

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

Councilmembers present:

Councilmember Saloma presiding
Councilmember Holland
Councilmember Patrick
Councilmember Ramsey
Councilmember Weisman
City Administrator Gilsdorf

The meeting was called to order by Councilmember Saloma at 7:45 PM.

1. Report on Washington Adventist Hospital. Dr. Shiroma, Hospital Administrator, reported to Councilmembers the plans for a 200,000 square foot addition to the Hospital, including a parking garage and office space. Dr. Shiroma stated that he would keep the Council advised of future developments on the plans.
2. Maplewood Avenue Properties. Mr. Herbert Winstead, Director of Montgomery County's Alcoholism Program, appeared before the Council to request their indulgence to continue operation of the two alcoholic rehabilitation half-way houses located at 716 and 718 Maplewood Avenue. Because the Mayor and two Councilmembers were not present, no decision was reached, except to discuss the matter further at the October 13 Council meeting.
3. Cable TV. Ms. Lynne Bradley, Co-Chairperson of the City's Cable TV Committee, presented the Council with the Committee's position, that the City should opt-in with Montgomery County in the cable TV franchise. It was decided that this item be placed on the October 13 Council meeting agenda.
4. Council Secretary Position. It was decided by Councilmembers present that the agendas for Council meetings be discussed at preceding worksessions, with the subjects (and their allotted times) being approved in advance by the Council.

There being no further business to discuss at this time, the meeting adjourned at 10:30 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 Proposed Revitalization Plan for Takoma Old Town

TUESDAY

October 13, 1981

AGENDA

8:00 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 REGULAR COUNCIL MEETING
OF SEPTEMBER 14, 1981

8:10 MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

8:15 CITIZENS' REMARKS

8:45 PUBLIC HEARING ON PROPOSED REVITALIZATION PLAN FOR TAKOMA OLD
TOWN

Briefing on Plan by Economic & Energy Resources, Inc.,
Harold and Frances Phipps

ITEMS FOR COUNCIL CONSIDERATION

- 9:30 1. Communications
2. Administrative Reports and Recommendation for Council
Action
- 9:35 (1) Council Action on Recommendations from Cable T.V.
Committee to opt in with Montgomery County for
Cable T.V. Service
- 9:50 (2) Ordinance appropriating Charter Emergency Reserve
fund
- 9:55 (3) Prince George's County Zoning Appeal No. 6176,
operation of multi-family dwelling in R-55 zone
at 7401 Flower Avenue (Public Hearing: Wednesday,
November 4, 7:00 P.M., Room 1040, County Adminis-
tration Building, Upper Marlboro)
- 10:00 (4) Second Reading of a proposed ordinance further
amending the Housing Code
- 10:05 (5) Second Reading of a proposed Charter amendment
making certain changes in the Elections section,
including an earlier registration cut-off date
and related changes

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council

and

Public Hearing on Proposed Revitalization Plan for Takoma Old Town

October 13, 1981

City Officials Present:

Mayor Pro Tem Ricks	City Administrator Gilsdorf
Councilmember Holland	Asst. City Administrator Shaffer
Councilmember Patrick	Administrative Asst. Tyree
Councilmember Ramsey	Code Enforcement Chief Hamilton
Councilmember Saloma	Police Chief Carter
Councilmember Weisman	Public Works Director Robbins
	Recreation Director Ziegler
Excused: Mayor Abbott	Corporation Counsel Culpepper
Councilmember Garcia	

The Council, with Councilmember Ricks acting as Mayor pro tem, met on Tuesday, October 13, 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 the Council meeting held September 14, 1981.

MAYOR PRO TEM RICKS' REMARKS

Stated that Mayor Abbott is still in the hospital but is making progress and it is hoped he will soon be back in the City and able to resume his normal activities; expressed the Council's good wishes for his speedy recovery. Stated Councilmember Garcia has also been in the hospital for surgery, is now out, but still recovering.

Thanked staff for their efforts in getting street, sidewalk, curb and gutter repairs accomplished on Maple Avenue.

Stated that on October 5, the Council and more than 200 citizens attended and testified before the County School Board at the Wheaton High School meeting concerning the proposed closing of Takoma Park Junior High School. Enthused to see such good support and requested all citizens to stand behind the City in opposing this closure.

In reply to Council's communication to President Reagan regarding proposed cuts in federal Revenue Sharing Funds, a letter was received from an assistant to the President and read by Mayor Pro Tem Ricks. It stated there was no plan to terminate revenue sharing in fiscal year 83-84 as previously thought; however, President's proposed cut for all appropriated programs in fiscal year 82 is 12% - including revenue sharing. This would mean a loss of \$9,600 from our operating budget. As an aside, City anticipates \$500,000 from CDBG funds for the Laurel/Carroll Revitalization Project - there is a proposal to cut that funding by 22%, whereby the City would stand to lose \$110,000. Felt there is a serious situation ahead, not only in operating budget of City but also in federal funding used for capital improvements - will require the support and understanding of every citizen.

Mayor Pro Tem Ricks announced there will be a meeting on Wednesday, October 14, 1981, at the Maryland-National Capital Park and Planning Commission in Riverdale, on the Takoma Master Plan. It will be an agenda item for action by the full commission. He stated the Cable TV issue is due to come before the House of Representatives, lumped in with the telecommunications bills. They were attempting to take regulatory powers away from municipalities and the National League of Cities has gone on record opposing that. It is hoped it will be defeated. Announced the County Executive has made the decision to have repairs effected on the Takoma Park Fire House - the renovations will cost approximately \$170,000. Expressed pleasure that this project will be accomplished and the fire station and its personnel will remain an integral part of the community.

ADDITIONAL AGENDA ITEMS

Discussion on the Superintendent of Schools' recommendations

on Takoma Park Elementary School and Piney Branch School (Councilmember Saloma)

716 and 718 Maplewood Avenue (Councilmember Ricks)

CITIZENS' REMARKS

1. Don Leightling, 6908 Westmoreland Avenue: stated he had brought a petition for permit parking on Westmoreland between Walnut and Carroll Avenues to the City Administrator's office. It was signed by all residents of the area with the exception of three (3) families; they felt it is important because with the revitalization going on their street is filled with cars, making parking for residents very difficult. Mayor Pro Tem Ricks requested the City Administrator to accept the petition and place it as a future agenda item for consideration, and additionally, to advise the group requesting the permit parking area what the ordinance establishing such an area requires.

2. Evelyne Ferry, 24 Hickory Avenue: stated there is a large segment of elderly people in Takoma Park and expressed pleasure that the City, through the revitalization of Takoma Old Town, will be providing a pleasant commercial area close to home for these older persons.

3. Moses Karkenny, 9 Pine Avenue: said the petition for permit parking on Westmoreland should include an exclusion of commercial parking which is metered.

4. Carl Iddings, 7416 Carroll Avenue: stated he attended the memorial tree planting on October 3, 1981, commemorating Joseph P. Ferrier; wished to commend the ad hoc committee composed of Ruth Abbott, Rino Aldrighetti and Lou D'Ovidio for the fine job they did.

PUBLIC HEARING ON PROPOSED REVITALIZATION PLAN FOR TAKOMA OLD TOWN

Briefing on Plan by Economic and Energy Resources, Inc. by Harold and Frances Phipps. Mr. Phipps stated the briefing would be an abbreviated version of what they presented about four weeks ago. Said the plan was put together under the guidance of a 5-member committee composed of two business representatives, two citizen representatives, and one City official; was developed within the context of the goals adopted by Mayor and Council on August 10, 1981; represents a concerted effort to achieve a balanced revitalization of Takoma Old Town and blends the expressed needs and desires of both business and residential communities. Purpose of the plan is two-fold - to change economic level of activity in the area, and to create a commercial identification for Takoma Old Town. Decisions that need to be made are: 1) Should there be a major mixed-use development which would include a combination of residential, office, and retail use in the area, and where should it be located; 2) Should there be minimum design standards and should they be mandatory; and 3) What should be the extent of public improvements in the area. Indicated that adoption of the plan by Mayor and Council is expected on October 19, 1981.

1. Lisa Ford, 503 Tulip Avenue: raised questions about the vacant property next to Joe's Record Paradise. Mrs. Phipps explained that the property had been purchased some time ago by the Silver Spring Ambulance Company, which has plans to construct a small office building, limited to three stories, because of the present zoning of C-1.

2. Ellen Marsh, Historic Takoma, 7405 Maple Avenue: concerned with the large size of the TSM building; did not approve of the proposed Victorian look for the area, calling it phony; that since the buildings were constructed during the 1920's--that facade should be retained, possibly with contemporary architecture incorporated. Noted that Northwestern Federal Savings and Loan has plans to construct a seven-story building near the B & O tracks. Mentioned the extremely high purchase prices being paid for several buildings in Takoma Old Town--wondered what these new investors might have in mind. Stated that she felt the Revitalization Plan would increase traffic on surrounding residential streets, specifically Maple Avenue. Urged the Council to contact Plan Takoma (residents of Takoma-D.C.) about the Plan, because they would be affected by it.

3. Mary Ann Leary, 7301 Takoma Avenue: stated that she shared the concerns of Historic Takoma; suggested emphasizing the elements of "art-deco" and the "50's" architecture that already exists in the area, instead of going with a phony Victorian facade.

4. Arthur Karpas, 6919 Westmoreland Avenue: stated that he felt the Plan showed a thoroughness on the part of the planners and a sensitivity for the residents of the surrounding neighborhoods. Noted that one of the principal concerns is with the size of the TSM building, but felt that residents of the Westmoreland area would not be affected because of the tall tree cover and the sloping of the hill would cover most of the building. Stated his agreement with the Mayor's comments in the Newsletter regarding the increase in density. Would like some type of plan developed to limit TSM development to one.

5. Greg Artsner, House of Musical Traditions, 7040 Carroll Avenue: stated that even though Takoma Old Town is not of the Victorian era/architecture, that many areas of the City are; that the Plan does not push the Victorian look on such a large scale that it would make the area look phony, but would add a certain charm.

6. Evelyne Ferry, 24 Hickory Avenue: mentioned some historical background for the Takoma Old Town area and encouraged the revitalization activity that is taking place.

7. Kathryn Simpson, 7300 Cedar Avenue: stated that she would like to see the area have a comfortable setting for all residents; supports the underground utility proposal.

8. Marc Ellrich, 7800 Carroll Avenue: questioned how much the realizing the Plan would cost and who pays the bill for it. Mr. Phipps stated that the Plan recommends strongly that the expenditure of public monies be followed by a strong commitment on the part of private landowners; that there has already been a lot of voluntary interest and action on the part of the business owners and many investors are interested in the area; noted that currently there is a low amount of tax money generated in Takoma Old Town--properties in the area are undervalued; that any buildings constructed in the area would add substantially to the City's tax base. Mr. Phipps noted that the monies for the project are CDBG funds, and that these funds are being used to generate additional money from State and Federal programs; that the revitalization efforts will improve public revenues and defray some of the costs on the part of the residents.

9. Barry Stimmel, 8105 Lockney Avenue: regarding the proposed sidewalks, noted that bricks do not make the best walking surface, especially for the many elderly residents of the area; suggested also installing ramps in the curbs for handicapped residents.

10. Carl Iddings, Carroll Ridge Neighborhood Association, 7416 Carroll Avenue: stated that the residents of the Carroll Ridge area generally are looking forward to the revitalization and they support the TSM development, but would like to see TSM limited to one; felt the transportation section is inadequate in dealing with the projected traffic volumes--need better estimates on the volumes; that the design standards and commercial code standards need to be separated more thoroughly; noted the need for a City-wide commercial code. Stated that he personally finds the Victorian design theme distasteful; should go with a more modern/neutral theme; that the Plan should also include on-going mechanisms for future development and a review committee should be established to ensure that such development is compatible; concerned about coordination with D. C. Noted his and the area's concerns that funding for commercial revitalization will be completely expended in the Takoma Old Town area, not leaving any funding for the Carroll/Ethan Allen area; wondered how repairs/revitalization will be accomplished if CDBG and other funding avenues are reduced by the President; stated that he would like to see the Revitalization Plan include an analysis of what the cost/benefit ratios would be.

11. Karl Kessler, 7328 Carroll Avenue, Barcelona Nut Shop: stated his and other business owners concerns that the Carroll/Ethan Allen area

will be left out of revitalization plans as well as funding. Mr. Phipps stated that the basic cost (\$600,000 to \$1,000,000) for this area are for public improvements; that it is anticipated that the funding will come from CDBG, spread out over a number of years.

12. Don Leightling, 6908 Westmoreland Avenue: stated that he liked most of what the Plan presented and congratulated the planners on a good job; thought the Council would have to decide whether they want a "deluxe" or "toned-down" look for the area, and if they decide to go with the deluxe, should make a firm commitment to do it up right; suggested possible need for traffic signal (similar to that at Takoma Tower) at Carroll and Westmoreland; felt the TSM parking area would not be able to handle the amount of parking generated.

13. George Coleman, 7000 Westmoreland Avenue: felt there needs to be strong control exerted for the Plan to accomplish its desired effect; that parking will probably be a large problem; attention should be given to traffic flow, directing it so it does not overflow onto residential streets; should consider procuring performance bonds to guarantee that persons/businesses downstream from the project area are not flooded out, i.e., Takoma Tower air-conditioning run-off every summer.

14. Tom Brown, private planning consultant, formerly of Montgomery County: questioned the feasibility of underground parking because of the extensive costs involved; that other funding sources should be looked into because of probable cuts in current funding; should encourage private investment. Mrs. Phipps noted that other funding avenues are being researched.

