

THE CITY OF TAKOMA PARK, MARYLAND

Meeting of the Mayor and City Council  
April 14, 1980

AGENDA

CALL TO ORDER: Mayor Roth  
ROLL CALL: Councilman Faulkner  
Councilman Forshee  
Councilman Garcia  
Councilman Ricks  
Councilwoman Saloma  
Councilman Webb  
Councilman Weisman

PLEDGE

READING AND APPROVAL OF THE MINUTES

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

FINANCIAL STATEMENT: City Administrator Gilsdorf

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications
2. Administrative Reports and Recommendations for Council Action
  - (1) Announcements of Public Hearings:
    - April 28, 8:00 PM
      - Continuation of Public Hearing on Rent Stabilization
      - City Administrator's hearing on use of FY-81 Revenue Sharing Funds
    - May 12, 8:00 PM
      - Public Hearing on FY-81 budget for Library, Code Enforcement and Public Works Departments
    - May 27, 8:00 PM (Tuesday)
      - Public Hearing on FY-81 budget for Recreation, Administrative and Police Departments
      - Public Hearing on FY-81 use of Federal Revenue Sharing Funds
      - Public Hearing on intent to exceed Constant Yield Tax Rate
  - (2) Proposed ordinance authorizing purchase of capital outlay items for Library, using FY-80 Revenue Sharing Funds
  - (3) Proposed ordinance authorizing purchase of replacement tape recorder for Administrator's office, using Revenue Sharing Funds (FY-80)

SPECIAL REPORTS

ADJOURNMENT

CONVENING OF NEW COUNCIL: Mayor Abbott

ROLL CALL--NEW COUNCIL: Councilman Garcia  
Councilman Holland  
Councilman Patrick  
Councilman Ramsey  
Councilman Ricks  
Councilwoman Saloma  
Councilman Weisman

OATH OF OFFICE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

NEW BUSINESS

ADJOURNMENT

## THE CITY OF TAKOMA PARK, MARYLAND

Meeting of the Mayor and City Council  
April 14, 1980

## City Officials Present:

|                          |                                     |
|--------------------------|-------------------------------------|
| Mayor Roth               | City Administrator Gilsdorf         |
| Councilman Faulkner      | Asst. City Administrator Shaffer    |
| Councilman Forshee       | City Clerk Pusti                    |
| Councilman Garcia        | Administrative Asst. Swinton        |
| Councilman Ricks         | Police Chief Porter                 |
| Councilwoman Saloma      | Public Works Director Robbins       |
| Councilman Weisman       | Recreation Director Ziegler         |
| EXCUSED: Councilman Webb | Corporation Counsel Gingerich       |
|                          | Asst. Corporation Counsel Culpepper |

The Mayor and Council of Takoma Park met on April 14 at 8:00 PM in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge of allegiance, a motion was made and duly seconded to adopt the minutes of March 24. Councilman Garcia requested the inclusion of James Holland, Chairman of the CDBG/CAC in item 7, page 6, as attending the meeting before the Prince George's County Council on CDBG; with this addition accepted, the minutes were approved.

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

Mayor Roth presented Certificates of Appreciation to the following members of the TPVFD Cardio-Pulmonary Resuscitation Team: Mike Hall, Jim Jarboe, Doug Aquino, Ted Jarboe, Graham Sager, and Stanley Russell who are instructors in the CPR life-saving technique. Mr. Hall invited citizens to attend their course and also thanked Mrs. Belle Ziegler for her help in organizing a meeting place for the classes.

Presented the Takoma Park Boy's Club with a proclamation which spoke of the Club's work with the youth of the City and designating the month of May as Takoma Park Boy's Club Month. Members of the Club will be soliciting donations during that month.

Listed the proposed Property tax rates for the Counties: Montgomery County--14¢ increase from \$3.08 to \$3.22, although it may have to be increased further; Prince George's County--a tax rate cut of 30¢, from \$3.04 to \$2.74.

Referred to a newspaper article which stated that there would be a referendum in the City regarding transfer of the Prince George's County section of the City into Montgomery County and said that he understood this had to be done by action of the City Council or by petition of residents of the Prince George's section of the City.

Thanked the many citizens who helped him during his eight years as Mayor by serving on citizen committees--the approximately 20 people on the Recreation Council, 24 on the Independence Day Committee, 12-15 on the Azalea Committee, 24 on the Community Improvement Board, 22 on the CDBG/CAC, 50 on the Master Plan Task Forces and many more; thanked the City employees for all their help, especially those who disagreed with some of his decisions and had the courage to tell him so; that in the past eight years, he had concentrated a great deal of his time in trying to get legislation through the County and State; that he had assisted in increasing the amount of money the City receives by \$281,000 annually; that he had been on the Council a total of 22 years, 14 as Councilmember and 8 as Mayor; that he was leaving office feeling that he had done all he could; wished the best to all citizens in the coming years.

Announced the resignation of James Holland as Chairman of the Community Improvement Board, due to his election as Councilmember.

ADDITIONAL AGENDA ITEMS

Discussion of proposed additional halfway houses on Maplewood Avenue (Councilman Weisman)

Discussion of proposed ordinance placing City under Montgomery County's condominium conversion law (Mayor Roth)

CITIZENS' REMARKS

1. Elaine LaVaute, 240 Park Avenue: requested the number of votes received by unopposed candidates in City election; asked that either all or none of the letters received be included in the Communications section of the meeting and that all letters received by the City be acknowledged; said that in the 19 years she has lived in the City, she has never been asked to serve on a committee. Mayor Roth responded as follows: Wards 1 and 2, Saloma-1,678 and Weisman-1,666; Wards 3 and 4, Holland-1,518 and Ricks-1,638; Wards 6 and 7, Garcia-1,554 and Patrick-1,467; noted that he had suggested that all correspondence be acknowledged.

2. Helen Talbot, faculty member, Montgomery College-Takoma Park Campus: asked citizens to open their homes to a group (35) of Austrian students who will be in Takoma Park this summer; noted that they are high school age and will be here from July 6 to August 4; all will be attending school from 9AM to 12 Noon; the program is to introduce these students to American lifestyles; for more information, Mrs. Talbot can be reached at: Montgomery College, 587 4090, x295, and at home, 244-0909.

3. Kathryn Simpson, 7300 Cedar Avenue: thanked the Mayor in particular, and Council for their many courtesies during their term, in their efforts on behalf of the Community Improvement Board, and expressed good wishes to the new Mayor and Council.

4. Ron Albaugh, 7202 Central Avenue: asked that his remarks in the minutes of March 24 be corrected, page 4, item 5, to indicate that his comments regarding Mayor Roth were personal and not from the Association.

