

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
October 12, 1982

AGENDA

8:00 CALL TO ORDER: Mayor Abbott

FOLL CALL: Councilmember Bradley
Councilmember D'Ovidio
Councilmember Eckert
Councilmember Faulkner
Councilmember Garcia
Councilmember Iddings
Councilmember Williams

PLEDGE

READING AND APPROVAL OF THE MINUTES OF COUNCIL MEETING OF SEPTEMBER 27, 1982.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

8:10 FOLK FESTIVAL COMMITTEE REPORT AND PRESENTATION TO JUNIOR HIGH SAVE OUR SCHOOLS COMMITTEE

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
 - Report on unification advisory referendum (Larry Hush)
 - Report on public hearing on Washington Adventist San Building, by Montgomery County Planning Board, 9:00 AM, Tuesday, November 16, 8787 Georgia Avenue
 - (2) Proposed ordinance adopting Chapter 8A, Montgomery County Code, entitled "Cable Communications," and requesting administration and enforcement within the City
 - Citizens' comments
 - First reading
 - (3) Proposed ordinance authorizing installation of two flashing yellow lights in Maple Avenue school zone, and appropriating funds
 - Citizens' comments
 - First reading
 - (4) Proposed ordinance establishing a Transportation Planning and Traffic Committee
 - Citizens' comments
 - First reading
 - (5) Proposed ordinance authorizing purchase of new copying machine and disposal of Xerox 4000 copier
 - Citizens' comments
 - Council action

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
October 12, 1982

City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember Bradley	City Clerk Pusti
Councilmember D'Ovidio	Police Chief Carter
Councilmember Eckert	Public Works Director Robbins
Councilmember Faulkner	Recreation Director Ziegler
Councilmember Garcia	Acting Library Director Spottswood
Councilmember Iddings	Corporation Counsel Culpepper

EXCUSED: Councilmember Williams

The Mayor and City Council of Takoma Park met on October 12, 1982, at 8:00 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Council Meeting minutes of September 27, 1982, were presented for approval. The following corrections were noted by Councilmember Iddings: page 1, 4th and 5th lines from end of section under "Mayor Abbott's Comments," should read State Senator Arthur Dorman and Delegate Stewart Bainum; on page 3, under Phil Vogel's comments, "Marty Mazola" should read "Marty Mazzerni." Upon motion, duly seconded, the minutes were approved unanimously with the noted corrections.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott stated that on April 12, the first action of the present Council was to adopt a resolution favoring nuclear freeze; the Takoma Park Task Force On Nuclear Freeze had carried forth the work and played a leading role in the formation of a Greater Washington Area Task Force on the subject and had worked with Senator Sarbanes, and Congressman Barnes; and with the District of Columbia on the question to be placed on the November 2 ballot. Said they also aided the campaign in Rockville for adoption of a nuclear freeze resolution, which was passed recently. Stated that at the July Council of Governments' meeting he personally introduced a resolution, there was extensive discussion, and the question of crisis relocation was separated from the nuclear freeze resolution, and the issue was tabled. Related that on October 13, he would be moving to remove the resolution from the table, hopefully for a vote; many of those who previously either abstained or favored tabling, have since been mandated by their jurisdictions to vote in favor of nuclear freeze. Encouraged citizens to avail themselves of the opportunity to meet Congressman Barnes at the reception being given by him at the Municipal Building on October 16 from 2:00-4:00 P.M.

ADDITIONAL AGENDA ITEMS

214 Grant Avenue (City Administrator)

GENERAL CITIZENS' REMARKS

1. Phil Vogel, 7117 Garland Avenue: stated the Planning Board had granted a hearing on the Washington Adventist Hospital Sanitarium Building, scheduled for 9:00 A.M., Tuesday, November 16; said that would not have come to pass without Council's efforts; expressed thanks to the Mayor and Council. Said his group had sent a letter to the Planning Board, but needs the City's assistance in impressing upon the Planning Board that the San Building should not be demolished. Said that not only the demolition of the San Building is at issue, but also the question of who ought to be running the City.

Mr. Vogel questioned the reason for placing 214 Grant Avenue on the agenda; it was explained that a fire had taken place on the morning of October 11, damaging the building beyond salvage, and an ordinance for demolition would be presented.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. The City Administrator read a letter from Mrs. Evelyn Ferry

expressing her hope that the hub of the Takoma Old Town redevelopment would be a full-service grocery store, rather than a "Georgetown-type" restaurant serving alcoholic beverages. The City Administrator reported that the Mayor and Council interviewed a candidate for the landlord alternate vacancy on COLTA, reached a consensus that the candidate, Mr. Stewart Connard, should be appointed to fill the vacancy. A motion was made by Councilmember Faulkner, duly seconded by Councilmember Bradley, and unanimously carried, that Mr. Connard be made a landlord alternate member of COLTA.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Report on unification advisory referendum. Mayor Abbott stated that at the November 2 election, citizens in the Prince George's section of the City would be afforded the opportunity to vote on whether or not they want a referendum that will be binding ordered by the State Legislature; said this will be an advisory vote/a straw vote. City Clerk Pusti stated that Board of Election regulations will have to be observed; said the polling places have been inspected and it was decided that space outside the regular polling area could be utilized for ballot boxes, there would be 6 judges; and applicable procedures from the City Charter would be followed. Said the City would furnish ballots and ballot boxes, the ballots would be tallied by the judges, there would probably be about 1,200 ballots, and an up-to-date list of qualified voters would be furnished by the Board of Elections. Mr. Phil Vogel volunteered to serve as an election judge. Mayor Abbott remarked that there would be two polling places involved - Carole Highlands and Our Lady of Sorrows; reiterated that the ballot boxes would be inside the buildings, adjacent to but not conflicting with the regular polling; said an emergency ordinance covering all details pertaining to the election would have to be adopted at the next Council meeting.

2. Report on public hearing on Washington Adventist San Building, Montgomery County Planning Board, 9:00 A.M., Tuesday, November 16, 8787 Georgia Avenue. Councilmember D'Ovidio stated that the only reason the hearing was granted was due to pressure exerted by Councilmembers and citizens. Said WAH hospital staff had pretty well convinced Planning Board staff that to permit a second hearing on the subject would not be legal; one hearing had been held and the San Building had been turned down as a historic site, therefore it should not come up again. Stated the County Attorney said that obviously did not apply to any kind of administrative hearing, and was a false assumption on the part of the hospital. Said that both the City's Historic Preservation Committee and the County Historic Preservation Commission will make presentations at the November 16 hearing favoring retention of the San Building; encouraged concerned citizens to attend and request time to speak. Mr. Vogel stated that he was advised that the City could have input into Planning Board staff's deliberations on the issue; said they have already heard WAH's input on the matter; the Historic Preservation Committee could try to arrange a meeting with the Planning Board staff for the purpose of presenting the committee's position. Councilmember Bradley stated that in a conversation she had with Mr. Matthews of the Planning Board staff, he expressed the opinion that the hospital should be permitted to speed the process up and proceed with development; said that was a disturbing remark from a staff member who should be pulling in a variety of information for consideration and who had not heard directly from the City. Councilmember D'Ovidio remarked that there is a larger issue involved as well in terms of what kind of control the City has or will have over its own destiny in regard to that whole piece of property and the future of the relationship with the hospital. Mr. Ron Wylie remarked that he had spent an hour at Park and Planning hoping to get the administrative procedures (which he thought would be compiled), found that there were none; said it is clearly a process of policy judgments all along the line. Voiced concern about the possibility of the hospital going ahead and getting a demolition permit; said he is not sure the Department of Environmental Protection is precluded from issuing the permit. Councilmember D'Ovidio stated the City has assurance, in writing, from the Director of Construction Permits for the county, that the City will be notified immediately upon any request for demolition at the hospital. Said the City also has verbal assurance from the County Attorney that he would immediately seek an

injunction upon any request for demolition from the hospital. Councilmember Iddings requested that Mr. Wylie draft a letter detailing Park and Planning's lack of administrative procedures; said it is very disturbing that they seem to be formulating procedure as they go, questioned the legality of so doing.

3. Proposed ordinance adopting Chapter 8A, Montgomery County Code, entitled "Cable Communications," and requesting administration and enforcement within the City. Councilmember Bradley presented the ordinance, stated it was the outgrowth of a 2½ year effort to consider the future path of cable television for the City; said the City is still waiting to hear from the county on the actual County/City Agreement. The City Administrator explained that the ordinance is the enabling document for cable to be wired in the City; said the contract itself is not specifically premised upon the ordinance.

John Hemphill, 8112 Flower Avenue: spoke as a member of the Cable TV Committee; said that as the ordinance now stands, there is no requirement for apartment owners to allow cable to come into apartment buildings so the apartment dweller can benefit from the system; mentioned there have been some legal problems with laws that have been passed in other jurisdictions concerning this issue; the cable committee would be studying the problem and try to come up with a solution that would enable everyone to participate in the cable TV system. Announced that the next Cable TV Committee meeting would be Tuesday, November 9 and the winning franchisee should be known by that time; the committee would commence charting their course as to how cable will actually be used in the City; encouraged interested persons to attend and participate.

The ordinance (attached) was accepted for First Reading; to be placed on the agenda of the October 25 Council meeting for second reading and adoption.

4. Proposed ordinance authorizing installation of two flashing yellow lights in Maple Avenue school zone, and appropriating funds therefor. Councilmember Iddings made a motion, duly seconded by Councilmember D'Ovidio, that the ordinance be accepted for first reading. The City Administrator explained that the cost per light would be approximately \$1,000; said installation, including electrical work, would be about \$500 per light; said between first and second readings of the ordinance, he would continue to investigate possible procurement of the lights through county sources. As far as procuring lights that were installed at schools that have been closed, said preliminary investigation reveals that those lights are generally dismantled and used for spare parts by the county, who build their own lights. In response to query, stated that delivery on the lights is approximately 60 days, said ordering of the lights would have to await adoption of the ordinance. As a time-saving measure, Councilmember Bradley made a motion that the ordinance be adopted as emergency legislation; no second offered. Councilmember Iddings stated he did not consider an emergency in existence.

Carlos Stewart, 7710 Maple Avenue: expressed agreement with Councilmember Bradley; said the proposed installation of the lights grew out of an emergency situation; urged adoption of the ordinance as a piece of emergency legislation.

Mayor Abbott remarked that his feeling was that the issue was of sufficient importance to deserve passage as emergency legislation. Councilmember D'Ovidio expressed agreement with the Mayor.

David Sawyer, 8205-A Roanoke Avenue: encouraged passage as emergency legislation; mentioned that with the passage of time, winter weather will be upon us, making installation more difficult.

Councilmembers Eckert and Garcia supported adoption of the ordinance as emergency legislation; Councilmember Iddings withdrew his original motion for acceptance as first reading. A motion was made by

Councilmember D'Ovidio, duly seconded by Councilmember Bradley, that the proposed ordinance be treated as emergency legislation. Councilmember Iddings pointed out that a section would be required stating the nature of the emergency. Following discussion, amendments to the ordinance were offered by Councilmember Bradley setting forth the nature of the emergency. Motion for amendment was duly seconded, carried unanimously. Ordinance No. 2628 was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, and Iddings. NAY: None. EXCUSED: Councilmember Williams.

