

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
August 8, 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 27, 1983

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Presentation to Mr. Lee Jordan of funds raised by Lions Club for Takoma Park Boys' and Girls' Club
2. 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: City Administrator Nichols

1. Communications
2. Administrative Reports and Recommendations for Council Action:
 - (1) Administrative reports
 - (2) Second reading of an ordinance amending Ordinance 2587, establishing new rental increase guidelines; amending other portions of Sec. 22
Citizens' comments
Council action
 - (3) Proposal to dismiss Corporation Counsel (requested by Councilmembers Faulkner, Garcia and Eckert)
Citizens' comments
Council action
 - (4) Second reading of an ordinance authorizing removal of stop signs and substituting yield signs on Roanoke Avenue at Hudson Avenue
Citizens' comments
Council action
 - (5) Second reading of an ordinance authorizing stop signs (3-way) at the intersection of Auburn and Elm Avenues
Citizens' comments
Council action
 - (6) Appointments to commissions and boards
---Commission on Landlord-Tenant Affairs
---Operation Turnaround Board
 - (7) Appeal No. 6906, requesting a side-yard variance of 1.5 feet to construct an addition to 7203 - 13th Avenue (J. & F. Blagg)
(Public Hearing: 6:30 PM, 8-24-83, CAB, Upper Marlboro)
Citizens' comments
Council action
 - (8) Appeal No. 6877, requesting a side-yard variance of 5.6 feet to construct an addition to 816 Colby Ave.: confirmation of Council decision
 - (9) Ordinance instituting condemnation proceedings for right-of-way entry at 7012-7026 Carroll Avenue and permanent and temporary easements at 7060 Carroll Avenue for the purpose of carrying out TOT public improvements project (emergency action)
Citizens' comments
Council action
 - (10) Discussion of participation in the Maryland Local Investment Pool
Citizens' comments
Council discussion/action

ADJOURNMENT

[NEXT MEETING: 9-12-83]

THE CITY OF TAKOMA PARK, MARYLAND
REGULAR MEETING OF THE MAYOR AND COUNCIL
AUGUST 8, 1983

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Nichols
Councilmember Bradley	City Clerk Pusti
Councilmember D'Ovidio	Housing Director Tyree
Councilmember Eckert	Recreation Director Ziegler
Councilmember Faulkner	Corporation Counsel Gagliardo
Councilmember Garcia	Assistant Corporation Counsel DeNovo
Councilmember Iddings	
Councilmember Williams	

The Mayor and City Council of Takoma Park, Maryland met on August 8, 1983 at 8:10 p.m., in the Council Chamber, 7500 Maple Avenue Takoma Park, Maryland. Following the pledge, Councilmember Iddings made the following correction in the June 27 Minutes: bottom page 4 should read Noreen Wells; Councilmember Garcia noted on page 1 should read Maryland Municipal League; and page 1, paragraph 4, should read James Jeffas; Councilmember Iddings noted that a name had been omitted from the Maryland Municipal League resolution. Upon motion duly seconded, the minutes of June 27, 1983, were approved as corrected, with Councilmember Bradley abstaining.

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

Arthur Karpas, 6916 Westmoreland Avenue: In response to Mr. Karpas' questions on planned installation of speed humps, Councilmember Iddings stated that those on Westmoreland Avenue are scheduled to be installed during the week of August 15, along with a number of other streets, noting the reasons for the delay; that community organizations would decide where humps are to be placed; traffic counters were installed as part of the initial speed hump program. Speed humps will be installed on the following streets: Tulip Avenue, Westmoreland Avenue, Walnut Avenue, Anne Street, Maple Avenue, Cedar Avenue and Mississippi Avenue. Councilmember Iddings noted that different techniques of rolling will be used to stop the bottoming out of humps. He described the evaluation procedure, and stated that a full report would be forthcoming.

Melvin Raff, 7319 Willow Avenue: Thanked the Council for the speed humps; noted a great reduction in speed.

Elizabeth Bozarth, 7326 Willow Avenue: Recommended more humps on Willow Avenue. She noted another problem on Willow Avenue: the burning of trash at night, saying residents complain about the smell of burning trash. Mayor Abbott suggested that the problem be brought to the attention of the Police.

Larry Hush, 7201 14th Avenue: Citizen for a Referendum to Unite Takoma Park into one County, stated that on April 1, the Prince George's County Delegation voted to set up a summer study committee on the referendum issue, but no committee had yet been appointed. Asked for citizens' support. Mayor Abbott stated the purpose of the vote was to support the study group, but without members of the General Assembly on the Task Force, there would be no purpose served by a study group. Councilmember Bradley stated that she had spoken with Delegate Meenes, and also had written a letter to Chairman Ryan, with no response.

