THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
December 8, 1980

AGENDA

CALL TO ORDER: Mayor Abbott

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

READING AND APPROVAL OF THE MINUTES OF NOVEMBER 24, 1980

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications
   (1) Announcement of Public Hearing on proposed changes in Parking Permit Areas #1 and #2 [Agenda items (2) and (3)], 8:00 PM, Monday, January 12, Council Chamber
   (2) Announcement of Public Hearing (Mayor and Council) on Prince George's section of the Takoma Park Master Plan, Monday, January 26, 8:00 PM, Council Chamber
   (3) Announcement re Mayor and Council holiday break -- December 15 to January 5, 1981

2. Administrative Reports and Recommendations for Council Action
   (1) First reading of a proposed ordinance to install stop signs in the 7200 block of Maple Avenue, approximately 600 feet from Tulip Ave., establishing cross-walks and creating buffer areas by the removal of parking in areas adjacent to stop signs
   (2) First reading of a proposed ordinance creating a Special Impact Area within Parking Permit Area #2
   (3) First reading of a proposed ordinance creating a Special Impact Area within Parking Permit Area #1
   (4) Second reading of a proposed ordinance prohibiting parking on the south side of Fenton Street from Chicago Avenue to Takoma Avenue
   (5) Second reading of a proposed ordinance creating a 4-way stop at Fenton, Takoma and Albany Avenues
   (6) Appointment of Businessmen-Citizen Commission for the Carroll Avenue commercial area

SPECIAL REPORTS

NEW BUSINESS

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

REGULAR MEETING OF THE MAYOR AND CITY COUNCIL
December 8, 1980

City Officials Present:

Mayor Abbott	City Administrator Gilsdorf
Councilmember Garcia	Asst. City Administrator Shaffer
Councilmember Holland	City Clerk Pusti
Councilmember Patrick	Administrative Asst. Tyree
Councilmember Ramsey	Acting Chief of Police Carter
Councilmember Ricks	Public Works Director Robbins
Councilmember Saloma	Recreation Director Ziegler
Councilmember Weisman	Corporation Counsel Gingerich

The Mayor and City Council of Takoma Park met on December 8, 1980, at 8:10 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made, duly seconded, to approve the minut of November 24, 1980. Councilmember Ramsey requested that a correction be m on page 5, item 4, to include his negative vote in the last sentence. With this correction included, the minutes were approved.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Reminded citizens of the public briefing on Cable TV to be held Tuesday December 9, at 7:30 P.M., second floor meeting room of the Municipal Buildi that Cable TV representatives of Prince George's and Montgomery Counties, a Northern Virginia will be present to answer questions and he hoped there wou be a good citizen turn-out.

Announced that Councilmember Weisman, who is well-versed in the subject will be attending a meeting of the Silver Spring Advisory Board Tuesday, December 9, concerning the County's proposed Zoning Text Amendment No. 80019 increasing the footage between group homes; he will be taking the Council's recommendation for approval of the Text Amendment before the Board, and try to clarify misunderstandings with the County regarding group homes operating the City which are unlicensed and unrecognized by the County.

Stated that Councilmembers Garcia and Patrick will be attending the mee of the Prince George's County Chapter of the Maryland Municipal League on Tuesday evening, December 9, along with State legislators, and would engage some lobbying for additional municipal revenues.

Announced that on Wednesday evening, December 10, second floor meeting room, Municipal Building, there will be a slide show presentation on bicycl use and bike paths in Europe.

Stated that he would be attending a Council of Governments meeting on Wednesday, December 9, to vote against the proposed scatter flight plan for National Airport; the reasons for voting against the plan is because both Prince George's and Arlington Counties oppose it for valid reasons; that the plan does not deal with the quantity of flights at the Airport, which it sho limit, and also the size of the planes.

Stated that at the January 26, 1981 Council meeting, there will also be [illegible] on the Prince George's County section of the City's Master Pl [illegible] Plan will be discussed because the Council feels the are not too many parts of [illegible] attention, as opposed to the Montgomery Coun portion.

Mayor Abbott reported the following figures on City [illegible]ents' tax dol paid to Maryland-National Capital Park and Planning Commission:

Montgomery County:	Rate(¢)	1980-81 Charge	Prince George's County:	Rate(¢)	[illegible] Charge
Park Tax	22.36	$137,650	Administration Fund	7.62	[illegible]
Planning, Zoning & Administration	7.50	46,171	Park Fund	21.6[illegible]	[illegible],271
Advance Land Acquis.	1.00	6,156	Recreation Fund	[illegible]	38,829
		$189,977	Advance Land Acquis.	1.01	4,497
					$173,528

GRAND TOTAL - $363,505

Mayor Abbott stated that the City Administrator had tried to obtain figures on what portion of this money was spent or has been allocated for use in the City, but that both Counties were very reluctant to give that information to him; that the City Administrator's rough estimates on expenditures are as follows:

Montgomery County		Prince George's County	
Parks and Recreation	$60,000	Hampshire-Langley Recreation Center	$30,000
Master Plan Staff	10,000	Parks & Recreation Staff	30,000
	$70,000	Master Plan Staff	10,000
			$70,000

He said that it cannot be explained just where the excess revenue going to the Park and Planning Commission is being spent; that the City and Council are in need of citizen help in getting the spending policies of the Counties changed so that more citizen tax dollars are spent in the City; that the Council will begin examining more closely exactly how much citizens pay to Counties in tax dollars and how these monies are being spent and where; again requested citizen help and participation when the Counties begin their budget hearings.

ADDITIONAL AGENDA ITEMS

Discussion of the assisted housing in the Montgomery County portion of the City (Councilmember Weisman)

Discussion/action on draft letter concerning comments made by the Chairman of the Montgomery County Planning Board in recent newspaper article (Councilmember Weisman)

CITIZENS' REMARKS

1. Mr. Johnson, 7667 Maple Avenue, member, Parkview Towers Tenants Association: related many problems the tenants of Parkview Towers are having, including the shut-off of hot water and heat, and problems of abuse by management and maintenance personnel; stated that there would be a Tenants' Association meeting on Tuesday, December 16, 7:30 P.M., in the second floor meeting room of the Municipal Building; urged Councilmembers' attendance. Councilmember Ricks noted that the tactics being employed by management and maintenance personnel are factors related to large numbers of tenants moving out of the building, and appear to be similar in purpose to the earlier rash of large rent increases and unlawful evictions; that something must be done to bring these problems to a fair resolution.

