

T H E C I T Y O F T A K O M A P A R K, M A R Y L A N D

Regular Meeting of the Mayor and Council
July 11, 1983

AGENDA

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

PLEDGE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Presentation and recognition of KENNY JONES DAY
2. Presentation by Mr. Thos. Moran, Committee on Airport Problems (CAP)
3. Other presentations and comments by Mayor Abbott

ADDITIONAL AGENDA ITEMS

PUBLIC HEARING ON HOUSING ISSUES, INCLUDING: RENT STABILIZATION GUIDELINES, OCCUPANCY PERMITS, CONDOMINIUM LAWS, AND THE COMMUNITY IMPROVEMENT BOARD

GENERAL CITIZENS' REMARKS (those not directed at items for Council action)

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

- (1) Administrative reports
- (2) Council position on National Airport Scatter Plan
Citizens' comments
Council action
- (3) Appointment of Anne DeNovo, Esq., Gagliardo & Silber, as Assistant Corporation Counsel
Citizens' comments
Council action
- (4) Adoption of Capital Improvements Program for FY-84
Citizens' comments
Council action
- (5) Second reading of a proposed tree ordinance (revised), amending Chapter 13, City Code
Citizens' comments
Council action
- (6) Appeal No. 6842, 7106 Central Avenue, for side yard variances and validation of existing structure: report on consensus; action by Council
Citizens' comments
Council action
- (7) Appointments to Committees:
--CDBG Citizens Advisory Committee
--Old Town Revitalization Committee

PARKING AND TRAFFIC ISSUES:

- (8) Second reading of an ordinance amending sections of Chapter 13, City Code, to reflect increases in fines for parking violations
Citizens' comments
Council action
- (9) Second reading of an ordinance authorizing the construction of speed humps on Mississippi Avenue
Citizens' comments
Council action
- (10) Second reading of an ordinance authorizing STOP signs on Albany Avenue at its intersection with Baltimore Avenue
Citizens' comments
Council action

---MORE---

- (11) Second reading of an ordinance restricting parking for a distance of approximately 275 feet on the southernmost portion of Mississippi Avenue
Citizens' comments
Council action
- (12) Second reading of a proposed ordinance authorizing STOP signs on Mississippi Avenue at Elwyn Court
Citizens' comments
Council action
- (13) Second reading of an ordinance authorizing removal of STOP signs and substituting YIELD signs on Roanoke Avenue at Hudson Avenue.
Citizens' comments
Council action

ADJOURNMENT

CITY OF TAKOMA PARK, MARYLAND

COUNCIL MEETING

AND

PUBLIC HEARING ON HOUSING ISSUES

JULY 11, 1983

CITY OFFICIALS PRESENT:

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

City Administrator Nichols
Asst. City Administrator Schnuer
Public Works Director Robbins
Library Director Spottswood
Recreation Director Ziegler
Sgt. Jack Goetz
Sgt. John Duvall
Asst. Housing Director Austin
Asst. Corporation Counsel NeNovo
Asst. Corporation Counsel Silber

The Mayor and City Council of Takoma Park, Maryland, met on July 11, 1983, at 8:05 p.m., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the meeting proceeded.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott presented an award to Mr. Kenny Jones, Director of the Sanitation Division, on behalf of the Mayor and Council, for bravery beyond the call of duty in stopping a runaway trash truck on Friday, June 3, 1983, and advancing him to the highest step in his position classification. Sgt. Duvall and Sgt. Goetz of the Police Department also presented Mr. Jones with a commendation on behalf of the Police Department for his act of heroism. Mr. Jones has served as a volunteer police officer for many years.

Sgt. Duvall reported that 960 pounds of marijuana was confiscated on July 11 by the Takoma Park Police.

Mayor Abbott reported that on Wednesday, July 13, 1983 Councilmember Eckert, who represents Takoma Park on the COG Land Use Committee, will attend a meeting which will adopt a policy toward the National Airport Scatter Plan. The Mayor will attend the COG Board of Directors meeting on July 20, and Councilmember Iddings will attend a meeting of the COG Transportation Planning Board on the same subject.

William Moran - Vice Chairman of Coalition on Airport Problems

As the co-author of the scatter plan, presented the Mayor and Council with a map showing the breakdown on planes departing from National Airport during an average hour. Informed Council that the first priority is to cut back at National and ultimately phase out the jets, moving them to Dulles and BWI. The Plan bases itself primarily on the fact that COG has voted for 2 1/2 years to distribute the load more equitably so that everyone who uses National shares the burden. Mr. Moran commented that the proposal is to disburse the planes as rapidly as possible up in

the air and in a wider pattern. In regard to Takoma Park, this will deal with "north" take-offs; instead of planes going north to Cabin John, they would go two miles and then head toward their destination. This area should see no planes during the test, but Mr. Moran did not guarantee that. He also mentioned that his group is proposing a five man Advisory Committee to set up the test protocol and have FAA make up "track maps" monitoring moves, speed and altitude of each plane taking off. The vote of Takoma Park is needed to carry this plan. Mayor Abbott and members of the Council stated that they felt the test would become permanent. Further discussion was held as to the safety of the Scatter Plan.

ADDITIONAL AGENDA ITEMS

Councilmember Faulkner spoke about what he characterized as the continued misuse and underhanded treatment of items in the Newsletter; specifically, the July 2 protest of U.S. Latin American Policy and the ad for the House of Musical Traditions. These should not be advertised at taxpayer's expense. Mayor Abbott pointed out that the matter of Newsletter guidelines will be discussed at next Monday's worksession and the following Council Meeting.

Councilmember Garcia commented on concerns from Takoma Park groups regarding the Latin American Policy issue and that there has been no presentation from the opposition; it was wrong to publish this without a rebuttal statement. Councilmember Iddings noted it was appropriate for a Takoma Park Committee to have access to the Newsletter and that a one paragraph announcement was just an announcement of what a group of concerned residents were going to organize. Stated access to the Newsletter is the important issue.

PUBLIC HEARING ON HOUSING ISSUES, INCLUDING: RENT STABILIZATION GUIDELINES, OCCUPANCY PERMITS, CONDOMINIUM LAWS, AND THE COMMUNITY IMPROVEMENT BOARD

Mayor Abbott gave a brief overview of the subject. Councilmember Williams' and Councilmember Bradley's views on the subject were read by Councilmember Bradley. It was noted that this is an important beginning of a process that will take the rest of the summer or more in getting housing stock in order in the City. The Council has an important examination of Housing issues and problems affecting residents; it will be looking at problems and solutions. The majority of the residents in Wards 4 and 5 are renters and the City must insure that decent and safe housing is available. The City has a citizens' Commission on Landlord/Tenant Affairs which is an accessible body for hearing and resolving disputes. The City also has a Housing Department concerned about fair and effective enforcement of Housing Codes. Both she and Councilmember Williams support reduction of annual rent increases from 10% to 5% or 6%. They also support adoption of an occupancy permit program which would allow City to more effectively ensure enforcement. City should strengthen security measures for tenants regarding safety, fire, and personal security. There is a need to make it possible for tenants to make needed repairs in cases where the landlord has chosen not to act and tenants have made reasonable efforts to obtain the repairs. Tenants should be allowed to credit such repairs against their rent. The problem of speculative condominium conversion is likely to affect Takoma Park in the future because of its desirable location. There is a need to insure tenants the right to reliable information and protected rights of purchase to guard against

abuse. Councilmember Bradley hoped that Council action would put residents and housing on top of the priority list. Councilmember Garcia asked if the City has the power to issue occupancy permits; Corporation Counsel Silber took this issue under advisement, saying she would render an opinion later.

Howard Walton - 7777 Maple Avenue: Commented on the 18% rent increase permitted for repairs to the building; it was sold and the repairs were never made. Elevators are flooded with water in heavy rains and the swimming pool is not available. These are the same problems that building has had in the past; he advised the Mayor and Council that tenants have received two 10% increases on top of the 18% increase over the past three years. Mayor Abbott questioned rent costs and was given the costs for one and two-bedroom apartments. Further complaints were made regarding lack of air-conditioning, heat, water and trash dumpsters, and elevator service. Mr. Walton contacted the County after having been told that they would handle violations of health codes; however, he was referred back to the City, but still had no response and inspections had been done several months with the same problems existing.

Howard Stone - 7777 Maple Avenue: Noted water coming into elevator shaft and tenants have been without heat and hot water on several occasions.

Juanita Nye - 7777 Maple Avenue: Commented that City enforcement has been helpful but there has been a little success; building still has problems. Mr. Lum, Code Enforcement Officer for the City, was in the building all day one Saturday, but no maintenance man appeared. The Mayor questioned how many times in the last year code violations were reported to the Housing Department and how many were repetitions. Residents noted that three complaints were reported to Housing and two to Montgomery County with no response from the latter; City was available but landlords were not. Residents have been stuck in elevators and some injured. Councilmember Williams stated that landlords have to be warned before any infraction can be issued - this is in accordance with City ordinances.

Unidentified resident of Apt. #506, 7777 Maple Avenue: Spoke of the poor maintenance, the bad conditions of refrigerators, and the problems created when the elevator is not in service, saying that she had been trapped in it recently and another person had been injured.

Don Gilmore - 7777 Maple Avenue: Noted a lack of professionalism by management. He lives on the 11th floor and his pregnant wife recently had to walk up eleven flights because of malfunctioning elevators; in hot weather there is no air-conditioning. He noted that management dictates to tenants in a demeaning way.

Ms. Ramsey - 7777 Maple Avenue: Lived in building since the 1960's and in the last ten years the building has gone down considerably, with a big turnover in resident managers. Water has been running in her kitchen sink for eight years, with no response from management. Mayor Abbott questioned if emergency numbers are posted in the building when maintenance men are not available. Ms. Ramsey stated that numbers are posted but there is no response. Councilmember Williams stated that he backs tenants 100% in efforts to correct violations, strengthen the laws, and increase the fines to landlords. Ms. Ramsey asked if rent money could be put in escrow accounts until violations are remedied; Councilmember Bradley suggested this be discussed but

noted that the City cannot do it all and must have help from the County and the State. Residents must form associations to get legal help.