FINANCIAL STATEMENT

The City Administrator gave a brief report on the City's financial status for the month of March.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION1. Announcements of Public Hearings:

April 28, 8:00 PM

--Continuation of Public Hearing on Rent Stabilization

--City Administrator's hearing on use of FY-81 Revenue Sharing Funds

May 12, 8:00 PM

--Public Hearing on FY-81 budget for Library, Code Enforcement and Public Works Departments

May 27, 8:00 PM (Tuesday)

--Public Hearing on FY-81 budget for Recreation, Administrative and Police Departments

--Public Hearing on FY-81 use of Federal Revenue Sharing Funds

--Public Hearing on intent to exceed Constant Yield Tax Rate

2. Ordinance authorizing purchase of capital outlay items for Library, using FY-80 Revenue Sharing Funds. Upon motion by Councilman Ricks, duly seconded by Councilman

Faulkner, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Ricks, Saloma, Weisman. NAY: None. EXCUSED: Councilman Webb.

ORDINANCE #2530

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

SECTION 1. THAT the Proposed Use Schedule for FY-1980 Federal Revenue Sharing Funds set aside money for certain improvements of the Library facility; AND

SECTION 2. THAT quotations have been obtained from qualified suppliers, and the following purchases are hereby approved:

|  |            |
|--|------------|
| Repair (patching) of rug . . . . .   | \$ 100.00  |
| (Clyde W. Dent Carpet Instl., College Park)  |            |
| Fluorescent light fixtures (Sears) . . . . .   | 180.00     |
| Letters for display of Library street address. . . . .                                     | 443.00     |
| (Montgomery Signs, Rockville)  |            |
| 1 Fluorescent strip light (Sears). . . . .   | 25.00      |
| 2 Fluorescent desk lamps . . . . .   | 121.90     |
| (Woody Moffit)   |            |
| Microfilm: <u>Booklist</u> , 1947-1973, and <u>Library Journal</u> ,<br>1960-1973. . . . . | 748.60     |
| Papercutter (Highsmith). . . . .   | 40.00      |
| TOTAL  | \$1,658.50 |

SECTION 3. THAT funds to cover the above expenditures in the amount of ONE THOUSAND, SIX HUNDRED FIFTY-EIGHT DOLLARS AND FIFTY CENTS (\$1,658.50) be appropriated from the General Revenue Sharing Account and transferred to the appropriate Library account.

3. Ordinance authorizing purchase of replacement tape recorder for Administrator's office, using Revenue Sharing Funds (FY-80). Upon motion by Councilman Forshee, duly seconded by Councilman Faulkner, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Ricks, Saloma, Weisman. NAY: None. EXCUSED: Councilman Webb.

ORDINANCE #2531

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

SECTION 1. THAT the FY-80 Planned Use Schedule for Federal Revenue Sharing Funds earmarked \$300 to purchase a replacement tape recorder for the Administrator's office; AND

SECTION 2. THAT quotations were solicited from local dealers and the recommended purchase of one Sony TC-142 tape recorder from German Hi-Fi Center, Rockville, at \$269.95 is hereby approved; AND

SECTION 3. FURTHER THAT funds to cover this purchase in the amount of TWO HUNDRED SIXTY-NINE DOLLARS AND NINETY-FIVE CENTS (\$269.95) be appropriated from the Federal Revenue Sharing Fund Account and transferred to the appropriate City Government account.

4. Councilman Weisman spoke of the proposed purchase by Montgomery County of two additional properties on Maplewood Avenue for use as halfway and quarterway houses for recovering alcoholics. He noted several details from the County's Project Description Form including the fact that, with the purchase of the two properties, there would be a concentration of four adjacent halfway/quarterway houses on that street; the project would be funded by County Bond in the amount of \$337,000. According to the County's listing of group homes, of the 27 in the County, five are in the City, or 19%, and 12 or 45%, within the area surrounding the City; these are in addition to the unlicensed homes in the City. Noted the Council has already sent correspondence and spoken personally to the County Council to protest the proposal and the County Councilmembers are to take a walking tour of the neighborhood later in the week. He moved that a mailgram, worded very strongly, be sent to individual Councilmembers protesting the proposed purchase and also stating that the City was willing to assume its fair share of group homes when they are equally dispersed throughout the County; this motion was duly seconded and approved unanimously by the Council. Councilman Weisman then moved to contact the Washington Adventist Hospital, owner of the properties, and urge them not to sell to the County and suggest that if they must sell, that they keep in mind the goals and objectives of the Master Plan; the motion was duly seconded and approved by the majority of the Council, with Councilman Forshee abstaining.

5. Mayor Roth introduced a proposed resolution adopting Montgomery County's condominium conversion law, which authorizes the County to enforce it in the County portion of the City; the resolution was accepted for First Reading. The City Administrator stated that the conversion law sets out explicit guidelines on the information that must be provided to the prospective purchases; denotes a specific amount of time in which to notify tenants, which is well in advance of any conversion; and that the law gives the tenants the right of first refusal. (Proposed Resolution Attached.)

Councilman Forshee thanked the citizens for the opportunity to serve them, noting that although he may not have voted as all had wished, he had endeavored to do what he thought was best for the City as a whole; thanked the City employees for all their help and cooperation; said that his prayers are with the new Mayor and Council for the future. Councilman Faulkner echoed these remarks. Councilmembers Saloma, Weisman and Garcia stated that it had been an honor to serve with Mayor Roth and the retiring Councilmembers; that they had laid the groundwork for the possible resolution of many tough issues; and expressed the hope that the new body could equal their performance in that regard. With these parting comments, the meeting adjourned at 9:01 PM, with the reconvening of the new Council to follow.

APPROVED \_\_\_\_\_

John D. Roth  
Mayor

ATTEST \_\_\_\_\_

Herbert W. Gilsdorf  
City Administrator

Attachment  
Council Meeting Minutes  
April 14, 1980

FIRST READING OF A PROPOSED RESOLUTION

WHEREAS, in the interest of the public welfare, the Mayor and Council of Takoma Park, Maryland deem it necessary to provide adequate consumer and tenant protection in the event of conversion of apartment buildings to condominiums; AND

WHEREAS, Montgomery County has legislation in place intended to provide such protection; AND

WHEREAS, Sec. 11A-13, Chapter 11A, "Condominiums," of the Montgomery County Code, 1972, as amended, provides that upon adoption of Chapter 11A and requesting the County to enforce the provisions thereof within its corporate limits, a municipality may be covered under that law.

NOW, THEREFORE, BE IT RESOLVED THAT, in accordance with the provisions of the said Sec. 11A-13, the Mayor and Council of the City of Takoma Park, Maryland hereby adopt Chapter 11A, "Condominiums," of the Montgomery County Code, 1972, as amended, and all present and future standards, regulations or ordinances adopted by the County pursuant to this Chapter shall apply to the Montgomery County section of the City of Takoma Park; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council of the City of Takoma Park hereby authorize and request the Montgomery County Council to provide for the enforcement of said Chapter 11A regulations within the Montgomery County section of the City.