ITEMS FOR COUNCIL CONSIDERATION:

Communications

City Administrator Nichols informed residents that the Mayor and Council will be in recess until Tuesday, September 6, when they will meet in worksession; the next Council Meeting will be held on Monday, September 12.

Administrative Reports and Recommendations for Council Action:

(1) Proposal to dismiss Corporation Counsel (requested by Councilmembers Faulkner, Garcia, and Eckert.)

Mayor Abbott read a communication dated August 4, 1983, addressed to the Mayor and Council from Councilmembers Eckert, Faulkner, and Garcia which requested that the matter of dismissal be placed on the agenda, and citing the following reasons: "1. A verbal, unwarranted and uncontrolled public attack on the City Administrator which escalated into a shouting match between the City Attorney and others; 2. The statement by the City Attorney that he was the Attorney for the Mayor and not for the Council; 3. Verbal, unwarranted public attacks on citizens of the City; 4. A verbal and uncontrolled attack on Councilmembers including a threat to become politically active in seeking the defeat of Councilmember Eckert. While Mr. Gagliardo has made apologies in some cases, these examples and other similar reported instances lead us to believe that there is a pattern developing which indicates a lack of control by the City Attorney, which will eventually be damaging to the City and its citizens; therefore, strong corrective measures are indicated." Mayor Abbott explained that three of the four allegations took place at a worksession on June 6, after midnight, with Mayor, Council and three citizens present.

Councilmember Faulkner moved that the Corporation Counsel be dismissed; Councilmember Eckert seconded the motion. Councilmember Garcia stated that he had brought out the charges in private because of the personal nature, but nothing had been resolved. There followed a long discussion and explanations from Councilmembers Faulkner, Garcia, and Eckert detailing reasons for the proposed dismissal. Councilmember D'Ovidio stated opposition to the motion, saying such public exposure is ridiculous; that outbursts are unnecessary, but should be discussed in private. He noted Mr. Gagliardo is hard-working. Councilmember Iddings spoke in opposition to the proposal and outlined all the work that Corporation Counsel had accomplished for the City. Councilmember Bradley stated opposition to the motion; saying it was politically motivated. She praised the Corporation Counsel for his work and stated that shouting should not be grounds for dismissal. Councilmember Williams also stated opposition to the motion, saying other motives were involved. Councilmember Garcia noted that political motivations would not apply in his case, since he would not stand for election. He indicated that individuals had been abused by the Corporation Counsel when they simply disagreed with him.

Vernon Ricks, 7667 Maple Avenue: Asked if the Corporation Counsel used poor judgement in his work with the Council and was it done in a public forum. Councilmember Eckert stated that the quality of the Corporation Counsel's work was not at issue.

Robert Mulligan, 7405 Garland Avenue: Appalled by the proceedings and the proposal itself. He stated that Councilmembers are known to get excited; did not approve of bringing up a personal matter in a public meeting. He expressed the opinion that Takoma Park had not been represented by previous Corporation Counsels in an assertive way; that Mr. Gagliardo is competent and skillfull.

Maurice Berez, 7422 Buffalo Avenue: Stated that the proposal was a political issue which he characterized as ridiculous, petty and absurd.

Suzanne Rhodenbaugh, 53 Walnut Avenue: Read a statement in support of Councilmember Eckert's proposal to dismiss the Corporation Counsel and stated that the residents of Ward 3 would determine who is elected

from that Ward, not the Corporation Counsel.

David Prosten, 7428 Carroll Avenue: Said the proposal was a political move, and to subject the Corporation Counsel to such a move was unfair.

Travis Price, 7301 Birch Avenue: Expressed his confidence in the Corporation Counsel, saying the public airing is political and uncalled for.

Rino Alrighetti, 7213 Central Avenue: Stated a public airing was unfortunate since there are other ways to address the issue. He contrasted the work of present and previous Counsels.

John Hemphill, 8112 Flower Avenue: Stated that the City is not damaged by temper and that the quality of the Corporation Counsel's work outweighs his temper outbursts.

Ruth Abbott, 7308 Birch Avenue: Stated that there are untruths contained in the proposed motion. She also said she would categorically state that she did not hear the statement to the effect that the Corporation Counsel works for the Mayor.

Debra Slavin, 8205 B Roanoke Avenue: Expressed opposition to the motion. She found it unfortunate that the issue was raised in a public manner and reiterated statements previously made as to political motivations and that temper outbursts did not warrant dismissal.

