

THE CITY OF TAKOMA PARK, MARYLAND

Meeting of the Mayor and City Council

April 12, 1982

AGENDA

8:00 CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Garcia
Councilmember Holland
Councilmember Patrick
Councilmember Ramsey
Councilmember Ricks
Councilmember Saloma
Councilmember Weisman

PLEDGE

READING AND APPROVAL OF THE JANUARY 25, 1982 REGULAR COUNCIL MEETING MINUTES

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

8:05 ADDITIONAL AGENDA ITEMS

8:10 CITIZENS' REMARKS

8:20 ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

1. Communications
2. Administrative Reports and Recommendations for Council Action
 - (1) Special Exception No. S-807, Washington Adventist Hospital Ambulatory Care Facility
 - (2) Pending Condemnations: 7511 Carroll Avenue, 6761 Eastern Avenue, and 7106 Sycamore Avenue
 - (3) Changing of COLTA Rules, to be consistent with Amendments made to Ordinance No. 2537
 - (4) Decision on Appeal of COLTA findings: Mendez vs. Ko Tangen
 - (5) Decision on 7709 Carroll Avenue--Declaration as a public nuisance and order to abate

8:45 ADJOURNMENT

CONVENING OF THE NEW COUNCIL: Mayor Abbott
ROLL CALL--NEW COUNCIL: Councilmember Bradley
Councilmember D'Ovidio
Councilmember Eckert
Councilmember Faulkner
Councilmember Garcia
Councilmember Iddings
Councilmember Williams

8:50 OATH OF OFFICE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Resolution of Gratitude to Outgoing Councilmembers

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

9:15 ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

1. Communications
2. Administrative Reports and Recommendations for Council Action
 - (1) Resignation of Corporation Counsel
 - (2) Prince George's County Zoning Appeal No. 6355, variance request of 77 sq. ft. for single-family dwelling located on 6423 sq. ft. lot, and prescribed to be at least 6,500 sq. ft., at 7502 Central Avenue (Public Hearing: Wednesday, April 14, 6:30 PM, CAB, Upper Marlboro)
 - (3) Proposed Resolution concerning the halting of nuclear proliferation
 - (4) Presentation of Proposed Fiscal Year 1983 City Budget

9:35

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
April 12, 1982

City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember Garcia	Asst. City Administrator Schnuer
Councilmember Holland	Administrative Asst. Tyree
Councilmember Patrick	Police Chief Carter
Councilmember Ramsey	Public Works Director Robbins
Councilmember Ricks	Recreation Director Ziegler
Councilmember Saloma	Corporation Counsel Gingerich
Councilmember Weisman	City Clerk Pusti

The Mayor and Council of Takoma Park met on April 12, 1982, at 8:08 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 January 25, 1982. Councilmember Garcia requested that the first complete sentence on page 2 be deleted "Stated that such a change would require" The minutes, to include the requested correction, were approved unanimously.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott stated that the pre-Council meeting concert was provided by the Takoma Park Concert and Marching Band; said they were adopted as the official City band by action of the Council last year. Said on April 25, they would be playing at Columbia Union College, at Montgomery College on May 2, and at the Municipal Building on June 7; hoped they would perform during the summer for City residents. Announced that City Administrator Nichols' son had been born; offered congratulations.

CITIZENS' REMARKS

1. Phil Vogel, 7117 Garland Avenue: regarding Special Exception S-807, said that on March 18 the Montgomery County Historic Preservation Commission voted unanimously to recommend placing the Washington Adventist Hospital San Building on the Historic Atlas. Said it appears WAH has now switched their plans for the ambulatory care facility to the east side of the hospital. Stated he thought Council should ask WAH to withdraw the April 22 Special Exception Hearing date until the change can be reviewed with the neighborhoods on the east side that would be impacted. Mayor Abbott mentioned the Planning Board meeting scheduled for April 15 and Mr. Vogel said the time extension request would apply to that also. Councilmember Holland stated this matter had been discussed in the previous worksession, and a request had been made from Mayor and Council for postponement of the two meetings until such time as public hearings could be held on the new plans. City Administrator Nichols stated that it would be the Board of Appeals who would make the decision whether the impact of the change in the application is significant enough to merit extending the period of time for consideration; said he had been advised the Board would hear the Mayor and Council's request on April 15 and decide then whether they should extend the period of time for consideration.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Special Exception No. S-807, Washington Adventist Hospital ambulatory Care Facility. City Administrator Nichols stated that this item had just been summarized; pursuant to Council's decision at the last worksession, a letter was sent to the Board of Appeals, the Planning Board, and Washington Adventist Hospital requesting they defer consideration of the Special Exception until the issue could be considered more fully and stating Mayor and Council's desire to hold a public hearing on the issue. Stated the hospital has not yet had time to formally consider the request. Mayor Abbott said the scope, scale, and location of the hospital's plans have changed drastically, a new Council would be involved, and a new review is warranted. Jan Paul, WAH Community Liaison, stated the changes are the direct result of negotiations with the hospital's neighbors. Mr. Vogel stated that an additional request of the

neighbors was that an additional public hearing be held.

2. Pending condemnations: 7511 Carroll Avenue, 6761 Eastern Avenue, 7106 Sycamore Avenue. City Administrator Nichols stated that 7511 Carroll Avenue and 6761 Eastern Avenue have gone through all the necessary hearings for condemnation of the property; however, prior to any further proceedings the properties must be reinspected to ascertain that they are still in the same physical condition as they were at the time of the condemnation hearings. Said the inspections must be held with the permission of the property owners; they have been notified by certified mail that the City wishes to conduct the inspections. No reply has been received and Corporation Counsel is in the process of getting court orders permitting the City to enter the properties. Regarding 7106 Sycamore Avenue, the City condemned the property, the owner filed an appeal, and the Court ruled in the City's favor. The owner then filed another appeal and the court has granted a new hearing in the case to be held on April 20.

3. Changing of COLTA Rules, to be consistent with Amendments made to Ordinance No. 2587. City Administrator Nichols explained that these are technical changes to the rules of the Commission, necessitated by amendments to the ordinance, and in order that the rules of the Commission be consistent with the ordinance. Upon motion by Councilmember Garcia, duly seconded by Councilmember Ramsey, Rule 11.4 was adopted with Councilmember Ricks voting Nay; balance of Council Aye. Upon motion by Councilmember Garcia, duly seconded by Councilmember Patrick, Rule 11.5 was deleted from the COLTA Rules with Councilmember Ricks voting Nay, balance of Council Aye. Councilmember Ricks explained that the reason for his negative votes was to register his opposition to Mayor and Council not being a part of the COLTA appeals process. Mayor Abbott stated he was in personal agreement with Councilmember Ricks' reason for opposition.