ORDINANCE NO. 2628
(Attached)

FOLK FESTIVAL COMMITTEE REPORT AND PRESENTATION TO JUNIOR HIGH SAVE OUR SCHOOLS COMMITTEE

Mayor Abbott commented that in recent interviews of candidates for Library Director, several applicants who live outside the City, in response to the question why they wished to work in the City, stated they love the City, liked the spirit and the unique population, and had attended the Folk Festival. Said each of the five Folk Festivals has been held to benefit a public cause. David Sawyer, Co-chairperson of the Folk Festival Committee spoke; expressed thanks to the City and especially, to Public Works and Paul Powell, the Recreation Department, for their assistance and efforts. Said this year's Folk Festival was the most successful so far; presented a check for \$4,000 to Leroy Brown, Treasurer of the Save Our Schools Committee. Urged the citizens of Montgomery County to vote wisely in the School Board race in November, and to subsequently pressure the School Board to ensure consideration of the community's needs. Carl Bergman, Takoma-D.C., and Folk Festival Committee Treasurer, spoke; expressed pleasure at being present; complimented the efforts of the Save Our Schools Committee, thanked them for their assistance and participation in the festival. Mr. Brown thanked the festival for the contribution to the defense fund; said it would enable them to continue their efforts to keep the Junior High open. Mayor Abbott requested that thanks be conveyed to Paul Plant for his efforts in the festival; said without his help it would not have enjoyed the level of success it had.

5. Proposed ordinance establishing a Transportation Planning and Traffic Committee. Councilmember Iddings presented the proposed ordinance; spoke briefly on the formerly existent traffic committee of which he was a member, and their contributions to traffic planning for the Master Plan. Relayed comments from Reverend Albaugh supporting the proposed ordinance. Made a motion, duly seconded by Councilmember Faulkner, that the ordinance be accepted for first reading. Councilmember Eckert expressed support for the ordinance, hoped it might serve as a prototype for dealing with similar issues that arise in the future. Councilmember D'Ovidio expressed support for the ordinance; Councilmember Garcia suggested notice of the ordinance be placed in the next issue of the City Newsletter, saying that might bring out City volunteers with expertise in the field. The ordinance (attached) was accepted for first reading.

6. Proposed ordinance authorizing purchase of new copying machine and disposal of Xerox 4000 copier. The City Administrator explained that funds had been reserved in the FY-83 budget for the purchase of a new reproduction machine, the Xerox 4000 being several years old, well-worn, unreliable, and disfunctional at this time. Said the Xerox was advertised extensively for sale; the only offer received was as a trade in on a Canon copier, for \$3,000 in supplies in exchange for the Xerox. Said the City was advised by Xerox Corporation that the machine was only worth about \$1,400 for parts. Commented that a number of copying machines were reviewed, the Canon had the best reliability, best suited the City's needs in terms of volume of copying; the supplier, T. Talbot Bond Company has excellent reliability and offered the lowest competitive bid. Councilmember Garcia expressed preference for

purchasing American-made equipment when possible, questioned how Xerox machines compared in the recent search for a new machine; the City Administrator stated that they could not furnish a machine with comparable features for the price of the Canon. A motion was made by Councilmember Bradley, duly seconded by Councilmember Faulkner, that the ordinance be adopted. Ordinance No. 2629 was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Iddings. NAY: None. EXCUSED: Councilmember Williams. ABSTAINED: Councilmember Garcia.

ORDINANCE NO. 2629
(Attached)

7. 214 Grant Avenue. The City Administrator explained that the property, owned by the City, had been boarded up and consideration was being given to restoration prior to a fire on the morning of October 11, which did very significant damage. Said the County Fire Marshal urges that the building be demolished as quickly as possible as it presents a clear and present danger to the community. A motion was made by Councilmember Bradley, duly seconded, that the ordinance below be adopted as emergency legislation. An amendment to Section 3 was offered by Councilmember D'Ovidio, to read: "the cost of demolition, grading, and seeding be appropriated from the General Contingency Fund." In response to query, the City Administrator explained that the lot would be maintained by Public Works until such time as a decision was made by Council whether to retain the property or dispose of it. Councilmember Iddings suggested that rather than amending Section 3, Section 2 be amended to read: "from three demolition contractors to demolish the building, grade, and seed the lot, and the City Administrator is hereby....." Amendment accepted. Councilmember Garcia remarked that anything of value should be removed from the building prior to demolition. The City Administrator stated that use of the lot would be placed on a future agenda for discussion. Ordinance No. 2630 was adopted as emergency legislation by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, and Iddings. NAY: None. EXCUSED: Councilmember Williams.

ORDINANCE NO. 2630
(Attached)

Upon motion, duly seconded, the meeting adjourned at 9:45 P.M., to reconvene on Monday, October 25, 1982, at 8:00 P.M. in regular session.

PROPOSED ORDINANCE ON CABLE COMMUNICATIONS

WHEREAS, the City of Takoma Park, Maryland believes that it is in the best interest of its citizens for a cable communications system to be constructed within its corporate limits; and

WHEREAS, the City of Takoma Park believes that it is in the best interest of its citizens that the process of awarding cable communications franchise(s) and the regulation of cable communications system(s) within the boundaries of the City be undertaken by the County:

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

Article 1.

General Provisions

Section 1. Adoption of Montgomery County Cable Communications Law.

Chapter 8A of the Montgomery County Code (1972), as amended, entitled "Cable Communications" is hereby incorporated by reference and enacted as the Cable Communications Ordinance of the City of Takoma Park with the following additions and amendments:

(a) Sections Added. Chapter 8A of the Montgomery County Code (1972), adopted by this ordinance, is hereby amended by adding the following additional sections:

(1) §8A-3(u) "City" or "City of Takoma Park" means the Mayor and Council of Takoma Park, Maryland, an incorporated municipality. Notwithstanding anything to the contrary contained herein, the corporate limits of the City of Takoma Park shall be included within the geographical areas of the county to which this law applies.

(2) §8A-10(j) Approval by City. Whenever in this Section the approval of the county is required, a franchisee shall also be required to obtain the approval of the City, which approval shall not unreasonably be withheld.

(b) Sections Amended. The following section of Chapter 8A of the Montgomery County Code (1972), adopted by this Ordinance, is hereby amended to read as follows:

(1) §8A-6(h) Indemnity. A franchisee shall at its sole cost and expense, indemnify, hold harmless, and defend the county (including the City), its officials, boards,

OVER

commissions, agents and employees against any and all claims, suits, causes of action, proceedings, and judgments for damage arising out of construction, maintenance, operation or removal of the cable communication system under the franchise. These damages shall include but not be limited to penalties arising out of copyright infringements and damages arising out of any failure by the franchisee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by the cable communications system whether or not any act or omission complained of is authorized, allowed, or prohibited by the franchise.

Section 2. Amendments.

All amendments to Chapter 8A of the Montgomery County Code which are hereafter enacted shall become effective within the City upon the effective date thereof unless prior thereto an ordinance shall have been adopted by the City disapproving such amendments.

Section 3. Executive Regulations.

All executive regulations now adopted by the County Executive for Montgomery County pursuant to the authority contained in Chapter 8A of the Montgomery County Code (1972) are hereby incorporated by reference and deemed to be effective within the City.

Section 4. Regulations or Amendments to Regulations.

All regulations or amendments to regulations hereafter adopted by the County Executive for Montgomery County pursuant to the authority contained in Chapter 8A of the Montgomery County Code (1972) shall become effective within the City upon the effective date thereof unless prior thereto an ordinance shall have been adopted by the City disapproving such regulations or amendments.

Article 2.

Enforcement

Section 1. Enforcement by Montgomery County.

Montgomery County, Maryland, is hereby requested and authorized to administer and enforce the cable communications ordinance of the City of Takoma Park, and any franchise granted by the County Council for Montgomery County, Maryland, will be effective within the corporate limits of the City as fully and to the same extent as if granted by the City.

Section 2. Compliance with Other Applicable Ordinances.

Nothing herein contained shall in any way be construed as exempting the franchisee from compliance with any other applicable ordinance of the City of Takoma Park now or hereafter enacted.

OVER

ORDINANCE NO. 2628

WHEREAS, Ordinance No. 2625, adopted on September 13, 1982, designated that part of Maple Avenue lying between Lincoln Avenue and Philadelphia Avenue as a school zone, and reduced the speed limit to 15 miles per hour; AND

WHEREAS, the Chief of Police has recommended the use of flashing yellow lights to facilitate compliance with the reduced speed limit by giving motorists clear warning that they are entering a school zone; AND

WHEREAS, Daylight Savings Time will be ending in October, and the Maple Avenue community has repeatedly and previously informed the City about the traffic conditions that merit emergency consideration; AND

WHEREAS, the Mayor and Council concur with the Maple Avenue neighborhood that a clear and present danger has been identified for school-age children.

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

SECTION 1. THAT two flashing yellow lights be installed on Maple Avenue, one at Philadelphia Avenue in clear view of northbound motorists, and one at Lincoln Avenue in clear view of southbound motorists; AND

SECTION 2. THAT the precise location of the flashing lights shall be as determined by the Chief of Police and the Director of Public Works; AND

SECTION 3. THAT funds not in excess of FIVE THOUSAND DOLLARS (\$5,000) be appropriated from the General Contingency Fund to cover the costs of this project.

ADOPTED BY THE MAYOR AND COUNCIL OCTOBER 12, 1982.

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PROPOSED ORDINANCE

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

Section 1. Establishment of Traffic Committee. There is hereby established a Transportation Planning and Policy Committee, which shall be a standing committee of the Council.

Section 2. Organization of Committee.

A. Membership and Term of Office. The committee shall consist of the following members:

- 1.) Three Councilmembers, who shall be appointed by the Mayor at the beginning of each councilmanic term;
- 2.) The Chief of Police and/or the Director of Public Works, who shall serve as ex officio members; and
- 3.) Two citizen representatives from each ward, who shall be appointed by the Mayor and Council with preference given to those citizens who are nominated by their citizen associations.

All terms shall expire on the municipal election day.

B. Officers. The Officers of the Committee shall consist of a Chair and a Vice-chair. The chair shall be one of the Councilmembers on the committee, who shall be appointed Chair by the Mayor. The Committee shall elect its Vice-chair at its initial meeting.