## THE CITY OF TAKOMA PARK, MARYLAND

Initial Meeting of the New Council

April 14, 1980

The first meeting of the newly elected Council convened at 9:05 PM, April 14, 1980, with Mayor Abbott in the Chair. Mayor Abbott, 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:

Councilmember Garcia  
 Councilmember Holland  
 Councilmember Patrick  
 Councilmember Ramsey  
 Councilmember Ricks  
 Councilmember Saloma  
 Councilmember Weisman

Councilmember Ricks introduced the following resolution and made a motion, duly seconded by Councilmember Garcia, that it be adopted. When the motion was put to a vote, it was adopted unanimously.

## RESOLUTION

- WHEREAS, as of this date, Mayor John D. Roth and Councilmembers Joseph A. Faulkner, Clayton D. Forshee and Joseph H. Webb will be retiring from their elective offices and it is our desire on this occasion to take note of, and express appreciation for, their many years of service to the City; AND
- WHEREAS, John D. Roth's service to the City of Takoma Park began in 1956, when he was defeated by seven votes in his first try for City Councilman; the victor in that election was to be the City's first Councilwoman, Mrs. Emily P. Monitor. However, Mayor Roth won the next election and served as City Councilman from Wards 6 and 7 until 1972, when he was selected to fill the unexpired term of Mayor Miller. He was subsequently reelected Mayor in 1974, 1976, and 1978; AND
- WHEREAS, Joseph H. Webb began his career as City Councilman in a similar manner, by being defeated when he stood for election in 1970. Later that year he was appointed to fill the seat of a resigning Councilman from Wards 3 and 4, and has served in that post until the present; AND
- WHEREAS, Clayton D. Forshee won his first election in 1956, and has served without interruption as Councilman from Ward 5 until this date. His stature is such that he ran for office virtually unopposed for the better part of his tenure; AND
- WHEREAS, Joseph A. Faulkner has served as Councilman from Wards 6 and 7 since 1972 when, upon the death of Mayor Miller, he was chosen to take the seat vacated by Councilman Roth. He occupied that seat until he chose to run for the office of Mayor in March 1980; AND
- WHEREAS, all these men have distinguished themselves in many ways, not the least of which is the time spent in dedicated service to the City, collectively numbering some sixty-four years.
- NOW, THEREFORE, BE IT RESOLVED THAT we in Takoma Park, Maryland do hereby take recognition of the efforts of the outgoing Mayor and Councilmen and express our gratitude for their valued efforts on behalf of the City and its citizens.
- ADOPTED THIS FOURTEENTH DAY OF APRIL, NINETEEN HUNDRED EIGHTY.

Councilman Ramsey stated that after 24 years of service as a Councilmember, it would have been easy for Councilman Forshee to retire, but he had something that he believed in, so he ran for office again, even though he had competition; hoped that all Councilmembers do as well as Mr. Forshee when their time comes.

Mayor Abbott thanked the outgoing officials and stated that he has begun to realize the immensity of their problems, qualitatively as well as quantitatively. He spoke of the many vital issues that have been developing during the election campaign, for which the new Council must now make decisions, noting in particular the proposals for additional halfway houses and the relocation of the City's Fire Department. He stated that Mayor Roth had been carrying the ball for the City on the latter. Announced that the first order of business would be to change the Charter to have City elections held the first Tuesday in November in odd-numbered years; this would give the Council and citizens more time to attend to important issues and not get lost in campaigning during the busier part of the year when City and County budgets are being planned and the State legislature is in session. Said he would work to change the way property taxes are computed by the State for apartments and to unify Takoma Park into one County. Mayor Abbott said that he would expect much more citizen involvement and participation in City business: in City budget process, in Council meetings--not only in the beginning of meetings, but also during discussions on agenda items--through citizen advisory committees, and input from citizen and tenant groups. Articles on various issues will appear in the Newsletter with application blanks included, so that citizens may state what areas they would like to participate in. He particularly urged citizens to attend and speak at the Down County Task Force meeting on the relocation of the Fire Department, which will be held on Tuesday, April 22, 7:30 PM, at the Park & Planning Auditorium in Silver Spring; also urged citizen participation in the City budget, for which there will be public hearings on April 28, May 12, 27, and June 9; reminded citizens of the Rent Stabilization public hearing that will be held on April 28. Stated that there should be a large attendance at each Council meeting; that citizens must have the interest, desire and willingness to participate; that if this does not begin to happen at the local level of government, the nation would be in trouble. Stated that he is for the preserving and bettering of Takoma Park; that his telephone is always open and there are no barriers to prevent the citizen from participating in their government.

The following citizens spoke on the topics indicated: Harold Myers noted that the City had not been notified officially by the County of the additional halfway houses; Clayton Forshee stated that Washington Adventist Hospital owns the properties proposed for halfway house use, but that they are operated by a contractor hired by the County and not by the Hospital; Larry Robinson suggested that the City hold a public hearing on the halfway houses and invite the County Council to attend; Clarence Boatman asked how the citizens would apply pressure to the County opposing the halfway houses; Councilmember Weisman stated that citizens should write or call the County; Kathryn Simpson stated that, though she does not necessarily favor additional halfway houses, she wished to point out that before WAH purchased the houses, they were in very bad condition and the Hospital has improved them tremendously; Suzanne Rhodenbaugh said she felt Takoma Park should be able to absorb the additional facilities; it was noted by Councilmember Ramsey that the houses were originally constructed as multi-family and not converted for that use. Herman Williams requested that the Council look into the expenditure of relocation funds at the Franklin Apartments; Herbert Sewell stated that many tenants of that building who have children are being given notices to move; Mayor Abbott stated that it is the Council's responsibility to monitor actions taken at the Franklin Apartments and suggested a tour. Phil Vogel stated that he had received information concerning the proposed relocation of the Post Office now located on Holton Lane, which serves



Takoma Park residents; requested help in keeping it in the area and felt that the City should have been officially notified; Mayor Abbott suggested that citizens come to meetings with proposed resolutions to the problems they bring to the Mayor and Council. Ron Albaugh spoke on the Fire Department issue, stating that the Task Force now seems to be leaning toward combining Stations 1 and 19 (Silver Spring stations) at 2nd and Spring Streets and keeping Station 2 (Takoma Park) where it is, with some renovations to the Building; urged that citizen associations meet and send a representative to the April 22 meeting; Betsy Taylor, President, Neighborhoods Together, stated that she has heard that a departmental recommendation had been made to have the LEAA community anti-crime grant reinstated; Pat Szubielski stated that when she received a notice of a rent increase at 7667 Maple Avenue, the Montgomery County Office of Landlord-Tenant Affairs stated that they could not help her because she lived in the City; stated that she would spread the word about the upcoming rent stabilization public hearing in her building. Mildred Shapiro, of the same address, stated that with the help of the Council, her rent increases were rolled back to the January 1 status; stated that she wanted legislation so that there would be a permanent tenant representative on the Council. Rino Aldrighetti noted the death of Joseph Ferrier and requested that something be done in his honor; Mayor Abbott requested that he send any suggestions on this to the Council. Bill Brailey congratulated the new Mayor and Council; noted that the Takoma Park Elementary School is in the process of selecting a new principal and requested the Council support Robert Lazun for that position, noting that he is well qualified; Councilmember Weisman moved that the Council send a letter of recommendation to the County regarding this request; this was seconded by Councilmember Garcia and approved by the Council.

