

CITY OF TAKOMA PARK, MARYLAND
MAYOR AND COUNCIL WORKSESSION
June 15, 1981

Councilmembers present:

Mayor Abbott
Councilmember Garcia
Councilmember Holland
Councilmember Patrick
Councilmember Ramsey
Councilmember Ricks
Councilmember Saloma
Councilmember Weisman
City Administrator Gilsdorf

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

1. Harold Phipps advised the Mayor and Council that the Disalvatore resub-division had been tabled. Mr. Phipps also gave a brief report on the Laurel/Carroll Commercial Revitalization Program.
2. Appointment of CDBG Citizens' Advisory Committee. By consensus, the Mayor and Council directed the City Administrator to notify the nominees from the various organizations (list attached) that they have been appointed and will comprise the Citizens' Advisory Committee for 1982.
3. The City Administrator reported to the Mayor and Council about his meeting with Mr. Ferrara relative to landlord-tenant relations program, advising the Council that Montgomery County OLTA appears willing to go along with and overlap (perhaps during the month of July) if the City chooses to remove itself from the program.
4. Redistricting. After extensive discussion, it was the consensus of the Council to wait until 1980 Census data was available before finalizing redistricting plans. The Council prepared a statement to this effect to appear in the July issue of the City Newsletter.

There being no further business to discuss at this time, the meeting adjourned at 11:15 P.M.

APPROVED _____

Sam A. Abbott
Mayor

ATTEST _____

Herbert W. Gilsdorf
City Administrator

CDBG Citizens' Advisory Committee
Membership

Thomas Guins, Hampshire Greens	Lillian Hunt, Upper Maple Avenue
Enid Hodes, S.S. Carrolls	Whetten Reed, Carroll Ridge
Edmond Longen, Hodges Heights	Phil Vogel, Historic Takoma, Inc.
Montez Boatman, Ritchie Avenue	Everet Ehrlich, Cockerille Avenue
Harry Whiting, Needs of the Disabled	Ellery Denison, Hillwood Manor
Muriel Hoover, North Takoma	Mary Ann McGuire, CIB
Susanne Fleming, Westmoreland Avenue	Joe Ossi, Old Takoma Park
Thomas Hutchins, B.F. Gilberts	William Connellee, Businessmen's Assoc.
Susan Daniel, West of Flower Avenue	Alvin J. Nichols, Longbranch-Sligo

CITY OF TAKOMA PARK, MARYLAND
MAYOR AND COUNCIL WORKSESSION
June 29, 1981

Councilmembers present:

Mayor Abbott
Councilmember Garcia
Councilmember Holland
Councilmember Patrick
Councilmember Ramsey
Councilmember Ricks
Councilmember Saloma
City Administrator Gilsdorf

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

1. Community Improvement Board. Mrs. Mary Ann McGuire, Chairwoman of the Community Improvement Board, met with the Mayor and Council to discuss problems of mutual concern, along with photos she presented to them.
2. City's Commission on Landlord-Tenant Affairs. Chairwoman Lynn McKinney appeared before the Mayor and Council and discussed the consolidation of the Rent Stabilization Ordinance with an overall landlord-tenant ordinance which would address the issue of landlord-tenant relations and rent stabilization. The City Administrator was directed to prepare a draft ordinance to be presented at the July 13 regular Council meeting.
3. Community Revitalization Coordinating Committee. The following persons were appointed by the Mayor and Council to serve on this Committee: Mary Ann Clark, Jim Murphy, John Kensinger, Alan Shaffer, and a CDBG designee to be named at a later time.
4. Procedures for Montgomery County portion of the Master Plan. The City Administrator was directed to invite interested parties to speak on the remaining problem areas of the Montgomery County portion of the City's Master Plan at the July 6 meeting. A Public Hearing is scheduled for July 20, with the final vote anticipated for July 27.
5. Centennial Commission. Mayor Abbott suggested that Mrs. Mary Ann O'Boyle Leary be appointed the chairperson of this Commission. Final action on this will be taken at the July 13 regular Council meeting.
6. Replacement of packer demolished in recent accident. The City Administrator received unanimous authorization from the Council to proceed with the acquisition of two packers from the City of Fairfax with the insurance proceeds from a recently demolished piece of equipment. An ordinance to this effect will be prepared for the July 13 Council meeting.

There being no further business to discuss, the meeting adjourned at 11:30 P.M.

APPROVED _____

Sam A. Abbott
Mayor

ATTEST _____

Herbert W. Gilsdorf
City Administrator

CITY OF TAKOMA PARK, MARYLAND
MAYOR AND COUNCIL WORKSESSION
July 6, 1981

Councilmembers present:

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

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

1. Discussion of Takoma Park Master Plan, Montgomery County portion. Invited guests spoke to the Mayor and Council, addressing areas of their concern.
2. Possible closing of Takoma Park schools. Faith Stern and Suzanne Rhodenbaugh appeared before the Mayor and Council and discussed the possible closing of Takoma Park Junior High School, as well as the future closing of Takoma Park Elementary School. After discussion by the Mayor and Council, it was decided that this item be placed on the July 13 Council meeting agenda.
3. Administrative Reports. The City Administrator presented the Mayor and Council with a letter from the Montgomery County Revenue Authority regarding Takoma Tower; reported on the disposition of the June 23 court case of 7411 Aspen Court; gave a status report on condemned houses located at 7511 Carroll Avenue, 7106 Sycamore Avenue, and 6761 Eastern Avenue; reported that Prince George's County would hold a hearing on the New Hampshire Avenue adult book store on July 16, at the Park and Planning building located at 6600 Kenilworth Avenue. Mr. Vincent Abel, part owner and resident manager of 7667 Maple Avenue, appeared before the Mayor and Council and advised them of the measures being taken to correct the deficiencies that lead to the recent problems at the building; it was decided by the Council that this discussion be continued at the July 13 Council meeting to enable tenants and other interested parties to address the issue.
4. Memoranda from Councilmember Ramsey were discussed by the Mayor and Council.

There being no further business to discuss at this time, the meeting adjourned at 12:00 A.M.

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 Possible Joint CATV Franchise
Agreement with Montgomery County

July 13, 1981

[7:30 P.M.]

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 MAY 26, 1981

READING AND APPROVAL OF THE MINUTES OF JUNE 8, 1981

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

CITIZENS' REMARKS:

1. Discussion of problems at 7667 Maple Avenue
2. Other remarks by citizens

PUBLIC HEARING ON POSSIBLE CATV FRANCHISE AGREEMENT WITH MONTGOMERY COUNTY

ADDITIONAL AGENDA ITEMS

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications
2. Administrative Reports and Recommendations for Council Action:
 - (1) Second reading of an ordinance repealing Ordinance 2544, and authorizing removal of stop signs and crosswalk midway in the 7200 block of Maple Av.
 - (2) Introduction of a comprehensive landlord-tenant ordinance, including both landlord-tenant affairs and rent stabilization
 - (3) Appointment of chairperson to Centennial Commission
 - (4) Resolution regarding possible closure of Takoma Park schools
 - (5) Response to Montgomery County Revenue Authority's position on annual payment in lieu of taxes for Takoma Tower
 - (6) Ordinance authorizing purchase of two used refuse trucks, using proceeds from insurance settlement on wrecked vehicle
 - (7) Ordinance accepting bid on Upblast Power Roof Ventilator for Public Works, using FY-81 Revenue Sharing Funds

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THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
and
Public Hearing on Possible Joint CATV Franchise
Agreement with Montgomery County
July 13, 1981

City Officials Present:

Mayor Abbott	City Administrator Gilsdorf
Councilmember Garcia	Asst. City Administrator Shaffer
Councilmember Holland	City Clerk Pusti
Councilmember Patrick	Police Chief Carter
Councilmember Ramsey	Public Works Coordinator Smith
Councilmember Ricks	Recreation Director Ziegler
Councilmember Saloma	Asst. Corporation Counsel Culpepper

EXCUSED: Councilmember Weisman

The Mayor and Council of Takoma Park met on July 13, 1981, at 7:30 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, motions were made and duly seconded to approve the minutes of Council meetings held on May 26, 1981 and June 8, 1981; when the motions were put to a vote, they were approved unanimously by the Council.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott stated that the Council's last worksession dealt with, among other things, the extended length of Council meetings as of late. He requested that all, Council and citizens alike, limit themselves to pertinent remarks, with the hope of having meetings end around 11:00 PM, or perhaps earlier.