Mr. Phipps stated that he did not think it would be necessary presently for the Council to go into the detail of choosing one of the Plans options; that the most important thing would be the design standards, when and where they would be mandatory; that they would put together the recommendations and indicate which decisions are most important to make at this time.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. City Administrator Gilsdorf mentioned receipt of a communication from Mr. Baldwin, 6912 Westmoreland Avenue, supporting permit parking for that portion of Westmoreland lying between Walnut and Carroll Avenues.

2. The City Administrator announced that COLTA wishes it made public that there will be a hearing on a complaint of Nancy Perry alleging retaliation in the issuance of a 60-day quit and vacation notice at 7520 Maple Avenue, Apartment 616. This is pursuant to Ordinance 2587, Landlord-Tenant Ordinance, recently adopted.

3. Item 3 on the agenda should be a communication rather than an action item, the City Administrator noted. Council took action on this once before - 7401 Flower Avenue - owners had requested a continuance or delay in the order issued by Prince George's County Board of Appeals in which they were to cease operating a multi-family dwelling. Case was to have been heard September 23 and has now been continued and re-scheduled for November 4, 1981, 7:00 P.M., at Upper Marlboro, Md. The City Administrator queried whether Council wished to make any change in their original position of supporting the Master Plan in its conceptual arrangement and opposition to any delay or extension being granted. Reply was negative.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Recommendations from Cable TV Committee. The Committee recommends opting in with the Maryland Municipal League and joining in the overall agreement which would place Takoma Park with the rest of Montgomery County for cable TV service. Councilmember Holland queried whether there was an option for a letter of intent short of the actual

signing of an agreement document. Lynn Bradley stated that probably intent could be indicated to Mr. Hansman and then it would have to be discussed if there were additional deadlines for a final signing. Councilmember Ramsey raised question of concern about controlling adult material, suggested if recommendation is adopted, this serious concern be expressed to the county and request they take whatever necessary steps there may be such as some type of screening, scheduling certain hours, etc., so the public will have some foreknowledge of when adult material, if any, will be shown. Councilmember Saloma inquired whether Montgomery County dealt with adult programming at all in their request for proposal. Lynn Bradley stated they did not deal with specific types of programming. Councilmember Saloma wondered at what point concerned parents should express their concern. Lynn Bradley pointed out that the ultimate forum is the market place where people make their choice to either buy or not buy the service, stated that adult material is usually an additional service. Stated these concerns should be communicated to the county all along the way. Councilmember Holland suggested that the concern be expressed in a letter. It was moved, duly seconded, and unanimously approved by the Council that the recommendations of the Cable TV Committee be accepted.

2. Ordinance appropriating funds from Charter Emergency Reserve Fund. Upon motion by Councilmember Ramsey, duly seconded by Councilmember Weisman, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Holland, Patrick, Ricks, Ramsey, Saloma, and Weisman. NAY: None. EXCUSED: Councilmember Garcia.

ORDINANCE NO. 2588

SECTION 1. THAT the Budget Ordinance, No. 2575, adopted on June 8, 1981, set aside a Charter Reserve Fund of five per cent of the total 1981-82 budget, said fund being in the amount of \$164,579; AND

SECTION 2. THAT funds are presently needed to meet the general obligations of the City; AND

SECTION 3. THEREFORE THAT funds in the amount of ONE HUNDRED SIXTY-FOUR THOUSAND, FIVE HUNDRED SEVENTY-NINE DOLLARS (\$164,579) be appropriated from the Charter Reserve Fund and transferred to the General Fund for use in the day-to-day operations of the City.

Councilmember Holland requested the City Administrator to prepare an overview of expenditures including last fiscal year and this year through September 30 so that Council may keep track of the state of the budget. Councilmember Ramsey stated what he would like to see is a comparison of revenues for several previous years. Rino Aldrighetti requested that these expenditures be dealt with publicly at a council meeting. Carl Iddings stated he is preparing a memo to the Council about a computerized cost accounting program offered by Council of Governments to cities at an extremely inexpensive rate.

3. Ordinance further amending the Housing Code. Upon motion by Councilmember Patrick, duly seconded by Councilmember Ramsey, Ordinance No. 2589 (copy attached) was adopted by roll call vote as follows: AYE: Councilmembers Holland, Patrick, Ricks, Ramsey, Saloma and Weisman. NAY: None. EXCUSED: Councilmember Garcia.

4. Charter Amendment making certain changes in the Elections section. Upon motion by Councilmember Saloma, duly seconded by Councilmember Holland, Ordinance No. 2590, Resolution 1981-1, authorizing a charter amendment (copy attached) was adopted by roll call vote as follows: AYE: Councilmembers Holland, Patrick, Ricks, Ramsey, Saloma, and Weisman. NAY: None. EXCUSED: Councilmember Garcia.

5. Takoma Park Elementary and Piney Branch Schools. Councilmember Saloma stated that the Superintendent of Schools has proposed a plan that would make Takoma Park Elementary a Head Start through 6th grade language immersion school offering language immersion in French, Spanish, and Chinese. Piney Branch would be made into a Head Start

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through 6th grade elementary school. The two schools would be operated and administered as a unit, with the anticipated implementation of the plan in September 1982. PTA is working on a position paper and that is why they could not be present at the council meeting. Councilmember Saloma expressed her hope that Council will want to go on record as opposing this plan and supporting the status quo in the two schools. Hoped Council would work with PTA prior to the October 20 hearing on the matter and develop a statement that could be presented by Councilmember Ricks at the hearing. A motion was introduced, duly seconded, and unanimously approved that Council go on record as opposing the proposed plan and supporting the status quo in the two schools.

6. 714 and 716 Maplewood Avenue. City Administrator Gilsdorf stated that Montgomery County is presently operating alcoholic rehabilitation homes at 714, 716 and 718 Maplewood - they are legally allowed to operate out of two addresses, but are using the kitchen in the third facility. The present proposal by the county is to use 716 and 718 for quarterway houses for 20 persons. It was decided by Council to table the issue until an answer could be procured from the county on the number of group homes operating in the City, including illegal ones, and because of the City's prior position of opposition.

7. Councilmember Ricks announced the recent loss of one of the City's greatly respected community workers - Dale Shallhorn. Condolences in the form of a letter will be sent to the family.

Upon motion, duly seconded, the meeting adjourned at 10:45 P.M. to reconvene on Monday, October 26, 1981, at 8:00 P.M.

APPROVED _____

Sam A. Abbott
Mayor

ATTEST _____

Herbert W. Gilsdorf
City Administrator

ORDINANCE NO. 2589

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

SECTION 1. THAT Division 2, "Exceptions and Modifications to the Basic Property Maintenance Code," of Article 2, Chapter 6, of the Code of Takoma Park, Md., 1972, as amended, be repealed in its entirety and reenacted to read as follows:

Sec. 6-7. Exceptions and modifications generally.

The Sections contained in this Division shall add, modify, amend, delete or change the designated Sections of the BOCA Basic Property Maintenance Code as indicated in each Section.

Sec. 6-8. Section PM-103.3

The entire section PM-103.3 is amended to read as follows:

PM-103.3 Official Records. The Building Official shall keep, or cause to be kept, a record of the business of the Department. The records of the Department shall be open to public inspection unless otherwise prohibited or restricted by Maryland or Federal statute, or by any ordinance or regulation having the force and effect of law. (Ord. 2073, Sec. 9)

Sec. 6-9. Section PM-103.4

A new section numbered PM-103.4 is added and reads as follows:

PM-103.4 Fire Safety. The Building Official shall coordinate specifically with the Fire Marshal in the enforcement of Sec. PM-700 on minimum requirements for fire safety. (Ord. 2073, Sec. 7)

Sec. 6-10. Section PM-103.5

A new section numbered PM-103.5 is added and reads as follows:

PM-103.5 Conflict of Interest. No officer or employee who has an official duty in connection with the administration and enforcement of this Code shall be financially interested in the furnishing of labor, materials or appliances for the construction, alteration, or maintenance of a building, or in making the plans or specifications therefor, unless he is the owner of such building. No such officer or employee shall engage in any activity which is inconsistent with the public interest and his official duties. (Ord. 2073, Sec. 8)

Sec. 6-11. Section PM-104.3

The entire Section PM-104.3 is amended to read as follows:

PM-104.3 Inspections.

a. Subject to the limitation and conditions as hereinafter stated in this Section, it shall be the duty of the Building Official to make or cause to be made inspections as often as necessary to determine the conditions of dwellings, multi-family dwellings, dwelling units, rooming houses, rooming units, and premises in order to safeguard the safety, morals and welfare of the public under the provisions of this Code. Such inspections shall be made in response to citizen or official complaints or other reliable information or allegations of existing violations of this Code. Further, inspections of dwellings, dwelling units, rooming houses, rooming units and premises shall be made on a systematic basis (house-by-house, block-by-block) during daylight hours, only, in areas, communities, or neighborhoods when it is determined by the Building Official that such action is necessary to properly apply and enforce the provisions of this Code.

b. The following limitations and conditions shall be observed by the Building Official in the performance of such duties as said, requiring entry and access:

(1) Proof of credentials and identity shall be exhibited to the occupant or person in charge, stating the purpose for which entry is requested. If permission is granted, the inspection or other authorized activity shall be conducted in the normal manner.

(2) Permission need not be obtained for entry to spaces and areas to which the public is ordinarily invited.

(3) If entry is denied, or access to interior, non-public areas is restricted so as to limit or impair a housing inspection or other authorized function, then, and in that event, no forced entry shall be attempted or made. Instead, application shall be made to a judicial officer for a warrant authorizing entry and the performance of such inspection or other authorized function.

OVER

(4) Notwithstanding the foregoing, all licensing, registration and permit inspections authorized and required by this Code shall be processed without the necessity for obtaining permission or obtaining a judicial warrant authorizing entry; failure to allow entry for such inspections shall constitute sufficient reason for the denial or revocation of the license or permit involved."

(Ord. 2073, Sec. 10)

Sec. 6-12. Section PM-104.3.22

A new Section PM-104.3.22 is added and reads as follows:
PM-104.3.22. Inspection by Code Enforcement Officer.

The owner or operator of a dwelling unit or rooming unit, or his agent or employee (including tenants) shall accompany or be present during the time that the building official(s) conduct the inspection.

(Ord. 2073, as amended by Ord. 2178, § 1, 9/27/71.)

Sec. 6-13. Section PM-104.3.23

A new Section PM-104.3.23 is added and reads as follows:

PM-104.3.23. Notice to owner or to person or persons responsible. Whenever the Building Official determines that there has been a violation of this code or has reasonable grounds to believe a violation has occurred, he shall give notice to the owner or the person or persons responsible therefor in the manner prescribed below.

Sec. 6-14. Section PM-104.3.24

A new Section PM-104.3.24 is added and reads as follows:

PM-104.3.24. Form of notice. Such notice prescribed in Sec. 6-13 (PM-104.3.23) shall:

1. be in writing;
2. include a description of the real estate sufficient for identification;
3. include a statement of the reason or reasons why it is being issued; and
4. include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

Sec. 6-15. Section PM-104.3.25

A new Section PM-104.3.25 is added and reads as follows:

PM-104.3.25. Violations.

Notice of Violation shall be served upon the owner or occupant (as defined in Article 2); provided that such notice shall be deemed to be properly served upon such owner or occupant if a copy thereof is delivered to him personally, or if not found, by leaving a copy thereof at his usual place of abode with a person of suitable age and discretion who shall be informed of the contents thereof, or by sending a copy thereof by mail to his last known address, or if the notice is returned showing that it has not yet been delivered to him, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice."

(Ord. No. 2073, § 11.)

Sec. 6-16. Section PM-109.2

The entire Section PM-109.2 is amended to read as follows:

PM-109.2 Penalty. The violation of any section of this code enumerated below shall constitute a municipal infraction for which a citation may be issued, and the following fines may be imposed:

<u>Sections Violated</u>	<u>Fine for Initial Offense</u>
PM-300.0 (300.1-300.3)	\$ 25.00
PM-301.0 (301.1-301.11)	25.00
PM-302.0 (302.1-302.3.1)	25.00
PM-302.0 (302.3.3)	100.00
PM-302.0 (302.3.4-302.4.7)	25.00
PM-303.0 (303.1-303.8.2)	25.00
PM-400.0 (400.1-400.5)	25.00
PM-401.0 (401.1-401.4)	25.00
PM-402.0 (402.1-402.5)	25.00
PM-403.0 (403.1-403.3)	25.00
EM-404.0 (404.1-404.6)	25.00
PM-500.0 (500.1-500.2)	25.00
PM-501.0 (501.1-501.4)	25.00
PM-502.0 (502.1-502.6)	25.00
PM-503.0 (503.0-503.5)	25.00
PM-504.0 (504.1-504.4)	25.00
PM-505.0 (505.1-505.2)	25.00
PM-506.0 (506.1)	25.00
PM-600.0 (600.1-600.2)	25.00
PM-601.0 (601.1-601.5)	100.00
PM-601.0 (601.6)	25.00
PM-602.0 (602.1-602.3)	100.00
PM-603.0 (603.1)	100.00
PM-700.0 (700.1-700.2)	100.00
PM-701.0 (701.1-701.5)	100.00
PM-702.0 (702.1-702.4)	100.00
PM-703.0 (703.1)	100.00
PM-704.0 (704.1-704.5)	100.00
PM-801.0 (801.1-801.99)	25.00
PM-801.0 (801.10)	100.00
PM-802.0 (802.1-802.5)	25.00

A fine in the amount of twice the initial fine may be imposed for each repeat offense; AND

Sec. 6-17. Section PM-109.4

A new Section numbered PM-109.4 is added and reads as follows:

PM-109.4 Transfer of Liability. The Building Official shall cause any municipal infraction citation issued under Sec. 6-16 (PM-109.2) of this code to be recorded in the tax records maintained by the City, with the notation to remain so recorded until such time that the fine imposed has been paid, or the citation dismissed by court order. All subsequent transferees of the dwelling, dwelling unit or rooming unit in connection with which a citation has been so recorded shall be deemed to have notice of the continuing existence of the violations alleged and shall be liable to all penalties and procedures provided by this Code and by applicable rules and regulations issued pursuant thereto to the same degree as was their transferor.

