

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
September 13, 1982

City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember Bradley	Asst. City Administrator Schnuer
Councilmember D'Ovidio	Administrative Assistant Tyree
Councilmember Eckert	Acting Library Director Spottswood
Councilmember Faulkner	Police Chief Carter
Councilmember Garcia	Police Lt. Gowin
Councilmember Iddings	Public Works Director Robbins
Councilmember Williams	Corporation Counsel Culpepper

The Mayor and City Council of Takoma Park met on September 13, 1982, at 8:09 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Mayor Abbott commented that Councilmember Faulkner had requested that the meeting be expedited as the following day would be a busy one for many people (Primary elections). Motions were made, duly seconded and unanimously carried to approve Council Meeting Minutes of April 26, May 10, June 7 and 28, July 12-13, July 19 and 26, and August 9, 1982. Councilmember Garcia abstained from voting on the July minutes as he was not present at those meetings; requested that the June 28 minutes be amended to reflect, under "Mayor Abbott's Comments and Presentations," that he was also in attendance at the meeting with Mr. Hogan which the Mayor and City Administrator attended. Councilmember Faulkner stated that he found no fault with the minutes of the June 7 meeting; however, did question whether actions taken by Council at that meeting in regard to COLTA amendments were legal, requested an opinion from Corporation Counsel be rendered and the actions be put in the form of an ordinance for adoption.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott noted that minutes would now be available on the Friday prior to Council Meetings, and the committee discussing the issues of the minutes would be reporting to the Council on results of a survey now being conducted; suggested that interested citizens and representatives of citizens' associations pick up agendas on the Friday prior to meetings to ensure timely receipt of them. City Administrator Nichols commented that, as a part of the survey being conducted, persons on the agenda mailing list were being queried as to their interest in receiving the minutes by mail and their willingness to pay for them to cover mailing costs. Mayor Abbott requested that the approximate cost of mailing be estimated by the City Administrator. Councilmember Faulkner expressed opposition to charging citizens for the minutes; commended City Staff, the Mayor and Council, for the fine job they did in bringing the minutes up to date; stated he did not hold the staff responsible for the previous lag in preparation, said it is the Mayor and Council who set the priorities for work accomplished by the staff.

PRESENTATION OF CDBG CITIZENS' ADVISORY COMMITTEE PROPOSALS FOR YEAR 9

Mr. Joe Ossi, Chairman of the CDBG Citizens' Advisory Committee introduced some of the committee members present; presented the Mayor and Council with the Committee's recommendations for funding request for Planning Year 9 (FY 1984); the recommendations included: Housing Rehabilitation \$200,000; Maintenance of public buildings (replacement of Library Roof) \$25,000; Recreation and Parks \$75,000; Public Improvements (pedestrian and vehicular thoroughfares) \$150,000; Administrative Costs \$50,000; making a grand total being requested of \$500,000. Said that, at the request of the Council, the commercial revitalization project was not included or discussed this year. Mentioned a recommended \$10,000 energy conservation project which would furnish contractors to caulk and weatherstrip homes from the inside for persons who qualify for rehabilitation loans; recommended continuation of Operation Turnaround at the present level, purchasing and upgrading at least one house per year. Mentioned various projects that would be undertaken under the various funding categories. Thanked Assistant City Administrator Schnuer for his time and assistance on the program. City Administrator Nichols stated that the committee's recommendations

would be discussed by the Mayor and Council at their September 22 work-session, prior to further discussion and adoption at the September 27 regular Council Meeting and presentation to the County on October 1. Councilmember Faulkner stated he had received several complaints that the planning time this year was short; suggested Council consider constituting the Citizens' Advisory Committee now for Year 10 planning, or perhaps retaining and expanding the present committee membership.

ADDITIONAL AGENDA ITEMS

Report on Police incident at Folk Festival (Councilmember Eckert)

GENERAL CITIZENS' REMARKS

1. Abby Mandel, 7003 Woodland Avenue: spoke against the City being in the newspaper publishing business; said it is a controlled press, dangerous, and should be discontinued.
2. Dr. Joseph Lerner, 7708 Takoma Avenue: said he shared Mrs. Mandel's sentiments; did think it would be advantageous to have a newsletter (rather than newspaper) which publishes announcements, schedules of events, etc. Thought this could be done conservatively, utilizing about one-third the present space to cover information. Mentioned that some articles left many unanswered questions; questioned the advertising policy of the publication. Spoke on the organization of the agenda, said it should take into consideration the vintage and importance of issues; cited the proposed ordinance on abandoned, wrecked, junked and dismantled vehicles which was near the end of a previous agenda and accorded little consideration, is near the end of the present agenda.

Councilmember Faulkner remarked that Council should exhibit restraint in their reactions to citizens expressing their opinions, whether or not they agree with those opinions.

3. Saul Schneiderman, 7925 Sligo Creek Parkway: expressed thanks to all those who participated in the Folk Festival; said it was a huge success; proceeds will go to the Takoma Park Junior High Defense Fund.

Mayor Abbott thanked Mr. Schneiderman, Co-chairman David Sawyer, and those persons on the other side of the District line who cooperated by giving up their usual share of the proceeds in order to benefit the defense fund.

ITEMS FOR COUNCIL CONSIDERATION

Communications

City Administrator Nichols announced an Emergency Public Hearing to be conducted September 15, 7:30 P.M., in which the tenant alleges a retaliatory 30-day quit and vacate notice.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

Administrative Reports

1. Police Incident at Folk Festival. Councilmember Eckert stated that in order to inform citizens affected by the regrettable and unfortunate incident, he wished to advise that it is being pursued by the Mayor and Council, City Administrator, and the Chief of Police; due to personnel considerations could not properly be discussed further at present.
2. Status Report on Takoma Junior High. Attorney Gagliardo spoke; said that on July 30, the State Board denied the appeal of the Save Our School Committee; on August 1 a notice of appeal was filed by Corporation Counsel; on August 9 a full appeal was filed in Montgomery County Circuit Court asking that the State Board decision be reviewed and overturned, which could result in an order that the junior high be opened, or reopened. Said in the interim, a motion for reconsideration had been filed by several concerned members of the community representing themselves; on August 25, the State Board denied that motion for a rehearing. Said the following actions have been taken by the County

Board in response to the appeal pending before the Circuit Court: (1) motion to dismiss certain appellants, and; (2) filed a general demurrer claiming that the Circuit Court did not have jurisdiction to review the decision of the State Board. The motion and demurrer are tentatively scheduled to be heard in Rockville; details will be furnished as they become known; the hearing will probably be November 9 or 10. Said several other schools that have also filed appeals in Circuit Court will be heard at the same time. Stated that on Friday, September 10, a decision was reached in another case, brought by the County Board of Education appealing a State Board decision (which overturned the County Board's decision to close Rosemary Hills and several other schools). Judge Cave heard the case and ruled that, indeed, the court did not have jurisdiction to hear that case. Thought Takoma Park's case might have some distinguishing favorable differences.

3. Washington Adventist Hospital Status Report. Councilmember Iddings reported that the City learned through the newspaper on August 11 that the hospital had requested Riverdale to issue industrial revenue bonds on behalf of the hospital; said Council felt this would undercut the City's authority to deal with institutions within its boundaries; City representatives met with Riverdale, but could not persuade them to postpone authorizing issuance of the bonds until the City could meet with Washington Adventist Hospital; Mayor and Council subsequently authorized the City Administrator to request an opinion from the Attorney General on this action, and to write the Maryland Municipal League requesting they investigate the matter. Said Corporation Counsel has been requested to investigate a legal challenge on the issue. Said it was apparent from the ordinance that the bond issue was only for Washington Adventist Hospital (did not include Leland, which is in Riverdale) and authorized around 25 million dollars worth of bonds being issued (4 million for construction, 16 million for debt retirement, 3.5 million for a debt fund, and 1.5 million for bond counsel fees). In response to query, Councilmember D'Ovidio stated that the apparent reason the hospital went to Riverdale for the bond issue was that they felt there would be fewer questions and/or restrictions placed upon them by Riverdale. Councilmember Iddings stated that hospital Vice President Northam was quoted in the Prince George's Journal as saying that Riverdale was the best choice to issue the bonds because they required no pre-conditions, such as retention of the San Building or interest in the hospital's longrange plans for expansion. Councilmember Bradley spoke against Riverdale's actions in this matter; said they were infringing upon another municipality's business. Mayor Abbott stated it amounts to one municipality funding something in another municipality over which there is an unresolved bone of contention. Councilmember Iddings, in response to query, stated that the bond issue is apparently not to be used for expansion (to fund the ambulatory care center); said the point at issue is not the hospital's use of the funds, but the undercutting of the City's authority as a municipality.

4. 7106 Sycamore Avenue Progress Report. City Administrator Nichols explained that the City was on the point of accepting bids for demolition of the property; the court granted the owner a hearing, gave him an additional 30 days from August 13 to make repairs correcting all code violations on the property; that extension expired September 13; the City will perform an inspection, Corporation Counsel is to report back to Judge Bell as to whether the violations have been corrected, and the Judge will either extend the stay on the ordinance permitting demolition or refuse any further extension, based upon the results of the inspection. Corporation Counsel Culpepper recounted the lengthy court proceedings the City has gone through in conjunction with this property, dating back to 1981.

5. Administrative proposal for Year 9 CDBG funds. Reiterated, as stated earlier, that copies of all proposals for use of CDBG funds would be available at the City Offices September 14; mentioned upcoming meetings at which the subject would be discussed. Stated this year's proposal is somewhat different than previous years, in that usually the entire proposal would come through the block grant committee, but this year the Old Town and economic development proposals were not

included in the committee's work because they were pretty well fixed; the goals for Old Town had been set, development and implementation of the program is being worked upon, so the parameters are already defined; said the administrative proposal would request \$430,000 for construction in Takoma Old Town (\$300,000 plus available during the current year to apply toward construction), \$30,000 to apply toward economic development not only in Takoma Old Town, but in other commercial areas as well (primarily Carroll/Ethan Allen and Langley Park), \$15,000 for administrative support for ongoing activities, and \$11,000 for continued promotion of Takoma Old Town; totaling \$486,000.