4. Decision on Appeal of COLTA findings: Mendez vs. Ko Tangen. Mayor Abbott stated that even though Council had removed themselves from being a part of the COLTA appeals process, due to the chronology of this case, it was Corporation Counsel's opinion it should properly be considered by Council. Council having taken the matter under advisement, a motion was made by Councilmember Garcia, duly seconded by Councilmember Patrick, that Council uphold COLTA's January 27, 1982 findings, as amended March 3, 1982. Councilmember Ramsey made a motion, no second offered, that under Order Item No. 2, the fine for the retaliatory eviction notice be increased from \$50 to \$100. Corporation Counsel stated this matter should be handled as an ordinance. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, and Weisman. NAY: None.

ORDINANCE NO. 2605

(Attached)

5. Decision on 7709 Carroll Avenue -- Declaration as a public nuisance and order to abate. City Administrator Nichols stated that pursuant to the ordinance adopted on February 8, 1982, a public hearing was held on March 8, 1982 calling for the owner of the property to show cause why the property should not be declared a nuisance and the owner ordered to abate the nuisance. The owner testified, declared intentions to rehabilitate the property in the very near future and promised to immediately board up the property and furnish to Council a statement detailing his plans for rehabilitation and setting forth an anticipated work schedule. Said that no communication has been received from the property owner, nor has he boarded up the property; based on this, it is recommended the Mayor and Council declare the property a nuisance and order the owner to abate the violations within 90 days from April 12, 1982. If that order is not complied with, at the end of the 90 day period, Mayor and Council can take further action as necessary.

Councilmember Garcia

expressed disappointment that the property owner had not only failed to do what he promised, but had not come forth to offer an explanation for his failure. Rino Aldrighetti, 7213 Central Avenue, stated that the citizens' association's position was that they hoped the property would be rehabilitated rather than demolished; however, in its present condition it is unsafe for the community. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, and Weisman. NAY: None.

ORDINANCE NO. 2606

(Attached)

There being no further business to transact, upon motion, duly seconded, Council adjourned at 8:35 P.M.

Following a brief intermission period, Mayor Abbott was sworn in by Mrs. Shirley Hill, Deputy to the Chief Clerk of the Prince George's County Circuit Court. Mayor Abbott expressed thanks to the Prince George's County government on behalf of himself and the Council for sending Mrs. Hill. The Mayor had been sworn in earlier that day by the Clerk of the Montgomery County Circuit Court.

The new Council convened at 8:50 P.M., and responded as follows to roll call:

Councilmember Bradley
Councilmember D'Ovidio
Councilmember Eckert
Councilmember Faulkner
Councilmember Garcia
Councilmember Iddings
Councilmember Williams

Following roll call, Mayor Abbott administered the Oath of Office to the new Council.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

The Mayor spoke at length on the upcoming task facing the new Council of adopting the City budget for the coming fiscal year. Said he hoped citizens would actively participate in the setting of priorities and the budget adoption process. Stated a recent meeting with Prince George's County Executive Hogan on the double taxation issue was quite unproductive; the county was not willing to negotiate with municipalities. Mentioned that the Bainum Bill for a referendum on the issue of unification of the City was killed in the legislature; the Montgomery County delegation passed it with a 10-4 vote; in the Prince George's County delegation, 7 were for, and 14 opposed, the Bill, thus killing it for this session. Said that two of the Prince George's County delegation who reside in the City expressed willingness to reintroduce the legislation next year and officially sponsor it.

Councilmember Bradley read a Resolution of Gratitude to Outgoing Councilmembers expressing appreciation for their devotion, public service, and efforts, both individually and collectively. (Attached) Councilmember Garcia requested the Resolution be amended such that individual resolutions are prepared and presented to each outgoing Councilmember. The Resolution, as amended, was adopted unanimously.

A motion was made by Councilmember D'Ovidio, duly seconded, and passed unanimously, that the City Administrator prepare a Resolution of Gratitude to Delegate Stewart Bainum on behalf of Mayor and Council for his work on behalf of the City in preparing and promoting the Bill for unification referendum.

Councilmember D'Ovidio read a certificate of recognition from Mayor and Council to Alvin J. Nichols, Jr., in honor of his birth as a new citizen of Takoma Park.

CITIZENS' REMARKS

1. Peter Franchot, 7206 Garland Avenue: thanked citizens who had worked on the Nuclear Freeze Resolution; said about 300 signatures had been gotten favoring the Resolution. Said it is hoped the City will join others all around the country who have passed resolutions urging the U. S. and Soviet Union to negotiate a freeze, reduction, and halt to the nuclear arms race. Stated he felt that the involvement and expressed concern of municipalities was vitally important and could make a difference in the attitude of the U. S. and Russian powers that be on this issue.
2. Adele Abrams, 311 Elm Avenue: on behalf of the Takoma Park Committee on Nuclear Freeze, read and presented the Resolution, which is attached.
3. Jeff Shingleton, 68 Walnut Avenue: read an article in the April 10, 1982 edition of the New York Times from U. S. Senator Patrick Leahy (Vermont) expressing the importance of citizen and municipal involvement in national issues; it was stated therein that 161 Vermont towns had adopted nuclear freeze resolutions and this action was taken seriously by Senator Leahy and was essential to him in making a decision on the nuclear issue.
4. David Waskow, 7419 Holly Avenue: said that, as a high school student, he had spent the last several months organizing other students who are interested in promoting awareness on the issues of nuclear weapons and war; had been working with "Students Organizing for Survival," who are sponsoring upcoming forums and debates at eleven high schools in the area. Said people feel a need to be educated on all aspects of this issue. Hoped Council would pass the Resolution.
5. Roxanna Young, 7416 Holly Avenue, 13 year old student at Takoma Park Junior High: urged Council to pass the Resolution; stated she and others of her generation have lived since childhood with the threat and fear of nuclear war; said there already exists enough nuclear weaponry to destroy every living thing on earth; hoped a halt to the arms race could be achieved.
6. Mrs. Abby Mandel, 7003 Woodland Avenue: suggested use of the term "Councilor" instead of "Councilmember"; said it would save time both in speaking and writing.
7. Chris Lego, 68 Walnut Avenue: spoke as a representative of Westmoreland Area Community Organization on the group's general expectations of the Mayor and new Council; hoped they would keep in touch with citizens in their wards, form educated opinions on issues and make their opinions known, not only on a local, but national level.
8. Mr. Green, 6712 Westmoreland Avenue: stated TAG, the artist's guild, had a show on April 3 and raised \$106 for the Save Our School Fund; said they will be having another show and hoped people would attend.
9. Amelia Burroughs, 7218 Cedar Avenue: spoke on the recent election campaign; thought there was too much of a circus atmosphere, too much paper and hoopla for a small city election. Mayor Abbott stated that twelve years ago, the campaign was very restrained, not a great deal of publicity, and 231 voters turned out. Councilmember Faulkner thanked Mrs. Burroughs for her comments.
10. John Hemphill, 8112 Flower Avenue: spoke on cable TV; said the County Executive is due to make a decision in July as to which of the eight companies that bid on the cable contract will be chosen; County Council will vote on the matter in September; if the City wishes to go on record at public hearings which will be held in May, a prior public hearing should be scheduled in the City so the committee can make known the information they have on the eight proposals, citizens can input their views, and Council can determine what, if anything, they wish to recommend to the county as to choice of vendor.

