

THE CITY OF TAKOMA PARK, MARYLAND

MAYOR AND COUNCIL WORKSESSION

May 3, 1982

The Mayor and Council met in worksession at 7:30 P.M., May 3, 1982, in the Municipal. The City Administrator and the Assistant City Administrator were present.

The following matters were discussed and acted on as noted:

1. The Board of the TPVFD. Chief McGary and Mr. Henry Marschalk made a presentation on the role of the Fire Board. It was decided that the City Administrator, one Councilmember (Councilman Iddings) and one Council-appointed citizen would be appointed to the slots allotted to the City, if the latter were approved by the Board. A letter to this effect is to be sent to the TPVFD.
2. Insurance Claim--Mrs. Bennett, Birch Avenue. The City Administrator was directed to go back to the insurance carrier and ask for reconsideration of the settlement offered Mrs. Bennett (who suffered damage to her car as a result of a City trash truck collision), with a decision requested by May 10. Approval of a rental car was also to be requested. It was agreed that the matter would be discussed again at the May 10 pre-Council session, with the possibility of the City making an adjustment (if insurance company will not) to be considered.
3. Calisto property, 7502 Central Avenue, Variance Appeal #6533, Prince George's County Board of Appeals. The City Administrator was directed to notify the county that the property is being rented and that the case should be reconsidered by the Board of Appeals.
4. 8015 Maple Avenue Pre-Preliminary Resubdivision. The City Administrator was requested to determine how the Police Department enforces parking of recreational and commercial vehicles; notify Park and Planning of the issues discovered by May 8; supply to the Mayor and Council the procedure and implications of the pre-preliminary resubdivision process.
5. Corporation Counsel selection review committee. The City Administrator was directed to develop a tally sheet for the Council to use in pre-Council decision making; send out all new resumes received for committee membership to Mayor and Council; instruct applicants to have resumes in by May 5.
6. Condo conversion. The City Administrator is to notify the state that the developer at 7777 Maple Avenue is not in compliance with state law in terms of notice requirements; he was also instructed to determine via the state if the notice requirements are also applicable in the case of new condos.
7. Washington Adventist Hospital Special Exception. A decision will be formalized at the May 18 worksession.
8. Montgomery County CDBG Citizens Advisory Committee: Persons suggested to represent the City (as alternate to Councilmember D'Ovidio) were: James Holland and Susan Daniel. A concensus will be attempted at the May 10 pre-Council meeting.
9. Takoma Park CDBG planning process. The City Administrator is to make recommendations to the Mayor and Council, based upon feelers to Montgomery County, on the City's chances of getting new funds in addition to commitments to Takoma Old Town.
10. Takoma Old Town update.
  - another letter is to be sent to the General Conference regarding their pending move from Takoma Old Town
  - the public improvements schedule was discussed
  - Also discussed were the TSM parking requirements changes proposed by Montgomery County; the Mayor and Council will consider this matter at a future worksession
11. Historic Preservation Ordinance. To be placed on the May 10 agenda for adoption.

Regular Meeting of the Mayor and Council  
May 10, 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 22 AND MARCH 8, 1982 COUNCIL MEETINGS

MAYOR ABBOTT'S COMMENTS

REPORT ON PRELIMINARY FINDINGS AND RECOMMENDATIONS BY THE CITIZENS CATV COMMITTEE  
RE PROPOSALS SUBMITTED TO MONTGOMERY COUNTY BY EIGHT CABLE COMPANIES

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:
    - Proposed resubdivision of 8015 Maple Avenue
    - Proposed resubdivision of 308 Elm Avenue
    - Washington Adventist Hospital's Special Exception (#S-807)
  - (2) Proposed Historical Preservation Committee ordinance
  - (3) Discussion of Prince George's County Sectional Map Amendment implementing certain aspects of the Takoma Park Master Plan  
(Public Hearing: 2:00 PM, Thursday, 5-13-82, CAB, Upper Marlboro)
  - (4) Appointment of City representative to Montgomery County's Community Development Block Grant Citizens' Advisory Committee
  - (5) Appointment of citizen members to Corporation Counsel Search Committee
  - (6) Proposed Charter amendment deleting the 5% Reserve Fund and substituting a 2% General Contingency Fund and a 1% Capital Improvements Reserve Fund in Sec. 1.4 of the City Charter
  - (7) Proposed ordinance to adopt Montgomery County's condominium conversion legislation (Chapter 11A, Montgomery County Code) as an emergency measure

PUBLIC HEARING TO ELICIT CITIZENS' SUGGESTIONS ON THE USE OF FISCAL YEAR 1983  
FEDERAL REVENUE SHARING FUNDS

PUBLIC HEARING ON FISCAL YEAR 1983 CITY BUDGET

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
May 10, 1982

City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember Bradley	Asst. City Administrator Schnuer
Councilmember Eckert	City Clerk Pusti
Councilmember D'Ovidio	Police Chief Carter
Councilmember Faulkner	Public Works Director Robbins
Councilmember Garcia	Recreation Director Ziegler
Councilmember Iddings	Corporation Counsel Gingerich
Councilmember Williams	Library Director Barclay

The Mayor and City Council of Takoma Park met on May 10, 1982, at 8:10 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, motions were made, duly seconded, and unanimously carried, to approve Council Meeting Minutes of February 22, 1982, and March 8, 1982. One correction to be made on February 22 minutes: page 5, testimony of Carl Iddings, "Longbranch/Carroll" should read "Laurel/Carroll." Councilmember Faulkner remarked on the lag in transcribing minutes; requested the feasibility of putting highest priority on current minutes be investigated, with older ones to be caught up as possible with the staff workload.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott related attending a meeting in Rockville, accompanied by City Administrator Nichols and Police Chief Carter, regarding whether the recommendations of the Interagency Committee would bring the City funds for police, library, code enforcement, etc. Said the City has been represented on that committee by City Administrator Nichols. Stated the committee report was not ready for county council's consideration; however, a general discussion did take place, the results of which were rather disheartening. Remarked that the county, for instance, views police service in terms of what they would provide were they providing the service to the City; they would provide 7 police officers to cover the entire City and feel reimbursement for services should be based upon what they would furnish. The Mayor stated that achieving fair reimbursement from the county on the double taxation issue would require a real battle. Commented that a \$6 per capita federal payment is parceled out to the counties for libraries, the county keeps every cent of that and cities get nothing of it for their independent municipal libraries.

On the unification issue, remarked that delegates who voted in favor of the referendum but did not work hard for it have stated they would actively support the issue in the next legislative session.

Regarding the school closing case, stated the hearing examiner ruled against Takoma Park Junior High, upheld or overturned the county school board in his recommendations on Rosemary Hills and several other schools. Said the City joined in the consolidated suit thinking the case would be presented on the basis of the common problems faced by schools inside the beltway, but were separated from the other schools in the arguments presented by Covington and Burling. Said it is undetermined what steps will be taken next, but definitely a representative of the community will testify before the state board. Mentioned the upcoming June 18 forum at Takoma Junior High School with school board candidates; emphasized the importance of ascertaining their individual views on the school closure issue, with the hope of getting those who favor overturning the closing decision(s) elected; encouraged citizen attendance/participation at the forum.

REPORT ON FINDINGS AND RECOMMENDATIONS OF CITIZENS CATV COMMITTEE

Bruce Moyer, 37 Philadelphia Avenue, described the Committee's efforts and pointed out that County consultant's report was now available at the City library. He announced public hearings May 24, 25, and 27 for all applicants to present their proposals and June 1 for general public testimony on applicants' merits. Outlined the county's projected schedule for proceeding with CATV; said the County Executive

will transmit his proposed franchise agreement and recommendations for award to the County Council for approval in September. Explained Committee's methodology of review and scoring system and invited citizen participation in further Committee efforts. Commented that Montgomery County now seeks the City's official expression of intent to jointly participate in the county's cable system through execution of a contract. Said the terms of the proposed agreement were received by the City; the Committee conducted an initial review of the agreement, does not believe it merits acceptance in its present form; the county's previously expressed specific commitments to the City are not included. Councilmember Bradley pointed out those specific things would be an addendum to the contract and should be received soon. In response to query, Mr. Moyer stated that it is envisioned that the City will pass an ordinance concerning the provision of cable services within the City; said the committee feels such an ordinance should be comprehensive in scope and address obligations of landlords to make cable available to all tenants in their buildings. Requested that the City have Corporation Counsel review the draft agreement of the contract. Mayor Abbott commended and thanked the Committee for the extent and caliber of its efforts.

#### ADDITIONAL AGENDA ITEMS

Councilmember Williams: rent control of vacant apartments.

#### CITIZENS' COMMENTS

1. Phil Vogel, 7117 Garland Avenue: spoke as an individual to urge passage of proposed Historic Preservation Ordinance, describing advantages. Also spoke for the Longbranch-Sligo Citizens' Association expressing concern about Flower Avenue in regard to the Sectional Map Amendment and the technical staff report which indicated the R-18 zone would remain; said Council would soon receive a letter detailing the association's recommendations. Expressed support for Councilmember Faulkner's request regarding Council minutes; said the meeting agenda should be mailed earlier to ensure receipt prior to the meetings.
2. Robert Mandel, 7003 Woodland Avenue: discussed taxation, double-taxation and budget matters. The Mayor thanked Mr. Mandel and announced a public hearing on May 24 on the budget and agendas for future worksessions on budgetary matters, urging citizen participation.
3. Steve Rollins, 7520 Maple Avenue: commended COLTA and code enforcement personnel for efforts in arranging the landlord/tenant seminar, which he found very educational. Spoke in favor of vacancy control, City residency requirement for COLTA membership, and Mayor/Council involvement in COLTA appeals process; urged that they be reconsidered by Council. It was agreed these would be discussed as agenda item 8 at the present meeting.
4. Moses Karkenny, 9 Pine Avenue: discussed operation of the City Library and budgetary considerations in that respect. Mayor Abbott invited Mr. Karkenny's participation in the upcoming budget public hearing.
5. Carlos Stewart, 7710 Maple Avenue: also thanked the Office of Landlord/Tenant Affairs for its seminar; spoke in favor of the three amendments cited by Mr. Rollins and also in favor of landlord licensing.

#### ITEMS FOR COUNCIL CONSIDERATION

##### I. Communications

City Administrator Nichols announced Montgomery County Planning Board hearing June 10, 1982, on section map amendment for the Montgomery County portion of the City, noting information would be available soon for the public.

He noted the City had proceeded with condemnation on the property at 7106 Sycamore Avenue, and that the original court decision favoring the City was upheld on appeal. Action toward demolition will proceed, he advised, in the absence of abatement of the nuisance by the owner.