Sec. 6-18. Section PM-201.0

APPLIED MEANING OF WORDS AND TERMS as contained in the BOCA Basic Property Maintenance Code shall remain in full force and effect with the following additions, deletions and amendments:

OVER

1. DWELLING: Adding to read as follows: "Any building which is wholly or in part used or intended to be used for living or sleeping by human occupants."

2. *Dwellings:*

a.) *One-family dwelling:* AMEND to read as follows: "A building containing one dwelling unit."

b.) *Two-family dwelling:* DELETE definition in its entirety.

c.) *Multi-family-apartment house:* AMEND to read as follows: "Any building occupied at any time during the calendar year as the dwelling place of more than one (1) family unit, each of which occupies a portion of such building, which portion contains either a kitchen sink or cooking accommodations or both."

d.) *Boarding house, lodging house, tourist home:* AMEND to read as follows: "A building arranged or used for lodging with or without meals for more than two (2) and no more than nine (9) individuals."

e.) *Dormitory:* AMEND to read as follows: "A building or portion thereof used for sleeping purposes in connection with a school, college, or other institution."

f.) *Hotel:* AMEND to read as follows: "Any building containing guest rooms, where, for compensation, lodging, meals, or both are provided for ten (10) or more guests."

3. *Motel:* AMEND to read as follows: "Any group or dwelling units combined or separate, used for the purpose of housing transient guests, each unit of which is provided with its own toilet, wash room and off-street parking facilities."

4. *Residence Building:* AMEND to read as follows: "A building in which sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under the building code. When any portion thereof is completely separated from all other portions by a division wall from the ground up to the roof and without any door or other openings, such portion shall be deemed a separate building."

5. *Rooming House:* AMEND to read as follows: "Any building occupied for more than thirty (30) days consecutively during any calendar year as the dwelling place of three (3) or more persons not included in the family of the owner or lessee of such building, and in which the owner or lessee provides common or separate services, but not including cooking and/or eating facilities."

(Ord. 2073, Sec. 18)

Sec. 6-19. PM-301.9.

The entire Section numbered PM-301.9 is amended to read as follows:

PM-301.9 Accessory Structures. All accessory structures on dwelling premises such as, but not limited to, the following: detached garages, storage sheds or buildings, driveways, exterior walkways and steps, fences, or other constructed appurtenances and facilities, shall be maintained structurally safe and sound and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

(Ord. 2073, § 19.)

Sec. 6-20. PM-301.91.

A new Section numbered PM-301.91 is added and reads as follows:

PM-301.91 Preservation. The exterior surfaces of such structures shall be made weather resistant through the use of decay-resistant materials or the use of paint or other preservatives. In the case of paved parking areas associated with multi-family dwellings or commercial establishments, painted separation lines and suitable car stops to protect adjacent structures and property will be provided and maintained by the owner.

(Ord. 2073, § 20.)

Sec. 6-21. PM-302.3.2.

The entire Section is amended to read as follows:

PM-302.3.2 *Exterior Walls and Exposed Surfaces.* Every exterior wall and weather-exposed exterior surface or appurtenance shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building. All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and maintained in good condition. Exterior metal surfaces subject to rust or corrosion shall likewise be protected.

(Ord. 2073, § 21.)

Sec. 6-22. PM-302.4.41.

A new Section numbered PM-302.4.41 is added and reads as follows:

PM-302.4.41 *Maintenance of Screens.* In the absence of a written agreement to the contrary between the owner and occupant, maintenance or replacement of screens and screen doors, once installed in any one season, shall become the responsibility of the occupant.

(Ord. 2073, § 23.)

Sec. 6-23. PM-302.4.5.

The entire Section numbered PM-302.4.5 is amended to read as follows:

PM-302.4.5 *Door Hardware.* Entrance doors to every apartment dwelling unit shall be provided with approved locking devices so as to provide security against unauthorized entry. The locking devices on main entrance doors must include a deadbolt with not less than 5/8" minimum throw, with the deadbolt capable of being activated by key from the outside and by turn knob from the inside. Door locks and the manner of installation shall be subject to the specific approval of the Building Official. Every exterior door, door hinge, door lock and door latch shall be maintained in functional condition. The requirements of this Section apply to all existing apartment dwelling units and apartment dwelling units hereafter constructed in the City.

(Ord. 2073, § 22.)

Sec. 6-24. PM-303.21.

A new Section numbered PM-303.21 is added and reads as follows:

PM-303.21 *Interior Walls, Floors and Ceilings.* Every interior wall, floor and ceiling shall be maintained in a clean and sanitary, safe and structurally sound condition, free of holes and cracks, loose plaster and wallpaper, flaking or scaling paint, and shall be substantially insect and rodent proof. When paint is applied to the interior surfaces of habitable spaces, it must be lead free.

(Ord. 2073, § 24.)

Sec. 6-25. PM-601.3.

Section PM-601.3 is amended to read as follows:

PM-601.3 *Cooking and Heating Equipment.* All cooking and heating equipment, components, and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances of the municipality applicable thereto. Portable cooking and heating equipment employing flame are prohibited.

(Ord. 2073, § 31.)

Sec. 6-26. PM-801.55.

A new Section numbered PM-801.55 is added and reads as follows:

PM-801.55 *Containers*. Every owner of a dwelling containing three (3) or more dwelling units shall supply containers or facilities for the sanitary and safe storage and/or disposal of rubbish. In the case of single or two-family dwellings, it shall be the responsibility of the occupant to furnish such facilities or containers.

(Ord. 2073, § 28.)

Sec. 6-27. PM-801.555.

A new Section numbered PM-801.555 is added and reads as follows:

PM-801.555 *Containers*. Every owner of a dwelling containing three (3) or more dwelling units shall supply containers or facilities for the sanitary and safe storage and/or disposal of garbage. In the case of single or two-family dwelling, it shall be the responsibility of the occupant to furnish such facilities or containers.

(Ord. 2073, § 29.)

Sec. 6-28. PM-801.66.

A new Section numbered PM-801.66 is added and reads as follows:

PM-801.66 *Refrigeration for Food Preservation*. Every dwelling unit shall contain a refrigeration unit adequate for the temporary preservation of perishable foods. Such unit shall be capable of maintaining an average temperature below 45° fahrenheit, shall be properly installed and operated, and kept in a clean and sanitary condition.

(Ord. 2073, § 26.)

Sec. 6-29. PM-801.666.

A new Section numbered PM-801.666 is added and reads as follows:

PM-801.666 *Cabinets and/or Shelves*. Every dwelling unit shall contain cabinets and/or shelves for the storage of eating, cooking and drinking equipment and utensils and of food that does not under ordinary summer conditions require refrigeration for safe-keeping; and a counter or table for food preparation; the cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

(Ord. 2073, § 27.)

Sec. 6-30. PM-801.66.1

A new Section numbered PM-801.66.1 is added and reads as follows:

PM-801.66.1 *Cooking Facilities*. Every dwelling unit shall contain cooking and baking facilities for the purpose of preparation of food and such facilities shall be properly installed and operated and kept in a clean and sanitary condition.

(Ord. 2073, § 25.)

Sec. 6-31. PM-801.7.

The entire section PM-801.7 is amended to read as follows:

PM-801.7 *Use and Operation of Supplied Plumbing Fixtures and Basic Facilities*. Every occupant of a dwelling unit shall keep all supplied basic facilities, including plumbing fixtures, cooking and refrigeration equipment, electrical fixtures, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

(Ord. 2073, § 33.)

Sec. 6-32. PM-801.71.

A new Section numbered PM-801.71 is added and reads as follows:

PM-801.71 *Drug and Poison Storage.* Each dwelling unit shall have a suitable facility for the safe storage of drugs and household poisons.
(Ord. 2073, § 30.)

Sec. 6-33. PM-801.8.

The entire Section 801.8 is amended to read as follows:

PM-801.8 *Installation and Care of Plumbing Fixtures and Other Basic Facilities by Occupant.* Every plumbing or electrical fixture or other basic facilities furnished by the occupant of a dwelling unit shall be properly installed and operated and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.
(Ord. 2073, §33.)

Sec. 6-34. PM-801.99.

A new Section numbered PM-801.99 is added and reads as follows:

PM-801.99 *Care of Premises.* It shall be unlawful for the owner or occupant of a structure used for human habitation to utilize or allow to be utilized the premises of such residential property in whole or in part for the open storage of any motor vehicle for a period in excess of one (1) month when such vehicle is in a state of disrepair; that is, incapable of being moved under its own automotive power, and is more than five (5) years old based on its year of manufacture. The open storage for any period of time on residential property of any ice box, refrigerator, stove, glass, building materials, building rubbish or refuse, furniture or similar items or materials is also prohibited, irrespective of age or condition. It is the duty of the owner or occupant to maintain the outside premises of residential property free of all such listed items, including but not limited to weeds, dead trees, trash, garbage and the like, and to remove such items from their prohibited location upon notice from the Building Official.
(Ord. 2073, § 35.)

Sec. 6-35. PM-801.10.

A new Section numbered PM-801.10 is added and reads as follows:

PM-801.10 *Utilities.* No owner, operator, or occupant shall willfully cause any service, equipment, or utility, as required by this Code to be removed, shut-off or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are being made, or during other temporary emergencies.
(Ord. 2073, § 36.)

Sec. 6-36. PM-801.11.

A new Section numbered PM-801.11 is added and reads as follows:

PM-801.11 *Transfer of Responsibility.* A contract, lease or other agreement effective as between owner and operator, operator and occupant, or owner and occupant, with regard to matters covered hereunder shall not relieve any party of his direct responsibility under provisions of this Code.
(Ord. 2073, § 37.)

Sec. 6-37. PM-801.12

A new Section numbered PM-801.12 is added and reads as follows:

PM-801.12 *Registration.* The owner or lessee of a rental dwelling, every rooming house, and of every multiple family dwelling located in the City shall, in person or by agent, on or before the first day on which the building is used for rental purposes, file with the City Clerk an application for registration of the rental dwelling, rooming house or multiple family dwelling, in accordance with Article 9 of this Chapter.
(Ord. 2073, § 38.)

Sec. 38. The following sections and subsections of the BOCA Basic Property Maintenance Code are deleted:

PM-105.0	Condemnation
PM-106.0	Notices and Orders
PM-107.0	Placarding
PM-108.0	Emergency Orders
PM-110.0	Right to Appeal
PM-111.0	Demolition
PM-303.3	Interior Surfaces
PM-303.3.1	Lead-based paint
PM-801.5	Rubbish storage facilities

Sec. 39. Reserved.

Sec. 40. Reserved.

AND

SECTION 2. THAT Sec. 6-5 of Division 1, "Basic Property Maintenance Code Adoption," Article 2, Chapter 6, of the Code of Takoma Park, Md., 1972, as amended, be amended to read as follows:

Sec. 6-5. Effect of adoption on proceedings.

Nothing contained in the Article of in the Property Maintenance Code adopted in this Article shall be construed to affect any suit or proceeding pending in any court, or any rights acquitted, or liability incurred, or any cause of action acquired or existing under any act or ordinance repealed by this Article; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Article.

(Ord. 2073, Sec. 4)

AND

SECTION 3. THAT this ordinance shall become effective upon adoption.

ADOPTED BY THE MAYOR AND CITY COUNCIL OCTOBER 13, 1981.

CHARTER AMENDMENT RESOLUTION NO. 1981-1

ORDINANCE NO. 2590

WHEREAS, it is the desire of the Mayor and Council to hold City elections in such manner as to attract candidates for mayor and councilmembers and to encourage the maximum voter participation; AND

WHEREAS, the Mayor and Council deem it in the best interest of the City to amend the City Charter to advance by one week the date of the caucus for the nomination of candidates for elective office; to secure at an earlier date certified lists of registered voters from the Boards of Supervisors of Elections of Montgomery and Prince George's Counties; to delete the requirement that the Montgomery County lists of registered voters be separated by precincts; and to provide three weeks between the voter registration cut-off date and the City Election.

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

SECTION 1. THAT Sec. 1.3(1), Sec. 1.4(a), and Sec. 1.4(c) of the Charter of Takoma Park, Maryland be repealed in their entirety and new sections 1.3(1), 1.4(a) and 1.4(c) be enacted to read as follows:

Sec. 1.3(1). Nominations for mayor and ~~[[councilmen]]~~ COUNCILMEMBERS shall be made at a meeting of citizens called by the city clerk at the direction of the council. Such meeting shall be held at a convenient place within the city to be designated by the council and notice thereof shall be given through a newspaper or newspapers of general circulation within the city or by handbills generally distributed and posted throughout the city and the ~~[[said]]~~ meeting shall be held on the Tuesday evening ~~[[four]]~~ FIVE weeks prior to the election. The city clerk shall preside at ~~[[said]]~~ THE meeting; a voter of the city shall be chosen as secretary of the meeting by the voters of the city present; the ~~[[said]]~~ secretary shall keep a record of the proceedings of ~~[[said]]~~ THE meeting and file the same in the office of the city clerk.

Sec. 1.4(a) On the first Monday in ~~[[February, 1966]]~~ JANUARY, 1982, and each two years thereafter on the first Monday in ~~[[February]]~~ JANUARY, prior to the city election, the boards of elections supervisors for Montgomery and Prince George's Counties, respectively, shall certify to the mayor and council alphabetical lists ~~[[for each precinct separately]]~~ of the names and addresses of the registered voters in the state and county elections within the ~~[[4th, 6th, 9th, and 21st]]~~ precincts of the 13th Election District of Montgomery County LYING WITHIN THE CITY, and within that portion of Prince George's County within the city.

