

## Special Meeting of the Mayor and City Council

November 2, 1981

## City Officials Present:

Mayor Abbott	City Administrator Gilsdorf
Councilmember Garcia	City Clerk Pusti
Councilmember Holland	Police Chief Carter
Councilmember Patrick	Police Sergeant Goetz
Councilmember Ramsey	
Councilmember Ricks	
Councilmember Saloma	
Councilmember Weisman	

The Mayor and City Council of Takoma Park met on November 2, 1981, at 8:15 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 October 13, 1981. Mayor Abbott offered an apology for the meeting beginning late, due to a pre-meeting discussion about the Montgomery County Board of Education's meeting with Council tomorrow night and their vote the following day on closure of Takoma Park Junior High School.

DISCUSSION OF POSSIBLE ACQUISITION OF 718 MAPLEWOOD AVENUE FOR USE AS QUARTERWAY HOUSE

Charles Evans, Group Counseling Service: synopsized present status of group homes on Maplewood Avenue his organization leases from Washington Adventist Hospital: 712 has been sold, 714 is vacant - kitchen only being used, 718 is used as a staff house, and 716 being utilized as a quarterway house. Stated Group Counseling has a special exception on 714 and 716 presently in effect. They propose having one house; Washington Adventist Hospital gives the impression they would like the sanction of Council to allow Group Counseling to use one of the houses - which particular one to be at Council's discretion. Mr. Evans stated he, personally, was considering purchasing 718, which would free 714 and 716 to be disposed of as Washington Adventist Hospital wishes - said he understands they want to get rid of those properties. Mr. Evans' purchase of 718 would put him under jurisdiction of the City as to use of the house, which he would like to use as a quarterway house. Stated patient load would not be increased to anymore than 12 total - original proposal for the two houses was for 20 people; indicated the only problem foreseen would be taking the special exception from 714 and 716 and transferring it to 718. Questioned whether Council would approve his proposed use of 718 if Washington Adventist Hospital will sell to him - stated Council's approval would be helpful in acquiring the property. Mr. Evans promised that if he acquired the property, he would maintain it in excellent condition; reiterated in response to question from Mayor Abbott that it would be inhabited by no more than 12 patients and two staff members - total of 14 people; there would be 24 hour supervision of patients. Stated house contains 8 bedrooms, 2 living rooms, 2 dining rooms, 2 kitchens, a nurses' station, small office, lounge room, 4 bathrooms; kitchen would be renovated to meet Health Department standards. In response to query, stated the typical duration of stay for individual patients is 14 days.

Question was raised as to how many group homes exist in the City - Mr. Evans indicated that county records reflect four licensed. Councilmember Weisman stated it was brought to the county's attention about 8 months ago that there were 13-15 unregistered ones operating illegally in the City. The county promised to investigate within 30-45 days and provide an answer but to date no reply has been forthcoming from them. Stated he would like to defer any decision on the matter at hand until the promised response is received from the county.

Councilmember Ricks stated that while Takoma Park has an overload of group homes, some parts of the county have none - it would seem equitable to locate a portion of the homes in other less-congested parts of the county. Councilmember Garcia stated his support for Mr. Evans' proposed house because of Washington Adventist Hospital's dedication to this type of program and their need for such a facility near the hospital. Stated that at the time the special exception was granted



THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and City Council  
November 2, 1981

AGENDA

[7:00 - 7:30 Strategy session to discuss meeting with Montgomery County Board of Education on Tuesday November 3 -- to be held in Conference Room]

7:30 CALL TO ORDER: Mayor Abbott  
ROLL CALL: Councilmember Garcia  
Councilmember Holland  
Councilmember Patrick  
Councilmember Ramsey  
Councilmember Ricks  
Councilmember Saloma  
Councilmember Weisman

READING AND APPROVAL OF THE MINUTES OF REGULAR COUNCIL MEETING OF OCTOBER 13, 1981

7:35 APPEARANCE BY CHARLES EVANS, GROUP COUNSELLING SERVICES, INC., TO DISCUSS POSSIBLE ACQUISITION OF MAPLEWOOD AVENUE PROPERTIES

7:45 SECOND READING OF RESOLUTION AND ORDINANCE AMENDING SECTION 1.3(b) OF THE CITY CHARTER TO ESTABLISH NEW WARD BOUNDARIES

7:50 DISCUSSION OF HISTORIC DISTRICT COMMISSION FOR TAKOMA PARK

8:15 DISCUSSION OF MEMORANDUM OF UNDERSTANDING BETWEEN WASHINGTON ADVENTIST HOSPITAL AND HISTORIC TAKOMA, INC.

8:30 ADJOURNMENT



for two homes (approximately 6 years ago), neighbors were polled, etc., and there were no objections to the homes being in the neighborhood. Said that if it were a new home being proposed, his reaction might be different, but the present situation could be compared to a renewal and is a reduction from two houses formerly agreed upon to one.

Councilmember Holland said he felt the counties should be castigated for their lackadaisical attitudes in permitting group homes to be established without the municipality's knowledge and consent; however, this case had been brought before the Council in an open, forthright manner and it would not be fair or responsible to attempt to use it for leverage with the county.

Mayor Abbott questioned the present zoning of 718 Maplewood. Mr. Evans said it is zoned for three apartments. Tom Robertson of Maryland-National Capital Park and Planning Commission clarified the four Maplewood properties mentioned would be zoned R-10 (high density multi-family) and R-60 (single family category); Master Plan proposes they all be rezoned to R-30 (low density multi-family category). Mayor Abbott stated the matter will be discussed and, after further clarification and consideration, the City will be in touch with Mr. Evans.

SECOND READING OF RESOLUTION & ORDINANCE AMENDING SECTION 1.3(b) OF THE CITY CHARTER TO ESTABLISH NEW WARD BOUNDARIES

City Administrator Gilsdorf stated that subsequent to the last meeting, Corporation Counsel and the City Clerk had redrafted portions of the ordinance to include the requested correction of the jog on Piney Branch Road and to substitute "corporate boundary" for "center line" in applicable places, to remove any ambiguity. A motion was made by Councilmember Garcia, duly seconded by Councilmember Holland that the language of the changes be accepted. Roll call vote was as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, and Weisman. NAY: Councilmember Saloma. EXCUSED: None.

A motion was introduced by Councilmember Garcia, duly seconded by Councilmember Weisman, that the resolution and ordinance (including the alternate language to place all of Jefferson Avenue in Ward 2) amending Section 1.3(b) of the City Charter be adopted. Roll call vote was as follows: AYE: Councilmembers Garcia, Holland, Patrick, and Ramsey. NAY: Councilmembers Ricks, Saloma, and Weisman. EXCUSED: None. (See Resolution No. 1981-2; Ordinance No. 2591, attached)

Discussion prior to roll call vote was as follows: Councilmember Saloma stated she was going to vote in the negative; appreciated all the work Councilmember Garcia put into coming up with a compromise that majority of Council would be able to accept - that her objection was not to the spirit of his work, but to the principle of placing so many minority voters in one ward - felt offering one sure seat instead of a chance at two is dilution of voting power of the people in that ward. Councilmember Ricks thanked the citizens of the City and those on the Council who worked diligently on redistricting; felt although no plan could guarantee a group a specific representative, there were plans that offered greater opportunity to those affected by voter's rights - felt this plan limits opportunity by concentrating greater number of minority persons into one specific ward. Stated he did not support the plan and would vote against it for that reason. Councilmember Weisman stated he had reservations similar to those expressed by Councilmembers Ricks and Saloma; appreciated the great amount of work put into the plan by Councilmember Garcia; but would vote in the negative.

Councilmember Garcia accepted the sincerity of the remarks offered, but noted Council was under an obligation to come up with a plan; with time running out, Council was still rehashing arguments previously discussed. Stated the preliminary groundwork; citizen input, etc., had been incorporated in the plan and negative votes were incomprehensible to him at that time.

