, 2nd, and Ethan Allen Avenues; it was also noted that the ravine across from the J. Enos Ray School will be cleaned up. The City Administrator also stated that the gravel has been removed from Jequie Park West (formerly known as the "pit"), also dead trees have been removed and top soil and grass are now being put down. After being recognized by the Council, Mr. John Tucci raised questions about the excavation on Takoma Avenue near the B & O railroad. The City Administrator stated that the work is for a storm drain for D. C.; is being conducted by the State of Maryland and should be completed and repaved sometime in May or June. Mr. John Bennick was recognized by the Council; he requested that the sidewalks, curbs, gutters, and driveway aprons be repaired or replaced on Philadelphia Avenue between Maple and the City boundary. It was noted by the City Administrator that there is not enough money to complete such a project this year, but that it has been included in the CDBG proposal for next year. Asst. City Administrator Nichols reported on the progress of the Housing Rehabilitation Loan program stating that all resources have been committed this year; that there were 15 houses renovated in Montgomery County section of the City and 8 in Prince George's County, with 3 being referred to Montgomery County that have been completed and 2 others pending approval. Also noted that there are funds available from HUD for the restoration of historic properties; information available in the City Office. Mr. Nichols also stated that the Hand 'n Home programs, including the Tool Library and Home Rehabilitation Workshops, are progressing well; that the Tool Library has had 50 patrons and expects more participation during the Spring and Summer months; that the Rehabilitation Workshops are now in progress; the courses last for 8 weeks, meeting once a week; that there has been good attendance, the next scheduled workshops starting April 20 are already full, although there will be two additional workshops planned for summer. Mr. Nichols stated that with Block

Council meeting minutes
Meeting of the New Council
April 10, 1978

Grant funds for FY-79, work will be done on Fenton Street to include repaving, curbs, gutters, and sidewalks in the area.

Councilman Ricks made a motion, duly seconded by Councilman Faulkner, that the City prepare a Chronology of correspondence between the City and SHA concerning the signalization projects located at Carroll and Ethan Allen, and Carroll and Philadelphia Avenues to be sent to the Governor. Councilman Faulkner asked that an amendment be made to the motion to include copies of the letter to all State Legislators representing the City. This amendment was accepted, and the motion approved by the Council.

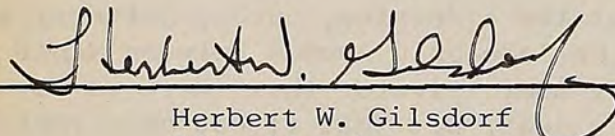
Mayor Roth stated that the new developments for increased parking at Metro stations would be discussed at the next meeting when more information is available.

Councilman Faulkner suggested that at the next worksession, the Council take a tour of the operation Turnaround properties that have been renovated and it was agreed that the Council do so.

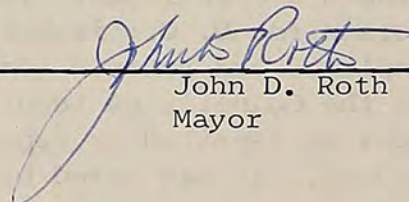
Councilman Weisman stated that he has been informed that the Montgomery College Board of Trustees have again requested a demolition permit for the property located at 7700 Takoma Avenue; made a motion, duly seconded by Councilman Ricks, that the Council reaffirm the opposition to the issuance of the permit by writing a letter to the County Council and the County Executive. This motion was approved by the Council.

Upon motion, duly seconded, the meeting adjourned at 10:22 PM, to reconvene on Monday, April 24 at 8:00 PM.

ATTEST


Herbert W. Gilsdorf
City Administrator

APPROVED


John D. Roth
Mayor

Read into record at
Council Mtg. 4/10/78.

ATTACHMENT TO 4/10/78 COUNCIL MEETING MINUTES

Dear Editor:

Democracy died on or about 10p.m., Eastern Standard Time, March 29, 1978. The city election for Mayor and Council in Takoma Park, MD., had been completed just over 24 hours earlier. The results in the mayoral contest were: Sam Abbott, 1070 votes; Mary Ann Medina, 242 votes; and Mayor John Roth, 1078 votes. The margin of victory in the votes for Council members (I was a principal in Wards 1 & 2) was not nearly as close.

