

CITY OF TAKOMA PARK, MARYLAND
MAYOR AND COUNCIL WORKSESSION
February 1, 1982

Councilmembers present:

Mayor Abbott
Councilmember Garcia
Councilmember Holland
Councilmember Patrick
Councilmember Ramsey
Councilmember Ricks
City Administrator Nichols

The meeting was called to order by Mayor Abbott at 7:30 P.M.

1. Preliminary Resubdivision of 7502 Central Avenue. The Mayor and Council heard comments from the owners of the property and decided not to oppose the resubdivision.
2. Sale of Alcoholic Beverages in the Montgomery County Portion of Takoma Park. After extensive discussion the Mayor and Council decided that there was not enough time left in the current state legislative session for the Takoma Park Community to adequately consider this issue and thus determined that the subject should be deferred for consideration until next year and further that the community should be given ample opportunity to voice their opinions on the issue prior to the Council adopting any position.
3. Vacant City-designated seats on the TPVFD Board of Directors. The Mayor and Council considered this matter and determined that the seats should be filled, but in that the City Election is less than two months away, the seats should be filled by the next Council.
4. Apartment Improvement Program. City Administrator Nichols apprised the Mayor and Council of this program, and suggested that it might offer some answers to the problems and issues in the City's apartment community. He stated that he would continue to research the program and report back to the Council with recommendations.
5. Landlord-Tenant Ordinance Amendments. It was decided that this issue would again be placed on the Council's agenda for the next public meeting.
6. November meeting of the Montgomery County Chapter of Maryland Municipal League. At the suggestion of Councilmember Ricks, the Mayor and Council decided to accept an invitation to host the November meeting.
7. Ward Election Boundaries Discussion. Mr. Herman Williams appeared before the Council and raised concerns about the boundary lines between Wards 1 and 4. The Council heard Mr. Williams' concerns and determined that no discrepancies existed and that no action was proper or appropriate.
8. February 8 Budget Presentation Overview. Administrator Nichols briefed the Mayor and Council on the parameters of the presentation he would be making at the next public council meeting.

9. Proposed Ordinance on Historic Preservation. Mr. Louis D'Ovidio reported to the Mayor and Council the progress toward the development of an ordinance for their consideration. He advised that a final draft would be available for their review within a few days. First reading for the ordinance will be February 22.
10. Update on Program Open Space (POS). Alvin Nichols reported that the City has been advised by Park and Planning officials that the parcel of property at Jackson and Boyd Avenues cannot be funded under POS unless it is identified as a park in the Master Plan. With this in mind, the Council decided to send a letter to the Montgomery County Council, requesting that this parcel be identified as such in the plan.
11. D.C. Crime Commission. At his request, the Mayor and Council decided to recommend the appointment of Councilmember Ramsey to this commission studying inter-jurisdictional crime problems.
12. Draft letter to Prince George's County Department of Licenses and Permits, re: Wildwood Avenue Group Home Proposal. The Mayor and Council reviewed and approved a letter to be sent to the Department of Licenses and Permits, with a copy to be forwarded to Councilmember Parris N. Glendening.

There being no further business to discuss at this time, the meeting adjourned at 10:30 P.M.

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

February 8, 1982

AGENDA

CALL TO ORDER: Mayor Abbott

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

PLEDGE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

1. Communications

2. Administrative Reports and Recommendations for Council Action:

(1) Administrative reports

--Election announcements

--Briefing by City Administrator on FY-83 budget process and issues

(2) Consideration of ordinance to show cause why 7709 Carroll Avenue should not be declared a nuisance and ordered to be abated

(3) Consideration of amendments to Landlord-Tenant Ordinance (#2587)

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
February 8, 1982

City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember Garcia	Administrative Asst. Tyree
Councilmember Holland	Police Chief Carter
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 February 8, 1982, at 8:00 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott reminded that Congressman Hoyer would be holding an open house on Wednesday, February 10, 1982, at 8:00 P.M., in the upstairs meeting room, 7500 Maple Avenue, to discuss with constituents any concerns they may have with the legislative program; encouraged citizens to attend and to remind their neighbors; if the program is well attended, Congressman Hoyer will probably continue the practice rather than sending a staff member in his stead.

Mayor Abbott stated that the Montgomery County Delegation to Annapolis would be at 7500 Maple Avenue on February 25 to conduct a hearing on the unification bill introduced by Delegate Bainum which would bring the Prince George's County portion of the City into Montgomery County; the Prince George's County delegation will be invited to attend; however, in a bi-county bill, the sponsor (Montgomery County) introduces it and it has to pass in that delegation, then goes to the State Senate delegation before going to Prince George's County delegation for action.

Mayor Abbott related that the subject of the Tillie Frank case came up at the Maryland Municipal League Legal Action Committee meeting on February 6, 1982. Said this case involved a Prince George's County municipality attempting to legislate against fortunetellers; the municipality was defeated in an appeal; the matter has snowballed and now the decision is apparently being interpreted by county attorneys as saying the county can supersede any ordinance passed by a municipality. Said there is a great divergence of opinion among attorneys, but should the decision stand, it would create a horrendous situation for City Councils wherein any legislation they passed could be overruled by the county. Mentioned a similar case related to cable TV out West wherein a court decision raised the question of whether any political subdivision less than a state (cities or counties) can grant franchises. Said that in that particular case, the court ruled it was a restraint of trade to grant exclusive franchises to a single firm within a city (or county). Stated it doesn't presently affect the City's arrangement with Montgomery County, but could. Said the county's CATV Coordinator advises that attorneys are considering the implications of the decision.

Councilmember Ramsey announced he volunteered for, and has been advised he will be appointed to, District of Columbia Mayor Barry's recently established Commission on Crime and Justice; felt it appropriate the City be represented due to the common boundary line; hoped he would receive information that might be informative and helpful to the City; advised he will make periodic reports.

ADDITIONAL AGENDA ITEMS

1. First reading of Ethics Ordinance mandated by state law to be adopted by every city having a population of over 4,000 (Mayor Abbott)
2. Court order pertaining to COLTA decisions and appeal by City Council concerning properties at 7513 and 7611 Maple Avenue (Mayor Abbott)

CITIZENS' REMARKS

1. Mrs. Halfain, 7620 Maple Avenue: registered complaints concerning the lack of enforcement by police of the no parking restrictions in front of bus stop at 7620 Maple Avenue during the recent inclement weather, cited the hazard and problems created for the handicapped and elderly; said she felt some of the cars parked in that area were abandoned due to the length of time they had been left, some having out of state tags and in derelict condition.

Chief Carter related that Mrs. Halfain did contact the police department on several occasions, officers were instructed to check for vehicles parked in the bus zone; stated he, personally, checked and, at that time, did not locate any cars parked in the zone. Commented that abandoned cars are a problem in many parts of the City; said the police department is trying to contend with the problem, as well as that of out-of-state tags - said the Maple Avenue area traditionally has been a problem in regard to ensuring that residents there obtain Maryland registration. Said that the snow did present problems; in response to a suggestion by Councilmember Holland, said that on such occasions, the department will concentrate more frequent patrol in the area, when possible, to ensure that the bus zone is kept free of illegally parked vehicles.

Councilmember Ricks questioned what the background is on the 18-wheel tractor trailer that parks on Maple Avenue, frequently pulled up on a lot, on weekends or overnight, and then gone. Said it is a residential area, and his understanding is that a commercial vehicle should not be parking there. Chief Carter explained that if the vehicle is not parked on public space, the commercial vehicle parking restriction cannot be enforced; however, that particular tractor trailer has been ticketed several times when parked on the public street. Councilmember Ramsey suggested checking with the zoning authority; said it is a violation in areas zoned for single family dwellings to park a commercial vehicle on private property unless it is garaged; did not know whether the same restriction would apply in areas zoned for multi-family dwellings. Councilmember Garcia queried what the state law is regarding procuring Maryland tags; Chief Carter responded that the state requires individuals to get Maryland tags within 30 days after moving into the state (with a few specific exceptions, such as students, military personnel, etc.); explained that prior to tag renewal time, the police department issues hundreds of reciprocity notices to cars parked in the City with out-of-state tags, advising the owners of the state law and requiring them to respond as to why they don't have Maryland tags.

2. Susan Abbott, 7416 Holly Avenue: spoke on the issue of drunk drivers; said prevention is the best approach; stated she supports the efforts of "Mothers Against Drunk Driving" (MADD) - they suggest supporters write to their state legislators registering their support for strong legislation on this issue. Ms. Abbott stated there are presently a number of bills before the state legislature to strengthen the laws against drunk driving; requested that the Mayor and Council send a letter to the state legislature stating their support for stern legislation on this issue.