Sec. 1.4(c). The respective boards of election supervisors shall, on or before the ~~[[second]]~~ FIRST Monday in March of each second year, beginning in March ~~[[1950]]~~ 1982, certify to the mayor and council, revisions, if any, in the lists so certified theretofore by them, which may be required to correct clerical mistakes in the preparation of the original lists.

~~[[]]~~ denotes deletions
ALL CAPS denotes additions

ADOPTED BY THE MAYOR AND CITY COUNCIL ON OCTOBER 13, 1981 BY ROLL CALL VOTE, AS FOLLOWS: AYE: COUNCILMEMBERS HOLLAND, PATRICK, RAMSEY, RICKS, SALONA AND WEISMAN: NAY: NONE: EXCUSED: COUNCILMEMBER GARCIA.

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and City Council

and

Public Hearing on Ward Redistricting Plan

October 19, 1981

7:30 P. M.

AGENDA

ROLL CALL

1. Public Hearing on Ward Redistricting Plan
2. First reading of a proposed ordinance setting forth design standards for all structures within the Laurel/Carroll (Takoma Old Town) commercial district
3. Other business

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and City Council
and
Public Hearing on Ward Redistricting Plan
October 19, 1981

City Officials Present:

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

The Mayor and City Council of Takoma Park met on October 19, 1981, at 7:45 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Councilmember Ricks reported on a symposium he attended at Council of Governments pertaining to accessory apartments or shared housing; noted that this is not a new idea for the City, having apartments in single-family homes; stated that many persons in attendance showed great interest, especially those from the Fairfax, Virginia area; that this interest seemed to be generated mainly because of the shortage of rental housing and new homeowners who would like help in paying the high monthly mortgage payments; noted that he did raise the point that Montgomery County is trying to phase out such uses within the City and the lower portion of the County. Mayor Abbott noted that Montgomery County Councilmember David Scull has been trying to push this concept in the County; also that Rockville has torpedoed such an idea.

Councilmember Ricks also noted his attendance at the Maryland-National Capital Park and Planning Commission's joint hearing on the Takoma Park Master Plan; that the next step in the process is to have the Plan approved by the County Councils of both Counties; stated that the Planning Commission approved the Montgomery County portion of the Plan with the changes the Council and citizens had agreed upon, but that the Prince George's portion was approved with the staff recommendation to change the zoning to C-0 for the properties on University Boulevard between Anne Street and Merrimac Drive; that if citizens and Council wish to have their proposal (retain current zoning of those properties) incorporated in the Plan, they must make their feeling known to the County Council.

Councilmember Ramsey asked, if time permits after the hearing, that he would like to present his proposal on crime prevention.

PUBLIC HEARING ON WARD REDISTRICTING PLAN

Mayor Abbott stated that there have been many public briefings on redistricting plans with no specific plan being advanced by the Council; that the Council, by a 4-3 vote on September 21, adopted Councilmember Garcia's plan (Plan A) as the official change in the City Charter; that the language for the Charter amendment is still being prepared, but will be ready for presentation at the Council meeting to be held Monday, October 26. Councilmember Garcia gave a brief description of Plan A, reiterating the information provided in the Newsletter article; noted that he felt the plan incorporated the interests expressed by citizens at previous public briefings on redistricting.

1. David Prosten, 7428 Carroll Avenue, Chairman, Citizens for Election Reform: stated that the group still felt that Plan D (prepared by the Grier Partnership) is the best plan for the City, even though Plan A has been selected by the Council; felt that Plan A fails to deal with the issue of dividing Old and North Takoma areas, but does deal effectively with the unification of the Maple Avenue highrise corridor; stated that the group cannot endorse Plan A, but they would not oppose it; urged the Council to move quickly on adoption of Plan; commended Councilmember Garcia on his positive efforts and determination in developing Plan A.

2. Herman Williams, 7667 Maple Avenue, Vice President, Upper Maple Avenue Citizens Association: stated that the Association voted to support Plan A; praised Councilmember Garcia for his time and effort put into the Plan; stated that personally, he supported Plan A also.

3. Carl Iddings, 7416 Maple Avenue, Carroll Ridge Neighborhood Association: stated that it was the general consensus of the Association that Plan D is superior to Plan A; however, there were no basic problems associated with Plan A, except they would like to insure inclusion of the west side of Jefferson Avenue in Ward 2, meaning an increase in population of the Ward of about 20; commended Councilmember Garcia for his diligence in coming up with a plan which satisfied most residents.

4. Enid Hodes, 7418 Hancock Avenue: stated that she favors Plan D, but endorses Plan A to have the issue of redistricting resolved more quickly.

5. Mary Pennifield, 7305 Takoma Avenue: stated her support for Plan D; felt that the only fair way to solve the division of residents on Plans A and D was to put the matter to referendum vote.

There was discussion among Councilmembers as to the change in Plan A requested by Mr. Iddings. Councilmember Saloma requested that the Council consider changing the boundary for Ward 2, to include all properties on Cedar Avenue, having the boundary run along the backyard lines of those properties, instead of down the middle of Cedar Avenue; that this item had been brought to her attention and requested by residents of her ward; discussion ensued on the changes in populations and percentage deviations this would mean to the Plan; Councilmember Ramsey stated that if the Council did make the changes requested in these two wards, then it would have to do the same for other wards; felt that there should be no more delays and that he would like to have the ordinance for Charter change ready for the next Council meeting. The following persons were recognized by the Mayor: Joan Prosten, 7428 Carroll Avenue, stated her support for Councilmember Ramsey's remarks that there should be no further delays; Carl Iddings, 7416 Carroll Avenue, noted that the request for change on Jefferson Avenue is based on the physical boundary, a ridge, between the residents on Jefferson and the residents of the apartments on Maple Avenue; Doug Love, 7207 Holly Avenue, felt the requests for change should be considered during future redistricting actions and not delay adoption of Plan A; Enid Hodes urged the Council to proceed with Plan A as printed due to time constraints. Councilmember Saloma noted that if the residents of her ward really wanted the change, then she felt they would have appeared to speak on the matter; agreed with Councilmember Ramsey that the Council should vote on the Plan promptly.

Mayor Abbott stated that alternate language for the Charter amendment would be prepared for the requested change on Jefferson Avenue, to be presented at the Council meeting of October 26.

First Reading of a proposed ordinance setting forth design standards for all structures within the Laurel/Carroll (Takoma Old Town) commercial district.

Mayor Abbott pointed out that there is an item not on the agenda but of related importance and that is the need to adopt a community revitalization plan of which design standards, parking, etc., would be an integral part.

Hal Phipps reminded that the proposed decision schedule was covered in the briefing on September 21, was to include a public hearing on the plan on October 13 with a decision by Mayor and Council on October 19. Stated his organization had prepared an analysis of the plan and forwarded it to the City Administrator who had distributed it to the Mayor and Council. Plan adoption would mean, basically, that some of the elements of the plan can begin to be implemented and one of the first elements that should be implemented would be the design standards. Reviewed memorandum of October 15, concerning the decisions

that need to be made. Indicated there are three major issues: 1) Rehabilitation and development; 2) Design standards; and, 3) Extent of public improvements; two issues of lesser importance: 4) Traffic management and parking; and, 5) Mixed use. The Coordinating Committee has recommended that the plan be adopted in total; suggesting that within the plan there are certain specific items that can be acted on individually. Under Rehabilitation and Redevelopment - there is a discussion under TSM and C-1 - the basic decision under TSM is whether council wants to go on record supporting TSM development on Citizens Bank property and permitting only one TSM development. The Council would have to take steps requesting that the Sector Plan be amended to eliminate the floating TSM zone from all other parcels within the business district after the Citizens Bank parcel is approved.

Councilmember Ramsey suggested that if it was decided there should be one and only one TSM development, the Citizens Bank property, perhaps it should be so stated in the plan.

Hal Phipps stated that if any other options were foreclosed at this time, Citizens Bank might not as vigorously pursue the development on their property; it would be wiser to keep options open so that the competition inherent therein exists. Council does have the final say in where the TSM development will be and if the first application for it is in an area that might not be the best location, then Council can disapprove that application.

Councilmember Holland presented a letter from John Kensinger, Vice President of Citizens Bank, addressed to Mayor and Council, stating that as he was unable to attend the public hearing on October 13, wished to make the bank's and his own personal position known. Stated that the bank, as a property owner, and he, as a member of the Commercial Revitalization Committee, did not feel that sufficient consideration was given to the economic feasibility of adopting the design theme and the staging included in the plan; recommended that the plan be implemented only with full recognition that the non-compliance section not be enforceable.

Councilmember Holland stated his feeling is that the central thing in this program is going to be private investment; while the City is willing and wants to do everything possible in the public facilities segment, it will have to be done with CDBG funds because there are not available funds in the City treasury to conduct this sort of program. Stated the prime piece of property in the area is located between Eastern Avenue and Murphy's Auto Parts and is owned by Citizens Bank, so if they make a commitment to redevelop, then the program is off and running; conversely, if they do not, then no matter what the City does, it simply will not work. Summarized that he supports the Phipps' view that at present flexibility in the TSM development should be maintained; it would be to the City's advantage.

Frances Phipps said that in essence Mr. Kensinger and Citizens Bank approve of the plan but are not in agreement with the compliance section, in particular one sentence - all existing building in Takoma Old Town must be brought up to minimum design standards within 24 months, with the specific exception of those buildings on that parcel which is scheduled for TSM development - they are given a 36 month grace period if plans are being made for redevelopment. If no plans are developed and submitted for TSM within the 36 months, then automatically this section also comes under the minimum design standards - 24 months. Mr. Kensinger does not want to be placed under any design standards, but the coordinating committee feels 36 months is an adequate period of time.

Hal Phipps stated they recently met with Citizens Bank people including a loan officer and discussed the possibility of the City applying jointly with Citizens Bank to the Maryland Industrial and Commercial Redevelopment Fund for a low interest construction loan. Citizens seemed to be interested and will let them know whether to begin that process within the next few weeks. The Phipps have been requested to brief the Chairman of the Board for Citizens on the plan.

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& Public Hearing
October 19, 1981

Councilmember Holland expressed his feeling that the time frame of 24 or 36 months is academic - that if anyone really wanted to drag their feet for that period of time, it would affect the program. Some people are already performing work, the City has to get behind it to the extent possible on the public improvements and encourage people to get upgrading accomplished.

Mayor Abbott questioned what the practical meaning is of the adoption at that time of the Commercial Revitalization Plan.

Hal Phipps stated that the program up until now has consisted of pushing the revitalization program; now need general community consensus on a plan - many of the items in a plan will mean heading in a particular direction - e.g., encouraging TSM development on the one parcel, public improvements can begin after a plan is adopted, standards and other aspects can begin to be implemented; a plan is needed in order to make contact for assistance, to show that the City is serious.

Councilmember Ricks said that in reading the design standards, they do not specify the "flavor" of the area, i.e., modern, Victorian, etc.

Hal Phipps stated that basically Council would be adopting a theme of conservative rehabilitation which involves living with the buildings as they are and enhancing them - retaining their current character. Implementation cannot commence until a plan is adopted and that is the prime reason for adopting a plan forthwith. Mr. Phipps clarified that the plan provides a unity for the whole program showing how all the pieces fit together. Each section within the plan, in order to be enforceable, would have to be adopted through ordinance. Approving the entire plan does not mean that those specific standards are in effect. Other items foreseen as requiring adoption by ordinance would include parking, TSM development.

Frances Phipps pointed out that Citizens Bank cannot be asked to proceed with planning on the TSM development until Council indicates they are serious by adopting the general plan.

1. Tom Gagliardo, 8120 Roanoke Avenue: stated he hopes to soon, perhaps within the next 30 days, open an office in Takoma Old Town, so is particularly interested both as a resident and as someone who hopes to do business in the area. Stated his amazement that the City has moved within a very short time from opening an account with Citizens Bank to considering procuring an industrial bond for the mutual benefit of Citizens and the City; stated industrial bonds are written for the benefit of the private investor.

Frances Phipps clarified that there is a possibility City would go for an industrial bond through Maryland Industrial and Commercial Revitalization Fund which would benefit three potential developments - two under C-1 and one under TSM, and perhaps some money for public improvements. It would be requested that money be put into that funding category which is funded through state-sponsored industrial bonds. There have, however, been recent suggestions under the present administration that this might no longer be allowed.

Mr. Gagliardo stated that attention should be given to what ongoing, long-term return the citizens of the City, as well as the state, can expect from their equity invested in public/private partnership arrangements. Is in favor of redevelopment of the area, but concerned whether it be accomplished for the benefit of the citizens of the area or the private investor.

Councilmember Holland stated he sees no easy alternative, that the Citizens Bank property is the keystone to redevelopment in Takoma Old Town, so realistically the City must try to work with them rather than attempting to force them to do something. The City will benefit from the large tax base generated by the revitalization.

Mr. Gagliardo stated the main interest should be what the citizens of the City want; revitalization should not be pegged to what Citizens Bank wants. Felt there should be more citizen input and outstanding questions should be answered prior to making any decision.

Frances Phipps related that an effort was made to see that information on the plan was widely distributed, including briefings to citizens/civic associations to try to obtain their input, information on meetings was distributed, copies of the plan, and information was published in the City Newsletter. Numerous phone calls were made and mailings of information. In an effort to respond to earlier comments and clarify who would benefit from the expenditure of funds and the guidance for expenditure of public funds, Mrs. Phipps read from the Revitalization Plan, page 80, last paragraph.

According to Mr. Gagliardo, more time should be taken for approving the plan and there should be more citizen involvement and input - volunteered his services in getting citizens involved.