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

D. Quorum. A quorum shall be constituted by two councilmembers and eight citizen representatives.

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Section 3. Scope of Activities. The duties of the Transportation Planning and Policy Committee shall be as follows:

- A. To inform the Mayor and Council of traffic and transportation-related issues requiring their attention; to develop for their consideration policies which address such issues as they arise or can be anticipated to arise.
- B. To develop for the Mayor and Council's consideration proposal implementing the transportation goals defined in the Adopted Master Plan for the City; to monitor the City's compliance with those goals; and to augment and modify, when necessary, those goals.
- C. To review, comment, and make recommendations on all proposals to install, modify, or remove traffic control devices or to implement any other traffic management technique.
- D. To function as a liason between the community and any traffic engineering consultants or staff who may be engaged to provide traffic engineering services to the City.
- E. To perform other duties related to transportation and traffic management as requested by the Mayor and Council.

Section 4. This ordinance shall take effect upon adoption.

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4
ORDINANCE NO. 2629

WHEREAS, the City is in need of a fast copying machine with a sorter, document handler, reduction, and other features; AND

WHEREAS, the adopted budget or Fiscal Year 1983 included funds to pay off the remaining monies owed on the City's present copier, net of monies raised through the sale of that copier; AND

WHEREAS, the Canon NP 400F copier system meets the specifications above; AND

WHEREAS, the City has obtained three bids from authorized dealers of the Canon NP 400F copier system; AND

WHEREAS, the lowest price was obtained from the T. Talbot Bond Company; AND

WHEREAS, the City advertised to sell the City's Xerox 4000 copier in a newspaper of general circulation; AND

WHEREAS, the best offer for the Xerox 4000 copier is as a trade in on a Canon NP 400F copier system from the T. Talbot Bond Company.

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

SECTION 1. THAT the Mayor and Council authorize the lease-purchase of the Canon NP 400F copier system, subject to approval by Corporation Counsel, from the T. Talbot Bond Company for TWO HUNDRED EIGHTY SIX DOLLARS (\$286.00) per month for sixty (60) months with a ONE DOLLAR (\$1.00) buy-out; AND

SECTION 2. THAT the Mayor and Council authorize the City Administrator to trade in Xerox 4000 copier to the T. Talbot Bond Company for \$3,000 in supplies; AND

SECTION 3. THAT funds to cover this be appropriated from Account 27.1031.

ADOPTED BY THE MAYOR AND COUNCIL OCTOBER 12, 1982.

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ORDINANCE NO. 2630

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

SECTION 1. THAT the City-owned structure located at 214 Grant Avenue was damaged by fire on October 11, 1982 to the extent that it is deemed to be beyond repair and constitutes an immediate danger to the life, property and public safety, and is hereby ordered to be demolished as an emergency measure; AND

SECTION 2. THAT quotations have been solicited from three demolition contractors to demolish the building, grade and seed the lot, and the City Administrator is hereby authorized to accept the lowest responsible bid received and to proceed with the demolition at the earliest possible date; AND

SECTION 3. THAT funds to cover the cost of demolition be appropriated from the General Contingency Fund.

ADOPTED BY THE MAYOR AND COUNCIL OCTOBER 12, 1982.

THE CITY OF TAKOMA PARK, MARYLAND

EMERGENCY WORKSESSION

October 23, 1982

2:00 P.M.

The Mayor and Councilmembers D'Ovidio, Iddings, and Bradley meet in emergency worksession; also present were City Administrator Nichols, Thomas Gagliardo, Esq., Messrs. Vogel, Aldrighetti, Hemphill, McMahon, Brogan and others.

Washington Adventist Hospital Sanitarium

Consensus:

#1

City and all interested civic associations will send hand delivered letters to the Director of Department Environmental Protection on Monday, requesting that a hearing be held on the application for a demolition permit for the WAH Sanitarium, pursuant to Section 8-12(f) of the Montgomery County Code.

#2

Per Gagliardo advice, on Monday evening, Council will introduce ordinances creating a City Historic Commission appointing Historic Commission Members, and declaring the WAH Sanitarium to be historic. Gagliardo to draft ordinances.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

October 25, 1982

AGENDA

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

PLEDGE

READING AND APPROVAL OF THE MINUTES OF OCTOBER 12, 1982 COUNCIL MEETING

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

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
--Report on economic development staff support
- (2) Report of Corporation Counsel Selection Committee
Committee report
Council action
- (3) Report of Library Director Selection Committee
Committee report
Council action
- (4) Proposed ordinance accepting bid for the demolition of 6761 Eastern Ave.
Citizens' comments
Council action
- (5) Special Exception S-848, Globe Auto Body Shop, 8423-8425 Flower Avenue,
to permit 10 off-street parking spaces in rear of building
Citizens' comments
Council action
- (6) Proposed resolution concerning San Building at Adventist Hospital
Citizens' comments
Council action
- (7) Consideration of requesting the Department of Legislative Reference to
prepare legislation to remove prohibition on sale of alcoholic beverages
in Montgomery County section with provisions for Mayor and Council veto
Citizens' comments
Council action
- (8) Proposed ordinance authorizing parking lot lighting improvements
at Municipal Building
Citizens' comments
Council action
- (9) Proposed ordinance authorizing the purchase of a camera system for
Police Department
Citizens' comments
Council action
- (10) Proposed ordinance authorizing sale of 1973 Ambassador at Police Department
auction and removal from city records
Citizens' comments
Council action
- (11) Proposed ordinance authorizing an advisory (straw) vote on November 2
on whether or not city voters in Prince George's County wish to have a
referendum on unification with Montgomery Co.; appointment of Judges
Citizens' comments
Council action

OVER →

(12) Second reading of an ordinance adopting Chapter 8A, Montgomery County Code, entitled "Cable Communications," and requesting administration and enforcement within the City

Citizens' comments
Council action

(13) Second reading of an ordinance establishing a Transportation Planning and Traffic Committee

Citizens' comments
Council action

(14) Proposed ordinance authorizing installation of stop signs on Elm Avenue at Larch Avenue

Citizens' comments
First reading

(15) Proposed ordinance setting a time for a hearing on why the property 7205 Flower Avenue should not be declared a nuisance and code violations ordered to be abated

Citizens' comments
First reading

(16) Proposed ordinance authorizing the City Administrator to

appoint and remove City Commissioners

Council action

(17) Proposed ordinance authorizing the City Administrator to

appoint and remove City Commissioners

appoint and remove City Commissioners

appoint and remove City Commissioners

Council action

(18) Proposed ordinance authorizing the City Administrator to

appoint and remove City Commissioners

appoint and remove City Commissioners

Council action

(19) Proposed ordinance authorizing the City Administrator to

appoint and remove City Commissioners

Council action

(20) Proposed ordinance authorizing the City Administrator to

appoint and remove City Commissioners

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Council action

(21) Proposed ordinance authorizing the City Administrator to

appoint and remove City Commissioners

Council action

(22) Proposed ordinance authorizing the City Administrator to

appoint and remove City Commissioners

Council action

(23) Proposed ordinance authorizing the City Administrator to

appoint and remove City Commissioners

Council action

(24) Proposed ordinance authorizing the City Administrator to

appoint and remove City Commissioners

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

October 25, 1982

City Officials Present:

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Councilmember Bradley	Administrative Asst. Tyree
Councilmember D'Ovidio	Library Director Spottswood
Councilmember Faulkner	Police Lieutenant Gowin
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Councilmember Iddings	Recreation Director Ziegler
Councilmember Williams	Corporation Counsels Gingerich & Culpepper

EXCUSED: Councilmember Eckert Corporation Counsel Gagliardo

The Mayor and City Council of Takoma Park met on October 25, 1982, at 8:20 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made, duly seconded, and carried unanimously, to approve the Council Meeting minutes of October 12, 1982.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

The Mayor commented that the agenda was lengthy; hoped people would make their comments brief and to the point.

ADDITIONAL AGENDA ITEMS

Ordinances under agenda item (6) in addition to resolution concerning San Building (Mayor Abbott)

GENERAL CITIZENS' REMARKS

1. Faith Stern, 103 Grant Avenue: Referred to memorandum which she and Dorothy Malusky had prepared and submitted to Mayor and Council concerning new plans being prepared by the Public School Planning Department for the Blair, Einstein, Northwood, Sligo, and Eastern areas. Said the Planning Department would be working closely with Park and Planning staff and commission to ensure approval by Park and Planning of the plan. Stated that Dr. George Fisher, Montgomery County Public School Department of Planning, was asked if Takoma Park Junior High was to be included in these plans, to which he replied no, that the school had been closed. Said it was pointed out that Northwood had also been closed, to which Dr. Fisher responded that he was simply carrying out the directions from Dr. Andrews who had specified the schools to be included. Mrs. Stern requested that the Mayor and Council contact Park and Planning in writing and request that Takoma Junior High be included in the plan. Mayor Abbott remarked that he had met with Norman Christeller of Park and Planning on another matter; in the course of conversation, the school plans were mentioned; Mr. Christeller promised that he would meet with City officials concerning the school issue; however, a definite date for the meeting had not been set.

2. Joan Prosten, 7428 Carroll Avenue: pointed out that the Nuclear Freeze Resolution the Mayor introduced before COG and which they subsequently passed was written up in the New York Times; expressed thanks to Mayor Abbott for his leadership. Said pressure is being exerted for Montgomery County to hold a hearing on the crisis relocation plan; groups are being lined up to give testimony. Mayor Abbott thanked Mrs. Prosten and members of the citizens' committee for their efforts on behalf of the Nuclear Freeze Resolution; said the favorable vote by COG was due to citizens contacting various representatives. Stated that when people go to the polls on November 2, he felt confident one quarter of the nation would overwhelmingly support nuclear freeze and serious arms reduction talks.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. The City Administrator mentioned the recent serious rabies outbreak; announced that Montgomery County would hold a free rabies vaccination clinic for dogs on Sunday, November 7 from 1:30-3:30 at the

County Office Building Garage (Monroe & Fleet Streets) in Rockville; clinic for cats to be held on November 17, 2:00-4:30 P.M., at the Animal Shelter, 1420 East Gude Drive, in Rockville. Said any suspected cases of rabies in either domestic animals or wildlife should be reported by calling 279-1823 during the day, or 279-7560, 24 hours. Councilmember Bradley emphasized that this is a serious problem, suggested staff might summarize in the next Newsletter what steps could be taken to get rid of raccoons, as well as looking into options for getting animal traps, other than from the county. Councilmember Faulkner expressed agreement; said he receives a number of complaints from constituents regarding animals; intended to propose at a later time reinstatement of the City animal warden.

2. City Administrator announced that the Mayor and Council would hold a public special meeting at approximately 9:00 P.M. on November 2 to receive the results of the straw vote on a unification referendum from the election judges.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Administrative report on the Economic Development Program and staff. City Administrator said Takoma Old Town is unfolding, numerous other projects will be looked at for possible development within the next few years, including Ethan Allen/Carroll area and Langley Park. Said efforts up until now have been carried primarily through consultants, Economic & Energy Resources; with moving from the planning into the implementation stage in Takoma Old Town, and looking toward investing more time on other considered redevelopment projects, the Mayor and Council have made a decision to hire a staff person to work full time on economic development issues in the community. Councilmember Iddings expressed thanks to the Phipps for their work on the Takoma Old Town Project; requested that a letter of commendation/appreciation be prepared for them. The City Administrator supported Mr. Iddings' comments; said many favorable remarks have been received about the job the Phipps did in organizing and preparing the Takoma Old Town Plan for implementation.