6. City Newsletter editorial policy. Councilmember Iddings presented and read a proposed ordinance defining responsibility for the Newsletter, composed by himself, Councilmembers D'Ovidio, Bradley, and Williams. A motion was made by Councilmember Iddings, duly seconded by Councilmember Bradley, that the ordinance be accepted for first reading.

Councilmember Iddings said questions had been raised concerning who is responsible for the Newsletter and the editorial policy; apparently drafters of the original 1960 ordinance establishing the Newsletter did not anticipate questions now being raised; said certain elements of Ordinance No. 1615 (August 8, 1960) had been superseded by practice; said the best approach would probably be to start over with adoption of a new ordinance. Additionally, presented and read a proposed resolution establishing an ad-hoc editorial policy committee. Councilmember Eckert stated he had intended presenting a similar resolution; in lieu of that, however, wished to offer two amendments to the proposed resolution. Following discussion concerning procedures, Councilmember Eckert read and presented his resolution which would require that an editorial board for the Newsletter be established by Council comprised of five members, appointed by Council for a term of three years, their primary purpose being to make rules needed for their operation and general guidelines to govern content and format of the Newsletter (which would be adhered to by the editor).

John Hemphill, 8112 Flower Avenue: questioned what amendments Councilmember Eckert had intended offering to Councilmember Iddings' resolution; Councilmember Eckert stated he would have proposed: (1) in Section 1, changing the committee from ad-hoc to permanent, and; (2) deleting the two elected officials from the committee and making it exclusively citizen-based. Mr. Hemphill stated that while both proposals were similar, he favored Councilmember Iddings' because it establishes the fact that the Council is the editorial board, which he felt was unavoidable and a power which should rest with the Council.

Suzanne Rhodenbaugh, 53 Walnut Avenue: mentioned a recent Journal article that stated both the County and State Boards of Election said that the political endorsements by Mayor and Council were illegal in a taxpayer-supported newsletter. Did not think Council should be involved in editorial policy in any way, nor should they be members of the editorial board; favored establishment of editorial board, but thought it should be independent of Council, including power of dismissal of board members. Expressed disapproval of presentation of the personal opinions/beliefs of the Mayor (and Council) on political candidates, gun control, etc., in the Newsletter.

Jennifer Saloma, 7124 Maple Avenue: repeated an earlier request that a public hearing be held on the subject of the Newsletter, procedures to be followed at the hearing be set in advance, and all information be made available to the public prior to the hearing; stated she felt the present newsletter had become a partisan political journal, something it should not be. Stated an ordinance should not be adopted, nor a resolution passed, on the subject without an official public hearing.

Shirlee Hutmire, 21 Columbia Avenue: said political points of view should not be advocated in the Newsletter; thought something such as responses from school board candidates, wherein all the candidates and their answers were included, without bias, was good and helpful. Said if politics was not going to be excluded, then Mayor and Council

should be the editorial board and responsible for the content.

Councilmember Iddings stated that he thought the Mayor and Council should be accountable for the Newsletter and its content; said his proposed ordinance was drafted with that in mind. Councilmember Eckert remarked that his resolution retains accountability on the part of the Mayor and Council in that they have the power to appoint and to remove persons from the board, and, additionally offers insulation against blatant political types of action in that it gives the editorial board an independence.

Mrs. Hutmire stated that, in her opinion, if political issues were covered at all, they should be permitted only if both sides were presented without bias.

Dr. Joseph Lerner, 7708 Takoma Avenue: urged the Council to schedule a full-fledged public hearing on the issue, on an evening completely independent of any other business; said that in the interest of propriety and fairness, someone other than the Mayor should preside at the hearing, since the questions that have been raised concern his editorship of the Newsletter.

Elias Vlanton, 7102 Maple Avenue: stated he is writer and editor of a monthly publication; said if Council decides an advisory board is needed, they should be concerned with opening the publication up to more issues and greater participation rather than less; they should assist the editor rather than supervise or censor him; expressed support for Councilmember Iddings' proposal. Said people should remember that only recently the results of the City election reaffirmed faith in Mayor Abbott, elected a new slate of Councilmembers, eschewing stagnation and supporting political activism; spoke in favor of having a newsletter that is lively, informative, and controversial.

Richard Kazus, 106 Elm Avenue: expressed appreciation of the Newsletter and its content; said it is informative about events taking place in the community and helps people get involved; said the Newsletter should not be stifled or censored to the point where it no longer provides people with more views, varying views encourage debate which is vital to democracy. Said the advisory committee should be supportive, rather than censoring or squashing controversy, should not quash debate. Said this issue is not one which should polarize the Council, hoped it could be resolved quickly in a way that benefits both the Newsletter and the City.

George Colt, 7000 Westmoreland Avenue: complimented improvements made in the Newsletter; hoped the present debate would not split those citizen activists/Councilmembers who have put forth so much effort into improving the quality of life in the City. Supported the idea of an editorial board; said it would permit increased citizen input.

James Holland, 19 Pine Avenue: said the Newsletter is informative, upbeat, an improvement over its former format; expressed total opposition to politicizing the publication; stated the City deserves an informative newsletter (not newspaper) with input from citizens' organizations and groups, notices of events, etc., but totally opposed to the presentation of issues and/or recommendations in the Newsletter without public input and lacking a variety of opinions; cited recommendation in a recent issue recommending a candidate for County Executive.

Councilmember Faulkner remarked that, to his knowledge, no action was taken by the Council to endorse political candidates. Councilmember Eckert stated that he did personally endorse the candidates as published in the Newsletter, but no official action was ever taken by Council to make endorsements.

Rino Aldrighetti, 7213 Central Avenue: said he did not particularly like endorsement of candidates in the City Newsletter; remarked on receiving a letter (on City letterhead) from Mayor Abbott and Councilmembers Eckert, Garcia, and Faulkner, endorsing candidates; said

the letter stated at the bottom that it did not come at taxpayers' expense; however, was on City letterhead. Said it is a function of Council to monitor the Newsletter and be accountable for its content, the authority properly belongs in their hands.

Norman Green, 6712 Westmoreland Avenue: said the Newsletter makes citizens feel a part of their community, draws them closer to one another; expressed regrets at the present divisiveness, hoped the problems could be resolved and the Newsletter retained in its present format.

Betty Amt, 7111 Sycamore Avenue: spoke against the use of a tax-supported publication to espouse personal points of view on issues; said the editor of the Newsletter should be selective about the articles printed; expressed concern about democracy at work, said the City should strive to be a model of democracy in action; emphasized that the Newsletter does not belong to the Mayor or the Council, but to the citizens.

Suzanne Rhodenbaugh, 53 Walnut Avenue: regarding 6761 Eastern Avenue, requested that the City proceed with demolition of the property; said the individual proposing to renovate the property, Mr. Swafford, did not have a viable plan; thought he could rehabilitate it for \$25,000 (several years ago, the City's estimate just to bring it up to code standards was \$50,000). Said Mr. Swafford had requested that WACO approach the Council and support a delay in demolition; WACO did not take a position. Urged that no further delays be permitted and the property be demolished.

Saul Schneiderman, 7925 Sligo Creek Parkway: prepares and edits his own union newsletter; spoke against a public hearing on the issue and against the appointment of a permanent advisory board; said the Mayor and Council should have the responsibility for the Newsletter.

Roland Halstead, 7116 Maple Avenue: commented favorably on the Newsletter; said, however, he did feel there had been some abuses of what should properly be published in the Newsletter; mentioned the fact that two Councilmembers are federal employees, expressed concern the publication of partisan political views in the Newsletter could lead Congress to revoke the exemptions from the Hatch Act granted some municipalities. Explained that the Hatch Act prohibits federal employees from becoming involved in partisan politics; however, grants exemptions to some municipalities in locales having numerous resident federal employees, so as to not deprive those cities of good people to serve in a political sense in community affairs. Said that general guidelines should be formulated for the editor, so that selection of what is printed is not left to one individual; thought a general limit on the size of the publication and number of pages should be established, so that it does not outgrow budget limitations in the future.

Following prolonged discussion concerning what had and had not been published in the Newsletter, Mayor Abbott stated that his proposal would be that a committee comprised of one Councilmember and two citizens review all letters/articles prior to their publication in the Newsletter.

John Hemphill, 8112 Flower Avenue: supported Councilmember Iddings' proposal for establishing a committee to set policy and establish guidelines for the Newsletter. Agreed with other speakers that once the committee has formulated policy, a public hearing to permit citizen input should be held. Said, in the final analysis, the responsibility for the Newsletter would lie with Council, that the committee's role would be to make recommendations for Council's consideration.

Travis Price, 7301 Birch Avenue: expressed support for Councilmember Iddings' proposals; agreed with Mr. Hemphill that the final responsibility for the newsletter lies with the Council; did not think a committee independent of Council would work.

Geoffrey Reed, 7109 Cedar Avenue: urged Council to get on with the matter at hand, pass some sort of resolution, and move on to other City business; did not think a public hearing on the issue would be of benefit.

Ron Albaugh, 7202 Central Avenue: said the newsletter should be kept in Council's hands, the Mayor in his position of leadership; it should be open for all pros and cons, providing a forum for the issues in the City. Said a citizen committee could not effectively operate a City newsletter.

Councilmember Bradley stated she would support acceptance of the ordinance proposed by Councilmember Iddings for first reading. Said there are issues facing the City today that have to be reported upon in the newsletter in order to keep the citizenry informed; said the policy of the newsletter is Council's responsibility; they are accountable to the citizens for their actions/decisions; emphasized that the policy should be an open one and encourage maximum participation from all individuals. Councilmember Eckert stated he saw nothing in the ordinance that he would oppose. Councilmember Garcia supported the first reading of the ordinance; stated he would later make a further motion. Councilmember Faulkner stated he did not oppose the ordinance. Councilmember D'Ovidio supported the ordinance; said Council must take responsibility, the ordinance spells that out. Councilmember Williams supported the ordinance for first reading.

Mayor Abbott pointed out the deadlines for receipt of copy for the upcoming issue of the newsletter (October); read his memorandum regarding Letters to the Editor which will be a monthly feature of the newsletter and a Pro and Con on Unification issue (also in October). Said on the unification issue, he would request that the pro side be covered by the Citizens Committee for a Referendum as they have worked for many months on the matter; proposed that Councilmember Garcia accept responsibility for submitting the con side of the issue (as well as any other official or citizen who favors maintaining the status quo).

