

THE CITY OF TAKOMA PARK, MARYLAND

MAYOR AND COUNCIL WORKSESSION

January 4, 1982

The Mayor and Council met in worksession at 7:30 P.M., January 4, 1982, in the Municipal Building. The Mayor and all Councilmembers were present, as was the City Administrator.

The following matters were discussed and acted on as noted:

1. Master Plan Hearing on January 20. The City Administrator was directed to see if the Mayor and Council could be granted ten minutes on the agenda, to put their positions on the plan into the official record.
2. State Basketball Tournament at Montgomery Junior College. The Council directed that a letter be sent to the North Takoma Citizens' Association, requesting their opinion on a request by the college that the parking permit restriction in that neighborhood be lifted on February 18 and 19, to accommodate parking during the State Junior College basketball tournament, which is hosted by the Takoma Park Campus once every 17 years.
3. Proposed Group Home on Wildwood Drive. At the request of Councilmember Garcia, the Mayor and Council directed the City Administrator to investigate the proposed group home for the mentally retarded on Wildwood Avenue.
4. Report from Save the Junior High Committee. After hearing a report from Dr. Faith Stern, the Mayor and Council authorized the City Administrator (upon receipt of an appropriate contract and invoice) to advance \$1,000 to the Junior High Defense fund, as a retainer for legal counsel.
5. Consideration of changing 1% penalty, plus 2/3% interest per month for late payment of City taxes. It was the consensus of the Mayor and Council that these changes should be instituted. An ordinance will be drafted for introduction and consideration in the spring.
6. Proposed Emergency Powers Ordinance. This proposed ordinance was tabled.
7. Request for curb cut at 7047 Eastern Avenue. The Council considered a request for a curb cut at this property, (to be done by the City) and upon advice by the City Administrator, determined that such an undertaking would be inappropriate. The City Administrator was directed to so advise the owner of the property.
8. Montgomery County CATV Franchise Review Committee. It was decided that Lynn Bradley, Chairman of the Takoma Park CATV Committee, should be the City's representative on the county committee.
9. Obsolete and Defunct Public Works Salt Spreader. The Mayor and Council authorized the exchange of this piece of outmoded equipment for painting services, to be provided by
10. Proposed Ordinance on Maintenance of Temporary Construction Openings. After considerable discussion, the Mayor and Council directed the City Administrator to prepare an ordinance for the next Council meeting.
11. Proposed ordinance on Storage of Vehicles. Discussion postponed.
12. Options for speed up of public participation at Council meetings. Discussion postponed.

APPROVED _____

Sam A. Abbott
Mayor

ATTEST: _____
Alvin J. Nichols, City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
January 11, 1982

City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember Garcia	Assistant City Administrator Shaffer
Councilmember Holland	Police Chief Carter
Councilmember Patrick	Public Works Director Robbins
Councilmember Ramsey	Recreation Director Ziegler
Councilmember Ricks	Corporation Counsel Culpepper
Councilmember Saloma	
Councilmember Weisman	

The Mayor and Council of Takoma Park met on January 11, 1982, at 8:10 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 November 23, 1981, with one correction to be made: Councilmember Saloma was not present at that meeting.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott, assisted by Juleena Jones, presented certificates to graduating members of the Fire Department's babysitting course. Ms. Jones explained the subjects included in the course and encouraged parents with children of babysitting age to enroll them for this training.

Faith Stern gave a progress report on the school closing situation; stated the firm of Covington & Burling will be filing a joint appeal to the State Board of Education on behalf of six schools, including Takoma Park Junior High School; they will make no charge for legal services, but did stipulate that \$5,000 be raised for costs such as copying, phone calls, etc. That sum was raised from various county organizations and some of the schools involved. Said that at one meeting, a lawyer representing one of the Rockville schools stated that in their estimate of various cases that had gone before the state board, the full cost of having a single case heard was between \$18,000 and \$22,000 dollars; other lawyers present said that the estimated cost of a federal court case would be in the area of \$250,000. Mentioned that the State Board of Education is meeting Tuesday, January 12, 1982, along with the school board's legal representation, the assistant attorney general, a hearing examiner, and one spokesman from every school that has appealed. School Board has requested a delay in responding to appeals and the assistant attorney general feels that the number of appeals creates a difficult situation for the board to handle - they want to explore the possibility of further consolidation. It will be requested that the six-school appeal which includes the junior high be given preference since it includes the issue of racial discrimination, held to be critical. Said it is being considered to ask for a stay at the January 12, 1982 meeting so that no actions can be taken by the school board that are irreversible. Mentioned a meeting of the legal committee of the "Save Our School Committee" that took place January 8, 1982 - tasks needing to be accomplished to present at the hearing were defined and assigned to individuals; the kinds of expertise that would be needed for expert witnesses was discussed - especially required are those persons skilled in demography and people with experience as contractors or maintenance on school facilities with a capability of evaluating the physical plan of various schools. Mentioned that it will be decided at the meeting on January 12, 1982 which appeals will be granted a hearing; thought there was a good chance the junior high would be granted one. Mrs. Stern mentioned she would be attending a meeting January 12, 1982 with a delegation of the county group with Delegate Bainum to discuss possible further involvement of state representatives. Said the fund raising effort January 9, 1982 on behalf of the legal defense fund produced in the area of \$3,800; expressed thanks to all those who participated. Mentioned receipt of copies of letters sent by citizens to Mrs. Goldsmith, President of the State Board of Education, urging that the junior high's case be granted a hearing; expressed appreciation to the senders and hoped other citizens would do likewise.

Councilmember Ricks addressed a question to Mr. Leroy Brown as to whether there would be another day of neighborhood solicitation; Mr. Brown affirmed it was likely, as well as other fund raising activities; stated the amount raised to date was \$4,310.20. Mrs. Saloma praised the advance publicity given the January 9, 1982 fund raising; said it was most effective.

ADDITIONAL AGENDA ITEMS

Thirty second report on Community Development Block Grant
(Councilmember Holland)

Zoning text amendment eliminating mention of limitations in temporary uses (Mayor Abbott)

City Administrator Nichols requested that agenda item (4) be moved to second on the agenda.