Councilmember Weisman voiced his concern that the Standards for Rehabilitation (page 102) in the Revitalization Plan are an exact duplication of the design standards ordinance and that by adopting one you would be authorizing the other.

Councilmember Ricks questioned whether a timetable had been established making it imperative that action be taken on the plan - in connection with the City's CDBG requested funding.

Councilmember Holland stated that the two are not inextricably tied together, but that he has a scheduled meeting with the County Citizens' Advisory Committee the following night and would have a hard time getting the funding requested for civic improvements as well as revitalization, even though Laurel/Carroll has been designated a Neighborhood Strategy Area, because the money just is not there as it was. Said that when he goes to Rockville, it will be considerably more difficult for him to press for the money if the City has not adopted the plan - the basis for the timetable was so that when he negotiated for the money it would be funds for an adopted plan.

Councilmember Weisman stated his only objections are to Chapter 7 - on, because they tie directly to the proposed design standards ordinance; if a vote could be taken on generalities of the plan not specifically related to the design standards, there would be no objection. Suggested adopting the plan with the exception of Chapters 7 and 8.

2. Lou D'Ovidio, 7324 Piney Branch Road: Remarked that in reviewing the plan, he was concerned with pages 125 and 126, Availability of Funds. There is no reference to the CDBG money, approximately \$200,000, already given to the City for redevelopment purposes in the Laurel/Carroll area. Councilmember Holland explained that Laurel/Carroll has only been designated by the county as a Neighborhood Strategy Area this year - Year 8; prior to that, the funding was for studies, etc., not for implementation. Some of the money was spent for studies

by the county; stated he was not aware of the exact amount presently remaining. Mr. D'Ovidio stated his concern is that the document does not indicate that money from the county has already been put into the project, and this should be clarified before requesting additional funds from the county. Councilmember Ricks indicated that there was controversy over the original funds not turned over to the City, but spent in the area by the county. He felt those funds should be considered completely separate from what the City is now requesting.

Mr. D'Ovidio stated he shares Mr. Gagliardo's concern regarding Citizens Bank, saying the City should not be buffaloeed into the type of development Citizens wants without municipal controls. Stated that City is at the mercy of the Planning Board and wondered how support would be obtained from the board for the kind of development desired; hoped that a citizen's design standards board, as recommended earlier by Historic Takoma and adopted in the Master Plan, will now be set up as a planning group within the City so that before any planned development in the historic district of the City can take place it will go before the county's historic preservation commission which would probably be more sympathetic to the City's wants than the Planning Board. Said he supports the redevelopment but doesn't agree with going into it without some kind of control in the City.

Councilmember Ramsey questioned in regard to TSM floating zone to what degree of detail does the City have control over specifics. Hal Phipps stated that the specifics of the building and uses of the building in the zoning ordinance are stated very specifically.

Councilmember Ricks stated he can understand holding off at present on adoption of the design standards, but not delaying acceptance of the plan. Adopting the plan that will not lock citizens out from any input they wish to make.

Councilmember Saloma said the design standards appear to her to be very standard architectural language; saw no mention of the buildings being required to be of a Victorian motif, but that original elements will be maintained or replaced in kind. Thought it important to move ahead with the plan according to schedule - amendments can always be made later.

Mr. D'Ovidio mentioned several wording changes he felt should be made in the design standards ordinance - specifically, on page 2, paragraph 2 - section dealing with chimneys - replace word "removed" with "replaced or restored" (felt any permanent part of a building should be replaced or restored rather than removed). Page 2, last paragraph concerning siding - replace word "replaced" with "replicated". Stated we should move ahead with the plan and make sure we get the best out of the plan that we possibly can for the City; supports having a City board to make recommendations.

3. Doug Love, 7207 Holly Avenue: Disagreed with Councilmember Holland's earlier statement that anyone given the property and opportunity would put up a box; stated if he had the property, he would have too much respect for the area to do that. Said he doesn't approve of the idea of permitting only one TSM building, that it eliminates the element of competition and effectively grants a monopoly.

Councilmember Ricks questioned whether it is a fact that TSM zoning requires a certain amount of area not available in other plots in the area. Councilmember Holland stated 40,000 square feet is the required area.

Mayor Abbott stated that citizens of the City have made it very clear countless times that they don't want unlimited development in the area. Said if the City proceeds with setting up a planning board, we would then be in a position to have some determination of what is constructed and the scale of it.

Upon motion by Councilmember Weisman to adopt the Commercial Revitalization Plan with the exception of chapters 7 and 8, duly seconded

by Councilmember Holland, the plan with the aforementioned exceptions was adopted by unanimous vote.

A motion was made by Councilmember Holland that the proposed Design Standards Ordinance be considered as having had its first reading with the following two changes effected:

- 1) Section 3(b)(2)-the word "removed" be changed to the word "replaced" so that line 3 reads "chimneys shall be either replaced or restored."
- 2) Section 4(i)-first word in the second line ("replaced") be substituted by the word "replicated". The motion was duly seconded by Councilmember Saloma and approved by unanimous vote. (Ordinance attached)

Councilmember Weisman raised questions regarding several sections that he hoped answers could be provided for prior to second reading of the ordinance. Councilmember Ramsey voiced concerns about some wording in various places in the ordinance being vague and not specific enough.

Upon motion, duly seconded, the meeting adjourned at 10:35 P.M. to reconvene on Monday, October 26, 1981, at 8:00 P.M.

PROPOSED ORDINANCE

WHEREAS, the Mayor and Council of Takoma Park, Maryland have designated Takoma Old Town as a Commercial Revitalization Area; AND

WHEREAS, the City's commitment to commercial revitalization extends to the provision of substantial public improvements in Takoma Old Town; AND

WHEREAS, to achieve success in commercial revitalization, these public commitments must be accompanied by private design improvements; AND

WHEREAS, design standards have been found to be a necessary and integral part of any commercial revitalization program.

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

SECTION 1. THAT over and above the codes and ordinances of the City of Takoma Park, the following additional standards shall be applied to all commercial uses within the area described below in section 2, "Boundary Description."

1. PURPOSE

The purpose of these design standards is to promote and enhance the unique character of Takoma Old Town so that it provides a stable, healthy business environment serving the needs of a broad community. These standards will help to create a unique neighborhood retail business district with enhanced economic viability, attractiveness and convenience for residents of the surrounding neighborhoods and the broader community. The standards have been developed to regulate facade and building treatments in order to protect and enhance property values by ensuring compliance by all property owners; to cultivate a clear and consistent image for business operations, to establish a positive identifiable image within the Washington Metropolitan area; to bring about a general physical improvement of the area through coordinated private and public improvements, and to promote the public welfare.

2. BOUNDARY DESCRIPTION

The standards set forth below shall apply to all structures within the officially designated area of the Laurel/Carroll (Takoma Old Town) commercial district. This area includes Carroll Avenue, bounded on the northwest by Tulip Avenue, and on the southeast by Columbia Avenue, extending along Carroll Avenue to the District of Columbia at the intersection of Eastern Avenue. The section of Laurel Avenue located between Carroll Avenue and Eastern Avenue is also within the official area of compliance.

3. ROOFS

(a) For pitched roofs visible from the sidewalk across the street either in front of, or to one side of a building, the following roof requirements shall apply:

(1) The finished roofing material shall be limited to the following materials: terne metal (steel with a corrosion resistive coating of either lead or tin); standing seam, painted sheet metal roofing; asphalt shingle or tile; slate; built-up flat roof; clay tile.

(2) The finished roofing material shall be clean and in a good state of repair.

(3) The finished roofing material shall have a color compatible with the building color scheme.

(4) Dormers shall be compatible with the design of the building and street facade. The finished materials and colors shall be harmonious with both the roof and facade of the buildings.

(5) Skylights and solar collectors shall be of low profile and all metal parts shall match the roofing material. Skylights shall be kept to the rear of the ridge of the roof.

OVER

(b) General Provisions.

(1) Rooftop mechanical equipment shall be located far enough back from the edge of the roof so that it cannot be seen from the sidewalk across the street or park, either in front of or to one side of the building. Functional equipment may be retained until major repair or replacement of the equipment becomes necessary, at which time it shall be removed from view. All mechanical equipment shall be painted with a flat paint in a color compatible with the color of the front of the building upon which it rests or the existing roof.

(2) All chimneys or other auxiliary structures on the roofs shall be clean and in good repair. All deteriorated masonry chimneys shall be either replaced or restored. All future metal chimneys shall be located so that they cannot be seen from the sidewalk across the streets either in front of, or to one side of, the building.

(3) Flashing visible from the sidewalk must be neat and free of pitch. Visible flashing shall be painted to match the surface of the wall above it.

(4) Television and radio antennae shall be located so as to be as inconspicuous as possible, preferably to the rear of the buildings.

(5) All extraneous equipment, including but not limited to, signs and billboards shall be removed.

4. EXTERIOR WALLS

(a) All exterior building walls should be of the original architectural character of the building and in good condition.

(b) All structural and decorative elements of building fronts and rear sides shall be repaired, replaced or uncovered in a workmanlike manner to match as closely as possible the original materials and construction of that building.

(c) All miscellaneous elements on the exterior walls of the structures such as empty electrical boxes, conduits, pipes, unused sign brackets, etc., shall be removed.

(d) All brick walls shall be cleaned, repaired, and repointed as required. Brick walls shall be either preserved in their natural color or painted a color compatible with the colors of the neighboring structures. Cleaning of brick walls by means of sand or grit blasting shall not be permitted, since this destroys the protective coating of the brick and allows it to deteriorate.

(e) All natural stone walls shall be cleaned, repaired, and pointed.

(f) All stucco surfaces shall be cleaned and repaired and shall have a similar texture to the existing surface. All stucco surfaces shall be in a color compatible with the colors of the neighboring structures.

(g) All tile finishes shall be removed and the original wall construction behind them restored.

(h) Asphalt shingle siding shall be removed and only a permissible exterior finish shall be allowed.

(i) All rotten, broken, or deteriorated wood siding shall be replicated. Existing material in sound condition and permissible under the local building code shall be cleaned, stripped, and painted. All wood siding shall be designed to be compatible with the design of the building and the neighborhood. Textured plywood and/or plywood shall not be used.

(j) Use of air-conditioning units of the window type on the fronts of buildings should be avoided wherever possible. The location of wall-mounted air-conditioning units shall be in a place harmonious and functional to the store front design, not to interfere or be hazardous to pedestrian circulation and with a proper drainage solution.

(k) Metal gutters and downspouts shall be repaired or replaced as necessary and shall be neatly located and securely installed. Gutters and downspouts shall be painted to harmonize with other building front colors.

5. ARCHITECTURAL DETAILS

(a) Cornices. Where cornices exist, they shall be restored to their original design. The removal of cornice work, without prompt replacement of similar design, will not be permitted. Where cornices have been removed during previous renovation work, new cornices shall be installed. New cornices shall be compatible with the design of the building. All cornices shall be made structurally sound and rotted or weakened portions shall be removed and repaired or replaced to match the original patterns. All exposed wood shall be painted.

(b) Windows.

(1) All of the windows in a single facade shall be of matching design. All window openings shall have the same height and width they did at the time that the wall in which the openings are located was originally built. Filling in these openings at the top, bottom, or sides is not permitted.

(2) All windows shall have good frames, sash and mullions or appearance of the same. Vinyl-clad wood or metal or other weather resistant materials may be used provided that they are kept painted or have an acceptable integral color. All replacement windows shall be double glazed.

(3) All windows must be tight-fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints, or broken or loose mullions or muntins shall be replaced. All broken and missing windows shall be glazed. All exposed wood shall be painted.

(4) Ornamental window grilles and balconettes may be incorporated as a decorative or security device.

(5) The lintels over windows shall be preserved or restored. Rotten wood lintels shall be replaced. Brick archwork and stone lintels shall be restored.

(6) Window sills shall be preserved, replaced, or restored to match the original design of the building.

(7) Boarding up or filling in windows on the front facade is not permitted.

(8) Windows facing alleys, yards, or side streets shall be kept properly repaired or, with the Fire Department's approval, may be closed with materials and a design that match or are compatible with the material design and finish of the adjacent wall. Plywood will not be allowed as an infill material.

(c) Doors. In cases where there are doorways to buildings that are not incorporated in the storefront, the character of the original doorway shall be preserved. Where possible, the original style of these doorways, including solid, paneled, wood doors; wood frames; brick or stone sills; transoms, overhangs, and glazed sidelights, shall be incorporated into the design of the remodeled shopfront. The following additional requirements shall apply to all doorways and entrances:

OVER

(1) Storm and screen doors shall be compatible with entrance doors.

(2) Hardware visible from the outside should not detract from the overall appearance of the door. Large exterior locks are not permitted.

(3) Any grilles, bars, and grates covering doors or windows shall be designed to be compatible with the design of the building and of the neighboring structures, and the public improvement design theme.

(4) Doorways shall be designed with consideration for the needs of the handicapped and the elderly.

(5) Where steps or stoops are required at a doorway or entrance, they shall be designed to match the original design. In cases where there are more than two risers, the steps or stoops shall be provided with a railing of compatible design.

(d) Awnings. The use of awnings, canopies, or other overhangs for the purpose of protection over the sidewalk in front of an establishment is encouraged.

(1) Soft, retractable awnings are permitted over the first floor and on upper floors above windows only.

(2) Awnings should be flame proofed.

(3) Awnings should not project from the building front so as to interfere with street trees, lamp posts, etc.

(4) Awnings shall terminate against the building at a height not higher than one inch below the second floor window sill.

(5) Awnings should be coordinated in color and/or design to unify the commercial block.

(6) The width of front valance of awnings should not exceed one foot (1'-0") and size of stripping at one foot (1'-0") maximum.