Councilmember Ramsey stated he would vote in favor of the plan but personally was still of the opinion, that Maple Avenue should have two seats on the Council, but his thinking had been outvoted by experts,



the courts, and the people on Maple Avenue as far as it has been possible to determine. Given the opinion of the people who would be affected, the City would have to have some extremely valid arguments to defend imposing a plan on the people contrary to their stated preference. Said he was distressed by reports of court decisions which have taken into account a past history of light voter turnout among minorities and have then created what amounts to safe wards - i.e., rewarding failure to vote in the past by giving guarantee that it will be of little necessity to vote in the future.

Councilmember Patrick stated support for the plan and his distress at hearing negativism expressed. Councilmember Holland said he believed it necessary that the City come up with a plan that meets the requirements of the majority of the people; he shared some of the concerns about dilution of voting power of the people on Maple Avenue, however, at the public hearing, the vast majority spoke the opposite view; therefore felt it would be improper for him to vote against the expressed wishes of the majority. Said that although he did not think Plan A was the best possible plan, it was the only one viable at the present time.

Mayor Abbott stated that, while he is not entitled to a vote except in the case of a tie, he did hold a position, and from the beginning supported Plan D. Said that the minority concentration on Maple Avenue is a fact - this plan does not concentrate them there - they live there. Dilution has been stated in court cases to be below 65%, stacking over 90% - the safe range being within that 65-90% - which Plan A, as well as Plan D, met. Questioned where the citizens and associations were that spoke favorably of anything other than Plans A and D. Some persons spoke derogatorily of those two plans but had no suggested constructive alternatives, no positive support for other plans.

#### DISCUSSION OF HISTORIC DISTRICT COMMISSION FOR TAKOMA PARK

1. Lou D'Ovidio, 7324 Piney Branch Road: said there has been prior discussion concerning appointing a commission to review recommended/requested changes in the City, consider expansion of historic districts in the City, and make recommendations to the County Commission on Historic Preservation on the historic resources of the City. Said Council was to consider appointing a group within the City to review the county ordinance and prepare an ordinance for Takoma Park for review and action by the Council. Mayor Abbott stated he had asked Mr. D'Ovidio if he would be willing to act as Chairperson for such a group and Mr. D'Ovidio indicated he was willing to do so.

Councilmember Garcia questioned whether such a group would work with the county independent of the city council. Mr. D'Ovidio stated that the city commission would be reporting to the county commission; the City is in a bind since Council has no zoning power and no zoning regulations - what the commission would be doing is processing things in the historic district that would ordinarily go to the county commission and could bypass the city council anyway on the way to the Planning Board. Reiterated that this commission, if established, could give the City some leverage in terms of what Council wants in its historic district. Councilmember Ramsey queried whether what is being discussed is a task force to develop an ordinance which would then lead to the establishment of an historic commission.

Eileen McGuckian, Chairman of the Montgomery County Historic Preservation Commission: stated she had been requested by Mr. D'Ovidio to be present to respond to any pertinent questions. Mayor Abbott said it appears that the county commission is limited to historic preservation in its function; Ms. McGuckian confirmed that is correct. Mayor Abbott questioned what happens in the case of an area adjacent to the historic district when the commission attempts to ensure that no adverse development impinges on the historic district. Ms. McGuckian stated that talking about buffer zones is discussing a gray area; one reason the county is anxious to see some municipal commissions formed is to clarify some of these questions. Said the county would like to see Takoma Park form a commission that could serve as a prototype for other municipalities in the county, primarily because the City has an obvious interest in its own destiny and its own design review. Said the



Functional Master Plan passed in the county in July 1979 talks about local advisory committees being used in two ways: (1) to help evaluate sites that might meet criteria for placement on the Master Plan for historic preservation; and (2) after an area is placed on the Master Plan, there is design review of any proposed exterior alterations. It is envisioned that eventually local advisory committees would help evaluate those type of applications that come through for historic area work permits.

Councilmember Holland stated he is supportive of the plan; hopes Council will now move toward appointing some people and permitting them to draft the ordinance and bring it before the Council. Questioned whether there is any review by anyone in the county on new construction in an historic district. Ms. McGuckian stated that under the county ordinance for historic preservation and the Master Plan - there is an interim that is supposed to bridge the gap between properties identified by the Maryland-National Capital Park and Planning Commission as being placed on the atlas for historic preservation. Anything on the atlas but not yet evaluated for Master Plan status which has proposed substantial alteration, such as a building permit for new construction, is routed to the Historic Preservation Commission who judges whether the construction or alteration is substantial or not - if not, it goes on through the building permit process; if substantial, opportunity exists to withhold permit issuance for six months. However, if the proposed alteration or construction is adjudged architecturally compatible it is usually approved. Councilmember Holland mentioned the foundation has been dug for a home to be constructed on Montgomery Avenue, within the historic district, and he has been unable to ascertain what type of home is being constructed. Questioned whether plans for it had been viewed and approved by the county Historic Preservation Commission. Ms. McGuckian stated she had not seen them. It was suggested by Ms. McGuckian that Mr. D'Ovidio be assigned to check into the matter through the Planning Board and/or Department of Environmental Protection. It was pointed out that if the City had its own group, that group would be much more aware of construction taking place within the City and could monitor more closely. Ms. McGuckian pointed out that the "Moratorium On Alteration Or Demolition" goes into effect on a building in an area in the atlas but not yet designated in the Master Plan whenever a building permit is applied for. The Department of Environmental Protection is supposed to flag the application and turn it over to the Historic Preservation Commission for their decision on whether the proposed alteration should be considered substantial or not.

Councilmember Holland stated he would like to see the concept approved but not attempt to work out all the answers at that time. Discussion ensued, followed by a motion made and duly seconded, that Lou D'Ovidio be appointed Chairman of the task force, to appoint two additional members at his discretion, to explore the possible functions of a permanent commission in Takoma Park to deal with historic matters and report back to Council in a period not to exceed six months. The Committee will also include a volunteer from Council to act as liaison with the Council. The motion was unanimously approved. Mr. D'Ovidio expressed the hope the City could provide some clerical support. Councilmember Saloma volunteered to be Council liaison to the committee, which was also approved unanimously by Council.

Councilmember Ricks mentioned that at the joint hearing of the Planning Board, the question arose as to whether this type of committee would be legal; the Board's legal staff was instructed to provide the Board an answer. Tom Robertson of Maryland-National Capital Park and Planning Commission advised that the staff attorney was requested to give his opinion of the language in the green-covered copy of the Master Plan. His opinion was that the language could be interpreted as setting up a separate historical preservation unit in the City of Takoma Park, exclusive of the county Historic Preservation Commission, and that is not the intent, so the language will have to be modified to clarify that the intent is to set up a watchdog committee within the City limits that would report to the county commission.

Councilmember Weisman questioned how this commission could help in stopping or delaying demolition permits by an institution or an owner.



Ms. McGuckian responded that, as stated earlier, they could act on an advisory basis and in the sense of being on the scene of the crime, so to speak - a watchdog.

Councilmember Ramsey requested that a copy of the referred to legal staff report be obtained and information on any contemplated or proposed change(s) in language to the Master Plan. Mayor Abbott questioned whether there is in existence in Montgomery County any body other than County Council that has veto power, indicated he thought some Councilmembers might think the commission to be set up in the City would have that power and is certain that is not the case. Ms. McGuckian indicated the Mayor is correct; expressed that she is looking forward to working with the City and the Task Force toward setting up a commission for Takoma Park.

DISCUSSION OF MEMORANDUM OF UNDERSTANDING BETWEEN WASHINGTON ADVENTIST HOSPITAL AND HISTORIC TAKOMA

Mayor Abbott noted that Councilmember Garcia last week raised the question of what effect this memorandum has on the City; stated it was unknown last week whether Historic Takoma had signed and what role was envisioned for the City - to sign this memorandum or a separate agreement.