CITIZENS' REMARKS

1. Dr. Joseph Lerner, 7708 Takoma Avenue: registered complaints about the unsightliness of red-stickered vehicles still on the property across the street from his residence; expressed hope that the ordinance dealing with storage of vehicles recently proposed by Councilmember Weisman might be amended to include a section dealing with vehicles outside garages but covered and not in public view. This would discourage storing cars in back yards and creating an unplesant view for neighbors. Suggested that if someone wanted to store a vehicle for a limited period, the City could issue, upon request, a 30-day permission and charge a fee for same; upon expiration of the 30 days, the vehicle would, if still present, be dealt with under other sections of the ordinance. Said Police Department property auctions should be held on a day other than Saturday, which is the Sabbath for many persons. Stated that the state and county tax rate for Takoma Park residents is higher than for comparable properties in nearby Silver Spring; urged that taxpayers be informed of the differential they are paying so they may get behind their state legislators and work toward changing this inequitable situation.
2. Jean Craig, 7129 Carroll Avenue: said she had hoped the issue of reconsideration of proposed zoning of 7100 block of Carroll Avenue would not come up again, but has been raised at the request of Councilmember Ramsey, with the reason given that any rebuilding would be subject to the Montgomery County Historical Society's approval with the City's Commission being able to give recommendations only. Said she felt this was a practical arrangement and should be left as is, the issue considered closed, and Council stand by their original July decision. Councilmember Weisman stated he was in total agreement with Mrs. Craig.
3. Ralph Magee, 7203 Holly Avenue, Secretary of the Rental Property Owners and Agents Association: stated the organization supports the effort to save the junior high school and will contribute \$100 to the defense fund.
4. Shirley Jones, 7427 Carroll Avenue: expressed surprise at seeing reconsideration of proposed zoning of 7100 block of Carroll Avenue on the agenda; said she received the agenda too late to notify owners of properties on this block, but hopes Council will bear in mind that these people bought property zoned R-20, not R-60.
5. Carlos Stewart, 7710 Maple Avenue: questioned whether tenants would be given an opportunity to comment during the consideration of amendments to the Landlord-Tenant Ordinance and also whether a copy of the proposed amendments would be made available to tenants. Mayor Abbott stated it was his understanding that the consolidated list of proposed amendments compiled by the landlords was made available; said it was Council's understanding, from Mr. Williams statement on behalf of the tenants, that they were satisfied with the legislation as passed to date; if there was any new issue regarding amendments, the proper procedure would be to contact a councilmember and request him/her to present it in the form of a motion. Councilmember Ricks inquired whether

Mr. Stewart had anything specific in mind at that time. Mr. Stewart said that, in particular, pass-through type costs covering utility increases had not really been discussed thoroughly at any public meeting; said tenants need to know what is being proposed concerning that subject so they have an opportunity to develop their response. Councilmember Ricks clarified that the proposed amendment to this section is as follows: Section 22(a) Rent for any particular (delete "dwelling unit", insert "tenant") tenant in a multiple-family dwelling facility may be increased in an amount not to exceed ten percent (10%) of the monthly rent charged immediately preceding the effective date of the proposed increase. (Add the following:) The rent may be increased an additional three percent (3%) if the landlord pays for the tenant's electricity, and an additional three (3%) if the landlord pays for the tenant's heat. Mr. Stewart said he did not know what the reaction of the majority of tenants would be to this proposed change, but did think there would be a significant number who would want concrete justification for such a change; some may have alternatives to propose. Councilmember Ricks said he plans to recommend against adoption of this proposed amendment as the ordinance already makes provision for any increases over ten percent (10%), in that they must be submitted to the Landlord-Tenant Commission on an affidavit for consideration and arbitration. Mr. Stewart also requested support from the Council and citizens to help maintain the U.S. Department of Education, which houses many educational programs that affect a large number of people - for instance student financial aid, which has suffered severe budget cuts. Said that in the 1983 federal budget, it is being proposed to cut this department by one-half in terms of funding. Stated the issue of abolishing the department has not yet been addressed; however, it was one of Mr. Reagan's early campaign promises. Encouraged people to write their Senators and Representatives and express their views on the subject.

6. Norman Risch, 8305 Roanoke Avenue: expressed support for Mrs. Craig's views concerning reconsideration of proposed zoning of the 7100 block of Carroll Avenue; also favored the efforts being made to save the junior high school. Stated concern over late agenda additions, not allowing time for people to be properly informed - for instance, the Carroll Avenue rezoning issue. Mayor Abbott pointed out that a joint meeting of the Montgomery and Prince George's County Councils sitting as the District Council would be held the following week on the Master Plan; if there was to be any consideration by the City Council of a change in position, it would have to be brought up at tonight's meeting - that was the reason for this item being added to the agenda. Mr. Risch stated that many people feel that once an issue has been discussed and a decision reached, as in the case of this one last July, it should not be brought up for reconsideration at the last minute. Expressed concerns about rising taxes; the problem of getting rebates from the counties for services provided by the City; requested that these issues be emphatically brought to the attention of the citizenry, perhaps through further Newsletter articles. Spoke on one of the amendments to the Landlord-Tenant Ordinance proposed by the Rental Property Owners and Agents Association - proposed new Sec. 9(k), concerning providing and identifying responsible agencies which may be reached at all times in case of emergency for the purpose of resolving the emergency (this would replace a similar, though not similarly worded, item in the original ordinance). Concern with the item, as originally written, was that small landlords could be in violation of the ordinance for being out of touch with, or absent from, their premises for any reason, since the law as presently written requires the owner (or agent) to be accessible at all times. The intent in this amendment to the ordinance would be to make it more reasonable.

At the request of Mayor Abbott, City Administrator Nichols announced there had been an emergency situation earlier in the evening at 7513 Maple Avenue. A major water line pipe broke in the building due to extreme weather conditions and the building had to be evacuated; the Red Cross was assisting in the evacuation and relocation of tenants into temporary housing.

7. Moses Karkenny, 9 Pine Avenue: expressed support for Mrs. Craig's statements; said no discussion of zoning on the 7100 block of Carroll Avenue should take place without the residents of that block

being notified in advance and given an opportunity to participate. Stated his support for the effort to save the junior high school. Said landlords and tenants must work together on problems for their mutual benefit.