Councilmember Garcia questioned whether Councilmember Bradley would continue to represent the City on the Cable TV Committee in addition to her new responsibilities; she responded that she had not yet made a decision on the matter. Following discussion, it was decided a City public hearing would be scheduled for May 10, as suggested by Mr. Hemphill.

11. Steve Rollins, 7520 Maple Avenue: commended the citizens of the City for their level of participation in the election; hoped citizens would put aside their differences and work with the Mayor and Council toward the City's goals; hoped Council would move quickly toward adoption of the Nuclear Freeze Resolution. On behalf of Deauville Tenants' Association, said they look forward to working with the Mayor and Council.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. The City Administrator announced that a phone call was received from Ron Albaugh, who had just been moved out of intensive care at Washington Adventist Hospital after having had 6-way bypass surgery last week. Said he is recovering rapidly, asked that his appreciation be conveyed for the concern and support from City officials and Councilmembers; sent congratulations to the new Council, hopes the next two years will be filled with many accomplishments. Mayor Abbott stated a response should be sent on behalf of Mayor, Council, and citizens of the City, expressing wishes for a speedy recovery.

2. Announcement that, as a part of the comprehensive rezoning process and in connection with the City of Takoma Park Master Plan, the Prince George's County Planning Board will review sectional map amendment proposals for the City during its regular meeting on May 13 in Upper Marlboro. The record will be closed immediately following the hearing and the Planning Board will conduct a worksession prior to forwarding the amendment proposal to the County Council for their public hearing and adoption. Said the County Council's hearing will probably be in late June, with adoption of the new zoning maps in July. A copy of the proposed zoning map is available for inspection in the City Office of the Municipal Building.

3. Communication from William Carney, an attorney representing a group of property owners in the Takoma Old Town area, requesting that Mayor and Council review some of the parking arrangements in that area and a report and recommendation will be prepared for Council's consideration on the issue.

4. Letter from the D. C. Association for Retarded Citizens advising that they are applying for renewal of a license to operate a home at 7303 Piney Branch Road, and will be contacting the Mayor and Council to see if they have any comments. Said they have contacted immediate neighbors, who expressed support for the program that is in operation. Councilmember Garcia stated he felt the City should contact the neighbors and ascertain that they do in fact support having the home there.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Resignation of Corporation Counsel. City Administrator Nichols stated that last week he received a letter from Messrs. Gingerich and Culpepper offering their resignation to the Mayor and Council. Mayor and Council received that letter at the worksession and, at the Mayor's request, a letter was sent to Corporation Counsel requesting them to continue in their capacity as Corporation Counsel until the new Mayor and Council have adequate opportunity to consider the resignation and make their decisions on what they would like to do about Corporation Counsel services for the City. Messrs. Gingerich and Culpepper have agreed to that request. A motion was made by Councilmember Faulkner, duly seconded by Councilmember Garcia, that in view of their long and distinguished service to the City, the resignation not be accepted and Corporation Counsel be requested to stay on for the next two years. Councilmember Garcia stated Corporation Counsel had ably served the City

and he felt a change would not be in the best interests of the City; said there is litigation pending and the firm is very experienced, very competent in Municipal law. Councilmember Williams questioned whether it was customary for Corporation Counsel to proffer a resignation every two years; Councilmember Garcia responded negative, this was the first time and the resignation was not solicited. Councilmember Eckert stated that if Corporation Counsel had not tendered their resignation to other Councils, this was the first time, then he would interpret that they were serious and wished to be relieved from the position. Councilmember D'Ovidio pointed out that if Council decided to accept the resignation, present Corporation Counsel could then submit their names to be considered, along with others, for appointment. Mayor Abbott pointed out that, in other levels of government, it is accepted procedure for appointed personnel to submit resignations; felt the letter of resignation gives Council the opportunity to examine the position of Corporation Counsel and to consider not only other applicants, but also reappointment of the present Corporation Counsel, if so desired. The motion was defeated with five Councilmembers voting Nay, two Aye. Councilmember D'Ovidio made a motion, duly seconded by Councilmember Eckert, that the letter of resignation be accepted, with thanks for the years of service, in order that Council can review the options and others can be given an opportunity to look at the position, with present Corporation Counsel continuing in the position until such time as Council can decide upon a replacement or what action they wish to take. Motion carried unanimously.

Councilmember Iddings made a motion, duly seconded by Councilmember Bradley, that the following procedures for hiring a new Corporation Counsel, or rehiring present Corporation Counsel, be followed:

- (1) The City Administrator be directed to prepare a proposed set of criteria for use in evaluating applicants for the position, to be presented to Mayor, Council, and citizens on April 26, for public consideration and adoption by Council.
- (2) Upon adoption of the criteria, the position be advertised and a search committee be established comprised of two councilmembers and five citizens, the citizens to be appointed by May 10, after notice has been given in the City Newsletter.
- (3) The search committee will review the applications and present the top three candidates to Council by the first week in June; Council will then interview the three candidates and make a decision by June 14, reserving the right to reject all applicants and ask the committee to reconsider/reevaluate.

Councilmember Eckert offered an amendment to the motion, to provide that advertisement of the position would begin immediately, prior to establishment of the criteria. The motion, as amended, carried unanimously. Upon motion by Councilmember Iddings, duly seconded by Councilmember Garcia, and passed unanimously, Councilmember Eckert was appointed to chair the search committee, Councilmember Faulkner to serve as the other council representative on the committee.

2. Prince George's County Zoning Appeal No. 6355, 7502 Central Avenue. City Administrator Nichols explained this was a request for a variance of 77 square feet for a single-family dwelling located on 6,423 square feet and prescribed to be at least 6,500 square feet; stated the public hearing was scheduled for April 14 in Upper Marlboro. Said the hearing notice was not clear - it made reference to a single-family property, and also to the zoning variance pertaining to a proposed addition to the property, which, based on conversations with the zoning office, are not related to the proposed variance. The variance itself, according to explanations given the City Administrator's Office, is to resubdivide the property to bring it into conformance with the existing deeds of record. The subdivision plat showed two lots, the deeds of record showed three lots. The resubdivision request was approved by the Planning Board, and as explained to the City, the resubdivision made official a lot which is not in conformance with requirements as far as size, and the variance is to bring that into conformance. The City Administrator stated there is construction started on the

property; said the City first thought the variance was related to that construction; the permit office advised they were going to hold the permit because it could not be issued until the zoning variance was considered; another office advised that the zoning variance had nothing to do with the building permit, so the actual situation is quite unclear. Suggested that unless the property owner or anyone else present could present information that clarifies the issue, Council request the Prince George's County Zoning Board to defer consideration until they provide a clear rendering of information to Council on what exactly is proposed.