Chief Carter stated it would probably be helpful to get copies of the specific bills addressing this issue; said that in the General Assembly there are often a number of bills concerning the same objective; Council could then peruse the various bills and decide which they feel are supportable. Stated he personally supports the intent and objectives of the bills; however, has some problems with the issues of some of the bills.

Councilmember Ricks suggested a letter be sent supporting the objectives of the bills, but without being too specific about individual issues.

Ms. Abbott agreed with Councilmember Ricks' suggestion, however, felt the letter should specifically mention the 5 bills outlined in a communication she had received from MADD as it would lose impact if too vague.

Following further discussion, Councilmember Ramsey suggested, and it was agreed upon, making the matter an additional agenda item.

3. Dr. Joseph Lerner, 7708 Takoma Avenue: spoke on the proposed ordinances suggested by Councilmember Weisman and outlined in the December 14, 1981 Council meeting minutes regarding the storing and tagging of vehicles and appropriate signs and barriers for planting strip construction; said he was glad to see efforts being made in these areas. Mentioned the possible need for updating of the City Code in order to allow departments to function more effectively. Stated he had previously suggested rotation of the chairing of Council meetings and worksessions among Councilmembers so that each member becomes more aware of and involved in the City's problems; said this is particularly important as the City goes to ward-only elections; suggested Council might function more effectively under a committee structure.

Councilmember Ramsey agreed that Council needs to organize themselves to process more and better legislative matters rather than functioning as a committee as a whole, which hampers their effective operation.

Upon request from Councilmember Saloma, City Administrator stated that the two ordinances proposed by Councilmember Weisman have been taken under consideration. Said the ordinance concerning the parking and storing of vehicles was referred to Chief Carter for his review and comment; he expressed some concerns about it; Corporation Counsel has been asked to evaluate it in terms of its context within the state and local laws; said it is scheduled for discussion at the February 15 worksession. Stated that the Council has discussed in worksession the proposed ordinance concerning barriers and signs for open trenches on planting strips, debated changes to the ordinance and a proposed ordinance; the matter has been turned over to the City Administrator for refining and to come up with a finished product that will be workable within the municipal infraction system.

In response to Mr. Lerner's remark about the possible need for updating the City Code, City Administrator Nichols stated that City department heads evaluate the laws and code under which they operate on a regular basis and often make suggestions and recommendations for changes; when appropriate, these are brought before the Council for their consideration.

4. Phil Vogel, 7117 Garland Avenue: stated he was speaking on behalf of Longbranch-Sligo Citizens' Association; said they wrote a letter to the City Administrator dated January 27, 1982, indicating that while the property at 7709 Carroll Avenue is in very poor condition, it is the association's position that they emphatically do not wish to see it demolished; suggested it might qualify for rehabilitation under Operation Turnaround funding.

Councilmember Holland pointed out that the property in question had been a multi-family dwelling; in order to qualify for Operation Turnaround funds it would have to revert to a single-family dwelling.

City Administrator Nichols stated that the City is looking into the possibility of utilizing Operation Turnaround funds to rehabilitate the property; expressed concern, however, because it has been pretty seriously gutted. Pointed out that the owner has been advised to come forward and show cause why the situation should not be abated; said abatement does not necessarily have to mean demolition.

Mr. Vogel requested that the City take action to ensure that the building be securely boarded up as a safety precaution; said his organization is concerned that the building not be neglected so long as to allow it to deteriorate to the point where demolition is the only viable alternative.

5. Lou D'Ovidio, 7324 Piney Branch Road: raised two issues of concern to North Takoma Citizens' Association expressed in a letter from Dr. Lerner: (1) requests Council support Chief Carter's position stated

in his letter to the State Highway Administration expressing approval of the restriping done on Piney Branch Road and requesting institution of parking at all times on that road; and (2) the need for a white centerline marking on Takoma Avenue between Baltimore Avenue and Fenton Street. Said regarding parking problems in the City, he had recently been in contact with the police department several times regarding a large van parked in a vacant lot on Piney Branch Road, sometimes parked such that it blocked the sidewalk. Mentioned that Montgomery County Historic Preservation Commission will meet on March 4, 1982; he had placed the Washington Adventist Hospital Sanitarium Building on the agenda for consideration of placement on the Atlas and Master Plan for Historic Preservation of Montgomery County; said at the last meeting of the Board of Directors of Historic Takoma, there were indications that Washington Adventist Hospital has considered plans to demolish the building by September 1982 or the first part of 1983. Stated that there will be a presentation at the March 4 meeting by an architect hired by Historic Takoma and other individuals; he will speak on possible alternative uses for the San Building; requested that a representative from Council attend the meeting. Regarding the house at 7709 Carroll Avenue, requested that Council consider inviting the Montgomery County public school program of student building to discuss with Operation Turnaround the possible use of student labor in terms of rehabilitating housing; spoke well of construction accomplishments by the students; said utilizing students would save money for the City.

6. Vincent Abell, 7667 Maple Avenue: inquired as to the status of the property at 214 Grant Avenue, and whether it had been appraised. The City Administrator stated it has not been appraised, the City has asked for a plat to be drawn on it; no plans have been made for disposition of it.

Councilmember Ramsey requested the City Administrator to furnish a report on the grading done at Carroll and Longbranch; said a lot of unsightly concrete, fill, debris, etc., had been dumped, was not sure whether it was on park or private property; questioned the legality.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. City Administrator Nichols advised that Mr. Karkenny had appealed the condemnation of his property on Sycamore Avenue, the court upheld the City's condemnation; however, the owner has requested reconsideration before the court and has been granted a new hearing which is scheduled for April 20, 1982.

2. The City Administrator related he had received a communication from Corporation Counsel advising that the case concerning rent roll-backs at 7513 and 7611 Maple Avenue has been remanded by the court back to the City for reconsideration.

3. The City Administrator stated that he had received a number of calls from citizens praising the job Public Works Department did on snow removal this winter, particularly in light of the amount of snow and scarcity of salt.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. (a) Election announcements, City Administrator Nichols reminded of the timetable and regulations governing the upcoming election, including nominating caucus, withdrawal of candidates, voter lists, campaign contributions, election date, and absentee balloting.

(b) City Administrator Nichols presented a FY83 budget briefing; stated the March City Newsletter would contain an article outlining the budget process the City will undergo this year, and addressing the major issues the budget will have to deal with. Stated some of the primary concerns will be eliminating or reducing the 1980-81 deficit and still attempting to maintain current levels of service; providing an adequate contingency to the budget to meet emergency or unanticipated needs that arise; developing an orderly capital expenditure program for replacement and updating of required equipment; commencing

the buildup of a reasonable cash reserve to meet known and unknown extraordinary future expenses. Mentioned several bright spots on the revenue picture; said following several scheduled worksessions with department heads, the budget would be presented to the Mayor and Council on April 12, when the new Mayor and Council take office; 8 or 9 worksessions will follow thereafter, as well as two public hearings. In response to query, the City Administrator stated that the deficit for the year ending June 1981 was \$190,000; regarding taxing corporate personal property, said the City found a number of incorporated businesses were not recorded and assessed by the state, thus had not been billed; the City has been in contact with the state and they are attempting to straighten out their records, hope to have them in order shortly. Said the City is looking at tax alternatives in regard to unincorporated businesses.

Enid Hodes, 7418 Hancock Avenue, stated she felt provision should be made in the budget for sidewalk, curb, gutter, and roadway maintenance in the City, aside from that which has been accomplished with CDBG funds in certain specified areas; said CDBG funds in the future may not be as available as in the past, and the budget should provide for continuing this necessary service. Mayor Abbott questioned who monitors the quality of road patchwork performed by utility companies subsequent to their construction/excavation activities on City roadways; Public Works Director Robbins stated that his department maintains a file of every patch made, so that if one fails, they can contact the utility company and advise them to respond and re-do the patch; said the contractor for the utility companies has to meet county specifications in the work performed (on City streets, as well as state and county roads).

2. Consideration of ordinance to show cause why 7709 Carroll Avenue should not be declared a nuisance and ordered to be abated. City Administrator Nichols related that the property is in very deteriorated condition and has been for some time; the owner has been contacted numerous times asking for a plan of action for improving the property; no response has been forthcoming. Said the ordinance calls upon the owner to show cause why the Council should not take action to abate the nuisance and requires Council to set a hearing for March 8, a regular council meeting. The owner would be requested, on or before that date, to come forward and present justification for the condition of the building and clarify his intentions regarding the property, prior to Council taking further action if it is deemed necessary. Upon motion by Councilmember Ramsey, duly seconded by Councilmember Holland, the ord. below was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, and Weisman. NAY: None. EXCUSED: None.

