

THE CITY OF TAKOMA PARK, MARYLAND

CITY CAUCUS

October 4, 1983

A City Caucus for the purpose of nominating candidates for the offices of Mayor and seven Councilmembers to stand for election on November 8, 1983, was held on October 4, 1983. The meeting was called to order by City Clerk Pusti at 8:00 PM. Following her brief presentation covering the purpose of the meeting, an outline of the order of procedure and the requirements for making nominations and seconds of candidates, the meeting was turned over to City Administrator Nichols to receive the nominations and conduct the remainder of the meeting. Upon nomination by Clayton Forsh_{ee}, 722 Kennebec Avenue, duly seconded, Clarence M. Boatman was elected to serve as Secretary of the Caucus.

Nominations of candidates for elected office were made as follows:

NOMINATIONS FOR MAYOR:

Maurice R. Berez, 7422 Buffalo Avenue, nominated:

SAMMIE A. ABBOTT, 7308 Birch Avenue, Takoma Park, Md.

The following seconds were made:

Cicero Satterfield, 6801 Allegheny Avenue
Charles H. Vantassel, 116 Lee Avenue
Naomi E. Turner, 7667 Maple Avenue, #1001
Dean R. Hoge, 7314 Holly Avenue
James S. Arisman, 7408 Aspen Avenue
Janet R. Schwartz, 7309 Garland Avenue
Lynne E. Bradley, 8112 Flower Avenue
Norman H. Malakoff, 7417 Holly Avenue
James True, 8321 Eastridge Avenue, #B
Lawrence Hush, 7201 - 14th Avenue
Faith E. Stern, 103 Grant Avenue
George Wayne Upton, 7600 Maple Avenue, #1211
Carlton A. Iddings, 7416 Carroll Avenue

William A. Eckert, 7106 Woodland Avenue, nominated:

JOSEPH A. FAULKNER, 1007 Sligo Creek Parkway

The following seconds were made:

John G. Walsh, 8001 Maple Avenue
William H. Leary, 7301 Takoma Avenue
Joyce C. Malachi, 6723 Poplar Avenue
Maureen F. Kohl, 7000 Westmoreland Avenue
Anthony J. Ossi, Jr., 7215 Maple Avenue
Timothy Paul Gallagher, 1306 Elson Place
Thomas S. Guins, 1200 Kingwood Drive
Austin T. Brown, 802 Elm Avenue
Jean C. Davis, 705 Erie Avenue
Abby J. W. Mandel, 7003 Woodland Avenue
Clarence M. Boatman, 133 Ritchie Avenue
Vernon H. Ricks, Jr., 7667 Maple Avenue

Upon motion, duly seconded, the Caucus voted to close the nominations for Mayor.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 1:

LeRoy Brown, Jr., 7518 Dundalk Road, nominated:

LOUIS H. D'OVIDIO, 7324 Piney Branch Road

The following seconds were made:

Eugene H. Herman, 511 New York Avenue
Linda K. Peek, 7418 Holly Avenue
Charles Vantassel, 116 Lee Avenue, #408
Maurice R. Berez, 7422 Buffalo Avenue

Upon motion, duly seconded, the Caucus voted to close the nomination for Councilmember from Ward 1.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 2:

Susan F. Bray, 7012 Carroll Avenue, #1, nominated:

CARLTON A. IDDINGS, 7416 Carroll Avenue

The following seconds were made:

James J. Brogan, 7122 Willow Avenue
Beverly K. Habada, 236 Manor Avenue
David M. Prosten, 7428 Carroll Avenue

Upon motion, duly seconded, the Caucus voted to close the nomination for Councilmember from Ward 2.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 3:

Arthur B. Karpas, 6916 Westmoreland Avenue, nominated:

GAIL B. DALMAT, 7001 Poplar Avenue

The following seconds were made:

Robert Mandel, 7003 Woodland Avenue
James F. Holland, 19 Pine Avenue
William A. Eckert, 7106 Woodland Avenue
Suzanne W. Rhodenbaugh, 53 Walnut Avenue

Cicero Satterfeld, 6801 Allegheny Avenue, nominated:

MARIE M. HOLLOWAY, 6711 Allegheny Avenue

The following seconds were made:

Catherine D. Pettitt, 6711 Allegheny Avenue
Lee A. Edmonds, Sr., 6805 Allegheny Avenue

Upon motion, duly seconded, the Caucus voted to close the nomination for Councilmember from Ward 3.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 4:

Carlos G. Stewart, 7710 Maple Avenue, #307, nominated:

HERMAN WILLIAMS, 7667 Maple Avenue, #511

The following seconds were made:

Naomi E. Turner, 7667 Maple Avenue
Juanita C. Nunn, 7777 Maple Avenue
John V. Johnson, 7600 Maple Avenue
George Wayne Upton, 7600 Maple Avenue, #1211

Upon motion, duly seconded, the Caucus voted to close the nomination for Councilmember from Ward 4.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 5:

Saul Schniderman, 7925 Sligo Creek Parkway, nominated:

LYNNE E. BRADLEY, 8112 Flower Avenue

The following seconds were made:

David H. Sawyer, 8205 Roanoke Avenue
Joan Eisenberg, 8107 Roanoke Avenue
James True, 8321 Eastridge Avenue
Georgine Prokopik, 8018 Maple Avenue
John K. Hemphill, 8112 Flower Avenue

Upon motion, duly seconded, the Caucus voted to close the nomination for Councilmember from Ward 5.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 6:

Ed.T. McMahon, 7311 Wildwood Drive, nominated:

MICHAEL K. HANEY, 7333 New Hampshire Avenue, #101

The following seconds were made:

- Ronald M. Harn, 8126 Lockney Avenue
- Frank V. Garcia, 1117 Holton Lane
- Josette C. Foster, 7807 Lockney Avenue
- Arthur D. Cruze, 7912 Lockney Avenue

Ronald Jerry Wylie, 7618 Glenside Court, nominated:

TIMOTHY PAUL GALLAGHER, 1306 Elson Place

The following seconds were made:

- Ellery Denison, 7207-13th Place
- Hovert C. Smith, 7204-13th Place

Upon motion, duly seconded, the Caucus voted to close the nomination for Councilmember from Ward 6.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 7:

Leslie Agro, 7813 Carroll Avenue, nominated:

RINO R. ALDRIGHETTI, 7213 Central Avenue

The following seconds were made:

- James S. Arisman, 7408 Aspen Avenue
- Ronald C. Albaugh, 7202 Central Avenue
- Norman N. Gleichman, 7113 Central Avenue

There being no further business, the meeting adjourned at 11:35 P.M.

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

OCTOBER 11, 1983

CITY OFFICIALS PRESENT:

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

Asst. City Administrator Schnuer
Public Works Director Robbins
Housing Director Tyree
Corporation Counsel Gagliardo
Asst. Corporation Counsel DeNovo

The Mayor and City Council of Takoma Park, Maryland, met on October 11, 1983, at 8:10 p.m., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the meeting proceeded.

ADDITIONAL AGENDA ITEMS

Mayor Abbott asked that the subject of the vacant COLTA position be added to the agenda; item #16 was moved up to follow item #2.

GENERAL CITIZENS' REMARKS

John Hemphill, 8112 Flower Avenue: Commended the Public Works Department on trees planted in the City, as well as Mike Haney who was instrumental in obtaining grant funds. Informed Council of the forthcoming Cable TV Meeting to be held in the Municipal Building at 8:00 p.m., on October 18; representatives from the Cable TV Company will be on hand to answer questions. Urged citizen participation.