1. Ron Wylie, 7618 Glenside Court: stated a process with this type of specificity has long been advocated by some members of the community; felt this agreement might accommodate both community and hospital interests, resolving long-standing problems. Said the document represents a consensus between four people (the three on the San Task Force - Mr. Wylie, Jennifer Saloma, and Roland Halstead, plus Phil Vogel). Neither party has yet ratified the agreement; it will be presented formally to the Board of Historic Takoma on November 3, 1981 and board members as well as the hospital have received advance copies of the memorandum for their consideration. Explained that since Mayor and Council have been involved individually and collectively in one way or another, the memorandum was forwarded to them for information purposes only and to permit any desired comments. The San Task Force did not anticipate and are not requesting Mayor and Council to formally endorse it. The group does not envision that the agreement, if signed by the two principals, will in any way bind the City, nor does it either expand or restrict anything Council might choose to do. In the history section of the document, reference is made to issuance of the bonds and the City's participation in that matter, at which time there was some discussion about the City putting together a memorandum of understanding of their own with the hospital in order to assure that the hospital would explore all methods possible for preservation of the Sanitarium building. Washington Adventist Hospital wrote to the Mayor and Council on April 1, 1981, but the matter has never been brought to closure.

Councilmember Garcia questioned whether Councilmember Saloma was acting as a private citizen in this group; Mrs. Saloma clarified that was the case, she was not representing the City Council in this instance. Councilmember Holland stated he did not see anything in the document to tie it to the City; it makes reference to community support, not Council support. Mr. Wylie pointed out that, in the process, the language may be substantially amended, but will not in any way involve the elected officials of the City. Mayor Abbott queried whether the group would oppose Council taking a position on this or any other memorandum of agreement. Mr. Wylie replied they would not presume to do that, however, did note that the earlier proposed memorandum of agreement between the City and the hospital has never been acted upon, and if now adjudged to be propitious, suggests it be consummated as rapidly as possible.

Councilmember Saloma reiterated that the document was provided for informational purposes only and input if so desired, but that Council was approached by Washington Adventist Hospital and has not responded, which she feels should be done. Councilmember Ramsey said he would like reassurance that the function of this document is understood clearly by Washington Adventist Hospital in that the city government is not a party to this agreement. Mr. Wylie stated he foresaw no problem in inserting a specific statement to that effect in the letter of transmittal.







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 Corporate boundary of the City of Takoma Park on Chicago  
Avenue to the intersection of the same with Boundary Avenue;  
thence in a southeasterly direction and along the Corporate  
boundary on Boundary Avenue to the intersection of the same with  
Alfred Drive; thence in a northeasterly direction along the Cor-  
porate boundary on Alfred Drive to the intersection of the same with  
Ray Drive; thence in a southeasterly direction along the Corporate  
boundary on Ray Drive to the intersection of the same with Piney  
Branch Road; thence in a southwesterly direction along the Corpor-  
ate boundary on the west side of Piney Branch Road to the intersec-  
tion of the same with Grant Avenue; thence crossing Piney Branch Road  
along the Corporate boundary; thence in a northeasterly direction  
along the eastern Corporate boundary of Piney Branch Road to the north  
eastern property line of the Takoma Park Junior High School; thence  
southeasterly along the said property line of Takoma Park Junior High  
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

\*/NOTE: Revisions of 10-29-81--primarily the substitution of "Corporate boundary"  
for "center line" where applicable, are indicated by underscoring.



the 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 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.

(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 the Corporate boundary on 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 Corporate boundary on Piney Branch Road in a northeasterly direction to its intersection with Mississippi Avenue; thence in a southeasterly direction along the Corporate boundary on 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 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 southeasterly 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.

(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 west side 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 Corporate boundary on 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 Corporate boundary on 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

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Garland Avenue; thence following the Corporation line in a southeasterly direction to its intersection with Carroll Avenue; thence northeasterly along the Corporate boundary on 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.

ADOPTED BY THE MAYOR AND CITY COUNCIL ON NOVEMBER 2, 1981 BY ROLL CALL VOTE, AS FOLLOWS:  
AYE: COUNCILMEMBERS GARCIA, HOLLAND, PATRICK, AND RAMSEY; NAY: COUNCILMEMBERS RICKS, SALOMA AND WEISMAN; EXCUSED: NONE.



## THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council  
November 9, 1981AGENDA

CALL TO ORDER: Mayor Abbott

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

PLEDGE

READING AND APPROVAL OF THE MINUTES OF SPECIAL MEETING OF OCTOBER 19, 1981

APPOINTMENT OF NEW CITY ADMINISTRATOR

PUBLIC BRIEFING BY WASHINGTON ADVENTIST HOSPITAL STAFF ON PLANS FOR AN AMBULATORY CARE FACILITY AND PARKING DECK

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

ITEMS FOR COUNCIL CONSIDERATION

1. Communications
2. Administrative Reports and Recommendations for Council Action:
  - (1) Second reading of a proposed ordinance setting forth design standards for all structures within the Laurel/Carroll (Takoma Old Town) commercial district
  - (2) Ordinance appropriating Revenue Sharing Funds (FY-81) for payment to Montgomery County Office of Landlord-Tenant Affairs for services during Fiscal Year 1981

ADJOURNMENT



1981  
Regular Meeting of the Mayor and City Council  
 November 9, 1981

City Officials Present:

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

The Mayor and City Council of Takoma Park met on November 9, 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 October 19, 1981; when the motion was put to a vote, it was approved unanimously.

ADDITIONAL AGENDA ITEMS

Task force on County/municipal financial relations (Councilmember Holland)

Councilmember Ramsey announced that the Montgomery County Planning Board would hold a hearing on Monday, November 16, Park and Planning Auditorium, 8:00 P.M., pertaining to accessory apartments (apartments within single-family homes).

APPOINTMENT OF NEW CITY ADMINISTRATOR

Mayor Abbott stated that the Council had been shocked to receive City Administrator Gilsdorf's resignation, effective November 30, 1981; that the Council is reluctant to let him go; that he has been with the City for eight years and has served well; stated that the Council had to act quickly to find a replacement, and a recommendation was made by Mr. Gilsdorf that Mr. Alvin J. Nichols, former Asst. City Administrator for four years, be named as the successor; it was the unanimous consensus of the Council, with the hearty concurrence of the Mayor, that Mr. Nichols be appointed. Mayor Abbott read from the City Charter and Code, the procedure for appointment; noted that this is solely an act of the Council, without citizen comment being required, but that he hoped, at a later time the procedure would be broadened to include comments and public hearings; stated that the City and Council are fortunate to have someone who can, and has previously carried out the duties of the current City Administrator.

City Administrator Gilsdorf stated that he has accepted the position of city manager for Scituate, Massachusetts, which is near Boston; that if anyone from the City is in the area, to please look him up.

Councilmembers all noted that it has been a pleasure to work with Mr. Gilsdorf; that he has helped each of them many times, personally and professionally, and wished him the best of luck.

Councilmember Ricks made a motion, duly seconded, that the Council accept Mr. Gilsdorf's resignation, with regret; when put to a vote, the motion was unanimously approved.

Mr. Nichols stated it was a humbling moment for him as he realized Mr. Gilsdorf's career with the City would be a challenge to emulate; expressed happiness and pride at being appointed. Upon request, offered as background information that he and his wife have lived in Takoma Park for six years, worked four years previously for the City as assistant city administrator; academically, holds a degree in Urban Environmental Studies, a Master's Degree in Public Administration; for past two years has been Chief Executive Officer of a non-profit housing development corporation in the District of Columbia. Stated he looked forward to working with the Mayor and Council, promises to remain cognizant that the prime objective is to work toward what is in the best interests of the citizens of the community, will attempt to respond to the wishes and desires of the people and carry out directives of Mayor



and Council.