Vernon Ricks, 7667 Maple Avenue: stated he would like to see the City come up with a creative approach to properties such as this; cited that demolition leaves vacant lots which can also create problems - trash, weeds, etc. Lengthy discussion ensued concerning previous condemnations in the City, the pros and cons of the process, and possible alternative approaches.

The City Administrator noted receipt of communications concerning traffic problems at Albany and Baltimore Avenues and said possible solutions will be recommended to Mayor and Council. Councilmember D'Ovidio suggested surveying residents of Albany.

Mr. Nichols also announced a May 12 hearing on alleged violations of rent increase guidelines by Edinburg Apartments, 7513 Maple Avenue. Mayor Abbott inquired about recovering tenant evacuation costs and other bills incurred by both City and County during recent crisis at the building. City Administrator Nichols said reimbursement has not been received. Discussion of City authority to recover and the matter of liens ensued. The Corporation Counsel said legislating for sudden events is an impossibility; Mayor Abbott suggested the matter of the City assisting in apartment emergencies and recovery of related costs be debated more fully in future.

Mr. Nichols noted the County had authorized the City to proceed with the expenditure of the balance of Community Development Block Grant funds in Prince George's County--approximately \$15,000. Councilmember Eckert commended Mr. Schnuer's presentation to WACO and the fine job he did for the citizens of that area.

#### ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Administrative Reports on 8015 Maple Avenue, City Administrator Nichols reported there is a petition to combine two lots into one, and that a pre-preliminary plan was filed by the owner with the Park and Planning Commission. Mayor Abbott inquired as to when the definition of County codes would be determined, and whether the County could be pressured to rule forthwith on size of the proposed garage and number of vehicles allowed. The City Administrator stated that a plan had not been formally submitted to the County for a ruling at this point in the process; the pre-preliminary plan is at the owner's option and not a formal requirement. Regarding 308 Elm Avenue, stated the property owner was advised to return when he had obtained the required square footage; Council did take a position of opposition to the nature of the variance requested, however, the Board of Appeals will not consider the request as long as the required square footage is lacking. As to Special Exception (#S-807), Washington Adventist Hospital, the Mayor and Council will be considering their position on May 18, prior to budget worksession. A presentation by the hospital will be made at the next meeting of the Longbranch-Sligo Citizens' Association, following which the association will furnish Council their input on the requested Special Exception.

2. Proposed Ordinance to adopt Montgomery County's Condominium Conversion Legislation (Chapter 11A, Montgomery County Code) as emergency measure. Mayor Abbott pointed out the matter was put on Council's agenda because of developments at 7777 Maple Avenue. He introduced Mr. Joe Giloley, Program Manager, Condominium Information Center, Montgomery County Government, who discussed current state and county laws and ordinances, at length, implications of Takoma Park adoption of County legislation, and responded to Council's questions. Mayor Abbott inquired as to whether, if Council adopted the county legislation as an emergency measure, it could then, within a short time, choose to make changes and promulgate its own City of Takoma Park legislation--there was general agreement that this was possible. In response to query, Mr. Giloley pointed out that only the Maryland Secretary of State can determine the validity of notice given to tenants at 7777 Maple Avenue. Mr. Gingerich advised that the City should adopt the County's legislation in toto, not piecemeal. It was moved by Councilmember Garcia and duly seconded that the discussion constitute a first reading of the proposed ordinance; the motion failed by a vote of

aye (three) to nay (four).

Councilmember Williams made a motion, duly seconded by Councilmember Eckert, that the proposed ordinance on condominium conversion, Montgomery County Code, be adopted as an emergency measure until such time as the City can formulate its own legislation. Councilmember Eckert suggested amending the motion to set a six month limit on the exploration of creating City legislation on the subject; amendment subsequently withdrawn. Following discussion, the Mayor's and Councilmembers' expressions of their opinions, Ordinance No. 2607 was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Eckert, and Williams. NAY: Councilmembers Faulkner, Garcia, and Iddings. EXCUSED: None.

ORDINANCE NO. 2607

WHEREAS, the Mayor and Council wish to provide the tenants and prospective purchasers of condominium units within Takoma Park with the best information possible as to their options and rights; AND

WHEREAS, Sec. 11A-13 of Chapter 11A, "Condominiums, of the Montgomery County Code provides that, upon adoption of Chapter 11A, a municipality may request the County to administer and enforce the provisions of that chapter within its corporate limits.

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

SECTION 1. THAT Chapter 11A, "Condominiums," of the Montgomery County Code, 1972, as amended, be hereby adopted, and any amendments, standards, regulations or ordinances adopted by the County pursuant to this Chapter shall apply to the the Montgomery County portion of Takoma Park, Md.; AND

SECTION 2. THAT the Mayor and Council of the City of Takoma Park hereby requests the Montgomery County Council, through its Office of Consumer Affairs, to provide for the administration and enforcement of Chapter 11A within the Montgomery County section of the City; AND

SECTION 3. FURTHER THAT this ordinance shall become effective immediately following the necessary administrative arrangements between the City Administrator and appropriate County officials.

Sec. 11A-13 of Chapter 11A, "Condominiums, of the Montgomery County Code provides that, upon adoption of Chapter 11A, a municipality may request the County to administer and enforce the provisions of that chapter within its corporate limits.

Councilmember D'Ovidio moved that the City Office of Landlord-Tenant Affairs notify tenants currently affected or threatened by condominium conversion, of additional rights and options under Montgomery County law, and that an ad hoc committee be established to draft a condominium ordinance for the City and investigate implications of such projects for other municipal ordinances, including the landlord-tenant relations ordinance as amended, and that membership of the ad hoc committee comprise the City Administrator, Corporation Counsel, two Councilmembers appointed by the Mayor, and that the Committee within 60 days present a report and draft condominium ordinance to the Council. The motion was duly seconded by Councilmember Iddings and upon Council vote, carried unanimously.

PUBLIC HEARING OF CITIZENS' SUGGESTIONS ON FEDERAL REVENUE-SHARING FUNDS FOR FISCAL YEAR 1983

The Mayor pointed out that the record was open, all comments were

invited, and there would be further provision for participation as well. The hearing was continued to the next meeting.

PUBLIC HEARING ON FISCAL YEAR 1983 BUDGET

The Mayor pointed out that several opportunities for citizen participation and testimony are upcoming, deferred the hearing due to the late hour.

3. Historic Preservation Committee Ordinance. It was pointed out that the ordinance has had two readings and comment by the Corporation Counsel in a memorandum dated April 30, 1982. Mayor Abbott's motion to adopt the ordinance was duly seconded. Councilmember Iddings moved to amend the ordinance as follows: 1) At end of Section 1, add the sentence: "The Historic Preservation Committee shall be a standing Committee for the City." 2) In Section 2, delete the phrase "and shall be added to the Takoma Park Municipal Code." 3) Article II, Section 6, page 6, amend to read "The Committee is hereby authorized to represent the City and its positions and interests on all issues of historic preservation. . . ." 4) Section 6 should be corrected by changing the word "Committee" to "Commission" in "Historic Preservation Commission of Prince George's County." In a vote on the amendments, Councilmember Iddings' motion, duly seconded, carried unanimously. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, Eckert, D'Ovidio, Faulkner, Garcia, Iddings, and Williams. NAY: None. EXCUSED: None.

ORDINANCE NO. 2608  
(Attached)

4. Prince George's County Sectional Map Amendment implementing certain aspect of Takoma Park Master Plan. City Administrator Nichols will attend the hearing, May 13. He pointed out the area of most significant concern has been that raised by Exxon Corporation, whose representative, Paul Rodbell, Esquire, was present to answer questions. Mr. Nichols pointed out that the sectional map amendment recommends that the portion of the property on which service station is located (at New Hampshire Avenue and East-West Highway), now zoned C-1, be changed to C-S-C zoning. He said C-1 and C-2 are being phased out and consolidated into C-S-C zoning. Mr. Rodbell stated he would bring to the attention of Exxon, his client, the expressed concerns about screening and buffering, and would encourage Exxon to take action without waiting for further discussion. Councilmember Faulkner moved that the change in the master plan be allowed, provided adequate screening is provided for the residential area. It was thus moved and duly seconded that the County position be C-S-C for that area, provided adequate screening was provided, and that any vehicular access to Auburn Avenue would be prohibited. On Council vote, all voted AYE; the motion carried. Councilmember Faulkner pointed out he was absent when the Resolution on the Master Plan was passed, at last week's meeting and wished to make his support a matter of record.

5. Appointment of city representative to County's Community Block Grant Citizens' Advisory Committee. Responding to the Mayor's request for nominations, it was moved that Councilmember D'Ovidio represent the City, and that a citizen alternate be appointed at a later date. On Council vote, after the motion was duly seconded, all voted AYE: the motion carried.

6. Appointment of citizen members to Corporation Counsel Search Committee. Two Councilmembers screened applications and Councilmember Eckert reported applicants had been first reduced to 20. He discussed selection criteria and noted that very qualified citizens applied, making the decision extremely difficult. The final five presented were John Fleming, Virginia Gallagher, Stanley Parris, Jean Davis, Woody Peterson. It was moved and seconded that the Council appoint these citizens to be representatives on the Screening Committee, to be supplemented by Councilmembers Faulkner and Eckert (Chairman). On

Council vote, all voted AYE; the motion carried. Councilmember Iddings asked if City offices could prepare letters to all citizens who applied and also to individuals who were appointed; City Administrator Nichols assented.

7. Charter Amendment deleting the 5% Reserve Fund and substituting a 2% General Contingency Fund and a 1% Capital Improvements Reserve Fund in Section 1.4 of the City Charter. The meeting constituted the amendment's first reading, it was agreed; there will be a public hearing and second reading after the Council meeting May 24. Mayor Abbott asked that this be covered in a newsletter article.

PROPOSED CHARTER AMENDMENT  
(Attached)

8. Vacancy control, residency requirement and Mayor and Council as COLTA appeals body. Councilmember Williams proposed that these amendments be discussed in worksession and be added to the next regular Council meeting agenda. It was moved and seconded that this course of action be followed.

Upon motion, duly seconded, the meeting adjourned at 12:30 A.M., to reconvene on Monday, May 24, 1982, at 8:00 P.M. in regular session.



PROPOSED CHARTER AMENDMENT

SECTION 1. THAT Section 1.14 (b) of the Charter of Takoma Park, Maryland be amended to read as follows:

Section 1.14. Budgets generally.