ORDINANCE NO. 2597

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

SECTION 1. THAT whereas it has been reported to the Mayor and Council by the City Administrator that conditions are prevalent so as to cause the building identified as 7709 Carroll Avenue, situated on Lot 5, Block A, Maris Subdivision, within the City of Takoma Park, Maryland, recorded in the Land Records of Montgomery County, Liber 5293, Folio 268, and in Tax Record a/c #1078958, James T. Kelley et al, to be unfit for human habitation; AND

SECTION 2. THAT the building referred to in Section 1 of this Ordinance is presently in violation of Sections PM-302.1 and PM-303.1 as set forth in Article 2, Chapter 6 of the Code of Takoma Park, Maryland, 1972, as amended; AND

SECTION 3. THAT certain members of the City Administrator's staff, as authorized by the Mayor and City Council, have inspected the building referred to in Section 1 of this ordinance and verified the conditions to be as reported.

SECTION 4. THEREFORE THAT James T. Kelley et al show cause on or before March 8, 1982 why the maintenance of the building at 7709 Carroll Avenue, Takoma Park, Maryland, should not be declared a nuisance, provided that notice of the passage of this ordinance and a copy of the same be served on James T. Kelley et al, pursuant to Article 6 (formerly known as Article 7), Section 6-63(b), Chapter 6, Code of Takoma Park, Md., on or before February 18, 1982; AND

SECTION 5. THAT the date of March 8, 1982, at 8:00 P.M., at 7500 Maple Avenue, Takoma Park, Maryland, is hereby set for the time and place for a Hearing as to the condition of the aforementioned building, and the City Clerk is instructed to give notice within ten days of the adoption of this ordinance to all persons known to be involved in these proceedings, in accordance with Article 6, Chapter 6, of the City Code aforementioned in Section 4 of this ordinance.

3. Consideration of Amendments to Landlord-Tenant Ordinance.

ARTICLE III. Sec. 13. Mayor Abbott reminded that Corporation Counsel had been requested to consider this section and furnish recommendations as to the language of the section; the recommendation was that the words "at all times" be deleted from the second sentence, thus making the section less vulnerable to judicial overturn. Councilmember Ramsey suggested the addition of a sentence to the section stating that "the notice shall follow a form provided by the City Administrator"; said that form, as a matter of practicality, would include pertinent phone numbers. Upon query from Mayor Abbott, Corporation Counsel clarified that Sec. 13 is identical to Section 29-30(a) of the county ordinance and, to his knowledge, they have encountered no problems in court over the words "at all times" in their ordinance; however, he felt those words would probably be unenforceable. Councilmember Ricks suggested deleting "at all times" and adding "building management who may be reached for normal maintenance and in the event of emergency situations." A motion was made by Councilmember Weisman, duly seconded by Councilmember Garcia, to accept Corporation Counsel's recommendation and delete the words "at all times." Discussion ensued, Councilmember Ricks stated he was not in favor of removing the words as he felt tenants should be able to contact an individual responsible for making decisions in the event of an emergency situation; Mayor Abbott stated he felt the section should remain as is since it is identical to the county's and they have had no problem with it. By majority vote, it was decided to call the question on the motion. The motion was defeated with Councilmembers Garcia, Patrick, and Weisman voting Aye, balance of Council voting Nay.

Councilmember Ricks pointed out that the court had recently sent back a case Council and COLTA had supported, the reason being they would have to reconsider the case as they had not considered it on the correct basis. Stated if Council continues to amend the Landlord-Tenant Ordinance, it will perpetuate confusion in the courts and more of the City's cases will be sent back. At the time the aforementioned case went to the court, the ordinance was in the process of being amended; said the continuing changes will lead to lack of any confidence in the ordinance on the part of the judges and they will dismiss the City's cases; requested that Council desist from amending the ordinance any further at this time.

ARTICLE IV. Sec. 22(g). Councilmember Holland made a motion, duly seconded by Councilmember Weisman, that this section be substituted in its entirety by the amended section proposed by the landlords' association. Councilmember Ricks questioned how "fair market value" would be determined; said the market value becomes whatever the landlords charge; said there could be and have been no cause evictions with subsequent enormous rent raises; cited a case wherein the landlord issued a 60-day

no cause notice to vacate, the rent was \$225 on the unit; after the tenant vacated, the rent was raised to \$425. Councilmember Ramsey stated he understood Councilmember Ricks' point; however, he supports vacancy decontrol. Said that, while no cause evictions are legal, provision needs to be made so that rent raises subsequent to vacancy can only be made if the eviction was for cause or voluntary. A substitute motion was made by Councilmember Ramsey, to substitute Sec. 22(g)(6) with the following language: "Vacant dwellings. Provided that the dwelling shall have been vacated voluntarily or for cause. To qualify under this exemption, in the case of potential eviction for cause, other than non-payment of rent, the landlord shall give the tenant written notice of the alleged cause, including the allowance of a period of 30 days to remove the alleged cause, during which time no notice of eviction may be served." Councilmember Holland stated he felt the language of Councilmember Ramsey's motion was cumbersome; amended his own motion to include the words "becomes vacant voluntarily or for cause may be." Councilmember Ramsey questioned whether Councilmember Holland wanted to include language allowing the tenant to remove the cause; Councilmember Holland stated he had no objection to that, thought either Corporation Counsel or the Landlord-Tenant Coordinator might give an opinion on the matter. Ms. Tyree stated that if the tenant disputes the eviction and the commission rules in his/her favor, the tenant would be permitted to remain; in other words, if the tenant files a complaint, the eviction would be stopped pending a ruling by COLTA. Mayor Abbott reminded that the matter at hand is not the question of evictions, but the handling of vacant units in regard to the raising of rent; stated that the proposed amendment permits landlords to rent vacant units at "fair market value" (which is undefined) - an inducement to higher rents through the forced (or voluntary) mobility of tenants; the fluctuation in tenancy enables the landlord to be rewarded monetarily. Councilmember Garcia stated the rent for a unit should be a matter of concern to the prospective tenant and the landlord, not the City; that the City ordinance is for rent stabilization, not rent control. Councilmember Holland pointed out that if the rents are not competitive, the units will not be rented; if a landlord's "fair market value" is totally unreasonable, the unit will most likely remain vacant. Landlord-Tenant Coordinator Tyree stated that if Council elects to amend Sec. 22(g)(6) of the ordinance, they should consider carefully what criteria they will use for "fair market value." Stated she felt it was unfair for Council to continue to amend the ordinance at present when two public hearings had been held on it for input; said there are more pressing problems in code enforcement and landlord-tenant affairs that Council could become aware of and assist in dealing with; said with the ordinance being continually in flux at this point, there is not much chance of cases being properly and fairly adjudicated in the courts; suggested that an expiration date be added to the existing ordinance, that it be utilized on a trial basis through the expiration date, and reassessed and amended following the expiration, if necessary. Ms. Tyree stated she favors a decontrol of vacant units with a stipulation, but not "fair market value"; said comparison for rent purposes could only be made within a building because the condition of buildings is so variable. Councilmember Holland stated he was not aware the ordinance contained no expiration date; if an expiration date of July 31, 1982 was effected, he would withdraw his motion and allow the ordinance to function until expiration, at which time any adjustments felt necessary could be adjudicated. Councilmember Weisman and the majority of Council agreed with Councilmember Holland regarding setting a definite expiration date for the ordinance. Councilmember Ramsey questioned whether Councilmember Holland meant the date to apply to the entire ordinance or only the rent stabilization portion; Councilmember Holland stated he intended the entire ordinance. Councilmember Saloma stated she felt decontrol of vacant units is fair; did not see a connection between making a decision whether or not to favor decontrol of vacant units and setting an expiration date for the ordinance. Mayor Abbott stated his opposition to any further amending of the ordinance; felt that it was unnecessary to set an expiration date at present.

Upon request, Councilmember Holland restated his motion on the floor, already duly seconded, that Sec. 22(g)(6) be amended to read: "Any apartment unit which becomes vacant, voluntarily or for cause, may

be rented at fair market value; once rented, the unit becomes subject to all provisions of this Ordinance." The motion was passed with Councilmembers Garcia, Holland, Patrick, Ramsey, Saloma, and Weisman voting Aye; Councilmember Ricks opposed.