2. Ellen Marsh, 7405 Maple Avenue: stated that citizen associations in Montgomery County have drafted a letter to be sent to the County Council asking for clarification and a policy statement on remarks made by Dr. Royce Hanson, Chairman, Montgomery County Planning Board, in a recent Washington Post article on the success of Potomac's civic battles; read the following from the article: "...'it makes good sense' to keep Potomac an area of enormous houses on wide lots, devoid of the blights most other communities have, like fast food restaurants and halfway houses. 'There are areas in almost all counties,' said Hanson, 'where people who buy land can insulate themselves from people who aren't as well off or live in smaller houses. Potomac is such an area.'" Mrs. Marsh urged the Council to support the draft letter or to send a similar one to the County Council.

3. Joseph Lerner, 7708 Takoma Avenue: stated that the North Takoma Citizens' Association wished to thank the Council for the several parking restriction and traffic ordinances in that area; requested that the Council amend the parking restrictions on New York Avenue between Chicago and Takoma Avenues to include Saturday, saying the weekday situation is present because of increased Saturday classes; requested that the Council address the problem of the unnecessary widening of Fenton Street between Burlington and Chicago Avenues; noted the many unfinished projects the utility companies (WSSC and WGLC) leave behind when they dig up sidewalks and grass strips, specifically the unlevel sidewalk and grass strip sections in front of 7700 and 7704 Takoma Avenue and requested that the Council do something to make sure excavations such as these are returned to their original condition. Mayor Abbott said that the first responsibility to see that work is finished is with the residents of the excavation site; that if calls to the utility companies go

unheeded, then a call should be placed to the City Administrator's office for a letter to be sent. Mr. Lerner requested that the City contact the District of Columbia on establishing a bus zone for the Ride-on bus stop on Eastern at Baltimore Avenue; also requested that crosswalks be painted on the north side of the intersection across Piney Branch Road at Eastern Avenue.

4. Diane Devaul, 7218 Maple Avenue: urged the Council to take action and approve the ordinance to install stop signs in the middle of the 7200-7400 bl of Maple Avenue to slow the speeding traffic; also suggested the installation of ripple treads on Maple Avenue, noting that she could put up with the noise they would make if it would slow traffic.

5. Richard Cottone, 34 Philadelphia Avenue: noted that he is located just across the street from Parking Permit Area No. 2, and because of this, not park his car on the street; requested that changes be made in the permit area so that he may park; reported several incidents that have happened with the City Police Department on which he wished action taken. The Police Chief requested that he visit him and file a written complaint and he would follow through on it.

6. David Prosten, 7428 Carroll Avenue: requested that the Council move up agenda item six--appointment of businessmen/citizen commission--to item that many people in the audience were interested in that item; Councilmember agreed to this.

7. Allan Marsh, 7405 Maple Avenue: regarding the speeding problem on Maple Avenue, noted that he has been requesting action on this problem for several years; thanked Councilmember Saloma for bringing this matter to the attention of the Council again; stated that the Old Takoma Citizens' Associa supports the installation of the stop signs, although they do not think it i the solution for the problem; also support the installation of ripple treads noted that when Maple Avenue was widened some years ago, the grass strips al the street were removed; requested that these strips be put back in, or suggested islands of grass and a tree be installed about every thirty feet, that would be twice the length, and the width of a car.

Councilmember Saloma requested that the following report given by Mr. Ma be included in the minutes: A survey taken of residents of the 7300-7400 bl of Maple Avenue who have had their cars hit: 7312 - $1,100 damage to van pa briefly in front of house, damage done by hit and run driver who then tried to run down a witness and drove off toward Carroll Street. 7313 - house has no driveway, so the residents must park on street and they say, their car has been hit a dozen times in the last five or six years--in 1977, their car was completely demolished at night by a speeder; many times, they were hit and run. 7401 - van has been hit three times, twice by a hit and run driver, and their Polara has been hit twice; their dog was also run over; this is in a ten year span. 7402 - a visitor's car hit twice within one year's time; second time $800 damages done by drunken driver. 7405 - in last five years, car hit twice, once by a drunken driver to the tune of $500 damages; two cats killed by cars; two visitors had their cars hit, one by hit and run driver; several people have run into utility pole, leaving strips of chrome from their cars in the street. 7409 - a visitor's car struck by hit and run driver last year. 7411 - in six years, their vehicles have been hit three times, one time totally destroying their car; the other two occasions were hit and run; two of their visitors have had their cars hit. 7414 - in last two or three years, their car has been hit twice; they no longer park in front of their house. Mr. Marsh stated that the residents of Maple Avenue and the Old Takoma Citizens' Association have continually supported any type of measure for slowing traffic in other neighborhoods, and thought it is time that his neighborhood receives some support; that the residents of Maple Avenue still want parking on both sides of the street and he felt they would put up with the continued property damage and noise of ripple treads if it would save lives.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. Announcement of Public Hearing on proposed changes in Parking Permit Areas No. 1 and No. 2, Monday, January 12, 1981, 8:00 P.M., Council Chamber.

2. Announcement of Public Hearing (Mayor and Council) on Prince George's section of the Takoma Park Master Plan, Monday, January 26, 1981, 8:00 P.M., Council Chamber.

3. Announcement re Mayor and Council holiday break -- December 15 to January 5, 1981. Next Council meeting: January 12, 1981.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. First Reading and adoption of ordinance to install stop signs in the 7200 block of Maple Avenue, approximately 600 feet from Tulip Avenue, establishing cross-walks and creating buffer areas by the removal of parking in areas adjacent to stop signs. Councilmember Weisman, in view of the emergency nature of the situation in attempting to prevent more property damage and save lives, moved that the ordinance be voted on to take effect immediately, without a second reading; Councilmember Holland seconded the motion. Councilmembers Weisman and Saloma noted that the ordinance had been discussed at length at the last Council meeting and many residents of the street had appeared before the Council during the present meeting. Councilmember Ricks stated that he felt placing the stop signs on Maple Avenue would have no real effect on the problems of the neighborhood; that cars coming to a stop at the new sign, would simply increase speed to make up for lost time; that there was no need to adopt the ordinance without a second reading, saying there should be a more comprehensive traffic plan, instead of the piece-meal efforts at traffic control. It was noted by Councilmembers Saloma and Holland that, in the absence of a comprehensive plan, the Council should not deny the residents of those blocks this "band-aid" measure, while awaiting a comprehensive traffic plan. Following further discussion, Ordinance No. 2544 (Attached) was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Saloma, Weisman. NAY: Councilmember Ricks. EXCUSED: None.