The question was called, the ordinance unanimously accepted for first reading.

(Proposed Ordinance attached)

Mayor Abbott made a motion, duly seconded by Councilmember Garcia, that as an interim measure, for the October issue only, Councilmember Bradley and two citizens act as a committee to review Letters to the Editor; motion carried unanimously.

Councilmember Iddings made a motion, duly seconded by Councilmember Bradley, that the resolution to establish an ad hoc editorial policy committee for the newsletter be passed. Councilmember Eckert made a motion, duly seconded by Councilmember Faulkner, that the resolution be amended in Section 1 to read "a permanent Editorial Policy Committee," in place of "an ad-hoc Editorial Policy Committee." Motion denied by a 4-3 vote. Councilmember Eckert made a motion, duly seconded by Councilmember Faulkner, that Section 1 of the resolution be amended to read "consisting of four citizens" in place of "consisting of two citizens and two elected officials." Motion failed by a 4-3 vote. Councilmember Eckert made a motion, duly seconded by Councilmember Faulkner, that the resolution be amended, deleting the phrase "with preference given to citizens who have had experience as an editor or journalist." Councilmember Eckert remarked that his reason for wishing to delete the phrase was that it might discourage interested citizens who did not have that experience from applying. Following discussion, motion denied by a 4-3 vote. The question was called on the resolution proposed by Councilmember Iddings and passed with Councilmembers Eckert and Faulkner voting Nay; Councilmembers Bradley, D'Ovidio, Garcia, Iddings and Williams voting Aye; no abstentions.

(Resolution attached)

Following discussion, suggestions were offered as to who might work with Councilmember Bradley to review Letters to the Editor for the October issue of the newsletter; it was decided that Elias Vlanton would serve, and Bill Leary on issues other than the October one, for which he had already submitted a letter to the editor himself.

(3) Unification bill proposed by Delegate Bainum. Councilmember Eckert explained that Delegate Bainum would file a bill for the coming session of the legislature authorizing a referendum in both Montgomery and Prince George's County sections of the City on unification of Takoma Park into one county. Said Delegate Maloney had forwarded an opinion stating that the referendum should be held only in the Prince George's section as only those ballots would count toward unification. Presented and read his proposed resolution supporting state legislation; made a motion, duly seconded by Councilmember Bradley, that the resolution be passed. Mayor Abbott stated that Delegate Bainum's bill would authorize the City to conduct a referendum at the next election at which City voters participate.

Larry Hush, 7201 - 14th Avenue, Chairman of the Citizens for Referendum to Unite Takoma Park Into One County: said the issue is not whether or not the city should be unified into one county, or into which county it should be unified, but whether the citizens will be permitted to vote on whether or not they favor unification; said that is what the citizens wish legislators to decide upon. Said much interest has been expressed in having a referendum on the issue; stated his organization has 200 members all of whom have made a financial contribution to support the right to vote. Expressed support for Councilmember Eckert's proposed resolution. Mayor Abbott commended Mr. Hush and his group for all the hard work they have done all summer on the issue.

Councilmember Faulkner remarked that he would like to support the proposed resolution, but would wish to see Delegate Bainum's bill prior to voting on the resolution; requested the vote on the resolution be postponed until such time as a copy of the bill could be seen. Councilmember Eckert stated that he had attempted, in his resolution to not tie it to a particular bill, but to express support for legislation authorizing a referendum on the question of unification of the City. The question was called, the resolution passed with Councilmember Faulkner abstaining; balance of Council voting Aye.

RESOLUTION

Be it resolved that the Mayor and City Council of Takoma Park, Maryland support state legislation authorizing a referendum on the question of unification of Takoma Park into Montgomery County.

(4) Proposed ordinance authorizing solicitation of bids for the demolition of 6761 Eastern Avenue. John Swofford outlined how he hoped to acquire deed to the property, what he hoped to do with it after acquisition; requested Council to delay further proceedings for 72 days approximately; said he was willing to put up \$5,000 as proof of his good faith; in response to query said that he did not really know what total amount of money would be required to put the property in good condition, but if it exceeded \$50,000 he would probably have to back out of the proceedings. Suggested Council might go ahead with the solicitation of bids for demolition, so that if later required, they could move ahead with that alternative; but did request delaying the actual act for 72 days. In response to query, Mr. Swofford stated the land value of the property was worth between \$15-28,000., his probable cost of acquisition would be approximately \$5,500. Admitted that after acquiring the property, if he found it would cost too much to put into good condition, one of his options would be to tear it down. Following additional discussion, Councilmember Eckert made a motion, duly seconded by Councilmember Garcia, that the ordinance be adopted, with the stipulation that solicitation of bids for demolition would be delayed for a two week period, until September 27. Ordinance No. 2623 was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings, and Williams; NAY: None; EXCUSED: None.

ORDINANCE NO. 2623
(attached)

(5) Second reading of a proposed ordinance authorizing placement of stop signs on Roanoke, Eastridge, Wabash and Hudson Avenues. Councilmember Bradley remarked that Police Chief Carter and his staff had surveyed the area involved and had agreed with the original petition; made a motion, duly seconded by Councilmember Garcia, that the ordinance be adopted. Councilmember Bradley expressed thanks to Chief Carter and his staff for expediting the survey. Ordinance No. 2624 was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings, and Williams; NAY: None; EXCUSED: None.

ORDINANCE NO. 2624
(attached)

(6) Proposed ordinance dealing with storage of abandoned, wrecked, junked and dismantled vehicles. Mayor Abbott remarked that this ordinance had been referred to both the Chief of Police and Corporation Counsel for their perusal and remarks; said the gist of the present ordinance was drafted by the Corporation Counsel. Chief Carter stated that the administrative content of the ordinance was good; said he had not discussed it with Corporation Counsel, however, thought it was a workable document from the police department perspective; thought it required some corrections in form. Corporation Counsel Culpepper clarified that the document was a working document, a draft; said particular attention was not paid to its impact on existing provisions of the City Code, the final drafted ordinance would have to provide for the repeal of conflicting provisions of the Code and some renumbering of other provisions. The City Administrator said that any amendments, changes, etc., should be proposed and would then be incorporated into the final draft document by the Corporation Counsel, prior to its presentation for adoption. A motion was made by Councilmember Garcia, duly seconded by Councilmember Eckert, that any action on the ordinance be postponed until the next worksession. Following discussion, Councilmember D'Ovidio made a motion, duly seconded, and unanimously carried, that the ordinance be placed on the next worksession agenda for examination and discussion.

(7) Proposed ordinance establishing school zone speed limit at 15 mph. Councilmember D'Ovidio stated that recent amendments to the Transportation Article of the Annotated Code of Maryland permit municipalities to decrease maximum speed limits in school zones, subject to certain conditions; read the proposed ordinance designating school zones within the City and setting forth requirements; requested that Philadelphia Avenue between Piney Branch Road and Cedar Avenue be added; made a motion, duly seconded by Councilmember Williams, for adoption of the ordinance. Councilmember Garcia offered an amendment to include Larch Avenue between New Hampshire Avenue and East-West Highway (Our Lady of Sorrows School), and New Hampshire Avenue between Larch and Myrtle. Councilmember Iddings offered an amendment that the ordinance be adopted as emergency legislation, read text he had prepared establishing legislative findings. Upon request, Chief Carter stated his opinion that placement and enforcement of signs on state roads such as Piney Branch Road or New Hampshire Avenue would require authorization from State Highway Administration; doubted they would approve a 15 mph speed limit on either of those roads, said he felt 25 mph a reasonable speed in a school zone on New Hampshire, 20-25 mph on Piney Branch, but did not know that State Highways would approve those either. Councilmember Faulkner remarked that no signs that could not be enforced should be placed. Mayor Abbott said he felt that signs would be a deterrent, enforcement could be tested in court. Chief Carter stated he would feel much more comfortable taking cases to court if approval was gained from SHA on state roads prior to any posting of signs. It was agreed signs would be posted on City streets only until authorization was received from SHA on state roads. Ordinance No. 2625 was adopted as emergency legislation by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings, and Williams; NAY: None; EXCUSED: None.

ORDINANCE NO. 2625
(attached)

Upon motion, duly seconded, the meeting adjourned at 1:25 A.M., to reconvene on Monday, September 27, 1982, at 8:00 P.M. in regular session.

Proposed Ordinance Defining Responsibility for Newsletter

WHEREAS, Takoma Park Ordinance 1615, adopted by the Mayor and Council on August 8, 1960, established the Takoma Park City Newsletter; and

WHEREAS, Ordinance 1615 does not provide for an editorial policy, nor does it specify where final responsibility for the newsletter rests; and

WHEREAS, questions have arisen pertaining to the editorial policy of the newsletter and to responsibility for the newsletter, which questions cannot be resolved by appeal to the controlling legislation, Ordinance 1615:

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

- Sect. 1. Ordinance 1615 is hereby repealed in its entirety.
- Sect. 2. The Mayor and City Council of Takoma Park is hereby authorized to publish on a regular basis a newsletter to be distributed to each residence and business in the City.
- Sect. 3. The Mayor and City Council of Takoma Park is hereby authorized to appoint an editor who will edit said newsletter and to define the duties of the newsletter editor.
- Sect. 4. The Mayor and Council is hereby authorized and required to establish an editorial policy for said newsletter, and to amend said policy from time to time as circumstances require, and to publish in the newsletter said policy and any amendments to that policy.
- Sect. 5. This ordinance shall become effective upon adoption.

Resolution Establishing Ad-Hoc Editorial Policy Committee.

WHEREAS, the Takoma Park City Newsletter has been published since its inception without benefit of an explicit editorial policy; and

WHEREAS, the proposed ordinance defining responsibility for the newsletter requires the Mayor and Council to establish an editorial policy; and

WHEREAS, it would benefit the community to have the current open editorial policy expressly approved by the Mayor and Council:

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

Sect. 1. There is hereby established an ad-hoc Editorial Policy Committee, consisting of two citizens and two elected officials, to be appointed by the Mayor and Council, with preference given to citizens who have had experience as an editor or journalist.