8. Mrs. Sue Lerner, 7708 Takoma Avenue: suggested the City might do elderly citizens a service by sending them a notice warning of the danger of hypothermia, especially the hazard of lowering the house temperature to 65° or below, in an effort to economize and conserve fuel. At this temperature, older persons can easily lose body heat, causing disorientation, followed by coma. City Administrator Nichols stated the counties maintain a listing of citizens over-65 for circuit breaker tax purposes; it was agreed the City would check with the counties and ascertain if they have this information in a form that would be useful; inclusion of the material in the upcoming City Newsletter was also suggested.

Mayor Abbott requested that the City Administrator check with both counties regarding help available in paying heating bills for those persons who qualify.

9. Carl Iddings, 7416 Carroll Avenue: regarding the proposed charter amendment pertaining to reporting of campaign contributions, wondered if there is any provision in this ordinance for accounting by groups that may be working independently of specific candidates and may want to distribute their own literature; though these groups should be required to have some sort of reporting process also; said he supports the intent of the ordinance. Stated he felt the penalties under subsection (4) should be civil rather than criminal. Said that the zoning text amendments on the agenda are amendments that will result in automatic renewal of special exception licensing in a number of areas - of special concern personally is Section 2 - a special exception amending the boarding houses section. The proposed change would remove the county from its supervisory activities in this area, essentially making boarding houses permanent unless complaints are made; said it puts the burden of complaint upon neighbors and residents of the area; stated this is an abdication of responsibility that properly belongs to the county government. Urged that Council strongly oppose the amendments and designate a city representative to the upcoming hearing on the matter. Said copies of the proposed amendments to the Landlord-Tenant Ordinance had not been made available and should be so that citizens may know what changes are being considered. Stated he was glad Councilmember Ramsey had again raised the issue of zoning on the 7100 block of Carroll Avenue because when Council voted on the issue they had misleading information as to what powers the local advisory historic commission would have and what powers the county historic commission would have over the area; said the City won't have the sort of protection they thought they would have - that as long as the area is zoned R-20, people can erect any sort of R-20 building they wish.

10. James F. Rooney, 708 Maplewood Avenue: registered disapproval of an item such as the zoning of the 7100 block of Carroll Avenue being added as a last minute item to the agenda - said it does not allow time for concerned individuals to be notified or prepare their response. Suggested a requirement be imposed that agenda items be submitted one week in advance.

11. Michael Mead, 7406 Hancock Avenue: said the majority of proposed amendments to the Landlord-Tenant Ordinance compiled by the landlord's association were an attempt to clarify meaning and intent in the ordinance, and remove ambiguities.

12. James Houston, owner of 7131 Carroll Avenue, home address 6428 Barnaby Street, Washington, D.C.: stated he felt it is unfair to bring up the issue of zoning in the 7100 block of Carroll Avenue one week prior to the final decision by the county; said the issue had already been thoroughly discussed and understood; appealed to Council to let their original decision stand; said he felt the county historic commission could be relied upon to act in the best interests of all involved.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. City Administrator Nichols stated that the garage under construction at 8015 Maple Avenue discussed at a prior council meeting had been investigated; it was found the building permit had been issued contrary to regulations of the Building Permits Construction Division; the county attorney ruled that the permit is to be revoked and a stop work order issued. The City Administrator said that this doesn't guarantee that the construction couldn't take place in the future if the individual goes back to Park and Planning, applies for a combining of the lots, and gains approval. The City's basis for challenge was that they had been left out of the process and had no opportunity to comment on the resubdivision.

2. City Administrator Nichols announced that Representative Steny Hoyer would be holding an open house on February 10 at 8:00 P.M., in the upstairs meeting room of the Municipal Building.

3. At the request of the City Clerk, City Administrator Nichols reminded of the following schedule pertaining to the upcoming election: Election on March 23, 1982; Caucus, February 16, 1982; eligible voters must be registered by March 1, 1982 in order to participate in the election.

4. City Administrator Nichols announced the Commission on Landlord-Tenant Affairs would be holding the following hearings in January, all related to alleged retaliatory evictions: 8512 Flower Avenue and 7024 Carroll Avenue - January 13; 7806 Kennewick Avenue and 8212 Flower Avenue - January 20.

5. Mayor Abbott reminded of two upcoming meetings:

(1) Unification Bill for uniting Takoma Park in one county; scheduled for discussion by Montgomery County delegation headed by Ida Ruben, January 15, 1982; they will be voting on their position; Mayor and City Administrator will be present to respond to any questions. City has not yet heard from Prince George's County as to when their delegation will be considering the legislation.

(2) Joint meeting of the Prince George's and Montgomery Counties Council sitting as the District Council on the Takoma Park Master Plan, January 20, 1982 at 8:00 P.M., Municipal Building. Urged associations with an ongoing interest in the plan to be present, and those wishing to testify to contact the phone number listed in the current City Newsletter article.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Appointment of Lynne Bradley as City representative to Montgomery County's CATV Application Review Committee. A motion was made by Councilmember Holland, duly seconded by Councilmember Garcia, and unanimously approved to appoint Ms. Bradley to represent the City on Montgomery County's CATV Application Review Committee. Councilmember Holland pointed out that Ms. Bradley has been a citizens' representative on the cable issue study for some time, is well-qualified, and should be a worthy representative of the City. Mayor Abbott stated that several applications have been received for the position of Takoma Park representative on the county's Cable Access Committee, which deals with programming recommendations, etc.; said Council will be interviewing applicants, anyone interested who feels they are qualified should turn in their name and resume to the City Administrator.

Councilmember Ricks announced that, in response to the emergency situation at 7513 Maple Avenue, the Red Cross had arrived and was moving residents to a nearby facility; if repairs take an extended period of time, they will be moved elsewhere. City Administrator Nichols clarified that the problem was a water line break affecting the electrical system and causing a fire hazard; water had to be shut off, so there is no heat in the building.