Naomi Turner - 7667 Maple Avenue: Pointed out to Council that all the buildings on the south side of the Maple Avenue corridor have the same problems. Urged Council help in providing police patrol in the parking areas where numerous crimes occur. She is the President of the Parkview Towers Tenant Association and a member of the Maple Avenue Citizen Association. Asked that the City act as the landlord. Mayor Abbott stated that the problems in this building should be taken up with Mr. Abell, the Manager of the building. Ms. Turner also stated the swimming pool is not in operation and is filled with stagnant water and trash.

Dr. Joseph Lerner - 7708 Takoma Avenue: Stated that the City has a big job to do for the residents of rental properties; that the Newsletter should be used in this connection to let tenants know what should be done, how to deal with problems, and whom to contact. The City should act as an intermediary for the tenants of high-rise buildings to County and State agencies. All of this should have been detailed in the previous Newsletter. Councilmember Williams stated that flyers were passed out to tenants on Maple Avenue which outlined the topics in question.

Nancy Perry - 7520 Maple Avenue: Said that inspection of that building was done only to the 4th floor. Felt the problems on Maple Avenue are racially based; all the complaints have been made before; it is really up to tenants to make changes. Human rights are being violated; there is no follow-up on code violations. It is important for tenants to organize. There have been rent increases of 10% every year; Council has not done what was promised.

Charles Van Tassel - 116 Lee Avenue: Supported limiting rent increases to 4-5%, or cutting out increases entirely. People who are on Social Security or Federal retirement cannot afford rent increases. Mr. Van Tassel is Legislative Secretary of the American Federation of Government Employees, Local 2463, and also a member of the National Association of Retired Federal Employees, Chapter 357. Councilmember Williams supported Mr. Van Tassel's remarks and pointed out that Federal employees in the last two years have had less than a 10% increase while rent has gone up 20%.

James Arisman, Chairman COLTA - 7408 Aspen Avenue: Tenants in the City take their homes seriously. Mr. Arisman made the following recommendations: strengthen housing services and codes, reduce allowable rent increases to 5%-6% and adopt individual unit occupancy permits as opposed to the Departmental recommendations of occupancy permits for buildings. All violations would be treated by having rent put into escrow until violation is corrected; this would reduce evictions and provide incentives to landlords. Increase the current fines, especially those regarding dangerous conditions. Institute a "repair and deduct" system for tenants. Mr. Arisman disagreed with the proposal to reduce the number of members on COLTA and urged Council to appoint persons to fill the empty slots. There is a need for representation of women, and landlords from large buildings. There was further discussion, pro and con, regarding non-resident landlords appointment of a representative to serve on COLTA.

Diane Jenkins - 7611 Maple Avenue #603: The ceiling in her apartment has fallen several times and Housing suggested she take

pictures and write a letter to the landlord; this was done and she received a letter from the landlord, Mr. R. N. Levy, notifying her of a 10% increase and saying repairs would be made when he got around to it. She also said her balcony ceiling fell on July 4 and no repairs have been made. She spoke of the possibility of taking her case to Federal Court, saying human and civil rights have been violated. Ms. Jenkins suggested stricter code enforcement and thanked the Mayor and Council for their efforts during their term in office. Councilmember Bradley said that the City is attempting to have the Corporation Counsel empowered to prosecute municipal infraction cases; that reports from staff indicate that State prosecutors have not aggressively followed up on these cases and judges have dismissed them with warnings. Takoma Park must show courts that the City has the legal ability to enforce infractions.

Juanita Deguria - 702 Chaney Drive #406: Lived all over the world and thinks human rights have been violated in Takoma Park. She participates in the Food Co-op, Takoma Repertory, and is a member of the Cable TV Committee. Informed Council that the new owner of her building lives in Bethesda and cannot be contacted regarding violations. Ms. Deguria said she has been through a nightmare. There are leaks in all rooms in the apartment since a new roof was put on the building. The Fire Department has come twice because of water, put holes in the ceiling and the ceilings have caved in. The Red Cross declared her apartment a disaster area - not fit for human habitation. She was moved to a motel by the City, with the landlord paying the bill. When she returned to her apartment, the rugs were taken out and the stench was everywhere in the building. Two days later there were more leaks in the apartment. Only cosmetic repairs were made. Commented that July's rent was not paid and she is now in the process of moving. Councilmember Bradley commented that calls regarding this matter were received and immediate response was made by the City; violations were cited.

In response to questions from Council, the City Administrator stated that in October, 1981, the City changed procedures for the declaration of housing as unfit for human habitation. It was formerly an authority that Code Enforcement exercised; now it calls for action by the Mayor and Council, with show cause hearings, etc., which gives the property owner due process. He urged that the former procedures be reinstated and indicated that the matter of Board of Health powers had not been fully explored. The Mayor stated that the Council has power as a Board of Health and could act under that Charter authority in situations of the type described. He also stated his willingness to go to Court and face any challenges made by landlords. Mayor Abbott stated that the City must meet the responsibility and not rely on Code Enforcement for everything. Mr. Nichols stated there are many factors that prevent City from solving all the problems - some are legislative, which will be discussed further, and some will take some reasoning out. Councilmember Williams noted that the same problems come up every year and nothing is done, and now results should be different. Mrs. Deguria stated it is the responsibility of Takoma Park to maintain good housing; not the County and not the County Health Department. Urged Council to condemn her apartment because it is not livable. Councilmember Bradley pointed out that Council must take steps to move on enforcement of occupancy permit, "repair and deduct", and dealing with rental guidelines. The legal staff and others involved in the prosecution of the cases must realize that the City needs to win. Citizens must call and have complaints documented. This is the beginning of a process that will take months or years to

be cleared up.

Carlos Stewart - 7710 Maple Avenue: Made the following recommendations: Takoma Park should address the issue of its own Health Department; rent stabilization should be extended 3-5 years so Council does not have to deliberate each year; occupancy permits should become a part of the Housing ordinance for each individual unit; and available or empty units should meet standards before being rented. Landlords should be required to pay for lodgings when tenants are displaced due to violations; the City should be able to collect for services rendered to correct situations; and that appeals on revocation of occupancy permits should not be heard by COLTA, but in the Courts; Takoma Park should pass its own condominium laws to include notifying tenants at least 8 months in advance of conversion, and give them the opportunity to buy their units or the building; the City should reduce the current rent increase rate of 10% to 6% or less; supported "repair and deduct" concept; posting of emergency phone numbers with fines assessed when not posted or when help is unavailable. He pointed out the need for guaranteed tenant access to Cable TV with charges to tenants itemized.

Vernon Ricks - 7667 Maple Avenue #805: Same concerns have gone on for years - stated it will take time to remedy. There are problems on both sides - some attributable to tenants and some to landlords. For example, a broken elevator in his building the previous week is the responsibility of the landlord; on the other hand, some tenants create their own problems and must guard their own safety; e.g., propping outside door open, urinating in the hallways, etc. Stated concern regarding occupancy permits. i.e., when withdrawn, what happens to tenants and who pays for it. He noted that buildings in the City are aging and there is a need for a unique support system. The Council should look at the whole picture and not get wrapped up in emotions; landlords should be involved in the process. He expressed support for the Code Enforcement Division. Councilmember Bradley suggested that Mr. Ricks participate in further discussions because of past experience.

Richard Kazis - 106 Elm Avenue - Tenant Representative, COLTA:

Spoke on four issues: (1) presented memo to Council on rent stabilization guidelines and fair rate of return; included issues of "repair and deduct" and occupancy permits. (2) Research should be done on the experience in other jurisdictions with occupancy permits and "repair and deduct." (3) Council must appoint COLTA members to fill vacancies, especially good landlord representatives. (4) Tenant associations need to be incorporated into the program through a "Tenants Day" where COLTA and DHS schedule a meeting to answer questions regarding enforcement and codes.

Mayor Abbott stated that COLTA and DHS will hold a seminar on 9/10 or 9/17 for citizens, landlords and officials. This will be announced in the September Newsletter.

Councilmember Williams asked Corporation Counsel to draft a condominium ordinance to be discussed by the Mayor and Council at the next worksession. It was noted that the City is presently covered by State and Montgomery County Laws.

GENERAL CITIZENS' REMARKS (those not directed at items for Council Action)

Ed Longen - 7516 Holly Avenue - President, Hodges Heights Citizens Association:

Spoke on behalf of the Association regarding the CIP Budget and urged adoption of recommendations of the CDBG Citizens' Advisory Committee; especially projects #1 and 2 which are located within Hodges Heights. Gave supporting evidence for his request.

The City Administrator encouraged Council to adopt the CIP Budget at the earliest possible time; City has more projects than money and suggested two options: (1) take the entire amount of projects and bid them out, soliciting unit costs and see how the bids come in before eliminating any projects. There is a possibility of having left over monies in TOT which could be shifted to other CDBG projects; (2) see what money is left over at the close of the 1983 Budget. Mayor Abbott moved adoption of the program as listed with the understanding that cost figures be given to the Council as to any resolution of contradictory projects. Mr. Nichols said that he will submit a formal memo to the Council with new cost figures for the next worksession. Councilmember Eckert moved to delay the decision until that time. Councilmember Faulkner seconded the motion. With no objections, Mayor Abbott moved an amendment to the motion that all items listed under CDBG-CAC be included; motion carried unanimously. There was further discussion as to how many CDBG-CAC items (8 or 9) were to be considered, with the removal of funding for the closure of Old Philadelphia Avenue at issue.

Vernon Ricks: Thanked the Mayor and Council for participation in the July 4 parade. Mayor Abbott Commended Mr. Ricks and the Committee on the splendid job done.

Walter Batchelor: Councilmember Eckert, spoke for Mr. Batchelor, stating Mr. Wayne Lerch was appointed to the Prince George's Human Relations Commission. Mr. Lerch is a homosexual and the County Executive and Council took a chance in appointing him. Councilmember Eckert moved that the Mayor and Council extend congratulations to Wayne A. Lerch on his appointment to the Commission, and Mayor Abbott moved to commend the County Executive and Council on the appointment; Councilmember Iddings seconded the motion; motion passed, with Councilmember Garcia abstaining.

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

(1) Administrative Reports: The City Administrator informed Council that Public Hearing regarding the variance at 1313 Elson Court had been postponed from July 6, 1983, to July 20, 1983.