Sect. 2. The Editorial Policy Committee shall draft a comprehensive editorial policy for the Takoma Park City Newsletter, and shall specifically develop guidelines for the submission of articles and opinion letters by citizens and for balanced treatment of controversial issues.

Sect. 3. The Editorial Policy Committee shall present its draft editorial policy to the Mayor and Council by October 18, 1982.

ADOPTED BY THE MAYOR AND COUNCIL SEPTEMBER 13, 1982.

3

ORDINANCE NO. 2623

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. 2565 was adopted by the Mayor and Council, authorizing legal proceedings for condemnation of the building located at 6761 Eastern Avenue, situated on Lot 16, Block 17, Pinecrest Subdivision within the City of Takoma Park, Maryland, recorded in the Land Records of Montgomery County, Liber 2202, Folio 77, and in Tax Record a/c #1059168, William Lee Brock; AND
- SECTION 2. THAT a Public Hearing was held on May 18, 1981, as prescribed by law, and that the owner or his representative was given opportunity at that time to show cause why the building should not be declared a nuisance, Minutes of such Hearing being recorded in Minute Book Volume No. 45; AND
- SECTION 3. THAT whereas, on June 8, 1981, Ordinance No. 2579 was adopted by the Mayor and Council declaring the building located at 6761 Eastern 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; Md., 1972, as amended, the owner, William Lee Brock, abate code violations PM-302.2 (formerly H-321.3), PM-302.3.2 (formerly H-321.2), PM-303.2 (formerly H-321.1), PM-303.3 (formerly H-337.0), PM-801.2 (formerly H-502.0), and PM-801.3 (formerly H-503.0), and to 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. 2579.
- 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 to fill in the excavation and resod; AND
- SECTION 6. FURTHER THAT the Director of Public Works report the results of such bids with his recommendation to the City Council for further consideration.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK MARYLAND SEPTEMBER 13, 1982.

WHEREAS, Roanoke, Eastridge, Houston, Hudson and Wabash Avenues are residential streets; AND

WHEREAS, the residents in the vicinity of the intersections referred to in this ordinance desire overwhelmingly, as evidenced by the petitions submitted to the Mayor and Council, to have stop signs placed as stated in this ordinance; AND

WHEREAS, the installation of stop signs will contribute to reducing speed of traffic; AND

WHEREAS, the placement of stop signs as called for herein is consistent with the over-all traffic flow in the area.

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

SECTION 1. THAT all north and southbound traffic on Roanoke Avenue shall come to a complete stop at that street's intersection with Houston Avenue; AND

SECTION 2. THAT all north and southbound traffic on Roanoke Avenue shall come to a complete stop at that street's intersection with Hudson Avenue; AND

SECTION 3. THAT all north and southbound traffic on Roanoke Avenue shall come to a complete stop at that street's intersection with Eastridge and Wabash Avenues; AND

SECTION 4. THAT all northbound traffic on Eastridge Avenue shall come to a complete stop at that street's intersection with Roanoke and Wabash Avenues; AND

SECTION 5. THAT all westbound traffic on Wabash Avenue shall come to a complete stop at that street's intersection with Roanoke and Eastridge Avenues; AND

SECTION 6. THAT all westbound traffic on Hudson Avenue shall come to a complete stop at that street's intersection with Roanoke Avenue; AND

SECTION 7. THAT the Director of Public Works is hereby instructed to install a stop sign at each of the appropriate locations;

SECTION 8. THAT this ordinance shall become effective on completion of the signing; AND

SECTION 9. FURTHER THAT the penalty for violation of this ordinance shall be as prescribed in Section 1-17(a), the Code of Takoma Park, Maryland, 1972, as amended.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND SEPTEMBER 13, 1982.

WHEREAS, recent amendments to the Transportation Article of the Annotated Code of Maryland permit municipalities to decrease the maximum speed limit in school zones, subject to certain conditions; AND

WHEREAS, it is the desire of the Mayor and Council to provide this added protection for the school children of Takoma Park; AND

WHEREAS, the following legislative findings justify adoption of this ordinance as emergency legislation: The Mayor and Council find that the current speed limit of 25 miles per hour in the vicinity of Takoma Park schools represents a clear and present danger to the safety and health of children attending those schools; and further that, without this ordinance, the risk of serious accident involving a school-aged child will remain unacceptably high.

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

SECTION 1. THAT the following areas are hereby designated as school zones:

Maple Avenue, between Lincoln and Philadelphia Avenues;
Holly Avenue, between Grant and Philadelphia Avenues;
Elm Avenue, between Pine and Poplar Avenues;
Larch Avenue, between East West Highway and New Hampshire Avenue; AND

SECTION 2. THAT the following areas are designated as school zones, subject to approval by the State Highway Administration:

Piney Branch Road, between Philadelphia and Ritchie Avenues;
Philadelphia Avenue, between Piney Branch and Cedar Avenues;
New Hampshire Avenue, between Larch and Myrtle Avenues; AND

SECTION 3. THAT it shall be unlawful for any person to operate a motor vehicle within a school zone in excess of fifteen (15) miles per hour during school hours, which shall include that time when children are going to and from school; AND

SECTION 4. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, Maryland, 1972, as amended; AND

SECTION 5. THAT the Director of Public Works, in consultation with the Chief of Police, shall install appropriate signs giving notice of the limits of the school zones; AND

SECTION 6. FURTHER THAT this ordinance shall become effective upon completion of the signing.

ADOPTED BY THE MAYOR AND COUNCIL SEPTEMBER 13, 1982.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
September 27, 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 REGULAR COUNCIL MEETING ON SEPTEMBER 13, 1982

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Presentation of trophies to winning team, City Softball League
2. Other presentations or comments

8:15 REPORT BY CABLE COMMITTEE CHAIRMAN, BRUCE MOYER

8:20 ADDITIONAL AGENDA ITEMS

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:

--Request for authorization to solicit bids on Police Department camera system

(2) Approval of CDBG proposals for Year 9

Citizens' comments
Council action

(3) Second reading of a proposed ordinance dealing with storage of abandoned, wrecked, junked and dismantled vehicles

Citizens' comments
Council action

(4) Second reading of a proposed ordinance defining responsibility for City Newsletter

Citizens' comments
Council action

(5) Affirmation of Council recommendations to Board of Appeals on Variance No. 6322, 308 Elm Avenue

(6) Decision on implementation of Ordinance 2623, adopted 9-13-82, authorizing solicitation of demolition bids on 6761 Eastern Avenue

Citizens' comments
Council action

(7) Proposed ordinance approving amendments made to Landlord-Tenant Ordinance on June 7, 1982

Citizens' comments
Council action

(8) Proposed amendment to Commission on Landlord-Tenant Affairs rules

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
September 27, 1982

City Officials Present:

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

The Mayor and City Council of Takoma Park met on September 27, 1982, at 8:00 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Council Meeting minutes of September 13, 1982, were presented for approval. Two corrections were offered: Councilmember Bradley noted that on page 7, 3rd sentence from the bottom, "October" should read "November;" Councilmember Iddings noted that on page 3, the last sentence under remarks made by Attorney Gagliardo, should have "Gagliardo" inserted at the beginning for purposes of clarification, i.e., "Gagliardo thought Takoma Park's case....." Upon motion, duly seconded, the minutes were approved unanimously with the noted corrections.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott presented trophies and offered congratulations to Public Works, the winning team in the City Softball League. Noted that complaints had been registered regarding the length and late hours of council meetings; requested that everyone exercise a measure of self-discipline and limit themselves to five minutes speaking time so that the agenda could be completed in a reasonable time period. Councilmember Williams suggested taking a brief intermission at 10:30 P.M. so that people could get a drink, stretch their legs, etc. Councilmember Faulkner remarked that he had read Delegate Bainum's bill supporting a referendum on the question of unification of the City; stated he does support the bill; offered apologies to Councilmember Eckert and other members of the Council, said he apparently misread the resolution presented at the previous Council meeting concerning this issue. Mayor Abbott commented that the ~~Board~~ Board of Supervisors of Election of both counties have been approached regarding permitting ballot boxes for an unofficial straw vote on unification, an answer is being awaited from them. Said that was a recommendation from State Senators Arthur Durham and Stewart Bainum. Hoped that could be done at the November election. Councilmember D'Ovidio remarked on a letter received from Mr. Hush, Chairman of the Citizens for Referendum to Unite Takoma Park Into One County; said it was informative and well-written.

REPORT FROM TAKOMA PARK CITIZENS CABLE TV COMMITTEE

Bruce Moyer, Chairman of the CATV Committee spoke; referred to the Cable Update Report furnished to the Mayor and Council; stated he wished to emphasize several points regarding the Montgomery County cable franchise as it now stands. Said the public record would be reopened by the County Executive until October 1, with the intention of making a decision on an applicant by October 15, the purpose being to receive comments on a very narrow scope - three public reports received after the record was closed in June. Mr. Moyer requested Council to reiterate to the County, in agreement with recommendations of those three reports and Council's prior position, their support of Tribune United as the most highly qualified applicant. Mr. Moyer stated that the cable committee finds the contract forwarded to the City by the County unacceptable, primarily in regard to enforceability and protection for the City; the committee had prepared an alternate contract they would like to see returned to the County for its acceptance and ultimate signing by the County and the City. Requested comment from Council on the proposed contract. The City Administrator commented that Corporation Counsel had not seen the final draft of the agreement, however, several points were discussed with them by him; said he was personally quite satisfied with the agreement, was confident it protects

the City's interests in every conceivable way; thought it was a good document. Councilmember Faulkner questioned whether there would be any problem enforcing a Montgomery County law in the entire City, to which Councilmember Bradley responded negative because as a municipality, the City has its own franchising authority for this particular issue so can do whatever would be legal within our own City limits. Complimented the redrafted contract, but requested that the matter of the provision of cable service to private institutions such as Columbia Union College and Washington Adventist Hospital be addressed more thoroughly. Mr. Moyer assured that would be looked into.

A motion was made by Councilmember Bradley, duly seconded by Councilmember Iddings, and unanimously carried, that Council direct the City Administrator to reiterate in a letter the City's recommendation of Tribune United as the most highly qualified applicant and include in the letter other points raised by the County Executive.