Anthony Calisto, 7502 Central Avenue, property owner: stated the building permit was issued, but withdrawn. Said that Council previously approved his going ahead with the plat plan to file a new plat record, which has been filed; the building permit was issued on March 25 on the basis that a plat would be filed. Said he proceeded with the foundation part of the building; received a letter the following week from Park and Planning withdrawing the building permit until a variance of 77 square feet to meet zoning requirements was approved. Stated the property is zoned R-55 single-family and he has two apartment units (legal in Prince George's County if the property is owner-occupied and the apartments have existed prior to 1949). Councilmember Garcia clarified that the previous Council did approve the re-platting, but that no mention was made of building an addition.

Rino Aldrighetti, 7213 Central Avenue, representing Longbranch-Sligo Citizens' Association: stated this was a very difficult situation to follow; read a letter from the citizens' association directed to Dr. Eileen Moore, Chairperson of the Prince George's County Board of Zoning Appeals, listing comments they wished made a part of the record on the appeals case. They did not oppose the 77 square foot variance, neither opposed nor supported the addition under construction (offered several constructive comments). Said additional comments/concerns have been raised by neighbors since sending the letter; however, the association has not yet taken them under consideration.

Dr. Elmer Carreno, 812 Jackson Avenue: said he is an immediate neighbor to the property in question; stated the first he knew of anything going on was when they began digging for the foundation. He received no notification because the person from whom he purchased his property (Mr. Calisto's mother) was still listed as the owner; felt chagrined at not being able to comment. Said he had no interest in causing trouble for Mr. Calisto with his existing structure; however, had definite opinions about the addition he wishes to construct with respect to the relationship to his own property and property values; expressed opposition to the addition. Councilmember Garcia stated that there had been no opportunity afforded Council to comment on the proposed addition either.

Neville Smith, 7501 Central Avenue: hoped the variance would be granted in order to bring the existing building into conformance; however objected strongly to the proposed addition; felt it would adversely affect his property. Expressed the feeling that Mr. Calisto had plans for the addition that he was not making known.

Anthony Calisto, 7502 Central Avenue, property owner: said Dr. Carreno was told, prior to purchasing his property, that Mr. Calisto intended building an addition, raised no objections at that time, and went ahead with the purchase. Said had Dr. Carreno asked to see the drawings, he would note that the addition would afford him more privacy than he now has and that the addition would consist of three rooms - basement recreation room, first floor family room, and a second story bedroom facing Dr. Carreno's house but having no windows; said he simply does not have enough space in his home presently, thus the reason for the addition.

A motion was made by Councilmember Faulkner, duly seconded by Councilmember D'Ovidio, and carried unanimously, that the Board of Zoning Appeals be requested to postpone the scheduled hearing until such time as the City Administrator could bring information before the Council to clarify the exact facts of the situation. The City Administrator

stated he would attempt to procure the required information prior to the following week's worksession for Council, and would request the hearing be postponed until later that same week.

3. Proposed Resolution concerning the halting of nuclear proliferation. A motion was made by Councilmember D'Ovidio, duly seconded, that the Resolution be adopted. Councilmember Garcia stated he had mixed feelings on the matter; said it is a national issue, very emotional. Said he could not go along with some of the wording in the Resolution (cited paragraph 3 as an example); expressed that this country should be as strong as possible, as strength is the best deterrent. Said the other side has a long record of broken treaties/promises, could not be trusted. Councilmember Williams questioned how much nuclear power a country needs to be strong enough. Councilmember Eckert expressed that the contest to possess the greatest nuclear strength was no answer; said federal funding to municipalities had essentially dried up, state funds had not supplanted the federal funds, people are taxed heavily and those monies go, in great part, to build lavish weapons systems that can't possibly be used - said for this reason, the nuclear issue is not only a national, but a local issue, and this would be brought home during upcoming budget hearings. Said it was time to take a stand, and, as a first step, pass the Resolution. Councilmember D'Ovidio stated he felt the issue was of local concern; expressed admiration for Councilmember Garcia's expression of his views in spite of the realization he would probably be in the minority; said he thought Councilmember Eckert stated the case well and agreed it was time to take a stand on the issue. Mayor Abbott spoke on the fact that the campaign to halt nuclear proliferation began in approximately 1948 with Bertrand Russell's Stockholm Peace Petition, which the Mayor circulated; mentioned the great personal cost to him as a result of his participation, under McCarthyism. Said the theory of strength through weaponry is fallacious; mentioned the problem of nuclear waste disposal. Said that with the knowledge the U. S. has targeted other countries with nuclear weapons, has bases around the world, we know not with any certainty how many other countries have targeted the U. S. in the same fashion, it is time to demand a halt and negotiate with other governments in a serious manner. Councilmember Bradley concurred with Councilmember D'Ovidio and Mayor Abbott; hoped Council would vote on the issue tonight. Councilmember Faulkner stated he agreed with the thrust of the Resolution; however also agreed with Councilmember Garcia that the Soviet Union was not to be trusted, the U. S. needs to remain strong. Said he did not, however, feel that increasing the number of nuclear weapons would add to the strength of the U. S. Agreed, additionally, with Councilmember Eckert regarding the fiscal issues involved. Councilmember Faulkner expressed concern about several points in the Resolution, offered an amendment to the motion on the floor, duly seconded by Councilmember Garcia, to remove those several statements from the Resolution. Following discussion, Councilmember Faulkner withdrew his proposed amendment; said he would, however, be opposed to the expenditure of any significant amount of money on dissemination of the Resolution or related information. Mayor Abbott stated that dissemination would be done primarily by the press. The original motion to adopt the Resolution was passed, with Councilmember Garcia voting Nay, balance of Council Aye. (Resolution Attached)

4. Presentation of Proposed Fiscal Year 1983 City Budget. City Administrator Nichols stated that he would present the budget to the Council, deliver the budget message, and reserve a more extensive presentation for the next worksession. Said the budget documents would be available for public distribution at noon on April 14. Spoke on the issues facing the City in the upcoming fiscal year; said department head meetings had been held, the issues studied and scrutinized closely. Said no services had been recommended for significant reduction or elimination; it is hoped \$110,000 of the deficit would be eliminated during the present fiscal year with the balance being wiped out by the end of the upcoming fiscal year. Stated a general contingency account has been re-established making \$70,000 available to meet unanticipated emergencies; an unappropriated cash reserve will be initiated, hopefully to contain a balance of \$25,000 or more by the end of the fiscal year.

Spoke on additional aspects of the proposed budget. Said the budget will not necessitate any tax rate increases (assessments may go up 5%), yet achieves the objectives set forth; that the proposed budget attempts to set up an operating budget that will permit building the cash reserve to assist in meeting the \$156,000 a year for 36 years payments commencing in FY 1984 on the State Retirement Fund payments outstanding.