CITIZENS' REMARKS

1. Phil Vogel, 7117 Garland Avenue: expressed his displeasure at the manner in which the new city administrator was selected and appointed; felt it was too hasty and was being forced down the throats of the citizens, questioned who ran the City during the several month's period prior to Mr. Gilsdorf's appointment. Stated he was in no way casting any aspersion on Mr. Nichols, only on the way the appointment was handled.

2. Joan Prosten, 7428 Carroll Avenue: stated her concern for the rapidity and lack of due process in Council's decision to act on the vacancy in the city administrator position; that a poor precedent has been set; said it goes against the principles of disclosure, public participation, competitiveness, equal opportunity, and representative government. Felt it was offensive for the public to learn of the appointment prior to being advised of the vacancy.

3. Herman Williams, 7667 Maple Avenue: said he was sorry to see Mr. Gilsdorf go as he will be missed - he put in many extra hours on weekends, holidays, middle of the night - must have been tiring, but he dealt well with the problems, particularly with the people on Maple Avenue. Welcomed Mr. Nichols to his new position.

4. Dianne Loya, Property Manager, 7710 Maple Avenue: said Mr. Gilsdorf and his largeness of spirit would be missed - his professionalism, willingness to go one step beyond what is required. Expressed her appreciation and said she had enjoyed working with him in her professional capacity.

5. Ron Albaugh, 7202 Central Avenue: sympathized with many of the comments made, but said there are times when an innovative move is not liberal, but very conservative, and sometimes very necessary. Stated he anticipated with sadness Mr. Gilsdorf's departure, but looked with joy at the appointment of Mr. Nichols; expressed the feeling that the City is indeed fortunate to have a smooth transition in the function of city administrator, and to have the job pass into such capable hands.

6. Clayton Forshee, 722 Kennebec Avenue: stated he was glad to have been a member of City Council and had the opportunity to vote in favor of hiring Mr. Gilsdorf; appreciated the pleasure of working with him; was sorry to see him leave. Said he had also had the opportunity as a councilmember to observe the quality of Mr. Nichols' work, appreciated his ability and is looking forward to continued good service.

7. James Welu, 7330 Piney Branch Road: said he believed Council was taking the right direction; that one can become overly concerned and mired down in some of the processes; expressed his confidence in Mr. Nichols and his professionalism. Felt it would be a mistake to get bogged down in interviewing for the position when someone proven capable of performing the job well is available.

8. Ed Hutmire, 21 Columbia Avenue: expressed that he was sorry to see Mr. Gilsdorf leave the City - his leadership will be missed. Sorry to hear Council's decision challenged, as the City would have to go a long way to find someone as well qualified as Mr. Nichols, whose abilities he had personally observed and thought outstanding; City very fortunate to be able to attract Mr. Nichols to the job; speaking for himself and other members of the Community Improvement Board, welcomed Mr. Nichols.

9. Don Leichtling, 6908 Westmoreland Avenue: said it had been nice having Mr. Gilsdorf as city administrator, feels the City is fortunate to have Mr. Nichols stepping into the position, he will do a good job. Suggests, however, that in future there should be some discussion of whether the city administrator's job should be one of variable tenure, with possible replacement taking place subsequent to elections.



10. Roland Halstead, 7116 Maple Avenue: congratulated Mr. Gilsdorf on his long and distinguished tenure as city administrator; stated he has coped well with the often combative nature and inflammable tempers of some of the residents; wished him luck and stated sorry to see him go. Welcomed Mr. Nichols; said he has proven himself in his experience with the City; does wish Mr. Nichols could have appointed in an acting role until Council had an opportunity to interview and look over some other applicants for the position.

11. David Prosten, 7428 Carroll Avenue: wished Mr. Gilsdorf luck; welcomed Mr. Nichols, stated that from everything he knows of him, he will do a great job. Said that, however, didn't negate the lack of process in rushing through the appointment. Cited the lack of interviews; felt an acting city administrator should have been named while allowing time to interview other individuals - that the course followed in this appointment doesn't bode well for the City in the long term.

12. Roderic Davis, 703 New York Avenue: extended good wishes to both Mr. Gilsdorf and Mr. Nichols; expressed his confidence that, in light of the criticisms offered tonight, Mayor and Council will proceed with due care in the future. Stated he has attended council meetings in the City since the 1920s, at which time there was an equal amount of criticism and activism which has tended to keep the Mayor and Council on their toes, producing a high standard of government over the years.

13. Mary Pennifield, 7305 Takoma Avenue: applauded Council's choice of Mr. Nichols as new city administrator; stated she felt vacancies in city government jobs should be filled by city residents.

14. Richard Lohr, 7009 Woodland Avenue: praised Council's choice, stated Mr. Nichols apparently very qualified and the transition would be a smooth one; endorsed the general sentiment that, in the future, if no emergency or time pressure exists, more time should be allotted to position appointments.

15. Lynne Bradley, 8112 Flower Avenue: expressed thanks from herself and the Cable TV Committee; hoped that Mr. Nichols would follow Mr. Gilsdorf's example in encouraging citizen participation.

Mayor Abbott stated that he had conversations, some quite lengthy, with 42 citizens in anticipation of the questions that would arise tonight. Said he was unable to convince some persons, but most listened and agreed, due to the special circumstances, that Council's decision was supportable. For those individuals who feel the decision was untenable, in several months they can go to the polls and register their dissatisfaction. Pointed out that under the City Charter, Mayor and Council have sole responsibility for this type of decision and felt they have justification for the choice they made. Said that to add a patina of public participation by saying an acting administrator would be appointed ignores the fact that the person chosen is in actuality acting - serves at the pleasure of the present council and his continuance in the position rests with the succeeding council. Said that should citizens be discontent with the performance of the city administrator, it is their duty to convey the fact to the Council. City Administrator's job is the only one in the City that is not a protected position. Indicated that matters pending in the city - ordinances passed but not yet implemented, the election only a few months away with many things to be accomplished prior due to the ward redistricting - made it imperative the position be filled. Stated he had personally checked carefully with people in the personnel field to ascertain how much credence could be afforded resumes, interviews, academic degrees, etc., and was advised - very little. None of these guarantee how the individual will actually perform - there is no way of judging absolutely except through experience. Were a person hired and brought to the City from another area, there is no way of knowing how well he and his family would adapt to the City. Said the City was fortunate to not have to undergo a familiarization and adaptation period due to Mr. Nichols' prior experience, knowledge of the citizens, and residence in the City. Pointed out that extensive interviews are an expensive and time-consuming process.



Upon motion by Councilmember Ricks to appoint Alvin J. Nichols City Administrator effective November 16, 1981, duly seconded by Councilmember Weisman, the appointment was unanimously approved.

Councilmember Ricks said that from interviewing Mr. Nichols, he felt he is a very qualified individual, with an excellent background for the position, and hoped he would be with the City for a long time.

Councilmember Weisman pointed out that Mr. Nichols has had a tremendous amount of experience with the local governments and their officials, is very innovative with government programs for funding.

Councilmember Ramsey indicated the Mayor had stated the case quite well; this is not a civil service type position and he is not aware of any due process required; didn't think the City would locate an available person with qualifications to equal those of Mr. Nichols, so there was little justification for going through the delay, expense, etc., of extensive interviews.

Councilmember Saloma said she did not apologize for adhering to the Charter; felt confident that Mr. Nichols was the best possible person for the job, noting that he has been acting city administrator in the City previously, performed remarkably during his former employment with the City, and is held in high regard by the City staff as well as citizens.

Councilmember Garcia stated he wholeheartedly endorsed the appointment of Alvin Nichols as City Administrator and agrees with the sentiments already expressed by other councilmembers. Thinks the City is fortunate to have someone with Mr. Nichols' experience, qualifications, and demonstrated interest in the City.

Councilmember Holland stated that since he has been on the Council, he knows of no other issue that has had the undivided support of the Mayor and entire Council. Said that there was nothing clandestine about the selection process. Given the economic climate today, had the position been advertised, felt sure there would have been a tremendous response and culling and interviewing applicants would have been a lengthy, expensive process. Feels Council made a decision which was in the best interest of all the citizens of Takoma Park.