Mayor Abbott informed Council that he had urged the Corporation Counsel to speak up; past Corporation Counsels, by their inaction, had failed to accomplish what the present Corporation Counsel had done. Said he regarded the motion as political.

Following further discussion, the motion to dismiss Corporation Counsel was put to a vote; it was defeated, with Councilmember Eckert, Faulkner, and Garcia voting aye, Councilmembers Bradley, D'Ovidio, Iddings, and Williams voting nay.

Tom Gagliardo Thanked everyone who supported him and assured the Council that he will be representing all of them with the same professional standards used in the past.

(2) Second reading of an ordinance amending Ordinance 2587, establishing new rental increase guidelines; amending other portions of Sec. 22.

Councilmember Williams moved to adopt the ordinance amending #2587; Councilmember Bradley seconded the motion. Councilmember Garcia moved to amend Sec. 22 (a) by inserting "property assessments" after "fuel and utilities" in the third sentence. The motion failed for lack of a second. Councilmember Garcia moved to delete Sec. (h)(2); Councilmember Eckert seconded the motion. Councilmember Garcia explained the rationale for his motion, saying the landlords do not have 24-hour control over the common areas. All other Councilmembers expressed disagreement, saying that the landlord must be responsible for those areas; no vote was taken. Councilmember Garcia questioned the rationale behind the additions to Sec.(i)(2). Mayor Abbott responded that this was a recommendation of the Housing Department. Mayor Abbott pointed out that letters were sent out to the landlord association regarding worksessions and the present meetings.

Naomi Turner, 7667 Maple Avenue: Urged adoption of the entire ordinance, saying tenants on Maple Avenue need protection.

Charles Van Tassel, 166 Lee Avenue: Read a letter that he had sent to the Mayor and Council and other renters regarding an 8 1/2 % rent increase, effective October 1, 1983.

Bruce Ross, 8212 flower Avenue: Stated the necessity to enact laws for landlords who do not take pride in their buildings which would properly deal with that.

Ralph Magee, 7203 Holly Avenue: Commented on the new restrictions on increases in rent, noting that the rents are the lowest in the area. Expressed the opinion that if increases are held down, the landlords will just walk away from the properties and not keep them up. Noted that although taxes are up 25%, he has not raised rent in five years. The law is forcing landlords to raise the rents every time they can or they will lose the ability to increase it. Mayor Abbott noted that a Housing Department report indicated that no petitions had been filed by landlords to increase rents over 10% in the past two years. There followed a lengthy dialogue between Mr. Magee and the Mayor and Council regarding the application of the new provisions to hypothetical situations. The Mayor noted that there is a concrete procedure for an appeal to COLTA if a landlord feels he has made a "good faith effort" to correct violations. He stated that tenants are going to have to organize to get better results, and patrol buildings. Buildings with recurring violations are not screening tenants, the rents are high, and landlords don't care.

Moria Magee, 7203 Holly Avenue: Supported Councilmember Garcia's proposal to exclude small units from revisions to the ordinance, saying it does not distinguish between landlords with one or two units and those with a hundred or more. Councilmember Bradley agreed that the issues are often different.

Harold Wilson, 111 Lee Avenue: Stated rent increases are disturbing; violations are overlooked by landlords. Noted that there is a lack of discipline in supervising children and this accounts for many violations. Stated that services given for rent paid is very small in proportion; supported the ordinance. Councilmember Bradley asked for more assurance as to when the guidelines would become effective. The Housing Director stated that after tenants receive a 60-day notice of increase, renter will have to pay the increase then file a complaint with COLTA unless the landlord is willing to roll back the increase, otherwise, the tenant may face eviction. Corporation Counsel disagreed. He stated that an increase in excess of 5% would be unlawful, saying that the tenant would have a bona fide defense to assert that a rent increase has been imposed in contradiction to a local ordinance. The District Court enforces Common Law right of contract; in contract law, any contract which is illegal is null and void, and the Courts will not enforce it. Mayor Abbott clarified the discussion by noting that the City cannot enforce a law unless a violation is made known to it.

Councilmember Faulkner stated he favored most of the sections in the ordinance, the Landlord/Tenant Commission, and strong code enforcement, but did not think they have been very effective, although City staff had done the best they could. He did not favor rent control or stabilization, except in the most dire emergencies. He stated that rent control is advantageous to renters in the short run, but will be damaging to the renters and to the City in the long run.