4. First Reading of Ethics Ordinance. A motion was made by Councilmember Holland, duly seconded, and unanimously passed to accept the ordinance for first reading. (Copies available)

5. Court Order asking that the case of 7513 and 7611 Maple Avenue be remanded back to COLTA for their reconsideration. A motion was made by Mayor Abbott, duly seconded, and unanimously passed, to remand the case to COLTA for a new hearing. Councilmember Ricks stated he felt there was little sense in pursuing the matter as it seemed obvious the Council didn't wish to be involved in landlord-tenant affairs. Mayor Abbott expressed feelings that as long as Councilmembers refused to take a firm stand, there would be no conformance or compliance from landlords - they would be rewarded, unless changes were made by future Councilmembers.

6. Mothers Against Drunk Drivers. Councilmember Ramsey presented a motion, duly seconded by Councilmember Saloma, and unanimously approved, to send a letter to the appropriate delegates and committees in Annapolis strongly endorsing the principles embodied in the five bills mentioned earlier. It was agreed that Ms. Abbott would check and ascertain if the bills were still under consideration, and copies of the bills would be procured.

Upon motion, duly seconded, the meeting adjourned at 11:25 P.M., to reconvene on Monday, February 22, 1982, at 8:00 P.M. in regular session.

THE CITY OF TAKOMA PARK, MARYLAND

CITY CAUCUS

February 16, 1982

A City Caucus for the purpose of nominating candidates for the offices of Mayor and seven Councilmembers to stand for election on March 23, was held on February 16, 1982. The meeting was called to order by City Clerk Pusti at 8:00 PM. Following her brief presentation covering the purpose of the meeting, an outline of the order of procedure and the requirements for making nominations and seconds of candidates, the meeting was turned over to City Administrator Nichols to receive the nominations and conduct the remainder of the meeting. Upon nomination by Elmer Carreno, 607 Kennebec Avenue, duly seconded, Mrs. Carol H. Stewart, 7211 Central Avenue, was elected to serve as Secretary of the Caucus.

Nominations of candidates for elected office were made as follows:

NOMINATIONS FOR MAYOR:

Elmer T. Carreno, 607 Kennebec Avenue, nominated:

RONALD J. WYLIE, 7618 Glenside Court, Takoma Park, Md.^{*/}

The following seconds were made:

Dolores H. Maupin, 7516 Dundalk Road
Alan Paul Magan, 514 Albany Avenue
Karen Ann O'Neil, 500 Ethan Allen Avenue
Moses H. Karkenny, 9 Pine Avenue
Roland W. Halstead, 7116 Maple Avenue
Mary V. Wylie, 7618 Glenside Court

Faith E. Stern, 103 Grant Avenue nominated:

SAMMIE A. ABBOTT, 7308 Birch Avenue

The following seconds were made:

Steven Rollins, 7520 Maple Avenue, #714
Suzanne W. Rhodenbaugh, 53 Walnut Avenue
Thomas Gagliardo, 8120 Roanoke Avenue
Rino Aldrighetti, 7213 Central Avenue
William Brailey, 7113 Holly Avenue
Elizabeth Bozarth, 7326 Willow Avenue
James A. Shrybman, 7102 Woodland Avenue
Herman Williams, 7667 Maple Avenue, #511
Michael R. Smith, 217 Manor Circle
Charles H. Vantassel, 116 Lee Avenue #408
Edmund H. Longen, 7516 Holly Avenue
Joe Anne Hamer, 7620 Maple Av enue

Upon motion, duly seconded, the Caucus voted to close the nominations for Mayor.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 1:

David B. Weisman, 7701 Takoma Avenue, nominated:

MARY ANN LEARY, 7301 Takoma Avenue

The following seconds were made:

Kathryn T. Simpson, 7300 Cedar Avenue
Catherine C. Wakelyn, 7218 Holly Avenue
Graciela L. Sniffin, 202 Philadelphia Avenue
James W. Jackson, 7311 Piney Branch Road
Ayesha Smith, 7063 Eastern Avenue

*/ All addresses in Takoma Park.

Leroy Brown, Jr., 7518 Dundalk Road, nominated:

LOUIS H. D'OVIDIO, 7324 Piney Branch Road

The following seconds were made:

Eugene H. Herman, 511 New York Avenue
Betsy Daniels, 7207 Holly Avenue
Alan Paul Magan, 514 Albany Avenue
Maurice R. Berez, 7422 Buffalo Avenue

Upon motion, duly seconded, the Caucus voted to close the nominations for Councilmember from Ward 1.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 2:

Anthony J. Ossi, 7215 Maple Avenue, nominated

JENNIFER L. SALOMA, 7124 Maple Avenue

The following seconds were made:

Nancy J. Ricks, 5 Lee Avenue
Opal A. Daniels, 19 Sherman Avenue
Richard Bernardi, 7111 Cedar Avenue
Ralph W. Porter, 7108 Maple Avenue

Lavor W. Reed, 7338 Carroll Avenue, nominated:

CARLTON A. IDDINGS, 7416 Carroll Avenue

The following seconds were made:

Pamela K. Reed, 7109 Cedar Avenue
David Freed, 7331 Carroll Avenue
Joan J. Prosten, 7428 Carroll Avenue

Upon motion, duly seconded, the Caucus voted to close the nominations for Councilmember from Ward 2.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 3:

Edward W. Hutmire, 21 Columbia Avenue, noninated:

JAMES F. HOLLAND, 19 Pine Avenue

The following seconds were made:

Donald D. Woodhams, 10 Montgomery Avenue
Jeannie E. Troll, 6 Hickory Avenue
John P. Pavlovsky, 33 Hickory Avenue

Arthur B. Karpas, 6916 Westmoreland Avenue, nominated:

WILLIAM A. ECKERT, 61 Walnut Avenue

The following seconds were made:

John B. Fleming, 6909 Westmoreland Avenue
Christina Lego, 68 Walnut Avenue
Suzanne W. Rhodenbaugh, 53 Walnut Avenue

Upon motion, duly seconded, the Caucus voted to close the nominations for Councilmember from Ward 3.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 4:

Clarence M. Boatman, 133 Ritchie Avenue, nominated:

VERNON H. RICKS, JR., 7667 Maple Avenue, #805

The following seconds were made:

Henrietta M. Coates, 7667 Maple Avenue, #403
Dorothy I. Thompson, 109 Sheridan Avenue

Carlos G. Stewart, 7710 Maple Avenue #307, nominated:

HERMAN WILLIAMS, 7667 Maple Avenue, #511

The following seconds were made:

Sophia B. Helfand, 7620 Maple Avenue #505
Ruby O. Prince, 7667 Maple Avenue
Jo Anne Hamer, 7620 Maple Avenue
Albert J. Turner, 7620 Maple Avenue, #623
John V. Johnson, 7667 Maple Avenue, #903
Susan Silber, 304 Mississippi Avenue

Upon motion, duly seconded, the Caucus voted to close the nominations for Councilmember from Ward 4.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 5:

Saul Schneiderman, 7925 Sligo Creek Parkway, nominated:

MARC B. ELRICH, 8217 Roanoke Avenue

The following seconds were made:

William P. Articola, 8306 Roanoke Avenue, #5
Cindy R. Dern, 646 Kennebec Avenue
Robert P. Donaldson, 8106 Flower Avenue

Clayton D. Forshee, 722 Kennebec Avenue, nominated:

Lynn B. McKinney, 82
LYNN HESTER MCKINNEY, 8205 Roanoke Avenue

The following seconds were made:

Norman Risch, 8305 Roanoke Avenue
Spencer McKinney, 8205 Roanoke Avenue
Harold M. Britton, 8015 Maple Avenue

Susan Daniel, 8400 Flower Avenue, nominated:

DONALD D. RAMSEY, 8116 Roanoke Avenue

The following seconds were made:

Timothy E. Nulty, 8107 Roanoke Avenue
Catherine B. Walsh, 8001 Maple Avenue

Thomas Ingold, 8515 Sligo Creek Parkway, nominated:

LYNNE E. BRADLEY, 8112 Flower Avenue

The following seconds were made:

John K. Hempill, 8112 Flower Avenue
Thomas Gagliardo, 8120 Roanoke Avenue

Upon motion, duly seconded, the Caucus voted to close nominations for Councilmember from Ward 5.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 6:

Thomas S. Guins, 1200 Kingwood Avenue, nominated:

FRANK V. GARCIA, 1117 Holton Lane

The following seconds were made:

James Cunningham, 7901 Lockney Avenue

Timothy Gallagher, 1306 Elson Place

Ellery Dennison, 7207 - 13th Place

Ian K. Burgess, 7405 Wildwood Drive

Upon motion, duly seconded, the Caucus voted to close nominations for Councilmember from Ward 6.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 7:

Austin T. Brown, 802 Elm Avenue, nominated:

JOSEPH A. FAULKNER, 1007 Sligo Creek Parkway

The following seconds were made:

Donald Shaffer, 907 Sligo Creek Parkway

Norman E. Patrick III, 1101 Larch Avenue

Phyllis Faulkner, 1007 Larch Avenue

Robert Mulligan, 7405 Garland Avenue, nominated:

JANET R. SCHWARTZ, 7309 Garland Avenue

The following seconds were made:

Rino Aldrighetti, 7213 Central Avenue

Peter R. Franchot, 7206 Garland Avenue

Jill M. Wettrich, 1006 Elm Avenue

Upon motion, duly seconded, the Caucus voted to close nominations for Councilmember from Ward 7.