A motion was made by Councilmember Bradley, duly seconded by Councilmember Williams, and unanimously carried, that the ordinance adopting the county cable law as effective within the City and requesting and authorizing the county to administer and enforce the ordinance within the City be referred to Corporation Counsel for examination and placed on the October 12 Council meeting agenda for first reading.

Councilmember Bradley remarked that the contract should be referred to the county within the present week.

ADDITIONAL AGENDA ITEMS

Traffic controls on Maple Avenue in the Piney Branch Elementary School area (Councilmember Williams)

GENERAL CITIZENS' REMARKS

James Harrell, 7100 Cedar Avenue: expressed concerns about traffic on Cedar Avenue and Eastern Avenue; mentioned a letter signed by 24 residents of the area that was forwarded to the Mayor and Councilmembers Iddings and D'Ovidio in July expressing those concerns; said people are particularly fearful for their children, two children had been struck by cars and a dog hit and killed; said speed is a major factor, as well as volume of traffic. Mentioned there are many options that could be considered, such as speed bumps, signs, etc.; requested Council to direct their attention toward resolution of the problem in terms of speed reduction and reduction of the volume of traffic. Councilmember Eckert agreed this is a problem that needs to be addressed; said a similar situation exists in the Walnut/Eastern Avenue area; suggested that the best approach might be attempting to enlist the assistance and cooperation of the D.C. Police in enforcing speed and traffic laws on the Eastern Avenue corridor. Councilmember Faulkner stated that closing off traffic on Cedar in one direction had been considered at one time, and, perhaps should be reconsidered if other measures are not successful. City Administrator Nichols stated that the petition from Cedar/Eastern residents had been forwarded to the Chief of Police for his study and recommendations; said additionally a number of areas, including Walnut/Eastern, are being considered in the context of traffic problems and it is hoped that a comprehensive approach to these problems can be developed shortly. Councilmember Williams said this is a pressing problem, Public Works and the Police Department should do an immediate survey and formulate their recommendations without delay; requested that this issue be placed on the next worksession agenda. Councilmember Iddings commented that reduction of traffic volume is not a simple issue, that by reducing traffic on one street, additional traffic is produced on another, basically just moving the problem from one street to another. Mayor Abbott stated that a worksession devoted totally to traffic problems would be organized within the next two weeks, even if an additional meeting was required. Said another stop sign should be placed at the corner of Cedar and Eastern, 15 feet within the City, so that City police could enforce it; said the present stop sign is in the District, thus within D.C.'s jurisdiction.

Jeff Reed, 7109 Cedar Avenue: said the fastest, most effective measure would be immediate installation of a speed bump; not opti-

mistic about any cooperation to be gained from the District.

Mike Haney, 7806 Lockney Avenue: inquired whether traffic problems in areas other than those under discussion would be considered at the worksession devoted to traffic; response was affirmative. In response to query, stated a new Ward 6 citizens' association had recently been formed (Hampshire Gardens Citizens' Association), was a revival of the former Hampshire Greens Citizens' Association.

Phil Vogel, 7117 Garland Avenue: said he had spoken to Marty Mazola at Park and Planning Commission regarding the criteria the Planning Board will use when it considers the question of the San Building at Washington Adventist Hospital; said she stated that having granted the hospital the special exception for construction of the ambulatory care center, the hospital must now comply with the requirements for parking; whether the Planning Board will accept or reject the recommendation of the Montgomery County Historic Preservation Commission depends upon whether enough parking is provided without the demolition of the San Building. Mr. Vogel said there are other options open to the hospital if they wanted to pursue them. Mentioned the hospital going to another municipality for its bond issue. In response to query from the Mayor, Mr. Vogel stated that the upcoming hearing of the Planning Board would be to consider Montgomery County Historic Preservation Commission's recommendation that the Sanitarium be placed on its atlas for historic preservation; said that if the Planning Board denies that request, it would leave the hospital free to proceed with demolition of the building. Requested that a letter from Council be sent to the Planning Board stating that the San Building is a unique part of Takoma Park's heritage and must be preserved. Said the hospital is proceeding in an arrogant, underhanded way, totally lacking in community feeling. Requested that Corporation Counsel be directed to seek an injunction prohibiting the demolition of the Sanitarium.

A motion was made by Councilmember D'Ovidio, duly seconded by Councilmember Bradley, that a letter to the Planning Board be prepared, with copies to County Executive Gilchrist and the Montgomery County Historic Preservation Commission. Mayor Abbott requested that the Town of Riverdale be added to the list of recipients of copies. Councilmember Iddings offered an amendment stating that the letter would be drafted by the Takoma Park Historic Preservation Committee and presented at the October 4 worksession. Motion carried unanimously.

Mr. Vogel inquired whether Council was prepared to direct Corporation Counsel to seek an injunction prohibiting the demolition; it was pointed out that the hospital does not presently have a demolition permit; Corporation Counsel Gingerich stated that an injunction could not be sought until such time as the hospital actually has the demolition permit. Councilmember Iddings suggested that the City Administrator be directed to request the Department of Environmental Protection to advise him as soon as application is made for the demolition permit. A consensus was reached that Council and Corporation Counsel would make all necessary preparations to move immediately when notified of application being made for the demolition permit.

Michael Messinger, 7411 Flower Avenue: had a copy of the official preliminary statement by the bond holder and seller for Riverdale and Washington Adventist Hospital; said a portion of that money is designated for demolition of the San Building, projected to be accomplished by March 1983. Emphasized that it is important action be taken quickly in order to save the San Building; agreed to make the document available to Council.

ITEMS FOR COUNCIL CONSIDERATION

Communications

City Administrator announced a meeting of the Takoma Park Historic Preservation Committee on Thursday, September 30, 8:00 P.M., at the home of Phil Vogel, 7117 Garland Avenue, to discuss the demolition of the Sanitarium Building and means of prevention. Announced two public hearings to be held by COLTA: 1) Case No. TP-118, 111 Lee Avenue, October 6, 1982, 7:30 P.M.; alleged defective tenancy on the part of the

landlord; 2) Case No. TP-129, 127 Lee Avenue, October 6, 1982, 8:45 P.M., alleged retaliation in issuance of a 60-day quit and vacate notice by the landlord; both meetings to be held in the 1st floor meeting room of the Municipal Building.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Administrative Reports: Request for authorization to solicit bids on Police Department camera system. The City Administrator explained that this was a request to solicit bids for the camera system, an approved budget capital expense item provided for in the FY 82-83 budget. A motion was made by Councilmember Faulkner, duly seconded by Councilmember Iddings, and unanimously carried, to authorize the solicitation of bids on the camera system.

2. Approval of CDBG proposals for Year 9. City Administrator Nichols stated that the proposals are being presented for final approval prior to being forwarded to Montgomery County as a formal request for funding for Year 9 (the block grant year which begins July 1, 1983). Assistant City Administrator Schnuer thanked members of the block grant committee, said it had been a rewarding experience working with them. Enumerated the categories of recommended requests for block grant funding, totalling \$500,000 (see September 13, 1982 Council meeting minutes). In response to query, Public Works Director Robbins spoke on the request for \$25,000 to replace the library roof; said it had been repaired due to leaking twice in the last eight years, contractors would not guarantee repairs (would only guarantee complete reroofing/replacement); said leaks would continue to recur until the roof is replaced as a total unit. Councilmember Williams questioned what the life expectancy would be of a complete new roof, to which Mr. Robbins replied that the roof should remain in good condition for twenty years. Councilmember D'Ovidio questioned what the chances were of the county approving the use of block grant funds for repairs to a municipal building; Mr. Schnuer stated it would be difficult to make an accurate judgment of whether they would approve it, however, it is definitely an eligible activity in the block grant program. Mayor Abbott remarked that the Reagan administration proposes that block grant money be used for purposes other than the original legislation designated, is not limited to narrow categories of use; suggested trying to ascertain from the county what their position might be on such a request. Mr. Schnuer stated he had been asked by Mr. Ossi, Chairman of the CDBG Citizens' Advisory Committee to bring to Mayor, Council, and citizens attention that there are proposed changes for the use of block grant funds and there is an article on the matter in the Washington Post, September 27, 1982, page 2. Mr. Ossi hoped Mayor and Council would consider sending a letter to the federal government stating that the proposed changes subvert the original intent of the block grant program, which was to help rehabilitate less affluent communities. Councilmember Iddings remarked that the proposed change could become effective in the upcoming fiscal year, possibly affecting the Year 9 funds the City is applying for; agreed that the library roof should be replaced and capital improvements affected in the parks, but thought they should be capital budget items rather than being accomplished with block grant funds; hoped the next City budget would have both a one year and a five year prioritized capital expense category. In discussing Category C, Recreation, Mr. Schnuer stated that while funds were received in prior years, a lesser amount than presently requested, no funds were received for recreation last year. A small amount of prior funds, approximately \$5,000, remains to be expended. Mayor Abbott stated that in the Street Survey being performed, inclusion should be made of areas that have no sidewalks; Mr. Schnuer agreed that should be done along with notation of areas that have no sidewalks; Mr. Schnuer spoke on the funding proposal for economic development to be accomplished, primarily in Takoma Old Town; said a total of \$486,000 is recommended to be requested from Montgomery County. In response to query from the Mayor, stated that the total cost of completion of the Takoma Old Town project will be approximately ~~\$~~ 5,000,000; \$441,000 projected for expenditure in the coming year for construction and promotion; \$45,000 for planning of future projects in economic development and coordination of the remainder of the Takoma Old Town project. Said the Citizens Advisory Committee had recommended that the Council ask the county to designate a new residential neighborhood strategy area, namely that area between Sligo Creek Parkway and