(b) Against the total revenues thus estimated, the council shall apportion such sums as, in its judgement, may be necessary and proper to meet the various itemized requirements of the city during the said fiscal year as far as such requirements can be estimated; provided, however, that the total of such proposed expenditures shall ~~not exceed ninety-five per cent of the estimated revenues of the city;~~ include a General Contingency Account which shall be equal to but not less than two per cent (2%) of the total budget revenue of the city. ~~the remaining five per cent of said estimated revenues shall be maintained as an emergency fund~~ The General Contingency Account shall be maintained to meet extraordinary or unanticipated expenditures as the council may direct; additionally, during any fiscal year, the City Administrator may under the authority vested in his office allocate up to one-third (1/3) of the General Contingency to be expended for the delivery of services which the mayor and council have approved through the budget process for that fiscal year, and for which the budgeted amounts for said services are inadequate. The City Administrator shall submit a written report to the mayor and council at the close of each quarter. The report shall detail any expenditures made from the General Contingency Account and explain the reason for the expenditures. In addition to the General Contingency Account, beginning not later than Fiscal Year 1984, the budget for each fiscal year shall include an amount to be held in a reserve fund, which shall be equal to but not less than one per cent (1%) of the total budgeted revenue, for the exclusive use of such capital improvement expenditures as the council may authorize.

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

--- denotes deletions

Underscoring denotes additions

ORDINANCE NO. 2608

WHEREAS, the City of Takoma Park, Maryland, was one of the first planned suburbs of our nation's capital and has within its corporate limits two districts on the National Register of Historic Places, in addition to other historic resources outside these districts; and

WHEREAS, these historic districts and resources preserve the historical and cultural heritage of the City of Takoma Park, and significantly enhance the quality of life in the City, thus ensuring that the City remains an attractive and desirable community in which to live; and

WHEREAS, both the Montgomery County Council and the Prince George's County Council have adopted ordinances entitled "Preservation of Historic Resources," providing for the preparation of master plans for historic preservation, for the establishment of Historic Preservation Commissions, and for other measures for regulation and preservation of historic resources in the respective counties; and also providing for the creation of local advisory groups for historic preservation to advise and assist the Historic Preservation Commissions; and

WHEREAS, the City of Takoma Park Master Plan recommends that the City establish its own body for historic preservation oversight:

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

Section 1. The Mayor and Council deem it necessary to create an Historic Preservation Committee for the City of Takoma Park, Maryland, in order to

- a.) strengthen the role of the City in matters pertaining to historic preservation within the corporate boundaries of Takoma Park, Maryland; and
- b.) ensure the preservation of the City's historic character as manifested in its historic buildings, districts, and resources.

The Historic Preservation Committee shall be a standing committee of the City.

Section 2. The following Articles and Sections shall be adopted in their entirety as the "Provisions for an Historic Preservation Committee," to read as follows:

## Provisions for an Historic Preservation Committee

## Article 1. General.

Sec. 1. Purpose. It is the purpose of this ordinance to create an historic preservation committee, to define the organization and scope of activities of said committee, and to authorize said committee to represent the interests of the City before the Historic Preservation Commission of Montgomery County and the Historic Preservation Commission of Prince George's County.

Sec. 2. Definitions. For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section.

"Appurtenances and environmental setting" shall mean the entire parcel, as of the date on which the Historic Resource is designated on a master plan for historic preservation, and structures thereon, on which is located an historic resource and to which it relates physically and/or visually. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), vegetation (including trees, gardens, lawns), rocks, and waterways.

"Board" shall mean the County Board of Appeals of Montgomery County, Maryland.

"Commission" shall mean either the Historic Preservation Commission of Montgomery County, Maryland, or the Historic Preservation Commission of Prince George's County, Maryland.

"Committee" shall mean the Historic Preservation Committee of Takoma Park, Maryland, as herein defined.

"Day" shall mean a calendar day, unless otherwise specified.

"Demolition by Neglect" shall mean the failure to provide ordinary and necessary maintenance and repair to an historic site or an historic resource within an Historic District whether by negligence or willful neglect, purpose, or design by the owner or any party in possession of such a site, which results in any of the following conditions:

- (1) The deterioration of exterior features so as to create or permit a hazardous or unsafe condition to exist; and/or
- (2) The deterioration of exterior walls, roofs, chimneys,

windows, the lack of adequate waterproofing, or deterioration of interior features or foundations which will or could result in permanent damage, injury or loss of or to the exterior features.

"Director" shall mean either the Director of the Department of Environmental Protection of Montgomery County, Maryland, or his designee, or the Director of the Department of Licenses and Permits of Prince George's County, Maryland, or his designee.

"Exterior Features" shall mean the architectural style, design and general arrangement of the exterior of an historic resource, including the color, nature and texture of building materials, and the type of style of all windows, doors, light fixtures, signs or other similar items found on or related to the exterior of an historic resource.

"Historic District" shall mean a historic resource comprised of two (2) or more properties which are significant as a cohesive unit and contribute to historical, architectural, archeological, or cultural values, which has been so classified in the master plan for historic preservation for the county in the County in which the district is located. A historic district includes all the property within its boundaries.

"Historic resource" shall mean a district, site, building, structure or object, including its appurtenances and environmental setting, which is significant in national, state or local history, architecture, archeology or culture.

"Historic site" shall mean any individual historic resource that is significant and contributes to the historical, architectural, archeological or cultural values within the Maryland-Washington Regional District and which has been so designated on the appropriate master plan for historic preservation.

"Master plan for historic preservation" shall mean either the Master Plan for Historic Preservation for that portion of Montgomery County within the Maryland-Washington Regional District or the Historic Sites and Districts Plan, Prince George's County, Maryland for that portion of Prince George's County within the Maryland-Washington Regional District, as appropriate.

"Permit" shall mean an Historic Area Work Permit issued by the Director authorizing work on an Historic Site or an historic resource located within an Historic District.

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"Planning Board" shall mean either the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission or the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission.

Article 2. Historic Preservation Committee of Takoma Park.

Sec. 3. Creation of Committee. There is hereby created a committee to be known as "The Historic Preservation Committee of Takoma Park, Maryland."

Sec. 4. Organization of Committee.

A. Membership. The Committee shall consist of seven (7) voting members appointed by the Mayor of Takoma Park, subject to the approval of the City Council, and three (3) ex officio members. Each voting member shall be a resident of Takoma Park, Maryland. The ex officio members shall be the Mayor of Takoma Park, or his designee from the City Council, and one member from each of the Commissions. The voting members of the Committee shall include, to the extent possible, a citizen with expertise in history, a citizen with expertise in architecture or art history, a citizen with expertise in construction or business, and at least one citizen with demonstrated interest in historic preservation. The members of the Committee shall, to the extent possible, be selected to represent the cultural, social, economic, and geographic interests of the City. In appointing members, the Mayor and City Council shall ensure that these areas of expertise and interest are, to the extent possible, represented on the Committee.

B. Term. The term of members of the committee shall be for a period of two years, except that the terms of the initial appointments shall be staggered so that no more than four appointments shall expire each year. No member may serve more than two (2) consecutive terms.

C. Officers. The Committee shall elect at its initial meeting, and thereafter as specified in the Committee bylaws, a Chair and Vice-Chair, and shall inform the Mayor and City Council of its choices. The Chair, in addition to his/her normal duties, shall serve as the Committee's liaison to the Mayor and City Council and to the two Commissions. Officers shall hold their offices for a one year term.

D. Vacancy. Any vacancy in the membership of the Committee caused by the expiration of a term, or by resignation or death, or by superseding incapacity to discharge duties, or by a change in residency status, or by a removal for cause,

or by any other cause creating such a vacancy shall be filled for a new term, or for the remainder of the term for which there is a vacancy, as the case may be, in the following manner:

- 1.) The Mayor and City Council shall solicit interested parties to make application in a manner to be specified by the City Council for the vacancy or vacancies.
- 2.) All applications shall be forwarded to the Committee which shall interview applicants and shall recommend a candidate or candidates to the Mayor.
- 3.) Nomination and appointment of the successful candidate or candidates shall proceed as provided in section 4.A above for the nomination and appointment of the initial members of the Committee.

E. Removal for Cause. A member may be removed for cause from the Committee by majority vote of the City Council. Before taking such a vote, the City Council shall notify the Committee membership by letter of its proposed action and shall allow 21 days for the Committee to review and comment on the proposed action. After the City Council has received comments from the Committee, it may proceed to vote on the proposed action.

F. Bylaws. The Committee may adopt such rules and bylaws as it deems necessary for the effective execution of its duties. Such rules or bylaws shall be made available to the Mayor and City Council for their review.

G. Meetings. The Committee shall hold regular meetings on a bimonthly schedule, and may hold additional special meetings, which, in its discretion, are necessary to discharge its duties. Such additional special meetings shall be called by the Committee Chair, or by request of a majority of Committee members. All meetings of the Committee shall be adequately publicized and shall be open to the public, except when discussing a proposed removal of a Committee member for cause.

Sec. 5. Scope of Activities. The Historic Preservation Committee of Takoma Park, Maryland, shall have the following duties:

- A. When requested, to advise and assist the Commissions in the performance of their duties, insofar as it affects historic preservation within the City.
- B. To research and document historic resources in the City and to recommend to the appropriate Commission that certain

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of these historic resources be considered for designation as Historic Sites or Historic Districts on the appropriate master plan for historic preservation.

C. To maintain and update an inventory of historic resources within the City of Takoma Park, Maryland, and to transmit from time to time said inventory to the Commissions or to other agencies, as appropriate.

D. To monitor historic resources within the City of Takoma Park, and to notify the Director of any circumstances, such as demolition by neglect, which would seriously impair the historic resource or the historic and architectural value of surrounding historic resources or would impair the character of an Historic District; to coordinate such monitoring with other local groups within the City charged with similar duties.

E. To review applications for Historic Area Work Permits which have been forwarded by the Commission to the City; to gather local comments on said application; and to prepare comments representing the position of the City on said application; and to communicate these comments to the Commission.

F. To recommend to the Mayor and City Council and to the Commissions programs, policies, and legislation that encourage historic preservation in the City of Takoma Park and generally in the Maryland-Washington Regional District.

G. To review any legislation and proposals affecting historic preservation within the City of Takoma Park, including preparation of master plans, and to make recommendations on said legislation and proposals to the appropriate authorities.

H. To advise the Mayor and City Council on all historic preservation issues and on such matters which they choose to refer to the Committee.

I. To serve as a clearinghouse for information on all aspects of historic preservation for the Mayor and City Council, the Takoma Park Municipal government, individuals, developers and contractors, citizen's associations, and historical societies; to provide information and educational materials for the public; and to undertake activities that advance the goals of historic preservation within the City.

Sec. 6. Authority. The Committee is hereby authorized to represent the City and its positions and interests on all issues of historic preservation before the Historic Preservation Commission of Montgomery County, Maryland, and the Historic Preservation Commission of Prince George's County, Maryland.