2. Report of Corporation Counsel Selection Committee. Councilmember Faulkner explained that thirty-five valid applications for the position were submitted; all were carefully considered by the selection committee, the number was reduced to seven who were interviewed by the committee. Following interviews, four finalists were recommended to Council (three were City residents), all very well qualified for the job; Council interviewed the four, selected Thomas Gagliardo as their choice to fill the position. Councilmember Faulkner made a motion, duly seconded by Councilmember D'Ovidio, and carried unanimously, that Mr. Gagliardo be appointed Corporation Counsel to the City. A motion was made by Councilmember Faulkner, duly seconded by Councilmember D'Ovidio, and carried unanimously, that the City Administrator be authorized to call upon Mr. Gingerich for his services as required during the transition period. A motion was made by Councilmember Faulkner, duly seconded by Councilmember Garcia, and carried unanimously, that separate Resolutions be prepared for Mr. Gingerich and Mr. Culpepper by the City Administrator, thanking them for their long and faithful service to the City. Mayor Abbott expressed his personal thanks for their devoted service. Councilmember Iddings made a motion, duly seconded by Councilmember Faulkner, that the City Administrator be directed to prepare letters of appreciation to members who served on the Corporation Counsel Search Committee; motion carried unanimously. Councilmember Garcia expressed his personal appreciation to Messrs. Gingerich and Culpepper for their long service to the City and valued assistance.

3. Report of Library Director Selection Committee. Councilmember Bradley stated that after consideration of all applications, the Committee recommended Ellen Spottswood be appointed to the position, effective immediately; hoped Council would endorse the recommendation. A motion was made by Councilmember Bradley, duly seconded, that Ms. Spottswood be appointed to the position of Library Director. Ms. Bradley commented that 17 applications were received for the job,

7 were interviewed; the committee found Ms. Spottswood to be the best qualified/most outstanding applicant in spite of keen competition. Mayor Abbott commented that several of the applicants were attracted to Takoma Park because of its independent library system and the community which it serves. Upon vote, motion carried unanimously. It was requested that the City Administrator have letters of appreciation prepared and sent to members of the selection committee. The Mayor commented that the utilization of citizens on selection committees had worked out very well, and the practice would be continued for future appointments.

In response to request from the Mayor, City Administrator Nichols stated that 107 applications were received for the position of Director of Housing Services, all were reviewed by the selection committee, the number was reduced to 10, with 5 being finally selected for interview by the committee. Said the interviews will be conducted over the next couple of weeks; it is hoped a final candidate will be chosen at the end of that time for recommendation to the Mayor and Council.

4. Proposed ordinance accepting bid for the demolition of 6761 Eastern Avenue. The City Administrator related that all necessary procedures had been followed on this property, he had been directed to solicit bids for demolition; five bids were received, Jefferson & Bucheimer's being the low bid at \$3,300. Requested that in order to achieve immediate demolition of the property, Mayor and Council suspend the rules pursuant to Section 2-8 of the City Code and authorize proceeding at once. A motion was made by Councilmember D'Ovidio, duly seconded by Councilmember Iddings, that the rules be suspended; motion carried unanimously. Councilmember D'Ovidio made a motion, duly seconded by Councilmember Bradley, that the proposed ordinance be adopted. Mr. Swafford spoke; pointed out that he had presented a savings passbook to the City Administrator reflecting a balance of approximately \$25,000 to demonstrate financial responsibility. Said, however, he had been informed by his attorney that nothing could be done on the property prior to December 15. Stated negotiations have been underway with the Brock family, did not know that it would be possible to get all of them to sign; the ownership is in the name of the father and there is a life estate (that is, the right in property limited to their right within their lives - unless they sign, nothing can be done with the property). Said he could give no assurance at this time of being able to do anything with the property; suggested the City proceed with demolition if they felt that to be best. Thanked the City and Council for their forbearance in the matter. In response to query, the City Administrator explained that if the house is demolished, the property would still belong to the owners; the cost of demolition would be attached as a lien against the property.

Corporation Counsel Gingerich stated that it is his understanding there is an equity suit to foreclose the equity redemption (meaning that the property had been sold at tax sale) and the present proceeding allows the record owners until December 15 to redeem the property, i.e., pay whatever amount is required to redeem it. If they redeem it, the proceeding is dismissed, they remain owners. If they choose not to redeem it and the redemption is foreclosed, whoever has instituted the proceeding has title to the property. If the building is demolished, they will still have title to the land; the cost of demolition would be a lien against the real property, thus protecting the City if they go forward with demolition, providing the value of the land is more than the cost of the demolition. Ordinance No. 2631 was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Faulkner, Garcia, Iddings, and Williams. NAY: None. EXCUSED: Councilmember Eckert.

ORDINANCE NO. 2631
(Attached)

5. Special Exception S-848, Globe Auto Body Shop, 8423-8425 Flower Avenue, to permit 10 off-street parking spaces in rear of building. The

City Administrator explained that the City was recently notified of application for the special exception; citizens' associations, the community and immediate neighborhood were notified and their opinions solicited by Mayor and Council; community feedback and findings of investigation were discussed at last week's worksession. Said the consensus reached by Mayor and Council was that the City would have no objection to the granting of the special exception if the exception is qualified by the following understandings and conditions: that derelict vehicles will be cleaned out, fencing be installed around the parking area and along the alleyway. Said while the City's stance regarding this request is not reflective of its general policy in terms of allowing special exceptions for this type of use, the general sentiment of the community was that this business was a good neighbor. Said Council's recommendation was based upon the site plan submitted; the owner mentioned the possibility of amending the site plan; should that occur, the City would wish to view and comment upon any additional plans prior to rendering a judgment. Stated the citizens' association and immediate community had no objections to the special exception. Councilmember Bradley requested the following be added to the letter to the county expressing Council's stance on the special exception: that the community feels very favorable about Globe Auto, they have been and continue to be a good neighbor; however, the fencing should be required by the Planning Board as an ongoing feature of the special exception, an annual review should be made of the useage to ensure that it is an appropriate conformance, the number of autos should be strictly limited to ten (10), and should any new plan be proposed prior to the December hearing on the matter, the present decision would be negated and Council would wish to see the new plan. Councilmember Iddings made a motion, duly seconded by Councilmember D'Ovidio, that the recommendations of the City Administrator and Councilmember Bradley be accepted as Council's position; motion carried unanimously.

6. Proposed Resolution and ordinance concerning San Building at Adventist Hospital. Councilmember D'Ovidio explained that both the present and former Council had gone on record as supporting preservation of the San Building as an historic resource in the community; said the hospital on Friday afternoon made application for a demolition permit for the building, had all the necessary papers in their possession at time of application; fortunately, as had been requested, the permit office cooperated by notifying the City and the demolition permit was not issued on the spot. Said the City had also been advised that there was a section under the Montgomery County Code that provided for interested parties requesting a hearing on the issuance of any demolition permit; that was done in writing by the Chairperson of the Montgomery County Historic Preservation Commission, as well as by Mayor and Council and various community groups. Explained that the hearing is at the discretion of the Director, but not required, so it was unknown what the outcome would be. It was requested, however, that issuance of any permit be delayed until after the November 16 Planning Board Meeting at which the issue of whether the San Building is historically significant will be discussed. Councilmember Iddings presented and read the proposed resolution; remarked that the last sections of it are closely tied to the County's Historical Ordinance and requirements set forth therein for finding a building historic and worthy of inclusion on the Master Plan (county ordinance is closely tied to state enabling legislation), thus a record will be established, with adoption of the resolution, of Council's support for the historical character of the San Building based upon established criteria. Councilmember Iddings made a motion, duly seconded by Councilmember Bradley, for adoption of the following resolution; motion carried unanimously.

RESOLUTION
(Attached)

Councilmember D'Ovidio stated that three ordinances would be presented as emergency pieces of legislation. Said recent research revealed that the Annotated Code of the State of Maryland, Article 66-B,

Section 8.01 on, appeared to grant authority to municipalities to control historic districts within their boundaries separate from other zoning authority. Explained that the three ordinances would:

1) provide for preservation of the Washington San Building, place it in a historic district in the City; 2) establish a City Historic Commission, which would function within the City as does the county commission within the county; 3) appoint members to the historic commission. A motion was made by Councilmember D'Ovidio, duly seconded by Councilmember Iddings, that the ordinance for preservation of the San Building be adopted.

Phil Vogel, 7117 Garland Avenue: requested Council's unanimity in adoption of the ordinances; said information has been received that the San Building would be eligible for nomination for placement on the National Register of Historic Places, possibly even as a national historic landmark; said Washington Adventist Hospital has an admitted need for additional space for non-patient care which could be provided by the San Building; an architect of some reknown has endorsed four options/plans under which the hospital could retain and utilize the San Building for office space.

A motion for amendment deleting Section 2 of the ordinance in its entirety was made by Councilmember Iddings, duly seconded by Councilmember D'Ovidio, and carried unanimously. The reason for the deletion as stated by Councilmember Iddings was that there are existent attorney general's opinions that state that specific sites/buildings cannot be legislated in this manner.

A motion for amendment was made by Councilmember Iddings, duly seconded, as follows: In Section 3 (which now becomes Section 2), in line 2, replace "the structure," with any structure; in line 3, delete "referred to in Section 2" and add in its place within the historic district defined in Section 1. Motion carried unanimously.

A motion for amendment deleting the entire last sentence in Section 4 was made by Councilmember Iddings, duly seconded by Councilmember Garcia, and carried unanimously.

A motion was made by Councilmember Iddings, duly seconded by Councilmember D'Ovidio, and carried unanimously, to entitle the ordinance "TO ESTABLISH AN HISTORIC DISTRICT ON THE SITE OF THE WASHINGTON ADVENTIST HOSPITAL."