(7) Rigid or fixed awnings, sun screens, or permanent canopies are not permitted on any portion of the building front, i.e., wooden shingle mansard awnings.

(8) Signs, symbols or designs painted or sewn onto awnings are permitted.

(9) If graphics are to be placed on an awning, they should be on the awning valance and centered over the storefront.

6. SHOPFRONTS

(a) A shopfront as a part of the building facade shall be defined to include: the building face, porches, the entrance area leading to the door, side-lights, transoms, display platforms, devices including lighting and signing designed to be viewed from the public right-of-way and/or the areas visible to the public prior to entering the interior portion of the structure.

(b) General Provisions.

(1) Shopfronts, entrances, signs, lighting, sun protection, porches, security grilles, etc., shall be compatible, harmonious, and consistent with the original scale and character of the structure.

(2) All extraneous and unused hardware, signing, and equipment shall be removed.

(3) All broken, rotten, or damaged elements shall be removed and replaced with elements that are harmonious with the design of the building and with the neighborhood.

(4) Textured or colored glass and ribbed or patterned metal are not permitted as acceptable replacement materials for shopfront windows.

(5) At such time as sign panels covering or replacing shop cornices are removed or deemed to need replacement, they shall be taken down and the cornice restored.

(6) Grates, bars, and grilles shall be designed so as to be as inconspicuous as possible. They shall be kept painted and free of rust. In all cases they shall be kept open during the normal daylight business hours of the community. Non-metal grilles and screens shall be prohibited. Enclosures and housings for security grilles and screens shall be as inconspicuous as possible and shall be compatible with the design of the shopfront.

(7) Solid or permanently enclosed or covered shopfront windows shall not be permitted. Where the window treatment of the first floor is to be modified, such that the window openings will be made smaller, these new openings will not be smaller in size than the openings of the second or third floor windows of the subject structure.

7. SIGNS

(a) Signage materials shall be in harmony with the rest of facade materials and be easily maintained, such as: treated fabric; natural or painted wood; metal; cut-out letters of metal, wood, or plastic; and individual painted letters.

(b) Signs should be placed where they conceal the least amount of architectural detail.

(c) Signs may be a maximum of thirty (30) inches high and project not more than eight (8) inches from the outside face of the exterior wall. All signs shall be designed to be harmonious with the design of the building facade and the neighboring structures. The maximum allowable sign area shall be two times the frontage of the building in feet.

(d) Lettering applied to ground floor show windows or entrance doors shall not exceed three (3) inches in height and the text limited to identification of the business. Signs identifying the occupant shall be permitted at rear entrance doors but shall not exceed six (6) square feet in size and shall be nonluminous.

(e) Signs may be painted on the inside surface of the shopfronts but must be designed to be compatible with the design of the entire facade. Signs painted on the facade or on the inside glass should be limited to lettering no greater than six (6) inches in height. When these signs are the only identifying sign for the property, they can use twelve (12) inch lettering. These signs shall not exceed twenty-percent of the area of the shopfront window.

(f) Non-illuminated secondary signs shall be permitted for the identification of commercial tenants occupying the upper floors of a building. Such signs shall not project any higher than the entry door lintel to the building. These signs shall be designed to be harmonious with the facade of the building.

OVER

(g) "Temporary" signs may be displayed within shopfront windows provided that these signs are not larger than one-fourth the square footage area of the window in which they are displayed and are on display not more than 30 consecutive days.

(h) Only signs identifying the business on the premises shall be permitted.

(i) When the rehabilitation work is undertaken on building fronts, all new flat signs will be erected parallel to the face of the building and shall be incorporated in the design of the shopfront. If the shopfront design includes a cornice, the sign shall be incorporated in the cornice design or shall be placed in the shop window. If a shopfront cornice is not used, the sign shall be placed either in the shop window or on the portion of the building facade above the shop window and below the sill of the second floor windows.

(j) Flat signs may not be luminous but may be illuminated by any acceptable method listed below in the Lighting section.

(k) Flashing or moving signs other than barber poles shall not be permitted.

(l) Rooftop signs, above the parapet of the building, billboards, or outdoor advertising signs painted or mounted on the buildings shall not be permitted.

(m) No signs will be permitted to be mounted at right angles to the face of the building except those which illustrate graphically or in a logo form the business within, e.g., scissors for haircutters and Boar's head for Boar's Head restaurant.

(n) No signs painted on buildings will be permitted.

8. LIGHTING

(a) Exterior lighting shall be limited to lighting fixtures designed to be in harmony with the character of the buildings and the Takoma Old Town streetscape design theme. Such fixtures shall be mounted in the entrance ways and on the front facade of the building. Flood lighting concealed above a storefront roofing may be used to light the facades of buildings. Lighting of the shops will be encouraged during the evening hours. Lighting of the facades of the buildings may be accomplished with projecting fixtures at the roofline or at the storefront cornice line. Such fixtures shall be inconspicuous, harmonious with the design of the building, and project no more than twenty-four (24) inches from the face of the building.

(b) The following lighting methods are permitted:

(1) Fully recessed downlights or wallwashers in projecting metal box. Box must run full length of the sign area.

(2) Shielded fluorescent lamps with diffusers in projecting metal box. Box must run full length of the sign area.

(3) "Goodneck incandescent," porcelain enamel reflector on bent metal tube arm. Housing to prevent glare at pedestrian eyeline.

(4) Individually lit letters, either internally or back-lit.

(c) The following lighting methods are not permitted to illuminate the front of any building or any side fronting on a major street:

(1) Exposed florescent lighting.

(2) Exposed quartz or mercury vapor lamps.

(3) Exposed incandescent lamps other than low wattage, purely decorative lighting.

(4) Flood lights which result in glare to pedestrians or occupants of buildings.

(d) Lights shall not blink, black out, flash, or have any mechanical motion.

(e) Electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches, and panel boxes shall be concealed from view.

9. COLORS

(a) There should be continuous color treatment both in the overall base color and the trim accent color to create a unified appearance.

(b) All painting shall attempt to highlight existing architectural detailing of the building.

(c) Individual buildings on the same block should be one base color for cohesiveness. Building individuality should be promoted through accent colors, graphics, awnings, and signage.

10. REAR AND SIDE YARDS

(a) All yards should be neat in appearance and should not in any way obstruct passersby, nor detract from the appearance of the building.

(b) An unenclosed rear yard may be used as a parking or loading area providing that it is properly paved, illuminated, and maintained.

(c) Merchants shall be responsible for the maintenance of parking areas. No storage of trash containers shall be allowed in these areas except when housed in permanent structures of acceptable design.

(d) All parking areas shall be effectively screened from adjoining residential property and shall have adequate landscaping and screening on property lines adjacent to public sidewalks.

(e) All outdoor refuse storage areas shall be screened from the view of adjacent properties and public rights-of-way. Screening shall consist of a masonry wall or durable fence or combination thereof, painted harmoniously, not less than four (4) feet nor more than five (5) feet, six (6) inches in height. In lieu of such wall or fence, a compact evergreen hedge of not less than four (4) feet in height at time of original planting may be used.

11. STANDARDS FOR REDEVELOPMENT

(a) New buildings should respect the traditional quality of the surrounding commercial area and of the residential neighborhood. And they should be designed in such a way as to promote and enhance the unique character of Takoma Old Town.

OVER

12. RELATIONSHIP OF MATERIALS, TEXTURE, AND COLORS

(a) The relationship of the materials, texture, and color of the facade of a building should be visually compatible with the predominant materials used in the buildings to which it is visually related.

(b) All new buildings should attempt to create a richness of detail which will enhance the existing character and the public improvements theme of Takoma Old Town.

(c) The height of proposed buildings should be visually compatible with adjacent buildings and in conformance with zoning regulations.

(d) The shape of the roof of a building should be visually compatible with the buildings to which it is visually related both adjacent to it and within the commercial area.

(e) The relationship of solids to voids in the front facade of a building should be visually compatible with buildings, open spaces, and places to which it is visually related.

(f) The relationship of the width of the windows to the height of the windows in a building should be visually compatible with the buildings, open spaces, and places to which the building is visually related.

(g) The relationship of buildings to open space between it and adjoining buildings should be visually compatible to the buildings, open spaces, and places to which it is visually related.

(h) The relationship of the width of the building to the height of the front elevation should be visually compatible to the buildings, open spaces, and places to which it is visually related.

(i) Appurtenances of a building such as walls, wrought iron, fences, evergreen landscape masses, building facades, shall, if necessary, form cohesive walls of enclosure along a street to insure visual compatibility of the building to the buildings, open spaces, and places to which it is visually related.

(j) The relationship of entrances and porch projections to sidewalks of a building should be visually compatible to the buildings, open spaces, and places to which it is visually related.

13. COMPLIANCE

(a) Rehabilitation - All business or property owners are encouraged to submit design plans for any exterior rehabilitation to the City Administrator before proceeding with work. Any owner benefiting from public financial assistance in meeting these design standards is required to submit design plans to the City Administrator before proceeding with work.

(b) Review of New Development - The City encourages the development of appropriate C-1 and TSM development in the areas identified in the Commercial Revitalization Plan. The City requires the review and approval of developers' plans and specifications with respect to their conformance with the provisions of the Commercial Revitalization Plan and design standards in order to achieve harmonious development of the designated area. The City also reserves the right to refuse to approve any such drawings, plans, or specifications that are not suitable or desirable for aesthetic or functional reasons; and in so passing upon such drawings, plans, and specifications, it shall have the right to

take into consideration, but shall not be limited to, the suitability of the site plan, architectural treatment, building plans, elevations, materials and color, construction details, streets, sidewalks, and the harmony of the plans with the surroundings. The City shall inform the Montgomery County Department of Environmental Protection of its decision in each case.

14. DEMOLITION

(a) All applications for demolition permits shall be first submitted to the City of Takoma Park for review and approval. If the City finds that the proposal is consistent with the objectives of the Commercial Revitalization Plan, the City shall recommend approval by the Department of Environmental Protection. If the City finds that the proposal is inconsistent with the objectives of the Plan, the City shall recommend disapproval to the Department of Environmental Protection.

SECTION 2. Non-Compliance with Design Standards. Any property or business, the owner of which is unwilling or unable to comply or conform to rehabilitation in conformance with applicable codes and these design standards within 24 months of the date of approval of this ordinance, the City of Takoma Park, which will have sent written notification of the required improvements to the owner within 12 months of approval of this requirement, after due consideration that the owner has failed to achieve substantial conformity with the said codes and ordinance, may enforce fines of up to \$100 a day per violation for non-compliance; each day being a separate violation. Properties designated by the revitalization plan adopted by the Mayor and Council of Takoma Park for redevelopment under C-1 or TSM, for which plans have been developed, shall be exempted from these rehabilitation standards for a period of 36 months from the date of adoption of this plan.

SECTION 3. Severability. In the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section, or part of this Ordinance, or the application thereof to any person or circumstance is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, it being hereby declared that the remaining provisions of the Ordinance with the word, phrase, clause, sentence, paragraph, section, or part, or the application thereof, so held invalid would have been adopted and approved.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council

October 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 REGULAR COUNCIL MEETING MINUTES OF SEPTEMBER 28, 1981

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Presentation of trophies to winning team, City Softball League
2. Other comments by the Mayor

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

ITEMS FOR COUNCIL CONSIDERATION

1. Communications
2. Administrative Reports and Recommendations for Council Action:
 - (1) Resolution and ordinance amending Section 1.3(b) of the City Charter to establish new ward boundaries

ADJOURNMENT

Regular Meeting of the Mayor and City Council
October 26, 1981

City Officials Present:

Mayor Abbott	City Administrator Gilsdorf
Councilmember Garcia	City Clerk Pusti
Councilmember Holland	Police Chief Carter
Councilmember Patrick	Public Works Director Robbins
Councilmember Ramsey	Recreation Director Ziegler
Councilmember Ricks	Corporation Counsel Gingerick
Councilmember Saloma	
Councilmember Weisman	

The Mayor and Council of Takoma Park met on October 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 the Council meeting held September 28, 1981.

Councilmember Garcia pointed out that in the summary of the September 8, 1981 Public Briefing on Ward Redistricting, there was an erroneous statement concerning permissible variation in his plan - summary read +50% and should have been +15%. City Administrator Gilsdorf assured the correction would be made.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott stated he had found difficulty the last several weeks in reducing the number of items to be considered, long enough to devote sufficient time to making judgments on any particular one, therefore would defer tonight and permit Councilmembers to make their comments.

Councilmember Ricks stated he had attended the Maryland Municipal League (MML) meeting, Montgomery County Chapter, on October 22, 1981, and one of the items discussed was the City of Mt. Rainier and City of Forest Heights vs. the Prince George's County, the dispute being whose laws or ordinances prevail or have highest order. A fortuneteller in Forest Heights or Mt. Rainier applied for a license and the county granted a license to operate within the city limits; city has an ordinance prohibiting fortunetelling, so the fortuneteller when approached by the city for operating illegally, took it to court. The judge ruled that county law prevails over city law, which raises considerable concern on the part of municipalities. Cities, through the MML, will be following up on the case. Emphasized importance of city officials being at the Easton Legislative Conference to talk about the full impact of that decision - strategies will be planned and discussed at that time.

Another major topic at the MML meeting was cable TV. Various cities in the county are deciding whether they want to opt in with Montgomery County's franchise; the City Council approved an agreement to opt in with the County, with the proviso that the City would wait to sign until Rockville had done so; Councilmember Ricks was unable to get an answer as to why Rockville is waiting, but felt that they do plan to sign an agreement. One question was who would comprise the advisory board--the City's agreement was that there would be a representative from the City; Rockville requested representation, as well as the MML; municipalities felt they required at least 20% representation on an advisory board and requested the County Executive to make one of his appointments an individual from one of the incorporated areas of the county.