2. Consideration of amendments to the Landlord-Tenant Ordinance (No. 2587). Councilmember Saloma stated that, in her opinion, most of the amendments proposed for Article III of the ordinance were not substantive and should not be considered at present, with one exception - the new section 9(k) recommended by the landlord's association. She presented a motion that Sec. 9(k) be discussed. At the request of Councilmember Saloma, Councilmember Ricks read the state law regarding rental properties which requires the posting in a conspicuous place on the property (or otherwise notifying tenants) the name, address, and telephone number of the owner of the property or management entity. After considerable discussion, it was agreed that the material contained in the proposed Sec. 9(k) more properly belonged in Sec. 13 "Landlord Notice Requirements." Councilmember Ramsey made a motion, duly seconded by Councilmember Holland, that the language in the state law read by Councilmember Ricks be inserted in Sec. 13, thereby requiring the posting on rental property premises the name, address, and telephone number of the owner or agent of the property. Councilmember Ricks proposed amending the motion to include language requiring the posting on the premises the name and telephone number of either the owner or management entity who could be reached at all times for the purpose of resolving the emergency. Councilmember Holland withdrew his second to Councilmember Ramsey's motion. Councilmember Saloma made a motion, duly seconded by Councilmember Ricks, to let Sec. 13 remain as is and withdrew any recommendation for consideration of Sec. 9(k). Further discussion ensued with the final decision that Corporation Counsel would consider Sec. 13 and furnish an opinion on wording that would clearly express Council's intent. A motion was made by Councilmember Holland, duly seconded by Councilmember Ramsey, and unanimously approved to declare the worksession, January 18, 1982 a special session to convene at 7:30 P.M., and continue consideration of amendments to the Landlord-Tenant Ordinance at that time. Mayor Abbott stated that copies of the proposed amendments to the ordinance would be available from the City Administrator's Office after 10:00 A.M., January 12, 1982.

3. Second reading of a proposed Charter amendment pertaining to reporting of election campaign contributions. Mayor Abbott stated that Corporation Counsel had rendered his opinion on the proposed amendment and each Councilmember was furnished a copy listing the points they should focus on. Regarding what period of time the reports would be maintained, Councilmember Garcia suggested the City Clerk maintain them for a six-month period. Concerning the question of whether the ordinance should specifically exclude contributions made by candidates and immediate members of their families, Councilmember Garcia recommended negative. In response to the question of whether all contributions, such as campaign materials, etc., should be included or the reporting be limited to currency only, Councilmember Garcia recommended the reporting be limited to money amounts of \$25.00 or more; suggested the ordinance be adopted as is as a first step; said it could be amended at a later time if that were found to be desirable; said the intent of the ordinance is to give an indication to the voters who the financial backers are of the candidates. Councilmember Ramsey made a motion, duly seconded by Councilmember Patrick, to amend the first sentence under Section 1., (w)(1), inserting after the word "treasurer", the words "and every political organization". The motion was defeated, Councilmembers Ramsey and Patrick voting Aye, balance of Council Nay. Councilmember Ramsey made a motion, duly seconded by Councilmember Patrick, to amend the second sentence under (w)(1), inserting after "received" the words "in cash or in kind". Councilmember Garcia re-emphasized that the proposed ordinance is a model one from National League of Cities, used nationwide, has been adopted by many municipalities in the state, and no problems have occurred with it. The motion was defeated with Councilmembers Ramsey and Patrick voting Aye, balance of Council voting Nay. Councilmember Holland made a motion, duly seconded by Councilmember Saloma, to amend (w)(1) to increase the monetary contribution amount requiring reporting from \$25.00 to \$50.00 (in an attempt to minimize paperwork). The motion was defeated with Councilmembers Holland, Saloma, and Ricks voting Aye, balance of Council voting Nay. Councilmember Holland made a motion to amend (w)(4) to delete the 90 day imprisonment penalty, no second was offered. Councilmember Ramsey made a motion, duly seconded by Councilmember Weisman, to amend

(w)(2) changing the first word "Any" to "An", thus making the interim report of contributions mandatory. The motion was passed unanimously. Upon motion by Councilmember Weisman, duly seconded by Councilmember Ramsey, Charter Amendment Resolution 1982-1, Ordinance No. 2596 was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, and Weisman. NAY: None. EXCUSED: None.

CHARTER AMENDMENT RESOLUTION 1982-1
ORDINANCE NO. 2596

(Attached)

Mayor Abbott pointed out that the 50-day period mandated by state law before a Charter amendment can go into effect would make the date of effectiveness, Tuesday, March 2, 1982; reports on revenue received through March 12 would have to be filed by noon on Tuesday, March 16; the final accounting must be filed by 5:00 P.M., Monday, March 29; making a very close time frame.

4. Reconsideration of proposed zoning of 7100 block of Carroll Avenue. A motion was made by Councilmember Ramsey for reconsideration of this issue by Council, duly seconded by Councilmember Saloma, and defeated with Councilmembers Ramsey and Saloma voting Aye, balance of Council voting Nay. Councilmember Ramsey stated he realized the timing for proposing reconsideration of this issue was unfortunate; however; due to legal opinions obtained subsequent to Council's original decision on the matter, it was learned that recommendations from the county Historic Commission would have a binding effect, the City commission's function would be advisory only, completely contrary to what Council had originally understood. Stated the legal opinion from an attorney working with the county Historic Commission was only received the previous week; present meeting would be the only opportunity for the City Council to reconsider the issue prior to the County Council's hearing on January 20.

5. Zoning Text Amendment 81027. Councilmember Weisman advised a hearing on this matter is scheduled for January 19, 1982; said the proposed deletions that the sponsor, David Scull, has made would give a permanency to each of the sections involved; recommended that Council oppose the deletions, leaving it as originally published, and register their objection with the proper officials. A motion was made by Councilmember Weisman, duly seconded by Councilmember Holland, and unanimously approved, that Council oppose the proposed deletions. A recommendation was made that the City send a Councilperson as representative to speak at the hearing on January 19. It was agreed a call would be made to reserve space on the speakers' list for a City representative and a letter would be sent recording Council's objection to the proposed amendment.