Vernon Ricks, 7667 Maple Avenue #805: Tenants should accept the responsibility for housing violations that are self-inflicted; landlords cannot police buildings 24 hours a day, but the landlord holds the ultimate responsibility via a tenant screening process. Mayor Abbott urged more participation in the October 8 Landlord-Tenant Seminar, which was poorly attended last year. A vote was taken on Councilmember Garcia's proposed deletion of the additions to Sec. (i)(2); it was defeated, with all voting Nay, except Councilmember Garcia. The motion to adopt the ordinance as presented carried, with the roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Eckert, Iddings, Williams; Nay: Councilmembers Faulkner, Garcia.

ORDINANCE NO. 2684
(Attached)

(3) Appeal No. 6906, requesting a side-yard variance of 1.5 feet to

Council Meeting Minutes
August 8, 1983

construct an addition to 7203, 13th Avenue (J. & F. Blagg) (Public Hearing: 6:30 p.m., 8/24/83, CAB Upper Marlboro)

The City Administrator stated that notices had been sent to the citizens associations and neighbors, soliciting their opinions, and that no response had been received.

(Councilmember Williams was excused at this point.)

Julian Blagg, 7203 13th Avenue: Has lived on the property for 40 years and proposes to add in a bedroom and bath to the first floor. He presented a plan to the Council, stating that neighbors are not opposed.

Mrs. Blagg, 7203 13th Avenue: Stated the house sits on an angle; there is more than ample ground to accommodate the plans. The variance is needed only in the rear.

Councilmember Faulkner moved that the City interpose no objections. The motion was seconded and passed by majority vote, with Councilmember Iddings abstaining, saying it was his opinion that alternatives to encroachment on the side yard should have been investigated.

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

Councilmember Bradley stated that some time ago she received a petition from neighbors supporting the installation of stop signs at Roanoke and Hudson. More recently, a letter stating the stop signs were ineffective and recommending changing them to yield signs. Inadvertently yield signs were prematurely installed. Following further communication with the original petitioners, she recommended that the yield signs be removed, and the one stop sign on the west side on Roanoke Avenue moved about 20' to the apex of the Checchia property. Members of the Council recommended the use of more paint.

Councilmember Bradley moved that the Council reinstitute the original stop signs as noted above and dispense with the second reading of the yield sign ordinance. Councilmember D'Ovidio seconded the motion, and it carried unanimously.

(5) Second reading of an ordinance authorizing stop signs (3-way) at the intersection of Auburn and Elm Avenues:

Councilmember Iddings explained the nature of the intersection and stated that a petition had been received from residents of Auburn Avenue, who were concerned about speeding traffic. Councilmember Iddings moved for the adoption of the ordinance; seconded by Councilmember D'Ovidio.

Mr. Magee: Asked if the stop signs being installed on the basis of accidents or citizens' requests, with Mayor Abbott answering that it was based on both police and citizens' request. Mr. Magee stated that there is no need for the stop signs, with Mayor Abbott disagreeing. It was recommended that the stripes be redone at the intersection. The ordinance was adopted with roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Eckert, Faulkner, Garcia, Iddings, Nay: None; Excused: Councilmember Williams.

ORDINANCE NO. 2685
(Attached)

(6) Appointments to commissions and boards

Mayor Abbott moved appointment of the following applicants to COLTA: Susan Bray (tenant alternate), Dolores Tyson (landlord), and

Council Meeting Minutes
August 8, 1983

James Burress (Gen. public.) The motion was seconded and passed unanimously.

---Operation Turnaround Board: Mayor Abbott stated that Mr. Larry Hodes has been nominated to fill the unexpired term of Jeff Reed; stating Mr. Hodes is now employed with HUD, in the field of program analysis of properties. A motion to appoint Mr. Hodes to the Operation Turnaround Board was made, seconded and passed unanimously.

(7) Appeal No. 6877, requesting a side-yard variance of 5.6 feet to construct an addition to 816 Colby Ave.: confirmation of Council decision.

It was stated that the Council had discussed the request during worksession, with a consensus that they had no objection. A motion was made, seconded, and passed unanimously, to interpose no objection.

(8) Ordinance instituting condemnation proceedings for right-of-way entry at 7012-7026 Carroll Avenue and permanent and temporary easements at 7060 Carroll Avenue for the purpose of carrying out TOT public improvements project (emergency action)

The City Administrator spoke to the nature of the process, which is described in the ordinance. He requested that the Council approve the ordinance to enable City to carry out the process set forth in the Assistant City Administrator's memorandum of August 5. This would authorize the Mayor to establish a Commission to determine just compensation to the property owners for the easements. It was requested that the ordinance be approved as an emergency measure to allow the Commission to meet during the Council recess. Upon motion, duly seconded, Ordinance No. 2686 passed by roll call vote, recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Faulkner, Eckert, Garcia, Iddings; Nay: None; Excused: Councilmember Williams.