The Lieutenant Governor was present at the MML meeting. There was discussion of the possibility of cities applying directly to the state for CDEG funds; it was questionable as to how that would be done and whether it would be as favorable as going through the county. The President of the Maryland Municipal League spoke and emphasized the importance of officials being present at the legislative conference. Councilmember Ricks announced he had been appointed to a position on one of the MML committees.

Councilmember Garcia advised Council and citizens of a house in the 7400 block of Wildwood Drive that was recently purchased by an organization for use as a group home for either hearing impaired or mentally retarded individuals. City Administrator Gilsdorf checked into the

matter and ascertained that the purchaser is the National Childrens Center, a non-profit organization, located in the District of Columbia; stated that information was very difficult to procure and that in Prince George's County in an R-55 zone, (single-family) homes for up to 8 dependent persons are permitted, over 8 requires a special exception. Councilmember Garcia stated the neighbors are very concerned, and suggested discussing the matter with representatives from Prince George's County. Councilmember Weisman questioned whether the Master Plan could be amended or adjusted to include an exclusion of group homes. Mayor Abbott stated the procedure should include notification and consultation with the City Council. Councilmember Ricks suggested contacting the organization and attempting to obtain from them a statement of their intended use. Councilmember Garcia advised he would try to get further information and report on it at a later date. Mayor Abbott stated that when more information was obtained, the County could be contacted regarding legislation mandating consultation with municipalities on the placement of any group homes.

Councilmember Ricks related his testimony before the Board of Education on October 20, 1981, on behalf of the Mayor and Council for the citizens of Takoma Park, at the hearing on the proposed Takoma Elementary and Piney Branch language school conversion. Stated the citizens are in total opposition to the plan and felt it would segregate children not privy to being in the language immersion program; the situation is one that should be watched closely.

Councilmember Holland said the Montgomery County Block Grant Committee will be meeting every week until the end of November to prepare funding for Year 8, in which the City has submitted a request for \$1.1 million in Block Grant funds; stated that the Committee has been notified that with the latest federal cutback, there will be approximately \$870,000 for the entire county; that CDBG may be all the City will have and it involves the least investment on the part of the City in that it does not require the staffing and filling out of federal forms that other similar programs he has researched would; noted that last year, the City opted to include Prince George's County population with Montgomery County's count, which was favorable for the City. Councilmember Ramsey questioned whether the County would still be committed to Takoma Old Town as a multi-year project, with the final funding amount still unknown. Councilmember Holland clarified that, yes, they are committed - the area has been established as a Neighborhood Strategy Area, but no funding level has been set at present. Of the \$1.1 million the City requested, \$500,000 was for Takoma Old Town revitalization. Stated he felt it unlikely the requested amount would be received. Councilmember Ricks stated he is not sure commitments to cities can be counted on because President Reagan, in spite of the Senate not approving his total requested budget cuts this year, is talking about pursuing further cuts after the first of the year, which could catch programs in the middle of their budget cycle. Said money should be committed cautiously now because of unknowns in the future. Councilmember Holland stated that once a funding level has come from HUD to the county and, in turn, been distributed to the municipalities, that portion can be counted on.

Trophies were presented by Mayor Abbott and Councilmember Saloma to members of the Public Works softball team. In the City Softball League, theirs was the team that won the most games and the playoffs. Kenny Jones was team coach. Mayor Abbott reported that in a separate 24-hour non-stop marathon game sponsored by the Fire Department, \$3,200 was raised for muscular dystrophy.

ADDITIONAL AGENDA ITEMS

Washington Adventist Hospital memorandum of agreement ^{involving} opposed by tk out
Historic Takoma Committee regarding the sanitarium building (Mayor Abbott)

For the next work session: (1) proposal to appoint committee to work on question of crime prevention; (2) matter of attribution of leaflets - reflects back to recent case where material was distributed without any indication of source; (3) moving toward appointing an architectural review board within the City (Councilmember Ramsey)

CITIZENS' REMARKS

1. Doug Love, 7207 Holly Avenue: related a recent incident where in he received a parking ticket for left wheels to the curb and presented a proposed ordinance amendment that would permit such parking. Chief Carter said this is a state statute and, to his knowledge, the standing law in every municipality throughout the state. Mayor Abbott stated Council would consider the matter and discuss it at a later date. Mr. Love said he would research similar ordinances in other states and report back with his findings.

2. Suzanne Rhodenbaugh, 53 Walnut Avenue: expressed personal feelings that Takoma Old Town Revitalization Project is moving too fast, there are too many unanswered questions; very concerned about amount of money to be put into it with no assurance of what the City will get out of it. Presented a statement written and signed by Tom Gagliardo, with additional signatures of Paul Plant, Mike Messinger, Suzanne Rhodenbaugh, Carl Iddings, Marc Ellerich, Rino Aldrighetti, David Prosten, and (illegible). The statement in essence expressed a wish to ensure that the resources of the City be used in the most democratic, efficient, and creative way possible, as Takoma Old Town will have an impact on all citizens. Wished to emphasize that the group is (1) in favor of commercial revitalization, and; (2) that they would like to work with the Phipps and appreciate their efforts; hoped to meet with them soon for an exchange of ideas. Requested that Mayor and Council keep an open mind and consider issues raised before committing the City to an irreversible course. Stated concerns about traffic and parking, financing - suggested public financing in exchange for public equity in revitalized Takoma Old Town. Stated they need to know to what extent public services will have to be increased, what Citizens Bank intends to do and intends not to do, what do other major landholders intend, what will be the impact of planned large buildings in adjacent District of Columbia and Review and Herald's leaving the D. C. section - also what are needs and wants of neighbors in adjacent D. C. Want to ensure that decisions are made only after citizens have been given sufficient information, including cost/benefit analysis and assessment of alternatives. Stated they wish to meet with other individuals or groups interested in discussing revitalization. Mayor Abbott pointed out that there is an existing Citizens' Advisory Committee, suggesting that Mrs. Rhodenbaugh's group work with it. Mrs. Rhodenbaugh stated fears concerning eventual commercial encroachment into residential areas; questioned how much money has been spent already; stated contract was apparently let without bidding or being open to competitive bid; did not understand the contractual arrangement.

Mayor Abbott stated traffic was not dealt with in the draft report as it was deemed important enough to merit a special report and specific ordinances. Stated he did not see how any Council could guarantee the extent of development over the decades as that would be up to future elected officials and citizen involvement and desires. Said there is nothing in the present draft to indicate more than one TSM zone. Mrs. Rhodenbaugh said there is nothing to guarantee that a developer does not buy large plots of land and develop the whole area in highrises. Mayor Abbott pointed out that the original TSM zoning legislation formulated by the former Director of the Planning Board specifically exempted Takoma Park from its provision - the proposed Takoma Old Town TSM zone is expected to be the only one for the area.

Councilmember Holland stated he felt the input is good; clarified that no commitment has been made of any City funds - the City, on its own, could not afford to fund a project of this magnitude. Stated he thinks it essential the City have a firm commitment from the developer as to what they are going to do prior to taking any action; emphasized that any money received from CDBG would be expended on civic improvements - streets, curbs, gutters, sidewalks, etc.

Mrs. Rhodenbaugh indicated that the group signing the statement would be delving more thoroughly into the matter - especially financial questions they want answered. Mayor Abbott stated he hoped that out of the group signing the statement, there might be one or more individuals who would meet with the Citizens' Commercial Revitalization Committee;

clarified that any drawings contained in the plan are merely schematic, not indicative of what will actually exist. Councilmember Ramsey stated he hoped the group would meet with the Phipps and work out answers if possible, leaving Council with anything that could not be resolved. Reminded that the City does not have planning and zoning authority; City needs to dispose of any question of more than one TSM building and, until acted on by the county, City cannot guarantee that only one will exist.

3. Carl Iddings, 7416 Carroll Avenue: stated he liked the draft language of the proposed ordinance establishing new ward boundaries; appreciated that it fulfilled earlier request by Carroll Ridge Neighborhood Association regarding Jefferson Avenue boundary; encouraged a favorable vote on that amendment to ordinance.

4. Lou D'Ovidio, 7324 Piney Branch Road: recommended that Council might consider appointing a group of persons to prepare wording for a City ordinance, using the county's Historic Preservation Ordinance for guidance. They might, as well, make recommendations as to the size of a city commission, role of the commission, and what the commission might do, tied in with what is already decided in the Master Plan. Councilmember Ricks mentioned there was some question raised at the joint Park and Planning Commission hearing as to whether a commission of that sort would be legal, particularly insofar as decision making is concerned. Question was referred to staff - their opinion was that it was legal, but they would have a definite answer prepared by the time it got to the County Council. Mr. D'Ovidio stated that the county Historic Preservation group is awaiting Takoma Park's movement on this as a model for other municipalities. Councilmember Ramsey pointed out that at one of the meetings on the Master Plan, Tom Robertson of Maryland-National Capital Park and Planning Commission had stated that such an architectural review board would have jurisdiction over the 7100 block of Carroll Avenue; if for some reason, Maryland-National Capital Park and Planning Commission's legal staff should decide to the contrary, Council should reconsider its decision regarding zoning in that block. Attention should be devoted to the staff report in time that City Council's reconsideration could be presented to the County Council, which is due to take action fairly soon. Hal Phipps pointed out that cities do not have control in terms of zoning; the power a separate commission can give the City is that which the county's Historic Preservation Commission will defer to the City commission in most cases. Before anything can be done in a historic district in the county, that change in zoning, use, exterior changes, etc., must go through the county commission before it goes to the Planning Board and that is where city's leverage comes in - the Planning Board seldom turns down anything favorably recommended by the county Historic Preservation Commission.

5. Rino Aldrighetti, 7213 Central Avenue: registered a complaint of council meeting minutes available not being current enough and meeting agendas being received on day of the meeting.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. Letter to Mayor and Council from Dr. Jefferson Ware, Chancellor, Montgomery College, advising Maryland Junior College Athletic Conference Basketball Tournament will be held at Takoma Park Campus February 18-21, 1982. Since the 18th and 19th are weekdays, they are requesting an exception be made and courtesy be extended by police department to cars parked on the street in the permit parking area for those two days only.

2. Communication from Prince George's County Board of Appeals advising that on October 14, 1981 they approved an extension of grace period for continued operation of a multi-family dwelling at 7205 Flower Avenue. Theoretically, this could amount to a 90-day extension.

3. Communication from Montgomery County Board of Appeals advising that on January 7, 1982 at 9:00 A.M., a hearing on a special exception will be held on construction of an addition for an ambulatory care center and hospital parking garage at Washington Adventist Hospital.

City Administrator Gilsdorf stated a single set of plans for this building was furnished to him and he will be happy to share them as they are not of a size to be easily copied. Mayor Abbott questioned whether a briefing could be given Council - perhaps at the November 9 council meeting; Washington Adventist Hospital's representative present indicated in the affirmative.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Resolution and ordinance amending Section 1.3(b) of the City Charter to establish new ward boundaries. City Administrator Gilsdorf requested a change for clarification in connection with the boundary on Jefferson Avenue - 4th Ward, i.e., to change wording of Plan A - page 4, line 2 - right at the point after "Jefferson Avenue", so that it reads: "at its juncture with the eastern property line of lot 35, block 50, B. F. Gilbert subdivision." Also stated that alternative language has been prepared to include those five houses on Jefferson Avenue in Ward 2, and remove them from Ward 4. Mayor Abbott stated that Council has the option to either accept the resolution and ordinance for first reading or make final adoption tonight; he subsequently, made a motion, duly seconded, that the proposed charter amendment with the alternate amendments regarding Jefferson Avenue be adopted as the new ward boundaries for the City. Councilmember Garcia raised the point, as a technicality, that in the description for Ward 1 - in following the boundary down Ray Drive to Piney Branch Road, the maps of the City reflect a slight jog down to Grant and then follow the eastern side of Piney Branch to Takoma Junior High School. Stated the language of the ordinance does not describe that jog. It was the opinion of Corporation Counsel Gingerich that the language should be amended to reflect the jog. After discussion, a motion was made that the resolution and ordinance be accepted for first reading, duly seconded, and accepted unanimously. It was agreed that amendments to the language would be prepared prior to Special Meeting on November 2, 1981 and it would be placed on the agenda for second reading at that meeting. (See Attached)

2. Memorandum from a committee of Historic Takoma with a cover letter by Ron Wylie, a statement signed by Roland Halstead, Jennifer Saloma, and Ron Wylie, regarding adoption of a memorandum of understanding between Washington Adventist Hospital and Historic Takoma - pertaining to a process for decision making regarding preservation of the Sanitarium Building. Mayor Abbott pointed out that the City does not have to accept the memorandum as their part of the agreement - can specify only certain portions if so desired. The question was raised by Councilmember Ramsey as to whether the agreement would be between Historic Takoma and Washington Adventist Hospital, or between Washington Adventist Hospital and the City. After discussion, it was agreed Council would read and study the material in preparation for further discussion at a Special Meeting on November 2, 1981.

Upon motion, duly seconded, the meeting adjourned at 10:10 P.M. to reconvene on Monday, November 2, 1981, at 7:30 P.M. in Special Session.

PROPOSED CHARTER AMENDMENT

A RESOLUTION AND ORDINANCE OF THE MAYOR AND COUNCIL OF TAKOMA PARK AMENDING SECTION 1.3(b) OF THE CITY CHARTER TO ESTABLISH NEW WARD BOUNDARIES

WHEREAS, it is the desire of the Mayor and Council to equalize the population of the City among the seven wards for election purposes; AND

WHEREAS, to achieve this end, it is necessary to redefine the ward boundaries to reflect the necessary changes.