All nominations having been made and there being no further business to come before the meeting, upon proper motion, duly seconded, the Caucus voted to adjourn at 11:40 PM.

Carol H. Stewart

Carol H. Stewart
Secretary of the Caucus

M. Sibyl Pusti

M. Sibyl Pusti, City Clerk

Alvin J. Nichols

Alvin J. Nichols
City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
February 22, 1982

AGENDA

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

PLEDGE

READING AND APPROVAL OF THE MINUTES OF REGULAR COUNCIL MEETING OF JANUARY 11, 1982

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

PRESENTATION BY JOE CHANG, PRINCE GEORGE'S COUNTY PLANNING BOARD, OF SUMMARY OF TESTIMONY GIVEN AT 1-20-82 MASTER PLAN PUBLIC HEARING AND STAFF RECOMMENDATIONS

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

ITEMS FOR COUNCIL CONSIDERATION; City Administrator Nichols

1. Communications
2. Administrative Reports and Recommendations for Council Action:
 - (1) Appeal of decision of Landlord Tenant Commission by Mr. Mendez, 6637 Eastern Avenue
 - (2) First reading of a proposed ordinance setting up a Historical Preservation Committee and setting forth scope of activities
 - (3) Proposed ordinance amending Landlord-Tenant Ordinance (#2587)
 - (4) First reading of a proposed ordinance amending Secs. 6-48 and 6-51 of the City Code to provide for warnings at excavation sites
 - (5) Second reading of Ethics Ordinance

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
February 22, 1982

City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember Garcia	Asst. City Administrator Schnuer
Councilmember Holland	Administrative Asst. Tyree
Councilmember Patrick	Police Lt. Gowin
Councilmember Ramsey	Public Works Director Robbins
Councilmember Ricks	Recreation Director Ziegler
Councilmember Saloma	Asst. Corporation Counsel Culpepper
Councilmember Weisman	

The Mayor and City Council of Takoma Park met on February 22, 1982, at 8:00 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made, duly seconded, and passed, to approve the minutes of the Council meeting held January 11, 1982.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott related that the March issue of the City Newsletter would carry an announcement regarding the Montgomery County Council's approval of granting Park and Planning \$50,000 to renovate the park at the corner of Carroll and Westmoreland Avenues. Said the money will be expended on installing a new gazebo, more and improved lighting, benches, and plantings. Said this park has previously had the rating of the least-used urban park in the county; Park and Planning will be working with the Takoma Old Town Project Coordinators and the Council.

The Mayor stated that on February 19, 1982, the City learned that Washington Adventist Hospital's Board of Directors had made the decision to demolish the San Building because it was not economically feasible to operate it; said a briefing will be given at the hospital by Washington Adventist Hospital to the public on March 9, 1982.

An announcement was made by the Mayor that on February 22, 1982, the Prince George's County Council, sitting as the District Council, voted as a matter of zoning 9-0 to close the adult bookstore at the corner of New Hampshire and Ethan Allen Avenues. Said the argument presented by a young Takoma Park female attorney with the firm of Covington and Burling was a masterpiece, answered all arguments of the planning board which by a split vote of 3-2 had previously approved the use; said he again reiterated the City's position of opposition to the use; and that the excellent citizen participation was, he felt, a deciding factor in the vote for closure, which was a terrific victory. Stated Councilmembers Garcia and Holland were also present and would speak on the matter.

Councilmember Garcia stated he was very elated about the victory, but felt sure the store owners would appeal the decision; commended Mayor Abbott on his excellent presentation on behalf of the City. Councilmember Holland reiterated Councilmember Garcia's remarks; said he felt the attorney mentioned by Mayor Abbott did a very effective job, got the bookstore owners on a point of law - for that reason, it was hoped they would not appeal, but move their operation elsewhere.

Park and Planning Presentation Summarizing Testimony Given at January 20, 1982 Master Plan Public Hearing. Mayor Abbott commented that some points need clarification and the Prince George's County Council will act soon and close this stage of the procedures. Joe Chang, Project Planner for the City of Takoma Park Master Plan, Prince George's County Planning Board, made the presentation. Stated the Board wishes to get City Council's commentary on the comments made at the Master Plan Hearing January 20, 1982; requested that definitive comments be made now as Prince George's County Council is anxious to get the plan going and will review the Commission's budget in March. Stated the handout of the summary of transcript testimony and staff recommendations consists of two sections - pages 1 to 8 (containing no

changes to the Plan) and pages 9 to 14 (containing additional modifications to the text). Following discussion of item No. 1 of the summary of transcript, a motion was made by Councilmember Garcia, duly seconded by Councilmember Holland, that Council would make their decisions as to whether to support or oppose staff's recommendations under the "Administrative Reports" section of the meeting, following "Citizens' Remarks." City Administrator Nichols clarified that the purpose of the presentation was to give Council an opportunity to register either their agreement or disagreement with Park and Planning Staff's recommendations on testimony given at the public hearing on January 20, 1982 in regard to the Prince George's County portion of the Master Plan. Following additional discussion, Councilmember Garcia's motion was passed with Councilmember Ramsey voting Nay, balance of Council voting Aye. Mr. Chang continued his review and presentation of the testimony and staff recommendations. It was noted that staff had recommended contrary to the City's request on item No. 2 (page 3). Councilmember Ricks expressed concern at the use of the term "accessory apartment" in the document without an explicit definition being furnished. On pages 8 and 9, Councilmembers Garcia and Ricks pointed out that the text should be modified to indicate that Takoma Park Volunteer Fire Department is the primary unit, first due for all points in the City, for fire and rescue service, and county units are backup. Mr. Chang requested that a representative from TPVFD attend a Prince George's County Council Worksession in order to present the City's view on this issue. Councilmember Garcia pointed out that on page 48 (last paragraph) of the Final Draft of the Takoma Park Master Plan, the statement is made that "the City will establish its own body to review building permits in the historic district and adjacent buffer areas; "hoped this would mean the City body would have veto power in the case of the building permits. Councilmember Ricks spoke in favor of the language as written. Mr. Chang stated that Prince George's County encourages municipalities to review building permits in historic and adjacent areas; they have an advisory status.

ADDITIONAL AGENDA ITEMS

Consideration of passing a resolution deploring the recent display of anti-Semitism at the Food Town Grocery Store on Piney Branch Road just outside the City (Councilmember Saloma).

CITIZENS' REMARKS

1. Nora Kendall, 50 Elm Avenue: related that the previous morning, tenants in her building awoke to the odor of smoke from the furnace, called the fire department; they shut the furnace down, so the building had no heat. Said tenants telephoned the landlord, got no response; went to his home, found he was apparently out of town, so left a note. Upon his return that same night, he responded and repaired the furnace; however, tenants felt helpless, being unable to reach him and, had the weather been severe, the problem could have been considerably more serious.

2. Nancy Perry, 7520 Maple Avenue: expressed thoughts concerning the upcoming election; said many people who will be most affected by the election were not present at the caucus, perhaps due to antipathy toward government (both national and local); said forgotten campaign promises are not only the fault of elected officials, a government truly representing the people requires constant two-way communication. Stated that the Mayor and Council's efforts will have to be fair to all, not just a few, and an effort will have to be made by both sides to achieve a much-needed reconciliation between government and citizens.

3. Dr. Joseph Lerner, 7708 Takoma Avenue: raised two questions he had posed to Mayor Abbott in a letter and hoped to get answers to - 1) how many trips were made to Annapolis by the Mayor in regard to the double taxation issue, and 2) what formula are being used to determine the amount the City would like the county to reimburse for services not rendered by the county and what percentage is the City requesting; said that in all literature on the subject, no figure has been mentioned. Mentioned that at the caucus, during one of the seconding

speeches, the issue was raised of payment in lieu of taxes from non-profit organizations, probably because one of the mayoral candidates is Seventh-Day Adventist; said he felt this matter should not have been brought up at the caucus. Said the matter of amending the City Code regarding the storage of vehicles was not on the agenda; hoped the Council was working on this.