Sec. 7. Annual Report. The Committee shall publish an annual report by January 30th of each year to inform the Mayor, the City Council, and the general public about the Committee's activities; and to make appropriate recommendations to further the goal of historic preservation in the City.

### Article 3. Procedures.

Sec. 8. General Advisory Procedures. After consulting with the Commissions, the Committee shall adopt procedures to encourage owners of historic resources and/or property located in an Historic District to seek the advice of the Committee prior to filing an application for an Historic Area Work Permit, on the appurtenances and environmental setting appropriate to the resource, construction methods and materials, financial information concerning historic preservation or any other matter affecting the issuance of the aforesaid permit.

Sec. 9. Review of Applications for Historic Area Work Permits.

A. Scheduling of Review. Upon receiving an application for an Historic Area Work Permit, the Chair of the Committee shall place the application on the Committee's agenda for review within 21 days of the application's receipt. In scheduling the review, the Chair shall ensure that the Committee's comments and recommendations concerning the application can be communicated to the Commission before the Commission formally considers said application.

B. Notification. The Chair shall notify the following groups and individuals of the meeting at which the application will be reviewed:

- 1.) the members of the Committee;
- 2.) the applicant;
- 3.) the immediate neighbors, as customarily defined by the City, of the historic resource for which the application is being made;
- 4.) any neighborhood, civic or other organizations which may have an interest in the application;
- 5.) other interested parties, as appropriate.

The notification shall include the date and time of the meeting and a summary of the application. Members of the Committee shall also receive copies of the application. A copy of the notification, the application, and any supplementary materials in support of the application shall be placed in the Takoma Park City Library, where they will be available for review.

C. Review of Application. When the application is reviewed by the Committee, the procedure will be informal, and formal rules of evidence will not be applicable. Interested persons will be encouraged to comment, and minutes of the proceedings



will be kept.

D. Action by the Committee.

(1) Issuance of Comments and Recommendations. Within ten (10) days after the application was reviewed, but sufficiently before the public appearance scheduled by the Commission, the Committee shall issue its comments and recommendations. Comments shall include but not be limited to:

- (a) a summary of the application;
- (b) a summary of the comments made at the review of the application or submitted in writing to the Committee;
- (c) the findings of the Committee; and
- (d) a justification for the recommendation(s) made by the Committee.

The Committee may recommend to the Commission that the permit be issued, be issued subject to conditions or be denied.

(2) Criteria for Recommendations. In making its recommendations as specified in Sec. 8.D.(1) above, the Committee shall adhere to the following criteria:

- (a) If the application was made to the Department of Environmental Protection, Montgomery County, Maryland Chapter 24, Section 8 of the Montgomery County Code 1972 as amended shall apply.
- (b) If the application was made to the Department of Licenses and Permits, Prince George's County, Maryland Section 29-111 of the Prince George's County Code shall apply.

(3) Distribution of Comments and Recommendations. The Committee's comments and recommendations shall be distributed to the applicant, the Commission, and to interested parties who request copies. A copy shall also be placed in the Takoma Park City Library, to be attached to the application and retained for a period of one (1) year. In addition, when the Commission considers the application in the public appearance for the application, the Chair of the Committee or his designee shall represent the Committee at said public appearance and, if required, will testify to the Commission on behalf of the Committee.

E. Amendment of Procedures. From time to time, the Committee shall review these procedures and may recommend amendments to them for the City Council's consideration.

Article 4. Miscellaneous Provisions.

Sec. 10. Effective Date. Section 3 of this Ordinance authorizing

the establishment of the Historic Preservation Committee shall become effective upon adoption of the Ordinance. The remainder of this Ordinance shall become effective upon the establishment of the Committee or within 60 days of adoption of the ordinance, whichever comes first.

Sec. 11. Severability. The provisions of this Act are severable, and if any provision, sentence, clause, section, word, or part thereof, is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, words, or parts of the Act or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Act would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section, word or part, had not been included therein, and if the person or circumstance to which the Act or any part thereof is inapplicable had been specifically exempted therefrom.

Section 3. It is the intent of the Mayor and Council that the Takoma Park Historic Preservation Committee be recognized by each of the County Historic Preservation Commissions as the local advisory panel or local advisory committee for that portion of Takoma Park under each Commission's purview.

Section 4. The City Administrator shall have the authority to provide housekeeping and staff services to the Committee, within limits set by the Council, and shall provide a record of expenses incurred.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND MAY 10, 1982.

OVER

THE CITY OF TAKOMA PARK, MARYLAND

MAYOR AND COUNCIL WORKSESSION

May 17, 1982

The Mayor and Council met in worksession at 7:30 PM, May 17, 1982, in the Municipal Building. The Mayor and all Councilmembers were present, as were the City Administrator, the Asst. City Administrator, and Michael Messenger.

The following matters were discussed and acted on as noted:

1. Chairman of the Centennial Committee. The appointment of a replacement for Mary Ann Leary, who has resigned, will be discussed at the pre-Council meeting on May 24.
2. Administrative matters. The matter of two upcoming vacancies was discussed. The City Administrator will advertise for replacements for Linda Bock, Code Enforcement, and Quincy Robinson, COLTA.
3. Additions to long-range agenda.
  - Juniper Street Bridge: a meeting is to be set up with WMATA.
  - The City Administrator and the Mayor are to establish a suggested timetable for addressing the issues on the long-range agenda and, after approval by the Council, will publish it in the Newsletter.
4. Council meeting agenda format. It was agreed that Councilmember D'Ovidio's proposed new agenda format would be tried. It provides a limited amount of time for general citizens' remarks and an opportunity for citizens to speak prior to Council action on all agenda items.
5. Jackson Avenue block party. The Mayor and Council agreed to issue a permit for a block party, as requested, to include approval of an amplification permit and the blocking off of the street.
6. Press Secretary to the Mayor and Council. A revised job description was discussed and approved. The appointment of Michael Messenger to this post will be included in the May 24 agenda.
7. Cost of bringing Council meeting minutes up to date. No additional expenditure of funds was authorized for this purpose. It was the decision of the Mayor and Council that, after completion of the set of minutes in progress, the focus should be on minutes of the current meetings, completing the balance as time permits.
8. Takoma Old Town schedule. The following public briefings are to be held during the period May-July: public and Council briefing on design options (i.e., brickwork, furniture, etc.); a briefing on the urban park design for the Council and Westmoreland Area Citizens' Association. It was agreed that the public improvements work should begin this summer.
9. Reconsideration of three landlord-tenant issues: vacancy decontrol, residency of Commissioners, and Mayor and Council as an appeals body. A public hearing was scheduled for June 7, notice of which will appear in the next issue of the Newsletter. The City Administrator was requested to obtain the following: a current report from COLTA in some detail, and with particular focus on the appeals cases; legal opinions from the Corporation Counsel on the Mayor and Council serving as the appeals body, and the possibility of licensing apartments by the City.
10. Appointments to ad hoc condominium committee: Mayor Abbott and Councilman Williams, along with the City Administrator and Corporation Counsel, were appointed to serve on the committee.
11. Historic Preservation Committee membership. In accordance with the provisions of the ordinance, there are to be 7 voting members appointed by the Mayor and Council, and 3 ex officio members. The latter will be filled by Mayor Abbott and a member from both the Montgomery and Prince George's County Preservation Commissions. The voting members are to include citizens with expertise in history, architecture, construction and historic preservation. Councilmember Iddings is to prepare an article for the June issue of the Newsletter.

May 17, 1982

12. Insurance claim--Mrs. Bennett, Birch Avenue. The City Administrator was directed to contact the insurance company to the effect that anything short of repair of Mrs. Bennett's car is unacceptable and that the matter had been handled with something less than sensitivity to Mrs. Bennett, who is a victim of circumstance.

13. Antiklan Network. A resolution in support of the Anti-Klan Network is to be prepared for presentation at the May 24 meeting.

14. Letter from Local 400, UF & CWA Union re Shapiro's Food Town, Piney Branch Road. The City Administrator was instructed to include this in the Communications section of the May 24 Council meeting.

15. Operation Turnaround Board. Copies of the ordinance are to be provided the Mayor and Council in next package.

16. CATV/Montgomery County. Bruce Moyer, Chairman of the City CATV Committee was named as Councilmember Bradley's alternate to the Montgomery County Cable Commission.

The meeting adjourned at 12:02 A.M.

May Mayor and Council Worksession

May 18, 1982

The Mayor and Council met in worksession on May 18, 1982, at 7:30 PM. Present were: Mayor Abbott; Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Iddings and Williams; City Administrator Nichols, Asst. City Administrator Schnuer, Public Works Director Robbins and Michael Messinger.

The Mayor and Council considered the City's position of Washington Adventist Hospital's revised plans for an ambulatory care facility (Special Exception No. S-807) and directed the City Administrator to prepare and transmit a letter stating the position agreed on. It is contained in the letter below dated May 19, 1982.

City of Takoma Park, Maryland

OFFICE OF CITY ADMINISTRATOR  
TELEPHONE 270-1700



7500 MAPLE AVENUE  
TAKOMA PARK, MD. 20912

May 19, 1982

Mrs. Dollie Kyte  
Clerk to the Board  
Montgomery County Board  
of Appeals  
County Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

RE: Special Exception  
No. S-807

Dear Mrs. Kyte:

The Mayor and Council of the City of Takoma Park do not oppose the concept of the ambulatory care facility, as an appropriate extension of the services provided by the Washington Adventist Hospital to the metropolitan area. However, they do oppose the granting of the proposed Special Exception No. S-807.

The abrupt and significant changes proposed in the nature of the plan this past April did not afford the City the minimum amount of time necessary to adequately consider the full impact of such a significant structure on the community. This change in location poses both substantive and procedural problems which the Board of Appeals cannot overlook, among which are increased traffic on Carroll Avenue, a much greater impact at the intersection of Carroll and Flower Avenues because of this increase, diminution of trees and green-space, and the proposed demolition of the historic Washington Sanitarium.

The Mayor and Council stand ready to hear, debate and negotiate these issues with the Hospital. However, not having this opportunity to enter into such negotiations, the Mayor and Council have no other alternative but to ask the Board of Appeals to deny the request for Special Exception.

Sincerely,

Alvin J. Nichols  
City Administrator  
for the Mayor and Council

Pre-Council Session of the Mayor and Council

May 24, 1982

7:30 P.M.