Mayor Abbott moved that Councilmember Ricks be designated Mayor Pro-Tem; this was seconded by Councilmember Garcia and approved unanimously by the Council; Councilmember Ricks stated that he appreciated the Mayor and Council's confidence in him.

Upon motion, duly seconded, the meeting adjourned at 10:44 PM, to reconvene on Monday, April 28, 1980, at 8:00 PM.

APPROVED \_\_\_\_\_

Sam Abbott  
Mayor

ATTEST \_\_\_\_\_

Herbert W. Gilsdorf  
City Administrator

CITY OF TAKOMA PARK, MARYLAND  
MAYOR AND COUNCIL WORKSESSION  
April 21, 1980

Councilmembers present:

- Mayor Abbott
- Councilman Garcia
- Councilman Holland
- Councilman Patrick
- Councilman Ramsey
- Councilman Ricks
- Councilwoman Saloma
- Councilman Weisman
- City Administrator Gilsdorf

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

1. LEAA Grant. Lowell Gayman appeared before the Mayor and Council and explained Neighborhoods Together's LEAA Grant. He requested the Mayor and Council's endorsement, but was advised that he would be asked to furnish more information on the program at a later time.
2. Georgetown Clinic. In response to a memo from Henry Daniels, the Mayor and Council considered putting this item on the agenda for the April 28 Council meeting. Councilman Ramsey will bring the matter up at that time for a decision.
3. Press Secretary. The Mayor and Council directed the City Administrator to put the designation of an unpaid, volunteer Press Secretary on the April 28 agenda.
4. Montgomery College. Councilman Weisman reported that he, Councilmember Saloma and Mayor Abbott had met with Montgomery College officials in an effort to reduce some of the friction that exists between the City and College.
5. Rent Stabilization. Amendments to the March 10 (First Reading) Rent Stabilization Ordinance were discussed by the Mayor and Council, and the City Administrator was directed to revise the Ordinance to reflect the changes for the public hearing on April 28.

There being no further business to discuss, the meeting adjourned at 11:45 PM.

APPROVED \_\_\_\_\_  
Sam Abbott  
Mayor

ATTEST \_\_\_\_\_  
Herbert W. Gilsdorf  
City Administrator

## THE CITY OF TAKOMA PARK, MARYLAND

Meeting of the Mayor and City Council

and

Continuation of Public Hearing on Proposed Rent Stabilization Ordinance

and

Public Hearing: Citizens' Suggestions on Use of FY-81 Revenue Sharing Funds

April 28, 1980

AGENDA

CALL TO ORDER: Mayor Abbott

ROLL CALL: Councilmember Garcia  
Councilmember Holland  
Councilmember Patrick  
Councilmember Ramsey  
Councilmember Ricks  
Councilmember Saloma  
Councilmember Weisman

PLEDGE

READING AND APPROVAL OF THE MINUTES

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

1. Public Hearing on Proposed Rent Stabilization Ordinance, continued
2. Public Hearing: Citizens' suggestions on use of FY-81 Revenue Sharing Funds
3. Other remarks by citizens

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications
2. Administrative Reports and Recommendations for Council Action
  - (1) Announcements of Public Hearings:
    - May 12, 8:00 PM
      - Public Hearing on FY-81 budget for Library, Code Enforcement and Public Works
    - May 27, 8:00 PM (Tuesday)
      - Public Hearing on FY-81 budget for Recreation, Administration and Police Departments
      - Public Hearing on FY-81 use of Federal Revenue Sharing Funds
      - Public Hearing on intent to exceed Constant Yield Tax Rate
  - (2) Discussion and consideration of Rent Stabilization Ordinance
  - (3) Discussion of position of Press Secretary to the Mayor

SPECIAL REPORTS

NEW BUSINESS

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Meeting of the Mayor and City Council

and

Continuation of Public Hearing on Proposed Rent Stabilization Ordinance  
and

Public Hearing: Citizens' Suggestions on Use of FY-81 Revenue Sharing Funds

April 28, 1980

City Officials Present:

Mayor Abbott  
Councilmember Garcia  
Councilmember Holland  
Councilmember Patrick  
Councilmember Ramsey  
Councilmember Ricks  
Councilmember Saloma  
Councilmember Weisman

City Administrator Gilsdorf  
Asst. City Administrator Shaffer  
City Clerk Pusti  
Administrative Asst. Swinton  
Police Chief Porter  
Public Works Director Robbins  
Recreation Director Ziegler  
Corporation Counsel Gingerich  
Asst. Corporation Counsel Culpepper

The Mayor and Council of Takoma Park met on April 28 at 8:00 PM, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge of allegiance, a motion was made and duly seconded to adopt the minutes of April 14; the Council voted unanimously to approve the minutes.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Regarding the final meeting of the Down County Task Force on fire stations, Mayor Abbott stated that citizen participation had made a difference in the final decision; noted that six Councilmembers, the City Administrator, himself, Henry Marshall, TPVFD, and many citizens and representatives of citizens' organizations had been effective in presenting the City's position of opposing the relocation of the City's fire station outside corporate limits; the Task Force's final decision was to prepare separate Program Description Forms (descriptions of the County's proposed projects for budget) for each fire station (City's Station 2, Silver Spring's Stations 1 and 19); that Station #2 be left as is in the City and if any other study is necessary for load capacity, it will be left up to the County to do so; that Station 19 be left as is with proposed re-study in five years; and Station 1 (Georgia at Silver Spring Avenue) have some action taken on it this year; that the Chief Administrative Officer would make a report to the County Council and Executive on the Task Force's findings; noted again the great effect citizen participation had on the outcome of the meeting.

ADDITIONAL AGENDA ITEMS

- Discussion of the sale of the Carroll House (Councilmember Saloma)
- Discussion of proposed halfway and quarterway houses in City  
(Councilmember Weisman)
- Discussion of former Georgetown Clinic (Councilmember Ramsey)

Mayor Abbott requested that the two Public Hearings be held just prior to the Council's discussion of them, and that the Communications and Administrative Reports be taken up at this time.