Regarding the City's recently established newspaper recycling program, noted that the first collection made yielded six to eight tons; that if this amount is maintained, it will save the City approximately \$12,000 in landfill costs.

Councilmember Garcia stated that the Council has now obtained 1980 Census statistics to work with in redistricting of City election wards; that the figures and maps prepared by the Grier Partnership were based on 1970 Census figures and could not be used because of the many discrepancies; that the Council can now begin to prepare a ward map using accurate figures that would not be subject to challenge. Mayor Abbott stated that the City Clerk has estimated it will take some 4,000 man-hours to prepare City voting rolls by wards; this makes it obvious that the issue of ward redistricting cannot go beyond a September public hearing date.

Mayor Abbott made a motion, duly seconded by Councilmember Saloma, that Mary Ann O'Boyle Leary be appointed Chairperson to the City's Centennial Commission; the motion was adopted unanimously by those Councilmembers present. Mrs. Leary thanked the Mayor and Council for the appointment, saying that she has not yet drawn up a plan for the Centennial, but will discuss it with Commission members; hoped to involve all citizen associations; all ideas, participation, and help would be appreciated.

Mayor Abbott stated that the Takoma Park Junior High PTA, a professional and skilled group, is working diligently to keep it open; that only two municipalities are affected by the proposed closure of schools--Takoma Park and Rockville; that Rockville is planning to present a bill to the State legislature that would make it more difficult to close schools in municipalities, authorizing something close to a veto power to the municipalities; the Mayor said that he, Councilmembers Saloma and Ricks had prepared a policy statement of the City to be sent to Superintendent of Schools Andrews (Attachment A). Upon motion by Councilmember Ricks, duly seconded by Councilmember Holland, the Council unanimously adopted the policy statement (Councilmember Weisman being excused).

CITIZENS' REMARKS

1. Discussion of problems at 7667 Maple Avenue. The following citizens, who are tenants of the subject building, addressed the Mayor and Council on the problems and concerns enumerated below: Audrey Batten, Virginia Bell, Felicia Davis, Greta Elly, Naomi Turner and Herman Williams. Matters referred to included: water damage and associated problems to 17 apartments as a result of heavy rains on July 4 while the roof was under repair, necessitating overnight evacuations in some instances; the long time lapse between code enforcement citations and actual compliance; the general feeling of insecurity because of the problems associated with the building; the lack of physical security in individual units and the building itself; a worsening roach and rodent infestation; poor lighting in the parking lot; no running water in some kitchens; failure to pay trash and utility bills; questions as to the court case now pending against the former owners; questions on a code enforcement citation; possible evictions; the fact that the building continues to be advertised as a luxury high rise despite its condition; request for a speedy inspection of each unit for housing and fire code violations, with the tenants being apprised of the results. Ms. Nancy Perry and Ms. Austin, 7520 Maple Avenue, and Carlos Stewart, 7710 Maple Avenue, made the following observations and requests: the deteriorating conditions at 7667 Maple Avenue may have a snowball effect on nearby buildings; request to expand the Community Improvement Board to include apartment buildings; request for information on rent increases at 7667 Maple Avenue; 7520 Maple Avenue was recently inspected but repairs have not yet been completed.

Councilmember Saloma indicated that the latter building had been inspected at the request of the tenants, at their convenience, and using their list of complaints, and that a reinspection is scheduled for around July 30. The City Administrator said that the same method could be employed at 7667 Maple Avenue; that the list of complaints had been very helpful to the Code Enforcement Officer. Corporation Counsel Culpepper stated that, although he did not have the file, as he recalled, a bill of complaint for injunctive relief has been filed with Montgomery County Circuit Court for 7667 Maple Avenue code violations for the period June 1980-March 1981, with a supplemental bill having been filed for violations occurring after that date. At the request of Councilmember Ricks, he explained the reasons for the choice of courts and the problems with getting a early court date.

Mayor Abbott stated that the Council has prepared draft legislation empowering them to act as a board of health in emergency situations and to take immediate action, when deemed necessary, to have repairs made to a building where danger to tenants' health, safety and welfare exists, with payment from the City, to be recovered from the property owner through lien or civil process.

The following persons, not residents of 7667 Maple Avenue, spoke concerning the building: Ron Wylie, Landlord-Tenant Commission member, stated that he would request an immediate public hearing of the Commission to investigate whether or not the evictions referred to earlier were retaliatory. Ruth Abbott, 7308 Birch Avenue, stated that the legal department of the City should be beefed-up and should pursue the courts to have cases scheduled more quickly, since there seems to be no other alternative. Vincent Abel, property manager and part owner of 7667 Maple Avenue, related information concerning the evictions mentioned earlier; noted that inspections for fire code violations had taken place when the flooding occurred, and that a reinspection of those violations is scheduled for early August, at which time inspectors stated they would randomly inspect apartments throughout the building; stated that he would supply the Council with a time table for repairs to take place in the building; noted that he thought things in the building would work better with more cooperation between tenants and management. Ms. Wilson, 7611 Maple Avenue, spoke of the deteriorating condition of her building; the City Administrator stated that it was scheduled for inspection by the Code Enforcement Office right after 7520 Maple Avenue had been finished; Councilmember Ricks suggested that tenants list complaints for the Code Enforcement officers to use during

the inspection.

II. Other remarks by citizens.

1. Joe Giannini, 208 Spring Avenue: stated his complaints concerning the overgrown vegetation and two barking dogs at 215 Spring Avenue; noted that he has contacted the Prince George's County Animal Matters Hearing Board, and should have a hearing scheduled sometime in August concerning the noise and unkempt living area for the dogs.

2. Karl Kessler, Barcelona Nut Shop, 7328 Carroll Avenue: as a member of the Businessmen/Citizen Commission, invited the Mayor and Councilmembers to take a walking tour of the Carroll Avenue business area prior to the July 20 hearing on the Master Plan which will deal with this area.

3. David Prosten, 7428 Carroll Avenue: as a citizen member of the Commission mentioned above, felt that if the Council accepts the businessmen's invitation, then they should also take a tour with the citizens of the Commission; noted he objected to the title of the businessmen's report on the area. In response to Mr. Prosten's question on re-districting, Councilmember Garcia stated that he now has the 1980 Census figures, but that he had not compared them with figures used for the alternatives prepared by the Grier Partnership.

4. Carl Iddings, 7416 Carroll Avenue: said the public hearing on Monday, July 20 on the Master Plan, Montgomery County portion, should have been more widely publicized. Mayor Abbott noted that the decision on the date was made after the Newsletter deadline; the City Administrator said that legal ads have been published in county newspapers; the City was notified after the Newsletter deadline that the Montgomery County Planning Board would be taking up the Master Plan on August 13, with or without input from the City.

PUBLIC HEARING ON POSSIBLE CATV FRANCHISE AGREEMENT WITH MONTGOMERY COUNTY

1. Lynne Bradley, 8112 Flower Avenue, Citizens Cable TV Committee: named Committee members; stated that the Council should reach some decision on joining with Montgomery County in a cable TV franchise by early August, because the County Council will take action on joint franchising at the end of August; that the Committee stands by its original recommendation that the Council should first decide whether to operate its own franchise or participate with a County; the Committee feels that the City would be best served by participating in a joint franchise with Montgomery County; noted that the Committee would like some sense of the Council as to how they wish the Committee to proceed.