ORDINANCE NO. 2686
(Attached)

(9) Discussion of participation on the Maryland Local Investment Pool.

Mayor Abbott stated that the City would receive an approximately \$1,000 increase over the present type of investment. He recommended leaving this decision for the next Council. The City Administrator stated that in the past years the City had a small amount of money to invest and hoped that in years to come there will be larger amounts to invest. He said that he was requesting another investment vehicle; the City would not be compelled to use it; it involves short term investment, and a higher yeild is conceivable. The City Administrator urged approval of the resolution. Upon motion by Councilmember Iddings, seconded by Councilmember D'Ovidio, the resolution was adopted unanimously.

RESOLUTION
(Attached)

Upon proper motion, meeting was adjourned at 12:07 a.m., to reconvene on Monday, September 12, 1983 at 8:00 p.m.

ORDINANCE #2684

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; provided, however, that Sec. 22(d) shall nevertheless apply to such dwelling units;
 - (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.

NOTE: Sec. 22(1)(2) was revised as indicated following the 8-1-83 Worksession.

ADOPTED BY THE MAYOR AND COUNCIL August 8, 1983.

ORDINANCE NO. 2685

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.

ADOPTED BY THE MAYOR AND COUNCIL AUGUST 8, 1983.

ORDINANCE NO. 2686

WHEREAS, the City of Takoma Park is engaged in a Federally-funded commercial revitalization project in the Carroll Avenue/Laurel Avenue area of the City, designated as Takoma Old Town; AND

WHEREAS, a major component of the revitalization project involves the reconstruction, upgrading and expansion of the sidewalks in the area; AND

WHEREAS, the permission necessary to accomplish the work has been obtained from all property owners except the owners of the property named herein; AND

WHEREAS, Sec. 1.11 of the Charter of Takoma Park, Md. provides in pertinent part that whenever it becomes necessary for the City to take private property for public use the Council shall, by ordinance, set in motion the prescribed procedure; AND

WHEREAS, since the Mayor and Council will not meet again in formal session until September 12, 1983, and time is of the essence in the continuation of the public improvements in Takoma Old Town, this ordinance shall be enacted as an emergency measure.

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

SECTION 1. THAT the public improvements in Takoma Old Town involving the altering of sidewalks necessitates the taking for public use of the private property set forth below:

- (a) (1) A permanent easement and right of way on, over, under, through and across the following property, for the purpose of installation and maintenance of public improvements, including but not limited to sidewalks, street paving, curbs and gutters:

An area 5 feet by 35 feet contiguous to Tulip Avenue on the easternmost corner of Lot numbered 23 in Block 6 in a subdivision known as "LIPSCOMB AND EARNEST TRUSTEES ADDITION TO TAKOMA PARK," as per plat recorded in Plat Book No. 1 at Plat 46, except so much thereof as was conveyed to the Town of Takoma Park by Deed dated November 3, 1924, recorded in Liber 364 at Folio 156 among the Land Records of Montgomery County, Maryland; being the same property conveyed to Frank Calcara and Jennie Calcara, husband and wife, and Benjamin Sherman and Dorothy Sherman, husband and wife, as Tenants in Common, by a deed dated September 29, 1977, recorded in Liber 5033 at Folio 873 among the said land records, said area being the one more fully depicted on the plat attached hereto as Exhibit A and incorporated herein by reference.

- (2) A temporary easement and right of entry for eighteen months from the date of taking on, over, under, through and across the following property, for the purpose of installation and construction of public improvements, including but not limited to sidewalks, street paving, curbs and gutters:

An area 10 feet by 120 feet contiguous to Carroll Avenue and an area 10 feet in depth by 35 feet in length lying parallel to and approximately 15 feet off Tulip Avenue on the easternmost corner of Lot numbered 23 in Block 6 in a subdivision known as "LIPSCOMB AND EARNEST TRUSTEES ADDITION TO TAKOMA PARK," as per plat recorded in Plat Book No. 1 at Plat 46, except so much thereof as was conveyed to the Town of Takoma Park by Deed dated November 3, 1924, recorded in Liber 364 at Folio 156 among the Land Records of Montgomery County, Maryland; being the same property conveyed to Frank Calcara and Jennie Calcara, husband and wife, and Benjamin Sherman and Dorothy Sherman, husband and wife, recorded in Liber 5033 at Folio 873 among the said land records, said area being the one more fully depicted on the plat attached hereto as Exhibit A and incorporated herein by reference.