ORDINANCE NO. 2544
(See Attachment A)

2. Appointment of Businessmen-Citizen Commission for the Carroll Avenue commercial area. Councilmember Weisman stated that the Commission would include five members each of businessmen and citizens, who would discuss problems relevent to the rezoning issues of Carroll Avenue; the Commission would report twice to the Council, with a final written report to be submitted to Council within sixty days of their appointment. Enid Hodes, 7418 Hancock Avenue, requested that the Council postpone appointment until a person has been selected to represent S.S. Carroll Citizens' Association; also suggested that the number of persons on the Commission be odd, so in case of a tie vote, it can be broken; noted other objections. In response to questions raised by David Prosten, 7428 Carroll Avenue, Mayor Abbott and Councilmember Holland said that citizens and businessmen should not overestimate the role of the Commission; that the recommendations/reports from Commission would be taken into consideration by the Council, but the Commission will not be making the final determination on the rezoning issue; it will be an advisory group; that the Commission is being formed to find a middle ground on the issue. Following further discussion, upon motion, duly seconded, the Council, without objection, appointed the following persons to the Businessmen-Citizen Commission: Businessmen: Robert C. Turner, Karl Kessler, Andrew Simon, Paul Offitt, and Billy Connellee; Citizens: William Jones, Ellen Marsh, David Prosten, and Ron Albaugh; Commission Designee, S.S. Carroll Citizens' Association. Mr. Karl Kessler, owner of Barcelona Nut Shop, listed several items he hoped the Commission would be able to accomplish. The City Administrator was directed by the Mayor and Council to notify the appointees and to set up an organizing meeting.

3. First Reading of a proposed ordinance creating a Special Impact Area within Parking Permit Area No. 2. The proposed ordinance (Attachment B) was approved for First Reading by the Council.

PROPOSED ORDINANCE
(Attachment B)

4. First Reading of a proposed ordinance creating a Special Impact Area within Parking Permit Area No. 1. The proposed ordinance (Attachment C) was approved for First Reading by the Council.

PROPOSED ORDINANCE
(Attachment C)

5. Ordinance prohibiting parking on the south side of Fenton Street from Chicago Avenue to Takoma Avenue. Upon motion by Councilmember Weisman, duly seconded by Councilmember Saloma, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, Weisman. NAY: None. EXCUSED: None.

ORDINANCE NO. 2545

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

SECTION 1. THAT all parking shall be prohibited on the south side of Fenton Street between Chicago Avenue and Takoma Avenue; AND

SECTION 2. THAT the Director of Public Works is hereby instructed to install the appropriate signs; 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 prescribed in Sec. 1-17 of the Code of Takoma Park, Md., 1972, as amended.

6. Ordinance creating a 4-way stop at Fenton, Takoma and Albany Avenues. Upon motion by Councilmember Weisman, duly seconded by Councilmember Holland, Ordinance No. 2546, below, was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, Weisman. NAY: None. EXCUSED: None.

ORDINANCE NO. 2546

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

SECTION 1. THAT all eastbound traffic on Fenton Street shall come to a complete stop at its intersection with Takoma Avenue, thereby creating a 4-way stop; AND

SECTION 2. THAT the Director of Public Works is hereby instructed to install a STOP sign at the appropriate location.

SECTION 3. THAT this ordinance shall become effective upon completion of the signing; AND

SECTION 4. FURTHER THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17 of the Code of Takoma Park, Md., 1972, as amended.

7. Councilmember Weisman raised the issue of the increasing number of assisted housing units in the Montgomery County portion of the City; noted that after the Council had voted to approve 100 per cent assisted housing at the Franklin Apartments (7620 Maple Avenue), he had understood from County officials that there would be no more assisted housing in the City; stated that he had contacted Montgomery County Housing Opportunities Commission and was told that they have eighty-nine assisted units in the City; with the other units the City knows of, there is a total of 460 assisted units out of 5,180 total housing units within the Montgomery County section of the City; that the County Housing Policy has established a limit of six per cent within this portion of the County; that as it now stands, the assisted housing in the City is approximately 20 per cent. Suggested contacting the County concerning this disproportionate share. There followed a lengthy discussion among the Mayor and Councilmembers, in which it was noted that units are not subsidized or assisted but rather, it is the people occupying those units who are assisted; that it is possible for landlords not to realize they are renting to people receiving assistance, and since it is illegal for the landlord to discriminate it is difficult to control. It was suggested that this issue be discussed with Montgomery County Councilwoman Crenca.

8. Regarding the draft letter concerning the newspaper account of Dr. Hanson's statements discussed earlier in the meeting, Councilmember Weisman

read the letter and asked whether the Council would consider sending such a letter. Councilmembers agreed that some correspondence should be sent on the subject and, following discussion on the language, a motion was made by Councilmember Holland, duly seconded, that the essence of the draft be included in a letter from the City Council, but stated in more appropriate terms, be sent to the County Council; the motion was approved unanimously.

Upon motion, duly seconded, the meeting adjourned at 11:05 P.M. to reconvene on Monday, JANUARY 12, 1981, at 8:00 P.M.

APPROVED _____
Sam A. Abbott
Mayor

ATTEST _____
Herbert W. Gilsdorf
City Administrator

ATTACHMENT "A"

Regular Council meeting minutes
December 8, 1980

ORDINANCE NO. 2544

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

SECTION 1. THAT for many years the residents of the 7200-7400 blocks of Maple Avenue have been plagued by speeding traffic owing to the absence of intersecting streets and the inability of pedestrians, particularly school children, to safely cross the street; AND

SECTION 2. THAT the Mayor and Council have determined that it is necessary to institute the following safety measures to protect the lives and property of the citizens residing in the 7200-7400 blocks of Maple Avenue:

SECTION 3. THAT all vehicular traffic travelling in either a northerly or southerly direction in the 7200 block of Maple Avenue shall come to a complete stop at points in front of 7205 Maple Avenue and 7202 Maple Avenue, respectively; AND

SECTION 4. THAT the Director of Public Works is hereby instructed to install stop signs at the locations described in Section 3; AND

SECTION 5. THAT parking on both sides of Maple Avenue shall be prohibited for a distance of 40 feet to the north and 40 feet to the south of each of the stopping points described in Section 3; AND

SECTION 6. THAT a standard pedestrian crosswalk shall be established by painting the appropriate markings on the Maple Avenue roadway at a point midway between the opposing stop signs described in Sections 3 and 4; AND

SECTION 7. THAT this ordinance shall become effective upon completion of the signing; AND

SECTION 8. THAT the penalty for violation of Sections 3 and 5 of this ordinance shall be as prescribed in Sec. 1-17 of the Code of Takoma Park, Maryland, 1972, as amended; AND

SECTION 9. THAT the Mayor and Council hereby declare that an emergency exists and that this ordinance be adopted on first reading.