A crowd of concerned citizens gathered to view the official presentation of "certificates of election" to the winners of the contest in the presence of the current Mayor and City Council which had informally convened for this occasion. The Chief Judge of Elections explained the procedures followed in the election, answered questions from the audience, and acknowledged the need for improved procedures in future city elections.

The Mayor and Council were then presented with a written petition signed by Sam Abbott challenging the election results. A recurring theme during an enthusiastic and exhaustive discussion of both legal and practical issues that followed was the clear desire of those present that the Mayor and Council show by a roll call vote whether

they believed the "certificates of election" should be held in abeyance pending the resolution of Mr. Abbott's challenge. They refused to consider this reasonable and legitimate request of the citizens squarely and walked out of the Council chambers. Impressionable children at the meeting asked their parents what was happening and why.

By listening to the legal advice of the City Corporation Counsel the Mayor and Council apparently decided that legally no action was required of them in this situation. However, in abandoning the citizens and their legitimate request they exhibited a lack of moral fortitude and civic responsibility needed to retain the public's confidence and trust in them in particular and in democracy in general. As an attorney by profession, I realize all too painfully that the law is not necessarily moral nor able to resolve every dispute with a proper remedy. We as citizens have a right, nevertheless, to expect that our elected officials will stand up and be counted on issues that deeply concern us rather than physically run away from their moral responsibilities, basing such action on a legal technicality. My whole being cried out in agony and was shaken by this capricious display of governmental unresponsiveness and irresponsibility.

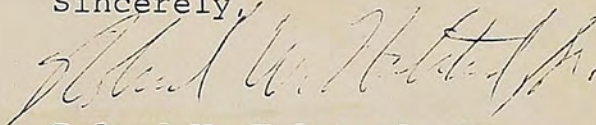
For this reason I respectfully submit that the Mayor and Council members resign their elected office (no impeachment provision is contained in the City Charter) with the

exception of Councilman Forshee who was absent and Councilman Ricks who publicly tore up his "certificate of election." I personally applaud my opponents in the recent campaign, Council members-elect Jennifer Saloma and David Wiseman, for their courageous action of presenting their "certificates of election" to the City Administrator for safekeeping until the election challenge is completed.

Ironically, the Mayor and his "slate" campaigned on the theme "working for you ... your city government has been active, responsive and productive." Mrs. Medina promised to "discover" and "respond" to "priority concerns" of citizens groups and advocated "better access to local government" as well as "improved efforts to reach all segments of our population to serve them better."

Perhaps the tattered flag flying on the City's outdoor flag pole on election day was an accurate indicator of the state of democracy in our community.

Sincerely,



Roland W. Halstead, Jr.
Takoma Park, Md.

CITY OF TAKOMA PARK, MARYLAND
MAYOR AND COUNCIL WORKSESSION
Council Meeting Room

April 17, 1978

Councilmembers Present:

Mayor Roth
Councilman Faulkner
Councilman Forshee
Councilman Garcia
Councilman Ricks
Councilwoman Saloma
Councilman Webb
Councilman Weisman
City Administrator Gilsdorf

The meeting was called to order by Mayor Roth at 7:00 PM.

1. Operation Turnaround House Tour. A brief tour was held of Operation Turnaround houses at 7101 Cedar Avenue and 55 Walnut Avenue. These two houses are ready to go on the market.
2. Report From Community Development Block Grant Citizen's Advisory Committee. Mr. Lou D'Ovidio appeared and offered recommendations from the CDBG Citizen's Advisory Committee.

Based on the Committee's recommendations, the Mayor and Council directed the City Administrator to send a letter to the Montgomery County Community Development Block Grant staff requesting that contingency funds (if any are available) be furnished to the City of Takoma Park for rehabilitation of single-family houses and for those units affected by Text Amendment No. 77003.

3. Bill No. HB 1567. The Mayor and Council voted unanimously to recommend that the Governor veto Bill No. HB 1567.
4. Operation Turnaround Board. With concurrence of the Council, Mayor Roth appointed Chairman Faulkner to serve out the remaining year of Mrs. Medina's term and appointed Councilwoman Saloma to fill the remaining vacancy on the Operation Turnaround Board.
5. Prince George's County Parking by Permit Only Bill. Mayor Roth directed the City Administrator to obtain a copy of this legislation for the Council's information.
6. Prince George's County Budget Hearing. It was agreed that Councilman Garcia would appear at the Budget Hearing and convey the City's support for funding the Prince George's County contribution to the Takoma Park Volunteer Fire Department, Inc.