2. John Hemphill, 8112 Flower Avenue, Citizens Cable TV Committee: listed some of the benefits of a joint franchise with Montgomery County-- the City would have no risk, financial or otherwise, would be obtaining a sophisticated and superior system, joining with the County would minimize the efforts of the City in operating cable, and that the County has agreed to provide inter-connect with Prince George's County's cable system. Noted that he personally favors a coop or municipal cable system, but that either would entail risks and would probably mean a lower quality system.

3. Tom Ingold, 8515 Sligo Creek Parkway, Cable TV Committee: noted that he has never heard anyone say that they did not want cable in the City; that as far as communicating City activities, stated that cable would be a great help there.

4. Lisa Itte, 7000 Poplar Avenue, Cable TV Committee: stated that she is distressed that the Council has not given any definite statements as to whether they want the City to get cable; that she fears that the longer the Council waits, the less they can expect.

5. Mike Messinger, 7411 Flower Avenue, Cable TV Committee: pointed out that Montgomery County's cable ordinance does not require apartment owners to have cable installed, but leaves it up to individual owners; said the Council could pass an ordinance that would require cable capabilities in all apartment buildings, similar to an ordinance upheld in the courts in New York.

6. Tod Lightfoot, 7903 Takoma Avenue: stated that he would like to have cable in the City and he is in favor of a joint franchise with Montgomery County.

7. John Hansman, Cable TV Manager, Montgomery County: noted that the County Executive has prepared a letter of response to the Mayor, regarding the City's conditions for joining with the County in a cable franchise; that the County Council has delayed taking action on this issue to make sure of all aspects of the cable system, giving it a firm foundation; stated that the length of the cable franchise would be 15 years, which is an industry standard; regarding the County's ordinance not requiring apartment owners to install cable in their building, noted that the ordinance does state specifically that rates for cable must be the same for apartment dwellers and single-family owners; that the County Council felt market pressure would eventually mean all apartment owners would obtain cable for their buildings, but if this does not work, the Council could address it at a later time; also it would allow for each municipality to adopt ordinances requiring landlords to provide cable for their tenants, if the municipality so desires; noted that monthly subscription rates would be included in the cable companies applications and that the rates would be set for a specific period, but would likely have to be increased due to rising costs in later years; that when an increase is requested, it must be justified by the company; rates for special channels requested by subscribers, such as Home Box Office and two-way channels, are not subject to regulation according to the Federal Communications Commission; that the County Executive will establish some kind of process and staff assignment to handle requests for rate increases. In response to Councilmember Saloma's question, Mr. Hansman stated that if the City and/or its citizens should become dissatisfied with the cable system, there would be elements in the cable company's contract and also in the County ordinance to correct any problems.

8. Leonard Euzant, 724 Boundary Avenue, Cable TV Committee: stated that he has been in the broadcasting business for many years; noted that when first joining the Committee he thought the best option for the City would be to have its own franchise, but decided against that because the City is too small and it would be too great a burden, finance wise; noted that he thinks both County systems are good, but feels a joint franchise with Montgomery County would be much better for the City because they have offered more options, including inter-connecting with Prince George's County's system for Takoma Park/Prince George's County residents. Mayor Abbott noted that he had spoken with Rockville's Mayor Hanna about their city's decision not to join with the County in a franchise; that Mayor Hanna felt it would pay in the longrun to wait a few more years before a decision is made because of the rapid technological advances being made.

9. John McAllister, Representative, Storer Communications: noted that the industry usually maintains a basic rate for cable service for 3 to 4 years, until the need arises to increase rates; gave a brief overview of cable vs. microwave dish and other broadcasting possibilities. Lynne Bradley stated that the citizens of Takoma Park should be allowed to subscribe to cable, and then when other technical advances are made, they could then have a choice, but felt cable should be made available first.

10. Ted Nolte, 8107 Roanoke Avenue: stated that he is a telecommunications specialist working with the Senate and House of Representatives, specifically a committee that is beginning a nationwide investigation into cable franchising practices; noted that cable television is the biggest thing happening right now and that Takoma Park would be in a weak position for bargaining with cable companies unless it joins

with a larger program area, such as either of the counties; noted his preference for Montgomery County; regarding the earlier discussions of advancing technologies, stated that he agreed that advancements are being made at a rapid rate, but that it takes a long while for the real development and economics to follow before new technologies can be put to practical use.

11. Lynne Bradley: noted that although the Prince George's County cable system may be operable before Montgomery County's, Montgomery County would be allowing the City more concessions that are specific to the City's needs.

12. Mike Sassani, 7907 Takoma Avenue: stated his support for a joint franchise with Montgomery County.

13. Karen Seaton, 611 Boston Avenue: noted that she is very interested in cable TV for its educational uses; stated her support for a joint franchise with Montgomery County.

Mayor Abbott stated that the Council would take all comments made this evening into consideration, and notify the Cable TV Committee as to any decision reached.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. College Facilities Director, Montgomery College. Request for improved street lighting at Takoma Park campus; the City Administrator noted that this is the third such request from the College. After discussion, upon motion by Mayor Abbott, duly seconded by Councilmember Garcia, the Council decided to write a letter to the College stating that due to the financial constraints on the City's budget this year, it would be impossible to replace the present lighting, but that if the College would like to make an in lieu payment to the City, that money would be used directly towards replacing the lighting, or the request could be considered in next year's budget.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Ordinance repealing Ordinance 2544, and authorizing removal of stop signs and crosswalk midway in the 7200 block of Maple Avenue. Mayor Abbott stated that he had taken an informal survey of the neighborhood as to whether the stop signs were slowing traffic, and the response was that they had; a suggestion received was to move the signs further down the hill; stated that he felt the signs should remain because they had slowed traffic as the residents wanted. Upon motion by Councilmember Ricks, duly seconded by Councilmember Saloma, the following ordinance was adopted by roll call vote as follows:
AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma.
NAY: None. EXCUSED: Councilmember Weisman.

ORDINANCE NO. 2581

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

SECTION 1. THAT Ordinance No. 2544, adopted December 8, 1980, installing stop signs and a cross-walk midway in the 7200 block of Maple Avenue, be hereby repealed; AND

SECTION 2. THAT the Director of Public Works is hereby authorized to remove the said signs and cross-walk; AND

SECTION 3. THAT this ordinance shall become effective upon removal of the signing and cross-walk.

2. Introduction of a comprehensive landlord-tenant ordinance, including both landlord-tenant affairs and rent stabilization. The City Administrator stated that Montgomery County Office of Landlord-Tenant Affairs has agreed to extend their handling of landlord-tenant matters

until the end of July (contract ending June 30, 1981), and also said that if the City's program is not underway by then, could possibly continue into August, the City Administrator recommended that the Council study the proposed ordinance carefully. Mayor Abbott noted that this is an introduction of the proposed ordinance and that the First Reading would take place on Monday, July 20, and the public hearing on Monday, July 27. Copies of the proposed ordinance can be obtained in the City Administrator's office.

3. Response to Montgomery County Revenue Authority's position on annual payment in lieu of taxes for Takoma Tower. The City Administrator read the proposed response which commended the management of the building and the service they were providing to the community, but noted the City's budget constraints would require the full 4% in lieu payment, and that last year's reduction was a one-time accomodation and was not meant to change the original agreement signed in 1968. Upon motion by Councilmember Ricks, duly seconded by Councilmember Saloma, the Council unanimously directed the City Administrator to transmit the letter to the Revenue Authority.