Upon motion, duly seconded, the meeting adjourned at 11:40 P.M. to reconvene on Monday, April 26, 1982, at 8:00 P.M. in regular session.

A R E S O L U T I O N

By the Mayor and Council of Takoma Park, Maryland

WHEREAS, the unleashing of nuclear war would cause untold death, suffering and destruction for people throughout the world; AND

WHEREAS, Washington, D. C. and the City of Takoma Park, Maryland would be two of the first cities destroyed in a nuclear holocaust; AND

WHEREAS, the continued development, testing and production of nuclear weaponry and related delivery systems increases the pollisility of nuclear war; AND

WHEREAS, governmental spending for nuclear weaponry and related delivery systems would be more wisely spent in peaceful pursuits.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park, Maryland urges their elected representatives in the United States Congress to support HJ-434, a Resolution calling for a nuclear freeze, and that the Mayor and Council go on record as demanding that:

1) The United States and the Soviet Union stop the development, testing and production of nuclear weaponry and related delivery systems;

2) That these two nations should adopt a mutual freeze on the testing, production, and deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons;

3) That the President of the United States negotiate with the Soviet Union without any preconditions regarding other issues, a permanent United States/Soviet freeze on nuclear weapons as a necessary first step toward reductions in the nuclear arsenals of both nations.

BE IT FURTHER RESOLVED:

1) THAT the Mayor and the City Council of Takoma Park, Maryland, will make every effort to further public education on the perils of nuclear war;

2) THAT they will appoint a Takoma Park Citizens Nuclear Task Force to report to the Mayor and City Council and suggest other actions that may be taken by the citizens of this City to further the above aims; and

3) THAT the Mayor and the City Council of Takoma Park, Maryland, will disseminate this Resolution to other concerned municipalities throughout Maryland and the United States.

A copy of this resoution shall be immediately dispatched to:

The President of the United States

The United States Secretary of State

The United States Secretary of Defense

The United States Speaker of the House of Representatives

The United States Senators and Representatives from the State of Maryland

The Soviet Ambassador to the United States

The Premier of the Soviet Union

ADOPTED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND APRIL 12, 1982.

OVER

ORDINANCE NO. 2605

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

SECTION 1. THAT the following decision of the Mayor and Council, acting as the Appeals Body on the Commission on Landlord-tenant Affairs in re 6637 Eastern Avenue be hereby adopted:

The appeal having been heard on Case No. TP-57 on March 22, 1982, and taken under advisement that date, the Appeal Body herewith finds that the City's Commission on Landlord-Tenant Affairs ruling on the above-named property, dated January 27, 1982 (and amended March 3, 1982), is herewith upheld without comment.

ADOPTED BY THE MAYOR AND COUNCIL ON APRIL 12, 1982.

R E S O L U T I O N

WHEREAS, as of this date, Councilmembers James F. Holland, Norman E. Patrick II, Donald D. Ramsey, Vernon H. Ricks, Jr., Jennifer L. Saloma, and David B. Weisman will retire from elective office; AND

WHEREAS, it is our desire to take note of, and express appreciation for their service to the City of Takoma Park.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland do hereby take recognition of the accomplishments of the outgoing Councilmembers, both individually and collectively, and express gratitude for their valued efforts on behalf of the City and its citizens.

APRIL 12, 1982.

(Note: Individual resolutions prepared for each outgoing Councilmember, as requested.)

OVER

ORDINANCE NO. 2606

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

- SECTION 1. THAT WHEREAS on February 8, 1982, Ordinance #2597 was adopted by the Mayor and Council authorizing legal proceedings for condemnation of the building located at 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; AND
- SECTION 2. THAT a Public Hearing was held on March 8, 1982, as prescribed by law, and that the owner was given opportunity at that time to show cause why the building should not be declared a nuisance. Minutes of such Hearing being recorded in Minute Book Volume No. 47.
- SECTION 3. THEREFORE, the Mayor and Council hereby declare the building located at 7709 Carroll Avenue to be a nuisance; AND
- SECTION 4. THAT in accordance with Chapter 6, Article 6 (formerly known as Article 7), Section 6-72 of the Code of Takoma Park, 1972, as amended, the owner, James T. Kelley et al, is hereby ordered to abate code violations PM-303.1 and PM-302.1, and to restore the building to a habitable condition or demolish the building and remove all debris within a period of ninety (90) days from April 12, 1982.

ADOPTED BY THE MAYOR AND CITY COUNCIL APRIL 12, 1982.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council

April 26, 1982

AGENDA

CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Bradley
Councilmember D'Ovidio
Councilmember Eckert
Councilmember Faulkner
Councilmember Garcia
Councilmember Iddings
Councilmember Williams

PLEDGE

READING AND APPROVAL OF THE MINUTES OF FEBRUARY 8, 1982

MAYOR'S COMMENTS AND PRESENTATIONS

1. Proclamation in observance of Boys' and Girls' Club Week
2. Proclamation in observance of Law Week in Prince George's County
3. Proclamation in observance of National Consumer Credit Education Week
4. Mayor's Comments

PUBLIC FORUM ON HISTORIC PRESERVATION ORDINANCE

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
 - (2) Consideration of resubdivision, 8015 Maple Avenue
 - (3) Prince George's County proposed Sectional Map Amendment for City (Craig Rovelstad)
 - (4) Recommendation of appointment to Silver Spring Center's Citizen Advisory Board
 - (5) Recommendation of appointment to Montgomery County's Community Development Block Grant Citizens' Advisory Committee
 - (6) Affirmation of recommendation re resubdivision of 114 Geneva Avenue
 - (7) Affirmation of recommendation re variance appeal (#6322) for 308 Elm Avenue

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
April 26, 1982

City Officials Present:

Mayor Abbott	Asst. City Administrator Schnuer
Councilmember Bradley	City Clerk Pusti
Councilmember D'Ovidio	Administrative Asst. Tyree
Councilmember Eckert	Police Lt. Gowin
Councilmember Garcia	Public Works Director Robbins
Councilmember Iddings	Recreation Director Ziegler
Councilmember Williams	Corporation Counsel Culpepper
EXCUSED: Councilmember Faulkner	

The Mayor and City Council of Takoma Park met on April 26, 1982, at 8:12 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 February 8, 1982. Motion carried.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

The Mayor commented on the remarkably rapid recovery of Reverend Albaugh following bypass surgery; welcomed him back. Proclamations were read and presented in observance of: (1) National Consumer Credit Education Week (Councilmember Bradley); (2) Law Week in Prince George's County (Councilmember Garcia); (3) Boys' and Girls' Club Week (Councilmember Williams).