Robert Ginsberg, 7129 Maple Avenue: Presented a signed scroll to Councilmember Iddings on behalf of citizens and users of Maple Avenue protesting the speed humps, which were characterized as dangerous, disagreeable, and disruptive.

ITEMS FOR COUNCIL CONSIDERATION

(1) COMMUNICATIONS

The Assistant City Administrator informed Council of the upcoming COLTA Hearing, TP-191, Bray vs. Daugharthy, 7012 Carroll Avenue, rescheduled for October 19, at 8:00 p.m., in the first floor meeting room. Mayor Abbott requested the rescheduling of two pending appeals.

(2) Appeal of Zakhar and Robin Matlin on COLTA decision on TP-159, 8 Philadelphia Avenue:

This item was removed from the agenda until further notice.

(3) First reading of a proposed ordinance instituting 15-minute parking restriction in the vicinity of 7714 Takoma Avenue

Councilmember D'Ovidio explained the background of the ordinance, providing short-term parking for the day care center operated by Montgomery College, as stated in the attached ordinance.

Linda Peeke, 7418 Holly Avenue: As President of the North Takoma

Citizens' Association, discussed the need for the parking. Stated that no opposing views were received at the two association meetings held, except for one resident who lives near the center. The Executive Committee felt that the sentiments expressed at the two meetings were favorable. The ordinance was accepted for first reading.

PROPOSED ORDINANCE
(Attached)

(4) Second reading of an ordinance amending rental guidelines section of Ordinance No. 2587

Corporation Counsel discussed changes and amendments made in the second draft of the ordinance, noting the main changes on page 3. It was requested that all amendments be retyped and put into one final version by Corporation Counsel, Councilmember Iddings and Housing Services. Ms. Tyree stated she would accept responsibility for that. Councilmember Iddings moved to table this ordinance until the work had been accomplished. Councilmember Bradley seconded the motion; and it passed unanimously.

PROPOSED ORDINANCE
(Attached)

(5) Second reading of an ordinance amending Article 2, "Basic Property Maintenance Code," Chapter 6, of the City Code

This ordinance was tabled until fully assembled with the amendments.

PROPOSED ORDINANCE
(Attached)

(6) Consideration of Apartment Improvement Program

Cindy Donner, Planner, Montgomery County Department of Housing and Community Development: Ms. Donner made the following presentation: Several months ago, the Director of the County Department of Housing and Community Development, and a representative from the Neighborhood Reinvestment Corp. gave a presentation to the Council on the Apartment Improvement Program (AIP) in Montgomery County. In September 1982, the County entered into an agreement with the Neighborhood Reinvestment Corp. to develop an AIP program in the County. The Neighborhood Reinvestment Corp. is a Congressionally chartered private corporation who has a board of directors that is composed of the heads of Federal financial regulatory agencies. The purpose of Neighborhood Reinvestment is that they act as a catalyst and go into localities to develop a partnership among various interests that are associated with the rehabilitation of multi-family housing. Neighborhood Reinvestment staff will develop working relationships with tenants in a community, the lenders, the property owners and the County or City officials, to bring them all to a bargaining table to work out differences and to come to some agreement on how to rehabilitate apartment complexes and make a difference in the community. Ms. Donner stated that since last year, she has been the principal staff person with the County involved in working with the Reinvestment staff in helping them make contacts among the various members of the partnership.

Several workshops have been held with the various sectors of the partnership. Separate workshop were held for the tenants and community representatives, one for the lenders, and one for the County officials, as well as a briefing for Takoma Park. All of the various sectors were brought together in a two-day workshop in May. At that time an interim partnership committee was established which was comprised of members from each of the sectors; this committee has been working to develop an over-all policy for the operation of Apartment Improvement Programs in the

County; working on establishing by-laws and articles of incorporation which would eventually lead to the incorporation of the AIP Program as a locally controlled corporation. This corporation, not the County, or any one segment of the partnership, but all of them, will adapt the AIP model to the County and then oversee the implementation of the Program. After the incorporation, the organization will still be assisted by the Neighborhood Reinvestment staff who will help them in applying for Federal tax-exempt status as a non-profit corporation. They will help them develop an operational budget and an administrative structure, and help select permanent staff that will be responsible to the board; the County will find that staff.

In FY-84, they have budgeted through Block Grant Funds a total of \$455,000; this has to go through the Community Development Citizens' Advisory Committee, but that represents \$275,000 for public improvement money which the County will provide as its contribution to make the partnership work. Once a property owner and a lending institution can get together and negotiate rehabilitation for a building the County will then contribute public improvement money. Also included is budgeting for planning which would go for staffing for the AIP Program and also money for a revolving loan fund which will be controlled by the AIP Board. That revolving loan fund in the amount of \$150,000 for FY 85 will act as gap financing to make a deal work with a private institution and a property owner. This is a significant Block Grant allocation. They intend to commit funds in that amount for subsequent years to make the program work. The County is committed to the program and feels that Takoma Park has a large concentration of multi-family buildings and the program could be a success in the City. If the City does not want the AIP, they will focus on other areas outside the City limits.

Mayor Abbott stated he understood that 60-70% of the tenants must agree in advance to a 25% rent increase if a building is to be put on the AIP Program. Ms. Donner noted that the increase in the past has been between 5-25%, but each building is a separate case. The tenants have a stake in the partnership. Further explained that tenants had felt that the rent increase was worth an improved living environment. Stated there is no way that an AIP Program would go into a building if tenants did not agree to a rent increase. The percentage is going to be determined by the AIP Board who will set the policy for this program. That Board will have representation by tenants. In most instances, the tenants would pay the increase in two phases, one-half in front, and the other half upon completion. This would be negotiated at the time the contract is made; all conditions would be put into the contract. If COLTA has authority over rent increases, the increase would have to be reviewed by the Board. Councilmember Bradley stated support for the program, but raised questions regarding what the County role is on the AIP Board. Ms. Donner stated the County will have three members on the Board and would be a voting member in the partnership. The County brings to this program the financial resources, also Ms. Donner's department's ability to coordinate with other County agencies in helping to implement the Program. In response to Councilmember Bradley's question on what the City's representation would be, Ms. Donner stated that this question was held off until official action was taken by Takoma Park. Thought that there was room on the Board for a City representative. Councilmember Bradley raised further questions as to who enforces the contract should the property owner fail to make the improvements. Ms. Donner stated that the lending institutions will assume all legal costs for these problems; the tenants could go to the Board with problems. In terms of rehabilitation, the tenants play an important role and arbitration of disputes would be undertaken by the Board.

Ms. Donner stated that she would like the support of the Mayor and Council and to see Takoma Park participate in the program. Councilmember Iddings raised concerns regarding boundaries, stating that the Prince George's section of the City should be included in the program, with Ms. Donner stating that this had not been agreed

to; that the boundaries have been selected and agreed upon, but that inclusion of the Prince George's section of the City could be raised with the Committee. Ms. Donner also stated that a building selection subcommittee has been established to develop criteria; that the program is designed to retain existing tenants and to target buildings with predominately low-and moderate-income residents.

Kevin Jackson-Kiconas, 8510 Flower Avenue: Spoke as a City tenant falling into the low to moderate income range, and as a Committee member for the Corporation. Stated that his building could be included under AIP, noting the program would be a legally binding contract which would conform to County and City laws. Councilmember Iddings asked what the function of the AIP would be. Ms. Donner responded that the AIP would give analyses on buildings using real estate investment analysis, and help with tenant counseling in buildings. The tenants' organizations would function by organizing tenants so that they would be able to express their position and interests.