ITEMS FOR COUNCIL CONSIDERATIONCommunications

1. Montgomery County Board of Appeals. Request for variance for the Potomac Conference Corporation of Seventh-Day Adventists' building at 7700 Carroll Avenue; variance would be for side yard set backs in connection with the construction of an addition to the building; also possible variance from County parking regulations. Councilmember Ricks requested that copies of the site plan and other pertinent information be obtained for the Council to view.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION1. Announcements of Public Hearings:

May 12, 8:00 PM

--Public Hearing on FY-81 budget for Library, Code Enforcement and Public Works Departments

May 27, 8:00 PM (Tuesday)

--Public Hearing on FY-81 budget for Recreation, Administration and Police Departments

--Public Hearing on FY-81 use of Federal Revenue Sharing Funds

--Public Hearing on intent to exceed Constant Yield Tax Rate

In response to Mayor Abbott's question, the City Administrator stated that the Constant Yield Tax Rate is determined by the State and is a figure used by local governments to yield the same amount of revenue as received as the previous fiscal year; noted that this would be more fully explained at the public hearing on May 27.

CITIZENS' REMARKS

I. Public Hearing: Citizens' suggestions on use of FY-81 Revenue Sharing Fund. The City Administrator stated that citizen input is required by Federal regulations; that the estimates for FY-81 Federal Revenue Sharing Funds (FRSF) are approximately \$80,000.

1. Phil Vogel, 7117 Garland Avenue: asked if there is a firm commitment that funds will be allocated from the Federal government; the City Administrator stated that he is reasonably sure the City would receive the first quarter (July-September) allotment, with the following three quarters having a possible 10% reduction at the worst. Mr. Vogel suggested that there be advance planning for the budget and use of FRSF, and also a six-year capital improvements plan; requested that FRSF be used for neighborhood improvements instead of on office equipment, as it has been in the past; reiterated suggestion for long-range planning.

2. Ron Wylie, 7618 Glenside Court: pointed out that FRSF can be used for just about anything, i.e., services/programs for the elderly, and community programs; the City Administrator stated that FRSF are traditionally used for items which could possibly be done without, if funding were to be cut off; Mr. Wylie noted the overlap of FRSF and CDBG funding.

3. Enid Hodes, 7418 Hancock Avenue: suggested FRSF be used for more evening recreation classes for adults, hiring additional police patrolmen for more visibility, and equipment for City parks; it was noted by Mayor Abbott that

citizen tax dollars go to Park & Planning and the Counties for classes but that citizens could organize a campaign to have more classes located in the City.

4. Lou D'Ovidio, 7324 Piney Branch Road: suggested using funds to upgrade City Tool Lending Library and also Home Rehabilitation Workshops; to also improve walking conditions on Piney Branch Road (curbs, gutters, and new sidewalks with utility poles removed from the center of the walkway).

5. David Sawyer, 7006 Carroll Avenue: suggested the publication of a City directory of cultural community resources.

6. Harold Myers, 7212 Cedar Avenue: suggested construction of City swimming pool; bike paths within the City, especially along Sligo Creek Parkway; purchase of City ambulance that would take residents to whatever hospital they wished to go within the Metropolitan area.

7. David Prosten, 7428 Carroll Avenue: requested repair of sidewalks on Carroll Avenue and also the establishment of a fund to clean up Sligo Creek.

8. Carlos Stewart, 7710 Maple Avenue: recommended using FRSF in the recreation field, specifically in additional equipment in parks and also to supplement equipment in M-NCP&PC parks along Sligo Creek; funds for City youth employment services and additional day care and nursery schools.

9. Esther Hoover, 7108 - 13th Avenue: requested street improvements in her neighborhood. It was suggested by the Mayor and some Councilmembers that there be a priority listing established for curb, gutter, sidewalk and street repair.

10. Roland Halstead, 7116 Maple Avenue: suggested purchase of land in the S. S. Carroll's area for use as a park; hiring of a consultant to work with City businessmen to improve commercial areas; supported suggestions for bike paths and additional child care centers.

11. Robert Turner, President, Takoma Park Businessmen's Asso., 201 Ethan Allen Avenue: questioned whether funds from FRS or CDBG are allotted for the business area; the City Administrator stated that a portion of last year's and the current year's CDBG funds have gone toward a study for revitalization of the Carroll/Laurel Business District. Mr. Turner stated that the businessmen of that area have finally formed an association after hearing of the proposed down-zoning in the Master Plan; have decided to have representatives attend all City meetings to remain in touch with events. Mayor Abbott stated that arrangements are being made to extend the public briefing and hearing process on the Master Plan to provide additional opportunities for affected persons and businessmen to testify and ask questions; that he would request a briefing by Park and Planning staff, followed by a second meeting at which the staff would respond to questions posed; and finally one or more public hearings before releasing Plan to the Counties.

12. Mary Pennifield, 7305 Takoma Avenue: suggested the construction of a community parking lot and also requested that there be no parking anytime on Takoma Avenue from Piney Branch Road to Baltimore Avenue.

13. Gail Stevenson, 7334 Piney Branch Road: made the following suggestions: bike paths, community gardens, roller skating rink, and recreation facilities within walking distance.

14. David Sawyer: reiterated suggestion for complete City directory.

II. Public Hearing on Proposed Rent Stabilization Ordinance, continued.

Mayor Abbott stated that the hearings are to establish the need for such legislation; that the proposed ordinance had been revised to establish a landlord-tenant commission, with the following membership: three tenant representatives, three landlord representatives, and three members of the general public; also one alternate for each group; also noted that the original ordinance had established a date when it would become void, and the revised version does not contain an expiration date; that the remainder of the original ordinance is intact. (Copies of revised ordinance available in City Administrator's Office.) Councilmember Ramsey noted articles which appeared in the Washington Star and Post on April 27 that concerned a study conducted by a research group on the effect of condominium conversions in the District and the poor maintenance, and rapid depletion of rental units; asked that these articles be included in the record of the hearing (copies available in City Office); Mayor Abbott stated that the study had been funded in part by the Washington Board of Trade and he felt the articles had no bearing on the City, since there are no condominiums; requested that speakers address themselves to the following: when there should be de-control, if at all, the exemption of landlords who own five units or less in the City and also single-family rentals; Councilmember Garcia requested that tenants state the amounts or percentages their rents had been increased.