Councilmember Patrick said he felt everything pertinent had been stated and he concurs with the opinions of the other councilmembers.

Councilmember Ricks congratulated Mrs. Nichols on her husband's appointment on behalf of the Council.

PUBLIC BRIEFING BY WASHINGTON ADVENTIST HOSPITAL STAFF ON PLANS FOR AN AMBULATORY CARE FACILITY AND PARKING DECK

1. Barry Stimmel, 8105 Lockney Avenue: said he was representing Washington Adventist Hospital; that Dr. Shiroma unable to attend. Since Dr. Shiroma attended the worksession and presented the hospital's plans, they have been advised by the State that they would be required to submit a certificate of need for the structure. Are currently negotiating and working with developers and physicians who would be interested in having offices on the site and are attempting to ascertain their actual plans - this information is to be in Dr. Shiroma's hands by November 13, 1981, and until that time, could not give much in the way of information, but would be glad to respond to questions.

Mayor Abbott inquired if Mr. Stimmel had a schedule of dates for the hearings on the special exception; Mr. Stimmel responded in the negative, but thought Dr. Shiroma would have them. Mayor Abbott stated it is important this information be furnished so that citizens may participate, and Council would also be involved in the special exception: see the actual plans, detailed drawings, and any studies involved.

2. Rino Aldrighetti, 7213 Central Avenue: said only one copy of Washington Adventist Hospital's plan had been furnished to the City and entire Council; Longbranch-Sligo Citizens' Association requested a copy



of the plan and had received neither the plan nor the courtesy of a reply; hospital requested Council's support in passing legislation that would permit them to charge for parking, in return they have furnished very little help or information. Stated this type of issue requires citizen input and citizens must be informed. Said the building would bring no revenue into the City - perhaps a professional tax could be levied to remedy that as City could not afford to furnish services without income to cover costs.

Mayor Abbott stated he did receive a copy of the plan, but in the absence of any drawings or representations of facades, it was difficult to imagine how it will look. Washington Adventist Hospital was requested to furnish these items along with an explanation, the information was not forthcoming, therefore, tonight's presentation does not constitute a briefing of any sort. Mr. Aldrighetti requested that Washington Adventist Hospital again be advised that citizens' associations wish to be informed as to exactly what is planned. Mr. Stimmel stated he would advise the hospital administration of the requests and statements made.

3. Kate Walsh, 8001 Maple Avenue: stated she is coordinating a group in the area to oppose the proposed construction at Washington Adventist Hospital; that she was puzzled that Washington Adventist Hospital would claim they were not prepared for the briefing as they have submitted copious documentation, information, including a traffic study, to the Montgomery County Board of Appeals and January 7th has been set as the hearing date for the special exception - wondered why hospital is being secretive and reluctant to provide the information requested. Stated neighbors in the area surrounding the hospital are very concerned about the increased amount of traffic that will be generated.

4. Tom Gagliardo, 8120 Roanoke Avenue: said it is common knowledge that a certificate of need is required for all large hospital projects, so for the hospital to infer that was an unexpected stumbling block and use it as an excuse not to be prepared for the presentation is inexcusable.

Councilmember Ramsey requested that Mr. Stimmel clarify the term "ambulatory care center." Mr. Stimmel explained that there would be physicians' offices in the building and they would be treating patients on an outpatient basis; in response to Mr. Gagliardo's comment, said it was his understanding that the local HSA, health planning agency, told the hospital they did not require a certificate of need but when they got to the state level, they were informed that they did.

Mayor Abbott reiterated that he and Council want adequate renderings, drawings, explanations, for the purpose of determining the City's position (pro or con) in connection with the special exception; added that this same information should be furnished the citizens for their input.

Councilmember Holland said it appeared to him there had been a definite lack of communication and suggested that perhaps Washington Adventist Hospital could designate a liaison between the citizens' associations and the hospital, thus providing and encouraging a free flow of information. Mayor Abbott stated that the concept of the professional tax would definitely be considered, is in effect in many other jurisdictions, and encouraged interested citizens to participate in any decision in this regard.

#### CITIZENS' REMARKS

1. Rene N. Levy, Agent for Edinburgh House and Sylvan Terrace Apartments: advised that the Takoma Park Association of Rental Property Owners and Agents has been formed - one of the main purposes of the association is to propose amendments to the Landlord-Tenant Ordinance (#2587) in order to broaden its scope and make it more responsive to landlords, owners' agents, and tenants. Said that the present permitted rent increase percentage is not fair because it allows the same increase to owners who pay all utilities as to those who pay none;



feels this subject should be reconsidered and perhaps a sliding scale instituted. Feels that utility increases, over which the landlord has no control, should be passed on to the tenants.

2. Norman Risch, 8305 Roanoke Avenue: provided a list of suggested amendments to the Landlord-Tenant Ordinance; stated it had been voted on and approved by the Takoma Park Association of Rental Property Owners and Agents. Inquired whether the worksession dealing with amendments to this ordinance would include discussion with input from citizens, was advised in the negative - that would take place at the regular Council Meeting. Said that the process should include citizen input prior to enactment of ordinances; was advised by Mayor Abbott that the ordinance was an emergency piece of legislation subject to amendment and was passed of necessity.

Councilmember Garcia questioned whether there is a spokesperson for the Takoma Park Association of Rental Property Owners and Agents who could respond to questions; Mr. Risch responded that Mr. Levy is President, there are 5 officers presently, the group is still in the process of getting organized. Mayor Abbott requested that a list of the officers be left with the City Administrator.

3. Faith Stern, 103 Grant Avenue: Reviewed action taken by the Board of Education in Montgomery County the previous week - read an article from the Junior High Newsletter by Suzanne Rhodenbaugh giving an overview of the situation. Thanked the Mayor and Council for their testimony at the special meeting; stated that the next step would be to appeal to the State Board of Education and concurrently undertake discussions with attorneys on possible legal action, as well as consider other possible strategies. Appealed to any interested individuals with legal expertise and/or persons who might be appellants due to having children in the school, to lend their support.

Councilmember Ricks thanked Dr. Stern for the tremendous amount of work she has done on behalf of keeping Takoma Park Junior High open, and the excellent job she has done; stated the City may have lost the battle, but hasn't lost the war and that the Board of Education's decision would encourage people to fight harder to keep the school open. Other councilmembers also expressed their thanks to Dr. Stern and her colleagues.

4. Shirley Jones, 7427 Carroll Avenue: said goodbye to Mr. Gilsdorf; saying that she had enjoyed working with him, and welcomed Mr. Nichols. Stated she had some suggested amendments to the Landlord-Tenant Ordinance and would furnish Council with a copy prior to the worksession; queried whether a public hearing would be held on the amendments - Mayor Abbott said that decision would be up to the Council. Registered complaint that council meeting agendas are not received until the day of the meeting, not affording time for preparation of material, etc. Stated there are two newspaper articles concerning zoning text amendment 77003 that Council should read: (1) in the November 5, 1981 Sentinel - "Crystal Ball Projects Change"; and (2) in the November 7, 1981 Washington Post - housing section - article having to do with the lack of housing, inability of people to find houses, apartments, etc. Complimented the Police and Fire Departments on their excellent service and efficiency.

5. Carlos Stewart, 7710 Maple Avenue: expressed thanks, goodbye, and good luck to Mr. Gilsdorf; welcome to Alvin Nichols. Queried whether the Board of Education provided any informative answers that the public has yet to be aware of at the meeting on the closing of the Junior High, other than the final vote. Mayor Abbott responded affirmatively - on the morning of the day the Board was to vote - less than 6-8 hours prior - a set of answers was provided Mayor and Council. Significantly, the question pertaining to violation of civil rights of minority students was not answered. They had been previously specifically asked to respond, but have not done so.