Councilmember Faulkner moved that the City participate in the AIP Program; Councilmember Garcia seconded the motion. Councilmember Bradley suggested that property owners and landlords be required to demonstrate that they have good management techniques, conform to reasonable standards, and have on-site maintenance. She moved to amend the motion to include: (1) that the entire City be included in the service area, and (2) two appointments to the AIP Board from the City. Councilmember D'Ovidio moved that the City participate in terms of staff so that the Council is kept up to date on the process. Councilmember Faulkner accepted these amendments. The resolution that the City participate in the AIP Program with the added amendments passed unanimously. Councilmember Bradley requested that Tony Austin of Housing Services report back to the Council on the requests for representation.

RESOLUTION
(Attached)

(7) Appeal No. A-1106, variance request in connection with construction at 311 Ethan Allen Avenue

Councilmember D'Ovidio moved to affirm the favorable recommendation made at a recent worksession; the motion was seconded and passed unanimously.

(8) Washington Adventist Hospital amendment to Special Exception S-807

Mayor Abbott stated Board of Appeals action was taken on September 29, to approve the relocation of the circle driveway at the main entrance of the hospital. The Council may request a public hearing within 15 days of that date.

Beverly Habada, 236 Manor Circle: Stated that the petition was granted on September 29, and the City Administrator was notified by the hospital on the same date. There was no prior warning to the City-Hospital Relations Committee, and suggested a public hearing. Councilmember Iddings stated concern with the relocation of the parking lot on the West side of the hospital. Mayor Abbott briefed the Council on a notice he had received from the Board of Appeals. Corporation Counsel informed the Council that the notice referred to by the Mayor revolved around a representation by the hospital attorney to the Board that Park and Planning had approved the plans for the hospital north parking lot when in fact, they had not. He stated that construction had already begun, and a number of trees cut down; the Board had informed him they would not hold a public hearing on that issue. Councilmember Bradley noted that the Council had previously asked for drawings and construction plans that had not been received.

John Hemphill, 8112 Flower Avenue: Stated it was clear that information had not been received from the hospital; notification

should have been made available to local citizens' groups. Suggested that the City consider writing a letter to the Hospital Board of Directors pointing out the problems and requesting that they adopt a policy to ensure that the community is kept informed of decisions made by the hospital. Councilmember Iddings moved that the City request the Board of Appeals to hold a public hearing on the proposed relocation of the driveway specifying as a reason, the sensitivity of the north parking lot to the residents on Maplewood, Maple and Errie Avenues; Mayor Abbott seconded the motion.

Jerry Northam, Washington Adventist Hospital: Stated that the circle driveway going underneath the tower presented problems for the fire department and there is too much noise and traffic underneath the patient tower. The hospital had looked at possibilities for some time to move the driveway and was concerned about what impact the changes would make. The Fire Department had informed the Hospital that they would not want to put a fire ladder under the tower in case of a fire because of the possibility of collapse or falling debris. Therefore, the driveway is being moved; it will also allow larger and more accessible parking facilities. Councilmember Bradley expressed concern regarding the parking lots in the other areas directly abutting neighborhoods. Following further lengthy discussion, Councilmember Iddings withdrew his earlier motion and moved that the City request by October 14, 1983, a public hearing on the special exception amendment, contingent upon the presentation of the final drawings and acceptance of them by the Council. Councilmember Bradley seconded the motion. Councilmember Garcia moved to table the motion until Mr. Northam returned with the plans; Councilmember Bradley seconded the motion and it passed unanimously. (See page 7.)

(9) Council decision on verdict of Commissioners re compensation to be paid property owners for certain temporary and permanent easements in Takoma Old Town, pursuant to Sec. 1.11 of the City Charter

Councilmember Iddings, Chairman of the Commission, gave a brief description of the process, which is more fully described in the Minutes of August 8, 1983, and the attached resolution and verdict of the Commissioners. Councilmember Iddings moved that a resolution confirming the verdict of the Commission be adopted; Councilmember Bradley seconded the motion. The Assistant City Administrator informed the Council that the parties may appeal only the decision on the amount of the compensation; that construction could proceed once the City pays the amounts assessed against it. The resolution passed unanimously. Councilmember Iddings directed the City Administrator to prepare a letter for the Mayor's signature thanking the Commissioners. The decision of the Commissioners is attached.

RESOLUTION
(Attached)

(10) Ordinance appointing election judges for November 8, 1983 City Election

Upon motion by Councilmember Bradley, seconded by Councilmember D'Ovidio, Ordinance No. 2690 was adopted, with the roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Faulkner, Garcia, Iddings; Nay: None; Excused: Councilmembers Eckert, Williams.

ORDINANCE NO. 2690
(Attached)

(11) Proposed ordinance awarding bid on Library heating/cooling system partial replacement

The Assistant City Administrator stated that bids were solicited on a heating/cooling system in which a low bid was received for \$18,847.00; the money will be appropriated from the General Contingency Fund. Mr. Robbins, Director of Public Works stated this will completely replace the old unit which is 26 years old. He further noted that the roof problem for the Library will be taken up at a later date. Councilmember Bradley moved adoption of the ordinance; Councilmember D'Ovidio seconded the motion. Ordinance No. 2691 was adopted with the roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Faulkner, Garcia and Iddings; Nay: None; Excused: Councilmembers Eckert and Williams.

ORDINANCE NO. 2691
(Attached)

(12) Ordinance accepting bid on police cruiser

Upon motion by Councilmember D'Ovidio, seconded by Councilmember Bradley, Ordinance No. 2692 was adopted, with the roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Faulkner, Garcia, Iddings; Nay: None; Excused: Councilmembers Eckert and Williams.

ORDINANCE NO. 2692
(Attached)

(13) Appeal No. 6963, variance requests in connection with remodelling of 6907 New Hampshire Avenue Sunoco Station

Councilmember Garcia moved to affirm Council's earlier decision, which was to interpose no opposition provided the remodelling conformed to the master plan, in particular signs, lighting and landscaping. Councilmember D'Ovidio seconded the motion. The motion passed with all voting aye except Councilmember Bradley, who stated that the stipulations were not adequately guaranteed.

(14) Ordinance instituting condemnation proceedings of property at 7142 Carroll Avenue and setting date for hearing

Upon motion by Councilmember Iddings, seconded by Councilmember Garcia, Ordinance No. 2693 was adopted, with the roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Faulkner, Garcia and Iddings; Nay: None; Excused: Councilmembers Eckert and Williams.

ORDINANCE NO. 2693
(Attached)

(15) Ordinance instituting condemnation proceedings of property at 7309 Flower Avenue and setting date for hearing

Upon motion by Councilmember Faulkner, seconded by Councilmember Iddings, Ordinance No. 2694 was adopted, with the roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Faulkner, Garcia and Iddings; Nay: None; Excused: Councilmembers Eckert and Williams.

ORDINANCE NO. 2694
(Attached)

(16) First reading of an ordinance imposing a fine on persons subject to Maryland Motor Vehicle Administration's flagging program

The Assistant City Administrator stated that Corporation Counsel had recommended revisions to the ordinance, which would be incor-

porated prior to second reading.

PROPOSED ORDINANCE
(Attached)

(17) Appointment of members to Takoma Junction Committee

Councilmember Iddings moved the appointment of the following to the Takoma Junction Committee: Mr. Richard Bambam; Ms. Debbie Allen, Ms. Kathy Anderson, Mr. David Freed; and that Mr. Karl Kessler and Robert Turner no longer share one vote, but occupy separate seats. Councilmember D'Ovidio seconded the motion and it passed unanimously.