PRPOSED ORDINANCE

WHEREAS, the Mayor and Council have received numerous complaints of problems in Parking Permit Area #2, stemming from visitor card abuse and the use of parking spaces within easy access to the Metro Station by holders of valid permits who reside in the outlying areas of the Permit Area, thereby depriving the residents of those streets nearest the Metro Station of parking spaces near their homes; AND

WHEREAS, in consideration of the above, the Mayor and Council deem it necessary to create a Special Impact Area within Parking Permit Area #2, to be known as Parking Permit Area #2A, for which distinctive parking stickers and visitor cards shall be issued for use by the residents of the Impact Area only, thereby making parking in the Impact Area unavailable to all other residents of Parking Permit Area #2, and requiring that holders of Special Impact Area permits park only in Parking Permit Area #2A.

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

SECTION 1. THAT Ordinance No. 2458, creating Parking Permit Area #2, adopted on January 30, 1978, be amended by the repeal and reenactment of Section 1 and Section 2, to read as follows:

SECTION 1. A. THAT Parking Permit Area #2 be hereby established, said area to include streets lying within the following geographic boundaries: 7300 block of Piney Branch Road to Philadelphia Avenue, Philadelphia Avenue to Carroll Avenue, Carroll Avenue to Eastern Avenue City boundary, Eastern Avenue to Piney Branch Road; AND

B. THAT a Special Impact Area, to be designated as Parking Permit Area #2A, be hereby established to lie within Parking Permit Area #2, and to include the following streets: from Eastern Avenue to the 7300 blocks of Holly, Cedar and Maple Avenues, and on Tulip Avenue from Holly Avenue to Willow Avenue; AND

C. THAT the parking permit stickers and visitor passes for Parking Permit Area #2 and #2A shall be distinguishable; AND

D. THAT holders of valid permits of Parking Permit Area #2 shall be restricted from parking in Permit Area #2A; and that holders of valid permits for Parking Permit Area #2A shall be precluded from parking in any other area of Parking Permit Area #2.

SECTION 2. A. Except where otherwise designated, parking on the following streets shall be restricted to vehicles displaying a Parking Permit #2 sticker between the hours of 8:00 AM and 5:00 PM, Monday through Friday: Willow Avenue, Spruce Avenue, Park Avenue, Valley View Avenue, Chesnut Avenue, the 400-500 blocks of Tulip Avenue, and the 7300-7400 blocks of Holly, Cedar and Maple Avenues; AND

B. Except where otherwise designated, parking on the following streets shall be restricted to vehicles displaying a Parking Permit #2A permit between the hours of 8:00 AM and 5:00 PM, Monday through Friday: the 7100 through 7200 blocks of Holly, Cedar and Maple Avenues, and the 100 through 300 blocks of Tulip Avenue. AND

SECTION 2. THAT this ordinance shall become effective upon adoption and the issuance of the required permits; AND

SECTION 3. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 13.63.1(i), Code of Takoma Park, Maryland, 1972, as amended.

PROPOSED ORDINANCE

WHEREAS, the Mayor and Council have received numerous complaints of problems in Parking Permit Area #1, arising out of visitor card abuse and the use of parking spaces within easy access to the Metro Station by holders of valid permits who reside in the outlying sections of the Permit Area, thereby depriving the residents of those streets nearest the Metro Station of parking spaces near their homes; AND

WHEREAS, in consideration of the above, the Mayor and Council deem it necessary to create a Special Impact Area within Parking Permit Area #1, to be known as Parking Permit Area #1A, for which distinctive parking stickers and visitor cards shall be issued for use by the residents of the Impact Area only, thereby making parking in the Impact area unavailable to all other residents of Parking Permit Area #1, and requiring that holders of Special Impact Area permits park only in Parking Permit Area #1A.

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

SECTION 1. THAT Ordinance No. 2395, adopted August 9, 1976, and creating Parking Permit Area #1, be amended by the addition of the following new sub-section to Section 2:

E. SPECIAL IMPACT AREA: PARKING PERMIT AREA #1A

(1) Where circumstances are such that the intent of the Parking Permit plan is essentially destroyed through the improper use or sale of visitor cards, or by the crowding of a street by cars bearing a valid parking permit, but whose owners reside outside the immediate vicinity, to the extent that residents of a street are deprived of a parking space near their home, a Special Impact Area may be created whereby only the residents of a designated Special Impact Area may park within it and such residents are precluded from parking elsewhere in the Parking Permit Area.

(2) That a Special Impact Area, Parking Permit Area #1A, is hereby established and, except where otherwise designated parking on the following street(s) shall be restricted to vehicles displaying a proper Special Impact Area permit between the hours of 8:00 AM to 5:00 PM, Monday through Friday:

(a) Takoma Avenue, between Piney Branch Road and Baltimore Avenue. AND

SECTION 2. THAT this ordinance shall become effective upon adoption and the issuance of the required permits; AND

SECTION 3. THAT the penalty for violation of this ordinance shall be as stated in Sec. 13.63.1(i), Code of Takoma Park, Md., 1972, as amended.

CITY OF TAKOMA PARK, MARYLAND

MAYOR AND COUNCIL WORKSESSION

January 5, 1981

Councilmembers present:

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

City Administrator Gilsdorf
Asst. Corporation Counsel Culpepper
Former Councilmember Faulkner
Former Councilmember Forshee

The meeting was called to order by Mayor Abbott at 7:40 PM.

1. Montgomery County's recent threat to sue the City over the alleged debt because of the transfer of the Fire Service in 1974. After discussion, it was decided that a special worksession be scheduled for January 19, at which the former Mayor and Councilmembers who were serving in 1974 would be invited to attend to discuss this matter.

2. Discussion of COLTA appeals: R.N. Levy Real Estate properties located at 7513 and 7611 Maple Avenue. The Mayor and Council scheduled the appeals to be heard on January 12, 1980, at 8:00 PM.

3. Montgomery County's Precious Metals Ordinance. The City Administrator was directed to place this item on the January 12 Council meeting agenda.

4. Parkview Towers, 7667 Maple Avenue. Mayor Abbott gave Councilmembers a briefing on the recent events that have transpired; also directed Corporation Counsel Culpepper to advise the Council as to the scheduling of court dates for Parkview Towers.

There being no further business to discuss, the meeting adjourned at 10:35 PM.