Councilmember Bradley stated she did not relish being placed in the position of having to act upon this issue under emergency conditions, but felt the City and community wishes in the matter had been ignored by the hospital. Said attempts had been made at various times by both the hospital and the City/community, but apparently communication and understanding could not be reached; said she felt the San Building is worthy of preservation as an historic site, but the hospital appears to reject any sort of proposal involving the saving of the building. Councilmember D'Ovidio remarked that he, too, was not happy about having to take the present course but felt numerous attempts had been made to forestall taking such a route; said the ordinances would no doubt be tested under the Maryland Code; felt that the strong message embodied in adoption of the ordinances was now required; mentioned devious methods being utilized by the hospital in conducting their affairs. Mayor Abbott commented that it was his feeling that the reason the issue had reached its present state was because the former Council, during the bond issue for the hospital, gave up on the San Building and relied upon the word of the hospital administration that there was nothing in the foreseeable future to worry about regarding the San. Said the new Council, as a body, has never been afforded the opportunity of engaging in conversation with the hospital; felt no reluctance in acting expeditiously on the issue; cited the hospital's underhanded operations both in going to the Town of Riverdale for a bond issue and in making application for the demolition permit on a Friday afternoon. Councilmember Garcia stated he had thought Washington Adventist Hospital had given indications of being willing to try to reach a compromise; expressed concerns about acting

on the three ordinances which were not on the agenda and had no prior publicity or notice, did not think action should be taken on the ordinance without affording the hospital the opportunity to comment, therefore, would vote against it. Councilmember D'Ovidio commented that the Montgomery County Historic Commission at its last meeting forwarded language for consideration and possible passage by the County Council regarding tax credits for historic buildings in the county (which, if passed, would be available to the hospital in connection with the San Building). Councilmember Faulkner stated he agreed with Councilmember Bradley in not liking to conduct business in the present fashion; said were he not in basic agreement with the ordinances, would vote against them; as it was, would have to abstain. Councilmember Iddings stated he would support the ordinance; that it provides the City the tool to prevent demolition of the San Building without having to entertain the hospital's reasons as to why there are no viable alternatives; expressed reluctance at adopting ordinances on an emergency basis, but felt this was a valid emergency situation.

Upon request, a letter was read by Councilmember Garcia, addressed to Ms. Bradley and him, from Dr. Shiroma of Washington Adventist Hospital, stating therein that the hospital after five years of investigation concluded that there is no reasonable alternative but to raze the Sanitarium Building, and that the hospital was actively working toward that end.

Ron Wylie, 7618 Glenside Court: stated he felt that over the past five years, the hospital officials had engaged in well-meaning, rather generalized and probably not very good faith discussions on the issue of the San Building; said a great amount of time and effort had been expended over the years by many individuals and groups in trying to reach a compromise position that would satisfy all concerned, all officials of the hospital have been made well aware of how the City and its citizens feel on the issue; did not think anyone should feel badly about proceeding with the ordinance as the hospital had been given ample opportunity to negotiate if they so desired.

Ordinance No. 2632 was adopted by roll call vote as follows:

AYE: Councilmembers Bradley, D'Ovidio, Iddings, and Williams. NAY: Councilmember Garcia. ABSTAINED: Councilmember Faulkner. EXCUSED: Councilmember Eckert.

ORDINANCE NO. 2632
(Attached)

Councilmember D'Ovidio presented an ordinance creating a Takoma Park Historic Commission to oversee historic districts and sites within the City; made a motion for adoption, duly seconded by Councilmember Iddings. Councilmember D'Ovidio explained that the establishment of the commission would emulate Montgomery County's Historic Commission; spoke on what the ordinance embodies; said the ordinance was being presented as emergency legislation to create the body that would oversee the historic district at Washington Adventist Hospital (as well as any other historic districts that might be established). In response to query, explained that the present historic districts within the City are National Register districts (not on the county list), which is something that will have to be dealt with. Said an ordinance would have to be presented at a later time designating those districts to come under the jurisdiction of the City commission. Councilmember Garcia stated that while he did not oppose the ordinance, could not support the lack of advance public notice, hearings, etc., concerning the ordinance. Councilmember D'Ovidio remarked that the present Historic Preservation Committee is only an advisory body, that adoption of the ordinance as provided for in the State Code will give the City more power, more control. Councilmember Faulkner stated he would abstain from voting on this ordinance for the same reasons as stated previously.

Rino Aldrighetti, 7213 Central Avenue: stated that neither he, personally, nor Longbranch-Sligo Citizens' Association had taken an official position regarding demolition of the San Building; however, due to the way the hospital administration has dealt with the City is now forced to adopt the ordinances presented and move forward; hoped Councilmember Faulkner would reconsider his position of abstention.

Following additional discussion, Mayor Abbott urged that Councilmembers Garcia and Faulkner reconsider their stated positions of opposition and abstention. Councilmember Garcia commented that he was not vehemently opposed, but felt that insufficient time had been allowed for reading and study of the ordinances; could not be certain of what level of power the ordinance would grant the commission and did not wish to vote on something when he was not sure of what he was voting on. The question was called; Ordinance No. 2633 was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Iddings, and Williams. NAY: None. ABSTAINED: Councilmembers Garcia and Faulkner. EXCUSED: Councilmember Eckert.

ORDINANCE NO. 2633
(Attached)

Councilmember D'Ovidio presented the ordinance which sets up the process for appointing members to the Takoma Park Historic Preservation Commission and sets their terms of service on the commission; made a motion for adoption of the ordinance, duly seconded by Councilmember Faulkner. Councilmember D'Ovidio suggested that the members of the Takoma Park Historic Preservation Committee be appointed as the members of the Commission; Corporation Counsel Gingerich recommended that the appointments be effected concurrent with adoption of the ordinance. Names of the committee members, to be applied in the same order to dates of terms of service in the ordinance, were supplied as follows: Phil Vogel, Edward McMahon, David Saumweber, Ellen Marsh, James Brogan, Thomas Lutz, and Maurice Berez.

Rino Aldrighetti, 7213 Central Avenue: suggested that the City's position on passing the emergency legislation might be put forth in a Newsletter article, and hoped the hospital might avail themselves of that same opportunity to communicate their position.

Councilmembers Bradley reiterated regrets at having to proceed in the way the City has been forced to on this issue; said a great deal of hearsay and varying opinions have been expressed; thought neither the entire hospital administration nor entire board was at fault, but that perhaps some naive assumptions had been made on their part concerning communications with the City government, some basic courtesies and ethics had been avoided in the whole process.

Ron Wylie. stated he did not intend to indicate maliciousness on the part of the hospital in his earlier remarks; said ineptitude might be a more precise term. Said he and members of the Ward 6 citizens' association were circulating a petition favoring preservation of the San Building; encouraged citizens to sign the petition; hoped it would be helpful to the cause when presented at the November 16 hearing.

The question was called; Ordinance No. 2634 was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Faulkner, Garcia, Iddings, and Williams. NAY: None. EXCUSED: Councilmember Eckert.

ORDINANCE NO. 2634
(Attached)

At the request of Councilmember Iddings, the City Administrator was directed to notify Washington Adventist Hospital and appropriate county agencies of Council's actions.

7. Consideration of requesting the Department of Legislative Reference to prepare legislation to remove prohibition on sale of alcoholic beverages in Montgomery County section with provisions for Mayor and Council veto. Mayor Abbott explained that no specific wording had been prepared; October 25 was the deadline for introduction of a local bill removing the City from listing as a prohibited area and requesting veto powers for the City. As no specific legislation was prepared, invited general comments on the subject. In response to query, the Mayor explained that in order to have a bill brought before the delegation, the Chairperson of the Montgomery County delegation would have to be requested to present the bill for consideration and specific language would have to be prepared.

Councilmember Garcia remarked that a public briefing had been held on the subject, citizens' remarks were fairly evenly divided pro and con; thought the issue should go to a public hearing and subsequently have a referendum held on it since it is a matter that affects peoples' lives and life in the community. Councilmember Bradley reminded that it was pointed out in the public briefing that you cannot hold a hearing until a specific bill is drafted/prepared.

John Hemphill, 8112 Flower Avenue: agreed specific language would have to be drafted prior to holding a public hearing; urged that be accomplished soon, so that a bill could be presented to the legislature prior to the cut off date.

Mr. Jerry Schneider: stated that December 1 was the cut off date for the introduction of new legislation to the new delegation.

Mayor Abbott stated that a draft/bill on the subject would be included in the next Friday package to Councilmembers; reiterated that in order for a referendum to be held, a petition requesting referendum would have to be circulated and signed by twenty percent of the registered voters. Councilmember Iddings spoke in favor of letting the citizenry make the decision on an issue such as this. In response to request from Councilmember D'Ovidio, Corporation Counsel Gagliardo stated that a referendum could be ordered by the state legislature pursuant to their authority, since this would be a state legislative act concerning the sale of alcohol. Said this was done in Poolesville, another Montgomery County municipality; indicated there was a memorandum prepared by him in circulation that addresses this issue. Remarked that possibly the only way for a referendum to be held might be through state legislative action, since they regulate the sale of alcohol.

8. Proposed ordinance authorizing parking lot lighting improvements at Municipal Building. The City Administrator reminded of numerous incidences of vandalism that have occurred to vehicles in the back and side lots of the building; said the existent lighting in those areas is very low; a survey was done to determine what a sufficient level of lighting would be and the optimum positioning of lights. Presented the ordinance; requested the procedural rules be suspended and approval granted so that installation can proceed by the chosen contractor who offered the best price, but whose work schedule requires a speedy decision. A motion for suspension of the rules was made by Councilmember Iddings, duly seconded, and unanimously carried. A motion for adoption of the ordinance was made by Councilmember Iddings, duly seconded by Councilmember Bradley; ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Faulkner, Garcia, Iddings, and Williams. NAY: None. EXCUSED: Councilmember Eckert.

9. Proposed ordinance authorizing the purchase of a camera system for Police Department. The City Administrator reminded that this was an approved budget item, solicitation of bids for the system was previously authorized. A motion for adoption of the ordinance was made by Councilmember Garcia, duly seconded by Councilmember Faulkner; ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Faulkner, Garcia, Iddings, and Williams. NAY: None. EXCUSED: Councilmember Eckert.

ORDINANCE NO. 2636
(Attached)

10. Proposed ordinance authorizing sale of 1973 Ambassador at Police Department auction and removal from City records. The City Administrator explained that this City vehicle had been involved in an accident, salvage value was paid by the insurance company, the cost of repairs would be more than the vehicle is worth; however, City property valued at over \$100 is listed on inventory records, so with the sale of the vehicle, authorization would need to be granted to remove it from City records. A motion for adoption of the ordinance was made by Councilmember Garcia; a motion for suspension of the rules removing the requirement for second reading of the ordinance was made by Councilmember Iddings and unanimously approved. Motion for adoption of the ordinance was duly seconded by Councilmember Williams; ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Faulkner, Garcia, Iddings, and Williams. NAY: None. EXCUSED: Councilmember Eckert.

ORDINANCE NO. 2637
(Attached)

11. Proposed ordinance authorizing an advisory (straw) vote on November 2 on whether or not city voters in Prince George's County wish to have a referendum on unification with Montgomery County; appointment of Judges. Councilmember Garcia presented the ordinance; made a motion for suspension of the rules so the ordinance could be adopted prior to the November 2 election; motion duly seconded by Councilmember Williams and carried unanimously. Councilmember Garcia moved adoption of the ordinance, duly seconded by Councilmember Williams; ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Faulkner, Garcia, Iddings, and Williams. NAY: None. EXCUSED: Councilmember Eckert.

ORDINANCE NO. 2638
(Attached)

Councilmember Iddings commended the Mayor and the Citizens for a Referendum for their work on behalf of the referendum on unification and the results as evidenced by the ordinance; Mayor Abbott commented that the bulk of the work was done by the citizens' group.