4. Ordinance authorizing purchase of two used refuse trucks, using proceeds from insurance settlement on wrecked vehicle. Upon motion, duly seconded, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma. NAY: None. EXCUSED: Councilmember Weisman.

ORDINANCE NO. 2582

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

SECTION 1. THAT at a Worksession held on June 29, 1980, the Council authorized the replacement of a wrecked 1973 diesel-powered refuse truck with two used gasoline-powered refuse trucks, using the proceeds from the insurance settlement; AND

SECTION 2. THAT the following used refuse trucks are hereby approved for purchase for the amounts indicated:

- 1 - 1972 White refuse truck with packer, Model 1564-01, Serial #BB061DA758920, Title #18144247, from Wilbar Truck Equipment Co. \$3,000
 - 1 - 1972 White refuse truck with packer, Model 1564-01, Serial #BB061DA758921, Title #18144248, from the City of Fairfax, Va. \$5,000
- Total: \$8,000
AND

SECTION 3. THAT the proceeds from the insurance settlement in the amount of TEN THOUSAND, TWENTY-FIVE DOLLARS (\$10,025.00) shall be appropriated as follows:

Purchase of two used refuse trucks as described in Section 2	\$8,000	
Repairs on the purchased refuse trucks	\$2,025	AND

SECTION 4. FURTHER THAT the wrecked 1973 diesel-powered refuse truck, White, Serial #BB04HA764797, Title #360-8915, shall be retained for salvagable parts.

5. Ordinance accepting bid on Upblast Power Roof Ventilator for Public Works, using FY-81 Revenue Sharing Funds. Upon motion by Councilmember Ricks, duly seconded by Councilmember Holland, the following ordinance was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma. NAY: None.

EXCUSED: Councilmember Weisman.

ORDINANCE NO. 2583

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

- SECTION 1. THAT the FY-81 Proposed Use schedule for Federal Revenue Sharing Funds earmarked \$2,000 for a Public Works spray paint booth; AND
- SECTION 2. THAT bids on the paint booth ventilator were solicited from qualified dealers and advertised twice in each of two newspapers of local circulation, with the public bid opening having been held at 1:00 P.M., on July 9, 1981; AND
- SECTION 3. THAT the single bid received meets all specification requirements as determined by the Director of Public Works and is hereby accepted, said bid being made by William E. Kingswell, Inc., Silver Spring, Md., for one Upblast Power Roof Ventilator, American Cool Air, Model #JTB30-P11, at the net price of ONE THOUSAND, FOUR HUNDRED THIRTY DOLLARS (\$1,430.00); AND
- SECTION 4. THAT funds to cover this purchase in the amount of ONE THOUSAND, FOUR HUNDRED THIRTY DOLLARS (\$1,430.00) be appropriated from the Federal Revenue Sharing Fund account and transferred to the appropriate Public Works account.

Upon motion, duly seconded, the meeting adjourned at 12:40 ^A P.M.,
to reconvene on Monday, July 27, 1981, at 8:00 P.M. ^{S. P. M.}

APPROVED _____

Sam A. Abbott
Mayor

ATTEST _____

Herbert W. Gilsdorf
City Administrator

City of Takoma Park

Takoma Park, Maryland 20012

OFFICE OF THE
MAYOR

July 13, 1981

Dr. Edward Andrews
Superintendent
Montgomery County Schools
850 Hungerford Drive
Rockville, Maryland 20850

Dear Superintendent Andrews:

The Mayor and City Council of Takoma Park oppose the targeting for closure of our Takoma Park Junior High School. We have read and endorse the preliminary material, fact sheets, and policy position of the Community Organizing Committee of the Takoma Park Junior High PTA. The Committee's response, under the guidance of Dr. Faith Stern, assembles and interprets the relevant data, addresses your staff's four criteria for school closure, and convincingly advocates the continued existence of Takoma Park Junior High School. We repeat -- as the publicly-elected officials of our municipality -- our complete support of the methodology, integrity, and conclusions of the report by the Takoma Park Junior High PTA Committee.

In addition, there is one essential criterion you, your staff, and the Board of Education must consider: THE RELATIONSHIP OF PUBLIC SCHOOLS TO A MUNICIPALITY.

- (1) Residents of Takoma Park pay approximately 50 per cent additional in property taxes than those taxpayers living in the unincorporated areas of Montgomery County. Through these additional taxes, the residents of Takoma Park have an additional reason for the retention of public school facilities within the municipal boundaries.
- (2) Takoma Park's ability as a municipality to constantly rejuvenate itself demographically depends upon the continued existence of public schools within our borders. Younger couples move here precisely to raise families and educate their children in Takoma Park schools. Any school closure, therefore, reduces the desirability of Takoma Park as a site for the child-bearing sector of the population.
- (3) Takoma Park will be celebrating its Municipal Centennial in 1983. Its history has been unique in successfully preserving its primarily-residential character and physical environment. It has resisted the superficial "benefits of growth"

that have afflicted many parts of Montgomery County. Over the past 100 years this commonality of interest has been sustained by the existence of public schools within our municipal borders. Our well-being in the century ahead will be jeopardized by any school removal because that will mean young parents-and-pupil removal.

- (4) Our historical development has resulted in an admirable economic, cultural and racial mix. This diversity is evident in the make-up of our school population which is a reflection of our housing patterns. Racial imbalance and problems of integration exist not here but in other areas of Montgomery County. There the economics and social caste factors of housing patterns minimize the opportunity for non-whites and non-wealthy to live in these communities. The Superintendent of Schools, his staff, and the Board of Education should realize that to close an integrated school in an integrated city is in itself an act of institutional racism.

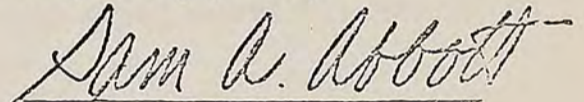
... the reduction in household unit size, a national phenomenon noted 13
in the 1980 Census, does not adversely affect Takoma Park. For
example: During the 1970s, 10-12 childless adults could have
been living in what was once a single-family home. These illegal,
non-conforming uses are being phased out by County Ordinance.
Hundreds of these homes will revert to their original, single-
family zoned use. With the assistance of County, City, and CDBG
programs, the illegal apartments have been phased out, the property
rehabilitated, and -- in most cases -- a young couple with existing
or planned children moving in. While it may be true that, in this
cited case, ten adults may have left, they were succeeded by two adults
with THREE children. Therefore, the loss of total population may be
true, BUT there is an increase in the school population. This growth
in school-age population is bound to accelerate in Takoma Park for
the balance of the century.

(6) Within our tight 2-1/8 square mile municipality and correspond-
ingly high population density, our public schools play a more
concentrated community role than those in the more sparsely settled
and amorphous unincorporated areas of the county. Our schools,
historically, have been heavily used for continuing educational
programs involving all sections of the population. Especially is
this true for the single parent and those with lower incomes who
would not be likely or able to participate in PTA and other activ-
ities except for the handy location of our school buildings. Our
city is an exception to the affluent characteristic of Montgomery
County and therefore our schools serve as indispensable anchors to
the stability of our community. It would be class discrimination
to close any of our schools.

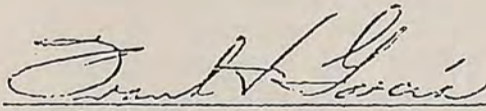
(7) What happens when a school is closed and the property declared
surplus? Over the past several years we have heard rumors
of grandiose schemes advanced by various county functionaries
projecting use of Takoma Park Junior High as a Hispanic Center,
housing complex, etc. The zoning for this area (except for the
present school use) is R-60, single-family category. As the
elected representatives of a double-taxpaying constituency, we
do not intend to relinquish our sovereignty over land use within
our borders.