Flower Avenue within the City, the majority of funds to be expended within that area (but not exclusively); said he and the City Administrator recommend expenditure of 1/3 of available funds for the strategy area. In response to query, Mr. Schnuer stated that the \$45,000 included in the economic development funding request would be for the purpose of hiring, contingent upon receipt of block grant funding, a staff person (approximately \$30,000 per annum including benefits) which was felt would be both cost effective and provide the type and level of services required for economic development planning and on-going coordination; \$15,000 was projected to be used for an economic analysis (market study) in a needed area; clerical support would be absorbed by the City, partly to demonstrate the City's investment in the program to the county. Stated the formal funding proposals are due to the County on October 1; the county's committee makes its tour of areas on October 9, and throughout the remainder of October and November meet in sub-committees to consider the requests, subsequently meeting as a body to formalize their requests and forward them to the County Executive around late November or early December. A motion was made by Councilmember Eckert, duly seconded by Councilmember D'Ovidio, that the report on recommendations for block grant funding for Year 9 be accepted, prior to amendments. Councilmember Iddings offered an amendment, deleting Category B (replacement of the library roof), duly seconded by Councilmember Garcia; amendment accepted and carried unanimously. Councilmember Iddings reiterated his support of the replacement, but as a capital improvement budget item. For the same reason, Councilmember Iddings offered an amendment, deleting Category C (recreation), duly seconded by Councilmember Bradley. Councilmember Garcia stated that the parks are used by all members of the community, particularly the children, and need improvements because of their heavy use; thought it would be short-sighted for Council to delete this item. Councilmembers Faulkner and Eckert expressed agreement with Councilmember Garcia; said the parks mentioned in the report are heavily used and in need of improvements, this use conforms to the intent of CDBG funds. Councilmember D'Ovidio stated he would have a problem with deleting the item completely; did think categories should be prioritized, however. Councilmember Bradley stated her reasons for seconding the motion were that CDBG money has been received for these parks before and has not been completely expended, there are other improvements needed in the City, including some areas that do not have a park at all; agreed the categories should be prioritized and perhaps some money amounts lowered. At the request of the Mayor, Recreation Director Ziegler spoke; stated there was little hope of getting additional money from Project Open Space for parks development; requests had been submitted for funds to acquire park land at Eastridge and at Jackson and Boyd; if the property is acquired, then development will have to take place; said funds available can hardly make a dent in the amount of work needing to be done in the parks. Said the installation of a bandstand in Spring Park was a citizens' association request and, as such, was included in the recreation recommendations; could be compromised upon. The question was called on the motion to delete Category C (recreation); motion defeated 4-3.

Councilmember Iddings offered an amendment, duly seconded by Councilmember Bradley, that the \$25,000 request for library roof replacement (deleted by amendment) be retained in the funding request, but designated for planning for the proposed Ward 5 Neighborhood Strategy Area. The City Administrator clarified that while the county may not approve designation of a neighborhood strategy area and funding therefor, the City would not be precluded from designating their own area and allocating the expenditure of funds in that area. Councilmembers Bradley and Faulkner expressed feelings that they would prefer seeing the \$25,000 designated for more concrete accomplishments, rather than planning. Motion defeated with Councilmember Iddings voting Aye; Councilmember Bradley Abstained; balance of Council voting Nay.

Councilmember Bradley made a motion that the \$25,000 originally intended for library roof replacement be retained and included under Housing Rehabilitation; motion duly seconded by Councilmember D'Ovidio who offered an amendment (accepted) that if the money is granted it be targeted for use in Ward 5; motion carried unanimously.

Councilmember Bradley made a motion, subsequently withdrawn, concerning the inclusion of new sidewalks, curbs and gutters under Category D; the City Administrator explained that the \$150,000 requested is not tied exclusively into the street survey now being performed and existing thoroughfares in need of upgrading/repair.

Councilmember Eckert offered an amendment, duly seconded by Councilmember Faulkner, that the \$45,000 previously discussed that would be designated for the purpose of hiring an economic development specialist be designated rather for economic development purposes, deleting any reference to a person to be hired. Mr. Eckert stated he would like to see comparative figures of the cost of hiring an individual versus the employment of consultants similar to the Phipps and others utilized on the Takoma Old Town project who have expertise and familiarity with that area. Amendment passed unanimously.

A motion was made by Councilmember Garcia, duly seconded by Councilmember Eckert, and unanimously carried, that the proposed block grant funding recommendations for Year 9, as amended, be accepted.

3. Second reading of a proposed ordinance dealing with storage of abandoned, wrecked, junked and dismantled vehicles. A motion was made by Councilmember D'Ovidio, duly seconded by Councilmember Iddings, that the ordinance be adopted. Councilmember D'Ovidio offered an amendment, for inclusion under Sec. 13-8, as (c)(1): "Associated Vehicle is any vehicle which is not self-propelled and is designed to travel along the ground propelled, pushed, pulled, or carried by a motor vehicle, and shall include, but not be limited to trailers, tankers, flatbeds, campers, and cranes." Motion for amendment duly seconded by Councilmember Iddings.

Councilmember D'Ovidio offered an amendment to Sec. 13-8(d), line 3, adding the phrase "in the name of the property occupant" after the words "registration plate or plates." Amendment duly seconded by Councilmember Iddings.

Councilmember D'Ovidio explained that the amendments he was proposing were for the purpose of including in the ordinance expressed concerns of Dr. Lerner; suggested that following his presentation of the proposed amendments, the ordinance be tabled so it can be referred to Corporation Counsel again and thereafter discussed in a worksession. Following discussion, Corporation Counsel Gingerich urged Council, if they intended making amendments to the ordinance, to proceed with so doing, but to delay second reading/adoption of the ordinance until the amendments could be considered for their implications and properly incorporated in the ordinance; stated that Corporation Counsel Culpepper had read, was familiar with, and did not concur with the amendments proposed by Dr. Lerner. Mayor Abbott stated it might be best, prior to proceeding with amendments, to learn from Attorney Culpepper the reason for his lack of concurrence with the proposed amendments. Councilmember D'Ovidio withdrew his proposed amendments; Councilmember Iddings his seconds to the amendments.

Councilmember Iddings offered an amendment to Sec. 13-11(a), line 6, changing fifteen (15) days to five (5) days; and in line 12-13 change fifteen (15) days to five (5) days. Amendment seconded by Councilmember D'Ovidio. It was mentioned that this was one of the proposed amendments discouraged by Corporation Counsel; the City Administrator stated that Attorney Culpepper had advised him (on this particular amendment) that he did not feel the court would feel this to be a reasonable period of time; Corporation Counsel Gingerich concurred that fifteen days is a reasonable period of time, five days would be entirely too short; said in his recollection the original time period allowed was thirty days. In light of Corporation Counsel's objections to its enforceability, Councilmember Iddings withdrew his amendment.

Councilmember Garcia offered an amendment to Sec. 13-9, line 10, deleting the words "within a building." Discussion ensued which included possible inclusion at a later time of an exception for vehicles covered with a tarpaulin as an alternative to being enclosed within a

building; no second to the motion on the floor offered.

City Administrator Nichols suggested for consideration an amendment to Sec. 13-14 (b) that would delete the phrase "to the City Administrator or his designee" and insert language more properly specifying the payment of incurred fees and charges and to whom they shall be paid. Following additional discussion, the Mayor moved the City Administrator's suggested amendment, duly seconded, that Sec. 13-14 (b) be changed to read: "All towing, storage and preservation fees and charges must be paid to the appropriate company and all municipal infraction fines paid to the City Administrator or his designee and a receipt properly issued before the vehicle may be reclaimed." Motion for amendment carried unanimously.

The Ordinance, No. 2625^{A S. Pust}, was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Iddings, and Williams. NAY: Councilmember Garcia. EXCUSED: None. Councilmember Garcia remarked that his reason for voting against the ordinance was that it does not protect the owners of antique/classic cars.

ORDINANCE NO. 2625A ^{S. Pust}
(Attached)

4. Affirmation of Council recommendations to Board of Appeals on Variance No. 6322, 308 Elm Avenue. A motion was made by Councilmember Eckert, duly seconded by Councilmember D'Ovidio, and unanimously carried, to affirm the recommendations made previously by Council. City Administrator Nichols explained that the owners of the property requested a variance that would permit them to construct a building on the property; the matter was thoroughly investigated, neighbors opposed granting of the variance and urged Council to take a position of opposition, which they did in the best interest of the community; no decision has yet been rendered by the county on the issue.

5. Second reading of a proposed ordinance defining responsibility for City Newsletter. Councilmember Iddings presented the ordinance; explained that it repeals the original ordinance establishing the City Newsletter and reauthorized it, establishing where control of the Newsletter resides. Councilmember Iddings moved adoption of the ordinance, duly seconded by Councilmember D'Ovidio. Councilmember Faulkner offered an amendment to Sec. 4 which would change it to read: "The Mayor and Council is hereby authorized and required to establish and select a non-partisan board of five citizens, each serving a one year term, to determine and monitor the editorial policy of the Newsletter." Motion for amendment seconded by Councilmember Eckert. Councilmember Faulkner remarked that due to concerns expressed, the sort of protection afforded by his amendment ought to be provided.

Rino Aldrighetti, 7213 Central Avenue: spoke against the proposed amendment to the ordinance; said, in effect, it removes Council's responsibility and places undue constraints on the Newsletter; complimented the current Newsletter and said that if the quality goes down hill Council will be held responsible.

Jill Wettrich, 1006 Elm Avenue: expressed objections to the proposed amendment; said an editorial policy should be established for the editor to follow; committees should not be relied upon to edit/review; said "non-partisan" is not important, but a sense of responsibility about publishing is.

Mike Haney, 7806 Lockney Avenue: spoke against the proposed amendment; feared editing by a committee would result in the news being watered down, politically insensitive; said the current Newsletter had inspired citizens' associations to be more active, led people to participate more fully in civic affairs.

Councilmember Bradley expressed opposition to the amendment; reiterated that it is Council's responsibility to set policy, the amendment calls for too narrow a mechanism. Councilmember Eckert spoke in

favor of the amendment; said the quality of the publication, editorship are not at issue; a committee would provide an additional safeguard/assurance to citizens who may feel intimidated from participating in the publication, would encourage them to express their views. Councilmember D'Ovidio spoke against the amendment; did not think Council should abdicate their responsibility in this matter; did not think that "non-partisan" exists, that everyone has an opinion. Mayor Abbott stressed that the Newsletter has to not only be a news vehicle, but must be organized, contain education; expressed doubt that a five-member committee could ever reach agreement on publication or meet required deadlines for timely publication; did not think Council should shirk their responsibility by appointing a committee. Councilmember Garcia pointed out that there are opposing views within the Council; thought a citizen committee could take a more objective view not being as closely involved with City politics; said excesses had taken place which led to the present situation.