Mr. Nichols also noted that former Director of Public Works, Mr. Anthony Barile, asked that Council read into the public record his congratulations to Mr. Kenny Jones on his courageous act, and expressed the hope that the City would get new trucks.

(2) Council Position on National Airport Scatter Plan

Councilmember Eckert stated appreciation for Mr. Moran's patience and assistance, but had apprehensions about the Plan. Mr. Eckert moved that the Council go on record as opposing the plan, because it is not the solution to the problem at National Airport, with Councilmember Faulkner seconding the motion. Councilmember Garcia stated opposition to the motion saying it is an experiment and the ultimate decision would be made by Congress. Councilmembers Faulkner and D'Ovidio supported opposition to the

plan, and wanting to see a reduction of traffic at National Airport and improved safety conditions. Councilmember Bradley stated opposition to the motion; Council should oppose any increase in traffic at National and support diverting commercial flights to Dulles and BWI. Councilmember Iddings supported Councilmember Eckert's motion and Councilmember Faulkner's concern for safety - moving away from the Potomac River.

Mayor Abbott recommended a strong statement for reduction of flights and stated that both Prince George's and Montgomery Counties will vote in favor of the test. Following further lengthy discussion, the motion to oppose the scatter flight plan passed by majority vote, with Councilmembers Bradley and Garcia voting Nay.

(3)Appointment of Anne DeNovo, Esq., Gagliardo and Silber, as Assistant Corporation Counsel. Councilmember Bradley moved to appoint Anne DeNovo as Assistant Corporation Counsel and read from an extensive resume which was submitted for the record. Councilmember D'Ovidio seconded the motion which passed unanimously.

(4)Adoption of Capital Improvements Program for FY84

This item was taken off the agenda, to be discussed at the July 18, 1983 worksession.

(5)Tree Ordinance amending Chapter 13, City Code

Councilmember Iddings reviewed the changes which had been made in the ordinance. Councilmember Bradley stated her support for the ordinance and moved it for adoption. Councilmember Eckert seconded the motion and expressed his support. Ordinance No. 2677 was adopted by roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings, Williams; Nay: None; Abstaining: None. Councilmember Iddings commended the Tree Committee for their hard work on the ordinance.

ORDINANCE NO. 2677
(Attached)

(6)Appeal No. 6842, 7106 Central Avenue, for side yard variance and validation of existing structure; report on consensus; action by Council

Mayor Abbott noted this item was heard at worksession on July 5; moved that the Council act in favor of the appeal. Councilmember Garcia seconded the motion which passed unanimously.

(7)Appointments to Committees

---CDBG Citizens Advisory Committee:

A memorandum from Mr. Schnuer listed the nomination of the following persons for appointment to the Committee: B. F. Gilbert's Association, Richard Prario; Historic Takoma, Muriel Hoover; Hodges Heights, Rosalind Smith; CIB, Marion Florin; S.S. Carroll Citizens' Association: Kathy Anderson; Carroll Ridge Neighborhood Association, David Freed; and Charlie Ambush, Alfred Drive area.

Councilmember Garcia moved the above-mentioned nominations be approved; Councilmember Eckert seconded the motion, which passed

unanimously by those present.

---TOT Citizens' Advisory Committee:

Councilmember Eckert moved the appointment of the following citizens and business-persons for the TOT Committee: WACO, Christina Logo; B.F. Gilbert, Richard Prario; Spring Park, Cockerille Avenue, Gene and Brenda Freeman; Old Takoma, Ellen Marsh; Food Co-op, Marc Elrich; at large, Mr. & Mrs. Bruce Weber, Susan Bray, Jim Brogan, Joe DiBerardino; Takoma Sales and Service, Roy Shields; FineWare Shop, Jan Schwartz; House of Musical Traditions, Dave Eisner; Now and Then Shop, Jude Garrett; Suburban Bank, Regina Crane; Gagliardo and Silber, Tom Gagliardo. Councilmember Iddings seconded the motion and it passed unanimously by those present. Councilmember Eckert strongly suggested that the Committee help resolve some of the problems regarding the opening of the Takoma Cafe.

PARKING AND TRAFFIC ISSUES:

(8) Ordinance amending sections of Chapter 13, City Code, to reflect increases in fines for parking violations

Councilmember Iddings moved adoption of the ordinance amending sections of Chapter 13, City Code. Councilmember Garcia seconded, and Ordinance No. 2678 was adopted by roll call vote recorded as follows; Aye: Councilmembers Bradley, D'Ovidio, Garcia, Iddings, Williams; Excused: Councilmembers Eckert and Faulkner; Nay: None.

ORDINANCE NO. 2678
(Attached)

(9) Ordinance authorizing the construction of speed humps on Mississippi Avenue

Councilmember Iddings stated this is an amendment to an ordinance adopted at the last Council Meeting; moved for adoption of the ordinance. Councilmember Williams seconded the motion, and Ordinance 2679 was adopted by roll call vote recorded ~~vote~~ as follows: Aye: Councilmembers Bradley, D'Ovidio, Garcia, Iddings, Williams; Excused: Councilmembers Eckert and Faulkner; Nay: None.

ORDINANCE NO. 2679
(Attached)

(10) Ordinance authorizing STOP signs on Albany Avenue at its intersection with Baltimore Avenue

Councilmember Iddings noted this ordinance was requested by the neighborhood association through Councilmember D'Ovidio; he moved it for adoption with Councilmember Garcia seconding the motion. Ordinance No. 2680 was adopted by roll call recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Garcia, Iddings, Williams; Nay: None; Excused: Councilmembers Eckert and Faulkner. Councilmember Iddings noted that warning signs will also be installed.

ORDINANCE NO. 2680
(Attached)

(11) Ordinance restricting parking for a distance of approximately 275 feet on the southernmost portion of Mississippi Avenue

Upon motion by Councilmember Iddings, seconded by Councilmember Williams, Ordinance No. 2681 was adopted by roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Garcia, Iddings, and Williams; Nay: None; Excused: Councilmembers Eckert and Faulkner.

ORDINANCE NO. 2681
(Attached)

(12) Ordinance authorizing STOP signs on Mississippi Avenue at Elwyn Court

Upon motion by Councilmember Iddings, seconded by Councilmember Williams, Ordinance No. 2682 was adopted by roll call recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Garcia, Iddings, Williams; Nay: None; Excused: Councilmembers Eckert, Faulkner.

ORDINANCE NO. 2682
(Attached)

(13) Second reading of an ordinance authorizing removal of STOP signs and substituting YIELD signs on Roanoke Avenue at Hudson Avenue

Councilmember Iddings noted this was an amendment to an ordinance and stated the question arose as to how many yield signs would be needed. Mr. Iddings noted that this would replace the sign controlling the northbound traffic on Roanoke Avenue. Sgt. Jack Goetz inspected the area and stated it would replace the stop signs on Roanoke Avenue with yield sign and keep the stop sign on Hudson Avenue. Councilmember Bradley commented that the intersection needs to be reconstructed and that it is not very well defined; moved to table the ordinance until more information is received. Councilmember Garcia seconded the motion and it carried unanimously. Councilmember Iddings stated that this area needs enforcement of traffic regulations.

Upon proper motion, the meeting adjourned at 12:35 a.m., to reconvene on Monday, July 25, 1983 at 8:00 p.m.

ORDINANCE #2677

ON PROTECTING THE URBAN FOREST OF TAKOMA PARK

WHEREAS, it is in the interest of the City of Takoma Park to protect, preserve and promote its urban forest; AND

WHEREAS, the urban forest of Takoma Park is part of a larger ecosystem which contributes significantly to air, noise and visual pollution control; AND

WHEREAS, the existence of shade-providing trees in Takoma Park moderates climatic extremes and promotes sound energy conservation; AND

WHEREAS, the urban forest of Takoma Park is part of the watershed of Long Branch and Sligo Creek and therefore controls water run-off and replenishes the watershed system; AND

WHEREAS, the urban forest of Takoma Park has significant aesthetic value which affects property values and more importantly the quality of life necessary to a community.

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

SECTION 1. THAT Chapter 12, entitled "Trees and Vegetation," of the Code of Takoma Park, Maryland, 1972, as amended, be further amended by the addition of a new Article 4, entitled "Urban Forest," as set forth below:

ARTICLE 4. URBAN FOREST

- Sec. 12-23. Sizable trees considered part of the urban forest.
- Sec. 12-24. Permit required to take action affecting the urban forest.
- Sec. 12-25. Public notice required upon application for permit.
- Sec. 12-26. Appeals of permit decisions.
- Sec. 12-27. Criteria for permit decisions.
- Sec. 12-28. Enforcement.
- Sec. 12-29. Exceptions.

ARTICLE 4. URBAN FOREST

Sec. 12-23. Sizable trees considered part of the urban forest.

All trees on private property in Takoma Park measuring more than twenty-four inches in circumference at four and a half feet above ground level are considered as part of the City's urban forest and are subject to the provisions of this Article.

Sec. 12-24. Permit required to take action affecting the urban forest.

(a) No person shall remove or destroy or cause the removal or destruction of a tree on private property or undertake construction or other action that may significantly and permanently detract from the health or growth of a tree without first having obtained a permit from the Clerk which shall only be issued upon the presentation of an application bearing the approval of the Director of Public Works or his representative.

(b) A fee of ten dollars (\$10.00) shall be paid by the applicant to the Treasurer prior to the issuance of a permit for the removal or destruction of a tree covered by the provisions of Sec. 12-23.

(c) The Director of Public Works shall develop rules, regulations, and forms consistent with this Article for application, public notice, appeals and issuance of permits.

Sec. 12-25. Public notice required upon granting of approval for permit.

(a) Within twenty-four hours of notification that the Director of Public Works or the Director's representative has granted approval for the issuance of a permit, the applicant shall post notice of such approval on the property in question, in plain view from the public right of way.

(b) The Director of Public Works or the Director's representative shall provide a copy of each application for a permit to any citizen requesting one.

(c) No permit under this Article shall be issued until fifteen days after notification to the applicant of the granting of approval for the issuance of a permit.

Sec. 12-26. Appeals of Permit Decisions.