The street address of this property is 7060 Carroll Avenue, Takoma Park, Maryland.

The owners of record of this property are Frank Calcara and Jennie Calcara, husband and wife, and Benjamin Sherman and Dorothy Sherman, husband and wife, as Tenants in Common.

- (b) A temporary easement and right of entry for eighteen months from the date of taking on, over, under, through and across the following property, for the purpose of installation and construction of public improvements, including but not limited to sidewalks, street paving, curbs and gutters:

An area 10 feet by 10 feet and an area 10 feet by 5 feet, contiguous to Carroll Avenue on the south side of Lots 28, 29 and 30, Block 6, in a subdivision known as LIPSCOMB AND EARNEST TRUSTEES ADDITION TO TAKOMA PARK, per plat recorded in Plat Book No. 1 at Plat 46, excepting so much of said lots as was conveyed to the Town of Takoma Park by Deeds recorded in Liber 564 at Folio 163 and Liber 470 at Folio 339 among the Land Records of Montgomery County, Maryland, said area being the one more fully depicted on the plat attached hereto as Exhibit B and incorporated herein by reference; being the same property conveyed to Allan LeRoy Daugharthy and his wife, Elizabeth Anne Daugharthy, as Tenants by the Entirety, by Deed recorded in Liber 2713 at Folio 212 among the said land records.

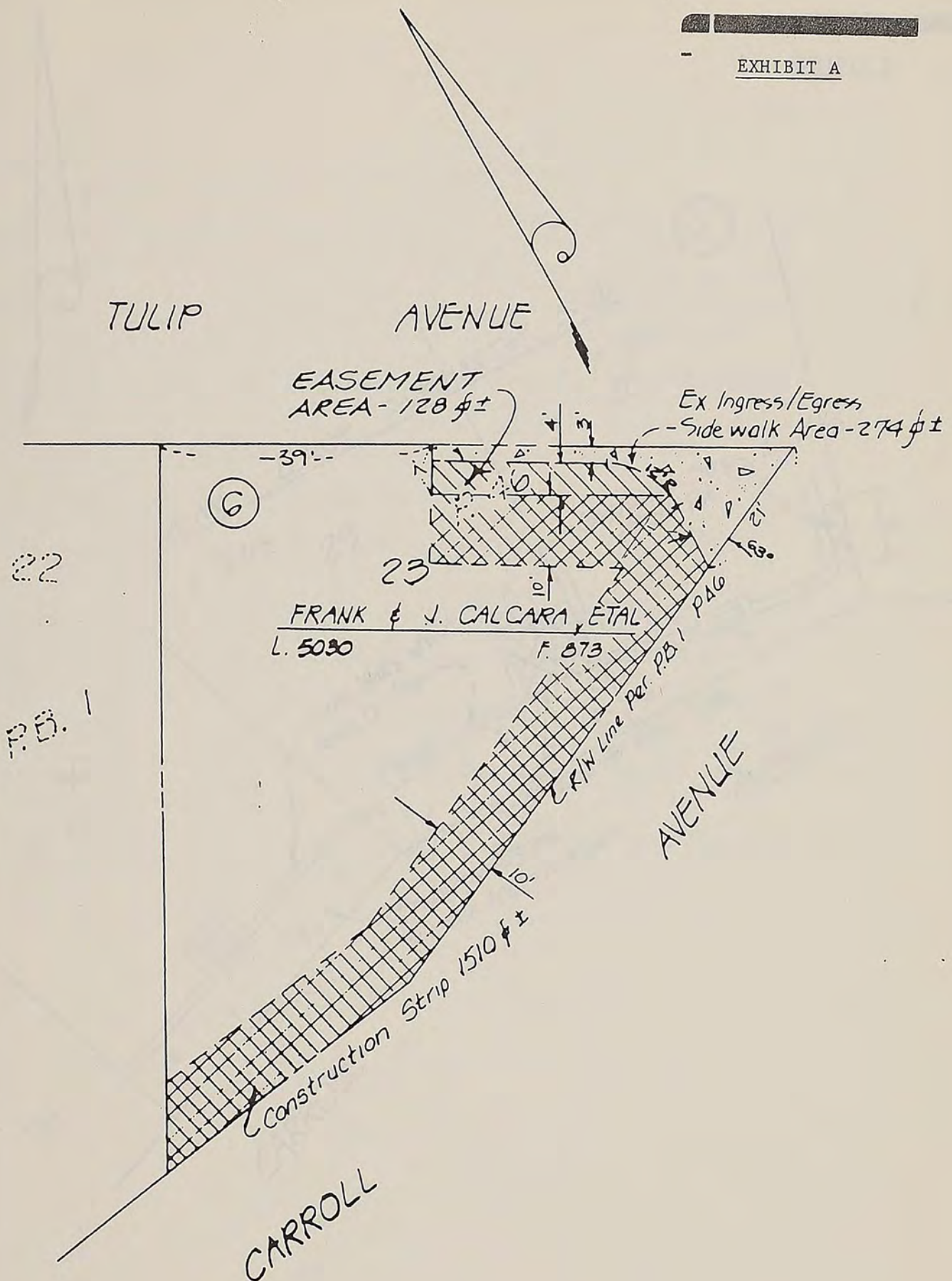
The street addresses of the above property are 7012-7016, 7018-7020 and 7024-7026 Carroll Avenue, Takoma Park, Maryland.