In closing, these are some special considerations that affect Takoma Park
because it is a municipality and NOT just a part of unincorporated Montgomery
County. Any logical and scientific approach toward a plausible school closure
policy (and we do not negate the possible necessity to retrench on a County scale)
must recognize the indispensable and intertwined nature of educational and mu-
nicipal existence. In this case, keep our Takoma Park Junior High open.

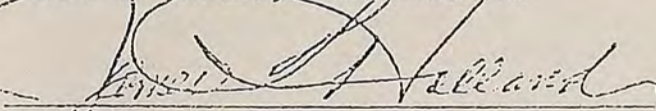
Very truly yours,



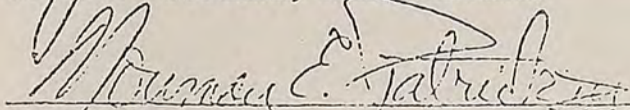
Sam A. Abbott, Mayor



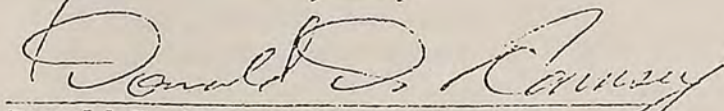
Frank V. Garcia, Councilmember



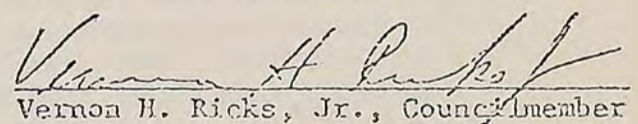
James F. Holland, Councilmember



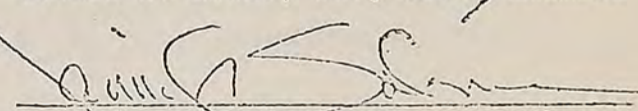
Norman E. Patrick, III, Councilmember



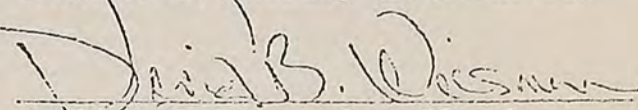
Donald D. Ramsey, Councilmember



Vernon H. Ricks, Jr., Councilmember



Jennifer L. Saloma, Councilmember



David B. Weisman, Councilmember

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and Council

and

Public Hearing on the Montgomery County Portion of Master Plan

July 20, 1981

7:30 PM

AGENDA

CALL TO ORDER: Mayor Abbott

ROLL CALL

- (1) Public Hearing on the Montgomery County Portion of the Takoma Park Master Plan
- (2) First reading of a comprehensive landlord-tenant ordinance, including both landlord-tenant affairs and rent stabilization

ADJOURNMENT

NOTE: The following public hearings will be held on Monday, July 27, 1981, beginning at 7:30 PM:

--Public Hearing on the goals for Laurel/Carroll Commercial area Revitalization

--Public Hearing on the landlord-tenant ordinance (copies available in City Office)

7/20 M P1

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and Council
and
Public Hearing on the Montgomery County Portion of Master Plan
July 20, 1981

Councilmembers present:

Mayor Abbott
Councilmember Garcia
Councilmember Holland
Councilmember Patrick
Councilmember Ramsey
Councilmember Ricks
Councilmember Saloma
Councilmember Weisman
City Administrator Gilsdorf

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

Mayor Abbott made the following comments: made a motion, duly seconded by Councilmember Holland, that Councilmember Ricks be designated to represent the City at the National League of Cities conference in the Fall; the motion was approved unanimously by the Council. Mayor Abbott noted that he had been contacted by reporters of the Prince George's Post and Journal regarding unifying the City into one county, Montgomery County; that Delegate Stewart Bainum has introduced a bill before the State legislature on this to highlight the City's fiscal plight of trying to obtain reimbursements/in lieu payments from the counties, particularly Prince George's County. Announced that there would be a meeting on the recent increase in crime in the areas surrounding the Takoma Metro station on Friday, July 24, 3:00 P.M., second floor of the Municipal Building; that there would be representatives of the City's Police Department, D.C. Fourth Precinct, Metro officials, and the D.C. Police; urged citizens to attend.

Representatives of the Laurel/Carroll business district, and Mr. and Mrs. Phipps, reminded the Council and citizens of the Summer Festival to be held on Sunday, July 26, from 1:00 to 5:00 P.M.; presented the Mayor and Council with special T-shirts publicizing the event. Councilmember Holland noted that Montgomery County's Community Development Citizens Advisory Committee has designated the Laurel/Carroll area as a Neighborhood Strategy Area, one of eight in the County, which means this opens the door for funding through CDBG; also stated that Alan Shaffer, the City's Director of Community Development, is the prime person behind this designation.

Councilmember Ricks reported on the outcome of the Prince George's County Planning Board hearing concerning a special exception for non-conforming use for the adult book store on New Hampshire Avenue; noted that the Planning Board has taken the case under advisement. Councilmember Holland made a motion, duly seconded by Councilmember Patrick, that the Council reiterate their position of opposition to the special exception; when put to a vote, the motion was approved unanimously by the Council.

I. Public Hearing on the Montgomery County Portion of the Takoma Park Master Plan. The City Administrator stated that the Montgomery County Planning Board had contacted him indicating that they would like the City to take action on this portion of the Master Plan by the end of July, noting that the County intends to take their action on it at their meeting on August 13, with or without City decision.

1. Marty Elman, 3921 Military Road, N.W., owner of 7126 Carroll Avenue: stated his opposition to the proposed downzoning of apartments in the 7100 block of Carroll Avenue from R-20 to R-60 as stated in the

Plan; noted that the apartments are presently zoned for apartment use; that there are 31 parcels of land on that block, and of these 20 properties are multi-family, housing approximately 128 tenants; that these apartments are providing decent, affordable living places and questioned where the current tenants are supposed to relocate to, since they like living in Takoma Park; noted that the Master Plan stated that the zoning change is to facilitate protection of the single-family residences surrounding it--as a buffer zone for the historic areas; that these apartments are in no way deteriorating or affecting the historic areas. Councilmembers pointed out that the down zoning would make the apartments non-conforming uses, thus allowing them to continue indefinitely, unless they were more than 50% destroyed, in which case, they could not be rebuilt as multi-family. Mr. Elman stated that provides no protection for the current owners if the property were to be partially destroyed, and that it also makes a big difference when trying to sell the properties.

2. Ron Albaugh, 7202 Central Avenue, Longbranch-Sligo Citizens Association: read to the Mayor and Council the Association's statement on the Master Plan (available in the City Administrator's office); noted that the Association approved of the general goals of the Plan.

3. Carl Iddings, 7416 Carroll Avenue, Citizens Traffic Committee: presented the Council with a statement from the Committee on the Master Plan, noting that the Committee would like Takoma Park known as a pedestrian city and felt the Plan should address that point more fully.

4. Bill Moody, 7128 Carroll Avenue: owner of the building which contains four units; stated that many of the properties on the 7100 block of Carroll Avenue are being renovated; stated his opposition to the downzoning.

5. James Houston, 7131 Carroll Avenue: owner of the building which has four units; noted that he has complied with Montgomery County's housing and fire code inspections; stated his support of Mr. Elman's statement; said that downzoning would devalue the properties; appealed to Council not to approve the downzoning.

6. Jean Craig, 7129 Carroll Avenue: noted that she had contacted all the landlords on the block, as well as many of the tenants, and all are opposed to the downzoning; stated that many of the properties were purchased as investment properties, while other owners who are on fixed incomes, use the properties to boost their income; noted that developers will purchase downzoned properties and some time later will apply for zoning change and usually receive what they want; noted the urgent need in the area for affordable, decent housing; stated that the Council is trying to squeeze the small landlord out of business by increasing fees (refuse and registration), while at the same time requiring them to keep rent increases at a minimum.