(18) Proposed ordinance enlarging the size of Historic District Committee

Councilmember Iddings noted for the record that the committee had been operating with seven members and found it does not give them an opportunity to set up subcommittees and effectively man them; they have requested authorization for nine members. The ordinance was accepted for first reading.

PROPOSED ORDINANCE
(Attached)

(19) COLTA Appointment

Councilmember D'Ovidio moved the appointment of Michael Davidson as a tenant alternate; the motion was seconded and passed, with Councilmember Iddings abstaining because he had not attended the interview.

Jerry Northam, Washington Adventist Hospital: Presented plans and drawings to the Council on the proposed move of the driveway and parking facilities, as discussed earlier in the meeting. Councilmember Bradley moved to advise owners and neighbors on Maple, Maplewood, and Erie Avenues of the proposed plans. Councilmember D'Ovidio seconded the motion, stating if any resident requested a public hearing, the City would endorse their request. The motion carried.

Upon proper motion, the meeting was adjourned at 11:05 p.m., to reconvene on Monday, October 24, 1983 at 8:00 p.m.

PROPOSED ORDINANCE

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

- SECTION 1. WHEREAS, the Mayor and Council deem it desirable to provide short-term parking for the day care center operated by Montgomery College at 7714 Takoma Avenue; AND
- SECTION 2. THAT WHEREAS, Ordinance No. 2395, adopted August 9, 1976, with subsequent amendments, established the boundaries of Parking Permit Area #1, and set forth specific parking regulations within the area.
- SECTION 3. THAT Ordinance No. 2395 be further amended by the addition of a new subsection to Section 2.D., to read as follows:
- D. OTHER PARKING RESTRICTIONS:
- (2) Takoma Avenue, West side, from Philadelphia Avenue southward for a distance sufficient to create three parking spaces: 15-minute parking between 7:00 AM and 5:00 PM, Monday through Friday; AND
- SECTION 4. THAT Section 2.A. (3) of Ordinance 2395 be amended to read as follows:
- A. NO PARKING AT ANY TIME:
- (3) Takoma Avenue, West side, from New York Avenue northward to a point approximately 110 feet south of its intersection with Philadelphia Avenue, as provided in Section 2.D.(2).
- SECTION 5. THAT the Director of Public Works, in cooperation with the Chief of Police shall erect the signs necessary to effect the directives of Sections 3 and 4, above; AND
- SECTION 6. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 7. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 13.63.1(i), Code of Takoma Park, Md., 1972, as amended.

Ordinance No. _____

WHEREAS, questions have arisen concerning the rent stabilization provisions of Ordinance No. 2587, as amended, particularly as amended by Ordinance No. 2684, including questions about what increases are permissible and the effective date of allowable increases; and

WHEREAS, it is necessary to clarify the relative rights and obligations of landlords and tenants with respect to rent increases under Ordinance No. 2587, as amended, and

WHEREAS, requiring landlords to provide tenants with specific notice of rent increases and proposed rent increases will minimize confusion, assist in identifying potential violations of Ordinance No. 2587, as amended, and of this ordinance, and will result in fewer conflicts which would need to be adjudicated by Takoma Park's Commission on Landlord Tenant Affairs and by the courts.

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

1. THAT Sections 22(c) and 22(d) of Ordinance No. 2587, as amended by Ordinance NO. 2684, hereby be repealed and simultaneously reenacted to read as follows, and new Sections 22(e) and 22(f) be enacted as follows:

"(c) It shall be unlawful for any landlord or anyone acting on behalf of a landlord to charge or collect any rent for any dwelling unit which exceeds the lawful rent chargeable for such unit on August 7, 1983 by more than five per cent (5%), unless the landlord has first obtained a determination from the Commission on Landlord Tenant Affairs that a rent in excess of five per cent (5%) more than the lawful rent chargeable on August 7, 1983 is justified, in accordance with this Section of this Ordinance.

"(d) It shall be unlawful for any landlord or anyone acting on behalf of a landlord to increase the rent for any dwelling unit more than once in any twelve month period.

"(e) It shall be unlawful for any landlord or anyone acting on behalf of a landlord to increase the rent for any dwelling unit without having first given the tenant(s) living therein at least 60, but not more than 90, days written notice of the increase. Such notice shall contain the following:

(i) The name and address of both the landlord and the tenant; and

(ii) The rent being charged as of the date of the notice and the rent proposed to be charged; and

(iii) The following statement with the correct figures filled in:

(A) If the rent increase is within the limit prescribed in Section 22(c):

"1. YOUR RENT WILL BE INCREASED _____% TO

\$ _____ ON _____, 198__.

"Takoma Park Ordinance No. 2587, as amended, provides that the rent for your apartment may not be raised by more than _____ per cent (____%) than the lawful rent chargeable on _____, 198__. Accordingly, the rent for this apartment may be raised \$ _____, for a total rent of \$ _____ per month, without the approval of the Commission on Landlord Tenant Affairs.

"2. HOWEVER, NO RENT INCREASE MAY BE MADE IF (1) there are serious outstanding housing code violations in your building which affect the health, safety and/or welfare of the tenants; or (2) the rent for your apartment was increased within 12 months preceding the effective date of the rent increase called for in this notice; or (3) if you did not receive this written notice at least 60, but not more than 90, days before the effective date of the rent increase called for in this notice.

"3. If you have any reason to believe the law has been violated in any way, you have the right to file a complaint with the Takoma Park Commission on Landlord Tenant Affairs, 7500 Maple Avenue, Takoma Park, Maryland 20912."

(B) If the rent increase exceeds the limit prescribed in Section 22(c):

"1. A rent increase of _____% is being proposed for your apartment. If this increase is approved, your current rent of \$ _____ would be raised to \$ _____ on _____, 198__.

"This increase will not become effective unless and until it is approved by the Takoma Park Commission on Landlord Tenant Affairs (COLTA), because it exceeds the limit on rent increases which can be made without the prior approval of COLTA. If approved by COLTA, the increase will be retroactive to the date specified in this notice, which is _____, 198__.

"2. HOWEVER, NO RENT INCREASE MAY BE MADE IF (1) there are serious outstanding housing code violations in your building whic affect the health, safety and/or welfare of the tenants; or (2) the rent for your apartment was increased within 12 months preceding the effective date of the rent increase called for in this notice; or (3) if you did not receive this written notice at least 60, but not more than 90, days before the effective dae of the rent increase called for in this notice.

"3. If you have any reason to believe the law has been violated in any way, you have the right to file a complaint with the Takoma Park Commission on Landlord Tenant Affairs, 7500 Maple Avenue, Takoma Park, Maryland 20912."

"(f) Whenever a tenant notifies the Director of Housing Services or other representative of the City, in writing, that he or she has received a notice of a rent increase which would violate this ordinance, or that a landlord or anyone acting on behalf of a landlord is collecting or seeking to collect rent in excess of the limits prescribed by this ordinance, the Director of Housing Services or other representative of the City shall notify the Corporation Counsel of such facts. Upon such notification, the Corporation Counsel or his or her designee shall bring an

action in a court of competent jurisdiction for an injunction prohibiting any rent increase in violation of this ordinance or any attempt to charge or collect such a rent increase.

"The court shall issue an injunction when it is shown, by a preponderance of the evidence, that a landlord or anyone acting on behalf of a landlord has proposed a rent increase which would violate this ordinance, has failed to meet the preconditions for a rent increase as provided in this ordinance, or has collected or attempted to collect rent in excess of the limits provided in this ordinance.

"In the event an injunction is issued, the court shall award attorney's fees and costs to the City."