WORKSESSION

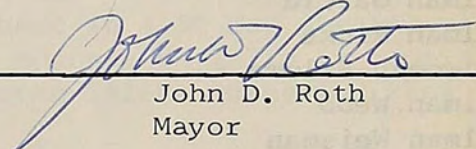
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- 7. M-NCP&PC Public Forum April 18. The Mayor and several members of the Council will attend this Forum to be held in the Municipal Building at 8:00 PM.

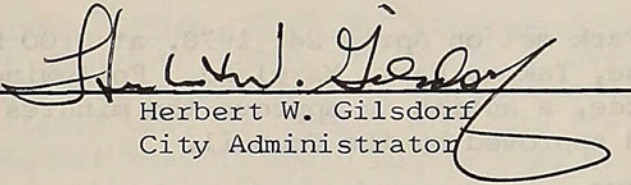
There being no further business to discuss, the meeting adjourned at 11:15 PM.

APPROVED



John D. Roth
Mayor

ATTEST



Herbert W. Gilsdorf
City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

MEETING OF THE MAYOR AND CITY COUNCIL

April 24, 1978

City Officials Present:

Mayor Roth	City Administrator Gilsdorf
Councilman Faulkner	Asst. City Administrator Nichols
Councilman Forshee	City Clerk Pusti
Councilman Garcia	Administrative Asst. Swinton
Councilman Ricks	Recreation Director Ziegler
Councilwoman Saloma	Asst. Corporation Counsel Culpepper
Councilman Webb	Asst. Corporation Counsel Hoffman
Councilman Weisman	

The Mayor and Council of Takoma Park met on April 24, 1978, at 8:00 PM, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the invocation and the pledge of allegiance, a motion to approve the minutes of April 10 was made, duly seconded, and approved by the Council.

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

Mayor Roth noted that on March 9, he had written a letter to Mayor Washington of the District of Columbia, concerning the burned out shell of a building near the Takoma Metro station; has received a response from Mayor Washington stating that the D. C. Fire Marshal's office had investigated and condemned the building. Mayor Roth stated that the building has now been torn down, but the lot has not been completely cleared.

Received an announcement from the Prince George's County Department of Health stating that there is a new service available for citizens to call and listen to tape recordings on various subjects of health care such as--arthritis, rheumatism, indigestion, and many others; noted that this service was not diagnostic, but only informational; the phone number is 345-4080.

Stated that the Council is now in the process of establishing a new CDBG Citizen's Advisory Committee; that the staff will be contacting the various citizen associations for their nominations.

ADDITIONAL AGENDA ITEMS

Request for procedure to establish 1st and 2nd readings of all ordinances
--Mayor Roth

Report on Prince George's County budget hearing -- Councilman Garcia

Report on Park and Planning hearing of proposed landscaping plans for Montgomery College -- Councilman Weisman

CITIZENS' REMARKS

1. Ellen Marsh, 7405 Maple Avenue: announced that the 6th Annual House and Garden Tour will be held on Sunday, May 7 from 1:30 to 5:00 PM. Stated that the Tour will have a total of 14 houses, including 4 in D. C.; the price is \$2.50 which includes free mini bus service and refreshments; that many of the houses have been recently purchased by newcomers to the area and some are in the process of being renovated. Free tickets were given to the Mayor and Council and selected administrative staff personnel.

2. Elaine LaVaute, 240 Park Avenue: thanked the City Administrator and Asst. City Administrator for helping to clean up Park Avenue. Stated that at 507 Tulip Avenue, there is a Takoma-Langley Cab, parked for several days, without tags; and that E & X Exxon is parking their tow trucks on the wrong side of Tulip Avenue. Suggested that the City salt sidewalks during the winter; noted that many people do not shovel the walks and that the ordinance is not enforced regularly. The City Administrator noted that the cab at 507 Tulip Avenue has been tagged by the Police Department, but that there is a 30 day waiting period before it can be towed away; also noted that the address on Tulip is a garage for repair of the Takoma Langley Cabs. Councilwoman Saloma suggested that there be more surveillance in that neighborhood.