Jill Wettrich, 1006 Elm Avenue: said she had no objections to a citizens committee making recommendations to Council if Council did not feel comfortable setting up policy; said there is a significant difference between policy and procedure, policy should not determine procedure; final decisions on policy should rest with Council, a committee should be limited to making recommendations for Council's final determination.

The question was called on Councilmember Faulkner's amendment; defeated 4-3, with Councilmembers Garcia, Faulkner, and Eckert voting Aye; balance of Council Nay.

Councilmember Eckert offered an amendment, duly seconded by Councilmember Faulkner, to change Sec. 3 to read: "The Mayor and City Council of Takoma Park is hereby authorized and required to (a) appoint an editor who will edit said Newsletter, and, (b) define the duties of the Newsletter editor." Councilmember Iddings offered an amendment to the amendment, duly seconded by Councilmember D'Ovidio, that the words "and required" be deleted. Amendment to Councilmember Eckert's amendment passed 4-3, 4 Councilmembers voting Aye, 3 Nay. The question was called on Councilmember Eckert's amendment, inserting (a) and (b) in Sec. 3; amendment passed with Councilmember Faulkner Abstaining; balance of Council voting Aye.

Ordinance No. 2626 was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Iddings, and Williams. NAY: Councilmembers Eckert, Faulkner, and Garcia. EXCUSED: None.

ORDINANCE NO. 2626
(Attached)

Councilmember Iddings made a motion, duly seconded by Councilmember Bradley, that in view of the Resolution previously passed requiring a committee of two Councilmembers and two citizens to draft an editorial policy for presentation to Council by October 18, he and Councilmember Williams, as well as David Prosten and Jill Wettrich be appointed for the purpose. Councilmember Eckert expressed opposition to the nominations for appointment; said that while he was sure the committee gives preference to persons with a journalism background/experience, eliminates lower income/lesser educated people, which he did not think was required for this committee; thought the committee should be expanded to be more representative of the citizenry of the City. Councilmember Williams stated he felt Mr. Eckert's statement to be ridiculous, questioned its purpose, indicated he personally represented that segment of the City population that Councilmember Eckert seemed to be defending. Following discussion, motion passed with Councilmember Eckert voting Nay; Councilmember Faulkner Abstained; balance of Council voting Aye.

6. Decision on implementation of Ordinance 2623, adopted September 13, 1982, authorizing solicitation of demolition bids on

6761 Eastern Avenue. The City Administrator reminded that while the ordinance authorizing solicitation of bids for demolition was adopted previously, he was directed to delay the solicitation pending receipt of further information from Mr. Swafford as to possible alternatives to demolition. Mr. Swafford spoke; stated he had gained entry to the property and after examination was prepared to proceed with rehabilitation of it, based upon Council's concurrence. Said there was no doubt whatsoever in his mind that the property is worth saving; was prepared to immediately move toward that end following acquisition of the property; reiterated willingness to put up a cash sum to demonstrate good faith and said he would sign a document putting a December 31 deadline on having it up to code standards. Had no further assurances that he would actually acquire the property, but hoped to do so within five to six weeks. Mayor Abbott pointed out that in his previous appearance before Council, Mr. Swafford had been asked to produce documentation to the City Administrator of who his three (3) associates were, what their financial resources were, some guarantees of what they were willing to do if/when they acquired the property; said this has not been done. Corporation Counsel Gingerich pointed out that if the property had been advertised for foreclosure sale, the ad would have stated the date of the actual sale and Mr. Swafford should be aware of that date (which would be within 30 days of the date of advertisement); stated that, even if the City proceeded with advertising for bids for demolition, a qualifying statement is always included in the advertisement which precludes the City from being required to accept a bid. Mayor Abbott pointed out that, if Council proceeded with authorizing the City Administrator to solicit bids on demolition, in the 30 days following solicitation if Mr. Swafford came in with proof of acquisition of the property, put up the earnest money he had promised, and produced a statement of ability to rehabilitate the property, Council could then do whatever they wished, including cancel the demolition contract if one had been awarded. A motion was made by Councilmember Eckert, duly seconded by Councilmember D'Ovidio, and carried unanimously, that the City Administrator be authorized to proceed with solicitation of bids for demolition of the property.

7. Proposed ordinance approving amendments made to Landlord-Tenant Ordinance on June 7, 1982. Mayor Abbott explained that these amendments, in effect, return the ordinance to its original language. A motion was made by Councilmember Williams, duly seconded, that the ordinance be adopted. The Mayor pointed out that even though the amendments had been previously passed by motions, Corporation Counsel advised that they should be formalized through ordinance adoption.

Mr. Mike Mead: stated he was one of the few landlords who testified in favor of a rent stabilization ordinance; said rent stabilization, with changes here and there effected, has evolved into rent control in the City; commented there is a significant difference between the two. Said that the previous amendments were put in after considerable discussion to accomplish what Council indicated at that time they wished to do; in effect, 1) when there is an existing tenancy, protect the tenant against excessive rent increases, and, 2) do not provide for or encourage landlords to arbitrarily, without cause, evict low rent paying tenants in order to raise the rents to whatever the market would bear. Expressed the opinion that it is not fair to landlords to have to peg rents for new tenants to those of other tenants in the building who may have been in residence for years. Did not favor return to the original provisions.

Howard VanTassel, 116 Lee Avenue: spoke as a representative of the American Federation of Government Employees; said he has been a tenant at his present address for 16 years and rents have been raised 10% every year; cited how difficult it is for retirees to meet their rent payments.

Councilmember Garcia stated that the original intent of the ordinance was rent stabilization; said he was not in favor of rent control because it could potentially be harmful for the City. Councilmember Bradley said COLTA is the mechanism that should afford everyone a hearing; that more effort should be concentrated on identifying criteria

and procedures for COLTA; the meaning of "comparable" (as used in the ordinance) should be specifically spelled out. Following additional discussion, Corporation Counsel Gingerich commented that, in order to make the ordinance as specific as possible, Sec. 22(g)(6) should read as follows: "Any vacant apartment unit may be rented at the level of comparable apartment units within a building, with comparable being defined on the basis of square footage, efficiency, one bedroom, two bedroom, and three bedroom apartments or more." A motion was made by Councilmember Bradley, duly seconded, to add the wording suggested by Mr. Gingerich to Sec. 22(g)(6). Motion carried 6-1. Ordinance No. 2627 was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Eckert, Iddings, and Williams; NAY: Councilmembers Faulkner and Garcia. EXCUSED: None.

ORDINANCE NO. 2627
(Attached)

A motion for adjournment was made by Councilmember Eckert (due to the late hour); motion defeated 4-3.

8. Proposed amendment to Commission on Landlord-Tenant Affairs rules. The City Administrator explained that pursuant to Article I, Sec. 6(a) of Ordinance No. 2598, the Mayor and Council are required to approve rules of COLTA; stated a new rule has been adopted by the Commission, which read: "Any time a party does not appear at a public hearing, default judgment will be granted unless a continuance has been requested. The party on hand, in the case of money judgments, i.e., refund of security deposit monies, must be able to verify that the amount requested is accurate." A motion for adoption of the rule was made by Councilmember Williams, duly seconded by Councilmember Iddings, and carried unanimously.

9. Maple Avenue traffic control improvements in the Piney Branch Elementary School area. The City Administrator stated that this was a subject that came up in the summer, prior to Council's recess; said staff was directed to prepare recommendations for improvement of traffic flow and pedestrian safety on Maple Avenue, particularly in regard to the school zones; said a number of alternatives have been considered, the police department has scrutinized the situation. Mentioned the ordinance recently passed authorizing 15 MPH maximum speed in school zones (signs on order for that), additional school crossing signs have been added; recommended that flashing yellow lights indicating the school zone be installed, a stop sign and crosswalk be installed at Maple and Lincoln Avenues; and a warning light be installed prior to the curve on Maple approaching Lincoln (from Sligo Creek Parkway) to warn of the stop sign at Maple and Lincoln. Stated all these items would be incorporated in an ordinance and presented to Council for their consideration at the next worksession. Remarked that the stop sign and crosswalk at Maple and Lincoln would facilitate crossing Maple for elderly/handicapped residents of the Franklin apartments wishing to utilize the minibus stop on the opposite side of the street. Councilmember D'Ovidio suggested that the county might be approached about the availability of yellow flashing lights previously installed at schools that have been closed, possibly saving the City some money. Councilmember Iddings requested that the Chief of Police be prepared at a later date to discuss the impact of the aforementioned controls on Carroll Avenue traffic. Chief Carter stated that there would be no fully accurate way to foresee what the displacement of traffic would be; thought some, but not a great deal, would occur.

Upon motion, duly seconded, the meeting adjourned at 12:45 A.M., to reconvene on Tuesday, October 12, 1982, at 8:00 P.M. in regular session.

S. Park

ORDINANCE NO. 2625 A

AN ORDINANCE RELATING TO ABANDONED, WRECKED, JUNKED AND DISMANTLED MOTOR VEHICLES; PROHIBITING THE STORAGE THEREOF ON PUBLIC OR PRIVATE PROPERTY; DECLARING THE SAME TO BE A NUISANCE; PROVIDING FOR THE ABATEMENT OF SUCH NUISANCE; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, motor vehicles are or may in the future be abandoned, dismantled, partially dismantled, wrecked, junked, inoperative or discarded or left about the City, in places other than junk yards or other appropriate areas; AND

WHEREAS, such conditions tend to impede traffic in the streets; interfere with the enjoyment of property; reduce the value of private property; invite plundering; create fire hazards; extend and aggravate urban blight; and result in a serious hazard to the public health, safety, comfort, convenience, welfare and happiness of the residents of the City.

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

SECTION 1. THAT Sections 13-7 through 13-16, comprising Article 2 of Chapter 13, Code of Takoma Park, Maryland, 1972, as amended, be repealed in their entirety and reenacted to read as follows:

Article 2.

Sec. 13-7. Short Title. This article shall be known and be Cited as the "Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicles."