The owners of record of this property are Allan LeRoy Daugharthy and Elizabeth Anne Daugharthy, his wife, as Tenants by the Entirety.

AND

- SECTION 2. THAT the owners of the property described in Section 1 of this ordinance have rejected the monetary remuneration offered by the City; AND
- SECTION 3. THAT just compensation shall be paid to the owners of the private property to be taken, which shall be ascertained and assessed by three disinterested commissioners, who shall be qualified voters of the city and who shall be selected by the Mayor; AND
- SECTION 4. THAT the proceedings of the commissioners shall be conducted by the Mayor, or in his absence or inability to act, or in case he be interested, then by a disinterested member of the Council designated by him; and that said proceedings shall be carried out in accordance with the provisions of Sec. 1.11 of the City Charter; AND
- SECTION 5. THAT the commissioners' verdict on just compensation for the land to be taken shall be signed by each and delivered to the Mayor; whereupon the Mayor shall report the same to the Council for confirmation within 60 days of the report. In the event the proceedings and the verdict of the commissioners are not confirmed by the Council within the stated time period, then they shall be null and void; AND
- SECTION 6. FURTHER THAT the city shall be entitled to immediate possession of the property to be taken upon payment to the owner of the compensation assessed by the commissioners, or upon payment of the compensation into the Circuit Court to be held for the owner in the event he is absent, unable or unwilling to receive the same, or the title to the property to be taken is in dispute.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND AUGUST 8, 1983.



SKETCH OF EASEMENT ACROSS
LOT 23 BLOCK 6
 7060 CARROLL AVENUE
TAKOMA PARK
 WHEATON (13th) DISTRICT
 MONTGOMERY COUNTY, MARYLAND