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

SECTION 1. THAT Subsection (b) of Section 1.3, "Elections--Generally," of the Charter of Takoma Park, Maryland, 1972, as amended, be repealed in its entirety and that there be enacted in its place the following:

Sec. 1.3

(b) The City of Takoma Park, Maryland shall be divided into seven (7) wards for municipal election purposes as follows:

(1) The First Ward shall consist of all that portion of the city beginning at the intersection of Chicago Avenue and the B&O Railroad and running thence in a northeasterly direction along the center line of Chicago Avenue to the intersection of the same with Boundary Avenue; thence in a southeasterly direction and along the center line of Boundary Avenue and the Corporate Line of the City of Takoma Park to the intersection of the same with Alfred Drive; thence in a northeasterly direction along the center line of Alfred Drive to the intersection of the same with Ray Drive; thence in a southeasterly direction along the center line of Ray Drive to the intersection of the same with Piney Branch Road; thence in a northeasterly direction along the center line of Piney Branch Road to the northeastern property line of the Takoma Park Junior High School; thence southeasterly along the said property line of Takoma Park Junior School, continuing in a southeasterly direction along the northeastern property line of the Takoma Park Recreation Center to a point on Maple Avenue facing the center line of Sherman Avenue; thence in a southwesterly direction along the center line of Maple Avenue to the intersection of same with Lee Avenue; thence southeasterly along the center line

of Lee Avenue to the intersection of same with Hancock Avenue; thence in a southwesterly direction along the center line of Hancock Avenue to its terminus near Philadelphia Avenue; thence northwesterly, beginning with Lot 10, Block 3, Hillcrest Subdivision and continuing along the center line of Philadelphia Avenue to the intersection of same with Cedar Avenue; thence southwesterly along the center line of Cedar Avenue to its intersection with the District of Columbia boundary line; thence northwesterly along said District of Columbia boundary line to a point where same crosses the B&O Railroad; thence northerly along the said railroad to Chicago Avenue and the point of beginning.

(2) The Second Ward shall consist of all that portion of the city beginning at a point where Cedar Avenue intersects the District of Columbia boundary line and running thence along the center line of Cedar Avenue in a northeasterly direction to the intersection of said Cedar Avenue with Philadelphia Avenue; thence in a southeasterly direction along the center line of Philadelphia Avenue to a point opposite the property line separating Lots 9 and 10, Block 3, Hillcrest Subdivision; thence in a northeasterly direction running between Lots 9 and 10, Block 3, Hillcrest Subdivision; thence in a northeasterly direction along the center line of Hancock Avenue, continuing along the rear property line of Parcel 1, Block 50, B. F. Gilbert's Subdivision; thence along the center line of Jefferson Avenue in a northeasterly direction to the eastern property line of Lot 35, Block 50, B. F. Gilbert's Subdivision; thence in a straight northeasterly line to Sligo Creek; thence in a southeasterly direction following the meanderings of Sligo Creek to its intersection with Jackson Avenue; thence in a southwesterly direction along the center line of Jackson Avenue to the intersection of said Jackson Avenue with Ethan Allen Avenue; thence in a westerly direction along the center line of Ethan Allen Avenue to its intersection with Sycamore Avenue; thence southward along the center line of Sycamore to its intersection with Columbia Avenue; thence along the center line of Columbia Avenue in a southwesterly direction to its intersection with Carroll Avenue; thence along the center line of Carroll Avenue in a

southwesterly direction to its intersection with Laurel Avenue; thence continuing southwesterly along Laurel Avenue to the District of Columbia boundary line; thence northwesterly along the District of Columbia line to Cedar Avenue and the point of beginning.

(3) The Third Ward shall consist of all that portion of the city beginning at a point where Laurel Avenue intersects the District of Columbia boundary line and running northeastward along the center line of Laurel Avenue to its intersection with Carroll Avenue; thence along the center line of Carroll Avenue in a westerly direction to its intersection with Columbia Avenue; thence along the center line of Columbia Avenue in a northeasterly direction to its intersection with Sycamore Avenue; thence along the center line of Sycamore Avenue in a northerly direction to its intersection with Ethan Allen Avenue; thence easterly along the center line of Ethan Allen Avenue to its intersection with Jackson Avenue; thence northeasterly along the center line of Jackson Avenue to its intersection with Lincoln Avenue; thence southeasterly along the center line of Lincoln Avenue to its intersection with Elm Avenue; thence southwesterly along the center line of Elm Avenue to its intersection with Ethan Allen Avenue; thence southeasterly along the center line of Ethan Allen Avenue to its intersection with New Hampshire Avenue at the City Boundary line in Prince George's County; thence in a westerly direction along the meanderings of the said City boundary line in Prince George's County to the intersection of same with Eastern Avenue; thence northwestward along Eastern Avenue to Laurel Avenue and the point of beginning.

(4) The Fourth Ward shall consist of all that portion of the city beginning at the point where the northeastern property line of Takoma Park Junior High School meets Piney Branch Road; thence along the center line of Piney Branch Road in a northeasterly direction to its intersection with Mississippi Avenue; thence in a southeasterly direction along the center line of Mississippi Avenue to its intersection with Hilltop Road; thence across Hilltop Road in a southeasterly direction to the center line of Sligo Creek at the Corporate boundary; thence

continuing southeasterly down the center line of Sligo Creek to a point opposite the center line of Jefferson Avenue; thence in a southwesterly direction along the center line of Jefferson Avenue and continuing along the rear property line of Parcel 1, Block 50, B. F. Gilbert's Subdivision; thence in the same southwesterly direction along the center line of Hancock Avenue to its intersection with Lee Avenue; thence along the center line of Lee Avenue in a northwesterly direction to its intersection with Maple Avenue; thence along the center line of Maple Avenue in a northeasterly direction to a point directly opposite Sherman Avenue; thence at said point opposite Sherman Avenue running northwestward in a straight line from Maple Avenue along the northeastern property line of the Takoma Park Recreation Center and continuing along the northeastern property line of the Takoma Park Junior High School to Piney Branch Road and the point of beginning.

(5) The Fifth Ward shall consist of all that portion of the city beginning at a point where Flower Avenue intersects Piney Branch Road at the Corporate limits and running thence in a southeasterly direction down the center line of Flower Avenue, the same being the Corporation line of the City of Takoma Park, to a point on Flower Avenue approximately one hundred fifty (150) feet south of Division Street; thence following the Corporation Line of the City of Takoma Park in an easterly direction to the center line of Greenwood Avenue; thence along the center line of Greenwood Avenue southeasterly to the center line of Carroll Avenue; thence continuing southwestward along the center line of Carroll Avenue to the center line of Sligo Creek; thence following the center line of Sligo Creek in a northwesterly and northerly direction to its point of intersection with Piney Branch Road; thence in a northeasterly direction along the center line of Piney Branch Road to its intersection with Flower Avenue and the point of beginning.

(6) The Sixth Ward shall consist of all that portion of the city beginning at the point where University Boulevard intersects Carroll Avenue; thence running in a southeasterly direction along University Boulevard, being also the Corporation Line of the City of Takoma Park, to a point where the Corporation Line turns right angle south from

University Boulevard; thence running southward along the Corporation Line to Linden Avenue; thence running in a northwesterly direction along the center line of Linden Avenue to the center line of New Hampshire Avenue; thence running along the center line of New Hampshire Avenue in a northeasterly direction to its intersection with Sligo Creek; thence northwestward along Sligo Creek to the mouth of Long Branch and continuing northward along the meanderings of Long Branch to a point where it meets Carroll Avenue; thence in a northerly direction along the center line of Carroll Avenue to its intersection with University Boulevard and the point of beginning.

(7) The Seventh Ward shall consist of all that portion of the city beginning at the point where Long Branch flows under Carroll Avenue; thence along the centerline of Long Branch southeastward to the point where Long Branch meets Sligo Creek and continuing in a southeasterly direction along Sligo Creek to the point of its intersection with the centerline of New Hampshire Avenue; thence southwestward along the center line of New Hampshire Avenue to its intersection with Linden Avenue; thence southeastward along the center line of Linden Avenue to the Corporate Boundary of the City of Takoma Park; thence continuing along the Corporate Boundary of the City of Takoma Park in a southwesterly direction to the center line of New Hampshire Avenue at its point of juncture with Ethan Allen Avenue; thence northwestward along the center line of Ethan Allen Avenue to its intersection with Elm Avenue; thence northeasterly along the center line of Elm Avenue to its intersection with Lincoln Avenue; thence northwesterly along the center line of Lincoln Avenue to its intersection with Jackson Avenue; thence northeasterly along the center line of Jackson Avenue to the center line of Sligo Creek; thence northwesterly along the center line of Sligo Creek to Carroll Avenue; thence northeasterly along the center line of Carroll Avenue to its intersection with Greenwood Avenue; thence northwesterly along the center line of Greenwood Avenue to the City Boundary located approximately one hundred fifty (150) feet south of Division Street; thence following the Corporation Line in an easterly direction to the lots on the east side of

Garland Avenue; thence following the Corporation line in a southeasterly direction to its intersection with Carroll Avenue; thence northeasterly along the center line of Carroll Avenue to its juncture with Long Branch and the point of beginning.

SECTION 2. THAT the provisions contained herein shall become effective upon the fiftieth day after adoption on second reading.

(2) The Second Ward shall consist of all that portion of the city beginning at a point where Cedar Avenue intersects the District of Columbia boundary line and running thence along the center line of Cedar Avenue in a northeasterly direction to the intersection of said Cedar Avenue with Philadelphia Avenue; thence in a southeasterly direction along the center line of Philadelphia Avenue to a point opposite the property line separating Lots 9 and 10, Block 3, Hillcrest Subdivision; thence in a northeasterly direction running between Lots 9 and 10, Block 3, Hillcrest Subdivision; thence in a northeasterly direction along the center line of Hancock Avenue, continuing along the rear property line of Parcel 1, Block 50, B. F. Gilbert's Subdivision; thence along the center line of Jefferson Avenue in a northeasterly direction to the eastern property line of Lot 35, Block 50, B. F. Gilbert's Subdivision;

TO THE CENTER LINE OF LINCOLN AVENUE AT A POINT OPPOSITE
JEFFERSON AVENUE; THENCE ALONG THE CENTER LINE OF LINCOLN AVENUE
IN A NORTHWESTERLY DIRECTION TO A POINT OPPOSITE THE REAR PROPERTY
LINE OF LOT 32, BLOCK 50, B. F. GILBERT'S SUBDIVISION; THENCE
IN A NORTHEASTERLY DIRECTION ALONG THE REAR PROPERTY LINES OF
LOTS 32 THROUGH 35, BLOCK 50, B. F. GILBERT'S SUBDIVISION;

thence in a straight northeasterly line to Sligo Creek; thence in a southeasterly direction following the meanderings of Sligo Creek to its intersection with Jackson Avenue; thence in a southwesterly direction along the center line of Jackson Avenue to the intersection of said Jackson Avenue with Ethan Allen Avenue; thence in a westerly direction along the center line of Ethan Allen Avenue to its intersection with Sycamore Avenue; thence southward along the center line of Sycamore to its intersection with Columbia Avenue; thence along the center line of Columbia Avenue in a southwesterly direction to its intersection with Carroll Avenue; thence along the center line of Carroll Avenue in a southwesterly direction to its intersection with Laurel Avenue; thence continuing southwesterly along Laurel Avenue to the District of Columbia boundary line; thence northwesterly along the District of Columbia line to Cedar Avenue and the point of beginning.

Alternative language for Sec. 1.3(b)(4) -- Ward 4. [] denotes the original language in accordance with Plan A. ALL CAPS denotes alternative language which would place both sides of Jefferson Avenue in Ward 2.

(4) The Fourth Ward shall consist of all that portion of the city beginning at the point where the northeastern property line of Takoma Park Junior High School meets Piney Branch Road; thence along the center line of Piney Branch Road in a northeasterly direction to its intersection with Mississippi Avenue; thence in a southeasterly direction along the center line of Mississippi Avenue to its intersection with Hilltop Road; thence across Hilltop Road in a southeasterly direction to the center line of Sligo Creek at the Corporate boundary; thence continuing southeasterly down the center line of Sligo Creek to a point opposite the [] center line of Jefferson Avenue; thence in a southwesterly direction along the center line of Jefferson Avenue and continuing along the rear property line of Parcel 1, Block 50, B. F. Gilbert's Subdivision; []

REAR PROPERTY LINE OF LOT 35, BLOCK 50, B. F. GILBERT'S
SUBDIVISION; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE REAR
PROPERTY LINES OF LOTS 35, 34, 33 AND 32, BLOCK 50, B. F. GILBERT'S
SUBDIVISION TO THE CENTER LINE OF LINCOLN AVENUE; THENCE IN A SOUTH-
EASTERLY DIRECTION ALONG THE CENTER LINE OF LINCOLN AVENUE TO A POINT
OPPOSITE THE REAR PROPERTY LINE OF PARCEL 1, BLOCK 50, B. F. GILBERT'S
SUBDIVISION; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE REAR PROPERTY
LINE OF PARCEL 1, BLOCK 50, B. F. GILBERT'S SUBDIVISION TO THE
CENTER LINE OF HANCOCK AVENUE;

thence in the same southwesterly direction along the center line of Hancock Avenue to its intersection with Lee Avenue; thence along the center line of Lee Avenue in a northwesterly direction to its intersection with Maple Avenue; thence along the center line of Maple Avenue in a northeasterly direction to a point directly opposite Sherman Avenue; thence at said point opposite Sherman Avenue running northwestward in a straight line from Maple Avenue along the northeastern property line of the Takoma Park Recreation Center and continuing along the northeastern property line of the Takoma Park Junior High School to Piney Branch Road and the point of beginning.