The following matters were discussed and actions taken as indicated:

1. Authorization was given by the Mayor and Council for the City to purchase trousers for the Community Band through the Maryland State Agency for surplus property. The trousers are to be purchased by the band from the City at cost.
2. The Mayor and Council determined that (1) the City should not attempt to arbitrate civic association boundaries for inclusion in the Master Plan; (2) the important boundaries to be delineated were those of the neighborhood planning areas; and (3) if there is inter-civic association controversy over boundaries, the association maps should either be left out of the master plan altogether or overlays should be included showing what each association defined as its boundary.
3. Mayor Abbott offered four names as possibilities for the Chairperson of the Centennial Committee: Mary Anne McGuire, Roderic Davis, Phil Vogel and Jack Hammond. Selection of a chair or co-chair was deferred until all the candidates could be polled on their interest in the position.
4. The following items were added to the agenda for that evening: application for licensing of the Hollywood Health Spa on Holton Lane under new massage parlor laws; the variance request (Appeal No. A-912) for construction of exterior stairway at 505 Tulip Avenue.

APPROVED \_\_\_\_\_

Sam A. Abbott  
Mayor

ATTEST: \_\_\_\_\_

Alvin J. Nichols  
City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
May 24, 1982

AGENDA

- 8:00 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 MARCH 22, 1982 REGULAR COUNCIL MEETING
- MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS
1. Resolution in support of Metropolitan Washington Anti-Klan Network activities in Poolesville
  2. Other comments/presentations
- 8:10 PUBLIC HEARING TO ELICIT CITIZENS' SUGGESTIONS ON THE USE OF FY-83 REVENUE SHARING FUNDS (continued from May 10 meeting)
- PUBLIC HEARING ON ADMINISTRATIVELY PROPOSED USE OF FY-83 REVENUE SHARING FUNDS
- PUBLIC HEARING ON FISCAL YEAR 1983 CITY BUDGET
- PUBLIC HEARING ON INTENT TO EXCEED STATE-IMPOSED CONSTANT YIELD TAX RATE
- 8:50 REPORT BY CITIZENS CATV COMMITTEE ON RESULTS OF EVALUATION OF PROPOSALS SUBMITTED TO MONTGOMERY COUNTY BY EIGHT CABLE COMPANIES
- 00 ADDITIONAL AGENDA ITEMS
- 9:05 GENERAL CITIZENS' REMARKS (those not directed at items for Council action)
- ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols
1. Communications
  2. Administrative Reports and Recommendations for Council Action:
    - (1) Administrative reports:
      - Announcement of June 7 Public Hearing on Council reconsideration of recent Landlord-Tenant amendments: vacancy decontrol, residency of Commissioners, Mayor & Council as appeals body
      - Report on presentation made to Prince George's County Planning Board requesting conformance with Master Plan in Zoning Text Amendment
      - Report on Montgomery County Sectional Map Amendment  
Public Hearing: June 10
    - (2) Proposed architectural-engineering firm to design and manage the construction of public improvements for Takoma Old Town
    - (3) Proposed charter amendment deleting the 5% Reserve Fund and substituting a 2% General Contingency Fund and a 1% Capital Improvements Reserve (Sec. 1.4, City Charter)
      - Public Hearing
      - Second reading and Council decision
    - (4) Proposed ordinance authorizing solicitation of bids for the demolition of 7106 Sycamore Avenue
      - Citizens' comments
      - First reading
    - (5) Proposed appointment of Press Secretary to the Mayor and Council
      - Citizens' comments
      - Council decision

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council

May 24, 1982

City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember Bradley	Asst. City Administrator Schnuer
Councilmember Eckert	City Clerk Pusti
Councilmember Faulkner	Police Chief Carter
Councilmember Garcia	Public Works Director Robbins
Councilmember Iddings	Recreation Director Ziegler
Councilmember Williams	Corporation Counsel Gingerich

EXCUSED: Councilmember D'Ovidio

The Mayor and City Council of Takoma Park met on May 24, 1982, at 8:20 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 March 22, 1982. Motion carried.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Councilmember Faulkner raised the subject of mailing council minutes; said he felt they should be mailed to citizens' associations and interested citizens. Mayor Abbott stated that the primary reason the mailing of them had been discontinued was for financial reasons; cited the exorbitant amount for mailing bulky sets, and the quantities involved; said they are readily available at the City Office and the Library. Rino Aldrighetti suggested the possibility of bulk mailing and pre-sorting, both of which would lower the cost of mailing, but require more staff time and earlier mailings. Councilmember Faulkner stated that Council had decided that first priority should be put on the most recent meeting in transcribing the minutes.

Mayor Abbott reminded that this is an election year; said in November, it would be to everyone's advantage to help ensure that the county and state officials elected are willing to listen to the problems of municipalities. Cited the poor reception/lack of responsiveness on the part of Senator Mathias' staff to making the nuclear freeze Resolution a part of the Senate Resolution regarding disarmament proposals as requested by a committee from Takoma Park and Garrett Park; they offered the standard arguments. As contrast, mentioned Congressman Barnes' receptiveness, the fact he did include the nuclear freeze Resolution in proposals he is preparing as a member of the Foreign Affairs Committee of the House. Said Congressman Barnes was very pleased at the turnout of citizens at his local meetings; mentioned he will be holding a community forum on June 21 at the junior high school. Said that on May 10, Council met with State Senator Dorman, who, since the district has been changed, represents the City. One suggestion offered at this meeting was that the City hold an advisory referendum in November on the unification issue, which would provide an unofficial tally on the question. Mentioned that on May 24, Democratic candidate for Sheriff of Montgomery County, Tony Fisher, spoke to members of Council; said he was a welcome change from the usual candidates for that position, highly professionally competent and qualified for the job. Stated that Governor Hughes would be at the Municipal Building on May 25; urged all citizens to attend. Said the twelve School Board candidates have been invited to appear at the junior high on June 18 to respond to a set of questions that was mailed to them; their response has also been requested in writing. Said the election of the school board could reopen favorably the whole question of closure of the junior high school. Stated it is essential people participate and ensure that enough candidates are elected to form a majority to overturn the disastrous recommendations of the present board.

1. Resolution in support of Metropolitan Washington Anti-Klan Network activities in Poolesville. Councilmember Iddings presented and read the Resolution as well as the "Statement of Support." Upon motion by Councilmember Iddings, duly seconded, the Resolution was adopted unanimously. (Resolution Attached)



City Administrator Nichols stated there had been a recent incident of a swastika painted on a Takoma Park sidewalk which the police department investigated and turned over to the Montgomery County Human Relations Committee to investigate also. Said the police feel it may have been a prank; however, it is being taken seriously and has serious ramifications, regardless of the motive.

ADDITIONAL AGENDA ITEMS

1. Request for a massage parlor license on Holton Lane - Hollywood Health Spa; hearing in Upper Marlboro at 9:00 A.M., May 27 (Councilmember Faulkner)

2. 505 Tulip Avenue variance (Councilmember Iddings)

PUBLIC HEARING TO ELICIT CITIZENS' SUGGESTIONS ON THE USE OF FY-83 REVENUE SHARING FUNDS (continued from May 10 meeting). City Administrator Nichols stated there would be approximately \$86,300 available for expenditure starting July 1; said the possible uses are pretty much unlimited; solicited suggestions from citizens as to uses for the funds. Upon query from Mayor Abbott, City Administrator Nichols stated that the administratively proposed use of FY-83 Revenue Sharing Funds would be placement in the General Fund for application to the budget; said in past years, they have been used for a variety of purposes, e.g., capital purchases, landlord-tenant program; last year they were placed in the General Fund for use in the operating budget. Explained that the formula used to determine the amount the City receives is based on population and tax effort, primarily - usually is between seventy and ninety thousand dollars.

1. Vernon Ricks, 7667 Maple Avenue: questioned if the funds were placed in the General Fund whether they would be used for capital purchases, to help balance the budget, and whether it would forestall any tax increase. City Administrator Nichols stated they would be used, at least in part, for capital purchases, if placed in the General Fund. Mr. Ricks said that while it is not, generally, good practice to use Revenue Sharing Funds to balance the operating budget, in light of the deficit he would favor placing the funds in the General Fund in this instance if it would help hold the tax rate at its present level.

2. John Hemphill, 8112 Flower Avenue: suggested utilizing a portion of the funds to plant trees, especially near apartment buildings (on Roanoke Avenue, for instance) where none exist.

3. John Fleming, 6909 Westmoreland Avenue: mentioned attending a meeting with the City Administrator and small business owners from Area B (the block between Lee Avenue and Route 410); the possibility of funding in the form of low interest/no interest loans was discussed, similar to those being made available to business owners in Area A. Said there is a lot of interest in revitalization in Area B, cosmetic work that needs to be done, and businesses in that area have been waiting for assistance since the late 1970's. In response to query from Councilmember Iddings, Mr. Fleming stated that \$1,000 per business should be an adequate loan amount for paint jobs, etc.; suggested use of the Revenue Sharing Funds for this purpose.

4. Abby Mandel, 7003 Woodland Avenue: stated she is totally opposed to using federal Revenue Sharing Funds for operating expenses; said that was not the intent of the original legislation; it is another way of living beyond the City's means. Mayor Abbott stated he was in agreement with Mrs. Mandel.

5. Ron Albaugh, 7202 Central Avenue: said he supports John Fleming's proposal to the Council, that Area B had gotten lost in the shuffle; said he had been concerned about that area for a couple of years, that some support for the businesses in that area would be a happy event. Asked the City Administrator what was projected for Area B in the Montgomery County Block Grant Program. Mayor Abbott stated nothing was planned at present. Reverend Albaugh requested that Council address this problem. The City Administrator stated that the technical

assistance in Area A was also available on a no cost basis to Area B owners, i.e., architectural design assistance for owners who are ready to make public improvements; said the planning considerations for Area B are on the Council's long-range agenda for this summer; a proposal will be presented in early summer to the Mayor and Council addressing how implementation of revitalization should be handled in that area.

6. Clarence Boatman, 133 Ritchie Avenue: registered complaints about cars parked on his street with no license plates; said the police have done nothing about them; would like to see some of the Revenue Sharing Funds used to dispose of junk vehicles from the streets. Dissatisfied with the code enforcement efforts in the City, that there have been cars parked on private property with no tags for several years, visible from the street. Suggested a portion of the funds might be used for City beautification with tree plantings.

7. Moses Karkenny, 9 Pine Avenue: supported Mr. Fleming's suggestions, but suggested also using some of the funds for the City Library.

8. Vernon Ricks, 7667 Maple Avenue: suggested using some of the funds to make curb cuts for the handicapped, including the area around the Municipal Building and Middle School.