Sec. 13-8. Definitions. For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) City is the City of Takoma Park, Maryland.

(b) Police Officer is a law enforcement officer of the City of Takoma Park, Maryland.

(c) Motor Vehicle is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorcycles, motorscooters, trucks, tractors, and campers.

(d) Abandoned Motor Vehicle is any motor vehicle, as defined in Sec. 13-8(c) which does not have lawfully affixed thereto a valid registration plate or plates, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, junked or discarded.

(e) Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

(f) Private Property shall mean any real property within the City which is privately owned and which is not public property as defined in Sec. 13-8(g).

(g) Public Property shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

Sec. 13-9. Storing, parking or leaving dismantled or other such motor vehicles prohibited; and declared a nuisance; exceptions.

No person shall park, store, leave, or permit the parking, storing or leaving of any abandoned motor vehicle of any kind, whether attended or not, upon any public property within the City in excess of forty-eight (48) hours, or upon private property within the City for a period of time in excess of fifteen (15) days. The presence of an abandoned motor vehicle on private or public property in violation of this section is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this article. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise lawfully licensed and properly operated in the appropriate business zone, pursuant to the applicable zoning laws.

Sec. 13-10. Responsibility for removal.

Upon proper notice, as hereinafter set forth, the owner of any abandoned motor vehicle and the owner or occupant of the private property on which the same is located, or all of them, shall be responsible for its removal, and in the event of removal and disposition by the City, the owner or occupant of the private property where same is located and the owner of the abandoned vehicle shall be liable for the expenses incurred.

Sec. 13-11. Notice to remove.

(a) Private Property. Whenever it comes to the attention of a police officer that any nuisance, as defined in Sec. 13-9 of this article, exists on private property in the City of Takoma Park, he shall issue a notice to remove and a municipal infraction warning, to the last known registered owner of the vehicle, requiring its removal within fifteen (15) days. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by certified mail to the owner or occupant of the private property and to the registered owner of said vehicle at their last known addresses. The notice to remove shall require the removal of said motor vehicle within fifteen (15) days, and shall advise that upon failure to comply with the notice to remove, the City or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property and the owner of the abandoned vehicle.

(b) Public Property. Whenever it comes to the attention of a police officer that a nuisance, as defined in Sec. 13-9 of this Article, exists on public property in the City of Takoma Park, he shall affix to said vehicle a written notice requiring the removal of said vehicle within forty-eight (48) hours.

Sec. 13-12. Removal of motor vehicle.

If the nuisance described in the notice to remove has not been abated within the time for compliance, the chief of police or his designee shall have the right to take possession of the abandoned motor vehicle and remove it from the premises and issue a municipal infraction citation. It shall be unlawful for any person to interfere with, hinder or refuse to allow such person or persons to enter upon public or private property for the purposes of removing an abandoned motor vehicle under the provisions of this article.

Sec. 13-13. Notice of removal.

(a) Within seven (7) days of the removal of such vehicle, the chief of police shall give notice to the last known registered owner of the motor vehicle by registered mail, return receipt requested, and to each secured party as shown on the records of the Motor Vehicle Administration, and also to the owner or occupant of the private property from which the motor vehicle is removed, that said motor vehicle, or vehicles, have been impounded and stored for violation of the provisions of the article. The notice shall state that the abandoned vehicle was taken into custody; describe the location of

of the facility where the vehicle is held; inform the parties of their right to reclaim the vehicle within three (3) weeks from the date of the notice, on payment of all outstanding municipal infraction fines and all towing, preservation, and storage charges resulting from taking or placing the vehicle in custody, and state that the failure of the parties notified to exercise this right within the time provided constitutes a waiver of all right, title and interest in the vehicle and their consent to the sale of the vehicle at public auction.

(b) If the identity of the last registered owner of the abandoned vehicle cannot be determined or the registration of the vehicle gives no address of the owner, or it is impossible to determine with reasonable certainty the identity and address of the secured party, or the registered mail notice required by Subsection (a) of this section is returned as undeliverable, the police department shall give the required notice by publication in at least one newspaper of general circulation in the area where the abandoned vehicle was found. Notice by publication may contain multiple listings of abandoned vehicles, shall contain the information required as indicated in subsection (a) of this section, and shall be published within fifteen (15) days of taking into custody of the vehicle, or, if the notice of publication is made because of the return as undeliverable of a prior notice by registered mail, within seven (7) days of the return of that prior notice

Sec. 13-14. Storage of abandoned motor vehicles; place, fees, release.

(a) Any abandoned motor vehicle which the police department shall take into custody or impound shall be stored at an appropriate place or facility selected by the Chief of Police until such time as it is claimed by the registered owner, lawful custodian or secured party, or otherwise disposed of according to law. The Chief of Police shall keep a complete record of all vehicles impounded and be able at all times to furnish the owner, or his agent, with information as to place of impounding.

(b) All towing, storage and preservation fees and charges must be paid to the appropriate company and all municipal infraction fines paid to the City Administrator or his designee and a receipt properly issued before the vehicle may be reclaimed.

(c) In extreme hardship cases or extraneous circumstances, adjustments in the storage charges may be authorized by documental agreement between the Chief of Police, the City Administrator and the storage facility.

Sec. 13-15. Sales of abandoned motor vehicles; procedure; disposition of proceeds.

(a) If the motor vehicle is not reclaimed as provided, the Chief or Police or his designee shall sell said motor vehicle at public auction. The sale shall be at some place which is convenient and accessible to the public, at any time between the hours of 10:00 a.m. and 6:00 p.m. An advertisement of the time, place and terms of the sale, together with a full, detailed description of such motor vehicle, shall be inserted in at least one (1) newspaper of general circulation in the City, at least once a week for two (2) consecutive weeks prior to the sale. A notice, by registered mail, shall be sent at least ten (10) days prior to the sale to the last known registered owner or lawful custodian if known, and any secured party if their address is known, or ascertainable by the exercise of reasonable diligence. If such address cannot be ascertained, then this notice shall not be required.

(b) After payment of the expenses of sale, including all notice and publication costs, towing, storage and preservation charges, and after payment of all liens filed against a motor vehicle, the balance, if any, received by the City in any sale shall be held by the City Administrator or his designee for a period of six (6) months from the date of the sale. The City Administrator or his designee shall pay such balance to any person who shall file his verified claim prior to the expiration of such six (6) month period establishing that he is the owner or person entitled to the possession of such motor vehicle. If no proper claim is filed within such period, the balance shall be transferred to the General Fund of the City.

Sec. 13-16. Municipal infractions; fines; other remedies.

(a) Sections 13-9, 13-11 and 13-12 of this article have been declared to be municipal infractions; violation of Sec. 13-11 and 13-12 shall cause a twenty-five dollar (\$25.00) fine to be imposed, provided that Subsection (d) of this section does not apply.

(b) If the municipal infraction fine has not been satisfied within twenty (20) days as specified, then a formal notice shall be sent by certified mail to the person whose name appears on the fine citation stating that, if the fine is not satisfied within fifteen (15) days, the City of Takoma Park shall request adjudication of the case through the District Court and double the fine from twenty-five dollars (\$25.00) to fifty dollars (\$50.00), in accordance with Section 1-17(b) of the City Code.

(c) Nothing contained herein shall prevent the City of Takoma Park from filing suit in the appropriate court to enjoin or otherwise require or prevent any action or omission provided for by this article.

(d) One (1) municipal infraction warning of fifteen (15) days shall be issued to the person responsible for violation of Section 13-11(a), which has been declared to be a municipal infraction in accordance with subsection (a) of this section. No warnings shall be issued for violation of Section 13-11(b), which has also been declared a municipal infraction. No additional warnings shall be issued to the person responsible for subsequent infractions for which a municipal infraction warning was received. Procedures for issuing warnings shall be as described in Section 13-11(a).

(e) Failure to abate the cited violation at the time of paying the fine shall cause the violation to be treated as a repeat violation.

(f) Any person who receives a municipal infraction fine citation and wishes to stand trial by signing the citation and returning it as specified shall not receive additional citations until the court rules on that citation.

(g) If any provision of this article, or the application thereof to any person or circumstance, is held invalid, the remainder of the article and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SECTION 2. THAT this ordinance shall become effective on November 1, 1982.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND ON SEPTEMBER 27, 1982.

ORDINANCE NO. 2626

WHEREAS, Takoma Park Ordinance 1615, adopted by the Mayor and Council on August 8, 1960, established the Takoma Park City Newsletter; AND

WHEREAS, Ordinance 1615 does not provide for an editorial policy, nor does it specify where final responsibility for the newsletter rests; AND

WHEREAS, questions have arisen pertaining to the editorial policy of the newsletter and to responsibility for the newsletter, which questions cannot be resolved by appeal to the controlling legislation, Ordinance 1615.

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

SECTION 1. THAT Ordinance 1615 is hereby repealed in its entirety; AND

SECTION 2. THAT the Mayor and City Council of Takoma Park is hereby authorized to publish on a regular basis a newsletter to be distributed to each residence and business in the City; AND

SECTION 3. THAT the Mayor and City Council of Takoma Park is hereby authorized (1) to appoint an editor who will edit said newsletter and (2) to define the duties of the newsletter editor; AND

SECTION 4. THAT the Mayor and Council is hereby authorized and required to establish an editorial policy for said newsletter, and to amend said policy from time to time as circumstances require, and to publish in the newsletter said policy and any amendments to that policy; AND

SECTION 5. THAT this ordinance shall become effective upon adoption.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND ON SEPTEMBER 27, 1982.

ORDINANCE NO. 2627

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

SECTION 1. THAT the following sections and subsections of Ordinance 2587, as amended by Ordinance 2598 on February 22, 1982, be hereby repealed and reenacted to read as set forth below: Article II, Sec. 7(a); Article IV, Sec. 21 and Sec. 22(g)(6):

ARTICLE II

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

ARTICLE IV

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

Sec. 22 (g) (6) Any vacant apartment unit may be rented at the level of comparable apartment units within a building, with comparable being defined on the basis of square footage, efficiency, one bedroom, two bedroom, and three bedroom apartments or more.

AND

SECTION 2. THAT this ordinance shall become effective upon adoption.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND ON SEPTEMBER 27, 1982.