Mr. Stewart said that at the public hearing on the Landlord-Tenant Ordinance, several landlords testified, but the record was held open for additional input, and now at the 12th hour, landlords are deciding



to speak; hoped that didn't preface a major overhaul of the ordinance, but merely the tying up of some loose ends. Hoped that, once the proposed amendments are put in order, copies could be made available to tenants and citizens for their consideration.

6. Diane Loya, Property Manager, 7710 Maple Avenue: stated she is a vice-president of the Takoma Park Association of Rental Property Owners and Agents; stressed that the group was formed for the purpose of promoting cooperation between landlords, tenants, citizens, and the City. Queried whether a public discussion would be held on the proposed amendments and, if so, when - Mayor Abbott responded affirmatively, either on November 23 or December 14. Councilmember Ricks requested it not be scheduled for November 23, as he will be out of town representing the City at the National League of Cities Conference at that time and would like to be present. Ms. Loya suggested that, in the interest of efficiency, representatives from the association might attend the council worksession for the purpose of responding to any questions, etc., on their comprehensive list of proposed amendments to the ordinance. Councilmember Holland stated their attendance would be welcomed, but stressed that their participation would be limited to responses and furnishing information, no dialogue.

7. Herman Williams, 7667 Maple Avenue: stated he was pleased to learn of the newly-formed landlord's organization, glad that they are stressing cooperation with the City; hoped they would also be willing to work closely with the people on the Maple Avenue corridor.

8. Carl Iddings, 7416 Carroll Avenue: congratulated Mr. Gilsdorf on his new position; stated sorry he's leaving, has been very responsive to work with; looks forward to establishing the same sort of relationship with Mr. Nichols. Said he has had discussions with other members of his neighborhood association and the consensus is that they would encourage the City to join in any injunctions or suits to keep the junior high school open. Said he was one of the persons concerned with the process of hiring Alvin Nichols, not that he didn't feel Mr. Nichols was very qualified and would do an excellent job, but felt that there was a lack of openness in the way it was handled. Said that charges that the City had not been open about the Landlord-Tenant Ordinance is untrue; is glad the landlords have formed an organization, hoped they would cooperate with the City; hoped the association would apply pressure to those landlords in the City who don't properly maintain their property and attempt to take advantage of tenants.

9. Vincent Abel, Owner, 7667 Maple Avenue: stated he had requested the Landlord-Tenant Ordinance be placed on the agenda, hoping to discuss and offer input on proposed amendments; suggested a commission might be formed, comprised of two representatives of the landlords, two of tenants, the COLTA chairman, and the Landlord-Tenant Coordinator, to condense and compile the amendments and make recommendations to Council. Wished Mr. Gilsdorf good luck and happiness in his new position.

10. Ralph Magee, 7203 Holly Avenue: suggested that rather than concentrating overly much on what is perceived to be the needs of the moment, the City consider and set long-term goals. Said he questioned some of the approaches the City is taking - that some are ones that have not worked beneficially elsewhere and have been repealed; did not favor rehabilitation by law involving government funds.

11. Marc Ellerich, 7800 Carroll Avenue: addressed the landlord-tenant situation; stated he resented the implication by landlords that they pay taxes, said that taxes are included in rent fees and the money is merely passed on to the City by the landlord. Said he hoped Council, in considering proposed amendments to the Landlord-Tenant Ordinance, especially the one concerning pass-throughs of utility increases, would bear in mind that tenants cannot pass through their increased cost of living expenses to their employers. Suggested that a landlord-tenant commission should have a greater number of tenant representatives, hopefully in proportion to the number of tenants versus the number of landlords.

Councilmember Holland said that to be completely fair, it should



be pointed out that homeowners, who pay a disproportionate share of the taxes, do not have the prerogative of passing on their utility increases.

#### ITEMS FOR COUNCIL CONSIDERATION

##### Communications

1. Communication from COLTA Commission that on November 18, 1981, at 8:30 P.M., there will be a hearing in the 1st floor meeting room based on a complaint filed by a tenant alleging retaliation in the issuance of a 30-day quit and vacate notice at 7667 Maple Avenue.

2. Communication from COLTA Commission that on November 18, 1981, at 7:30 P.M., there will be a hearing in the 1st floor meeting room on a complaint filed by a tenant at 7806 Kennewick Avenue alleging an excessive rent increase and landlord's change in business practice.

##### ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Ordinance setting forth design standards for all structures within the Laurel/Carroll (Takoma Old Town) commercial district. Upon motion by Councilmember Saloma, duly seconded by Councilmember Holland, the ordinance below including a number of minor wording changes was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ricks, Ramsey, Saloma and Weisman. NAY: None. EXCUSED: None. In response to a query, Assistant City Administrator Shaffer clarified that the ordinance had been reviewed by the Corporation Counsel and compared favorably to those of other cities, such as Baltimore.

##### ORDINANCE NO. 2592

(See Attachment)

2. Ordinance appropriating Revenue Sharing Funds (FY-81) for payment to Montgomery County Office of Landlord-Tenant Affairs for services during Fiscal Year 1981 (through June 30, 1981). Upon motion by Councilmember Garcia, duly seconded by Councilmember Holland, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ricks, Ramsey, Saloma, and Weisman. NAY: None. EXCUSED: None.

##### ORDINANCE NO. 2593

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

SECTION 1. THAT on June 6, 1975, the Mayor and Council adopted a resolution authorizing the Montgomery County Office of Landlord-Tenant Affairs to enforce in the Montgomery County section of the City, Articles I, II, IV and V of the Montgomery County Fair Landlord-Tenant Relations Act; AND

SECTION 2. THAT funds were set aside to cover this service in the FY-1981 Federal Revenue Sharing proposed use schedule; AND

SECTION 3. THAT a bill has been received with the sum of \$21,280 now being due and payable for services rendered during Fiscal Year 1981.

SECTION 4. THEREFORE THAT funds in the amount of TWENTY-ONE THOUSAND, TWO HUNDRED EIGHTY DOLLARS (\$21,280.00) be appropriated from the Federal Revenue Sharing Account and transferred to the appropriate account for payment to the Montgomery County Office of Landlord-Tenant Affairs, said payment to cover the period July 1, 1980 through June 30, 1981.



3. Task Force On County/Municipality Financial Relationships.

Councilmember Holland stated that members are appointed by the County Council, requested that the City Administrator look into the possibility of someone from the City of Takoma Park being appointed to the Task Force, the purpose being to register the City's interest and have someone to report back to the City.

Upon motion, duly seconded, the meeting adjourned at 11:20 P.M. to reconvene on Monday, November 23, 1981, at 8:00 P.M.



ORDINANCE NO. 2592

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 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 balconetts 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) New 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) "Gooseneck 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, vehicles, 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 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 or 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 FOR NEW DEVELOPMENT

(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) Items placed next to the sides of a building such as walls, wrought iron, evergreen landscaping, fences, should, in most cases, form cohesive walls of enclosure along the street. These items should insure visual compatibility between the buildings and open spaces.

(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.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND, ON NOVEMBER 9, 1981.



CITY OF TAKOMA PARK, MARYLAND  
MAYOR AND COUNCIL WORKSESSION  
November 16, 1981

Councilmembers present:

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

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

1. Process for amending the Landlord-Tenant Ordinance. After discussion, it was decided that each Councilmember would review an article of the Ordinance (and the proposed amendments related thereto) and be prepared to make reports at the next council meeting. The articles were assigned as follows: Article I - Councilmembers Garcia and Patrick; Article II - Councilmember Ramsey; Article III - Councilmember Saloma; Article IV - Councilmembers Ricks and Holland; and Article V - Councilmembers Garcia and Weisman.

2. Proposed appointment of a police advisory committee. The Council discussed the proposal and determined that such an advisory committee was not merited.