Mayor Abbott queried whether there exists a deadline on deciding how the funds would be used and whether citizens should submit written requests. The Assistant City Administrator stated the decision as to use of the funds should be determined at the time Council adopts the budget, said suggestions would be welcomed with enough time given for evaluation; said budget adoption is scheduled for June 14, suggestions might be accepted the balance of the present week for consideration by Council at their June 1 budget meeting. Mayor Abbott reminded that the purpose of revenue sharing was to address areas of public concern which the general budget could not handle, to beef up programs in deprived areas, etc. The City Administrator reiterated earlier statements as to proposed use of the funds, including reasons for this proposal. Agreed with the Mayor regarding the intent of revenue sharing; however, cited the tight budget constraints within which the City is forced to operate. Said he would take suggestions received and work out cost factors on them prior to the next worksession. Mayor Abbott pointed out that CDBG funds had been diverted almost entirely to Takoma Old Town, and the availability of the Revenue Sharing Funds could permit the accomplishment of needed public improvement projects in other areas of the City.

#### PUBLIC HEARING ON FISCAL YEAR 1983 CITY BUDGET

1. Suzanne Rhodenbaugh, speaking for Westmoreland Area Community Organization: read testimony on behalf of WACO concerning the proposed FY 1982-83 Police Department budget; stated the budget does not reflect a true picture of the total operating costs for the department; does not include capital purchases, costs of gas, oil, servicing, and repair of police vehicles which are included in the Public Works budget. Stated concerns about the ratio of clerical/administrative/detective/crossing guard staff to uniform patrol officers; thought this balance was not in the best interests of public safety. Said more officers should be on the street, suggested foot patrols, especially in the Takoma Old Town, Takoma Tower, WACO, and Metro areas. Said the police should function in cooperation with other departments, such as code enforcement, fire department, zoning, health department, etc., for stricter enforcement of all statutes. Expressed the opinion that crime prevention/block watch system had not proven effective; reiterated requests for foot patrols/more officers on patrol.

Mayor Abbott questioned how Ms. Rhodenbaugh felt about scooter patrol, to which she responded she felt they were better than patrol cars, but not as good as foot patrols. Councilmember Williams said he favors foot patrol as the officer on the beat would become familiar with residents of a given area, loitering and gathering of unruly groups would be discouraged. Ms. Rhodenbaugh commented that the small park near Takoma Tower is not used by residents of the area because of

fear of undesirable persons who tend to congregate there. Mayor Abbott said \$50,000 has been received from the county for redesign of the park to make it more attractive; commented it is the least used park in the county; said he has seen the design plans and they meet the criteria of the specialists on open spaces; said there would be an opportunity for neighbors of the park to see the proposed plans and comment. Councilmember Eckert stated that while there is considerable sentiment favoring foot patrol by the police, and he basically concurs, Chief Carter had pointed out that the addition of foot patrols would cut down the number of officers available to respond to the scene of serious crimes and affect response times. Councilmember Eckert said he felt sure there would be viable alternatives that would permit foot patrol without adverse effect, requested that Chief Carter and the City Administrator present some options at Thursday's Police Department budget meeting that could make foot patrol a reality in the next fiscal year.

2. Richard Nakamura, 7413 Cedar Avenue: recommended that more money be expended on the Library; said an investment in the Library is an investment in the future of the City; would like to see more in the way of outreach programs from the Library to attract youngsters; would like also to see the budget increased for reference, self-help, and children's books.

3. David Prosten, 7428 Carroll Avenue: stated he was upset to see no cost of living increase proposed for City employees; said the last increase City employees received was substantially below the cost of living; said the burden of the economy is being laid on these people's shoulders more than they merit. City Administrator Nichols stated that a four percent raise for all City employees would cost approximately \$100,000 including fringe benefits; said an effort is being made to find additional sources of revenue, money should be forthcoming from Montgomery County. Mr. Prosten stated people's buying power will have declined 10-15% over a 24 month period, that a four percent raise does not keep up with that. Mayor Abbott queried what amount Mr. Prosten would recommend as an increase for employees, to which he responded he would suggest a full cost of living increase if possible; suggested Council might look first at those who are hurting the most, the lower paid employees, and give them a raise. Mayor Abbott stated that what Council of Governments did last year and the year before was to allocate a sum toward cost of living and then divided it such that higher paid employees received a lesser percentage. Mr. Prosten said that if the top 10-15 City officials did not receive raises, the total for a 3-4% raise for the remaining employees should be considerably less than \$100,000. Councilmember Williams suggested if or when money is received from Montgomery County, a cost of living increase could be set and made retroactive.

4. Robert Mandel, 7003 Woodland Avenue: commented favorably on capital outlay items being a separate budget section; however, said there ought to be depreciation tables related to the expected life of various items of capital equipment. Expressed concern that page 1 of the proposed budget indicates the City will have another deficit; said it is hoped to reduce the deficit by sixty percent, which means more borrowing. Said with interest rates as high as they are, this is a serious matter; that to avoid going into debt, we should, at least this time, use the Revenue Sharing Funds to reduce the deficit and cut down on the amount of interest we will have to pay. Said he was happy to see plans for both a contingency fund and a cash reserve.

5. Shirlee Hutmire, 1 Columbia Avenue: stated she was speaking on behalf of her husband, President of the Takoma Park Recreation Council, who was out of town on a business trip. Presented recommendations from the Recreation Council for the City's Recreation Department budget. Said the proposed budget for the Recreation Department is only a little more than three percent of the total City budget. Spoke of the reduction in programs, expressed concern at not being able to employ a temporary professional playground coordinator to oversee and manage summer programs in various City parks; said because of this many necessary functions could not be performed. Also expressed concern at the reduction in Fourth of July Expense during the City's Centennial;

requested this item be increased at least for this particular year.

6. Abby Mandel, 7003 Woodland Avenue: spoke against the proposed amendment deleting the 5% Reserve Fund and substituting a 2% General Contingency Fund and a 1% Capital Improvements Reserve; said she was absolutely opposed to the change. Said the debt service has risen and she objected to any further borrowing, the City should pay as it goes and begin doing so this year. Expressed opposition to appointing a Press Secretary to Mayor and Council. Councilmember Iddings pointed out that the position was volunteer-type, pays only \$1 per year; expressed disagreement with Mrs. Mandel. Mrs. Mandel stated taxes should be raised sufficiently to cover the City's needs rather than planning on borrowing in the spring; suggested curtailing curb, gutter, and street repairs and no hiring of additional employees in order to reduce costs.

7. Steven Rollins, 7520 Maple Avenue: stated he would like to see more money allocated to the Library in the budget; said City employees should definitely be given a cost of living increase and taxes should be raised, if necessary, for that purpose; stated it removes incentive if no increase is given. Said an increase should not be made contingent on possible money from the county. Regarding having police on foot patrol, said that approach does increase support from the community. Expressed support for the proposed appointment of Press secretary to Mayor and Council.

8. Richard Prario, 20 Hickory Avenue: supported the idea of police foot patrols, especially in the Takoma Old Town area; said that this, along with the revitalization effort, would encourage citizens' use of the area, would be especially helpful during evening hours. Said his concern with the budget is in the area of Public Works, that three times weekly trash pickup is excessive, two times (one regular and one special) would suffice for most people; suggested eliminating rear-yard pickup if that would result in time/money saved. Councilmember Garcia stated these options had been discussed but citizens seem to prefer the present setup. Councilmember Eckert pointed out that the major increase in the Public Works budget is the cost of waste disposal; said those costs are rapidly escalating and alternatives to landfill, such as incineration and compacting, will be investigated. Public Works Director Robbins reiterated that alternative methods of disposal are being looked at, would have to be considered for cost effectiveness (whether the City could do it more reasonably than the county).

9. Rino Aldrighetti, 7213 Central Avenue: said he would not like to see a cutback in sanitation services; when services are cut, the reason for local government is lost, the additional taxes paid become unjustified. Said the Capital Improvements Reserve Fund is a good move. Questioned the disparity in money amounts in Sec. 1.14 "Corporate personal Property" tax. City Administrator Nichols explained this is a relatively new tax implemented in the last couple of years; said the City has had a great deal of trouble collecting the revenue because of State assessment records of which corporations are located within the City being slow in being updated. Said the reason the projection for 1981-82 was so high was because it included not only the amount expected to be received this year but also monies late in coming in in 1981, which contributed to 1981's deficit; the 82-83 projection represents only one year. Mr. Aldrighetti remarked he was glad to see that car allowances for administrative personnel formerly included in the budget had been eliminated. Expressed the opinion that the \$25,000 Corporation Counsel Retainer was exorbitant; suggested \$20,000 was adequate, the additional \$5,000 requested could be allocated to the Library; questioned whether Corporation Counsel received pay in addition to the retainer. City Administrator Nichols stated it was his understanding the retainer was based upon the estimated number of hours the Corporation Counsel would be spending on business associated with the City; said the separate account "Legal Counsel Expense" was budgeted to cover work on rent stabilization/Landlord-Tenant type ordinances; that additional pay might be required for instances that exceeded the traditional legal counsel arrangement and required a significant time commitment, such as extended court trial. Councilmember Eckert said that with the search going on for a corporation counsel, it would be an opportune time to

consider not only the question of salary but any other pertinent questions about the position; mentioned the Search Committee would meet on May 26, suggested interested citizens attend.

10. Moses Karkenny, 9 Pine Avenue: supported keeping sanitation services at their present level, said they are excellent. Spoke in favor of police foot patrols, related being assaulted on two different occasions, thought foot patrols might be a deterrent. Did not favor cutting Library staff hours. Said City employees are deserving of a raise and should receive one, even if that meant the necessity of raising taxes.

11. Vernon Ricks, 7667 Maple Avenue: pointed out that 36% of the budget goes to Public Works, 29% to Police, 6% to Library and approximately 3% to Recreation. Said that while over 53% of the population of the City are tenants/renters, only a small portion of the budget is allocated to services that directly serve/benefit those people. Said most of those families have children and young people and would utilize offered recreation services a great deal. Spoke favorably of the idea of police foot patrols, but felt it would require increasing the number of police on duty, otherwise response time could be severely affected. Expressed concern at the proposed appointment to the position of Press Secretary to Mayor and Council of an individual who served the City for a period of one year and eleven months and then left to participate in the re-election campaign.

12. Clarence Boatman, 133 Ritchie Avenue: spoke strongly against cutting sanitation services. Said he thought police foot patrols would be more effective in some areas than others; if implemented, the areas should be carefully chosen. Stated the City Library should continue to be supported; mentioned a lack of enforcement of ordinances by Code Enforcement Division and the Community Improvement Board, also lack of enforcement of the leash law pertaining to dogs.

Councilmember Eckert questioned why, over a four-year period, the City had gone from a \$300,000 budget surplus to a \$180,000 deficit; said citizens should be asking why and whose fault it was.