2. THAT Sections 22(e) and 22(f) of Ordinance No. 2587, as amended by Ordinance No. 2684 be and they hereby are reenacted as Sections 22(g) and 22(h) respectively.

3. THAT Section 22(g) of Ordinance No. 2587, as amended by Ordinance No. 2684 hereby be repealed and simultaneously reenacted to read as follows:

"(g) The hearing shall be conducted as provided in Section 7(i) of this ordinance."

4. THAT Section 22(h) of Ordinance No. 2587, as amended by Ordinance No. 2684, hereby be repealed and simultaneously reenacted to read as follows:

"(h) No rent increase shall be allowed for any dwelling unit if, as of the proposed effective date of the increase or at the time COLTA hears a landlord's application for an increase in excess of the limit provided in Section 22(c), COLTA finds, by a preponderance of the evidence, in either the dwelling unit in question or in any common area of the building in which the unit is located, the existence of any violation of the housing, building, fire, safety or zoning laws of the City of Takoma Park, the county in which the unit is located, the State of Maryland and/or the United States, regardless of whether any citation or other legal process has been served on the violator, if such violation

(i) constitutes, or would, if not corrected within 24 hours, constitute a fire hazard or a serious and substantial threat of danger to the life, health and safety (within the meaning of Section 8-211 of the Real Property Article, Annotated Code of Maryland) of the occupants of the dwelling unit or units within which the condition or defect exists; or

(ii) is classified by Ordinance No. _____ as a serious violation of the Basic Property Maintenance Code, as adopted by the City of Takoma Park."

5. THAT Section 22(i) of Ordinance No. 2587, as amended by Ordinance No. 2684 hereby be reenacted as Section 22(l) and new Sections 22(i), 22(j) and 22(k) hereby be enacted as follows:

"(i) Any violation of subsections (c), (d), (e) or (f) of section of this ordinance shall be a municipal infraction, the penalties for which shall be as follows:

(A) Imposition or attempts to impose a rent increase in excess of the limit provided in Section 22(c) without the approval of COLTA: \$_____ per dwelling unit;

(B) Imposition or attempts to impose more than one rent increase in a twelve month period: \$_____ per dwelling unit;

(C) Imposition or attempts to impose any rent increase without substantial compliance with the notice provisions of Section 22(e): \$_____ per dwelling unit.

"(j) In the event that a landlord or anyone acting on behalf of a landlord brings an action for unpaid rent or for eviction based on failure to pay rent which is unlawful under this ordinance, proof by a preponderance of the evidence that the landlord or anyone acting on behalf of the landlord has not complied with any provision of this ordinance shall act as a bar to recovery by the landlord or any person acting on the landlord's behalf of any rent or portion of rent due which is unlawful under this ordinance. When such proof has been made, the court shall dismiss the action against the tenant and award to the tenant his or her costs and attorney's fees incurred in defending the landlord's action, including any wages or other income lost for time spent in court in the defense of the action.

"(k) If during the pendency of a notice called for in Section 22(e), the limit on rent increases provided for in Sections 22(a) and 22(c) is lowered by the City Council, a landlord shall be entitled to charge rent only up to the limit as lowered by the City Council, at the proposed effective date of the increase. The landlord may charge rent in excess of the limit as lowered by the City Council only after complying with the requirements of Section 22(g). Upon a finding that a rent increase to the amount called for in the notice is justified under this ordinance, COLTA shall make its order permitting such an increase retroactive to the proposed effective date specified in the notice for such increase, provided such increase and effective date are otherwise lawful.

10/7/83

Ordinance No.

Whereas: The Mayor and Council seek to implement that section of Ordinance No. 2587, as amended, which prohibits rent increases for those dwelling units affected by "serious and substantial threats to life, health or safety of the occupants" and "serious violations of the Basic Property Maintenance Code", by classifying violations of said code; and

Whereas: It is necessary to conform the penalties for violations to such system of classification:

Now Therefore

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

Section 1. Section 6-16 of the Code of Takoma Park, Maryland is hereby repealed in its entirety and reenacted simultaneously as follows:

(a) Serious Violations:

"Any violation of the following sections of the Basic Property Maintenance Code as adopted by the City of Takoma Park shall be deemed a serious violation and shall constitute a municipal infraction the penalty for which shall be as set forth below:

1. Not less than \$_____ (_____ dollars), nor more than \$100 (One Hundred Dollars) for any single, initial violation of Sections PM 302.1 (exterior structure generally), 302.2 (structural members), 302.3 (exterior surfaces/foundations, walls and roof), 302.3.1 (foundation walls), 302.3.2 (exterior walls), 302.3.3 (roofs), 302.3.6 (chimneys), 302.3.7 (stairs and porches), 302.4 (window and door frames), 302.4.5 (door hardware), 302.4.6 (basement hatchways), 302.4.7 (guards for basement windows), 501.1-501.4, inclusive (required plumbing facilities), 502.1-502.6, inclusive (toilet rooms), 503.1-503.5, inclusive (plumbing fixtures), 504.1-504.4, inclusive (water system), and 505.1 and 505.2 (sewage system), 600.1-603.1 (mechanical and electrical requirements), 700.1-704.5, inclusive (fire safety requirements), 801.3-801.9, inclusive (sanitary conditions), and 802.1 and 802.3-802.5, inclusive (extermination); and not less than \$_____ (_____ dollars), nor more than \$200 (Two Hundred Dollars) for each repeat or continuing violation thereof;

2. Any such violation shall be presumed to be a condition or defect which constitutes, or if not corrected or abated within 24 hours will constitute, a fire hazard, or serious and substantial threat to the life, health or safety of the occupants of the dwelling unit or structure within which the condition or

defect exists; and shall be presumed to constitute a defective tenancy within the meaning of Section of Ordinance 2587, as amended; a violation barring the imposition of any rent increase within the meaning of Section of Ordinance No 2587, as amended; and a condition for which rent may be escrowed within the meaning of Section 8-211 of the Real Property Article of the Annotated Code of Maryland.

(b) Other Violations

There shall be a rebuttable presumption that any other violation of the Basic Property Maintenance Code, as adopted, is not a serious violation. Any other such violation shall, nevertheless by a municipal infraction the penalty for which shall be not less than \$_____ (dollars), nor more than \$25 (Twenty-five dollars) for any a single, initial violation; and not less than \$_____ (dollars), nor more than \$50 (Fifty Dollars) for each repeat or continuing violation thereof.

(c) Wilfull, Unabated and Continuing Violations

1. Any wilfull violation of any section of the Basic Property Maintenance Code, as adopted, or any violation which is not abated or corrected within _____ days of service of a citation for such violation shall constitute a misdemeanor, the penalty for which shall, upon conviction, be a fine of not less than \$_____ (dollars), nor more than \$500, or imprisonment for a term not to exceed 90 days, or both. A person so charged may, in the case of any violation which is not abated or corrected within the time limits provided herein, assert that circumstances beyond the control of defendant prevented timely compliance. Upon clear and convincing proof of such the charges against a defendant shall be dismissed.

2. Each day a violation continues or is in existence after the time for abatement or correction has passed shall a separate offense."

Section 2. A new section 6-21A

Section 3. A new section 6-21B

Section 4. Section 6-21C, amended

Section 5. Section 6-25A, amended

Section 6. This ordinance shall become effective upon adoption.