7. Shirley Jones, 7427 Carroll Avenue, Representative, Landlords-Tenants PLUS: noted that many of the owners of properties slated for downzoning were never properly notified; that zoning is supposed to protect a property owner and felt it was unfair for owners to have to fight to retain what they originally paid for; noted that Councilmembers would also fight downzoning if it were to affect their properties.

8. Ellen Marsh, 7403 Maple Avenue, Old Takoma Park Citizens' Association: stated that the Association supports the downzoning to single-family of properties along Carroll Avenue between Philadelphia and Tulip Avenues; that it would protect the architecture of those houses and the adjacent neighborhoods, and may improve the appearance of the street; noted that single-family homes hold higher property values and sell quickly; stated that the Association also supports the proposed C-1 zoning for commercial properties in the 7200 block of Carroll Avenue; also supports items in the Master Plan which would reduce traffic.

9. Lou D'Ovidio, 7324 Piney Branch Road: stated that he thought the landlords of properties on Carroll Avenue were not addressing the real issues of the Master Plan; stated his support for Mr. Iddings' and Mrs. Marsh's statements on traffic and felt the Master Plan should address traffic on a City-wide basis; supported the Master Plan's designations for Carroll Avenue.

10. John Brown, 2603 Oakenshield Drive, Rockville, Owner, 7120 Carroll Avenue: stated that the zoning of a property is of the most importance when it is put on the market; that preserving the historical character of area is important and he supports that objective; urged Council to consider all possible alternatives other than downzoning.

11. John Fleming, 6909 Westmoreland Avenue: regarding the proposed downzoning of commercial properties along Carroll Avenue, stated that he did not agree with all arguments presented for not downzoning; that the interests of the community should be served by long-term goals, which is what the Master Plan is addressing and this would be better served by downzoning from C-2 to C-1; suggested establishing a commercial code to set standards for businesses that are needed and wanted in the community.

12. Karl Kessler, 7328 Carroll Avenue, Barcelona Nut Shop: noted that Barcelona Nut Shop is an inventory business and that is why he has proposed increasing the size of the buildings he owns, to possibly including a warehouse; presented the Council with a petition of 200 names of people who support the retention of C-2 zoning for the area; felt the same as apartment owners, who will suffer the same problems as business owners if the downzoning is approved; agreed that there is a need for a commercial code; noted that the business has been operating out of the same location for many years and he, as well as some other business owners, has felt less and less community support for the services they offer; urged Council not to approve the downzoning for the business and multi-family properties.

13. Thomas Real, 8111 Grove Street, Silver Spring, owner, 7114 Carroll Avenue: noted that he has owned three apartment buildings in the 7100 block of Carroll Avenue at one time or another; that he is opposed to the downzoning; felt owners should not ask for current zoning that they have (R-20), but something with higher density to be used as a power play; noted that most multi-family properties on that block were built as such, but many have been expanded on; stated that he would like to work with the Council to retain small multi-family units on that block.

14. David Prosten, 7428 Carroll Avenue: concerning the commercial downzoning, stated that he supports Mr. Fleming's statement, specifically the longrange planning goals of the Plan; also agreed that traffic should be dealt with on a City-wide basis; regarding the multi-family properties in the 7100 block of Carroll Avenue, stated that he is not convinced there will be economic ill for the owners, since they can continue to rent, and the property can be sold as rental property; that this would continue the current mix, even if downzoning did occur.

15. Robert Turner, 201 Ethan Allen Avenue, Turner Electric Company: stated that the business community had formed an association when first heard of the proposed downzoning in the Master Plan and noted that owners were not properly notified; stated that the downzoning would create retail businesses in the area, which would in turn cause more traffic than the wholesale businesses located there presently; that citizens did not understand the proposal of mixed zoning as suggested by the businessmen, which would have put C-1 zoning on either side of Barcelona Nut Shop, preventing it from expanding; the businessmen suggested leaving certain businesses C-2 and having others downzoned to C-1, although he would like to see all the businesses remain C-2.

16. Carl Iddings, Carroll Ridge Neighborhood Association: stated that the Association is committed to supporting the downzoning for the

business properties; noted that he did not understand the proposal in the Master Plan to downzone 207 Lincoln Avenue from R-60 to R-40, which would allow for splitting the lot into two; regarding the downzoning for multi-family properties on Carroll Avenue, stated that the Association fears that someone, at a later time, could assemble several portions of that block and build garden apartments as it is currently zoned; personally he felt R-30 zoning would be a suitable compromise.

17. Merlyn Kettering, 207 Lincoln Avenue: stated his support for the proposed downzoning of his property as listed in the Master Plan, from R-60 to R-40.

18. John Hemphill, 8112 Flower Avenue: noted that those persons favoring downzoning for the apartments on Carroll Avenue, suggesting that it would help improve their unkempt look, are mistaken, that zoning does not address this problem; felt the equity argument of those property owners is very important; stated that he would not have lived in Takoma Park and become a property owner if rental units had not been available to him when he first came into the area.

19. Jean Craig: noted that at a hearing held about 15 months ago, Royce Hanson, then Chairman of Montgomery County's Planning Board, had stated that he did not see any reason for the downzoning of the apartments on Carroll Avenue, because if they were to be destroyed, they could not be replaced with what the owners have now, if the zoning is changed.

II. First Reading of a comprehensive landlord-tenant ordinance, including both landlord-tenant affairs and rent stabilization. (Copies available in City Administrator's Office.)

The Mayor and Councilmembers discussed the ordinance at some length with the following points deliberated on: that the appointment of a Landlord-Tenant Coordinator should be confirmed by the Council and not just appointed by the City Administrator; it was noted that the Office of Landlord-Tenant Affairs is not a separate department, just as Code Enforcement is not, and those employees report directly to the City Administrator; that there should be some accommodation made for landlords living outside the City being represented on the Commission.

1. Herman Williams, 7667 Maple Avenue: made the following suggestions for changing the ordinance: page 14, Sec. 22(a)--that the Commission have the ability to freeze rents at the base rent before an increase is granted, based on the landlord maintaining the property up to housing code standards; page 13, end of Sec. 19(b) (2)--and not to exceed \$1,000 in attorneys fees for the tenant, to be paid by the landlord--that if a tenant must obtain an attorney and should win the case, then the landlord would be required to pay the fee; page 12, Section 19(b)(1)--tenants should not have to vacate their unit until they have received their security deposit and all rental monies paid and should not be made to vacate for at least 30 to 60 days; page 8, Section 9(1)(g)--requirement that written receipts for rent/security deposits should be given for checks also.

Upon motion, duly seconded, the meeting adjourned at 12:25 A.M.