Mayor Abbott stated that a proposal made by Mr. Lerner to rotate the chairmanship of the Council would require a Charter change. Said he had made approximately 25 trips to Annapolis regarding the double taxation issue. Explained that the Newsletter article on double taxation was formulated with the express purpose of depicting the disparity in the amount rebated to the City by the two counties, and to bring the issue to the attention of citizens and legislators; said that, naturally, the City hopes to get back as much as it can for services not provided.

4. Lou D'Ovidio, 7324 Piney Branch Road: requested that Council add to the agenda the serious issue of the Washington Adventist Hospital San Building which the hospital has decided to demolish; said Council needs to take a stand on this. Related that on March 18, 1982, the Montgomery County Historic Preservation Commission will be discussing placing the building on the Master Plan for Historic Preservation; said he was uncertain as to whether Washington Adventist Hospital has, or will apply for, a demolition permit; expressed anger that the hospital would act contrary to expressed wishes of citizens of the City regarding an historic site; requested Council send a representative to the March 18 Commission hearing if they decide to support preservation of the building. A motion was made, duly seconded, and passed unanimously to make this issue an additional agenda item.

5. Marc Elrich, 8217 Roanoke Avenue: stated that, contrary to an assumption made by an earlier speaker, many cooperatives are not tax exempt - that the only way the one in which he works could have avoided paying tax would have been to deplete their inventory prior to December 31. Said the issue of in-lieu payment has been raised before, and everyone should have a concern that properties in the City are fairly taxed - if Washington Adventist Hospital enjoys City services, it would seem equitable that they contribute to the maintenance of those services. Raised the issue of the amendment passed to the Landlord-Tenant Ordinance that, in effect, decontrolled rents on vacant apartments. Related that he knew of two women on Roanoke Avenue whose apartment was below code standards when they moved in (said when tenants move in, they are often not aware of what constitutes a code violation); said they have lived there for three months, the landlord originally had been given 60 days to accomplish repairs, acquired a 30 day extension, still has not effected the repairs. Said the tenants will probably leave the building voluntarily; the landlord will be rewarded by having rent restraints raised from the vacant unit and he can then raise the rent prior to re-renting; said Council had opened a can of worms by passing this amendment. Said he would prefer to see a requirement that before any unit is rented, it must meet the code - this would clearly delineate whether code problems were the result of landlord neglect or tenant destruction; at the same time it would create an incentive for landlords to maintain their buildings and attempt to retain tenants; they would be stuck with vacancies until the City certified the unit was fit for human habitation.

6. Larry Silberman, 7047 Eastern Avenue: asked for an answer from Council as to why his repeated request for a driveway apron on the Holly Avenue side of his property had been denied. Related that several years ago, the City removed the existing apron during the replacement of curbs and gutters in the area (prior to his ownership of the property); admitted the driveway was not in full use, had been shortened to approximately half its original length.

Councilmember Ricks stated he did not support approving the request because a brick wall had been build in front of the driveway (although slightly set back), the records reflect nothing indicating the owners at the time did not want a curb and gutter in place of the apron; said

a precedent would be set if the City reversed such a decision by a prior owner and what was done for one would have to be done for anyone else so requesting. Councilmembers Weisman and Holland supported Mr. Silberman's request. City Administrator Nichols stated Council had reviewed the request several times, finally came to a majority decision to deny the request; read a draft of his letter to Mr. Silberman advising him of the denial. Upon query from Mr. Silberman, it was clarified that there was no opposition on the part of the City to his accomplishing the construction of the desired driveway apron at his own expense so long as the proper building permit was obtained, proper grading done, etc.

7. Rino Aldrighetti, 7213 Central Avenue: on behalf of the Longbranch-Sligo Citizens' Association, thanked the City for the Newsletter coverage of their tree sale; stated he understood there would be a liquor license hearing on February 24 for an establishment in the shopping area adjacent to the pornographic bookstore on New Hampshire Avenue, just outside the City limits. City Administrator Nichols stated he would attempt to get further information on the matter. Councilmember Holland made a motion that if, indeed, a liquor license is being considered for that area, Council send a letter to the proper county officials registering their strong opposition to issuance of the license. It was decided to place this item on the agenda for further discussion. Mr. Aldrighetti questioned whether the City had initiated any on-going conversations with Washington Adventist Hospital concerning pertinent issues such as payments in lieu of property taxes and any moves they might be making or contemplating; said the hospital had been very cooperative all along the line. Councilmember Ramsey stated that Washington Adventist Hospital has scheduled an informational meeting on the San Building for March 9, as well as another meeting at some later time. Said Dr. Shiroma had told him that Washington Adventist Hospital has a scaled-down version of their special exception that they are developing; however, the willingness to negotiate that was expressed by both sides has not commenced - it is hoped that it will at the two upcoming meetings. Said he felt uneasy about the way things were progressing, that there have been intimations that Washington Adventist Hospital may have long-range plans that go beyond what has been proposed. Mr. Aldrighetti stated that he suspects that any discussions that take place will focus on the San Building; the question of the City's leverage in terms of support of the bond issue for the hospital and whatever Washington Adventist Hospital is seeking there may well fade into the background. Mayor Abbott stated that in the pre-council session, the Council agreed unanimously that all meetings with the hospital would be open to the public, thus any input would be community-wide as well as official City. Mr. Aldrighetti expressed the hope that Council would schedule meetings with Washington Adventist Hospital rather than simply attending those set up by the hospital.

8. Sophia Halfain, 7620 Maple Avenue: said that complaints regarding vehicle parking violations were finally taken care of on February 20, 1982; thought the police department was remiss in taking so long to resolve these problems; reiterated complaints about vehicles belonging to area residents having out-of-state tags; registered criticisms of the police department's performance.

9. Catherine Scott, 1713 Sanford Road, Silver Spring, owner of 7207 Flower Avenue: stated that Park and Planning's summary of transcript testimony and staff recommendations is incorrect - that she did not say that the COG report favored accessory apartment units, but that it mentioned them as an option to be considered; said the record should also reflect her comments leading up to the mention of the COG report, in which she cited the present economic situation and the housing shortage. Requested that Park and Planning correct their document.

10. Sue Lerner, 7708 Takoma Avenue: spoke about allowing everyone their say at council meetings without rude interruptions or disruptive comments; that people should accord others the courtesy they would wish to receive.

11. Ralph Magee, 7203 Holly Avenue: regarding earlier discussion concerning zoning, questioned how rezoning property from R-18 to C-0 would affect the City's tax base. It was clarified that the tax rate on C-0 zoning would probably be higher. Remarked that he had recently received notice from PEPCO of a proposed 18% rate increase; suggested the City should send a representative to the hearing on the increase to register opposition. Related complaints about curb and gutter reconstruction on Holly Avenue and lack of prior notice to residents; mentioned the problem of the soil settling six to eight inches on the planting strip subsequent to replacement by City personnel; said the sod used as replacement was inferior to that he had planted. Mayor Abbott said the same problem of sinking soil exists for a 2-block stretch on Cedar Avenue where work was done and the planting strip re-sodded. City Administrator Nichols assured that this problem would be looked into.

12. Faith Kusterer, 102 Grant Avenue: related that the state hearing appealing the closure of the junior high is now in progress; said the next hearing meetings would be held at Park and Planning in Silver Spring on February 24, 26, and 27; encouraged as many citizens as could to attend, as well as councilmembers.

13. Karl Kessler, owner of Barcelona Nut Company, 7328 Carroll Avenue: requested that council meeting agendas be mailed earlier; said they are often received the day of the meeting or the day after; said people should be apprised in time so they can participate in those matters directly relating to them.

14. Phil Vogel, 7117 Garland Avenue: said that Historic Takoma, along with individuals, invested money in hiring a competent architect to assess possible cost effective uses for the San Building; he came up with five options. Offered to provide the data to Council. Expressed that Washington Adventist Hospital seemed determined to follow their own wishes, regardless of any options presented them; said the hospital admits they need space for administrative uses, the architect recommended utilizing the San Building for that purpose, yet they are still planning to demolish it. Mayor Abbott questioned whether WAH paid any part of the architect's fees; Mr. Vogel responded that to his personal knowledge they did not; however, in his opinion, the important point was that they have been presented five viable options and continue to persist in wanting to destroy a landmark of the City; said Council should strongly support retention of the building; the hospital has no valid reason not to preserve it. Councilmember Holland requested that a copy of the architect's report be furnished to Council if it had not already been. Mr. Vogel responded that Councilmember Saloma had a copy; suggested that when Council considers their stand on the issue as an agenda item, they weigh the fact that Historic Takoma supports Plan B (a moderate course), which calls for preserving the portico of the building - this would also benefit the hospital monetarily. Councilmember Ramsey stated that the key to the whole issue is that the hospital must decide whether they wish to have an adversary relationship with the community, or be a part of it.