RESOLUTION

WHEREAS, the Mayor and Council have investigated the feasibility of the City's participation in Montgomery County's Apartment Improvement Program; AND

WHEREAS, the Mayor and Council are of the opinion that through such participation some benefits may accrue to the tenants of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT they hereby endorse the objectives of the Montgomery County Apartment Improvement Program and tender this expression of interest in participation; AND

BE IT FURTHER RESOLVED THAT the City's participation in the Program will be conditioned to some extent by the response of the Montgomery County government to the following requests, which are hereby made:

- (1) That the entire City of Takoma Park, inclusive of the Prince George's County section, be included in the Apartment Improvement Program service area; and
- (2) That two seats on the AIP Board be reserved for persons named by the Mayor and Council of Takoma Park.

OCTOBER 24, 1983.

RESOLUTION

WHEREAS, three disinterested commissioners were duly appointed to ascertain and assess just compensation for the City's interest taken in two properties as provided in Ordinance No. 2686, adopted by the Mayor and Council on August 8, 1983; AND

WHEREAS, the commissioners have held proceedings in accordance with Section 1.11 of the City Charter; AND

WHEREAS, the verdict of the commissioners has been rendered and transmitted to the Council on October 11, 1983.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Takoma Park, Maryland that the verdict of the commissioners is hereby confirmed.

October 11, 1983

ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND
OCTOBER 11, 1983.

City of Takoma Park, Maryland

OFFICE OF CITY ADMINISTRATOR
TELEPHONE 270-1700



7500 MAPLE AVENUE
TAKOMA PARK, MD. 20912

Verdict of Commissioners
October 11, 1983

- I. Property Address: 7060 Carroll Avenue, Takoma Park, Maryland
Owners:

Frank Calcara and Jennie Calcara
8212 Old Georgetown Road
Bethesda, Maryland 20814

Benjamin Sherman and Dorothy Sherman
8107 Eastern Avenue
Silver Spring, Maryland 20910

- A. Description of Lot or Parcel Taken (Permanent Easement):
The property described in Part One (Permanent Easement) of Schedule A,
which is attached hereto and incorporated by reference herein.

Value of Lot or Parcel Taken: \$240.00
Amount Assessed Against the City: \$240.00

Description of lot or parcel of private property assessed, and amount
assessed against the same: Not Applicable

- B. Description of Lot or Parcel Taken (Temporary Easement):
The property described in Part Two (Temporary Easement) of Schedule A,
which is attached hereto and incorporated by reference herein.

Value of Lot or Parcel Taken: \$230.00
Amount Assessed Against the City: \$230.00

Description of lot or parcel of private property assessed, and amount
assessed against the same: Not Applicable

Additional Findings:

- 1) The appraisal procedures used by Robert D. Wright, who was employed by a City contractor, appear to be appropriate to lead to a determination of just compensation.
- 2) The value of the land to be taken is \$7.50 per square foot.
- 3) The City has agreed to maintain access, during the period of construction of public improvements, from both Carroll and Tulip Avenues to the service station located on the property.
- 4) Because the lease on the property was not submitted to the record, the commissioners find it impossible to assess claims of damage to the owners and/or tenant resulting from the City's interest in the property.

II. Property Address: 7018 - 7020 Carroll Avenue, Takoma Park, Maryland
Owners:

Alan Leroy Daugharthy and Elizabeth Anne Daugharthy
7020 Carroll Avenue
Takoma Park, Maryland 20912

Description of Lot or Parcel Taken:

As described on Schedule B, attached hereto and incorporated herein by reference

Value of Lot or Parcel Taken: \$20.00

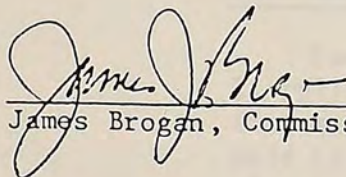
Amount Assessed against the City: \$20.00

Description of lot or parcel of private property taken, and amount assessed against the same: Not Applicable

Additional Findings:

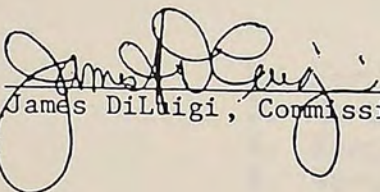
- 1) The value of the land to be taken is \$7.50 per square foot.
- 2) The appraisal procedures used by Robert D. Wright, who was employed by a City contractor, appear to be appropriate to lead to a determination of just compensation.
- 3) While the City has sought an interest in the property for a period of 18 months, the City has demonstrated that construction of public improvements will take only one week. City officials should meet with the owners to discuss the precise timing of the construction.
- 4) The City agreed in testimony to grant temporary parking permits for residents of the property who may be affected by the construction.

Dated this 11th day of October, 1983, in the City of Takoma Park, Maryland


James Brogan, Commissioner

Agree as to # 2, 3 + 4. Dissent as to \$7.50 per sq. ft in # 1. Would agree with Mr. Wright's number of \$8.00 rather than most recent sale of Oct 1983 given the 18 month period in # 4
James Welu, Commissioner

James Welu


James DiLuigi, Commissioner

SCHEDULE "A"
DESCRIPTION OF
PERMANENT AND TEMPORARY EASEMENTS
ACROSS THE PROPERTY OF
FRANK CALCARA, ET UX, ET AL.
WHEATON (13th) DISTRICT
MONTGOMERY COUNTY, MARYLAND

Being two (2) strips or parcels of land hereinafter described across Lot 23 Block 6, as shown on a plat of subdivision entitled "Lipscomb and Earnest, Trust Addition to Takoma Park" and recorded among the Land Records of Montgomery County, Maryland, in Plat Book 1 as Plat 46, said Lot 23, having been obtained by Frank Calcara, Jennie Calcara, Benjamin Sherman, and Dorothy Sherman from Charles Goldberg by deed dated September 29, 1977 and recorded among the aforesaid Land Records in Liber 5033 at Folio 873; and being more particularly described in two (2) parts as follows:

PART ONE (PERMANENT EASEMENT)

Beginning for the same at the true point of beginning, said point being South 29°00'29" West 3.00 feet from a point on the southwesterly right of way line of Tulip Avenue (50 feet wide), 39.00 feet from the common rear lot corner of said Lot 23 and Lot 22, as shown on the aforesaid plat; and running thence from said true point of beginning, in, through, over and across said Lot 23, the four (4) following courses and distances, and also running along the rear of existing walkway, the two (2) following courses and distances:

1. South 60°59'31" East 25.43 feet to a point; thence
2. 10.09 feet along the arc of a curve deflecting to the right having a radius of 12.00 feet and a chord bearing South 36°53'50" East 9.80 feet to a point; thence leaving said walkway and running
3. North 60°59'31" West 34.37 feet to a point; thence
4. North 29°00'29" East 4.00 feet to the true point of beginning; containing 126 square feet or 0.0029 of an acre of land.

PART TWO (TEMPORARY EASEMENT)

Beginning for the same at a point on the northerly right of way line of Carroll Avenue, said point also being at the common front lot corner of the aforesaid Lots 22 and 23; and running thence along part of the common line between said Lots 22 and 23

1. North 29°00'29" East 12.71 feet to a point; thence leaving said common line and running in, through, over and across said Lot 23, the seven (7) following courses and distances
2. North 80°54'40" East 35.10 feet to a point; thence
3. North 65°01'40" East 66.16 feet to a point; thence
4. North 60°59'31" West 27.53 feet to a point; thence
5. North 29°00'29" East 10.00 feet to a point, said point being at the end of the third line as described in the aforesaid Part One; thence running reversely with said third line
6. South 60°59'31" East 34.37 feet to a point; thence
7. 3.11 feet along the arc of a curve deflecting to the right having a radius of 12.00 and a chord bearing South 05°23'14" East 3.10 feet to a point; thence
8. South 02°01'40" West 8.34 feet to a point on the aforesaid right of way line of Carroll Avenue; thence running along said right of way line, the two (2) following courses and distances
9. South 65°01'40" West 74.84 feet to a point; thence
10. South 80°54'40" West 44.34 feet to the place of beginning; containing 1475 square feet or 0.0339 of an acre of land.