3. Susan Fleming, 6909 Westmoreland Avenue: stated that she has noticed an unusual amount of trash, including an oven, on the grounds of the Takoma Park Junior High; questioned whether the City could correct this. City Administrator Gilsdorf stated that the Junior High has its own trash collection agency hired by the BOE, but that he would notify them of the problem. It was noted by several Councilmembers that citizens should not wait to bring problems, such as this, up at Council meetings; that they should contact the City offices and problems could be solved more quickly than waiting the two weeks between meetings.

4. Stephanie Melvin, 7138 Carroll Avenue: noted that she had not intended to speak, but wanted to concur with Mrs. LaVaute's statements about Tulip Avenue. Stated that at 501 Tulip Avenue, there is a decorating business being conducted from the garage, also that there are commercial trucks parked there during the day. Requested that the City contact Montgomery County Department of Environmental Protection and ask that they investigate. Noted that Mrs. LaVaute had already contacted DEP, but with no response. Councilwoman Saloma offered to contact DEP, since the location was within her ward. It was decided by the Council that the City staff would also notify DEP by letter.

5. Bob Melvin, 7138 Carroll Avenue: also complained about 507 Tulip Avenue; noted that the cab, which should be considered a commercial vehicle, is parked there; that this was in the parking permit area and the vehicle does not have a sticker. Mayor Roth asked the City Administrator to check to see if the ordinance applies to taxi cabs. Mr. Melvin questioned whether the City has received any response from DEP concerning complaints made about possible zoning violations and was told that communications have been received about ongoing investigations. Referred to two articles in the April 24 Post concerning an urban action grant program developed by HUD, and a program to stimulate businesses and revitalize neighborhoods; suggested that the City investigate these programs; specifically suggesting that the grant program may be used as a mechanism to buy the Winchester-Takoma and turn it into condominiums, or for the purchase of some of the non-conforming multi-family houses and revert them back to single-family.

6. Robert Liberatore, 508 Tulip Avenue: stated that he had complained to the Police Department about the cabs being parked constantly on Tulip Avenue which is also in the parking permit area; that the police told him that cabs are not considered commercial vehicles and therefore could not be ticketed as such. He noted that the cab had a parking permit sticker in the window and suggested that the ordinance be changed to include cabs. Mayor Roth directed the City Administrator to get information from the Corporation Counsel as to this suggestion.

7. Clark Burdine, 7129 Sycamore Avenue: noted that before the cabs were using Tulip Avenue as a repair lot, they had used the Kass Lot on Carroll Avenue. Congratulated the newly elected Council and expressed his hope that they would represent him fairly. Stated that the City and County Councils have forgotten the "human element" of the multi-family phase-out issue; that in ZONE's proposal for phase-out, they had suggested that several groups be eligible for exemption from such, but as adopted by the County Council, there will be no persons exempt. Noted that members of ZONE only thought of homes as investments, while others, including himself, thought of them only as homes. Noted that when ZONE canvassed his neighborhood with phase-out petitions, that he had signed it after being told that it would not disrupt all owners of non-conforming multi-family houses; asked that his name be withdrawn as supporting phase-out. Requested that the City and County Council's study ZTA 77003 further, and rescind their decision on it. Noted that a house on Woodland Avenue, which his family had once owned, recently sold for \$98,000.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. Montgomery County Board of Appeals. Regarding Case No. S-630, a petition of St. Luke's House, Inc., for a special exception to permit a group residential facility for housing exceptional persons (psychiatric half-way house). The property in question is located at 8205 Houston Court and the hearing will be held on June 15, 9:00 AM, COB, Rockville. It was noted by several Councilmembers that there is already another half-way house located near this one; the Mayor requested that more information be obtained.