12. Second reading of an ordinance adopting Chapter 8A, Montgomery County Code, entitled "Cable Communications," and requiring administration and enforcement within the City. Councilmember Bradley gave a brief report on a discussion/meeting she and Bruce Moyer had with Mr. John Hansman and Kathy Hart, a county attorney representative; said she would be tabling of the ordinance until the City's cable contract has been finalized with the county. Stated indications were that the contract would be approved; however, it is a significantly stronger contract in legal terms than those signed by many other county municipalities. Said the primary provision needing to be worked out at

this time is the Breach of Contract provision which provides for resolving disputes. Bruce Moyer stated that the City/County disagreement on the contract is not of major significance; said good faith exists on both sides and he felt sure the gap would be closed. Stated that since the franchise is for fifteen years, it would be wise to make provision for the protection of both sides in future instances of dispute that could arise. Explained that the recommendation that the ordinance be tabled was to ensure that the movement in adopting the ordinance and accepting the contract be consistent and on the same track. In response to query, Mr. Moyer stated that a timetable for wiring would not commence until the contract between the county and Tribune United is signed; said it is anticipated that between mid- to late-November officials of the county and Tribune United would sit down and commence drawing up a franchise agreement, which could possibly take as long as eight weeks, after which that agreement would have to be approved by the County Council, and also the City would have an opportunity to approve it (as well as other municipalities), prior to signing by the County Executive. Councilmember Bradley remarked that regarding rental property owners furnishing cable access to tenants, a state bill will be coming up in the next session of the state legislature which may obviate the City having to pass an ordinance on this issue; City officials should be prepared to speak on the bill once its substance is known. A motion to table the ordinance for two weeks was made by Councilmember Bradley, duly seconded by Councilmember Garcia, and carried unanimously.

13. Second reading of an ordinance establishing a Transportation Planning and Traffic Committee. Councilmember Iddings presented amendments to Section 2.A(3), changing the section to read as follows: "Two citizen representatives from each ward, who shall be appointed by the Mayor and Council with preference given to citizens meeting at least one of the following criteria:

- a) the citizen has been nominated by his or her citizen association;
- b) the citizen lives in an area of the ward heavily affected by traffic;
- c) the citizen has special expertise in traffic planning, City planning, traffic engineering or other relevant disciplines."

Following discussion and expressed opposition to amendment (c), Councilmember Iddings withdrew amendment (c). Subsequent to further discussion, the section was additionally amended by insertion of wording to read: "Two citizen representatives and one alternate, from each ward, who shall be appointed by the Mayor and Council....." Upon vote, amendments carried unanimously.

An additional amendment was proposed by Councilmember Iddings pursuant to Section 2.D., concerning constitution of a quorum, changing the required number of citizen representatives from eight to four. Following discussion, the amendment was defeated.

In order to assist in providing for the required number of citizen representatives to constitute a quorum and best represent the various wards, a motion was made, duly seconded, and carried unanimously, to insert the following wording in Section 2.A.(3): "Two citizen representatives and one alternate, who will vote only in the absence of a regular member, from each ward....."

Adoption of the ordinance as amended was moved by Councilmember Iddings, duly seconded by Councilmember Williams. Ordinance No. 2639 was adopted by roll call vote as follows: AYE: Councilmembers Bradley, D'Ovidio, Faulkner, Garcia, Iddings, and Williams. NAY: None. EXCUSED: Councilmember Eckert.

14. Proposed ordinance authorizing installation of stop signs on Elm Avenue at Larch Avenue. Councilmember Faulkner presented the ordinance; said it would, in effect, make this intersection a four-way stop for the purpose of attempting to control speeding on Elm Avenue, as well as providing a measure of safety against the poor visibility on Larch coming up the hill; made a motion for acceptance as first reading, duly seconded by Councilmember Iddings, and unanimously carried. (Attached)

15. Proposed ordinance setting a time for a hearing on why the property 7205 Flower Avenue should not be declared a nuisance and code violations ordered to be abated. The City Administrator announced that the problems had been corrected, the property was no longer considered to be a nuisance; explained that it had been a plumbing problem which was causing sewage backup into the units.

Phil Vogel, 7117 Garland Avenue: contended that the property is still a nuisance in that the owner refuses to abide by the zoning laws. Said the property is zoned for two families and the owner has had three families occupying it; she has been ordered by the Board of Appeals to have only two occupying families. The City Administrator stated that as far as the City can discern, there are only two families, but one of the tenants is using two of the apartments. Councilmember Faulkner commented that since zoning permits occupancy by two families, the registration with the City should be limited to two units (rather than the three it is registered for). Mayor Abbott pointed out that if a third kitchen still exists in the third unit, the Board of Appeals should be contacted regarding the non-compliance.

Upon motion, duly seconded, the meeting adjourned at 11:35 P.M., to reconvene on Monday, November 8, 1982, at 8:00 P.M. in regular session.

ORDINANCE NO. 2631

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 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, 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 3. THAT WHEREAS Ordinance No. 2623, adopted September 13, 1982, authorized the solicitation of bids to demolish the building and appurtenances thereto and remove all debris, weeds and underbrush from the site, and to reseed or resod; AND
- SECTION 4. THAT bids were solicited from qualified contractors and advertised in two newspapers of local circulation, with the low bid of \$3,300 having been received from Jefferson & Bucheimer, Inc., Rockville, Maryland; AND
- SECTION 5. THAT the bid of Jefferson and Bucheimer for \$3,300 be accepted, contingent on receipt of a certified check in the same amount in lieu of bonds; AND
- SECTION 6. FURTHER THAT the Accounting Supervisor is hereby directed to assess the cost of the demolition as authorized by this ordinance, and all other costs incident thereto, against Lot 16, Block 17, Pinecrest Subdivision within the City of Takoma Park, presently identified as Tax Record a/c #1059168, William Lee Brock, and to collect such assessment in the same manner as City taxes are collected by authority of the City Charter.

ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK ON OCTOBER 25, 1982 BY ROLL CALL VOTE RECORDED AS FOLLOWS: AYE: COUNCILMEMBERS BRADLEY, D'OVIDIO, FAULKNER, GARCIA, IDDINGS, AND WILLIAMS; NAY: NONE; EXCUSED: COUNCILMEMBER ECKERT.

Resolution on Sanitarium Building

- WHEREAS, The Washington Adventist Hospital Sanitarium Building was constructed in 1907 as the first hospital in Montgomery County and has served the metropolitan Washington community for 75 years; and
- WHEREAS, The design and construction of the Sanitarium Building was intimately linked with Mrs. Ellen White, a spiritual leader of the Seventh Day Adventist Church, and incorporated many of her ideas about health care; and
- WHEREAS, Because of its age, its continuous use as a hospital, and and its close association to the early leaders of the Seventh Day Adventist Church, the Sanitarium Building exemplifies the Adventist commitment to health service in a natural setting, emphasizing spiritual well-being and preventive health care; and
- WHEREAS, The Sanitarium Building is the oldest remaining public building in Takoma Park, and is the City's last physical link to its early institutional heritage, all other public buildings dating from the turn-of-the-century era having been demolished during the intervening years; and
- WHEREAS, The Sanitarium Building served the Takoma Park community for many years, both as the community's primary hospital and as an important social, cultural, and economic resource; and
- WHEREAS, The Sanitarium Building is one the distinctive landmarks of Takoma Park, being affectionately known as the "Old San";

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

- SECTION 1. The Mayor and Council find that the Sanitarium Building:
- a) has character, interest, and value as part of the development, heritage, and cultural characteristics of the City of Takoma Park, and thereby of Montgomery County;
 - b) is closely identified with the Seventh-Day Adventist Church, which has had an important influence on Takoma Park and on the society as a whole;
 - c) exemplifies the cultural, economic, social, and historic heritage of Montgomery County and of Takoma Park; AND
 - d) represents an established and familiar visual feature of the Takoma Park community.
- SECTION 2. The Mayor and Council further find that the Sanitarium Building possesses historical and cultural significance for Takoma Park and for Montgomery County; and further that the Sanitarium Building possesses architectural and design significance for the entire City.
- SECTION 3. The Mayor and Council conclude that the Sanitarium Building is worthy of inclusion on the Montgomery County Master Plan for Historic Preservation and on any other registers of historic resources, as appropriate.
- SECTION 4. The Mayor and Council hereby direct the City Administrator to prepare testimony embodying these findings and conclusions, to be presented at the public hearing to be held on November 16, 1982 at the Park and Planning Commission.

ORDINANCE NO. 2632

TO ESTABLISH AN HISTORIC DISTRICT ON THE SITE OF THE
WASHINGTON ADVENTIST HOSPITAL

- Whereas: The City of Takoma Park, Maryland has been expressly vested with historic zoning authority pursuant to Article 66B, Section 8.01, et seq. of the Annotated Code of Maryland; and
- Whereas: Said statute specifically authorizes the Mayor and City Council by ordinance or resolution to regulate, among other things, the demolition of structures of historic value; and
- Whereas: It is the purpose of this ordinance
- (1) to safeguard the heritage of the City of Takoma Park by establishing an historic district as hereafter described which reflects the elements of this city's cultural, social, economic, political, and architectural history;
 - (2) to stabilize and improve property values in said district;
 - (3) to foster civic beauty;
 - (4) to strengthen the local economy; and
 - (5) to promote the use and preservation of said historic district for the education, welfare, and pleasure of the residents of the City of Takoma Park; and
- Whereas: The Washington Sanitarium, commonly known and hereafter referred to as "The San Building" is both located within the historic district hereafter described and is itself of particular and unusual cultural, social, economic, political and architectural significance, and will otherwise serve the public purposes set forth above; and
- Whereas: The current owner of "The San Building" has announced its intention to demolish it and replace it with a parking lot; and
- Whereas: There are feasible economic alternatives to demolition of "The San Building" and to the location of a parking lot on its site; and
- Whereas: The totalities of these circumstances constitute an emergency which presents a clear and present danger to the general welfare of this community; and
- Whereas: In the absence of this legislation this community will be deprived permanently of an irreplaceable historic resource,

The Mayor and Council of the City of Takoma Park hereby enact the following ordinance:

Section 1: An historic district is hereby created to include all that land situated and bound by Carroll Avenue on the southeast, Sligo Creek Parkway on the southwest, Maplewood Avenue and Maple Avenue on the west and northwest, and Flower Avenue on the northwest, all of the same being within the boundaries of the City of Takoma Park.

Section 2: Before the alteration, reconstruction, moving or demolition of any structure, its appurtenances and environmental setting within the historic district defined in Sec. 1 may be made or if any changes are involved which would affect the exterior appearances of said structure visible or intended to be visible from an adjacent public way in the historic district referred to in Section 1, the person, individual firm, corporation, or any other entity proposing to alter, reconstruct, move, demolish or otherwise make any change shall file with the Takoma Park Historic District Commission an application for permission to alter, reconstruct, move, demolish or make any change. Upon application, the commission shall hold a public hearing, upon adequate notice, as may be otherwise provided. No permit shall be granted until the commission has acted on the application therefore as otherwise provided.