PARCEL I.D.: 13-25-1078014

RECORD LEGAL

DESCRIPTION: Lot 23, Block 6
Plat Book 1, Plat 46

PARCEL ADDRESS: 7060 Carroll Avenue, Takoma Park, Md

SCHEDULE "B"

A temporary construction and right-of-entry, for a period of eighteen months beginning with the date of taking, on, over, under, through and across the property described below, for the purpose of construction and installation of public improvements, including but not limited to sidewalks, street paving, curbs and gutters.

A strip or parcel of land hereinafter described across the property obtained by Alan LeRoy Daugharthy and Elizabeth Anne Daugharthy, his wife, from Herbert Allison Davis and David S. Feldmann, by deed dated January 27, 1960, and recorded among the Land Records of Montgomery County, Maryland, in Liber 2713 at Folio 212, said strip or parcel of land also being in, through, over and across Lot 27, Block 6, as shown on a plat of subdivision entitled "Lipscomb and Earnest, Trustees, Addition to Takoma Park" and recorded among the aforesaid Land Records in Plat Book 1, Plat 46

Beginning for the same at a point on the 163.64 foot common dividing line between Lots 28 and 29, as shown on said plat, 15.25 feet from the southerly end thereof; and running thence in, through, over and across said Lot 29, the four (4) following courses and distances, and also running along the face of an existing stone wall, the one (1) following course and distance

1. South $22^{\circ}34'20''$ East 10.00 feet to a point; thence leaving said wall and crossing an existing driveway
2. South $67^{\circ}25'40''$ West 11.00 feet to a point on the face of an existing stone wall; thence running along said face of wall
3. North $22^{\circ}34'20''$ West 10.00 feet to a point; thence leaving said wall and crossing said driveway
4. North $67^{\circ}25'40''$ East 11.00 feet to

the place of beginning; containing 110 square or 0.0025 of an acre of land.

PARCEL I.D. NO.: 13-25-1062235

Parcel Address: 7018-7020 Carroll Avenue,
Takoma Park, Maryland

ORDINANCE NO. 2690

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

SECTION 1. THAT the persons named below, all registered voters of the City of Takoma Park, are hereby designated as Election Judges to serve as a Board of Election for the November 8, 1983 City Election:

Floyd W. Kester, 7116 Poplar Avenue, Chief Judge
 Harold E. Alston, 7710 Maple Avenue, #105
 Jessie H. Bakeman, 214 Domer Avenue
 Pearl G. Blacksin, 652 Kennebec Avenue
 Clarence M. Boatman, 133 Ritchie Avenue
 Ida K. Bowden, 141 Ritchie Avenue
 Sarah C. Euzent, 724 Boundary Avenue
 George E. Friedrich, 8005 Carroll Avenue
 Bertha L. Gesell, 8 Lee Avenue
 Eleanor S. Jaeger, 7213 Trescott Avenue
 Helen T. Johnston, 127 Lee Ave. #3
 Claire B. Kozel, 7804 Wildwood Drive
 Barbara M. McCashin, 925 Sligo Creek Parkway
 Fred Millhiser, 7704 Takoma Avenue
 R. Stanley Parris, 7620 Maple Avenue, #730
 Belinda J. Phillips, 400 Mississippi Avenue
 Evelyn U. Putnam, 604 Elm Avenue
 Nancy J. Ricks, 5 Lee Avenue
 Clem J. Roski, 7203 Holly Avenue
 Cicero Satterfield, 6801 Allegheny Avenue
 Naomi E. Turner, 7667 Maple Avenue, #1001
 G. Edward Zerne, 7302 Garland Avenue
 James J. Neri, 8202 Roanoke Avenue
 Paul W. Allen, Jr., 7301 Garland Avenue
 Paul Weisbord, 6753 Eastern Avenue

SECTION 2. THAT the following persons are hereby designated as Alternate Election Judges, to be called for service by the City Clerk only in the event of unforeseen vacancies or necessity:

Neva B. Stearns, 7401 Piney Branch Road
 John H. Leonard, 600 Ethan Allen Avenue
 Beverly Henry, 7777 Maple Avenue, #306
 Rosemarie Dillingham, 7018 Carroll Avenue

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MD. OCTOBER 11, 1983.

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

SECTION 1. THAT it has been determined that the City Library heating and air conditioning system is in need of immediate repair, and that such repair can only be accomplished by the replacement of certain elements; AND

SECTION 2. THAT bids were solicited from qualified dealers and advertised twice in two newspapers of local circulation, with bids received having been publicly opened on October 6, 1983 at 3:00 PM; AND

SECTION 3. THAT the low bid of \$18,847 from James R. Harris, Inc. is hereby accepted for installation of the following equipment:

Condensing units: 2 - 7-1/2 HP factory package with semihermetic compressor; 208 volts, 3 phase, 60 cycle, 90,000 BUT/hr. at 95° ambient, UL approved

Cooling coils: 2 - 7-1/2 ton capacity, upflow with casing that matches furnaces to be installed

Furnaces: 2 upflow with 3140 CFM at .7 ESP, minimum 200,000 BTU/HR, UL approved.

SECTION 4. THAT funds in the amount of EIGHTEEN THOUSAND, EIGHT HUNDRED FORTY-SEVEN DOLLARS (\$18,847) to cover the above-described equipment and installation costs be appropriated from the General Contingency Fund.

ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MD. OCTOBER 11, 1983.

ORDINANCE NO. 2692

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

SECTION 1. THAT the FY-1984 City Budget provided funds for the purchase of one police cruiser; AND

SECTION 2. THAT bids were solicited from qualified dealers and advertised twice in two newspapers of local circulation, and bids received were publicly opened at 2:00 PM on October 6, 1983; AND

SECTION 3. THAT two bids were received, with the low bid of \$10,485 having been received from Steuart Motor Co., Lanham, Maryland.

SECTION 4. THEREFORE THAT the bid from Steuart Motor Co. be hereby accepted for one 1984 Ford Crown Victoria 4-door sedan for the net amount of TEN THOUSAND, FOUR HUNDRED EIGHTY-FIVE DOLLARS (\$10,485); AND

SECTION 5. THAT funds to cover the above-described purchase be appropriated from the Police Department Capital Budget.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MD. OCTOBER 11, 1983

ORDINANCE NO. 2693

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

SECTION 1. THAT whereas it has been reported to the Mayor and Council by the City Administrator that conditions are prevalent so as to make the building identified as 7142 Carroll Avenue, situated on Lots 14 and part of 15, Block 2, Hill Crest Subdivision within the City of Takoma Park, Maryland, recorded in the Land Records of Montgomery County in Liber 648 at Folio 389, and Tax Record A/C #1070645 and #1070656, H. A. and F. T. Masterton, unfit for human habitation; AND

SECTION 2. THAT the building referred to in Section 1 of this Ordinance is presently in violation of PM 300.3; PM 301.1; PM 301.6; PM 302.3.2; PM 302.3.7; PM 302.4; and PM 302.4.6 of the Code of Takoma Park, Md., 1972, as amended; AND

SECTION 3. THAT certain members of the city staff have inspected the building referred to in Section 1 of this Ordinance and have verified the conditions to be as reported.