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 Landlord-Tenant Ordinance

July 27, 1981

8:00 PM

AGENDA

CALL TO ORDER: Mayor Abbott

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

PLEDGE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS:

1. Public Hearing on Landlord-Tenant Ordinance
2. Other comments by citizens

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications
2. Administrative Reports and Recommendations for Council Action
 - (1) Discussion of Scheduling Process for Ward Redistricting
 - (2) Administrative Report:
--Report on 7411 Aspen Avenue court case--
 - (3) Discussion and recommendations on the Montgomery County portion of the Takoma Park Master Plan
 - (4) Second reading of a comprehensive landlord-tenant ordinance, including both landlord-tenant affairs and rent stabilization

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
and
Public Hearing on the Landlord-Tenant Ordinance
July 27, 1981

City Officials Present:

Mayor Abbott	City Administrator Gilsdorf
Councilmember Garcia	Asst. City Administrator Shaffer
Councilmember Holland	Administrative Asst. Tyree
Councilmember Patrick	Police Sgt. Winkler
Councilmember Ramsey	Public Works Director Robbins
Councilmember Ricks	Asst. Corporation Counsel Culpepper
Councilmember Saloma	
Councilmember Weisman	

The Mayor and Council of Takoma Park met on July 27, 1981, at 8:00 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott reported on a meeting that took place on July 31 at the Municipal Building pertaining to the increase of crime in the neighborhoods surrounding the Takoma Metro Station; that 75 to 100 citizens, as well as representatives of the District of Columbia 4th Precinct, Metropolitan Police, and Takoma Park Police were in attendance; that it was noted that while incidents of crime on the District side of the line have decreased somewhat, they have increased on the Takoma Park side; many of the residents felt that the major contributing factor to this increase was the 7-11 store located adjacent to the Metro station; that the store is open 24 hours and has arcade games located there, which makes it convenient congregating place for juveniles; by meeting's end, it was decided that the Takoma Park Police would solidify communications with the 4th Precinct Police and there would be more information exchanging, also, City police would institute 18-hour visible patrols in the Metro station area. Mayor Abbott stated that petitions and delegations will be presented to the Southland Corporation, owner of 7-11, asking that the store hours be changed to 7:00 A.M. to 11:00 P.M., and that the arcade games be removed; it was noted that the manager of the 7-11 would also like the arcade games removed because they have been a major cause of increased shoplifting in the store.

Mayor Abbott noted that he was interviewed by reporters from Channel 7 regarding the unification of Takoma Park into one county; noted that the unification proposal is to highlight the severe financial straits of the City in trying to obtain reimbursements of double taxation from both counties, particularly Prince George's County; that Prince George's Delegate Tom Mooney, a resident of the Prince George's section of the City, is opposed to the proposal for other reasons.

Announced to citizens that the Laurel/Carroll (Takoma Old Town) Summer Festival, held on Sunday, July 26, was a tremendous success; noted that many of the businesses have already begun renovations.

Regarding the proposed Landlord-Tenant Ordinance before the Council, stated that the Council has the option of extending the present Rent Stabilization Ordinance if a final decision cannot be reached during the meeting. In reference to the discussion on the Ordinance, Mayor Abbott asked for the author of a flyer being distributed pertaining to continued rent stabilization in the City causing deterioration of apartments. Mr. Vincent Abell, manager of Parkview Towers, 7667 Maple Avenue, stated that he was the author and had distributed the flyer to inform residents of the City of what the Council would be considering. Nancy Nickell, 7307 Piney Branch Road, stated that she had also received the flyer, and found it disturbing.

CITIZENS' REMARKSI. Public Hearing on Landlord-Tenant Ordinance.

1. Michael Mead, owner, 7406 Hancock Avenue: stated that the proposed ordinance does not disturb him, if it is fair to landlords and

tenants alike; presented the Council with a list of suggested amendments to make the ordinance more clear. The proposed amendments were enumerated and discussed; to be taken under advisement by the Mayor and Council. Clarification was requested as to whether landlords must comply with County and State law in addition to City ordinances. Corporation Counsel Culpepper stated compliance is required only with City ordinances as it is the intent of Mayor and Council to incorporate pertinent points of County and State laws in the City ordinance, thus providing automatic compliance with County and State law. Further questions on this particular subject were to be researched and answers provided at a later time. Mr. Mead referred to Councilmember Ramsey's 3 1/2 pages of suggested amendments saying he appreciated the time taken to do them and that most were fair to both landlord and tenant.

2. Carlos Stewart, 7710 Maple Avenue: reiterated from memory suggestions and requests for clarification he had made at previous hearing, typed copies of which Mayor Abbott stated would be provided to Councilmembers. City Administrator Gilsdorf clarified that jurisdiction over licensing is a County function and that revocation of a license could not be a City responsibility; therefore, the reference to revocation of a license should not have been included in the proposed ordinance and should be stricken therefrom.

3. Joseph Lerner, 7708 Takoma Avenue: said it would be advantageous to tenants, landlords, as well as the government, for a pamphlet to be distributed describing what is involved in the document - clarifying its meaning. Also wished to know whether verbatim records of hearings are on tape or typed, and thought there should be transcriptions available and a set minimum period of time specified that these records would be retained. Additionally expressed that second notice code violations should be published in the newspaper so that citizens may be aware of what is going on.

4. Herman Williams, 7667 Maple Avenue: requested that the record be held open an additional week as his original copy of suggested amendments had been accidentally destroyed, but that he is in favor of and would accept the draft form of the ordinance, if necessary.

5. Carol Gibson, 8216 Roanoke Avenue, former tenant of Parkview Towers: urged the Council to pass the rent stabilization and expressed concern about the unsigned leaflet.

6. Alana Brice, 7411 Aspen Court: raised the question regarding the section dealing with lease termination due to transfer of employment or other unforeseen events beyond the tenant's control: whether the tenant was liable for two months' rent only or would forfeit the security deposit as well. It was clarified that the tenant was liable for an amount not to exceed two months' rent, but would forfeit the security deposit only in the event of damage to the premises.

7. Diane Loya, Property Manager, 7710 Maple Avenue: expressed strong support for Mr. Ramsey's proposals - especially number 20, the decontrolling of vacant units. Felt there should be a section included in the ordinance addressing utility cost increases to allow direct pass-through. Reiterated her former request that the residency requirement be waived for representation on the Landlord-Tenant Commission. Suggested that property owners/managers have at least two representatives on the Commission not subject to the residency requirement. Ms. Loya, at Mayor Abbott's request, defined "ghetto" as used in the flyer that was distributed and which she helped compose, as being a depressed area, having no color or race boundary, usually consisting of lower socio-economic peoples. A discussion ensued concerning the decontrolling of rents on vacant units.

8. Vincent Abell, Clinton, Maryland, Property Manager and Part Owner, Parkview Towers: addressed Section 6(c) regarding Councilmember Ramsey's proposed increase of the \$100 fine under this section to maximum of \$500, saying the fine should be left at \$100. Regarding Section 19(b)(2), stated the award for damages under that section should be \$100 rather than a maximum of \$1,000 - that this would be more equitable

and reasonable both to tenants and landlords; any amount exceeding \$100 could be settled through the courts. The question was raised as to who would pay for legal costs in the event the landlord was found to be negligent; Mr. Abell stated he would not be willing to pay such fees. Councilmember Holland stated that if landlords and tenants both acted as they should, there would be no need for the Commission to take any action on anything. Mr. Abell stated he felt that Section 22 was self-defeating, that rent stabilization leads to deterioration of housing because owners can't meet expenses when you cap their income; he mentioned an article supporting his view. Mayor Abbott referred to a recent article supporting the opposite view when rent control was utilized over a 3 to 5 year period; clarified that in March of next year the Commission will make recommendations on whether or not rent stabilization should be continued and the Council then has the power to abolish or extend it.

9. Joe Ann Hamer, 7620 Maple Avenue: took exception to the remark of the previous speaker and an unidentified woman.

10. Mrs. Silverstein, Property Manager, 7520 Maple Avenue, 116 Lee Avenue: stated she lives in Takoma Park by choice, thinks we have an excellent Police Department and she feels safe going from her car to her home at 2:00 A.M. after a meeting; is in favor of many and against other facets of the proposed ordinance; has a multi-racial tenancy and has had no problems. Stated she recently had a property inspection and had corrected interior problems but was having difficulty in completing other work as it had to be contracted. City Administrator Gilsdorf explained the procedure for requesting a time extension. Mayor Abbott asked her opinion of the ordinance. She suggested it was redundant to have a City ordinance when county legislation is in place. Mayor Abbott pointed out her earlier praise of the fine municipal police service we have, and the fact that we have better coverage due to the fact it is a city function. Mrs. Silverstein said she is in favor of rent control, saying it stabilizes the tenant turnover in the area, which makes expense in the building less. She has had less than 3% turnover in this year, 30% last year--this means less redecoration expense. Councilmember Garcia pointed out that the ordinance was created so that not only the Montgomery County but also the Prince George's section of the City would have uniform protection.