APPROVED_____
Sam A. Abbott
Mayor

ATTEST_____
Herbert W. Gilsdorf
City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
and
Public Hearing on Proposed Changes in Parking Permit Areas #1 and #2
January 12, 1981

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 OF DECEMBER 8, 1980

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS:

1. Presentation of proclamation designating January 1981 as United Cerebral Palsy Month in Takoma Park
2. Presentation of life-saving award
3. Mayor Abbott's comments

APPEAL BY R. N. LEVY OF COMMISSION ON LANDLORD-TENANT AFFAIRS' DECISION TO DENY A GREATER THAN 10% INCREASE AT 7513 and 7611 MAPLE AVENUE

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS:

1. Public Hearing on proposed changes in Parking Permit Areas #1 and #2
2. Other comments by citizens

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications
2. Administrative Reports and Recommendations for Council Action:

   (1) Authorization to solicit bids for two replacement vehicles for Police Department, using Revenue Sharing Funds

   (2) Second reading of a proposed ordinance creating a Special Impact Area within Parking Permit Area #2

   (3) Second reading of a proposed ordinance creating a Special Impact Area within Parking Permit Area #1

   (4) Resolution adopting Chapter 44A, "Secondhand Precious Metals Dealers," Montgomery County Code, 1972, as amended, and providing for enforcement within the Montgomery County portion of the City by the County

SPECIAL REPORTS

NEW BUSINESS

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
and
Public Hearing on Proposed Changes in Parking Permit Areas #1 and #2
January 12, 1981

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. Tyree
Acting Police Chief Carter
Public Works Director Robbins
Recreation Director Ziegler
Corporation Counsel Gingerich
Asst. Corporation Counsel Culpepper

The Mayor and City Council of Takoma Park met on January 12, 1981, at 8:00 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made and duly seconded to approve the minutes of December 8, 1980. Councilmember Saloma requested that the objection to the stop signs on Maple Avenue by Mrs. Vera Lindsey be reflected in the diagouge concerning Ordinance #2544 (page 3, item 7, and page 4, item 1). With this inclusion, the minutes were approved.

MAYOR ABBOTT'COMMENTS AND PRESENTATIONS

Mayor Abbott presented Prince George's Councilman Roy Dabney with a Proclamation declaring January 1981 as "United Cerebral Palsy Month" in the City of Takoma Park; it was noted that Councilman Dabney is this year's chairman for the "Weekend with the Stars Telethon" to be broadcast Saturday, January 17 and Sunday, January 18 on WTTG-Channel 5; Mayor Abbott called upon the citizens of Takoma Park to join with him in supporting the aims, goals, and programs of the United Cerebral Palsy Association.

Mayor Abbott thanked all the people who had expressed concern during his recent confinement following eye surgery and indicated his recovery should be complete within a few weeks.

Thanked Public Works Director Robbins for the fine job the Department had done in reconstructing (curbs, gutters and repaving) Philadelphia Avenue, noting he had received many compliments; stated he has also received compliments for the Department's efficient sanding of the streets after the snow fall.

Announced that on Wednesday, January 14, 8:00 P.M., Municipal Building, the Mayor of Annapolis, John Apostol, would speak to the community on the issue of double-taxation; hoped that there would be a large turnout because of the great importance of the issue to all citizens who are paying twice for many services they only receive once; asked that citizens attending the Council meeting inform their neighbors of the meeting; hoped that all citizen associations would be represented.

Stated that the commercial revitalization study being conducted and prepared in report form by Montgomery County is approximately 95% complete; that the Council will receive a briefing on the report by the County, then the citizens will have a public briefing, prior to any public hearings on the subject; hoped to be able to announce the dates of these briefings in early February. The same procedure will be followed on the redistricting proposals, which should be available within a couple of weeks; that there will be ample time for public discussions on both of these items.

Announced the public hearing on the Prince George's County portion of the Master Plan to be held on Monday, January 26 at 8:00 P.M.; stated that he has received a letter from the Prince George's County Planning Board which stated it would allow the Council two weeks after that date to submit any further input into the Plan, after which the Planning Board will make its final decision and vote on the Master Plan.

Appeal by R. N. Levy of Commission on Landlord-Tenant Affairs' decision to deny a greater than 10% increase at 7513 and 7611 Maple Avenue.

Between 8:20 and 11:50 P.M., the Mayor and Council heard an appeal from R. N. Levy on the City's Commission on Landlord-Tenant Affairs' decision to deny a greater than 10% rent increase at 7513 and 7611 Maple Avenue. Testimony was given by Mr. Rene N. Levy, property manager for the two buildings; Mr. Vijai Tuli, representative of partnership owners of the buildings; and one tenant representative from each building: Ms. Margo Thorne (7513), and Mr. Otis Mathews (7611). The Mayor and Council took the appeal under advisement.

CITIZENS' REMARKS

I. Public Hearing on proposed changes in Parking Permit Areas #1 and #2. It was noted that the proposed changes in the Permit Areas are to establish Special Impact Areas in those sections closest to the Metro station.

1. Elaine LaVaute, 240 Park Avenue: protested the proposed changes in the Parking Permit Areas, specifically along Cedar Avenue saying her car had been vandalized when she parked on that street; noted she had made her own survey of Cedar Avenue and found that all houses but one had off-street parking; felt the residents were using the Mayor and Council to have the parking in front of their homes reserved for themselves; noted that she did not have this priviledge in front of her own home; said that the Council seemed to have taken quick action on this item and suggested that there be more citizen input before the proposed ordinances are voted on. Councilmember Saloma noted that she had been receiving complaints since the initiation of the system from residents throughout Area #2 concerning the abuse of the parking permits and visitor permits; that there is actually no suddeness to this item being acted upon; that the Council has also heard many complaints during previous meetings.

II. Other Comments by Citizens.

1. Elaine LaVaute, 240 Park Avenue: asked about the status of the house at 118 Park Avenue which burned a few weeks ago. City Administrator Gilsdorf stated that the owner is in contact with his insurance company to determine whether the house can be rebuilt or must be demolished.

2. Ron Wylie, 7618 Glenside Court: at Mr. Wylie's request, the Mayor and Council agreed to have the following statement included in the minutes:

"For those of us in neighborhoods within the shadow of the Capitol, it seems especially important and appropriate to mark particular days, be they official holidays or not, when these days have significance in the flow of American history.

"Such a day is next Thursday, January 15--Martin Luther King's birthday. I feel that all of us would be remiss if our minutes failed to show that we at least momentarily acknowledged the coming and going of the day.

"While reasonable people can differ in their opinions of Dr. King, as is the case for all public personalities past and present, few reasonable people can deny the individual qualities his birthday commemorates:

* His courage and physical bravery.
* His magnetism in attracting people to the sacrifices of his cause.
* His continuing sensitivity to broadly practised wrongs and his determined efforts to achieve broadly available rights.
* His dreams for the future and his confidence in realizing those dreams.