6. Councilmember Ricks stated he thought the Prince George's County portion of the Master Plan projects something other than what the City had requested for the area along University Boulevard between Merrimac Drive and Anne Street; questioned whether Council wanted to register their opposition to Park and Planning staff's recommendation for this area at the joint hearing on January 20. There was some confusion as to Council's original position on zoning for this area; it was requested the City Administrator ascertain that information from records and include it in Wednesday's Council package.

7. Report on Montgomery County Community Development Block Grant/Citizens' Advisory Committee. Councilmember Holland, member of the Committee, reported that the final adjudication, after discussion with Mr. Gilchrist, was that the City of Takoma Park would receive \$490,000 of Community Development Block Grant funds for Year 8 (the upcoming year). Mayor Abbott queried what the allocation was to the rest of the county; Councilmember Holland offered the following breakdown: the entire grand total including the portion the county retains for its own

use was \$4,250,000; out of that amount, the amount for capital projects the county had already committed was \$1,402,000; of the remaining \$2,954,000 available, the City would receive \$490,000 - \$375,000 for Laurel/Carroll Revitalization, \$90,000 for housing rehabilitation, and \$25,000 for program administration. Mayor Abbott commended Councilmember Holland for his work on behalf of the City in this area.

Upon motion, duly seconded, the meeting adjourned at 11:20 P.M. to reconvene in special session on Monday, January 18, 1982, at 7:30 P.M.

CHARTER AMENDMENT RESOLUTION 1982-1
ORDINANCE No. 2596

WHEREAS, it is the desire of the Mayor and Council, recognizing that our system is dependent upon the citizens maintaining the highest trust in their elected officials, to enact a provision requiring all candidates for elective office to file reports on campaign contributions.

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

SECTION 1. THAT Section 1.3, entitled "Elections-Generally," of the Charter of Takoma Park, Maryland be hereby amended by the addition of the following subsection:

(w) Campaign Contributions

(1) Report required.

Each candidate for the office of Mayor or Councilmember or their designated campaign treasurer shall file with the city clerk reports as specified below which shall list the name and address and amount contributed of each and every contributor, other than the candidate or a member of his/her immediate family, who has contributed twenty-five dollars (\$25.00) or more in furtherance of the candidate's nomination or election. The reports shall include all contributions received by the candidate him/herself, or, with the knowledge of the candidate or his/her treasurer, by any other person or groups of persons. All reports filed shall be available for examination by any member of the public during the normal office hours of the city clerk.

(2) Deadline for filing report.

An interim report of campaign contributions received since the date of the last preceding regular election and prior to the tenth day preceding the election shall be filed no later than noon on the seventh day preceding the election. A final report of campaign contributions received and not previously reported shall be filed no later than 5:00 PM of the Monday following the election.

(3) Form; affirmation of report.

The reports shall be made on forms provided by the city clerk and approved by the corporation counsel. The reports shall be subscribed and sworn to (or affirmed) by the candidate, and his/her treasurer if a person has been so designated, before a notary public as to its completeness and accuracy.

(4) Penalties.

Any person who shall violate any provisions of this subsection shall, upon conviction, be sentenced to pay a fine of not more than five hundred dollars (\$500), or be sentenced to imprisonment for not more than ninety (90) days, or both, in the discretion of the court.

ADOPTED BY THE MAYOR AND COUNCIL ON JANUARY 11, 1982 BY ROLL CALL VOTE
RECORDED AS FOLLOWS: AYE: Councilmembers Garcia, Holland, Patrick,
Ramsey, Ricks, Saloma and Weisman; NAY: None; EXCUSED: None.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council

January 25, 1982

City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember Garcia	Administrative Assistant Tyree
Councilmember Holland	Police Lieutenant Gowin
Councilmember Patrick	Public Works Director Robbins
Councilmember Ramsey	Recreation Director Ziegler
Councilmember Ricks	Corporation Counsel Gingerich
Councilmember Saloma	
Councilmember Weisman	

The Mayor and City Council of Takoma Park met on January 25, 1982, at 8:07 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 December 14, 1981. Motion carried.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott spoke on the lack of snow removal from sidewalks during the recent bad weather from both public and private property; stated he received a number of complaints; pointed out that while the City Code requires owners/occupants to clear sidewalks within a specified time period and provides, if necessary, for clearing by the City and billing the property owner, there is no provision for collection of the bill. Said he felt this ordinance should be rewritten and failure to comply be declared a municipal infraction; requested a public hearing be held to permit citizen input on the problem.

Mayor Abbott related that the people dislocated by the emergency situation at Edinburgh House recently were housed temporarily by the Red Cross at a motel at a cost to the county of approximately \$5,000 for food and lodging. Said that when an emergency situation of this magnitude occurs, neither the City nor the County has provision for dealing with it; county taxes pay for social services, but City was told the entire amount budgeted for the year was exhausted on that one incident; the City Administrator clarified that the county social services has limited funds for that purpose and had the shelter operation for the Edinburgh continued beyond the day it was terminated, it would have been necessary to request additional appropriation of funds from the County Executive; had he denied the request, social services would have had no choice except to express their regrets at being unable to assist further. Mayor Abbott stated that when the emergency situation occurred at the Edinburgh (on a Monday night), when the individual responsible for the property learned of it at 7:45 P.M., he disappeared, and the City was unable to locate or contact him until 4:00 P.M. on Tuesday. Cited this as an example of the City being unable to contact a responsible individual in an emergency situation; said repairs could have been started sooner if it had been possible to contact a responsible person. Related several other recent instances wherein a responsible person could not be contacted to resolve rental property emergency situations. Said the City has not only a concern, but a responsibility, to deal with such situations; the City Code should include legislation dealing with them.

Mayor Abbott pointed out that in the February issue of the City Newsletter there would be an article concerning assistance with heating bills from the counties; encouraged those eligible to apply for the help.

Councilmember Garcia spoke on a request to Council received from Hal Phipps, Coordinator for the Takoma Old Town Revitalization project, asking that the City have the power to review liquor licenses in its Montgomery County portion; said that under Maryland Code, Takoma Park is a dry city in the Montgomery County portion; this would permit the sale of alcoholic beverages in the City if approved by Council; presently, Council has veto power in the Prince George's County portion of the City. Said the issue will be considered by Council at the

February 1 worksession. Stated that such a change would require modification to the language of the Maryland Code and have to be requested through the Montgomery County Delegation.