1. Michael Mead, owner, 7406 Hancock Avenue: stated his opposition to rent stabilization; that when he bought his building, the tenants' rents had not been increased for over a year by the previous owner; that he increased the rents in the building 7% two years after purchased; noted he also owned rental property in D.C., and that his is the only building on the block that remains open because others have been boarded up due to rent control; noted that he is making no profit on either of these buildings, although he hopes to sometime in the future; has made substantial investment in the one in Takoma Park by renovation and better maintenance. In answer to questions raised by Councilmember, Mr. Mead stated the following: that his rents are increased on a case by case basis and also when a unit becomes vacant; that he made improvements to the building before increasing rents; noted increased utility costs as one reason for increased rents; that rents are based on the fair-market value which is comparing other comparable unit rents within an approximate 40-block radius; that his dealings with the District's Landlord-Tenant Commission have been very poor. Councilmembers and the Mayor noted that hopefully dealing with a City Commission would be easier, since all factions would be represented; that there are approximately 2,900 single-family homes and 4,200 rental units in the City and problems of tenants need to be addressed as much as those of single-family homeowners; that the Council is trying to arrive at a means by which tenants can get adequate protection from exorbitant rent increases.

2. Carlos Stewart, 7710 Maple Avenue, #307: stated his support of rent stabilization and felt the need was evident from testimony of speakers at previous hearings; that landlords seem to think that if one person can't pay the high rent, someone else will; that he is in favor of the landlord-tenant commission and that the City Administrator's Office should have some responsibility in monitoring rents; that the ordinance should be in effect longer than the

\* Appendix, pp. 210 - 213.

originally proposed one year period; that landlords should be required to come before the commission for any rent increase to present rationale for such, whether over or under 10%, occupied or vacated units.

3. Dyan Loya, property manager, 7710 Maple Avenue: stated that the building has always tried to abide by OLTA guidelines on rent increase, but recently had to increase rents 15% for all tenants; asked if costs cannot be legislated, then how can Council legislate fixed rental income levels; stated the reason for rent increases was general inflation: increased utility bills--oil cost at current inflation rate will increase from current \$2,400 per month for building to \$4,100 per month during 1980, this increase must be absorbed by the owners, just as the single-family homeowner must take their increased utilities; if rent controls are enacted, said that she felt there would be more and more boarded up buildings as in D.C. and poorer maintenance; that she thinks the fair-market rents were a good way for control of rents; that market surveys are conducted every 45 days; that she does not know what the answers for where things are going, also does not know where people are going to go when buildings are boarded up because landlords cannot afford them anymore.

4. Dr. Michael Jackson, owner, 7710 Maple Avenue, office, 7603 Georgia Avenue, N.W.: stated that he has uncomfortable feeling that rent stabilization is forgone thought; that many Councilmembers had already made up their minds; that when he purchased the building approximately five years ago, there was a 40% occupancy rate and the building was very deteriorated; that he has invested about \$800,000 in it and the building is now worth about \$1.9 million; that he has not made any profit on it in all this time; felt that if rent stabilization is enacted, buildings would deteriorate as the Franklin Apartments had and the Park Ritchie is now doing.

5. Pat Szubkelski, tenant, 7667 Maple Avenue: stated that she didn't think there was much of a fair-market in the City, since landlords seemed to charge whatever they want; that she has lived in the building for seven years and had received regular increases until February of this year when she received a 30-day notice that her rent would increase from \$270 to \$350 effective in March; soon afterwards, she received another notice that stated her rent would be \$325 beginning May 1, this was the legal 60-day notice; felt there was an emergency situation to enact rent stabilization, since the landlord could raise her rent again at any time; noted that the resident manager had stated that if this legislation is enacted, it could mean the termination of many month-to-month leases; that recently she had received a letter from the owner asking that she give up her apartment for use by the new resident manager and that they may be able to relocate her somewhere else in the building. It was noted by Corporation Counsel Gingerich and Mr. Presley Reed of OLTA, that retaliatory evictions are illegal, but that no-cause evictions are not specifically addressed in the OLTA law; that the OLTA Commission would have to render a decision.

6. Tom Gagliardo, tenant, 8120 Roanoke Avenue: stated that there can be arbitrary evictions with 60-day notice given and there is no recourse for the tenant unless it is a retaliatory eviction; urged the Council to give citizens some protection against evictions and other problems tenants face. It was noted by the City Administrator that such cases are handled by OLTA for Montgomery County tenants; Councilmembers discussed the possibility of the City taking up



such action.

Due to the lateness of the hour, Mayor Abbott, with the concurrence of Councilmembers, decided to continue the Public Hearing on Rent Stabilization on Monday, May 5, 7:30 PM in the Council Chambers.

### III. Other Remarks by Citizens.

1. Clark Burdine, 12 Grant Avenue, #202: requested that the City make an effort to either illuminate the flag or to have it taken down at sunset as prescribed by the Flag Code; felt it was inappropriate to have it flying in bad weather. Following considerable discussion, Mayor Abbot directed the City Administrator to make arrangements to have the flags lowered at sunset and raised at sunrise until the lights to illuminate them are repaired.

### ITEMS FOR COUNCIL CONSIDERATION:

1. Councilmember Saloma stated that several weeks ago, the Mayor and Council unanimously resolved to recommend to the Montgomery College Board of Trustees to sell the entire original lot with the Carroll House; that neighbors had written the Board suggesting a compromise in which the College would retain 20 feet of the rear portion of the lot and place the remainder for sale with the house; that they later met with College officials, but the compromise was not considered by the Board; made a motion, duly seconded, that the Council contact the Board requesting them to reconsider the compromise offered by the neighbors, hold a public meeting in the City to be attended by the Board, City Council and County Councilmembers, and request immediate repairs be made to the roof; copies to be sent to State Delegates, Governor, County Executive and County Council. Mayor Abbott suggested that the motion include urging the Board to immediately suspend the bidding process and rework the bid package to include the terms of the citizens' suggested compromise; this was accepted by Councilmember Saloma for inclusion in the motion; she also added that mention of Demolition by Neglect, as defined in County's Historic Preservation Ordinance, be included; when the motion was put to a vote, it was approved unanimously by the Council.

2. Councilmember Weisman referred to a letter received by the City from Dr. Herbert Shiroma, Director, Washington Adventist Hospital, concerning the halfway and quarterway houses on Maplewood Avenue; the letter noted that Mayor Abbott had met with representatives of the Hospital who had briefed him on the status of the properties; that the Hospital appreciated the concern of the Council, but they were in a difficult position in that they need to cooperate with the County while at the same time supporting the City. The following is a summary of a letter that Councilmember Weisman moved be sent to the Chairman and members of the WAH Board of Trustees, attaching a copy of Mayor Abbott's letter to the County Council (stating that WAH's only involvement with the homes was that of landlord): the Council sent a letter to the WAH Board of Trustees requesting that 712, 714, 716 and 718 Maplewood Avenue not be sold to County or other purchasers for continued use as halfway house operations; that a total of 45% of registered County group homes are in Takoma Park and Silver Spring, exclusive of the some nine group homes in the City not recognized by the County; that the Council feels the homes would create an institutional environment contrary to the concept of halfway houses and expressing Council's growing concern about the City's share of such houses; the large concentration shows a lack of