"I believe that there is much yet to be "overcome" in our communities and in our world. Dr. King's memory can help us in the 80's as his life helped us in the 60's."

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. Montgomery County Board of Appeals. Notice of Variance Appeal No. A-774 to validate the location of the existing house located at 6811 Westmoreland Avenue where the owner intends to construct a second story. The City Administrator stated that adjoining property owners have been notified of the Appeal and have been asked for their opinion as to granting it; responses are expected prior to the next Council meeting. Councilmembers noted that they would like site plans or drawings of what is proposed for all appeals and special exceptions; requested the City Administrator to contact both County Boards of Appeals requesting this.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Authorization to solicit bids for two replacement vehicles for Police Department, using Revenue Sharing Funds. Upon motion by Councilmember Ricks, duly seconded by Councilmember Weisman, authorization to solicit bids was unanimously granted by the Council.

2. Second reading of a proposed ordinance creating a Special Impact Area within Parking Permit Area #2. Upon motion by Councilmember Holland, duly seconded by Councilmember Saloma, this item was deferred until the Council meeting of January 26, to allow time for more citizen input.

3. Second reading of a proposed ordinance creating a Special Impact Area within Parking Permit Area #1. Upon motion by Councilmember Holland, duly seconded by Councilmember Saloma, this item was also deferred until the Council meeting of January 26.

4. Resolution adopting Chapter 44A, "Secondhand Precious Metals Dealers," Montgomery County Code, 1972, as amended, and providing for enforcement within the Montgomery County portion of the City by the County. The City Administrator stated that the Montgomery County ordinance exempts municipalities, unless they specifically request inclusion by resolution; that municipalities are automatically included under the newly adopted Prince George's County law covering the same subject. Upon motion by Councilmember Garcia, duly seconded by Councilmember Holland, the Resolution below was adopted unanimously by the Council:

RESOLUTION

WHEREAS, Montgomery County has recently enacted legislation to provide for the licensing of secondhand precious metals dealers, to prohibit the purchase of secondhand precious metals without a license, to require that certain books and records be kept by the dealer, to require the retention of certain property for a specified period after complying with reporting requirements, to provide for payment by check, to authorize inspection of the required records, and other provisions; AND

WHEREAS, it is the desire of the Mayor and Council to extend these protections to the citizens of Takoma Park; AND

WHEREAS, Sec. 44A-18 of Chapter 44A, "Secondhand Precious Metals Dealers," of the Montgomery County Code, 1972, as amended, provides that upon adoption of Chapter 44A and requesting the County to enforce the provisions thereof within the 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. 44A-18, the Mayor and Council of the City of Takoma Park, Maryland do hereby adopt Chapter 44A, "Secondhand Precious Metals Dealers," 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, Maryland hereby authorize and request the Montgomery County Council to provide for the enforcement of the said Chapter 44A regulations within the Montgomery County section of the City.

Upon motion, duly seconded, the meeting adjourned at 12:30 A.M., to reconvene on Monday, January 26, 1981, at 8:00 P.M.

CITY OF TAKOMA PARK, MARYLAND
MAYOR AND COUNCIL WORKSESSION
January 19, 1981

Councilmembers present:

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

City Administrator Gilsdorf
Former Mayor John Roth
Former Councilman Joseph Faulkner
Dr. Herbert Shiroma, Admin., WAH
Mr. Marks, WAH

The meeting was called to order by Mayor Abbott at 7:40 PM.

1. Dr. Shiroma's discussion of the Hospital's plans for disposal of the Maplewood Avenue properties. After discussion, the Mayor and Council directed the City Administrator to write a letter to Montgomery County Executive Gilchrist suggesting that the County's announced intention of holding a public hearing on March 4th be instead scheduled for March 11th, and that the County Executive be aware that the Mayor and Council have not tempered their opposition to the Maplewood Avenue properties being used as halfway houses.

By consensus vote of the Mayor and Council, the meeting was closed to the public at this point, and the citizens present were asked to leave the room.

CLOSED MEETING - 8:30 PM

2. Discussion of the 1974 proceedings transferring the firefighters and their retirement plan. During the closed discussion, at which former Mayor Roth and former Councilman Faulkner were present, it was decided that Mayor Abbott write to County Executive Gilchrist expressing the Mayor and Council's willingness to discuss with him and his designee, the question of monies owed as a result of the 1974 transfer of the Takoma Park firefighters to Montgomery County. Further, Corporation Counsel Culpepper will prepare a letter to the County Executive, to be mailed separately.

MEETING REOPENED - 9:30 PM

3. Decision on the R.N. Levy appeal on 7513 and 7611 Maple Avenue. After considerable discussion, the Mayor and Council unanimously voted to remand to COLTA, for separate decision, each property in question (7513 and 7611 Maple Avenue). Further, COLTA was to be advised by letter from the Corporation Counsel, that Second Notice Violations are deemed to exist immediately upon issue of Notice. And secondly, that Ordinance No. 2532A does not authorize COLTA to deny the right to a hearing to anyone solely on the basis of Second Notice Violations.

There being no further business to discuss at this time, the meeting adjourned at 11:30 PM.

APPROVED_____
Sam A. Abbott
Mayor

ATTEST_____
Herbert W. Gilsdorf
City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
and
Public Hearing on the Prince George's County Portion, Takoma Park Master Plan
January 26, 1981

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 OF JANUARY 12, 1981

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Presentation of life-saving award
2. Announcement of redistricting study public briefing on Monday, February 23, 8:00 PM
3. Status report on Laurel-Carroll study
4. Other comments by Mayor Abbott

ADDITIONAL AGENDA ITEMS

CITIZENS REMARKS:

1. Brief presentation by Joe Chang, Prince George's County Planning Board, and Public Hearing on Prince George's portion of the Takoma Park Master Plan
2. Other comments by citizens

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications
2. Administrative reports and recommendations for Council action:

   (1) Appeal A-774, side-yard variance validation of existing house at 6811 Westmoreland Avenue; Public Hearing: Thursday, February 12, 9:00 AM, County Office Building, Rockville

   (2) Action by Mayor and Council on Prince George's County portion of the Takoma Park Master Plan

   (3) Proposed ordinance authorizing purchase and appropriating Revenue Sharing Funds for a typewriter -- Public Works Department

SPECIAL REPORTS

NEW BUSINESS

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
and
Public Hearing on the Prince George's County Portion, Takoma Park Master Plan
January 26, 1981

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
Administrative Asst. Tyree
Acting Police Chief Carter
Public Works Director Robbins
Recreation Director Ziegler
Corporation Counsel Gingerich

The Mayor and City Council of Takoma Park met on January 26, 1981, at 8:05 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made and duly seconded to approve the minutes of January 12, 1981; when put to a vote, the minutes were approved unanimously.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott stated that the City and Council have received many complaints concerning the adult book store located at Ethan Allen and New Hampshire Avenues, which is outside City boundaries; noted that at a previous Council meeting he had suggested that since the City cannot take any further action on the store, that citizens involve themselves. Announced that area citizens, citizen associations, Neighborhoods Together, Inc., and the neighborhood churches, have arranged a meeting on this topic to be held Wednesday, January 28, 7:30 P.M., in the cafeteria of Our Lady of Sorrows Church on New Hampshire Avenue; present at the meeting will be the Prince George's County State's Attorney and the Chief of Police for the County; stated that he hoped citizens who are interested in this matter will attend the meeting.