(a) The permit applicant or any resident or property owner affected thereby may appeal the granting or denial of a permit within fifteen days of notification by the Director

of Public Works or the Director's representative of the granting or denial of approval for the issuance of a permit by ordinance No. 2677; or, should such body not have been appointed at the time of the appeal, to the Mayor and Council, by filing with the Tree Commission a written request or statement requesting such an appeal. If a request for an appeal is filed with the Tree Commission after the applicant posts notice but before the permit is issued, the issuance of such permit shall be stayed until the Tree Commission has rendered its final decision, and thereafter upon such terms as the Commission may direct to permit a further appeal.

(b) The Tree Commission shall conduct a fact-finding hearing on such appeal, after giving reasonable notice of such hearing to all interested parties in accordance with such rules and regulations as it may establish. At the hearing, any interested parties may present testimony and evidence which shall be given under oath or by affirmation. The parties may also cross-examine any witness presenting testimony at a public hearing. A verbatim record of the hearing shall be made. The record shall be open to inspection by any person and, upon request by any party to the proceeding, the Commission shall furnish such party a copy of the hearing record at such charges as are necessary to meet costs. The decision of the Tree Commission shall become final unless an appeal is taken under this section within thirty days.

(c) Within thirty days of the decision of the Tree Commission, any person who was a party to the proceedings before the Commission and who is aggrieved by its decision may, at that party's option, appeal to the Mayor and Council in accordance with this section or may seek judicial review in accordance with Article 41, Section 255, Annotated Code of Maryland, and Subtitle B, Chapter 1100, Maryland Rules of Procedure, or any subsequent amendments thereof. If the appellant chooses to appeal to the Mayor and Council, the Mayor and Council shall, upon request, hear oral arguments and receive written memoranda based on the record of the evidence presented to the Tree Commission. No evidence in addition to that presented to the Tree Commission shall be submitted to the Mayor and Council, unless the appellant sets forth in writing, with particularity and in advance of the date set for the appeal hearing, the additional evidence which the appellant desires to offer at the hearing, with the reasons why the evidence was not offered before the Tree Commission. The Mayor and Council may, at their discretion, decide whether or not to receive such evidence and may make such other determinations as they may deem appropriate. If the appellant alleges irregularities in procedure before the Tree Commission, not shown in the record, the Mayor and Council may, at their discretion, receive new evidence if they deem it appropriate or necessary. However, nothing in this section shall be construed to give any appellant a

right to a de novo appeal to the Mayor and Council in any proceedings under this Article.

The Mayor and Council may affirm the decision of the Tree Commission; or, they may reverse or modify the decision if the substantial rights of the appellant have been prejudiced because the Commission's findings, conclusions or decisions are:

- (1) in violation of constitutional provisions;
- (2) in excess of the statutory authority or jurisdiction of the agency; or
- (3) made upon unlawful procedure; or
- (4) affected by other error of law; or
- (5) unsupported by competent, material, and substantial evidence in view of the entire record as submitted; or
- (6) arbitrary or capricious.

(d) In a case where the appellant chose to appeal a decision of the Tree Commission to the Mayor and Council, any person who was a party to the proceedings before the Tree Commission or before the Mayor and Council may seek judicial review of the decision of the Mayor and Council within thirty days thereof, in accordance with Article 41, Section 255, Annotated Code of Maryland, and Subtitle B, Chapter 1100, Maryland Rules of Procedure, or any subsequent amendments thereof.

Sec. 12-27. Criteria for permit decisions.

The Director of Public Works, or, upon appeal, the Tree Commission, shall consider these or similar factors in approving or disapproving an application for a permit:

- (a) the extent to which tree clearing is necessary to achieve proposed development or land use;
- (b) proposed reforestation;
- (c) the hardship which the applicant will suffer from a modification or rejection of the application;
- (d) the desirability of preserving any tree by reason of its age, size or outstanding quality such as uniqueness, rarity or status as a landmark or species specimen;
- (d) the extent to which the area would be subject to

environmental degradation due to removal of the tree or trees;

(f) the desirability of preserving tree cover;

(g) whether the tree is diseased, injured beyond restoration, in danger of falling, or for other sound forest management reason should have taken action;

(h) whether the tree interferes with utility services or creates an unsafe condition; and,

(i) the desirability of the tree species as a permanent part of the urban forest.

Sec. 12-28. Enforcement.

(a) It shall be a misdemeanor to do any of the acts set forth in Section 12-24 (i) without obtaining a permit as provided in Section 12-24, or (ii) after posting notice but before a permit is issued as provided in Section 12-25.

(b) A misdemeanor violation of this Article shall be punishable by a mandatory fine for each tree affected of \$50.00 plus \$25.00 per inch of tree circumference greater than twenty-four inches measured at four and a half feet above ground level or at the highest remaining point of less than four and a half feet, to a maximum per tree of \$500.00 or the limit allowed by state law.

(c) This ordinance may be enforced by the City or any interested party who petitions for an injunction in a court of competent jurisdiction. An injunction shall be issued prohibiting any action requiring a permit under Sec. 12-24 when it is shown that no permit has been issued or that an appeal from a decision to issue a permit is pending or that the time allowed for the submission of an appeal has not expired.

(d) A civil action for damages may be brought against any person or persons who violate the provisions of the Article by any person or persons who suffer personal injury, property damage or financial loss as a result of such violation.

Sec. 12-29. Exceptions.

(a) No permit shall be required when action is taken to abate an apparent violation as specified in this Chapter.

(b) No permit shall be required when performing professionally accepted tree maintenance.

SECTION 2. THAT this ordinance shall become effective July 11, 1983.

ADOPTED BY THE MAYOR AND COUNCIL JULY 11, 1983.

ORDINANCE NO. 2678

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

SECTION 1. THAT Chapter 13, entitled "Vehicles and Traffic," of the Code of Takoma Park, Md., 1972, as amended, be further amended by the amendment of Subsections (b) of Section 13-42, (a)(10)(A) of Section 13-64, and by the addition of a new Section 13.64.2, as set forth below:

Article 4. Parking Meters

Sec. 13-42. Parking violations; ticket issuance; penalty; reports

(b) Each owner or operator so notified shall within seven (7) working days of the time when the notice was so attached to the vehicle, pay to the Treasurer, as a penalty and in full satisfaction of the violation, the sum of ten dollars (\$10.00). In the event such payment is not made within a seven working day period, the penalty shall be twenty dollars (\$20.00).

Article 7. Stopping and Parking

Sec. 13-64. Parking or standing; prohibited areas.

(a)
(10)

(A) Any person issued a citation for violation of Subsection (a)(10) of this section shall be subject to a fine of fifty dollars (\$50.00) for each violation. In the event that such payment is not made within a seven working day period, the penalty shall be one hundred dollars (\$100.00).

Sec. 13-64.2. Penalty; exception

(a) Except as provided in Sec. 13-64(a)(10)(A), any person issued a citation for violation of the provisions of this Article shall be subject to a fine of twenty dollars (\$20.00). In the event such payment is not made within a seven working day period, the penalty shall be forty dollars (\$40.00). AND

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

ADOPTED BY THE MAYOR AND COUNCIL JULY 11, 1983.

ORDINANCE NO. 2679

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

SECTION 1. THAT Section 1 of Ordinance No. 2676, adopted on June 27, 1983, be amended by the addition of the following:

(f) On Mississippi Avenue, between the City line and Hilltop Road;

ADOPTED BY THE MAYOR AND COUNCIL JULY 11, 1983.

ORDINANCE NO. 2680

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

- SECTION 1. THAT all vehicular traffic on Albany Avenue shall come to a complete stop at that street's intersection with Baltimore Avenue; AND
- SECTION 2. THAT the Director is hereby instructed to install STOP signs at 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., 1972, as amended.

ADOPTED BY THE MAYOR AND COUNCIL JULY 11, 1983.

ORDINANCE NO. 2681

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

- SECTION 1. THAT parking shall be prohibited on the south side of Mississippi Avenue from its intersection with Hilltop Road to a point adjacent to the line dividing Lots 24 and 31, Block 61, B. F. Gilbert's Subdivision; AND
- SECTION 2. THAT the Director of Public Works is hereby directed to erect the appropriate signing; 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 stated in Sec. 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

ADOPTED BY THE MAYOR AND COUNCIL JULY 11, 1983.

ORDINANCE NO. 2682

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

- SECTION 1. THAT all vehicles travelling in either a southeasterly or north-westerly direction on Mississippi Avenue shall come to a complete stop at that street's intersection with Elwyn Court; AND
- SECTION 2. THAT the Director of Public Works is hereby directed to install STOP signs at the appropriate locations; AND
- SECTION 3. THAT this ordinance shall become effective upon the 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., 1972, as amended.

ADOPTED BY THE MAYOR AND COUNCIL JULY 11, 1983.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
July 25, 1983

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 JUNE 13, 1983

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Resolution of Condolence to former City Administrator Pridgen
2. Announcement regarding opening of Farmers' Market
3. Other presentations and comments by Mayor Abbott

ADDITIONAL AGENDA ITEMS

GENERAL CITIZENS' REMARKS (those not directed at items for Council action)

ITEMS FOR COUNCIL CONSIDERATION: Assistant City Administrator Schnuer

1. Communications
2. Administrative Reports and Recommendations for Council Action:
 - (1) Administrative reports
 - (2) Resolution adopting an editorial policy for the Newsletter
Citizens' comments
Council action
 - (3) First reading of an ordinance amending Ordinance 2587, establish-
new rental increase guidelines
Citizens' comments
First reading
 - (4) Adoption of Capital Improvements Program, FY-84
Citizens' comments
Council action
 - (5) Ordinance authorizing a Nominating Caucus on October 4, 1983 and
a City Election on November 8, 1983
Citizens' comments
Council action
 - (6) Second reading of an ordinance authorizing removal of stop signs
and substituting yield signs on Roanoke Avenue at Hudson
Citizens' comments
Council action

ADJOURNMENT

The City of Takoma Park, Maryland
Regular Meeting of the Mayor and Council
July 25, 1983

City Officials Present:

Mayor Abbott	Assistant City Administrator Schnuer
Councilmember Bradley	City Clerk Pusti
Councilmember D'Ovidio	Assist. Corp. Council Anne DeNovo
Councilmember Eckert	Housing Director Tyree
Councilmember Faulkner	Assist. Housing Dir. Tony Austin
Councilmember Garcia	Library Director Spottswood
Councilmember Iddings	
Councilmember Williams	

The Mayor and City Council of Takoma Park, Maryland, met on July 25, 1983 at 8:15 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Councilmember D'Ovidio made the following corrections in the June 13, 1983 minutes: page 2, line 9, Councilmember Faulkner did not approve the Public Hearing on the Constant Yield Tax Rate; Councilmember D'Ovidio noted on page 4, second paragraph should read "Susan Bray". A motion was made and duly seconded to approve the minutes of June 13, 1983 as corrected; motion passed unanimously.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS:

1. Councilmember Garcia read a Resolution of Condolence to former City Administrator Pridgen on the death of Mrs. Pridgen on July 21, 1983 and the resolution carried unanimously. (Resolution Attached)
2. Councilmember D'Ovidio announced the opening of the Farmer's Market on July 31. It will be open every Sunday from 10:a.m., to 2:00 p.m., until October 31, and is located between Carroll and Eastern Avenues.