concern by the County for the City and that strong measures should be taken to spread this kind of facility more equally among other communities in the County; reference to Dr. Shiroma's letter, specifically mentioning the expressed need to cooperate with the County; that the Mayor and Council feel that the Hospital's first obligation is to the City and its citizens and strongly suggest that the wishes of the City be considered first; the motion for the letter was duly seconded. Councilmember Weisman stated that he would like to discontinue use of all these houses as halfway houses. Mayor Abbott stated that if the County purchases the properties, they will not necessarily be continued in the same use; that County Councilmembers Gelman and Scull are pushing to purchase the properties because there is a need for more alcoholic treatment centers in the County; noted that WAH is connected to the properties only by owning them, they do not operate the program -- it is conducted by an outside contractor; that the only contact WAH has had with the houses in the last year is to inspect them after a complaint was received, and to issue a 30-day notice to clean them up; the County Council is under the false impression that WAH is supervising and operating the homes. The Mayor recognized the following persons to speak on the subject: Ron Wylie, 7816 Glenside Court, stated that WAH has an in-house detoxification unit; and is not involved in the program. Kitty Montie, 6911 Woodland Avenue, employed by Montgomery County Health Department, requested that the Council not disregard the patients who reside in the two houses already in operation and the tremendous help the program has provided to other patients that have gone through the program. Ms. Montie announced that the County Health Department would be sponsoring two Neighborhood Forums on Drug Abuse to be held in the Municipal Building on May 5 and 12 from 7 to 9 PM. Councilmember Holland stated his support for Councilmember Weisman's motion; Councilmember Garcia stated that he is opposed to the expansion of the halfway house operations, but he did not object to the existing two houses and made a motion to amend the original motion; there was no second for the motion; Councilmember Ramsey stated his intention to abstain from voting on the motion due to a possible business relationship with WAH. When the motion was put to a vote, it was approved by the majority of the Council, with Councilmember Garcia voting in the negative and Councilmember Ramsey abstaining.

3. Councilmember Ramsey made a motion, duly seconded, to write a letter to the Montgomery County Council reaffirming the City's previous position of support for funding of the County's Comprehensive Care Clinic (formerly the Montgomery-Georgetown Clinic); noted that there is a proposal for funding one year's operation of the Clinic in the County's budget. When the motion was put to a vote, it was approved unanimously. Councilmember Ramsey requested that copies be sent to the County Executive, Dr. Lazar, Dr. Painter, and Charles Beard, Director of the Silver Spring Center.

Mayor Abbott declared the Council meeting adjourned at 12:40 AM, to reconvene on Monday, May 12 at 8:00 PM.

ATTEST: \_\_\_\_\_  
City Administrator

APPROVED: \_\_\_\_\_  
Sammie A. Abbott, Mayor

RENT STABILIZATION ORDINANCE

WHEREAS, it is the desire of the Mayor and Council of the City of Takoma Park, Maryland, to adopt economic policies reasonably deemed necessary in order to maintain and promote adequate protection of the health, safety and welfare of the Citizens of the City of Takoma Park, Maryland, through the exercise of its police powers by the enactment of this ordinance permitting fair and reasonable compensation to the landlords for the use of their property by tenants, including adjustments in rent in order to meet rising operating expenses, while preventing excessive, unjust, unreasonable and oppressive rent increases; AND

WHEREAS, it has been found there exists a public emergency in the housing of a considerable number of tenants in the City; that there is often unequal bargaining power between landlords and tenants particularly in the area of rental amounts and rental increases; that the conversion of rental units to subsidized housing further reduced the adequacy of the supply of rental housing; that the problems associated with housing in the City, including rental amounts, has not resolved itself satisfactorily through self-regulation and voluntary restraint; that in the absence of the regulation of rents, excessive rent increases will seriously impair the health, safety and welfare of a large segment of the population of the City substantially hampering the efforts of the Mayor and Council to effectively protect and promote the health, safety and welfare of the citizens of the City, as well as the general purposes of planning; that action by the Mayor and Council of the City of Takoma Park, Maryland, is imperative in order to protect the health, safety and welfare of the citizenry; AND

WHEREAS, it has been determined by the Mayor and Council of the City of Takoma Park, Maryland, to adopt an ordinance to establish rent stabilization and such regulations and controls as are necessary, and in order to prevent excessive, unjust, unreasonable and oppressive rent increases; to forestall profiteering, speculation and other disruptive practices tending to impair the public health, safety and general welfare; to provide for complaint, investigation, hearing, determination, enforcement and appellate procedures; to fix penalties for violations thereof and to establish responsibilities and duties thereof.

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

SECTION 1. The Mayor and Council finds that a public emergency exists in the housing of a considerable number of tenants in the City; that there is often unequal bargaining power between landlords and tenants, particularly in the area of rental amounts and rental increases; that the conversion of rental units to subsidized housing further reduced the adequacy of the supply of rental housing; that the problems associated with housing in the City, including rental amounts, has not resolved itself satisfactorily through self-regulation and voluntary restraint; that in the absence of the regulation of rents, excessive rent increases will seriously impair the health, safety and welfare of a large setment of the population of the City, substantially hampering the efforts of the Mayor and Council to effectively protect and promote the health, safety and welfare of the citizens of the City, as well as the general purposes of planning; that action by the Mayor and Council of the City of Takoma Park, Maryland, is imperative in order to protect the health, safety and welfare of the citizenry.

SECTION 2. Rent for any particular dwelling unit in a multiple family dwelling facility may be increased in an amount not to exceed 10% of the base rent charged on March 10, 1980, unless unusual factors justify otherwise.

SECTION 3. Takoma Park Commission on Landlord Tenant Affairs.

- (a) There is hereby established the Takoma Park Commission on Landlord Tenant Affairs, hereinafter referred to as the Commission. The Commission shall consist of nine (9) residents of Takoma Park to be appointed by the Mayor, subject to the approval of the City Council. Three (3) of said members shall be landlords or shall represent

landlords; and three (3) members shall be tenants or represent tenants; and three (3) members of the public-at-large who are neither tenants nor landlords. In addition, there shall be appointed one (1) alternate member from each group. The terms of the members of the Commission shall be for three (3) years, except that the initial terms of members of the Commission for each of the three aforementioned groups shall be for one, two and three years, as prescribed by the Mayor at the time of appointment, so as to provide for the vacating of the terms of one-third of the members of the Commission in each group annually. Each member of the Commission shall continue to serve until his successor has been appointed.