Stated that the study on redistricting City election wards is underway by The Grier Partnership and a public briefing will be given during the Council meeting on Monday, February 23; that it is essential for all citizens to attend because redistricting would involve equalizing the population of all wards and a change in the City Charter.

Announced that the Laurel/Carroll Commercial Revitalization Study is almost complete, with three consultant reports complete at this time; Assistant City Administrator Shaffer and Tim Mihard of Montgomery County are in the process of synthesizing the reports into a single document; stated that the date for a public briefing on the study will be published in the March edition of the Newsletter.

ADDITIONAL AGENDA ITEMS

Decision of Mayor and Council as Commission On Landlord/Tenant Affairs appeal body on appeal of Everest II Properties Limited Partnership (7611 Maple Avenue) and Everest I Investors Limited Properties Partnership (7513 Maple Avenue) for a greater than 10% rent increase (Mayor Abbott)

CITIZENS' REMARKS

I. Brief presentation by Joe Chang, Prince George's County Planning Board, and Public Hearing on Prince George's portion of the Takoma Park Master Plan. Mr. Joe Chang gave a presentation on the five special study areas as outlined in the Master Plan. Mr. Craig Wroblestadt advised the Council of a bill passed by the Prince George's County Council in October 1980 which amends the zoning law to allow for the downzoning of properties if it is beneficial to surrounding properties and if it is not being used as it is zoned; stated that in the long run, this amendment will help reinforce the single-family goals of Takoma Park neighborhoods. Councilmembers noted their concern that this amendment was not brought to their attention earlier and that it may have a great impact on the Master Plan.

1. Phil Vogel, 7117 Garland Avenue: stated that he could not see this zoning amendment affecting the Master Plan or its implementation; that the Master Plan is acceptable to area residents and felt the amendment was "frosting on the cake"; urged Council to adopt the Plan as it is written.

2. Ron Albaugh, 7202 Central Avenue, Longbranch-Sligo Citizens' Assoc. read a statement to the Mayor and Council on different aspects of the Prince George's portion of the Master Plan (copies of statement available in City Office).

3. Carl Iddings, 7416 Carroll Avenue, Chairman, Citizens Traffic Committee: stated that the Committee supports the goals of the Master Plan, but felt that the transportation planning section did not fully respond to the traffic problems of the City; recommended that there be a comprehensive City-wide traffic plan and would like to see the Master Plan call for such a study.

4. Phil Vogel: raised some questions about the special study areas, which were answered by Mr. Chang; urged the Council to approve the Plan, noting his only concern was about the possible lengthening of Holton Lane through to University Boulevard.

Mayor Abbott stated that comments from citizens seemed to be favorable to the Master Plan's adoption, with a few exceptions as mentioned by Ron Albaugh and Carl Iddings; that the Mayor and Council should review the written statements presented and defer action on the Master Plan until the next Council meeting on Monday, February 9.

II. Other comments by citizens.

1. Patrick Donnelly, 7002 Sycamore Avenue: questioned what progress has been made by the Mayor in unifying the City within one County; Mayor Abbott stated that nothing has been done on this as yet; that as soon as the Council's major agenda items have been taken care of, discussions would probably begin. Mr. Donnelly registered some complaints regarding his next-door neighbors.

2. Phil Vogel: urged Council's attendence at the meeting on the adult book store to be held Wednesday, January 28 at Our Lady of Sorrows Church, saying that citizens need the Council's help in finding a solution to the problem. Mr. Vogel questioned the procedure of dealing with City residents having out-of-State tags. Chief Carter stated that Officer Hubbard of the City Police Department should be contacted; that the Department has just recently initiated a program for having such cars registered with the State of Maryland, unless owners are military or students, or having other just cause for not registering with the State.

3. Ernest Weisman, 6 Valley View Avenue: thanked the Mayor and Council for the new four-way stop at the corner of Takoma and Albany Avenues. Regarding the Commission on Landlord/Tenant Affairs appeal held at the last Council meeting, stated that he thought it was held in a very poor manner; that it was more of an inquisition than an appeal hearing.

4. Robert Leyshon, 7105 Cedar Avenue: regarding the proposed changes in the parking permit areas by establishing Special Impact Areas closest to the Metro station, stated that he was sorry he had not attended the public hearing on this issue, but was unaware of it; stated his support for the changes; read letters from Mrs. Mary Ann Leary, 7301 Takoma Avenue, and Ms. Ski Reed, 7109 Cedar Avenue, stating their complaints about the abuses and problems of the parking permit system; Mr. Leyshon urged the Council to initiate the Special Impact Areas as soon as possible; regarding visitor permit abuses, suggested that visitor cards could have an A.M. and P.M. side, which would have to be turned over during proper time periods, otherwise the vehicle would be ticketed.

5. Roland Halstead, 7116 Maple Avenue: stated his support for Mr. Leyshon's comments on problems of parking permit system; asked that some consideration be given to the employees of the Post Office who must park within the parking permit area. Suggested that the procedures for Commission on Landlord/Tenant Affairs appeals be changed; that the Council should only accept the written record from Commission on Landlord Tenant Affairs hearings, and not oral testimony from the parties concerned. Councilmember Ricks agreed with this, saying that the Council should be able to ask questions, but

only pertaining to material presented by Commission on Landlord/Tenant Affairs.

6. Claire LaVaute, 240 Park Avenue, speaking for Elaine LaVaute: read the statement given by Mrs. LaVaute at the January 12 Council meeting in which she protested the proposed changes in parking permit system. Councilmember Saloma noted that consideration of the proposed ordinances was deferred because only one person spoke at the hearing; that she would like the Council to take up the item again when there has been more testimony; felt the current ordinance is not working and it needs to be changed. Councilmember Holland made a motion, duly seconded by Councilmember Weisman, that the item be placed on the next Council meeting agenda (February 9, 1981). Councilmember Ricks moved that the item be tabled for further input and consideration; the motion failed for lack of second. When the original motion was put to a vote, it was approved by the majority of the Council, with Councilmember Ricks voting in the negative.