ADDITIONAL AGENDA ITEMS:

1. First reading of an ordinance establishing a three-way stop sign at the corner of Auburn and Elm Avenues. (Councilmember Iddings.)
2. Council support for the Revenue Sharing Bill. (Councilmember D'Ovidio)

CITIZEN'S REMARKS (those not directed at items for Council Action)

John Hemphill - 8112 Flower Avenue: Spoke on two items: 1. Thanked the Mayor and Council for the installation of stop signs on Maple Avenue, suggested random police surveillance. He also recommended the use of paint to make the curb lane a parking lane and presented a diagram to the Council. There followed a discussion on the benefits and problems associated with the stop sign installations on Maple Avenue 2. Suggested to the Council the appropriate process in choosing the new Chief of Police and other employees, noting the tendency to overemphasize process, with less attention paid to citizen involvement.

David Prosten - 7428 Carroll Avenue: Questioned Council as to when the speed hump installation would begin and whether the impact on other streets would be measured. Councilmember Iddings stated that the humps will be placed on six streets throughout the City after a survey of the streets involved is taken; and that an impact survey would also be conducted after the installations are completed.

Robert Mandel - 7003 Woodland Avenue: Stated that some months

ago the Prince George's County Board of Education offered the City the former J. Enos Ray Elementary School building for a limited amount of money, and that a City committee had been established to study the offer. Mr. Mandel stated that he felt it would be a disaster to accept the offer because of the poor condition that the school is in. The Director of Public Works informed the Committee that it would take about \$250,000 to put the school back in shape, and that there is a \$230,000 lien on the School that the City would have to assume. Councilmember Garcia suggested the possibility of acquiring the land only (the open space)

Larry Robinson - 7504 Holly Avenue: Recommended a traffic signal or stop sign on Philadelphia Avenue at Holly where there is a blind spot and motorists cannot see oncoming traffic.

Susan Bray - 7012 Carroll Avenue #1: Stated that there should be guidelines for Public Forums; that the housing issues should have been scheduled on a separate evening; that, because of the large audience many would be deprived of an opportunity to speak because of the time limit. Recommended to the Council that large items should be held on separate evenings so that citizens can participate. Applauded Council on the short agenda and urged them to a limit on the number of agenda items as well as the time allotted to speakers.

Dr. Joseph Lerner - 7708 Takoma Avenue: Addressed several matters on the Newsletter. Suggested that the Newsletter, every six months, include coupons in which residents could indicate interest in the paper, subjects covered, etc. Suggested that the City sponsor City-wide debates prior to the next election with advance publicity given.

Ron Wylie - 7618 Glenside Court: Congratulated Mayor and Council on their celebration of Martin Luther King's Birthday. Mayor Abbott urged citizens to participate in the 20th anniversary of the historic march on Washington on August 27.

Jan Schwartz - 7309 Garland Avenue: Informed citizens of the Takoma Park Victorian Festival; urged citizens to participate. It will be held on Sunday, August 7 from 1:00 p.m. to 7:00 p.m., at Carroll Avenue between Eastern and Tulip.

ITEMS FOR COUNCIL CONSIDERATION: Assistant City Administrator Schnuer

1. Communications:

Mr. Schnuer noted that the City applied to Montgomery County for Block Grant Funds to be used to reconstruct City streets and sidewalks, Housing rehabilitation, and TOT projects. A Committee was formed to solicit citizens proposals, and a number of Associations have not yet made nominations; included are Old Takoma, Ritchie Avenue, Upper Maple Avenue, B.F. Gilbert, Spring Park, Colby Avenue and Hillwood Manor. He urged citizens to send representatives to the meetings which will be held once a week for a month.

(2) First Reading of an ordinance amending Ordinance 2587, establishing new rental increase guidelines.

Councilmember Bradley moved the ordinance for a first reading. Pointed out that it calls for lowering the annual rent increase from 10% to 5%.

PROPOSED ORDINANCE
(Attached)

Mayor Abbott and Councilmember Williams indicated that the most substantive amendments were: (1) the reduction in the amount of rent increases, and (2) the prohibition of rent increases for any unit within a building having outstanding code violations, and for any building having such violations in the common areas.

Bruce Ross - 8212 Flower Avenue: Had received a 10% rent increase for several years and thought it inflationary. Expressed support for the ordinance.

Carlos Stewart - 7710 Maple Avenue: Supported the amendments and requested Council support.

Nancy Perry - 7520 Maple Avenue: Noted there had been no improvements in buildings even with rent increases over the years. Hoped for provisions to insure quality of service; asked for specific guidelines to prohibit any type of rent increase unless building is up to par.

Naomi Turner - 7667 Maple Avenue: As President of Parkview Towers Tenant Association, stated rents are too high and there has been a reduction in amenities, e.g., there are no pool facilities this year.

Wayne Upton - 7600 Maple Avenue: Supported the ordinance; recommended that COLTA forms be provided for Hispanic and Asian tenants who do not read English.

Don Gilmore - 7777 Maple Avenue: As representative of the Park Maple Tenant Council, stated that residents living along the Maple Avenue corridor are tired of living like second class citizens and are concerned about retaliatory action by landlords when complaints are made. Wants protection so landlords must keep up the buildings. Councilmember Williams stated it is the duty of the City to protect citizens. Proposed two avenues: 1) "repair and deduct" and 2) collection of rent through escrow accounts. Mayor Abbott informed Council that the State law is very specific regarding retaliatory actions against tenants in an organization; urged residents to organize. Mr. Gilmore asked Council that when ordinance is passed, will landlords have to adhere to the ordinance; the Mayor stated that if landlords want to appeal, they must go to the Commission and/or Court. Councilmember Bradley noted that in the worst cases, the City can expect challenges in court and that the City should assign extra legal help to ensure that the cases are aggressively prosecuted and to observe judges to see that they deal fairly with municipal infractions. The City must keep up inspections in the Housing staff, and make sure tenants know how to fill out complaint forms, and follow up on legal action.

Vernon Ricks - 7667 Maple Avenue #805: Spoke in reference to the "hidden agenda" in retaliation and the form it takes: notices of eviction, reduction of amenities not covered under housing codes; e.g., removal of carpeting when worn; feels this is in violation of civil rights and does not meet the standard of living. Concerned that residents do not have funds to hire competent lawyers to take legal action, and questioned whether landlords are required by law to maintain in-place swimming pools. Councilmember Williams said that if pools are advertised in newspaper ads, landlords are required to provide the services; Councilmember Faulkner stated that rent adjustments should be made for a diminution in amenities.

Mr. Robinson - 625 Houston Avenue: Asked if there was a clear escrow provision in the tenant statute as it stands now. Councilmember Williams informed Council that there is a state law in effect since June, 1982 under which a tenant can apply in District Court. Mayor Abbott noted this issue will be taken up on Monday, September 6 as part of the agenda for that meeting.

Howard Walton - 7777 Maple Avenue: Supported ordinance; also recommended the use of complaint forms in Spanish. Mayor Abbott stated that Monday, August 8, there will be a second reading of the ordinance and Council action. Urged citizen participation, and detailed reasons as to why rent control is being brought up by the Council at this time.

Councilmember Garcia stated that he had understood a 5.7% increase had been agreed on, instead of 5%.

Richard Kaszis - 106 Elm Avenue: Referred to a memo he had submitted regarding the 5.7% increase; principle issue that inflation was much lower in the first half of 1983 than in 1982 and Montgomery County figures are based on 1982 inflation. Councilmember Bradley stated several individuals went over the figures.

Councilmember Iddings moved the proposed amendments submitted by Housing Services be put on the agenda for discussion prior to adoption.

With no objections, the proposed ordinance was accepted for a first reading as proposed.

(2) Resolution adopting an editorial policy for the Newsletter

Councilmember Iddings read the editorial policy and the adopting resolution and moved adoption; he noted that the editorial policy as amended is the official policy for the Newsletter and also incorporates by resolution the agreement to "cease and desist" that was negotiated by Corporation Counsel and the State's Prosecutor which includes a requirement that the policy be published in the next issue of the Newsletter.

Dr. Joseph Lerner - 7708 Takoma Avenue: Recommended resolution be treated in the same way as other legislation - as a first reading; recommended that the actions be fully documented in the Newsletter; stated that the Newsletter should not be concerned with anything other than City-oriented information and opposed having it reflect cultural, ethnic and other activities unless sponsored by the residents. Did not think the Newsletter should be a voice for residents' themes or hobbies. Dr. Lerner further objected to the editor's prerogative of removal of repetitious material from "Letters to the Editor". He stated that advertisements should be limited to City concerns and not local business advertising. Noted there should not be an Editor's column and no opinions should be expressed from the editor; elected officials should not have access if the opposing candidates do not have access to the same degree; suggested an annual review in writing.

Abbey Mandell - 7003 Woodland Avenue: Opposed the publication of a City Newsletter on constitutional grounds; said she had no plans to challenge but did not want the paper published at all.

Rino Aldrighetti - 7213 Central Avenue: Stated the Newsletter represents a spirit of community in the City and many benefits have accrued from its publication. Pointed out the good features and commended the Mayor on its quality; urged continuation; said he had some concern about the endorsement of candidates but, even there, some benefits occurred.