3. Discussion of agenda and minutes distribution. After discussion, the Council authorized Councilmember Ramsey to appoint a committee of two citizen association representatives and a designee of the Administrator to research the subject and report back to the Council.

4. Status Report on Takoma Old Town. Alan Shaffer and Hal and Frances Phipps briefed the Council on the progress of Takoma Old Town and answered questions.

There being no further business to discuss, the meeting adjourned at 10:40 P.M.

APPROVED \_\_\_\_\_

ATTEST \_\_\_\_\_

Alvin J. Nichols  
City Administrator



THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council  
November 23, 1981

AGENDA

8:00 CALL TO ORDER: Mayor Abbott

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

PLEDGE

READING AND APPROVAL OF THE MINUTES OF REGULAR MEETING OF OCTOBER 26, 1981

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS:

- 1. Presentation of awards to Fire Prevention Poster Contest winners
- 2. Other comments by the Mayor

8:15 CITIZENS' REMARKS

ITEMS FOR COUNCIL CONSIDERATION

- 1. Communications
- 2. Administrative Reports and Recommendations for Council Action
  - (1) Consideration of Landlord-Tenant ordinance (#2<sup>58</sup>857) amendments

8:45

10:45 ADJOURNMENT



THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council

November 23, 1981

- City Officials Present:
- Mayor Abbott
  - City Administrator Nichols
  - Councilmember Garcia
  - Administrative Asst. Tyree
  - Councilmember Holland
  - Police Chief Carter
  - Councilmember Patrick
  - Director of Public Works Robbins
  - Councilmember Ramsey
  - Recreation Director Ziegler
  - Councilmember Ricks
  - Corporation Counsel Gingerich
  - Councilmember Saloma
  - Councilmember Weisman

The Mayor and Council of Takoma Park met on November 23, 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 October 26, 1981, with a correction to be made on page 2 under "ADDITIONAL AGENDA ITEMS" -- first item, first line, last two words "opposed by" to be deleted and substituted by "involving." With this correction, the minutes were approved.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott made award presentations to the winners of the Fire Prevention Poster Contest; complimented the Fire Department on the excellent job they recently performed in containing and extinguishing a fire on the 7th floor at Hampshire Towers with no panic among residents.

CITIZENS' REMARKS

1. Faith Stern, 103 Grant Avenue: presented information on the school situation; stated a meeting was held by her organization last week and several different committees were formed to fight the closing of Takoma Junior High. Spoke of an ACLU-sponsored report in newspapers on Montgomery County school situation; report was directed toward study of the 15-year plan in Montgomery County in terms of whether it tended to segregate, or promote integration; findings indicated there was evidence that the plan seemed to be resegregating the school system. The Board of Education has not followed all of the Superintendent's recommendations, so a study is being done to determine what difference the Board's decisions will make. Subsequently, ACLU will decide whether the findings in that report would lead them to pursuing the situation in federal court. They are certainly interested in the fact that it appears the rights of minority individuals are not being accorded them under the 15-year plan. Related she had attended Leland Junior High's hearing before an examiner of the State Board of Education; school closed last May and the case is just now coming before a hearing examiner. Said observing the hearing emphasized for her the fact that if the Takoma Junior High group is granted a hearing, it would be imperative to have specialized legal counsel. Said Leland loaned her their case to copy for reference purposes in preparing her committee's statement of complaint which must be in the hands of the State Board of Education by December 4 and must be very specific. Mentioned favorably the statement by County Executive Gilchrist in which he expressed concern for integrated schools and spoke against closure of Rosemary Hills; stated that this school, however, was integrated mandatorily, whereas Takoma Junior High was integrated voluntarily; registered disappointment that Mr. Gilchrist didn't mention Takoma Junior High; expressed feeling that voluntary integration should be more protected than a mandatory situation. Mrs. Stern said the Board of Education was making its decision on November 23 on elementary level schools; the Superintendent recommended maintaining the status quo in the Takoma Park cluster elementaries. On November 30, 1981, the Board will be holding a significant meeting at which they will review all decisions made so far, and their lawyer will have reviewed to ascertain whether any of their decisions violate their racial balance or other policies. Supposedly, if there are problems with the 15-year plan, adjustments will be made on November 30. Encouraged as many citizens as possible to attend the meeting.



Mrs. Stern requested that someone from Council attend the meeting of the legal affairs committee on November 24, 1981, so Council can be directly informed on the committee's findings; also urged that a representative from Council attend the Board of Education meeting on November 30, 1981. Asked that Council take several actions in support of the committee's efforts to save the junior high: (1) that the City be listed as an appellant; (2) that a letter be sent to County Executive Gilchrist commending him for the stand he took on the Takoma Park elementary schools, but pointing out that he omitted an important part of the picture in making no mention of the junior high and stating that the City expects him to make a statement on that subject prior to the November 30, 1981, Board of Education overview meeting; (3) that a minimum of \$5,000 be appropriated from City funds to be designated for use by the committee, if required, to defray legal fees incurred in pursuing methods to keep the school open. Expressed thanks to the Mayor and Council for their continued support. Councilmember Weisman stated he felt it important that Council act on the issues proposed by Dr. Stern, and made a motion, duly seconded by Councilmember Ricks, that the City act as an appellant on the appeal to the State Board of Education, which would require that Corporation Counsel review and sign the appeal on behalf of the Council. Councilmember Ricks questioned whether the \$5,000 requested would include any fees incurred by Corporation Counsel's review of the appeal; Mrs. Stern stated that, hopefully, the \$5,000 would be in addition to the services of Corporation Counsel, as the committee would have to have a trial lawyer with expertise in this area if there is to be any hope of success; clarified that the money would not be spent entirely on legal fees, but partially used to defray other expenses incurred as well.

2. Carolyn Bassing, 7303 Holly Avenue: stated she felt that spending the money in an effort to save Takoma Junior High would be one of the most important expenditures Council could make. Councilmember Weisman amended his motion to include appropriating the \$5,000, exclusive of Corporation Counsel fees. Said the City let Silver Spring Intermediate go down the drain, and he felt every effort should be made to keep the junior high open. Councilmember Ricks requested that prior to taking a vote on appropriating the funds requested, the City Administrator ascertain where in the budget the money could be taken from; said he is not opposed to spending the money, but would want to know where it is coming from. Councilmember Ramsey stated he agreed with Councilmember Ricks and would like a report from the City Administrator recommending where the funds be appropriated from. Mayor Abbott questioned the time frame in filing the appeal; Mrs. Stern stated it must be filed by December 4 in order to have the complaint considered. Said there was a two month interim after filing the complaint before the Leland group was notified they would be granted a hearing. Councilmember Holland stated he supported the proposition of trying to save the school; that there is apparently an "if" as to whether a hearing will be granted, and, if not, then the funds would not be required. Councilmember Garcia stated he preferred not voting on the motion until it is ascertained where the funds would be coming from; presented a motion that the issue be tabled until the next work-session; no second was offered. Mayor Abbott reiterated Councilmember Weisman's motion, already seconded by Councilmember Ricks; the motion was passed with all in favor with the exception of Councilmember Garcia who voted nay; no abstentions.

Councilmember Ricks stated that, in spite of the motion having been passed, he would still like a report from the City Administrator as to where the funds will be coming from.

Mayor Abbott made a motion, duly seconded by Councilmember Holland, that the requested letter be sent to County Executive Gilchrist asking that he include Takoma Park Junior High School in his stated concerns for the elementary level schools and that he express his concern prior to the November 30, 1981 Board of Education meeting. The motion was passed unanimously. Mrs. Stern suggested that, additionally, the City and the committee might send a letter to the County Board of Education prior to the November 30 meeting requesting reconsideration in light of things Mr. Gilchrist had brought out, perhaps based on



the assumption that he had included Takoma Park Junior High School in his thoughts but simply had not made specific mention. Councilmember Ricks reminded that the November 30 worksession had been rescheduled for December 1, so that Mayor and Council may attend the November 30, 1981 Board of Education meeting.