7. Ron Wylie, 7618 Glenside Court: asked if the reports on the Laurel/Carroll Commercial Revitalization Study were available to the public; Mayor Abbott stated that they would not be available to the public until the Council had been briefed on them, after which there would be a public briefing held for citizens. Mr. Wylie noted his objection to closing to the public that portion of the January 19 worksession dealing with firefighters' retirement liability. Mayor Abbott stated that the action was in conformance with the State Sunshine Law which requires that the public be allowed to observe all meetings of the Council except for those dealing with personnel matters or litigation.

Decision of Mayor and Council as Commission on Landlord/Tenant Affairs Appeal Body on rent increases of greater than 10% from R. N. Levy, Property Manager for 7513 and 7611 Maple Avenue. Councilmember Holland read the attached Decision of the Mayor and Council and made a motion, duly seconded by Councilmember Patrick, that the Council adopt the decision as read. When the motion was put to a vote, it was approved unanimously by the Council.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Appeal A-774, side-yard variance validation of existing house at 6811 Westmoreland Avenue; Public Hearing: Thursday, February 12, 9:00 A.M., County Office Building, Rockville, Md. The City Administrator reported that of the nine adjoining property owners surveyed for their opinion on the Appeal, including the Westmoreland Area Community Organization, there were three responses received, all with no objections to the variance. Upon motion by Councilmember Holland, duly seconded by Councilmember Ricks, the majority of the Council voted to contact the Board of Appeals voicing no objection to granting the variance and that the letter to the Board be accompanied by the responses received from the survey. Councilmember Weisman abstained from voting on this matter because the owner of the property is his son.

2. Action by Mayor and Council on Prince George's County portion of the Takoma Park Master Plan. Councilmember Holland made a motion that the Council not take action on this item until they had had time to consider the input made at this meeting; that this item be placed on the agenda for February 9, 1981 for action; the motion was seconded by Councilmember Ramsey, and approved unanimously by the Council.

3. Ordinance authorizing purchase and appropriating Revenue Sharing Funds for a typewriter for the Public Works Department. Upon motion by Councilmember Ricks, duly seconded by Councilmember Holland, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, Weisman. NAY: None. EXCUSED: None.

ORDINANCE #2547

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

SECTION 1. THAT the Planned Use Schedule for 1980-81 Federal Revenue Sharing Funds set aside $870 for the purchase of a typewriter for the Public Works Department; AND

SECTION 2. THAT the recommended purchase of one IBM Selectric II Typewriter, Model #895, for the amount of NINE HUNDRED TWENTY-TWO DOLLARS AND FIFTY CENTS ($922.50) is hereby approved; AND

SECTION 3. THAT funds to cover this purchase shall be appropriated as follows: EIGHT HUNDRED SEVENTY DOLLARS shall be appropriated from the Revenue Sharing Account and FIFTY-TWO DOLLARS AND FIFTY CENTS shall be appropriated from various Public Works Budget Accounts and transferred to that Department's Capital Equipment Account.

Upon motion, duly seconded, the meeting adjourned at 11:25 P.M., to reconvene on Monday, February 9, 1981.

APPROVED _____
Sam A. Abbott
Mayor

ATTEST _____
Herbert W. Gilsdorf
City Administrator

DECISION OF MAYOR AND COUNCIL

Pursuant to Section 4(c) of Ordinance No. 2532A (adopted on June 9, 1980) Everest I Limited Partnership (7513 Maple Avenue) and Everest II Properties, a Limited Partnership (7611 Maple Avenue) seek a reversal of the November 21, 1980, written decision of the Commission on Landlord-Tenant Affairs denying their request for rent increases in excess of ten percent (10%), based on the authorit of Section 4(d)(1) of Ordinance 2532A. The issue in this appeal is the proper interpretation and construction of Sections 4(d) and 4(d)(1) of Ordinance No. 2532A as it was applied in the instant proceedings.

The full text of the referenced provisions reads as follows:

"(d) In consideration of the reasonable notice of a proposed rent increase, the Commission shall be guided by, but not bound by, the following guideline:

(1) An increase exceeding 10% should not be granted on property having outstanding Second Notice violations of the Municipal Housing Code."

We hold that the aforementioned provisions of the ordinance should be construed as follows:

(1) The phrase "outstanding Second Notice violations" means that a Second Notice of Housing Code Violations has been issued by the Code Enforcement Division of the City of Takoma Park and that the violations are still "outstanding" in the sense that either (a) there has not been a reinspection, or (b) there has been a reinspection which has revealed that some or all of the violations have not been abated.

(2) The existence of outstanding Second Notice violations is but one of the factors to be considered by COLTA in determining whether or not a rent increase in excess of 10% should be granted. Other factors include the number and severity of the oustanding Second Notice violations; the good faith efforts of the landlord to comply; the need or justification for the proposed increase or any part thereof and a weighing or balancing of that need

or justification vis-a-vis the existence, nature and severity of the outstanding Second Notice violations. The existence of outstanding Second Notice violations does not operate as an absolute bar to any request for rent increases in excess of 10%. COLTA must conduct a full hearing, receiving appropriate testimony and evidence, including, but not limited to, financial and economic justification for rental increases, housing code violations under Second Notice, tenants' complaints, etc. The Commission cannot refuse to schedule or hold a hearing because of the existence of outstanding Second Notice violations. The Commission has the authority to (a) grant a rent increase notwithstanding the existence of Second Notice violations; (b) defer its decision pending reinspection and/or abatement of those violations; or (c) deny the requested increase after a full hearing because of the existence and nature of outstanding Second Notice violations, whether or not a need for justifiction for rent increase was demonstrated.

We cannot tell from the record before us, including the Commission's written decision, whether or not there were "outstanding Second Notice violations" in existence as to each property at the time of the Commission hearing. The Commission's written decision does not indicate one way or the other, nor does it indicate whether or not a full hearing was held. If a full hearing was held, the Commission's decision does not indicate whether or not the requested rent increase was justified, and if it was justified, whether or not the severity of the oustanding Second Notice violations compelled a denial of the requested increases.

In light of this record and our construction of Section 4(d) and 4(d)(1), it seems appropriate to remand this matter without affirmance or reversal, in order to permit COLTA to conduct further proceedings as may be required for the passage of separate decisions on each petition in conformity with the views stated in this opinion.