11. Sheila O'Donnell, 907 Prospect Street, Tenant, residing outside the City: pointed out there is no mention of condominium conversion and the City will very soon be victimized by condominium conversion; that something should be done to protect tenants.

12. Stephen Fleming, 636 Houston: expressed his objection to the leaflet passed out. Said the ordinance offers the tenant something in the way of recourse, but not very much - no economic responsibility from the landlord. It was pointed out to Mr. Fleming by Councilmember Garcia that, as far as having to make repairs himself, he had recourse through the City by requesting an inspection be made for violations.

13. Carl Iddings, 7416 Carroll Avenue: voiced his support for the basic principles of the ordinance, saying that it will operate to rectify many problems. Urged that serious consideration be given Councilmember Ramsey's suggested amendments, with the exception of item 20 which he felt contained loopholes that should be closed. Stated Section 6(a) should be amended to state any regulation adopted by the Commission was subject to review of the Mayor and Council.

14. Brent Dillingham, 7018 Carroll Avenue: stated ghettos are created by landlords - not tenants; that the ordinance uses language as though landlords, not tenants, are being victimized. On the subject of pass-throughs, suggested Ms. Loya talk with banks, oil companies, utility companies, etc., and approach the problem on that level rather than passing increases on to tenants. Expressed concern about the pamphlet which was distributed.

15. Reginald Leonard, 7710 Maple Avenue: expressed disagreement with Ms. Loya's statement regarding people getting help through social programs to pay their rent; felt that most Black people do not need or want

this type of help. Disagreed with the literature that was passed out and does not feel the area in which he lives is a ghetto. Requested a definition of what a ghetto is. Mr. Abell defined a ghetto as a depressed area and stated that rent control deteriorates the housing in an area and creates ghettos.

16. Herman Williams: thanked the Mayor, Council and City Administrator for the fact that Parkview Towers is being inspected and the cooperation is appreciated.

17. Dell Hubbard, 7520 Maple Avenue, tenant: stated she has a two year lease which states her rent couldn't go up until her lease expired; inquired if it is legal for her rent to be raised. There was speculation as to whether her lease might contain a clause permitting this. The matter, after discussion, was referred to Commission on Landlord-Tenant Affairs for assistance in resolving.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. Teresa and Eammon Murtagh, 1314 Erskine Street: letter and petition from residents of Erskine Street requesting that Erskine Street be closed due to the extremely heavy traffic on it, especially during rush hours, and asking advice as to what can be done to prevent motorists from using other streets in the area as a cut-through between Riggs Road and New Hampshire Avenue once Erskine Street is closed. Mayor Abbott stated he had discussed this issue with Mrs. Murtagh and that by closing off the street we would be depriving the neighbors on the non-municipal part (the county section) of going directly to New Hampshire Avenue and it was something that would have to be discussed within the neighborhood. Councilmember Garcia stated that it should be handled by the Carole Highland Citizens' Association. Discussion ensued as to whether the City had the authority to close off the road. Mayor Abbott stated he would advise them that they should give us some indication of the feeling of the citizens on the other side of the City line. Councilmember Ricks stated the fire department that serves that area should also be consulted.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Discussion of scheduling process for ward redistricting. Councilmember Garcia stated his plan for ward redistricting has been delayed because, since it was first submitted for Council consideration, 1980 Census date has been received and incorporated; he plans to submit his final draft of the plan for Council consideration at next Monday's meeting. Mayor Abbott questioned whether any work was being done by the Council on a redistricting plan other than by Councilmember Garcia. He expressed concern for the fact that a chronology of action must be met - that the last possible date for a first reading would be August 10, with a public hearing on August 31; that to publish the proposal in the September Newsletter, which would be distributed August 29, would give the public only two days to consider the material. Wondered if Councilmember Garcia had enough input from other Councilmembers. Councilmember Ricks stated his understanding of the timetable for adoption of charter amendment for redistricting is that it is the job of the Council to implement a redistricting plan at any point in the system that it can be done right, and that if citizens do not accept the plan the Council puts before them, they have the right to petition. Mayor Abbott stated that the City Charter states once a plan is adopted by the Council there is a 40 day period in which a petition signed by the requisite number of voters may be introduced; that this is the law and cannot be negated. Corporation Counsel was requested to address the point of the timetable involved. David Prosten, 7428 Carroll Avenue, questioned whether the plan could possibly go to a first reading next Monday night and was advised this would not be possible - the first reading is scheduled for August 10, followed by a public hearing prior to the second reading. Mayor Abbott reiterated that months ago Councilmembers all received the interpretation by the City Administrator of the law pertaining to the procedure; that their obligation cannot be fulfilled by passing a Charter change without abiding by the time constraints. Councilmember Saloma stated she did not feel August 31 was a

-5- Regular Council meeting minutes
and Public Hearing
July 27, 1981

good date for the hearing as many people would be out vacationing and she felt it is an important issue to many people.

2. Administrative Report on 7411 Aspen Court. The City Administrator reported that the City won the case on June 23; the landlord was ordered to roll back the rents, except for 10%; the case was not appealed; it's a final order and unless carried out, the owner faces contempt charges - his time for appeal has expired. Councilmember Ricks stated he felt we should vigorously follow up on the situation and ascertain that refunds are made on the rents as required by the court order.

3. Discussion and Recommendations on the Montgomery County portion of the Takoma Park Master Plan. Mayor Abbott stated public hearing testimony was heard last week and stated the Planning Board would act on August 14 whether or not the City makes a recommendation, because they plan a County Council hearing date in October. Recognized the many briefings, supplemental statements had been submitted by individuals and organizations, verbal statements have been heard; at this time the Council could act on one or more of the items or ask questions of the representative of the County Planning Board, Mr. Tom Robertson. It was ascertained that Mr. Robertson would be available for next week's meeting. Councilmember Holland stated that one of the central issues is the 7100 block of Carroll Avenue. From testimony heard he felt there is no serious objection to the present use of the property, but that the concern is what might be done by subsequent owners or at a later time, possibly construction of something that wouldn't be in keeping with the buffer zone between the commercial and the residential areas. Mr. Robertson stated that simply changing the zoning would not prevent undesirable redevelopment, but suggested that the desired result could be obtained by utilizing an architectural review board which might be established by the City, and take the responsibility for seeing that the 7100 block of Carroll Avenue remain as a buffer zone for the historical area. Councilmember Ricks questioned whether the non-controversial items could be passed on to Mr. Robertson at that time and the other six worked on at the next two meetings. It was agreed this would be feasible, and that this item would be first on next week's agenda. Mayor Abbott requested that all Councilmembers read and take under consideration the recommendations made by Councilmember Ramsey on this matter.

4. Second reading of the comprehensive landlord-tenant ordinance. Councilmember Ricks moved that the staff be directed, during the transitional period, to follow those administrative policies outlined in the proposed ordinance until such time as the ordinance is enacted, so that there is no period where people are without some sort of protection. Councilmember Holland made a motion, duly seconded, to extend the present rent stabilization ordinance (Ordinance #2532A) for a period not to exceed sixty days, and include Councilmember Ricks' motion as a second part to his. It was clarified by Councilmember Ricks that, during this sixty-day period, there would be no adjudication of cases. Corporation Counsel Culpepper suggested that a specific date be set as the conclusion of the extension period of the rent stabilization ordinance; September 30, 1981 was set as that date. A formal vote was taken with all Councilmembers voting aye.

Upon motion, duly seconded, the meeting adjourned at 12:30 A.M.

APPROVED _____

Sam A. Abbott
Mayor

ATTEST _____

Herbert W. Gilsdorf
City Administrator