Councilmember Ricks said that, as a member of the COG Public Safety Committee, he had received information from the chairman of the committee stating that, in light of the plane crash tragedy of January 13, 1982 in D.C., the committee will investigate information exchange and procedures for emergencies, such as evacuation, etc. Requested that if citizens had any questions they wished brought up, they refer them to him and he would bring them before the committee.

ADDITIONAL AGENDA ITEMS

1. Reconsideration of amendment to the Landlord-Tenant Ordinance regarding permissible percentage rent increase per year voted on January 18, 1982 (Councilmember Saloma)

CITIZENS' REMARKS

Presentation regarding future group home at 7415 Wildwood Drive.

Michael Dennis, Member of the Board of Directors, National Children's Center: stated that National Children's Center is a 25 year old United Way Agency, private non-profit, non-sectarian, non-discriminatory agency offering residential and day care to children, adolescents, and adults handicapped by retardation and developmental disabilities that impede learning in a regular school setting; described the courses, programs, and services offered by the center; introduced Marsha Risher.

Marsha Risher, Director of Community Residence Program, National Children's Center: thanked the City Administrator for the invitation to present their program; said they hope to establish good neighborly relations in the community. Stated that the Community Residence Program currently operated four group homes, all located in nice residential areas, on Aspen, Sheridan, Rittenhouse and Gallatin Streets; each houses five to six clients depending upon the size of the house. Said the purpose of these homes is to provide a normal, safe, pleasant, family style environment to mentally retarded persons who do not require institutionalization but are not independent enough to live entirely alone, and whose families cannot care for them. Stated that residents are always under supervision when in the house; there is a counselor in residence at each house who sleeps there and works certain hours of the day, in addition to two other counselors who fill in when the resident counselor is off-duty. Residents of the homes must all have full-time jobs or vocational programs which they attend daily. When they are at home, evenings and weekends, their activities are documented by the counselor on an activity sheet. Said all of the National Children's Center homes are licensed; they are pursuing licensing for the Takoma Park home through the Maryland State Mental Retardation Administration; said the house is not presently in operation as a group home, it is being worked on to comply with licensing regulations, people seen there are workmen, inspectors, etc. Said the house will initially be occupied by three residents, licensed for a maximum of five residents, plus a live-in counselor. Stated the residents are not persons dangerous to themselves or others, are not involved with alcohol or drugs, most have led sheltered lives. Said their homes are very well maintained, probably better than the average home owner's, and nothing is done to make them appear institutional. Offered to provide references to the Mayor and Council and immediate neighbors of the Wildwood Drive home from neighbors of the four already existing homes, also offered a tour of the four operational homes.

1. Sally Baker, 7402 Wildwood Drive: read a petition signed by 30 residents of the area, requesting Council to: investigate appropriate licenses and permits required for the home, what kind of inspection procedures will follow, type of staffing, type of individuals to be housed, lack of information to neighborhood, establishment of neighborhood/staff interaction, and number of people to be housed. Stated that some of the questions voiced had been answered by Ms. Risher's presentation.

Ms. Risher said if she might have a copy of the petition, National Children's Center would be glad to provide a written response to the questions; felt they were reasonable concerns on the part of the neighbors. Councilmember Garcia questioned why National Children's Center, incorporated in D.C., was planning to operate a home in Maryland; response from Ms. Risher was that the home would serve Maryland residents - said Prince George's County currently has a waiting list of 175 retarded persons waiting for placement in group homes and they will have first priority. Councilmember Garcia pointed out the City's concerns about the number of group homes already operating in Takoma Park. Ms. Risher stated it is difficult to locate suitable property which is within a three-mile radius of National Children's Center, not in need of extensive repairs, and of a convenient size for a group home. Councilmember Ricks queried whether National Children's Center is a tax exempt organization, to which Ms. Risher replied affirmative, Ms. Risher referred the question of whether the property would remain on the tax rolls to National Children's Center's counsel. Attorney Goldman said his firm is exploring the implications in regard to real property tax, affirmed that National Children's Center is a tax exempt charitable institution for Federal Income Tax purposes; said the four homes located in D.C. are eligible for real property tax exemption; said his first research would indicate they may not be eligible for exemption under Maryland regulations, but will gladly advise Council of his final opinion after further study.

2. Phil Vogel, 7117 Garland Avenue: questioned whether the home requires a zoning special exception; Ms. Risher responded negative. Mr. Vogel questioned why the center purchased the Wildwood Drive residence; Ms. Risher reiterated earlier statements - cited the pleasant and relatively safe neighborhood, accessibility to public transportation, etc. Mr. Vogel requested, in view of the number of group homes already existent in the City, that Mayor and Council oppose operation of the Wildwood Drive home. Councilmember Garcia stated he had already been in contact with Paris Glendenning, the City's representative on the county council, and made him aware of the situation; will advise him of further developments in writing.

3. Marc Elrich, 7800 Carroll Avenue: said he was really disturbed by Mr. Vogel's comments; has three retarded foster children who function quite well and present no threat to his own six-year-old daughter; stated he and his wife have been involved in working with retarded persons for ten years and have found them to be safe and gentle people who pose no threat to others. Said National Children's Center, which appears to be a sound and solvent organization, might consider making an "in-kind" payment to the City if they find they qualify as tax exempt - as a gesture of good will and their desire to be a productive part of the community.

4. Mary Ann Leary, 7301 Takoma Avenue: said it has been a privilege to have a group home for retarded persons located across the street from her residence since 1976; residents of the home are quiet, cause no problems in the community; impact of the home on the neighborhood has been beneficial.

5. Sherry Vavrichek, 7233 Garland Avenue: stated that professionally she is a social worker; said de-institutionalization is taking place all over the country, and if one type of group home could be chosen for location within the City, her choice would be homes for the mentally retarded; said in her experience, the greatest problem these individuals have is being institutionalized and denied the opportunity to live as close to normal a life as possible; supported the Wildwood Drive home and hopes the City and its citizens will make them welcome.