Mayor Abbott spoke on a recent article in the "Suburban Record" regarding adoption of the Master Plan in the Montgomery County section of the City. Said he was very disturbed by a statement in the article, made by County Councilmember David Scull, stating that Takoma Park is a net loser in terms of cost for Prince George's County; Mr. Scull thought that the 1/3 of the City owned by Prince George's would eventually be handed over to Montgomery County. The Mayor stated he did not know why Mr. Scull thought that portion of the City was a net loser when 1.5 million dollars of tax revenue is turned over to Prince George's County by the City for that section (less than \$40,000 total is reimbursed to the City for services provided by the City - the county provides nothing in the way of services to City residents). Said when the County Council in Rockville was recently preparing to adopt the recommendation of the Municipal Task Force on Financial Relationships, Mr. Scull requested additional time to study whether services provided by municipalities are commensurate in quality with services provided by the county. The Mayor stated he would have thought it would be apparent to a county Councilmember that services provided by the City far exceed the quality level of those received by residents of unincorporated areas of the county.

Remarked that Prince George's County Councilmember Susan Mills had expressed that any city lying within two counties was subject to problems, such as differing rules and regulations, had intimated that Prince George's County might give up its portion of the City; said that residents of that section wished to go with Montgomery County. Mayor Abbott stated that Prince George's County had not raised objections to Councilmember Mills' statements, presumably made on behalf of the County Council. Said that even though the issue of unification had not been resolved for the current year, it would be raised again in the next legislative session, would have to be submitted during the summer.

Mentioned that election of School Board members would be coming up; emphasized the importance of City voters acting in a concerted fashion to defeat candidates who worked for closure of the junior high school and election, in their stead, of members who would vote to reverse that position.

Mayor Abbott recommended Councilmember D'Ovidio for the position of Mayor Pro-Tem, remarked on his longtime service to the City in various capacities; nomination duly seconded by Councilmember Bradley; upon vote, carried unanimously.

Vernon Ricks, 7667 Maple Avenue: queried whether seniority had been considered; cited that Councilmember Garcia had served honorably on the Council for nine years. Councilmember Garcia expressed thanks to Mr. Ricks for his kind words.

ADDITIONAL AGENDA ITEMS

Title I resolution (Mayor Abbott)

Discussion of school closure situation (Councilmember Iddings)

CITIZENS' REMARKS

1. Carolyn Bassing, 7303 Holly Avenue: paid tribute to Wesley Moore, a reporter for WMAL Channel 4 and a resident of the City, who recently died. Said she would be speaking as a representative of the Save Our School group; said the hearing before the State Board resulted in a negative recommendation by the hearing examiner. Said the group had joined with five other schools in their appeal as they thought that would be the best way to demonstrate a pattern of racial bias against the area. Said the hearing examiner did recommend reversal of the county school board's actions on Blair High School, Rosemary Hills, and Eastern Intermediate. Stated the group would continue to fight the junior high closure, would present an objection to the findings of the hearing examiner before the state board and are also working on other alternatives. Presented a lengthy statement regarding treatment of the City by the county; requested that City Council take under consideration two possibilities: (1) secession from the two counties, with the feasibility, advantages and disadvantages to be investigated; (2) establishment of a City school system, with the feasibility, advantages and disadvantages to be investigated.

2. Faith Kusterer, 102 Grant Avenue: stated that the Save Our Schools steering committee would like to see Council make contact with heads of various county departments, such as Park and Planning, the school system, etc., and actively ascertain from them what their long-range plans are for Takoma Park; said the committee would present a formal proposal to that effect at the next council meeting. Suggested inviting school board candidates to a public meeting in the City for the purpose of clarifying their individual positions on the issues; emphasized the importance of getting officials supportive of our community elected to the board.

Mayor Abbott suggested that one alternative that should be given consideration is that of an autonomous school board; was not sure that the City could secede from the counties even if it so desired, that would take an act of the legislature. Said there are two autonomous school boards in the District of Columbia where the local community does the actual running of the schools, i.e., the selection of teachers, etc., but they are still a part of, and supported financially by, the D. C. public school system. Councilmember D'Ovidio thanked Mrs. Bassing and Mrs. Kusterer for their presentations; sympathized with the frustration the committee has experienced in their opposition to the school closure, the failure with the state board; supported the investigation of viable alternatives for the City, as well as forums for school board candidates held within the City. Councilmember Williams remarked on the editorial on Channel 7 TV which backed Takoma Park; said the county school board had turned a deaf ear toward the needs of the citizens of the City.

3. Ron Albaugh, 7202 Central Avenue: suggested if they had not already done so, the school committee might look at Rosemary Hills' profile, history, arguments they had presented for remaining open; said he thought there were similarities that would be applicable in the Takoma Junior High situation. Said Council should devote close attention to the master plan process, the sectional map amendments in both counties; said he would support the reversal of certain changes made by the previous Council in the Landlord-Tenant Ordinance, felt those changes had diluted the value of the legislation. Reminded of several items for the long-range agenda - a commercial code for the City affecting businesses, addressing their appearance, trash, etc.;

follow-through on the transportation section of the master plan; follow-up on Washington Adventist Hospital's five year plan and their long term plans; requested that support be given the Mayor's plan for unification of the City, as well as support for his efforts on the double taxation issue.

4. Mrs. Mary Pennifield, 7305 Takoma Avenue: requested a change in the City ordinance governing times on parking meters to permit parking after 6:00 P.M. without charge, thus making the City's meters consistent with Montgomery County's. Remarked on the need for a stop sign at the hazardous intersection of Baltimore, Eastern, and Takoma Avenues.

5. Steve Rollins, 7520 Maple Avenue: said he had heard of a possibility of condominium conversion at 7777 Maple Avenue; expressed concern that vacancy decontrol would encourage this type of conversion; hoped Council would take the vacancy decontrol amendment under consideration very soon, along with other amendments that had been made. Mayor Abbott mentioned the upcoming May 1 seminar on landlord-tenant affairs to be conducted in the Municipal Building; encouraged all citizens to attend.

PUBLIC FORUM ON HISTORIC PRESERVATION ORDINANCE

Councilmember D'Ovidio spoke on the background of the ordinance; mentioned the Council-appointed committee which he chaired whose task was to formulate an ordinance setting up an Historic Preservation Committee for the City under the provisions of the county ordinances which permit municipalities to set up local advisory committees; expressed thanks to Councilmember Iddings for all the time and effort he devoted in the preparation of the ordinance. City Administrator Nichols commented that any comments on the ordinance would be considered by Council at their next worksession, following which it would be placed on the agenda for adoption at the May 10 Council meeting.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. Letter from Longbranch-Sligo Citizens' Association responded regarding request for input on the criteria for hiring a City Attorney; proposed that successful candidates have a history of community involvement and service, preferably to Takoma Park, and that they currently live in or be willing to move into the City within 90 days of appointment. Offered Patrick Boyle as the association's candidate for the screening committee. Requested that Council consider the allotment of Newsletter space on a monthly basis to citizens' associations for the purpose of promoting social and membership activities.

2. The City Administrator stated he had received a communication relating to item 2 on the agenda, the resubdivision of 8015 Maple Avenue, from Mrs. Harold Brittain, Sr. Said Council had received a variety of communications from people interested in that case.