Jill Wettrich - 1006 Elm Avenue: As a member of the Committee who proposed the original guidelines, commented on the quality of the Newsletter and what it has done for the City. She commended the Mayor and stated that the Editorial column is very important.

David Prosten: As a member of the Newsletter guidelines Committee, stated disagreement with a number of Dr. Lerner's comments; stated there is a need for Councilmembers to communicate with their constituents via the Newsletter; suggested an agreement among Councilmembers to refrain from use of the Newsletter for political purposes, should the temptation arise.

Mrs. Ed McMahon - 7311 Wildwood Drive: Appreciated that the policy allows business advertisement on Old Takoma for special events and activities of a commercial nature.

Larry Robinson: Supported changes that the Mayor made in the Newsletter; expressed surprise that no political endorsements were permitted under the guidelines. Council should have views in the Newsletter because it plays a key role in the City; only

print costs should be considered for space and length of articles.

Bruce Moyer - 37 Philadelphia Avenue: Extended personal appreciation for the Newsletter; Political leaders should have the opportunity of access to residents in the form of a paper column as part of their responsibility and leadership. Said that the Guidelines were well done, but that the 150 word limitation too restrictive. Mayor Abbott noted that he had seldom imposed a limitation.

Jacklyn Bowman - 7209 Holly Avenue: President and Founder of Takoma Repetory, stated that the Newsletter had been an essential ingredient in the group's formation and growth.

David Sawyer: Did not recommend changes in the Newsletter, just expansion. The Newsletter should represent the Mayor and Council and everyone else in the City.

Jim True - Eastridge Avenue: Stated several areas to examine: (1) access; (2) comparability; (3) value; and (4) creative vehicle for the community; supported the guidelines.

Jennifer Saloma - 7124 Maple Avenue: Suggested that the guidelines should answer what City functions should be serviced by its publication, why should City have it, and why should taxpayers pay for it? Stated the proposed guidelines are carefully tailored to fit the Newsletter as it is now. Objected to the 250 word limit on letters to the editor when much more space is allotted to the Mayor, the Editor, Councilmembers, and Civic associations. Sec 4: commented on specific sections as follows: objected to the Editor's Column; Sec 5: elected officials should have the same access to Newsletter as ordinary citizens; Sec 7: Asked how "controversial" will be defined, what does "handles as News" mean? There is nowhere in the guideline any indication of what the qualifications of the Editor are and how he will be chosen. She inquired about publication of the terms of the "Cease and Desist" order, and was informed that it was published in the June 13, 1983 Minutes.

Jan Schwartz - 7309 Garland Avenue: Her place of business, in TOT, has advertised in the Newsletter, just making reference to classes offered; is not competing with the Recreation Department; residents get a chance to see what is offered and teachers are paid only with the money raised; it is not a profit-making enterprise. Pointed out that her shop carries community-oriented items with the proceeds going back to the City.

John Hemphill - 8112 Flower Avenue: Informed Council that people of Takoma Park need the Newsletter in its present form for communicating the needs and desires in the Community; it energizes the City.

Ed Longen - 7516 Holly Avenue: Endorsed the Newsletter; suggested establishing an Editorial Board to give unbiased opinions on how the paper is to be handled and who should report to the Council.

Susan Bray - 7012 Carroll Avenue #1: Noted that the Editorial Policy allows the Editor to continue; urged its adoption.

Saul Schneiderman - 7925 Sligo Creek Pkwy: Read a statement from the Takoma Park Folk Festival Committee stating festivals could not have taken place without the Newsletter; stated his support for the Newsletter.

Councilmember Faulkner moved the following amendments with Councilmember Garcia seconding: Sec 1: change title to "Comments and Opinion", replace the first sentence of Sec 1 with "Letters to the Editor," and opinions of elected officials, the editor, or any citizen shall all be printed in a section clearly marked. These shall be limited to 500 words in length with editorial discretion to be used based upon the degree of city-wide interest." Add at the end of Section 1: "Only one item per person per issue will be printed," thus eliminating the need for Sections 4 and 5. There was further lengthy discussion as to the length of columns,

whether to include an Editor's column and other aspects of the guidelines. When Councilmember Faulkner's amendments were put to a vote, they were defeated by a vote of 3:4, with Councilmembers Eckert, Faulkner and Garcia voting Aye, and Councilmembers Bradley, D'Ovidio, Iddings and Williams voting Nay.

Councilmember Faulkner moved for the following amendments: Sec 2, eliminating the second sentence; Councilmember Eckert seconded the amendment. Further discussion ensued pertaining to the elimination of the sentence, with Mayor Abbott stating access has never been denied to anyone. Councilmember Eckert stated that Council is imposing a value system and suggested that advertisement of businesses should be equal. Councilmember Bradley stated that the Newsletter communicates to residents services rendered in the City and information on activities; The amendment to delete the second sentence of Section 2 failed by a vote of 2:5, with Councilmembers Faulkner and Eckert voting Aye, and all others voting Nay, with no abstentions.

Councilmember Faulkner moved that Section 7 be amended to read as follows: "Controversial issues of City interest shall be handled in a balanced manner with equal coverage given to all sides." Councilmember Garcia seconded the motion. Councilmember Iddings proposed an amendment to Councilmember Faulkner's motion substituting "equal access" for "equal coverage," which was accepted by the maker. Opinions, pro and con were discussed, the amendment to Sec 7 as stated, with Councilmember Idding's amendment included, passed by a 4:3 vote, with Councilmembers Eckert, Faulkner, Garcia and Iddings voting Aye, the remainder voting Nay, with no abstentions.

Councilmember Faulkner moved for an amendment to Section 8(A) to read "Enforcement of this editorial policy shall be the responsibility of the City Council, which shall review the operations of the Newsletter at least on a semi-annual basis", and Councilmember Eckert seconded the motion. The motion failed on a vote of 1:5, with Councilmember Eckert abstaining, Councilmember Faulkner voting Aye, the remainder voting Nay.

Councilmember Eckert moved an amendment to become a new Section 8(B) (with remaining sections to remain in tact, but reordered, to read as follows: "An elected public official may not serve as editor, managing editor, or manager of the Newsletter concurrently with his/her term of office." Councilmember Faulkner seconded the motion; motion failed on a vote of 2:5, with Councilmembers Eckert and Faulkner voting Aye; the remainder Nay; no abstentions. A motion to adopt the Resolution covering the Editorial Policy of the Newsletter as published, was moved by Councilmember D'Ovidio, seconded by Councilmember Bradley; motion passed by a vote of 6:1, with Councilmember Faulkner voting Nay. Mayor Abbott stated that the resolution and guidelines would be published in the next issue of the Newsletter, August 26. Councilmember Iddings thanked the citizens and members of the Committee.

RESOLUTION AND GUIDELINES

(Attached)

(4) Adoption of Capital Improvements Program, FY 84:

The Assistant City Administrator summarized the projects that had been discussed in worksession; \$99,900 in projects to be used as money comes in. (\$50,000 in CDBG funds, \$40,000 in FY 84 Capital Improvements Funds). The City will explore alternatives, including current contracts with competitive prices. Following a discussion on prioritization of projects, upon motion, duly seconded, a resolution setting forth the Capital Improvements Programs for 1983-84 was unanimously approved by the Council.

RESOLUTION

(Attached)

(5) Ordinance authorizing a Nominating Caucus on October 4, 1983 and a City Election on November 8, 1983.

Mayor Abbott informed Council that the City Clerk had prepared an

enabling ordinance which provides for the Nominating Caucus. The Assistant City Administrator noted that this is the authorization that allows the City Clerk to proceed with actions that have to take place to hold the election in the November. Upon motion by Mayor Abbott, seconded by Councilmember Eckert, Ordinance No. 2683 was adopted by roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings, Williams; Nay: None; Excused: None.

ORDINANCE NO. 2683
(Attached)

(6) Second reading of an ordinance authorizing removal of stop signs and substituting yield signs on Roanoke Avenue at Hudson

Councilmember Bradley asked that the reading be tabled for two weeks, saying it would be referred to the "Between the Creeks" planners.

7) Proposed ordinance establishing a three-way stop sign at Auburn Avenue at Elm Avenue

The proposed ordinance was accepted for first reading.

PROPOSED ORDINANCE
(Attached)

(8) Resolution by the Council on support of the Revenue Sharing Bill

Councilmember D'Ovidio stated there are two bills in Congress relating to Revenue Sharing. He moved that Council go on record in support of the legislation, and that the appropriate legislators be so notified. The motion was seconded and passed unanimously.

Upon proper motion, meeting was adjourned at 12:10 a.m., to reconvene on Monday, August 8, 1983 at 8:00 p.m.

RESOLUTION OF CONDOLENCE

WHEREAS, it was with sorrow that the Mayor and City Council learned of the passing on July 21, 1983, of Sara E. Pridgen, in the fifty-sixth year of her marriage to Haynes M. Pridgen; AND

WHEREAS, Haynes M. Pridgen, with the support of his wife, Sara, served the City of Takoma Park as City Administrator, City Treasurer and City Clerk during the period 1956-1979.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, on behalf of the employees and officials of the City of Takoma Park, Maryland, as well as the citizens of the community, that we hereby extend to Haynes M. Pridgen and members of his family, this expression of heartfelt sympathy; AND

BE IT FURTHER RESOLVED THAT this resolution be spread upon the permanent records of the City of Takoma Park and a copy be prepared for Haynes M. Pridgen.

ADOPTED THIS TWENTY-FIFTH DAY OF JULY, NINETEEN HUNDRED EIGHTY-THREE.

Sammie A. Abbott, Mayor

ATTEST:

M. Sibyl Pusti, City Clerk



PROPOSED ORDINANCE

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

SECTION 1. THAT Sec. 22 of Ordinance 2587, as amended, be hereby repealed and reenacted to read as set forth below; and that Sec. 7(b) be repealed:

ARTICLE IV

Sec. 22. Rent Guidelines

(a) The City Council shall conduct an annual review of the rent stabilization provisions of this ordinance before or during the month of July each year and may establish a new rent stabilization figure for inclusion in the appropriate provisions of this ordinance. The City Council decision regarding this figure will consider, among other factors, the annual recommendation of the Commission and any staff recommendations as to the allowable percentage increase for rent stabilization purposes. Such recommendation shall take into account the Washington-area Consumer Price Index (all items), the Washington-area CPI figure for fuel and utilities, and the Washington-area CPI figures for rents. Such recommendations shall indicate clearly how increases or decreases in such figures were factored together.