2. Montgomery County Park & Planning, Development Review Division. Notification of a zoning application regarding 8 Grant Avenue. The petition requests rezoning from R-60 (single-family residential) to C-2 (general commercial). A hearing will be held on June 14, 9:00 AM, COB, Rockville. Park and Planning has asked for comments from the City by May 11, to be included in their staff recommendation; Mayor Roth requested that this item be placed on the May 8 agenda.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Report on Metro staff proposal for additional parking at stations. City Administrator Gilsdorf reported that he has contacted Metro officials who have told him that these recommendations for increased parking are only proposals and are offered only as suggestive alternatives to be explored; that there is not much staff support for this. Noted that the District of Columbia has already taken action in opposition to this; that any increase in parking would be up to the discretion of the jurisdiction involved; that there would be no further action on this proposal until public hearings are held. Councilman Faulkner made a motion, duly seconded, that the City oppose any expansion of the parking areas. Councilwoman Saloma suggested that the City also contact the Montgomery County Council and the representatives on the Metro Board as to the opposition; it was also noted by Councilmembers that a copy of the letter should be sent to D. C. Councilman Ricks asked that some mention be made in the letter of a new building that is being constructed in D. C., near the Metro Station, that was not included in the Takoma-D. C. Master Plan. With these suggestions included, the Council approved the motion.

2. Report on HUD historical property loans. Asst. City Administrator Nichols reported on the Historic Preservation Loan Program, which is administered by the Federal Housing Administration (FHA). This is actually a loan insurance program, where the Federal government insures loans made by private lending institutions. Loans are available for residential structures, both multi- and single-family, that are either listed individually on the National Register of Historic Properties or those within a historic district. Properties do not necessarily have to be more than 50 years old. Loans are available for up to \$15,000 per dwelling unit, and up to \$45,000 per structure, with loans being amortized for up to 15 years. There is a maximum interest rate of 12%. Properties that are listed individually on the National Register may be eligible for matching grants in addition to loans. Procedure for obtaining loans--must obtain copy of guidelines concerning rehabilitation of old buildings from the State Historic Preservation Office, HUD area offices, or FHA approved lending institutions; must obtain a Certificate of Eligibility for Historic Preservation Loans from the State Office, which provides space for details, including pictures, of intended work to be done. The Form must be sent back to the State Office, which would review it, and if approved, would return it, and the person would take it to an FHA approved lending institution, which would process the loan. It was also noted that informational brochures are available in the City Office; that all rehabilitation work is supervised by the State Historic agency. The Council recognized Mrs. Ellen Marsh, who stated that it is very difficult to secure loans for rehabilitating old houses; noted that the guidelines are mandatory; also stated that there is a definite need for a historic committee to be formed in the City.

3. Update on Landlord-Tenant Affairs Commission proceedings on Winchester-Takoma case. The City Administrator reported that the hearings held on April 19 and 20 were very lengthy sessions; that the attempt for reconciliation between the tenants and owners has not been successful; that the hearings will be continued on May 3 at 7:30 PM, this will include testimony for the 20 individual complaints for damages. Councilman Ricks stated that the hearings seemed more like court trials; that there seemed to be some movement to tire the tenants out in hopes that they would give up; asked that if City employees were called to testify that the Corporation Counsel be present to answer any legal questions they might have; noted that the attorney for the owners of Winchester-Takoma had been referring to some testimony that is to be used in the City's court case against them, and wondered if that would do damage to the City's case. Asst. Corporation Counsel Culpepper stated that he did not think anything said at the hearings would alter the court case. Councilpersons Saloma and Weisman both noted that the tenants seemed to be very frustrated at the end of each hearing; Councilwoman Saloma asked that any citizens wishing to do so, please attend the hearings to lend moral support to the tenants; that it is hard for them to keep going. It was noted by Several Councilmembers that the Commission did not actually seem to be helping the tenants; questions were raised as to the retention of OLTA by the City; Mayor Roth noted that this should be looked into after the hearings are concluded.

4. Proposed ordinance for STOP sign on Hodges Lane at its intersection with Holly Avenue. Mayor Roth requested that this ordinance have its first reading tonight, and the Council could discuss its adoption at the Council meeting of May 8. (see attachment)

5. Report on City's request for additional CDBG (contingency) funds for housing rehabilitation and Zoning Text Amendment #77003 impact relief. The City Administrator stated that he had sent a letter to the County Council requesting contingency funds in connection with ZTA 77003, but has not yet received a response. Councilman Ricks stated that he saw no need for these funds to be used for the purpose of encouraging people to reconvert multi-family homes back to single-family; that once the tenants vacate the buildings, the houses would be considered single-family, and the owner could apply for rehabilitation funding on the regular basis of single-family; thought that funds could be asked for, but used under different guidelines. Mayor Roth directed the City Administrator to write a follow-up letter if a reply is not received soon.