#### PUBLIC HEARING ON INTENT TO EXCEED STATE-IMPOSED CONSTANT YIELD TAX RATE

Mayor Abbott explained that the taxes are based on state assessments, that assessments are going up; said the tax rate is determined by Council. Said the City had received a communication from the State Department of Assessments and, by law, has to inform them of the City's intent to exceed the constant yield tax rate. Said the present tax rate is \$1.57 and that, based upon the increased assessments, a tax rate of \$1.52 for Prince George's County and \$1.53 for Montgomery County would bring in the same amount of money for the City.

City Administrator Nichols explained that property in Maryland is assessed on a three-year cycle, the maximum increase any property can receive over a three-year period is 15% and it has to be phased in over a three-year period; said it is a very complicated system. Mayor Abbott said that in the June 1 worksession, some idea would be gleaned what the projection on the tax rate would be; said until it is decided what the total budget appropriations will be, the tax rate cannot be worked out. Mayor Abbott questioned whether there were any objections to City Administrator Nichols notifying the Department of Assessments of the City's intent to exceed the constant yield tax rate; no objections were raised.

#### REPORT BY CITIZENS CATV COMMITTEE ON RESULTS OF EVALUATION OF PROPOSALS SUBMITTED TO MONTGOMERY COUNTY BY EIGHT CABLE COMPANIES

Bruce Moyer, 37 Philadelphia Avenue, Coordinator of the Takoma Park Citizens' Cable Committee: said the committee was pleased to announce the final results of their evaluation of the proposals of the 8 cable TV companies applying for the Montgomery County cable communications system franchise. Said committee members had expended over

1,000 man hours over the last four months reviewing and assessing the proposals; acknowledged their devoted and diligent efforts and extended special thanks. Mentioned a summary of the committee's report was available, copies had been provided to Council, and the full report would be available later in the week. Explained criteria used in evaluating the various proposals and the rating system employed. Said the committee will present their findings to Montgomery County at their public hearing on CATV on June 1; requested Council endorse the committee's findings at the present meeting so they become the joint findings of the citizens' committee and the City. Upon query from Mayor Abbott, Mr. Moyer stated that ownership of the 8 firms was deliberately excluded from the evaluation criteria. Spoke on the qualifications of Tribune United, recipient of the committee's highest gross score (also the County's first choice among four top firms), elaborated on some of the services/options they offer; said they propose putting one of five access studios located throughout the county within Takoma Park, as well as a \$75,000 production package in terms of facilities for the City and its use. Said the committee felt that this firm addressed both the needs of the county and Takoma Park. Councilmember Bradley stated she felt the committee had been very fair in their evaluations, praised them for the extremely high quality of the work they had done on the committee. Mr. Moyer pointed out that Tribune United additionally proposes to locate a viewing center/teleconferencing and service center (one of three in the county) within Takoma Park. A motion was made by Councilmember Iddings, duly seconded by Councilmember Bradley, and carried unanimously, that the Mayor and Council resolve to accept the report of the Citizens' CATV Committee as the City's official position, recommending Tribune United as their choice for cable franchise operator for the county, with the Chairman of the committee presenting the City's official position to the county at the June 1 public hearing. Mayor Abbott verbally commended the committee; said their report is a model of brevity, involved a tremendous amount of work not immediately obvious. Councilmember Bradley commented that the committee and Corporation Counsel will be looking at the language of the draft of the Maryland Municipal League agreement, including those provisions relating specifically to the City, to clarify the language. Said draft language is being prepared regarding cable service to apartment dwellers and requiring landlords to provide the service; said that will involve work for the committee and the City.

#### GENERAL CITIZENS' REMARKS

1. Chris Lego, 68 Walnut Avenue: spoke on Westmoreland Area Community Organization problems; mentioned there is an auto repair business at the top of Westmoreland Avenue (in the side of Hoffman's building) that is an incredible nuisance to the community; said they dump fluid waste on the sidewalk and into the street, discard trash carelessly; have junk cars parked not only on the street but also on the sidewalk (and work on them there); paint cars, creating noxious fumes; and create excessive noise. Said WACO has pursued the matter since October; the area is zoned C-1 and it is a violation for them to be there; Mr. DeLange, Montgomery County Zoning Investigator sent the owner of the property a letter of warning, nothing happened. The County Attorney sent a letter to the property owner in February stating the county might take legal action if the owner did not resolve the situation, still nothing happened. The County Attorney now says they will not take legal action because the property owner is suing the tenant for back rent and the county does not want to interfere with that legal action. Councilmember Eckert suggested the City Attorney be apprised of the problem and requested to pursue the matter; said the zoning violations have nothing to do with the owner's problems of owed-rent from the tenant. Corporation Counsel Gingerich stated the City has the authority to file an injunction to enforce the zoning ordinance and if, after a finding of the court that they are in violation, and the injunction says they must cease and desist, they fail to do so, then they are liable for a citation for contempt of court. Said this process has been carried out by the City before. A motion was made by Councilmember Eckert, duly seconded by Councilmember Garcia, and carried unanimously, that Corporation Counsel be directed to take action to procure an injunction against the property on behalf of the City. Ms. Lego pointed out that

speeding traffic is a significant problem, particularly during summer months. Said rush hour motorists use Westmoreland Avenue as a cut-through to Eastern Avenue to avoid traffic signals, frequently ignoring stop signs and endangering children and pets; requested periodic assignment of police officers to monitor speed and other violations; assurance was given the problem would be relayed to the Chief of Police. Presented a petition requesting permit parking on Walnut Avenue, signed by residents of the area (to prevent parking by METRO users).

2. John Redmond, 6910 Westmoreland Avenue, representing the Citizens' Revitalization Committee: said the committee met on May 12, at which time the question was raised whether a summer festival would be held this year in Takoma Old Town; said it was a concensus of opinion of the committee that this was a valuable activity to pursue, requested Council take action to make any resources required available to plan and implement the festival. Assistant City Administrator Schnuer stated the City's involvement would be through the Takoma Old Town Project Coordinators and the allocation of City funds would be their staff time and additional support services such as printing of a flyer, etc. Said block grant funds would be checked in the coming week to see that money is available for these things. City Administrator Nichols pointed out it would be important to ascertain the support of the business owners in the area for the festival.

3. John Fleming, 6909 Westmoreland Avenue: stated he was speaking both as a citizen and a small business owner in the area; said he supports the summer festival, thought it was beneficial to citizens/the community as well as businesses.

4. Ron Albaugh, 7202 Central Avenue: requested Council address the issue of having a commercial code (appearance code similar to CIB's) for the entire City; said businesses as well as citizens agree this is a necessary measure now lacking in the City. Regarding traffic problems in the City, suggested consideration be given to self-regulating measures such as speed bumps, rather than assigning police personnel to specific areas. Thanked Council for their support of the planning process on the Master Plan Sectional Map Amendment; mentioned his participation in the process.

#### ITEMS FOR COUNCIL CONSIDERATION

##### I. Communications

1. City Administrator Nichols read into the record a communication from United Food and Commercial Workers Union Local 400 regarding the swastika-painting incident at Shapiro's Food Town Market on Piney Branch Road, supporting Council's adopted resolution of condemnation of the incident and offered a \$1,000 reward for information leading to the arrest and conviction of the perpetrators. Enclosed with the letter was a brochure distributed by the Union setting forth their complaints with Mr. Shapiro and stating their reasons for picketing the store.

##### II. Administrative Reports and Recommendations for Council Action

1. City Administrator Nichols announced that on June 7 at 8:00 P.M., Mayor and Council would hold a public hearing on reconsideration of three Landlord-Tenant Ordinance amendments: vacancy decontrol, residency of commissioners, and the Mayor and Council as an appeals body. Councilmember Willaims requested that automatic 10% rent increases be discussed as well; it was decided this item would be placed on the long-range agenda for consideration at a later date.

2. Report on Presentation made to Prince George's County Planning Board requesting conformance with Master Plan in Zoning Text Amendment. City Administrator Nichols stated that the Master Plan Sectional Map Amendment had been passed by the Planning Board; said that on June 29 at 1:30 P.M., the District Council would be making its final consideration of the amendment and that it will be important that people from the community attend to testify and support the proposed changes.

3. City Administrator Nichols announced that the Montgomery

County Council would hold a hearing on June 10 in Rockville to consider the Sectional Map Amendment for the Montgomery County portion of the City, to bring it into conformity with the Montgomery County Master Plan.

4. Proposed architectural-engineering firm to design and manage the construction of public improvements for Takoma Old Town. Councilmember Iddings made a motion, duly seconded by Councilmember Bradley, to table this item until Council's meeting on May 27 and to direct the City Administrator to make available to Councilmembers the pertinent documents (letters of qualification, statement of project time and cost, any records of City work previously performed by any of the firms, considerations of the selection board, etc.). Councilmember Iddings explained the reason for his motion was that this is an important decision, selection of the firm should be looked at carefully to ensure the work is done in a manner befitting the character of the area; felt Council needs additional time to study the documents prior to making a decision. Councilmember Faulkner expressed opposition to making a decision such as this at a worksession; felt it should be made at a public meeting. Councilmember Eckert did not support the motion; said it was previously agreed a decision would be made at the present meeting; if that decision were to be delayed for re-evaluation, said he felt all 12 proposals should be re-evaluated (rather than 3) and the entire process opened up for citizen input; stated his preference was to proceed with the original time-frame and act on the matter at the present meeting. Councilmember Bradley spoke in favor of the motion; said she did not feel Council was procrastinating on the decision but she, as well as others, would like more complete information prior to making a decision. Councilmember Garcia opposed the motion; said the Selection Board did exactly what was requested by Council, in conformance with pertinent laws. Mayor Abbott supported the delay for further consideration; said he personally would like to know how close the three top firms were in the evaluation, and felt if the margins were very close, preference should be given local firms. Councilmember Eckert pointed out that locale of the firm was not included in the selection criteria; questioned the legality of changing the rules that way; Councilmember Faulkner supported Councilmember Eckert's statement. Assistant City Administrator Schnuer clarified that the experience of firms in the area is a criteria that may be included and that it was considered in the review of the firms; said federal and county requirements both state that none of the criteria can be non-exclusive; they cannot be used to weed out all but one qualified firm. Councilmember Bradley reiterated she would like more time to consider the issue, particularly in light of existing conflict regarding selection of the firm; said the primary goal is to have the best work done in Takoma Old Town in the most timely fashion, with a maximum amount of citizen input and in an open and fair way. The City Administrator requested that if Council wished to review the process, they first consider the criteria for the selection and, if it is felt the criteria is inadequate or improper, throw the whole process out and readvertise. Said you cannot evaluate proposals that have been submitted if you disagree with the criteria that was provided. Said if Council agrees with the criteria, all the information is available and will be made available to the extent desired. Councilmember Eckert questioned whether the City is legally vulnerable in this situation; the City Administrator stated, to his knowledge, only if recommendation were made of a firm other than those who submitted proposals, or if other than the stated criteria, based upon which the proposals were submitted, were utilized in making a recommendation. Mayor Abbott questioned the possibility of Council making an evaluation, based upon the same criteria, and coming up with a different decision; City Administrator Nichols said this was entirely possible. The original motion to delay Council's decision was passed, with three Councilmembers voting Aye, three voting Nay; Mayor Abbott broke the tie, voted Aye.