15. Carl Iddings, 7416 Carroll Avenue: pointed out that the proposed ordinance amending Secs. 6-48 and 6-51 of the City Code sounded, in 6-48(a), as though parking one's car on the street would be prohibited; requested Council to consider the wording. Commented very favorably on the double taxation insert in the City Newsletter; commended those involved in its preparation. Mentioned that Zoning Text Amendment 82003 was introduced at the last county council meeting, revising parking requirements for TSM buildings; said the public hearing would be held March 30, the Longbranch/Carroll project coordinators should be notified and requested to prepare a recommendation for Council to make to the county council on the zoning text amendment. Councilmember Ramsey stated the Longbranch/Carroll coordinators had been notified.

16. Vincent Abell, 7667 Maple Avenue: inquired whether the City had obtained an appraisal on the Grant Avenue house behind the Municipal

Building as yet; City Administrator Nichols responded that it has been requested a plat be drawn, but no appraisal has been ordered. Mr. Abell requested a commitment from Council to write a letter of opposition and send a representative to the hearing on PEPCO's proposed 18% rate increase. Mayor Abbott said he felt it was a good suggestion and assured that Council would pursue the matter.

17. Joseph Pietanza, 3904 Weller Road, Wheaton (Owner of property in Study Area A of the Master Plan): said that in 1976 he applied for rezoning of his property, was told by Park and Planning in Riverdale that the decision would be entirely in the hands of the City of Takoma Park, not the county. Said he heard nothing further thereafter; he and his attorney met with Mayor Abbott and City Administrator Gilsdorf, but nothing ever came of that meeting. Stated the original plan he submitted was preliminary and open to modification. Mayor Abbott pointed out that Mr. Pietanza's property lacks adequate access and egress, and that adjacent property owners have declined to sell their properties. Mr. Pietanza registered complaints that he pays tax on the property and yet it is landlocked, cannot be developed. Mr. Neff of Park and Planning stated that the property is not landlocked, has access to New Hampshire Avenue and the project plans could be scaled down to be compatible with the access. Councilmember Holland stated that the plan is outlined in the Master Plan as being contingent upon four individual property owners coming to a meeting of minds; questioned whether Mr. Pietanza had any reason to believe this would take place and, if so, in what time frame. Mr. Pietanza said he had no basis to believe an agreement would be reached among the property owners favorable to him. Upon request of Councilmember Holland, Mr. Pietanza outlined his proposed use of the property; reiterated that his plan could be modified. Upon query by Councilmember Patrick, Mr. Chang stated that under the Master Plan Mr. Pietanza could develop his property but not in the scope he wished; Park and Planning proposed an office building on the property. Mr. Pietanza pointed out that if he were permitted to develop his property, the increased taxes on the property would benefit the City. Mayor Abbott stated that the situation boils down to having, on the one hand, an owner of considerable square footage prepared to move ahead with developing it if approval is granted and, on the other hand, the City has no guarantee that anyone will construct on the property the ideal structure projected in the Master Plan. Councilmember Holland pointed out that there are traffic controls at both New Hampshire and East-West Highway and Larch Avenue, so access and egress would not be as hazardous as on an uncontrolled freeway. Councilmember Patrick expressed concern for the residential properties on East-West Highway, thought access from that side of the property would be hazardous. Councilmember Garcia said he felt the properties on East-West Highway should remain zoned residential and that what Mr. Pietanza was requesting was a special exception. (See #1 under Administrative Reports.)

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. City Administrator Nichols announced that the Montgomery County Health Department would be holding a hearing on March 11 at 7500 Maple Avenue on their proposal to purchase the property at 718 Maplewood Avenue for the purpose of utilizing it as a quarterway house for alcoholics. Said this property was recently granted a special exception for this use (transferred from the house at 716 Maplewood Avenue).

2. Announced that the Montgomery and Prince George's County delegation would conduct a hearing on the Unification Bill at 8:00 P.M., on February 25, in the Council Chamber.

3. Stated that the hearings before the State Board of Education appealing school closings would continue on February 24, 26, and 27 at Park and Planning Commission.

4. Announced that the recent Police Department auction proceeds were in excess of \$5,000.

5. ~~Reminded that a show cause hearing on why 7709 Carroll Avenue should not be declared a nuisance has been scheduled for March 8, 1982.~~

City Administrator Nichols introduced Richard A. Schnuer, who came on board as the new Assistant City Administrator on February 16.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Consideration of summary of transcript testimony and staff recommendations from Master Plan Hearing, City Comments from Council. Councilmember Holland made a motion, duly seconded by Councilmember Weisman, that lots 5, 6, and 25 of block 27 in Study Area A (owned by Mr. Pietanza) be zoned C-0, and the rest of the block retain its present zoning. Councilmember Holland explained that his rationale was that the City has an owner who wishes to build, which will bring in tax revenue for the City. Councilmember Patrick offered an amendment to the motion that lot 25 retain its present R-55 residential zoning. Councilmember Garcia favored supporting Park and Planning staff's recommendation. Councilmember Holland changed his motion to state that the area designated as number three in the Plan be zoned C-0; it was duly seconded by Councilmember Weisman. Councilmember Saloma stated she felt Council should not be reconsidering this issue, would not vote in favor of the motion, supported Park and Planning staff's recommendations. Councilmember Garcia stated he agreed with Councilmember Saloma's remarks, that after all the public hearings and opportunities for comment, he did not feel it appropriate to be reconsidering this matter, regardless of its possible merit. Councilmember Ramsey stated he felt the proceeding was out of order and he would abstain. The motion was defeated with Councilmembers Holland and Weisman voting Aye; Councilmembers Garcia, Patrick, Ricks, and Saloma voting Nay; Councilmember Ramsey abstained. Councilmember Patrick made a motion, duly seconded by Councilmember Garcia, that Council support Park and Planning staff's recommendation on No. 1, Study Area A. The motion passed with Councilmembers Garcia, Patrick, Ricks, and Saloma voting Aye; Councilmembers Weisman and Holland voting Nay.

Councilmember Ricks made a motion, duly seconded by Councilmember Weisman, to oppose staff's recommendation on No. 2 (page 3) and reiterate Council's position favoring retention of the present mixture of office and apartment zoning. The motion was passed with Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, and Weisman voting Aye; Councilmember Saloma voting Nay.

A motion was made by Councilmember Garcia, duly seconded, and passed unanimously, to support staff's recommendation on No. 3 (page 5), leaving the property at 7207 Flower Avenue zoned R-55 as it presently is.

A motion was made by Councilmember Garcia, duly seconded, and passed unanimously, to support leaving the property at 7401 Flower Avenue zoned R-55 No. 5 (page 7).

Mayor Abbott pointed out that in the absence of discussion on any items, Council's agreement with staff's recommendations could be assumed.

Councilmember Ricks made a motion, duly seconded, and passed unanimously, that wording be inserted in the "City Comments" column indicating that Takoma Park Volunteer Fire Department is the primary first-due fire-fighting unit for all sections of the City, whether Prince George's or Montgomery County No. 9, (pages 8 and 9).

Councilmember Holland made a motion, duly seconded by Councilmember Ricks, and passed unanimously, that the Plan be accepted with the inclusion of Council's comments.

A motion was made by Councilmember Garcia, duly seconded, and passed unanimously, to send a letter of appreciation to Prince George's County Park and Planning Staff for their patience, assistance, and expertise.

2. First Reading of a proposed ordinance setting up a Historical Preservation Committee and setting forth scope of activities. The ordinance was accepted for first reading (copies available in City Office). It was noted by Lou D'Ovidio that the following committee members had assisted him in drafting the ordinance: Jennifer Saloma, Maurice Berez, Carl Iddings, Ellen March, Tom Robertson and Dale Rothrock. Mayor Abbott commended the committee members for their efforts.

3. Ordinance amending Landlord-Tenant Ordinance (#2587). The Landlord-Tenant Ordinance was amended to reflect a series of earlier discussions and preliminarily adopted changes made during the course of several Council meetings.

Upon motion by Councilmember Holland, seconded by Councilmember Weisman, the final amendments as contained in Ordinance No. 2598 (Attached), were adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma and Weisman. NAY: None. EXCUSED: None. Councilmember Ricks asked that the record show his continued dissatisfaction with Council's removal from the appeals process and the vacancy decontrol provision.

ORDINANCE NO. 2598

(Attached)

4. Ethics Ordinance. The second reading was deferred to the next regular Council meeting.

5. First reading of a proposed ordinance amending Secs. 6-48 and 6-51 of the City Code to provide for warnings at excavation sites. The ordinance as accepted for first reading is attached.