Section 3: The provision of this ordinance may be enforced by the City of Takoma Park or any citizen thereof by way of injunction or other legal or equitable relief in any court of competent jurisdiction.

Section 4: This ordinance shall become effective immediately upon its adoption.

ADOPTED BY THE MAYOR AND COUNCIL October 25, 1982.

TO CREATE THE TAKOMA PARK HISTORIC DISTRICT COMMISSION

- Whereas: The City of Takoma Park is one of the earliest settled areas of Montgomery County and most unique places in the Metropolitan Washington, D.C. area; and
- Whereas: There are numerous structures and sites of unusual historic and architectural value within the city limits which significantly enhance the quality of life in the city, thus ensuring that the city remains an attractive, desirable community in which to life; and
- Whereas: The city has been expressly vested with historic zoning authority pursuant to Article 66B, Section 8.01, et seq. of the Annotated Code of Maryland; and
- Whereas: It is the purpose of this ordinance
- (1) to safeguard the heritage of the City of Takoma Park by establishing historic districts which reflect the elements of this city's cultural, social, economic, political, and architectural history;
 - (2) to stabilize and improve property values in such historic districts;
 - (3) to foster civic beauty;
 - (4) to strengthen the local economy; and
 - (5) to promote the use and preservation of such historic districts for the education, welfare, and pleasure of the residents of the City of Takoma Park; and
- Whereas: One of the most historically significant structures is scheduled to be destroyed at any time; and
- Whereas: The totality of these circumstances presents a clear and present danger to the general welfare of this community; and
- Whereas: In the absence of this legislation this community will be deprived permanently of an unusual historic resource;

The Mayor and Council of the City of Takoma Park hereby enact the following:

Section 1: HISTORIC DISTRICT COMMISSION CREATED.

There is hereby created the "Takoma Park Historic District Commission, hereinafter referred to as "commission."

Section 2: COMPOSITION OF COMMISSION.

The commission shall be composed of seven persons, all of whom are qualified by special interest, knowledge or training in such fields as history, architecture, preservation or urban

design and agree to serve on the commission and all of whom are residents of the City of Takoma Park. Three such persons shall be appointed for a term of three years; two for a term of two years; and two for a term of one year. Members shall be eligible for reappointment. Any vacancy shall be filled by the Mayor and Council for the unexpired term of the particular position. The commission shall have such other power and authority as granted by Article 66B, of the Annotated Code of Maryland.

Section 3: RULE-MAKING AUTHORITY OF THE COMMISSION.

The commission shall adopt rules and regulations not inconsistent with this ordinance in order to discharge its duties hereunder. Such rules shall provide that (a) every application for a permit hereunder shall be considered only after posting any affected structure, appurtenance or environmental setting with notice of such hearing for a period of not less than fifteen (15) days; (b) any hearing to consider an application shall be open to the public; and (c) any other requirement of Article 66B, Section 8.01, et seq. of the Annotated Code of Maryland, as it may from time-to-time be amended shall be applicable. PROVIDED HOWEVER that nothing contained herein shall be interpreted or applied to deprive the mayor and council of their right to declare a structure, its appurtenances and environmental setting of historic or architectural value or to establish, change, layout or define districts which are deemed to be of historic or architectural value.

Section 4: ENFORCEABILITY OF COMMISSION ORDERS, ETC.

The city may enforce the commission's own orders and decisions, including but not limited to decisions granting or denying an application as otherwise provided for herein by seeking injunctive or other equitable or legal relief in any court of competent jurisdiction.

Section 5: ARCHITECTURAL EASEMENTS.

The commission may purchase architectural easements in connection with structures located in or adjacent to the historic district. Such easement shall grant to the commission, the residents of the historic district, and the general public, the perpetual right to have the exterior appearance of any structure upon which it is applied retained in substantially the same character as when the easement took effect.

Section 6: APPLICATION FOR PERMISSION TO BUILD, ALTER, DEMOLISH, ETC.

Before the construction, alteration, reconstruction, moving, or demolition of any structure is made within any historic district established under this ordinance, if any changes are involved which would affect the exterior appearance of a structure visible or intended to be visible from an adjacent public way in the district, the person, individual, firm, or corporation proposing to make the construction or change shall file with the commission an application for permission to build, alter, reconstruct, move, demolish, or make the addition. Every such application shall be referred to and considered by the commission and accepted or rejected by the commission. No permit for any such change may be granted until the commission has acted thereon

as hereinafter provided; and any action taken without a permit may be enjoined by a court of competent jurisdiction upon the application of the City of Takoma Park or any citizen thereof.

Section 7: FACTORS FOR CONSIDERATION IN REVIEWING PLANS FOR CONSTRUCTION OR CHANGE.

In reviewing the plans for any such construction or change the commission shall give consideration to and shall set forth in writing (1) the historic or architectural value and significance of the structure and its relationship to the historic value of the surrounding area; (2) the relationship of the exterior architectural features of the structure to the remainder of the structure and the surrounding area; (3) the general compatibility of exterior design, arrangement, texture, and materials proposed to be used; (4) to any other factors including aesthetic factors which the commission deems to be pertinent; and (5) the testimony of any citizen of the city concerning the impact of any such construction or change on such citizen or the community at large.

Section 8: ONLY EXTERIOR FEATURES TO BE CONSIDERED.

The commission shall consider only exterior features of a structure and shall not consider any interior arrangements. Also, the commission shall not disapprove an application except with respect to the several factors specified in Section 7 above.

Section 9: STRICTNESS AND LENIENCY IN JUDGMENT OF PLANS; LIMITING ARCHITECTURAL STYLE TO ONE PERIOD.

The commission shall be strict in its judgment of plans for those structures deemed to be valuable according to studies performed for districts of historic or architectural value. The commission shall be lenient in its judgment of plans for structures of little historic value or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding structures of the surrounding area. A commission is not required to limit new construction, alternation or repairs to the architectural style of any one period.

Section 10: APPLICATION FOR RECONSTRUCTION, ALTERATION, ETC., OF STRUCTURE OF UNUSUAL IMPORTANCE.

(a) If an application is submitted for reconstruction or alteration affecting the exterior appearance of a structure or for the moving or demolition of a structure, the preservation of which the commission deems of unusual importance to the city or unusual importance to the entire county, State or nation, the commission shall attempt with the owner of the structure to formulate an economically feasible plan for the preservation of the structure. Unless in these circumstances the commission is satisfied that the proposed construction, alteration or reconstruction will not materially impair the historic value of the structure, the commission shall reject the application for reconstruction or alteration, filing a copy of its rejection with the applicable county director of the Department of Environmental Protection and/or any applicable officials. An application for any such reconstruction, alteration, moving or demolition, if rejected, shall not be renewed within a period of one year after the rejection.

(b) If an application is submitted for reconstruction, alteration, or for moving or demolition of a structure that the commission deems of unusual importance and no economically feasible plan can be formulated, the commission shall have ninety days from the time it concludes that no economically feasible plan can be formulated to negotiate with the owner and other parties in an effort to find a means of preserving the building.

Section 11: SAME--APPROVAL UNDER CERTAIN CIRCUMSTANCES.

In the case of a structure deemed to be valuable for the period of architecture it represents and important to the neighborhood within which it exists, the commission may, but shall not be required to, approve the proposed reconstruction or alteration despite the fact the changes come within the provisions of Section 10 above if (1) the structure is a deterrent to a major improvement program which will be of substantial benefit to the city; (2) retention of the structure would cause undue financial hardship to the owner; or (3) the retention of the structure would not be to the best interests of a majority of persons in the community.

Section 12: COMMISSION MEETINGS TO BE PUBLIC; RIGHT TO APPEAR AND BE HEARD; RECORDS OF COMMISSION.

All meetings of a commission shall be open to the public. Any interested person or his or her representative is entitled to appear and be heard by the commission before it reaches a decision on any matter. The commission shall keep an open record of its resolutions, proceedings, and actions which shall be kept available for public inspection during reasonable business hours. The commission shall issue written findings of fact and conclusions of law when deciding to issue or deny issuance of a permit.

Section 13: CERTIFICATE OF APPROVAL, MODIFICATION, OR REJECTION OF APPLICATION AND PLANS.

The commission shall file with the applicable county director of environmental protection and any other applicable officials a certificate of its approval, modification, or rejection of all applications and plans submitted to it for review. Work shall not be commenced on any such project until such a certificate of approval has been filed, and the director shall not issue a building permit for such change or construction unless and until he or she has received such a certificate of approval. If any county official or other applicable official is considered not to be bound by this ordinance, the owner, lessee, or tenant of the property and premises shall not, nor shall anyone else commence the proposed work or change until and unless he or she has received such a certificate of approval from the commission. The failure of the commission to act upon an application within forty-five (45) days from the date the application was filed shall be deemed to constitute automatic approval of the proposed changes unless an extension of this forty-five day period is agreed upon mutually by the applicant and the commission or the application has been withdrawn.

Section 14: ORDINARY MAINTENANCE NOT AFFECTED; COMPLETION OF WORK UNDER PRIOR PERMIT.

Nothing in this subtitle shall be taken or construed to prevent work and repairs on any structure coming under the heading of ordinary maintenance. Nothing in this subtitle affects the right to complete any work covered by a permit or authorization issued prior to October 25, 1982.

Section 15: APPEALS.

Any person, firm or corporation aggrieved by a final decision of the commission has a right of appeal therefrom to the Circuit Court of Montgomery County if the structure or site is within that part of the city in Montgomery County or in Circuit Court for Prince Georges County if it is within that part of the city in Prince Georges County.

Section 16: VIOLATION OF ORDINANCE IS MUNICIPAL INFRACTION.

Any person who violates any provision of this ordinance or fails to comply with any of the requirements hereunder or disobeys or disregards a decision of the commission or fails to abide by the conditions of a permit shall be guilty of a municipal infraction, punishable as otherwise provided by the charter and code of the City of Takoma Park.

Section 17: SEVERABILITY.

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

Section 18: EFFECTIVE DATE.

This ordinance shall become effective immediately upon its enactment.

ADOPTED BY THE MAYOR AND COUNCIL OF OF TAKOMA PARK, MARYLAND OCTOBER 25, 1982.

TO APPOINT MEMBERS TO THE
TAKOMA PARK HISTORIC DISTRICT COMMISSION

Whereas: The City of Takoma Park has by Ordinance No. 2633 established the Takoma Park Historic District Commission (hereinafter "commission"); and

Whereas: Said ordinance requires the selection of qualified city residents to be appointed for certain staggered terms; and

Whereas: The following appointees have been found to meet the criteria set forth in the ordinance creating the commission; and

Whereas: For the same reasons set forth in Ordinance No. 2633 it is declared that an emergency presenting a clear and present danger to the general welfare exists and that absent this legislation the community will be permanently deprived of an irreplaceable historic resource;

The Mayor and Council of the City of Takoma Park hereby adopt the following ordinance:

Section 1: The following citizens of Takoma Park are appointed to the Takoma Park Historic District Commission beginning October 25, 1982 and continuing for the term set forth before each of their names:

1. Until October 24, 1985: Phil Vogel
2. Until October 24, 1985: Edward McMahon
3. Until October 24, 1985: David Saumweber
4. Until October 24, 1984: Ellen Marsh
5. Until October 24, 1984: James Brogan
6. Until October 24, 1983: Thomas Lutz
7. Until October 24, 1983: Maurice Berez

ADOPTED BY THE MAYOR AND COUNCIL October 25, 1982.