3. Naomi Turner, 7667 Maple Avenue: thanked and commended the Fire Department and Police Department for their recent assistance; stated that she is resigning the position of president in both Parkview Tenants' Association and Upper Maple Avenue Citizens' Association, to be replaced in the tenants' association by Mrs. Virginia Bell, President, and Mrs. Ruby Price, Vice President. Said she would still be active in and supportive of both associations. Councilmember Ricks congratulated Mrs. Turner on a job well done in both organizations.

4. Joseph Lerner, 7708 Takoma Avenue: expressed concern that the City's days may be numbered, said City is transferring money out at a very great rate; municipal taxes are high; he foresees difficulty ahead in the City being able to deliver services that will justify the municipal tax rate; stated that the county is delivering a terrible blow by closing down school facilities in the City; expressed feelings that the future of the City is in great danger. Said, under the present federal government administration, as local authorities are expected to supply a greater portion of required funds, more severe problems will develop and advance planning should be initiated. Mentioned that Heidi Bakery on Burlington Avenue in Silver Spring, just outside the City, is requesting rezoning; if it is approved, the City would have grave concerns about the effect on the Silver Spring Master Plan and about how the rezoning will impact on Takoma Park. Discussed the possibility of amending the City Code to include an ordinance requiring protective barricades be placed at any excavation on property between the sidewalk and curb; also possibility of strengthening or amending existing ordinances to limit and/or prevent automobile repairs being accomplished on private property in public view.

5. Mark Traversa, 706 Erie Avenue: expressed concern about a private garage about to be constructed on the property adjacent to his (at 8015 Maple Avenue); plans are for a 52' x 32', 20' high building. Said he has spoken to the property owner and expressed hopes that the building could be constructed so as to have the least possible impact on the neighborhood, but due to the small lot size and large size of the structure, it would be very difficult if not impossible to make it unobtrusive. Owner has a building permit issued by Montgomery County, so neighbors assume it is legal. Public Works Director Richard Robbins stated he had been in contact with the county regarding the situation, and that, when the individual first applied for a building permit he was turned down due to the size of the lot he intended building on; he then combined two lots in order to have enough square footage to accommodate the garage plus the square footage required in "greenspace" in the yard. The county agreed that the size of the building is overwhelming, but they had conducted an investigation and decided that it would not violate any zoning or other regulations as its planned use was not commercial and the combined lot size was sufficient. Councilmember Ramsey said the City was not notified as it should have been concerning the combining of the two lots. Mayor Abbott instructed the City Administrator to ascertain whether the county was in violation of procedure in not advising the City of the "resubdivision" and said that, due to its size, the structure should not be considered an accessory building.

6. Diane Loya, Vice President, Takoma Park Association of Rental Property Owners and Agents: stated that members of the association were present; that the association's proposed amendments to the Landlord-Tenant Ordinance had been voted on and unanimously approved by the membership; thanked Council for their consideration and attention.

7. Rino Aldrighetti, 7213 Central Avenue: said that while it is true the City is in a financial bind, consistency is important; reminded that Councilmember Garcia voiced no concerns about raising Corporation Counsel's fees by \$5,000 at budget hearings, but now seems worried about where the \$5,000 in support of efforts to save the



junior high will come from; congratulated Council on their decisions in supporting the school committee.

8. Marc Ellerich, 7800 Carroll Avenue: said he thought Council had done the right things in regard to the school situation; did feel, however, that busing should not be used as an argument in an appeal or otherwise, because statements on that subject could be misconstrued and used as ammunition by the opposition. Mentioned group homes in the City; said people need to be educated and exposed to what is really involved in dealing with the mentally retarded, these people are not criminals or dangerous to society. Councilmember Weisman clarified that the point of contention in prior council discussions was the fact that out of approximately 38 group homes in the entire county, 22 are located in our area, which seems an inequitable distribution.

ADDITIONAL AGENDA ITEMS

Request from Morris S. Silberman, property owner of 7047 Eastern Avenue, to install a driveway apron connecting his property to Holly Avenue, replacing one that apparently formerly existed. (Councilmember Weisman). The matter was turned over to the City Administrator to investigate, ascertain prior existence, and report back to Council at the next meeting.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

Consideration of Landlord-Tenant Ordinance (#2587) Amendments

Mayor Abbott stated that Council, at the last worksession, had considered the ordinance amendments proposed by the Takoma Park Association of Rental Property Owners and Agents which consolidated many individual requests previously made; said the issues have already been debated, proposed amendments would be presented by Councilmembers, with discussion limited to members of the Council with audience participation for purposes of clarification only, if required, and upon request of Council.

ARTICLE I., Sec. 1 Definitions:

Defective tenancy, response or effort. Deferred for consideration at a later date.

Defective tenancy. A motion was made by Councilmember Patrick, duly seconded by Councilmember Weisman, to delete the word "code" in the 4th line and substitute "health, safety, or welfare of any tenant." The motion was defeated by vote as follows: AYE: Councilmembers Patrick, Weisman. NAY: Councilmembers Garcia, Holland, Ramsey, Ricks, and Saloma.

Dwelling unit. Councilmember Ramsey made a motion to amend to include rental houses; no second was offered.

Councilmember Ramsey stated he had no motion to make toward amending any of the language contained in ARTICLE I., Sec. 1.

ARTICLE I., Sec. 5 Duties of Landlord-Tenant Coordinator:

A motion was made by Councilmember Patrick, duly seconded by Councilmember Weisman, to delete the entire second sentence (lines 4-8). After lengthy discussion, the original motion was withdrawn, and a second motion made to substitute Sec. 5 in the ordinance with Sec. 5 as proposed in the amendments submitted by the rental property owners' and agents' association, duly seconded; vote was a tie, broken by Mayor Abbott voting in the negative; motion was not passed.

A motion was made by Councilmember Ramsey, duly seconded by Councilmember Patrick, that in the second sentence (line 4) the words "and tenants" be added following "all landlords." The motion was passed by unanimous vote.

ARTICLE I., Sec. 6 Enforcement Procedure:

(c) A motion was made by Councilmember Garcia, duly seconded by Councilmember Patrick, to insert the words "or tenant" in line 1 directly following "Any landlord." The motion was passed by majority



vote, Councilmember Ricks voted negative.

(c) A motion was made by Councilmember Ramsey, duly seconded by Councilmember Garcia, and passed by unanimous vote, to delete the words "the Circuit Court" in line 4 and substitute "any court of appropriate jurisdiction."

(c) A motion was made by Councilmember Ramsey to increase the amount of the maximum fine (line 5) from \$100 to \$500. No second was offered.

(a) A motion was made by Councilmember Garcia, duly seconded by Councilmember Holland, and passed by unanimous vote, to add at the end of line 2 the words "subject to review and approval by the Council."

ARTICLE II., Sec. 7:

(a) A motion was made by Councilmember Ramsey, duly seconded by Councilmember Garcia, that the following wording be added on line 5 directly following "approval of the City Council": ",except that one landlord representative may be exempted from the residency requirement." Councilmember Weisman made a motion proposing that two landlord representatives be exempted from the residency requirement, duly seconded by Councilmember Holland, which was defeated with three councilmembers voting aye, four nay. A vote was taken on the original motion by Councilmember Ramsey and passed, with five voting aye, 1 nay, and 1 abstention.

(a) A motion was made by Councilmember Ramsey, duly seconded by Councilmember Holland, to add the following wording at the end of the existing material in subsection (a): "The term of each member or alternate shall be two years; two members from each category shall expire on June 30, 1982 and each two year anniversary thereof; one member and one alternate in each category shall expire on June 30, 1983 and each two year anniversary thereof." The motion was defeated with Councilmembers Ramsey and Holland voting aye; balance of Council nay.

Upon motion, duly seconded, the meeting adjourned at 11:57 P.M. to reconvene on Monday, December 14, 1981, at 8:00 P.M.