6. Upon motion by Councilmember Saloma, duly seconded by Councilmember Ricks, the following resolution concerning anti-Semitic acts at Shapiro's Food Market was adopted by unanimous vote.

RESOLUTION

WHEREAS, the Mayor and City Council of Takoma Park deplore the painting of swastikas on the Shapiro Food Town grocery store, and although the store is located just outside our City limits, we cannot let such hate-inspired activity go unchallenged. These incidents are a matter of increasing concern in Montgomery County and it is important for all levels of government to assert their abhorrence for acts of religious and racial defamations.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park, Maryland, urge the full participation of the Montgomery County Human Relations Commission in the aftermath of this incident and a thorough investigation by the Montgomery County Police.

7. At the request of the Mayor and Council, the City Administrator stated he would provide more information on the decision of the Washington Adventist Hospital Board to raze the San Building; and to ascertain whether or not an application was before the Prince George's County Liquor Board for a license on New Hampshire Avenue near Ethan Allen.

There being no more business to come before the Mayor and Council, the meeting adjourned at 12:15 A.M., to reconvene on March 8, 1982 at 8:00 P.M.

ORDINANCE #2598

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

SECTION 1. THAT the following sections and subsections of Ordinance 2587, adopted September 28, 1981, are hereby amended to to read as set forth below: Article I, Sec. 5, Sec. 6(a) and Sec. 6(c); Article II, Sec. 7(a); Article III, Sec. 13; Article IV, Sec. 16, Sec. 21, and Sec. 22(g)(6):

ARTICLE I

Sec. 5. The Landlord-tenant Coordinator shall have authority to initiate investigations and conciliation of any alleged or apparent violations of this ordinance or any complaints filed hereunder. In connection with this authority, all landlords and tenants shall be required to make available to the Landlord-tenant Coordinator for inspection at reasonable times all rental facilities and records necessary for the enforcement of the provisions of this ordinance. Any maintenance complaint deemed to be a code violation will be forwarded to the Code Enforcement Division for adjudication accordingly; the Commission on Landlord-Tenant Affairs (COLTA) will pursue said cases based on the findings of Code Enforcement.

Sec. 6. (a) The Commission is authorized to adopt such regulations as may be necessary to administer this ordinance properly, subject to review and approval by the Council.

(c) Any landlord or tenant who violates any provision of this ordinance shall be liable for payment to the City of Takoma Park, Maryland, of a civil penalty, recoverable in a civil action in [~~the Circuit Court~~] any court of appropriate jurisdiction of Montgomery County or Prince George's County, in an amount not to exceed \$100.00 for each such violation. The violation of any provision of this ordinance shall constitute a municipal infraction for which a citation may be issued. The rules and procedures for the use of municipal infractions shall be as delineated in Sec. 1-17(b) of the Code of Takoma Park, Maryland, 1972, as amended.

ARTICLE II

Sec. 7. (a) There is hereby established the Takoma Park Commission of Landlord-Tenant Affairs, hereinafter referred to as the Commission. The Commission shall consist of nine (9) residents of Takoma Park to be appointed by the Mayor, subject to the approval of the City Council, except that one landlord representative may be exempted from the residency requirement. Three (3) of said members shall be landlords or shall represent landlords; three (3) members shall be tenants or represent tenants; and three (3) shall be members of the public at large who are neither tenants nor landlords. In addition, there shall be appointed one (1) alternate member from each group. Each member of the Commission shall continue to serve until a successor has been appointed. The term of the member or alternate member shall expire in the event that member changes status as a landlord, a tenant, or a member at large, or in the event that member ceases to reside within the boundaries of the City of Takoma Park.

OVER?

ARTICLE III

Sec. 13. Any landlord renting two (2) or more dwelling units in Takoma Park, shall provide for: (1) the posting of a durable notice in an accessible, conspicuous and convenient place in each building to which the notice applies; ~~or~~ and (2) the personal distribution of the notice to all lessees. The notice shall contain current information, including the name(s) or title(s) and telephone number(s) of one or more responsible representative(s) of the building management who may be reached at all times in the event of emergency situations.

ARTICLE IV.

Sec. 16. If any ~~prospective~~ affected tenant or landlord has reason to believe that a violation of any provision of this ordinance exists, he or she may file a complaint with COLTA in writing, giving the particulars of the alleged violation. Any complaints so filed which allege matters which may be in violation of the provisions of the 1981 edition of the BOCA Basic Property Maintenance Code as adopted by the City of Takoma Park in Ordinance No. 2555, or any other provision of the city or county code concerning the primary enforcement jurisdiction of COLTA shall be referred to COLTA for appropriate action. Such action shall be initiated promptly and nothing herein shall be construed to prevent the filing of appropriate complaints directly with COLTA.

Sec. 21. Any person aggrieved by a final action of the Commission rendered under this ordinance may appeal to ~~the Mayor and Council~~ courts of competent jurisdiction.

Sec. 22. (g) (6) ~~[Any vacant apartment unit may be rented at the level of comparable apartment units within a building, with comparable being defined on the basis of square footage, efficiency, one-bedroom and two-bedroom apartments.]~~ Any apartment unit which becomes vacant, voluntarily or for cause, may be rented at fair market value; once rented, the unit becomes subject to all provisions of this ordinance.

AND

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

ADOPTED BY THE MAYOR AND COUNCIL ON FEBRUARY 22, 1982.

[-----] denotes deletions.

Underscoring denotes additions.

THE CITY OF TAKOMA PARK, MARYLAND

MAYOR AND COUNCIL WORKSESSION

March 1, 1982

The Mayor and Council met in worksession at 7:30 P.M., March 1, 1982, in the Municipal Building. The Mayor and all Councilmembers were present, as were the City Administrator, the Asst. City Administrator, Corporation Counsel Culpepper and Police Chief Carter.

The following matters were discussed and acted on as noted:

1. Administrative Reports.
 - Mayor and Council authorized TPVFD to use Council Chamber for Fire Conference and Seminar on May 22 and 23.
 - Mayor and Council will contribute azalea for MML Convention door prize.
 - Mayor and Council can not meet with WAH for Special Exception Discussion on March 11. Mayor and Council have conflict. City Administrator will reschedule.
2. Discussion with Herman Williams. The Mayor and Council held brief discussions with Mr. Williams (a member of the Commission on Landlord-Tenant Affairs) concerning several recent newspaper articles on a Section 8 Rental Assistance controversy at 7667 Maple Avenue. Mr. Williams was quoted and discussed in several of the articles.
3. Takoma Old Town. Progress reports were heard from Richard Schnuer and Harold and Frances Phipps on Takoma Old Town, at the conclusion of which the Mayor and Council authorized the City to request proposals for Architectural and Engineering Services, to prepare the documents and specifications necessary to advertise for construction contracts for public improvements. Mayor and Council also approved alternative of brick and concrete combination for sidewalks.
4. Mendez vs. Ko Tangen, COLTA Appeal. The Mayor and Council determined that they would hear this case on March 22.
5. Proposed changes in Procedures Dealing with Abandoned Cars. This issue was debated at length, after which the Corporation Counsel was directed to prepare a new ordinance for the Council's consideration.
6. Proposed ordinance on Takoma Park Historic Districts Commission. This proposal was discussed for several minutes. The consensus of the Mayor and Council was that the proposal should be placed on the agenda for first reading at the next Council meeting, but that prior to taking any action, a public hearing should be held on April 26.
7. WAH Sanitarium. It was determined that this issue should be discussed at the next Council meeting,
8. Proposed purchase of 718 Maplewood Avenue by Montgomery County for use as quarter-way house for alcoholics.
 - Mayor and Council oppose. Place on Council meeting agenda for formal action.
9. Proposed Purchase of 7777 Maple Avenue. Mayor and Council listen to proposal by Novick and Jontiff to purchase 7777 Maple Avenue with use of Montgomery County funds, and designating up to 40% of units for Section 8. Mayor and Council not in favor of proposal. Will not support.
10. Consideration of changing enforcement of removal of snow and ice from sidewalks. Place ordinance on agenda for first reading.
11. Proposed Ethics Ordinance. Place on agenda for second reading.

12. Proposed changes in COG Water Resources Board Charter. Discussion deferred.

13. Takoma Park Police Department sponsored Training Seminar at Montgomery College. Mayor and Council approved temporary parking permits for outside officers attending training.

14. Proposal to establish Council committees. Proposal withdrawn by Councilmember Saloma.

15. Honorarium letter for Lt. Governor Bogley. Councilmember Garcia to draft.

APPROVED _____

Sam A. Abbott
Mayor

ATTEST: _____

Alvin J. Nichols
City Administrator