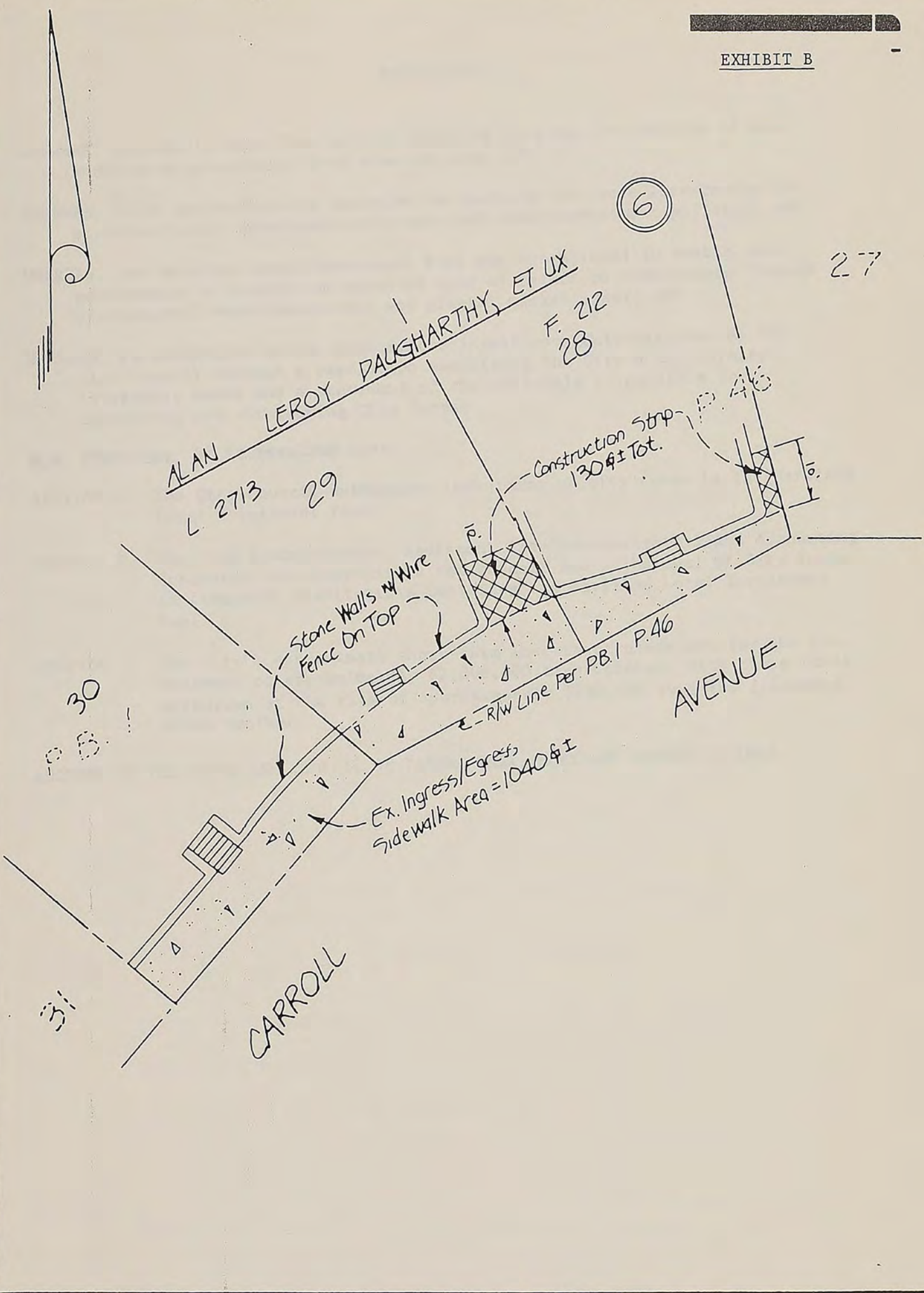
PROPERTY OF: FRANK CALCARA, Etal
 96 FRANK CALCARA
 1010 H Street, NW.
 Washington, D.C. 20001

SCHEDULE 'A'

KAMM CORPORATION

12221 NEW HAMPSHIRE AVENUE • SUITE 300
 SILVER SPRING, MARYLAND 20904

DEED REFERENCE: L. 5030 F. 873		
PLAT REFERENCE: P.B. 1 P. 46		
PARCEL I.D. No.: 13-25-1078014		
DRAWN: ABJ	CHECK: JB	DATE: 5/12/8
SCALE: 1"=20'	JOB No.: 82-020-334. L 1	



SKETCH OF EASEMENT ACROSS

LOTS 28-30, BLOCK 6

7012-7016, 7018-7020, 7024-7026 CARROLL AVE.

TAKOMA PARK

WHEATON (13th) DISTRICT

MONTGOMERY COUNTY, MARYLAND

PROPERTY OF: ALAN LEROY DAUGHARTHY, Et ux.
7020 Carroll Avenue
Takoma Park, Md 20912

SCHEDULE "A"

KAWWA CORPORATION

13321 NEW HAMPSHIRE AVENUE • SUITE 300
SILVER SPRING, MARYLAND 20904

DEED REFERENCE: L. 2713 F. 212

PLAT REFERENCE: P.B. 1 P. 46

PARCEL I.D. No.: 13-25-1062224
1062235
1062246

DRAWN: TLR

CHECK:

DATE: 5-83

SCALE: 1"=20'

JOB No.: 82-020-334. E

RESOLUTION

WHEREAS, the City's cash flow is such that the City has the ability to make short-term investments from time to time; AND

WHEREAS, it is appropriate to maximize the earnings on these investments to minimize taxes, consistent with safe and sound investment policies; AND

WHEREAS, the Maryland Local Investment Pool was established to enable local governments to realize an enhanced rate of return on investments through professional money management and greater market power; AND

WHEREAS, participation in the pool is contingent upon authorization by the City Council through a resolution specifying the City's approximate investment needs and a statement of the officials responsible for depositing and withdrawing City funds;

NOW, THEREFORE, be it resolved that:

SECTION 1. The City Council authorizes investment of City funds in the Maryland Local Investment Pool.

SECTION 2. The City Administrator, Assistant City Administrator, and Accounting Supervisor are responsible for deposit and withdrawal of City funds in financial institutions including the Maryland Local Investment Pool.

SECTION 3. The City's approximate short-term investment needs are for the investment of approximately \$2,000,000 each October, with these funds withdrawn at the rate of approximately \$280,000 over the following seven months.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND AUGUST 8, 1983.