ORDINANCE NO. 2635

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

SECTION 1. THAT the lighting of the rear parking lot of the Municipal Building is in need of improvement; AND

SECTION 2. THAT authorization is hereby given for the installation of six (6) 500 watt quartz helogen lamps in three clusters at appropriate locations in the parking lot to the rear of the Municipal Building; AND

SECTION 3. THAT authorization is given for the expenditure of funds to accomplish the necessary work as follows:

Installation costs	\$ 450.00
6 500-watt quartz helogen lamps.	420.00
Other materials.	380.00
	<hr/>

Total \$1250.00

AND

SECTION 4. THAT funds in the amount of \$1250.00 to cover the costs of this project be appropriated from the General Contingency Fund.

ADOPTED BY THE MAYOR AND COUNCIL OCTOBER 25, 1982.

ORDINANCE NO. 2636

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

SECTION 1. THAT the FY-83 City Budget set aside funds for the purchase of a camera system with specialized capabilities for use by the Police Department; AND

SECTION 2. THAT quotations were obtained from four merchants, with the lowest quotation being made by Gordon's Studio and Camera, Gaithersburg, Md. in the amount of \$985.00;

SECTION 3. THEREFORE THAT authorization is hereby given for the purchase of one Polaroid CU-5 Close-up camera outfit from Gordon's Studio and Camera, said outfit being made up of the following components: one each pack film camera body--88-1; 75 mm (3") lens/shutter--88-3; frame for 1:1 picture ratios--88-11; AC-DC power pack--88-20; polarizer filter--88-40; and fitted carrying case--88-75, for the amount stated above; AND

SECTION 4. THAT funds in the amount of \$985.00 to cover the purchase of the Polaroid camera outfit be appropriated from the Police Department Capital Budget.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND OCTOBER 25, 1982.

2637

ORDINANCE NO. 2637

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

SECTION 1. THAT it has been determined that the City-owned 1973 American Motors Ambassador is beyond economical repair and the Public Works Director has recommended that it be removed from the City records and sold at the Police Department auction to be held on October 30, 1982;

SECTION 2. THEREFORE THAT the City Administrator is hereby authorized to remove the 1973 American Motors Ambassador, Title No. 3982292, Serial No. A3A857H377094, from the City records; to dispose of it at the October 30, 1982 Police Department auction; and to transfer title to the successful bidder.

ADOPTED BY THE MAYOR AND COUNCIL OCTOBER 25, 1982.

ORDINANCE NO. 2638

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

SECTION 1. THAT the Mayor and Council have authorized an Advisory ("Straw") Vote for Takoma Park voters residing in Prince George's County on November 2, 1982, for the purpose of providing information to the Montgomery and Prince George's County Delegations as to whether or not the voters in the Prince George's section of the City wish to vote in an official referendum on changing the Prince George's section of the City to Montgomery County.

SECTION 2. THEREFORE THAT an Advisory ("Straw") Vote be held for the Takoma Park voters residing in Prince George's County on November 2, 1982, at the polling places for Precincts 17-4 and 17-6, in accordance with arrangements made with the Prince George's County Board of Supervisors of Elections; AND

SECTION 3. THAT paper ballots shall be used and shall read as follows:

DO YOU WANT THE OPPORTUNITY TO VOTE ON UNITY
OF TAKOMA PARK IN A BINDING REFERENDUM?

[] YES

[] NO

SECTION 4. THAT the following registered voters be appointed Judges to conduct the Advisory ("Straw") Vote:

Eleanor S. Jaeger, 7213 Trescott Avenue, Takoma Park, Md.
Alfred P. Vogel, 7117 Garland Avenue, Takoma Park, Md.
Linda C. McKenzie, 5817 - 87th Avenue, New Carrollton, Md.
Anna P. Bennington, 9935 Forestview Place, Gaithersburg, Md.
Alice F. McGinnis, 1209 Elson Place, Takoma Park, Md.
Mary L. Garbardi, 6607 Cockerille Avenue, Takoma Park, Md.

AND

SECTION 5. THAT the City Clerk shall prepare procedures to be used by Judges during the conduct of the Vote and for tallying the ballots after the polls are closed; and shall make all appropriate arrangements for printing of the ballots, obtaining certified lists of voters from the Prince George's Board of Supervisors of Elections, providing secure ballot boxes, and all other things necessary; AND

SECTION 6. THAT after the closing of the polls, a tally of the ballots cast shall be conducted in the Municipal Building and the Judges shall certify the results thereof to the Mayor and Council for transmittal to the Montgomery and Prince George's County Delegations to the General Assembly; AND

SECTION 7. THAT costs associated with the Advisory ("Straw") Vote shall be appropriated from the General Contingency Fund.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND ON OCTOBER 25, 1982

ORDINANCE #2639

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

SECTION 1. Establishment of Traffic Committee. There is hereby established a Transportation Planning and Policy Committee, which shall be a standing committee of the Council.

SECTION 2. Organization of Committee.

A. Membership and Term of Office. The Committee shall consist of the following members:

- 1) Three Councilmembers, who shall be appointed by the Mayor at the beginning of each councilmanic term;
- 2) The Chief of Police and/or the Director of Public Works, who shall serve as ex-officio members; and
- 3) Two citizen representatives and one alternate, who will vote only in the absence of a regular member, from each ward, who shall be appointed by the Mayor and Council with preference given to citizens meeting at least one of the following criteria:
 - a) the citizen has been nominated by his or her citizen association;
 - b) the citizen lives in an area of the ward heavily affected by traffic.

All terms shall expire on the municipal election day.

B. Officers. The Officers of the Committee shall consist of a Chair and a Vice-chair. The Chair shall be one of the Councilmembers on the Committee, who shall be appointed Chair by the Mayor. The Committee shall elect its Vice-chair at its initial meeting.

C. Meetings. The Committee shall hold regular meetings on a bi-monthly schedule, and may hold additional special meetings which, in its discretion, are necessary to discharge its duties. Such additional special meetings shall be called by the Chair, or by request of a majority of Committee members. All meetings of the Committee shall be adequately publicized and shall be open to the public.

D. Quorum. A quorum shall be constituted by two Councilmembers and eight citizen representatives.

OVER

Section 3. Scope of Activities. The duties of the Transportation Planning and Policy Committee shall be as follows:

- A. To inform the Mayor and Council of traffic and transportation-related issues requiring their attention; to develop for their consideration policies which address such issues as they arise or can be anticipated to arise.
- B. To develop for the Mayor and Council's consideration proposal implementing the transportation goals defined in the Adopted Master Plan for the City; to monitor the City's compliance with those goals; and to augment and modify, when necessary, those goals.
- C. To review, comment, and make recommendations on all proposals to install, modify, or remove traffic control devices or to implement any other traffic management technique.
- D. To function as a liason between the community and any traffic engineering consultants or staff who may be engaged to provide traffic engineering services to the City.
- E. To perform other duties related to transportation and traffic management as requested by the Mayor and Council.

Section 4. This ordinance shall take effect upon adoption.

—

ADOPTED BY THE MAYOR AND COUNCIL October 25, 1982.

PROPOSED ORDINANCE

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

SECTION 1. THAT all traffic travelling in either direction on Elm Avenue shall come to a complete stop at its intersection with Larch Avenue, thereby creating a 4-way stop; AND

SECTION 2. THAT the Director of Public Works is hereby directed to install signs in the appropriate locations; AND

SECTION 3. THAT this ordinance shall become effective upon completion of the signing; 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, Md., as amended.

Mayor and Council Worksession

November 1, 1982

The Mayor and Council met in worksession at 7:30 PM, Monday, November 1, 1982, at 7500 Maple Avenue. Present were: Mayor Abbott; Councilmembers Garcia, D'Ovidio, Iddings and Bradley; City Administrator Nichols and Asst. Administrator Schnuer; Travis Price and Mr. Urciolo, affiliates of Takoma Old Town project.

The first portion of the meeting was closed for a discussion with Mr. Urciolo, a potential developer for TOT. Upon his request and by consensus of the Mayor and Council, it was decided that City send a letter of intent to MICRF regarding development, said letter having no binding effect on the City.

The meeting resumed in open session, and the following matters were discussed, with action taken as indicated:

1. Discussion of Washington Adventist Hospital's San Building--matters arising from demolition application and County Preservation Commission's request for placement of building on County's Atlas of Historic Structures.
 - It was decided that the Corporation Counsel would join the County in a suit brought by WAH on holding up demolition permit; a hearing date in the Circuit Court set for December 2.
 - City Administrator to request that DEP November 15 public hearing on the demolition permit be held during the evening at the Municipal Building and that the record be held open until the Planning Board has made a decision on placement of San building on Historic Atlas. Letter making request for public hearing to be sent out in next Council package.
 - City Administrator requested to contact the Maryland hospital accrediting agency and inquire as to what impact the San Building has on the accreditation of the hospital; also obtain the date of the last review.
 - Mayor Abbott will represent the City at hearing on November 16; Councilmember Bradley to be City's representative at the DEP hearing on Nov. 15.
 - City's newly created Historic Preservation Commission will notify WAH of the demolition procedures following the November 16 hearing.
2. 7207 Flower Avenue: application for U&O permit as nonconforming use. City Administrator to communicate Council's recommendation of denial to the Planning Board prior to the November 4 hearing, and affirm this action at November 8 Council meeting.
3. Takoma Old Town update: A report was given on the progress on the park and public improvements; a briefing for Council planned for November 19 at 4:00 or November 29 at 7:30, with a public briefing to be made at the December 13 Council meeting.
4. Administrative reports: City Administrator to obtain costs for supplying ward designations at Council table and report back to Council.

Other items assigned to City Administrator:

 - Prepare ordinance for next Council meeting designating a handicapped parking space at 1311 Elson Court
 - Schedule a meeting with Walter Schreiber of COG for January or February
 - Have Recreation Director Ziegler plan a reception for former Corporation Counsel Gingerich.

The City Administrator also reported on the progress and contents of the retainer negotiation with Corporation Counsel Gagliardo.
5. Ad Hoc Committee on Council Operations: Following a discussion, decision was made to formalize the Committee's recommendations if things get out of hand.
6. Traffic:
 - Place stop sign on Jefferson at Lincoln on November 8 agenda w/ordinance.
 - Councilmembers Eckert and Iddings will make recommendations on operation of the Traffic Committee
 - The City Administrator was instructed to obtain the cost of retaining a consultant to study the conditions of State roads.