(b) The Commission shall study and report periodically to the Mayor and Council on any federal, state or county rent stabilization regulations, on rent increases, and on rent inequities that they may find to exist in the City. The Commission shall be provided no later than February 15 of each year a preliminary analysis and preliminary recommendation for consideration prepared by the Department of Housing Services regarding the continuation of rent stabilization and the rent stabilization level provided for in Subsection(a) of this Section. The Commission shall prepare and transmit to the City Council during the month of March recommendations on whether rent stabilization should or should not be continued, and if continued, at what figure. This and other information shall be provided so that the City Council may make appropriate and informed decisions with respect to rent stabilization in the City of Takoma Park.*

(c) Rent for any particular dwelling unit in a multiple-family dwelling facility may be increased in an amount not to exceed ~~[[ten percent (10%)]]~~ five percent (5%) of the monthly rent charged immediately preceding the effective date of the proposed increase.

(d) A tenant may not receive more than one (1) increase in a twelve (12) month period; and that a landlord must issue a sixty (60) day prior written notice of an increase.

(e) Whenever a landlord proposes a rent increase of more than ~~[[ten percent (10%)]]~~ five percent (5%), the landlord shall provide an affidavit on a form provided by the Commission setting forth the justification for the increase. Upon receipt of the affidavit, the Commission shall review the justification presented by the landlord and determine whether the rent increase was reasonable based on the landlord's presentation. In the event the Commission shall determine that increase in rent is

Note: Double brackets denote deletions
Underscoring denotes additions

*/ The provisions of Sec. (b) which are not underscored have been taken from Sec. 7(b), which is repealed by this ordinance. The language of the last four lines has been changed for the purposes of clarity; the effect is unchanged.

justified, the Commission shall by letter notify the landlord and tenant of its approval. In the event the Commission shall determine that the landlord was not justified in increasing rent above ~~[[ten percent (10%)]]~~ five percent (5%), the Commission shall notify the landlord and tenant of its finding. Should the landlord or tenant disagree with the findings of the Commission, the landlord or tenant may note an appeal to the Mayor and Council, which Notice of Appeal must be filed in writing within ten (10) days of the date of the notification of the approval or denial of the rent increase.

(f) In the event the Commission determines that a fact-finding hearing is necessary to compile additional information prior to making a determination of the merits of a rent increase of more than ~~[[ten percent (10%)]]~~ five percent (5%), the Commission may conduct such hearing. Notice of the hearing and its time and place shall be given to the landlord whose rent increases are more than ~~[[ten percent (10%)]]~~ five percent (5%), all tenants who are or may be affected by the rent increases, any known resident tenant association or organization, and any person who filed with the Commission a comment relative to the landlord's justification of the rent increase. Such notice shall be prepared and transmitted in such form and such process as the Commission shall prescribe.

(g) The hearing shall be open to the public. In conducting hearings, the Commission shall have the power to summon all witnesses. Summonses must be signed by the Chairperson or Vice-Chairperson of the Commission and shall require the attendance of named persons and the production of relevant documents and records. Failure to comply with a summons shall constitute a violation of the Ordinance and shall be referred to the Corporation Counsel's Office in order to obtain an appropriate order from the Circuit Court for either Montgomery or Prince George's County to insure compliance with the summons. Any party to the hearing may request the issuance of a summons. The Commission shall include in the hearing record testimony of the professional staff members of the City and such other witnesses as may be relevant to the issues posed in the hearing. The Commission may also request from the landlord such additional information and documents as it considers relevant. Any party to a hearing, at the party's option, may appear in person before the Commission, or may appear by a duly authorized representative and may have the assistance of an attorney. The parties may present testimony and evidence which shall be given under oath or by affirmation. The parties may also cross-examine any witness presenting testimony at a public hearing. A verbatim record of the hearing shall be made. The record shall be open to inspection by any person and, upon request by any party to the proceeding, the Commission shall furnish such party a copy of the hearing record at such charges as are necessary to meet costs. The Commission's decision shall become final unless appealed to the Mayor and Council.

[[(f) In consideration of the reasonableness of a proposed rent increase, the Commission shall be guided by, but not bound by, the following guideline:

(1) An increase exceeding ten percent (10%) should not be granted on a property having outstanding Municipal Infraction Citations of the BOCA Basic Property Maintenance Code/1981.]]

(h) (1) No rent increase shall be allowed for any unit having any outstanding violations of the housing codes of the City of Takoma Park, as amended, until such violations are abated.

(2) No rent increase shall be allowed for any unit in a building having any outstanding violations of the housing codes of the City of Takoma Park, as amended, which affect the health, safety and welfare of all tenants and which are located in or affect common areas or facilities (including, but not limited to hallways, stairs, elevators, roofs, exits and entrances, security systems, swimming pools, parking areas, garbage and trash disposal facilities, plumbing and heating, and air conditioning systems).

- (i) This Section is applicable to all dwelling units located in the City, except the following:
- (1) Any establishments which have as their primary purpose the providing of diagnosis, cure, mitigation, and treatment of illnesses for residents;
 - (2) Dwelling units owned by a person who owns fewer than five (5) rental dwelling units within the City;
 - (3) One-family dwellings, semi-detached dwellings, and town-houses not located within a centrally managed multi-family housing community offering services substantially similar to those offered to apartment dwellers;
 - (4) Dwelling units which are part of federal government assisted multi-family housing projects and which require accountability of rent returns to the federal government or to dwelling units which are part of multi-family housing projects owned and operated by the Montgomery County Housing Opportunities Commission;
 - (5) Dwelling units which fall within the Section Eight market guidelines which are occupied by tenants participating in federal government's Section Eight Housing Assistance Payments Program and whose owners receive housing assistance payments on behalf of those eligible tenants;
 - (6) Any vacant apartment unit may be rented at the level of comparable apartment units within a building, with comparable being defined on the basis of square footage, efficiency, one-bedroom and two-bedroom apartments.
 - (7) This section does not apply to furnished apartments which are now being rented for transient occupancy.

AND

SECTION 2. THAT Subsection (b) of Section 7, Ordinance No. 2587, be hereby repealed; AND

SECTION 3. THAT all the provisions of Ordinance 2587, as amended, other than those set forth in Sections 1 and 2, above, are hereby affirmed and reenacted; AND

SECTION 4. THAT this ordinance shall become effective upon adoption.

RESOLUTION

ADOPTING AN EDITORIAL POLICY FOR THE NEWSLETTER

WHEREAS, the Takoma Park Newsletter should be a vehicle to inform the citizens of Takoma Park of both past and upcoming events on a regular, established schedule and in a proper and fitting manner; AND

WHEREAS, the Takoma Park Newsletter should inform the public on matters of City Services and reflect the cultural, ethnic, and other diversities of our citizens' interests and concerns; AND

WHEREAS, Ordinance 2626, adopted by the Mayor and Council on September 27, 1982, requires the Mayor and Council to establish an editorial policy for the Takoma Park Newsletter, to which end the Mayor and Council appointed an ad-hoc committee to draft a proposed editorial policy; AND

WHEREAS, the Mayor and Council have reviewed the proposed editorial policy and have received and responded to citizen comments concerning the proposed editorial policy.

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

SECTION 1. The document titled "Editorial Policy for the Takoma Park Newsletter" and dated June 3, 1983, as amended, is hereby adopted as the official editorial policy for the Takoma Park Newsletter.

SECTION 2. The terms of an "Agreement to Cease and Desist" regarding certain political endorsements, as executed on May 24, 1983 and adopted by resolution on June 13, 1983, are hereby incorporated by reference in and retained as part of the "Editorial Policy for the Takoma Park Newsletter."

SECTION 3. The official editorial policy for the Takoma Park Newsletter shall be published in the next immediate issue of said Newsletter.

ADOPTED BY THE MAYOR AND COUNCIL JULY 25, 1983.

EDITORIAL POLICY FOR THE TAKOMA PARK NEWSLETTER

Section 1. Letters to the Editor.

Letters to the editor of the Newsletter shall be limited to a maximum of 250 words in length. The editor shall have the right to edit material clearly extraneous to the writer's point of view and to eliminate repetitious, racist, sexist and other libelous, obscene, or incoherent material. No more than one letter from any individual or group will be published in any given issue of the Newsletter. The Name and address of the author must be sent with the letter; if the author does not want the address published, then the ward designation will be published instead.

Section 2. Advertising.

Profiles of Takoma Park business establishments shall be solicited through announcements in the Newsletter and edited for inclusion in the Newsletter as space permits. Notices of public or participatory events, sponsored in whole or part by Takoma Park businesses, may appear in the "calendar" section of the Newsletter, as well as in the form of news items, when appropriate. No paid advertising shall be accepted in the Newsletter without the establishment of appropriate guidelines by the Mayor and Council.

Section 3. Political Endorsements.

No political endorsements shall be published in the Newsletter. Allowable election coverage shall be limited to the results of the City Nominating Caucus and the Municipal Election tally.

Section 4. Editor's Column.

The editor of the Newsletter shall have the right to an "editor's column," clearly labeled as such, which shall have a maximum length of 600 words. The only limitation on content shall be the constraints of propriety which apply to the Letters to the Editor.

Section 5. Elected Officials' Access.

The Mayor and members of the City Council shall have regular access to the Newsletter in the form of columns which are clearly labeled as "Opinion." These reports shall be limited to 350 words each. A Mayor's Report shall be limited to 600 words. In the case of an elected official serving as the editor of the Newsletter, only one column will be printed in any single issue. The only limitation on content of these columns shall be the constraints of propriety which apply to the Letters to the Editor.

Section 6. Civic Association or Organization Access.

Civic associations or organizations within the City of Takoma Park shall have access as desired to the Newsletter for reports of upcoming events or official actions and activities. Reports should be limited to 150 words, but at the editor's discretion, additional space may be allowed. Expressions of controversial or political opinion will be treated as Letters to the Editor.

Section 7. Controversial Issues.

Controversial issues of city interest shall be handled in a balanced manner with equal access given to all sides.

Section 8. General.