3. The City Administrator read a letter from Walter Scheiber, Executive Director of the Council of Governments, in which it was stated that Prince George's County had indicated they did not intend to include in their FY-83 contribution to COG the 1/2 share for several municipalities, including the Prince George's portion of Takoma Park. Said they had previously always paid the 1/2 share (amounting to \$3,031) and suggested communicating with Prince George's County Council and requesting they include that amount in the budget as has been customary.

II. Administrative Reports and Recommendations for Council Action

1. City Administrator Nichols related that pursuant to Council's authorization to pursue short term borrowing in an amount up to \$400,000 to cover cash flow until the end of the current fiscal year, bids from two interested lenders were opened; Citiznes Bank offered 8%, Suburban Bank 11.5%; following review of the bids by counsels for both parties, the City will be proceeding with the borrowing from Citizens Bank.

The City Administrator reminded that on May 1 at 10:00 A.M., a Seminar on Housing Code Enforcement and Landlord-Tenant Relations would be conducted in the Municipal Building by Dedra Tyree, Landlord-Tenant Coordinator and Linda Bock, Code Enforcement Chief. Stated a Montgomery County condominium specialist, very familiar with both county and state laws, would be available at the seminar to discuss rights and obligations of both tenants and landlords under the condominium laws; urged interested individuals to attend and get answers to their questions. Discussion ensued on the potential condominium conversion at 7777 Maple Avenue; the City Administrator stated that registration for it had not yet been approved by the state. Councilmember Bradley remarked that a great deal of research needs to be done on the subject, that obviously condos will exist in the City; there is a need not only to know what options the City has, but to implement a public education program to inform people of their rights.

City Administrator Nichols reported that Montgomery County had approved the Montgomery County portion of the Master Plan; said a resolution will be introduced to hold a hearing June 10 for the Montgomery County sectional map amendment.

Related that the Hearing Examiner who conducted the hearing on the proposed purchase of 718 Maplewood Avenue by the county for the purpose of using it as a quarterway house for alcoholics recommended to the County Executive, based on the hearing, that the county proceed with the purchase of the property for the stated purpose.

Said Montgomery County Board of Appeals held a hearing on April 27 to consider Washington Adventist Hospital's pending Special Exception (Petition No. S-807); the City had requested that the Board defer the hearing until the community had additional time to consider it, the hospital joined in that request; the Board determined that adequate time had been given and conducted the hearing, but voted to hold the record open for four weeks following the date of hearing. Said the Planning Board had rescheduled their hearing of the case from April 15 to April 29.

2. Title I Resolution. Bob Lazun, 7309 Cedar Avenue, gave a background history of Title I funding for schools; explained that President Reagan is proposing to cut the funds by approximately one half which would seriously dilute the program; requested that Council support Title I funding by adopting the resolution. A motion was made by Councilmember D'Ovidio, duly seconded by Councilmember Bradley, that the resolution be adopted. Councilmember Iddings offered an amendment that would add an additional WHEREAS to read as follows: "WHEREAS, both elementary schools in Takoma Park are currently receiving Title I funds for furthering their educational purposes, without which their effectiveness would be reduced,". Upon vote, motion, as amended, carried unanimously. (Resolution attached)

3. Consideration of resubdivision, 8015 Maple Avenue. The City Administrator explained that the property owners have petitioned the county to permit the combining of two lots into one, the county has invited comment from the City, the City is asking comment, if any, from the community. Mayor Abbott remarked that a letter from Mrs. Harold Brittain, one of the owners of the property, had been received favoring the variance; twelve letters of opposition were received from neighboring property owners.

Harold Brittain, 8015 Maple Avenue: said he felt he was being called upon to justify what he was legally within his rights to do on his own property, did not understand what was at issue. Mayor Abbott stated that the size of the garage was the problem (32 feet by 52 ft. by 16 feet high). Mr. Brittain related that prior to taking any steps, he discussed the proposed garage with his neighbor, Mark Traversa, who at that time supported it; however, Mr. Traversa apparently subsequently had a change of heart and, without saying anything to Mr. Brittain, went to the Council with a complaint regarding the structure; Mr. Brittain said he was totally unaware of any problem until he received a letter.

Mark Traversa, 706 Erie Avenue: said the county issued a stop work order on the building of the garage because they found they had not gone through proper procedures in issuance of the building permit; stated that the main objection was to size of the structure which will house a converted Greyhound or Trailways bus, thought it would be detrimental to the neighborhood, suspected it might violate the county zoning code.

Charles Aldridge, 705 Kennebec: stated that although his residence is not adjacent to 8015 Maple, he supports Mr. Traversa's statements and objections, felt the structure would dwarf everything else in the area.

Verne Wilson, 907 Davis Avenue: expressed support for Mr. Brittain.

At 10:20 P.M., it was agreed to suspend discussion on this agenda item until after consideration of the school closure issue.

4. Consideration of school closure issue. Councilmember Iddings made a motion, duly seconded by Councilmember D'Ovidio, that the Save Our Schools Committee be directed to begin a preliminary investigation of the three options previously mentioned (secession from the counties, establishment of a City school system, autonomous school board), a Councilmember serve as liaison with the committee, and a feasibility report be made to Council by mid-June. Councilmember Iddings remarked that there is a growing sense of frustration at the treatment of the City received from the county, particularly over the school situation, but including other issues as well. Councilmember Eckert clarified that consideration of secession from the counties should in no way be construed as a slight directed at Prince George's County; while there are no schools within the City in the Prince George's section, the City has no bone of contention with the Prince George's County school board. Councilmember Bradley pointed out that a feasibility study should encompass the educational needs of the City as a whole, including adult education and how that would be impacted upon. Upon vote, motion carried unanimously. A motion was made by Councilmember Eckert, duly seconded by Councilmember Iddings, that Councilmember D'Ovidio be appointed as Council liaison to the committee. Motion carried unanimously. A motion was made by Councilmember D'Ovidio, duly seconded by Councilmember Iddings, that City-sponsored meetings, conducted within the City, be scheduled with school board candidates for the purpose of ascertaining their views on the issues. Motion carried unanimously.

3. (Continued) Continuation of discussion of resubdivision at 8015 Maple Avenue.

Steve Cope, 8014 Maple Avenue: said he had enjoyed being a neighbor of the Brittain's, who have a most attractive home; expressed anxiety that the proposed structure would be detrimental to the beauty of their premises; said Council should base their decision on whether the proposed structure is a permissible residential use; wished the issue could have been resolved without bringing it before Council.

Spencer McKinney, 8205B Roanoke Avenue: said there appeared to be a total lack of communication among neighbors involved in this issue; neighbors have not seen the plans for the structure, so they are projecting in their minds what it will look like, without having a valid basis for what they picture. Stated he thought Mr. Brittain and his neighbors should sit down and discuss the matter; commended Mr. Brittain's architectural knowledge and artistic ability.