5. Proposed charter amendment deleting the 5% Reserve Fund and substituting a 2% General Contingency Fund and a 1% Capital Improvements Reserve (Sec. 1.4, City Charter). Councilmember Garcia made a motion that the amendment be adopted, duly seconded by Councilmember Eckert. The City Administrator explained that following adoption,



there is a 40-day period during which citizens can petition against the charter amendment, and on the 50th day it becomes law if no petitions have been received. Councilmember Faulkner stated he opposes the amendment due to the amounts being too small; said they should be larger, the General Contingency Fund should be 5%. Councilmember Garcia said 5% would equate to \$175,000; the 2% would be approximately \$70,000, which should be adequate for any type of emergency. Councilmember Iddings stated he felt the proposed 2% and 1% were fiscally sound and constituted a reasonable approach. The amendment was adopted by roll call vote as follows: AYE: Councilmembers Bradley, Eckert, Garcia, Iddings, and Williams. NAY: Councilmember Faulkner. EXCUSED: Councilmember D'Ovidio.

Resolution 1982-2

Ordinance No. 2609

(Attached)

6. Proposed ordinance authorizing solicitation of bids for the demolition of 7106 Sycamore Avenue. Samuel Karkenny, 7106 Sycamore Avenue, owner of the property: said the City was interested at one time in purchasing the property for use in the Operation Turnaround Program; questioned whether there was any current interest. The City Administrator stated he mentioned Mr. Karkenny's interest to the Mayor and Council; said Mayor and Council are presently considering making appointments to the Operation Turnaround Board and, once those appointments are made, consideration could be given to purchasing the property. However, the issue at hand is for Mayor and Council to consider the action that would be prudent for preservation of the community at the present time. Said that would not preclude discussions by the Operation Turnaround Board if they chose to consider the purchase (up until the time a bulldozer entered the property for the purpose of demolition). Councilmember Faulkner pointed out that the Board has never recommended purchase of a property offered to the City, only properties that are for sale on the open market. Mayor Abbott pointed out that the ordinance ordering Mr. Karkenny to abate the nuisance existing on this property was adopted almost a year ago - June 8, 1981, and nothing has been done to date. Councilmember Iddings made a motion, duly seconded by Councilmember Eckert, that the ordinance be adopted. Mr. Karkenny spoke at length on the background of his case; claimed he had made some interior improvements to the unit he occupies. Councilmember Garcia stated he felt Council should proceed with the ordinance at hand; if Mr. Karkenny could come forth with concrete evidence in court that he had abated the nuisance, it would be his prerogative to do so. Ordinance No. 2610 was adopted by roll call vote as follows: AYE: Councilmembers Bradley, Eckert, Faulkner, Garcia, Iddings, and Williams. NAY: None. EXCUSED: Councilmember D'Ovidio.

Ordinance No. 2610

(Attached)

7. Proposed appointment of Press Secretary to the Mayor and Council. Councilmember Bradley made a motion, duly seconded by Councilmember Williams, that Council endorse the appointment of Michael Messinger as Press Secretary to the Mayor and Council. Councilmember Faulkner stated he had no objections, but did have some reservations, so intended to abstain. The motion carried with Councilmember Faulkner abstaining, Councilmember D'Ovidio excused, balance of Council voting Aye.

8. Hollywood Spa. Councilmember Faulkner explained that Hollywood Spa has applied for a massage parlor license; said the City has received no notification from the county, but has heard about it from

citizens in Carole Highlands. Said the City has sent a letter requesting a continuance and that should be followed up with a telephone call; the City's objection at not being informed should be voiced. Following discussion, it was agreed that it would be ascertained under what type of permit they have been operating and what changes are proposed for Council's information. Councilmember Faulkner made a motion, duly seconded by Councilmember Garcia, that Council oppose the operation and the granting of any license therefor and notify the county of their opposition; motion carried unanimously.

9. Councilmember Bradley announced there would be a public hearing on June 17 regarding a request for a variance at 505 Tulip Avenue.

Upon motion, duly seconded, the meeting adjourned at 1:12 A.M. to reconvene on Monday, June 14, 1982, at 8:00 P.M. in regular session.

RESOLUTION

WHEREAS, in March of this year, the Elijah United Methodist Church in Poolesville, Maryland was the object of acts of vandalism which were clearly directed at the Black community; AND

WHEREAS, in response to that hate-inspired activity, the Metro Washington Anti-Klan Network has mounted a campaign in support of the church, its minister, and the Black community of Poolesville; AND

WHEREAS, in furtherance of the campaign, a "Statement of Support" has been circulated by the Network, with a request for endorsement of a Campaign Against Racist Violence.

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

THAT we hereby condemn the desecration of the Poolesville Elijah Methodist Church, and urge the citizens of Takoma Park, its community and religious leaders to join us in speaking out against racial violence, and in demanding that those who commit such acts be prosecuted to the full extent of the law.

BE IT FURTHER RESOLVED THAT a copy of this resolution, together with a signed copy of the "Statement of Support," shall be forwarded to the Washington Anti-Klan Network for presentation to Rev. Miriam H. Jackson of the Elijah United Methodist Church at a community meeting on May 26.

MAY 24, 1982.

SECTION 1. THAT Section 1.14 (b) of the Charter of Takoma Park, Maryland be amended to read as follows:

Section 1.14. Budgets generally.

(b) Against the total revenues thus estimated, the council shall apportion such sums as, in its judgement, may be necessary and proper to meet the various itemized requirements of the city during the said fiscal year as far as such requirements can be estimated; provided, however, that the total of such proposed expenditures shall ~~not exceed ninety-five per cent of the estimated revenues of the city~~ include a General Contingency Account which shall be equal to but not less than two per cent (2%) of the total budget revenue of the city. ~~The remaining five per cent of said estimated revenues shall be maintained as an emergency fund~~ The General Contingency Account shall be maintained to meet extraordinary or unanticipated expenditures as the council may direct; additionally, during any fiscal year, the City Administrator may under the authority vested in his office allocate up to one-third (1/3) of the General Contingency to be expended for the delivery of services which the mayor and council have approved through the budget process for that fiscal year, and for which the budgeted amounts for said services are inadequate. The City Administrator shall submit a written report to the mayor and council at the close of each quarter. The report shall detail any expenditures made from the General Contingency Account and explain the reason for the expenditures. In addition to the General Contingency Account, beginning not later than Fiscal Year 1982 the budget for each fiscal year shall include an amount to be held in a reserve fund, which shall be equal to but not less than one per cent (1%) of the total budgeted revenue, for the exclusive use of such capital improvement expenditures as the council may authorize.

(c) For the purpose of this Section there shall not be included general revenues of the city, nor shall the ~~five per cent emergency~~ General Contingency Account or the capital improvement reserve fund requirement be applicable to any balance in a sinking fund set up by the city for the purpose of meeting an outstanding debt of the city or replacing any equipment subject to depreciation or obsolescence, provided that the total amounts in such sinking fund or funds shall not exceed fifty per cent of the value of all equipment of the city subject to depreciation or obsolescence.

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

NOTE: ~~---~~ denotes deletions  
           denotes additions

\*Section (c) was added after the first reading on May 10, 1982, for editorial purposes only.

ORDINANCE NO. 2610

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

SECTION 1. THAT WHEREAS on April 27, 1981, Ordinance No. 2564 was adopted by the Mayor and Council authorizing legal proceedings for condemnation of the building located at 7106 Sycamore Avenue, situated on Lot 14, Block 21, B. F. Gilbert Subdivision within the City of Takoma Park, Maryland, recorded in the Land Records of Montgomery County, Liber 4574, Folio 723, and Tax Record a/c #1064850, Samuel Karkenny; AND

SECTION 2. THAT WHEREAS a Public Hearing was held on May 18, 1981, as prescribed by law, and that the owner or a representative of his choice was given opportunity at that time to show cause why the building should not be declared a nuisance. Minutes of said Hearing being recorded in Minute Book Volume No. 45; AND

SECTION 3. THAT WHEREAS on June 8, 1981, Ordinance No. 2577 was adopted by the Mayor and Council declaring the building located at 7106 Sycamore Avenue a nuisance and ordering that in accordance with Chapter 6, Article 6 (formerly Article 7), Section 6-71 of the Code of Takoma Park, Maryland, 1972, as amended, the owner, Samuel Karkenny, abate code violations PM-301.1 (formerly H-502.0), PM-302.4.5 (formerly H-323.4), and PM-303.3 (formerly H-337.0) and restore the building to a habitable condition or demolish the building and remove all debris within a period of thirty (30) days from May 26, 1981, AND

SECTION 4. THAT WHEREAS the owner has not accomplished, nor made a consistent effort to accomplish, the abatement of any of the aforementioned code violations as ordered under Ordinance No. 2577.

SECTION 5. THEREFORE THAT the Director of Public Works be hereby authorized to solicit and receive at least three sealed bids from reliable persons or firms to demolish the building and appurtenances thereto and remove all debris, weeds and underbrush from same location, AND

SECTION 6. THAT the Director of Public Works report the results of such bids with his recommendation to the City Council for further consideration.

Mayor and Council Budget Worksession

May 27, 1982

The Mayor and Council met in worksession for budget discussions at 7:30 PM, May 27, 1982. The Mayor and all members of the Council were present, as well as the City Administrator and Assistant City Administrator.

During the worksession, the Mayor and Council unanimously voted to convene in a public session to consider the recommendation of the selection committee for the firm to design and manage the construction of the public improvements in Takoma Old Town. (An announcement was made at the May 24 Council meeting to this effect.)

After lengthy discussion, it was moved by Councilman Eckert and seconded by Councilman Faulkner, that the Mayor and Council approve the recommendation of the selection committee (Warring Associates with LDR) to design and manage the construction of public improvement in Takoma Old Town. The vote of the Council was 5:2, with Councilmembers Bradley and Williams voting in opposition to the motion.

Following this the Mayor and Council reconvened in closed budget worksession.

APPROVED \_\_\_\_\_

Sam A. Abbott  
Mayor

ATTEST: \_\_\_\_\_

Alvin J. Nichols  
City Administrator