A. Enforcement of the Editorial Policy.

Enforcement of this editorial policy shall be the responsibility of the City Council, which shall review the operations of the Newsletter on a semi-annual basis.

B. Severability.

If any part or section of these regulations are found to be invalid or otherwise unenforceable by a court of competent jurisdiction, such finding shall not operate to invalidate any other part or section of these regulations.

C. Effective Date.

These regulations shall become operative when adopted by Council resolution as the official Editorial Policy for the Takoma Park Newsletter.

Resolution

Whereas: An anonymous complaint was filed with the Maryland State Prosecutor; and

Whereas: A mutually satisfactory agreement has been reached which sets forth, in part, the legal parameters concerning the publication of political endorsements in The Takoma Park Newsletter; and

Whereas: The Mayor, a majority of the city council and the corporation counsel have already signed the agreement (a copy of which is attached hereto and hereby incorporated by reference;

NOW THEREFORE BE IT RESOLVED that the Mayor and City Council of the City of Takoma Park, Maryland, hereby adopt said agreement as binding on the City of Takoma Park, and agree to publish the newsletter in accordance with its terms and conditions.

Adopted this 13th day of June, 1983.

Attest: M. Sybil Pusti
Sybil Pusti
City Clerk

Sammy A. Abbott
Sammy A. Abbott
Mayor

Lynne E. Bradley
James H. [unclear]
Paul [unclear]
Kenneth [unclear]

SEAL

AGREEMENT TO CEASE AND DESIST

Now comes the State of Maryland, by Gerald D. Glass, State Prosecutor, and Charles Burton Frey, Deputy State Prosecutor, and the City of Takoma Park by the Mayor and City Council, the City Administrator, and Thomas J. Gagliardo, Corporation Counsel, and do hereby execute this memorandum of agreement. This memorandum constitutes the entire agreement between the parties and there exists no promises, terms or conditions other than those enumerated herein.

The underlying facts and subject activity to which this agreement is directed are as follows:

That the Takoma Park Newsletter is a publication which is published under the auspices of the City of Takoma Park through the expenditure of public funds.

That printed in the September 1982 issue of the Takoma Park Newsletter, Volume 23, Number 3, was a list of "endorsed" candidates running in the September 14, 1982 Primary Election.

That the endorsement constituted the personal political opinion of those individuals who are also called upon to appropriate and expend the public funds necessary to publish the Takoma Park Newsletter.

That the activity described constituted partisan political activity since it involved the promotion of the success of one candidate over another in a matter which was to be submitted to a vote at an election.

THEREFORE, BE IT AGREED on this 2nd day of MAY, 1983, that the City of Takoma Park, by and through its Mayor and City Council, will cease and desist from using any public funds for the publication of partisan political endorsements.

IT IS FURTHER AGREED that no judicial finding of guilt has been made and no admission that any applicable law or

regulation has been violated has been made.

IT IS FURTHER AGREED that nothing contained herein shall be interpreted to restrict the free expression of anyone's personal beliefs and opinions on one's own time and at one's own expense.

IT IS FURTHER AGREED that nothing contained herein shall be interpreted to prohibit the City of Takoma Park from accepting paid political advertisements in accordance with Article 33 of the Annotated Code of Maryland provided, however, that the right to access be provided uniformly and in accordance with non-discriminatory criteria to all candidates, positions and points of view.

IT IS FURTHER AGREED that nothing contained herein shall be interpreted so as to prohibit the publication of notices and articles of general public interest provided, however, that no preferential treatment be accorded to the political activities and opinions of the Mayor and Council members.

IT IS FURTHER AGREED that this "Agreement to Cease and Desist" is entered into by the State of Maryland in order to assure compliance with the laws of the State of Maryland in lieu of litigating this matter or any matter of a similar nature occurring prior to the date of this agreement in a court of competent jurisdiction.

IT IS FURTHER AGREED that this "Agreement to Cease and Desist" shall be published and retained as part of the minutes of the Council meeting next following the date of its execution.

IT IS FURTHER AGREED that this "Agreement to Cease and Desist" shall be incorporated in and retained as part of any formal document of editorial policy developed in connection with the publishing of the Takoma Park Newsletter or any successor publication.

IT IS FURTHER AGREED that this agreement applies to all acts of similar nature which occurred or may have occurred prior

to the date it is executed and no prosecution or other action will result from any such act.

IT IS SO AGREED.

THE CITY OF TAKOMA PARK

THE STATE OF MARYLAND

By: Sam Abbott
Sam Abbott
Mayor

Louis D'Ovidio
Louis D'Ovidio
Ward 1 Councilmember

Carlton Iddings
Carlton Iddings
Ward 2 Councilmember

William Eckert
William Eckert
Ward 3 Councilmember

Herman Williams
Herman Williams
Ward 4 Councilmember

Lynne Bradley
Lynne Bradley
Ward 5 Councilmember

Frank Garcia
Frank Garcia
Ward 6 Councilmember

William Faulkner
William Faulkner
Ward 7 Councilmember

Alvin Nichols
Alvin Nichols
City Administrator

Thomas J. Gagliardo
Thomas J. Gagliardo
Corporation Counsel

By: Gerald D. Glass
Gerald D. Glass
State Prosecutor

Charles Burton Frey
Charles Burton Frey
Deputy State Prosecutor

Date: 5-2-83

Date: 5/24/83

RESOLUTION

WHEREAS, the sum of \$90,000 is available from block grant and Capital Improvement funds for public improvements; AND

WHEREAS, various projects were considered through public hearings, the Citizens' Advisory Committee, and other means.

NOW, THEREFORE, the Mayor and Council resolve that the following projects shall be completed, prioritized below, as funds allow, from \$50,000 in Community Development Block Grant funds and \$40,000 in Capital Improvement funds made available in Fiscal Year 1984.

Install curb and gutter on Grant Avenue (approximately Chestnut Avenue to the dead end)	\$25,000
Resurface 7500 block of Holly and Grant Avenue (Piney Branch to dead end)	25,000
Resurface Sherman Avenue	14,000
Resurface Kirklynn Avenue	13,000
Spot repair curb and gutter --at Holton and Hammond Avenues --at Jackson Avenue	7,000
Resurface Garland Avenue (between Trescott and Central Avenues)	3,000
Resurface Erskine from 13th Avenue to New Hampshire Avenue	3,000
Resurface First Avenue at Allegheny Avenue	<u>9,900</u>
TOTAL - - - -	<u>\$99,900</u>

ADOPTED BY THE MAYOR AND COUNCIL July 25, 1983.

ORDINANCE NO. 2683

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

- SECTION 1. THAT the City Clerk shall call a meeting of the citizens for the nomination of candidates for Mayor and Councilmembers on Tuesday, October 4, 1983, at 8:00 PM in the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland; the said meeting shall be conducted as prescribed in the City Charter; AND
- SECTION 2. THAT a City Election shall be held at the Municipal Building on Tuesday, November 8, 1983, between the hours of 7:00 AM and 8:00 PM for the purpose of electing a Mayor and seven Councilmembers. The Mayor shall be elected at large and one Councilmember from each ward shall be elected by the voters of that ward only. The election shall be conducted by voting machines and, as nearly as practicable, all laws and regulations governing the use of voting machines in Prince George's County elections shall apply. Absentee voting shall be available as set forth in the Charter; AND
- SECTION 3. THAT the City Clerk shall arrange with the Supervisors of Elections of Prince George's County for the use of eight voting machines at the said election, with a separate machine for the exclusive use of each of the seven wards, and an eighth for use only in the event of malfunction. The City Clerk shall place the names of the candidates nominated for Councilmember at the Citizens' Meeting on separate ward voting machines, with each machine displaying the names of candidates for one ward only; and shall place the names of persons nominated for the office of Mayor on all voting machines; all the names of candidates nominated at the Citizens' Meeting shall be so placed, except any who within three days thereafter may have filed in writing with the City Clerk a declination; AND
- SECTION 4. THAT arrangements shall be made to have a question placed on all voting machines, with access limited to Montgomery County voters, to read in pertinent part as follows: "An Act Concerning Montgomery County -- Alcoholic Beverage Licenses--Takoma Park: For the purpose of permitting the voters of Takoma Park, Montgomery County, to authorize the issuance, renewal, or transfer of certain alcoholic beverages licenses within the County section of Takoma Park; providing that this Act is contingent on a favorable election result," and also the words "For" and "Against." AND
- SECTION 5. THAT the Clerk shall cause a notice of the Citizens' Meeting and the City Election to be inserted in the Suburban Record and the Prince George's Post for two weeks prior to October 4, 1983. In addition, the Clerk shall have inserted in the Suburban Record and the Prince George's Post, during the week preceding the election, a facsimile of the arrangements of the names and wards, as well as the referendum question, which will appear on the voting machines; AND
- SECTION 6. THAT the City Clerk shall prepare cards and lists, for each ward separately, bearing the names, addresses and election wards of all eligible voters as certified by the Boards of Supervisors of Elections of Prince George's and Montgomery Counties, and supply such cards and lists to the Judges of Election on election day; AND
- SECTION 7. THAT the Clerk shall recommend to the Mayor and Council the names of twenty-five persons for designation by the Council as Judges of Election; AND
- SECTION 9. THAT the Judges of Election shall meet in the Municipal Building as a Board of Election at 7:00 PM, Wednesday, November 9, 1983, and shall determine and certify the results of the election, as provided in the City Charter; AND
- SECTION 10. THAT the Mayor and Council shall meet in Special Session at 8:00 PM, Wednesday, November 9, 1983, to receive the certification of the election from the Judges.

ADOPTED BY THE MAYOR AND COUNCIL JULY 25, 1983.

ORDINANCE NO.

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

SECTION 1. THAT all vehicles travelling in either a northeasterly or southwesterly direction on Elm Avenue shall come to a complete stop at that street's intersection with Auburn Avenue; AND

SECTION 2. THAT all vehicles travelling on Auburn Avenue shall come to a complete stop at that street's intersection with Elm Avenue; AND

SECTION 3. THAT the Director of Public Works, in consultation with the Acting Chief of Police, shall install STOP signs at the appropriate locations; AND

SECTION 4. THAT this ordinance shall become effective upon completion of the signing.

SECTION 5. FURTHER THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, 1972, as amended.