- (b) The Commission shall study and report periodically to the Mayor and Council, on any Federal, state or county rent stabilization regulations, on rent increases, and on rent inequities that they may find to exist in the City. The Commission shall prepare and transmit to the City Council during the month of January of each year recommendations on whether or not rent guidelines should or should not be continued, and if they should be continued, what they should be, so that the City Council may be in a position to make informed decisions with respect to the continuation of rental guidelines in the City of Takoma Park.
- (c) The Commission shall provide such other information as may be requested by the Mayor and City Council.
- (d) The Commission shall elect one of its members as Chairman and another of its members as Vice-Chairman, each to serve at the pleasure of the Commission, and such other officers as it shall determine. The Commission shall meet on call by the Chairman as frequently as required to perform its duties. Six members of the Commission, two (2) from each interest group shall constitute a quorum for the transaction of business, and a majority vote of those present, with not less than six (6) present, at any meeting shall be sufficient for any official action taken by the Commission. At the request of a majority of the members, a regular or emergency meeting of the Commission shall be convened.
- (e) The City Administrator shall provide housekeeping, secretarial and staff services to the Commission.
- (f) The Commission shall within thirty (30) days following each quarter of the calendar year report to the Mayor and City Council on the number of complaints filed during such quarter, the nature thereof and the disposition made thereof; and shall make this information public as soon as practicable. This report shall include the titles of all court cases arising under this Section.

SECTION 4. Whenever a landlord imposes a rent increase of more than 10%, the landlord shall provide an affidavit on a form provided by the Commission setting forth the justification for the increase. Upon receipt of the affidavit, the Commission shall review the justification presented by the landlord and determine whether the rent increase was reasonable based on the landlord's presentation. In the event the Commission shall determine that the increase in rent was justified, the Commission shall by letter notify landlord and tenant of its approval. In the event the Commission shall determine that the landlord was not justified in increasing rent above 10%, the Commission shall notify the landlord and tenant of its finding. Should the landlord or tenant disagree with the findings of the Commission, the landlord or tenant may note an appeal to the Mayor and Council, which Notice of Appeal must be filed in writing within ten (10) days of the date of the notification of the approval or denial of the rent increase.

SECTION 5. No landlord may charge an increase in rent unless written notice is given to the tenant affected thereby at least sixty (60) days prior to the effective date of such rent increase. No tenant shall receive more than one (1) rent increase per annum. For rental facilities of twelve or more dwelling units, notice of such increase shall be given simultaneously to the Commission.

SECTION 6. (a) The Commission shall be responsible for the investigation of all complaints filed with respect to rental housing and in this regard shall have authority to require landlords who are subject to such complaints to reveal as provided by law all matters pertaining to the operation of rental facilities.

(b) The Commission shall also monitor all actual and proposed rent increases. In cases where the Commission believes the rental increases are more than 10%, it shall investigate to determine the reasons for the rent increase without the need of a formal complaint, and with the full authority to investigate as if a complaint were filed.

SECTION 7. (a) In the event the Commission determines that a fact-finding hearing is necessary to compile additional information prior to making a determination of the merits of a rent increase of more than 10%, the Commission may conduct such hearing. Notice of the hearing and its time and place shall be given to the landlord whose rent increases are more than 10%, all tenants who are or may be affected by the rent increases, any known resident tenant association or organization, and any person who filed with the Commission a comment relative to the landlord's justification of the rent increase. Such notice shall be prepared and transmitted in such form and such process as the Commission shall prescribe.

(b) The hearing shall be open to the public. In conducting hearings, the Commission shall have the power to summon all witnesses. Summonses must be signed by the Chairman or Vice-Chairman of the Commission and shall require the attendance of named persons and the production of relevant documents and records. Failure to comply with a summons shall constitute a violation of this Ordinance and shall be referred to the Corporation Counsel's Office in order to obtain an appropriate order from the Circuit Court for either Montgomery or Prince George's County to insure compliance with the summons. Any party to the hearing may request the issuance of a summons. The Commission shall include in the hearing record testimony of the professional staff members of the City and such other witnesses as may be relevant to the issues posed in the hearing. The Commission may also request from the landlord such additional information and documents as it considers relevant. Any party to a hearing, at the party's option, may appear in person before the Commission, or may appear by a duly authorized representative and may have the assistance of an attorney. The parties may present testimony and evidence which shall be given under oath or by affirmation. The parties may also cross-examine any witness presenting testimony at a public hearing. A verbatim record of the hearing shall be made. The record shall be open to inspection by any person and, upon request by any party to the proceeding, the Commission shall furnish such party a copy of the hearing record at such charges as are necessary to meet costs. The Commission's decision shall become the final decision unless appealed to the Mayor and Council.

SECTION 8. Any person aggrieved by the Mayor and Council's action may appeal to the Circuit Court for Montgomery County or Prince George's County in accordance with the Maryland Rules of Procedure for review of such action and may further appeal to the appellate courts a decision by the Circuit Court.

SECTION 9. This ordinance is applicable to all dwelling units located in the City, except the following:

(1) any establishments which have as their primary purpose the providing of diagnosis, cure, mitigation, and treatment of illnesses for residents;

- (2) dwelling units owned by a person who owns fewer than five (5) rental dwelling units within the City;
- (3) one-family dwellings, semi-detached dwellings, and townhouses not located within a centrally managed multi-family housing community offering services substantially similar to those offered to apartment dwellers;
- (4) dwelling units which are part of federal government assisted multi-family housing projects and which require accountability of rent returns to the federal government or to dwelling units which are part of multi-family housing projects owned and operated by the Montgomery County Housing Opportunities Commission;
- (5) dwelling units whose rents fall within the Section Eight market guidelines which are occupied by tenants participating in the federal government's Section Eight Housing Assistance Payments Program and whose owners receive housing assistance payments on behalf of those eligible tenants;
- (6) dwelling units vacated after March 10, 1980;
- (7) dwelling units having a monthly rent in excess of \$600.00 per month as of March 31, 1979.

- SECTION 10. (a) The Commission is authorized to adopt such regulations as may be necessary to administer this Ordinance properly.
- (b) In the enforcement of any of the provisions of this Ordinance, necessary proceedings, including proceedings for the production of documents, may be instituted by the Corporation Counsel's Office after referral by the Commission. The Corporation Counsel, after a matter has been referred by the Commission, may institute appropriate legal action, or refer the matter back to the Commission for such additional information or action necessary to take appropriate legal action. Nothing herein shall limit the authority of the Corporation Counsel to initiate prosecution or bring actions in law or equity for violation of any local law, ordinance or regulation, whether or not the Commission has made a formal referral.
- (c) Any landlord who violates any provision of this Ordinance shall be liable for payment to the City of Takoma Park, Maryland, of a civil penalty, recoverable in a civil action in the Circuit Court of Montgomery County or Prince George's County, in an amount not to exceed \$500.00 for each such violation.

SECTION 11. The provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provisions, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the Ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

SECTION 12. The Mayor and Council declares that an emergency exists and that this Ordinance is necessary for the immediate protection of public health, safety and welfare. Therefore, this Ordinance shall take effect immediately upon its adoption.