6. Mayor Roth requested that the City staff be directed to draft a policy approach for ordinances to include a first and second reading of each one; noting that at the first reading, the ordinance could be read so that the Council and citizens would know about it and would have time to obtain more information if necessary, and at the second reading, the ordinance would be considered for action; possibly to also have a clause in the policy in case action needed to be taken on an ordinance immediately. It was noted by Councilmembers that for items that are included in the budget, that it would be sufficient to only have a first reading and then take action. The City Administrator was directed by the Council to prepare such a policy.

7. Councilman Garcia reported that at the Prince George's County Budget hearing of April 18, he had requested that the County include in the budget a contribution to Montgomery County to finance the fire service provided by the Takoma Park Volunteer Fire Department; that he was told that such a contribution, in the amount of \$97,000, has already been included in the budget and that a proposed \$125,000 would be included in next year's budget. He noted that the City has very good support in the Prince George's County Council.

8. Councilman Weisman reported that he had attended a public hearing held by Park and Planning concerning the proposed landscape designs for Montgomery College, Takoma Park Campus. Stated that the designs included two large cement signs to be placed at the corners of Takoma and Philadelphia, and New York and Chicago Avenues; a "turnaround" area behind the day care center on Takoma Avenue (this would not necessarily be used for parking); also four 10-ft. tall mercury vapor type lights. Stated that he had objected to these plans **because** they did not suit the residential character of the neighborhood. Noted that Park and Planning took into consideration all comments made and agreed with some of the objections. Noted that it was not the College that notified residents of the area, but instead, Park and Planning did; suggested that the Council contact recommend again that the College contact residents as to future plans that would affect them.

9. Concerning the proposed group residential facility to be located at 8205 Houston Court, Mayor Roth directed the City Administrator to obtain more information, including where other residential group homes are located, and distribute it to the Council. It was noted by Councilman Ricks that the City already has its share of group homes and thought that the City should go on record in opposition to this.

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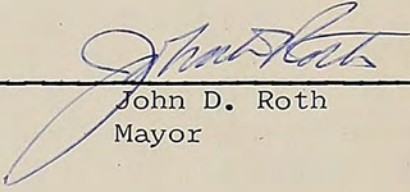
Council meeting minutes
April 24, 1978

10. It was requested by Councilman Ricks that all information possible be obtained on the Special Exception application of 8 Grant Avenue.

11. Councilman Ricks stated that at the OLTA Hearings on Winchester-Takoma, he had been informed of a new administrative procedure that is being considered; that this bill, if passed, would require that tenants have counsel with them during any hearing. Requested that more information be obtained on this, noting that this procedure may exclude many tenants from being able to protect their rights because they could not afford counsel; thought that the City may want to go on record in opposition of this.

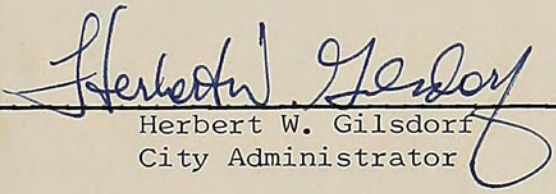
Upon motion, duly seconded, the meeting adjourned at 10:20 PM, to reconvene on Manday, May 8, 1978 at 8:00 PM.

APPROVED



John D. Roth
Mayor

ATTEST



Herbert W. Gilsdorf
City Administrator

FIRST READING
OF
PROPOSED ORDINANCE

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

- SECTION 1. THAT all vehicular traffic travelling in a southeasterly direction on Hodges Lane shall come to a complete stop at its intersection with Holly Avenue; AND
- SECTION 2. THAT the Director of Public Works is hereby requested to erect a STOP sign at the northwestern corner of this intersection; AND
- SECTION 3. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 4. THAT the penalty for violation of this ordinance shall be as stated in Sec. 1-17, Code of Takoma Park, Md., 1972, as amended.