6. Ruth Guins, 1200 Kingwood Drive: said she felt neighbors had been done a great injustice through the lack of any information being offered them; emphasized that neither she, nor to her knowledge other neighbors, oppose the home; to the contrary would wish to welcome them, but did resent the absence of communication as to what was going to transpire.

OTHER COMMENTS BY CITIZENS

1. Ellen Bunyon, 8215 Roanoke Avenue: stated she is a landlord, member of the Takoma Park Association of Rental Property Owners and Agents, but speaking as a former tenant for many years; spoke of the many apartments in Montgomery County that have become condominiums; said she did not feel landlords should have to explain rent increases, drew the analogy that the grocery shopper does not question the checker about price increases in the store.

2. Steve Rollins, 7520 Maple Avenue: referred to a letter addressed to homeowners from the landlords' association, saying it gave the impression a war is being waged; their aim is to pit homeowners against tenants with the goal being financial autonomy; said landlords are attempting to gain the support of private property owners for their causes. Said that when a tenant moves into an apartment, credit and salary investigations are made to ascertain if he can afford the rent; however, nobody's salary increases by 14% per annum. Said tenants have a right to justification for rent increases imposed upon them. Commented that, in his opinion, removal of the Mayor and Council from the appeal process was bad in terms of the future of landlord-tenant affairs in the City; said the assumption of Office of Landlord-Tenant Affairs function may have been a serious mistake, that landlords have seized the opportunity to initiate changes that would not have been possible at the county level.

3. Nancy Perry, 7520 Maple Avenue: expressed disappointment with elected City officials; said she has observed in Council a growing lack of responsibility and concern for tenants; questioned why tenants' services are being cut if the rent increases permitted landlords are for the purpose of keeping up with inflation; claimed some members of Commission on Landlord-Tenant Affairs are using that position as a stepping stone to a seat on the Council.

4. Herman Williams, 7667 Maple Avenue: agreed with remarks made by Mr. Rollins and Ms. Perry. Said that tenants who speak at Council meetings receive retaliatory action from their landlords. Stated that the owner of 7611 Maple Avenue was ordered by COLTA over a year ago to reimburse tenants for unapproved rent increases in excess of 10%; the money has not been refunded and, in addition, tenants have been forced to pay security deposits of between \$300 and \$700 (this includes tenants who have been in residence six months and more). Commented on Council approval of a 14% yearly rent increase with the possibility of additional increases. Indicated that the tenants at 7611 Maple Avenue are concerned about what happened to the money that was to have been returned to them.

Corporation Counsel Gingerich stated that the landlord appealed COLTA's decision to the circuit court; after two hearings before the court, the court ordered that the excess rent be placed in an escrow fund pending a final decision of the court in the case. The hearing on the final order was held the week of January 11, 1982; Judge Fairbanks took the matter under advisement, and a final decision from the court is expected soon. Mayor Abbott queried whether the appellant was present in court; Attorney Gingerich stated he was not present, but represented by counsel at both court proceedings.

Mr. Williams said it has become imperative that landlords be required to furnish names and telephone numbers of responsible individuals to be contacted when an emergency arises; or, alternatively, that the City accept responsibility for decision making in these cases so that immediate action can be taken.

Councilmember Ramsey questioned whether the individuals affected by the retaliatory evictions had appealed to COLTA under Sec. 23 of the Landlord-Tenant Ordinance and, if so, what the outcome had been, Mr. Williams replied that most of the people had filed complaints with COLTA and compromises were reached.

5. Marc Elrich, 7800 Carroll Avenue: expressed his concern that decisions made at the January 18, 1982 special meeting on the Landlord-Tenant Ordinance would have a devastating effect; said approving 14%

rent increases would guarantee the transiency of a large part of the community; said the rent increase amendment passed by Council is an invitation to gouging and neglect. Claimed Council has gone a long way to satisfy landlords and he has little doubt in whose favor landlords' funds will flow in the upcoming election; said the pertinent question is whether citizens will permit absentee landlords to control the City's council; mentioned a letter generated by the landlords' association.

6. Norman Risch, 8305 Roanoke Avenue: expressed agreement with many of Mr. Elrich's statements; said one of the goals of the landlords' association has been to avoid the vitriolic style observed in literature generated by tenants; said one of the purposes of letters put out by the landlords' association has been to make landlords aware of the fact that the present issues are ones that will greatly affect all of them.

7. Ron Albaugh, 7202 Central Avenue: said it was inconceivable that any landlord would not have a structure providing at all times for a responsible decision-making person who could be reached to resolve emergency situations. Said he was unaware of any cases that had come before COLTA to request increases in excess of 10% citing utilities as the reason - most are based on excessive amounts of maintenance or chronic cash flow problems (which may include utilities, but are not that alone). Reminded that the ordinance was enacted primarily for the protection of tenants; hoped Council would reconsider their decision regarding permissible rent increases.

8. Terrance Keating, 908 Davis Avenue: stated he is the owner of a small rental property (2 units), charges low rent, and is adamantly opposed to control of rents.

Councilmember Ramsey pointed out that owners of less than five rental units are specifically exempt from the rent stabilization portion of the ordinance (Sec.22).

9. Carl Guelzo, 126 Lee Avenue: stated he is the owner of a 6-unit rental property; said that some years back, property of this type was considered a good investment, which has not proven to be the case. Mentioned the doubling of the City license fees, no protection from county tax increases, sharp utility increases; said it is a continuing struggle to avoid defaulting on the mortgage. Stated that a year or so ago, he and his wife went through the procedure for approval of a rent increase in excess of 10%, and would never choose to repeat that experience.

10. Naomi Turner, 7667 Maple Avenue, President of Upper Maple Maple Avenue Citizens' Association: said she had received a large number of telephone calls from tenants, many claiming they are being threatened with eviction or rent raises if they attend council meetings and openly oppose the 14% rent increase; said such an increase will drive people from their homes, many of whom are living on fixed incomes.

11. Ralph Magee, 7203 Holly Avenue: said the attempt to permit utility pass throughs was in consideration of the small landlord, not the big landlord with a bevy of lawyers and whatever other resources are required to pursue his goals, also an attempt to lighten COLTA's hearing load. Said that a 10% increase will not offset the increase in taxes and license fees.