Jean Davis, 705 Erie Avenue: said Mr. McKinney had his facts wrong, that 5 or 6 neighbors had met with Mr. Brittain, and expressed willingness to do so again. Registered opposition to the resubdivision and the building permit that was issued; said the structure would violate zoning regulations, would not qualify as an accessory building. Pointed out she understood Council has only 30 days from the time they were given the information from the Planning Board in which to reply, which would be around May 7.

Tom Zakolars, 703 Kennebec: expressed concern about erosion sub-

sequent to the cutting and clearing of trees to make open space for construction of the garage; opposed the structure on the basis of its size.

Janet Brittain, 8015 Maple Avenue: spoke on behalf of her family; stated they did approach neighbors who owned adjacent properties and went out of their way to concede to any concerns expressed by those neighbors; did not feel it either appropriate or necessary to approach residents for blocks around.

Mr. Brittain: responded to concerns voiced; emphasized that the structure would be barely visible to most neighbors due to trees; had offered to screen it with any type planting desired to shield it from any angle it could be seen.

Following further discussion, Councilmember Bradley suggested that the neighborhood get together and discuss the issue further; remarked on how destructive the lack of open communication was to a sense of community; reminded that whatever consensus they came to could not be binding on Council's decision as they would have to act in whatever way they determined to be in the best interest of the community. Agreement was reached that Council would postpone any action until a time that would assure them still having remaining time to communicate their decision to the Planning Board (May 3 designated), thus affording time for the neighborhood meeting. Mayor Abbott requested a summary of that meeting be provided to Council.

4. Prince George's County proposed Sectional Map Amendment for the City. Craig Rovelstad, Sectional Map Amendment Office of the Prince George's County Planning Board, gave a presentation; stated one of the first steps following adoption of the Master Plan, in order to speed its implementation, is preparation of the Sectional Map Amendment. Said there would be a public hearing by the Planning Board on May 13 on the amendment; most of the recommendations of the Master Plan are picked up in the map amendment (all of the recommendations were more or less forecast in the Master Plan), thus the elaborate documents prepared for other areas were not prepared in this case; Planning Board is attempting to get zoning and Master Plan Land Use Recommendations more in synch and closer in processing time and conceptualization. Stated there was some question from Council as to why all the land use recommendations could not be implemented at the present time; presented a booklet documenting those that were not implemented and stating reasons why. Said most of those not implemented were zoned for either apartments or dwellings which had been converted to multi-family in the past; discussed reasons behind failure to implement recommendations in those cases. Additionally stated that another case where recommendations were not implemented involved the park situation, an area along Longbranch near the Montgomery County line, which is privately owned; discussed that situation and the policy involved. Said it was projected that at some future time, Park and Planning Commission would buy that property; suggested the City might want to lobby the commission and the county council to move ahead and make the purchase.

Councilmember Iddings expressed concern about parcels of property in the Longbranch-Sligo area which were recommended for R-55 zoning, but due to Planning Board policy cannot be changed from the present R-18; wondered if the zoning cannot be changed how a serious attempt can be made at having a Master Plan; thought the existing policy was unfortunate in a master planning concept; wondered what could be done to provide for an exception. Mr. Rovelstad pointed out that downzoning of developed and properly utilized uses previously was not done at all in Prince George's County; said, however, that law was modified about a year and a half ago and instead of being an absolute legal prohibition, became a matter of policy and exceptions can be made, explained the procedure and emphasized the change would have to be based on significant public benefit to be derived from the downzoning. Commented that the reason the Planning Board made recommendations that could not immediately be backed up with zoning recommendations was that they felt they were acting in the best interests of the long-term goal, realizing zoning problems would impede implementation.

Councilmember Iddings presented a resolution for transmittal from the Mayor and Council to the county council, duly seconded, stating that Mayor and Council affirm recommendations that certain designated properties in the Longbranch-Sligo neighborhood and one in the Spring Park area be zoned from R-18 to R-55, to occur immediately with a adoption of the Sectional Map Amendment; other provisions stated in the resolution supporting the affirmation. Amendment offered by Councilmember D'Ovidio and accepted, to include properties along Longbranch/ the park mentioned earlier and recommended to remain R-55, requesting a survey be performed to determine what part of the properties, when bisected, would remain with the property owners and what part would become park land. Councilmember Eckert remarked no input had been received from residents in the Spring Park community regarding the property referred to in the resolution; thought they should be advised, invited to comment; agreed, that being part of his ward, to do so. Upon vote, resolution adopted.

5. Affirmation of recommendation re variance appeal (#6322) for 308 Elm Avenue. David McClane, 306 Elm Avenue, recounted attending the hearing held on the variance; related the history of the property; said the hearing was postponed until such time as Mr. Booth, the property owner, can provide information on the exact square footage on which he intends to build and acquires the required amount of land. Councilmember Eckert requested that the City Administrator ascertain from the county the exact status of the appeal; made a motion, duly seconded, and unanimously carried, that Council reaffirm its decision recommending disapproval of the variance.

6. Recommendation of appointment to Silver Spring Center's Citizen Advisory Board. Councilmember Iddings nominated Mrs. Peggy O'Kane, a resident of the Montgomery County section of Garland Avenue, to represent the City on the Board. Nomination duly seconded; carried unanimously. Mayor Abbott remarked that nominations for other available positions on the Board should be brought forward within the coming week.

Item (5) on the agenda, Recommendation of appointment to Montgomery County's Community Development Block Grant Citizens' Advisory Committee, was deferred until the next meeting.

7. Affirmation of recommendation re resubdivision of 114 Geneva Avenue. Mayor Abbott made a motion, duly seconded, carried unanimously, that the developer of the property be permitted to continue through the granting of Council's expedited approval of the unification of two lots into one, thus affirming Council's recommendation.

Upon request, the City Administrator spoke on the upcoming establishment of a Corporation Counsel Search Committee who will review the applications for Counsel; said Councilmembers Eckert and Faulkner will be reviewing the applications to serve on the committee and will make recommendations for appointment for Council's consideration; committee will contain five citizen members.

Upon motion, duly seconded, the meeting adjourned at 12:08 A.M., to reconvene on Monday, May 10, 1982, at 8:00 P.M. in regular session.

RESOLUTION

WHEREAS, there are federal mandates to ensure equal opportunities for all children;

WHEREAS, equal educational opportunities are federally mandated as recognized through legislation;

WHEREAS, categorical federal education programs have provided the means to ensure that these mandates are met;

WHEREAS, federal support for educational programs under Title I/Chapter I address the needs of special populations;

WHEREAS, both Takoma Park elementary schools receiving Title I funds for furthering their educational programs, without which their effectiveness would be reduced;

THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Takoma Park, Maryland, that the federal appropriations for Title I/Chapter I not be diminished.

BE IT FURTHER RESOLVED, that the administration be directed to communicate this resolution to appropriate members of the United States Congress.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND
APRIL 26, 1982.