12. Moses Karkenny, 9 Pine Avenue: discussed the rising utility costs and problems of tenants moving out without paying rents; noted he has been unable to make ends meet for some time; is behind on paying many bills, including City property tax bill.

13. Carlos Stewart, 7710 Maple Avenue: emphasized that since the Mayor and Council would no longer serve as an appeal body, they must ensure that the City Administrator and/or Corporation Counsel enforce COLTA orders.

14. Phil Vogel, 7117 Garland Avenue: regarding the group home on Wildwood Drive, noted that questions of what kind of group home it will be should not be the main concern at the moment, but that the main

question should be the increasingly large number of group homes located in and around the Takoma Park area.

Councilmember Garcia made a motion, duly seconded by Councilmember Holland, that the appropriate Prince George's County authorities and County Council be advised by letter of the questions raised by the petitioners of the neighborhood and point out the increasing number of group homes in Takoma Park. Councilmember Ricks requested that the letter also point out that the City is not against the specific type of group home to be operated on Wildwood Drive, but just group homes in general. When the motion was put to a vote, it was unanimously approved.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. City Administrator Nichols announced the following vacancies existing on the Commission on Landlord-Tenant Affairs: one regular landlord member and one alternate general public member; stated that anyone interested in applying for these positions should contact the City Office by February 5, and that the applicants would be interviewed by the Mayor and Council, the decision being left up to same.

2. Maryland Department of Economic and Community Development. Notification to the City that the Secretary of the Department has granted a conditional commitment to the City of \$5,000 to finance not more than 50% of eligible project costs, with the City to match equally this amount for the Takoma Old Town revitalization project.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Consideration of amendments to Landlord-Tenant Ordinance (#2587). Councilmember Saloma made a motion, duly seconded by Councilmember Ricks, to reconsider the amendment approved at the Special Council Meeting held January 18, which would allow landlords a 10% general rent increase, plus 2% if they provided electricity, and 2% if heat is provided (Sec. 22 (a) of Ordinance #2587). Mayor Abbott noted that a motion to reconsider would require a vote on whether Councilmembers wish to reconsider the decision made January 18; then if so decided, another vote to decide to stay the original 10% or add to that utility pass-through. Councilmember Garcia, who had voted against the additional 2% + 2%, stated that he felt landlords had ample opportunity to go before COLTA for increases above 10%, including utilities. Councilmember Saloma noted that after speaking with Councilmember Ricks and several citizens concerned with the Ordinance, she had changed her mind on the affirmative vote she took at the January 18 meeting; that she had always felt there should be some sort of utility pass-through, but at that time, felt that the 10% limit is fair, and landlords needing a higher increase should go before COLTA. When the motion for reconsideration of January 18 decision was put to a vote, it was approved by the majority of the Council, with Councilmembers Garcia, Ramsey, Ricks and Saloma voting in the affirmative. The vote for reconsideration having been taken, the motion then before the Council was to allow a 10% rent increase, with additional 2% if landlord provides electricity, and 2% if the landlord provides heat. The vote taken was as follows: AYE: Councilmembers Holland, Patrick, and Weisman. NAY: Councilmembers Garcia, Ramsey, Ricks, and Saloma. Mayor Abbott stated that this now leaves Sec. 22 (a) as written in Ordinance #2587.

2. Preliminary Subdivision #4-81153 (Prince George's County on Central Avenue between Jackson and Davis Avenues. City Administrator Nichols explained that the decision to resubdivide the property came about because the owner filed application with the Planning Board for variance to construct an addition on the Jackson Avenue side of the house at 7502 Central Avenue. The variance could not be considered by the Planning Board because the three lots were not shown on the subdivision plat. Before it could be considered, the property owner had to file application for the plat to be amended on the subdivision. If that is approved, he can then file for variance to construct on the side of the house. At that time, Council would be invited to comment on the variance itself. Councilmember Holland questioned who owns the three lots; City Administrator Nichols responded that there are three

houses on the three lots.

1. Rino Aldrighetti, 7213 Central Avenue: stated Longbranch-Sligo Citizens' Association's executive Committee discussed the matter at their January 19 meeting and the information they had at that time was that the resubdivision took place by deed in 1970, so what is being done is redesigning the plat map to conform to what took place in 1970. Said he had hoped the owner of the property would be at the Council meeting to respond to some questions. Stated that one concern is that there are a lot of "grandmother apartments" being built around the county that have a tendency to become illegal apartments; would like to get the property owner on record stating that the addition he intends to construct will not become an illegal apartment.

Councilmember Holland asked when Council has to act on the matter; City Administrator Nichols stated that the Planning Board will be considering the issue on February 4; said Council's comments could either be forwarded to the staff within a few days for incorporation into staff's recommendations to the Planning Board or, alternatively, Council's comments could go to the Planning Board independently of staff's recommendations.

Councilmember Holland queried whether the City specifically notified the property owner, Mr. Calisto, that the matter would be discussed at the present council meeting. The City Administrator stated that Mr. Calisto was advised by telephone; stated the variance itself is not a formal application at this point; the staff at Park and Planning has yet to receive the application for the variance; said Mr. Calisto first applied for the variance and was told by the Planning Board he could not apply for variance because there was no subdivision of record against which he could file for a variance, that he would have to go back and file to resubdivide.

Councilmember Holland questioned whether the residence Mr. Calisto intends adding onto is a single family dwelling; upon receiving a negative response (it contains some apartments), made a motion, duly seconded by Councilmember Garcia, that Council advise Park and Planning staff of their disapproval of the plat change. Said that if Council has any reservations, now is the time to stop it before it gets to the variance category. City Administrator Nichols pointed out that the consideration at present is not the variance itself, but for putting the subdivision in conformance with the deed. Suggested Mr. Calisto might be invited to the February 1 worksession for the purpose of responding to questions from Council concerning his intentions. Councilmember Holland withdrew his motion; Council decided to defer any decision on the matter until the February 1 worksession.

Upon motion, duly seconded, the meeting adjourned at 11:30 P.M. to reconvene on Monday, February 8, 1982, at 8:00 P.M. in regular session.