SECTION 4. THEREFORE THAT H. A. Masterton and F. T. Masterton show cause on or before November 14, 1983 why the maintenance of the building at 7142 Carroll Avenue, Takoma Park, Maryland, should not be declared a nuisance, provided that notice of the passage of this ordinance and a copy of the same be served on Herbert A. Masterton and F. T. Masterton pursuant to Article 6 of the Code of Takoma Park, Md., 1982, as amended; AND

SECTION 5. THAT the date of November 14, 1983, at 8:00 P.M., at 7500 Maple Avenue, Takoma Park, Maryland, is hereby set for the time and the place for a Hearing as to the condition of the aforementioned building, and the City Clerk is instructed to give notice within ten days of the adoption of this Ordinance to all persons known to be involved in these proceedings in accordance with Article 6 of the City Code.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MD. OCTOBER 11, 1983.

ORDINANCE NO. 2694

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

- SECTION 1. THAT whereas it has been reported to the Mayor and Council by the City Administrator, in his capacity as the chief administrative officer of the city and in his capacity as Fire Marshal of the City, that the building named in section 2, below, is unfit for human habitation and is in such condition as to constitute an immediate and present danger to life, property and public safety; AND
- SECTION 2. THAT the building described in Section 1, above, is located at 7309 Flower Avenue, on Lot 5, Block 46, Fletcher's Addition to Takoma Park, within the City of Takoma Park, recorded in the Land Records of Prince George's County in Liber 5345 at Folio 031, and Tax Record A/C #27298-00-006, Kunjukunjamma M. Kuriakose, owner of record; AND
- SECTION 3. THAT the building referred to in Sections 1 and 2, above, is presently in violation of the Fire Safety Code of the City of Takoma Park and is in violation of the following sections of the Housing Code: Sec. 6-63; PM 300.3; PM 301.1; PM 302.2; PM 302.3; PM 302.3.1; PM 302.3.2; PM 302.3.3; PM 302.3.7 and PM 302.4; AND
- SECTION 4. THAT certain members of the city staff have inspected the building referred to in Sections 1 and 2 of this ordinance and have verified the conditions to be as reported.
- SECTION 5. THEREFORE THAT the Mayor and Council hereby designate the building located at 7309 Flower Avenue as unfit for human habitation and hereby authorize the legal procedure for condemnation under authority of Article 6, Chapter 6, of the Code of Takoma Park, 1972, as amended, and the Fire Prevention Code, known as Chapter 5, of the Code of Takoma Park, Md., 1972, as amended; AND
- SECTION 6. THAT the date of November 14, 1983, at 8:00 PM, at 7500 Maple Avenue, Takoma Park, Maryland, is hereby set for the time and the place for Hearing as to the condition of the aforementioned building, and the City Clerk is instructed to give notice within ten days of the adoption of this ordinance to all persons known to be involved in these proceedings, in accordance with the aforementioned articles and sections of the City Code.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MD. OCTOBER 11, 1983.

PROPOSED ORDINANCE

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 addition of a new Section 13-64.3, as set forth below:

Article 7. Stopping and Parking

Sec. 13-64.3. Flagging penalty.

(a) Any owner of a vehicle who shall receive a warning letter from the City pursuant to the provisions of the Maryland Motor Vehicle Administration's parking violation and flagging procedures, or shall seek to obtain a parking fine receipt from the City in order to register said vehicle, shall be subject to a fine of ten dollars (\$10.00) for each outstanding violation in addition to those penalties incurred as a result of other violations of this chapter.

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

PROPOSED ORDINANCE

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

SECTION 1. THAT the Historic Preservation Committee was created by the Mayor and Council by Ordinance No. 2608, adopted May 10, 1982, as a seven member body; AND

SECTION 2. THAT the Committee has requested that their membership be enlarged to nine to more adequately meet their responsibilities.

SECTION 3. THEREFORE THAT Section 4.A, Article 2, Ordinance No. 2608, be amended to read as follows:

A. Membership. The Committee shall consist of nine (9) voting members appointed by the Mayor of Takoma Park, subject to the approval of the City Council, and three (3) ex officio members. Each voting member shall be a resident of Takoma Park, Maryland. The ex officio members shall be the Mayor of Takoma Park, or his designee from the City Council, and one member from each of the Commissions. The voting members of the Committee shall include, to the extent possible, a citizen with expertise in history, a citizen with expertise in architecture or art history, a citizen with expertise in construction or business, and at least one citizen with demonstrated interest in historic preservation. The members of the Committee shall, to the extent possible, be selected to represent the cultural, social, economic, and geographic interests of the City. In appointing members, the Mayor and City Council shall ensure that these areas of expertise and interest are, to the extent possible, represented on the Committee.

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

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
October 24, 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

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) Swearing in of Police Chief (pending agreement on terms of employment)
 - (3) Consideration of City's position on "Accessory Apartments" (Councilmember Iddings)
Citizens' comments
Council action
 - (4) Second Reading of a proposed ordinance instituting 15-minute parking restriction in the vicinity of 7714 Takoma Avenue
Citizens' comments
Council action
 - (5) Second Reading of an ordinance imposing a fine on persons subject to Maryland Motor Vehicle Administration's flagging program
Citizens' comments
Council action
 - (6) First Reading of an ordinance amending Ordinance 2592, Takoma Old Town Facade Ordinance
Citizens' comments
First reading
 - (7) Second Reading of an ordinance enlarging the size of the Historic District Committee
Citizens' comments
Council action
 - (8) First Reading of an ordinance accepting a bid on the demolition of 7312 Jackson Avenue (City-owned property)
Citizens' comments
First reading

ADJOURNMENT

Second Readings of the housing-related ordinances (Ordinance No. 2587, Landlord-Tenant Relations Code, and Basic Property Maintenance Code amendments) will be held at the City Council Meeting of Monday, November 14, 1983.

CITY OF TAKOMA PARK, MARYLAND
REGULAR MEETING OF THE MAYOR AND COUNCIL
OCTOBER 24, 1983

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Nichols
Councilmember Bradley	Recreation Director, Ziegler
Councilmember D'Ovidio	Acting Police Chief, Gowin
Councilmember Eckert	Sgt. John Duvall
Councilmember Faulkner	Corporation Counsel Gagliardo
Councilmember Garcia	Asst. Corporation Counsel DeNovo
Councilmember Iddings	
Councilmember Williams	

The Mayor and City Council of Takoma Park, Maryland, met on October 24, 1983, at 8:05 p.m., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the meeting proceeded.

ADDITIONAL AGENDA ITEMS

Councilmember D'Ovidio announced that the North Takoma Citizens' Association had asked that Item No. 4, the proposed ordinance instituting a 15-minute parking restriction on Takoma Avenue be postponed until the next Council meeting.

Mayor Abbott requested that Item No. 5, the Flagging Program Ordinance be postponed due to technicalities.

Councilmember Faulkner reported that the Prince George's County Executive, Parris Glendening has introduced a property tax differential bill to the County Council. Seven of the nine County Council members are expected to support the bill. It would reduce the amount of property tax paid by Takoma Park Prince George's residents by about \$500,000. The rate reduction would be phased in over a two year period. Councilmember Faulkner moved that the Council write to Prince George's County Councilmember Cicoria, the City's representative, asking for support of the bill. He suggested that Montgomery County investigate the Prince George's County formula for its benefits to municipal residents. The City would have to regain the grant that it is now getting from both Counties. Councilmembers Bradley, D'Ovidio and Iddings suggested further investigation into this matter. Councilmember Faulkner stated that the Prince George's County tax rate last year was \$2.52, which would be reduced by 90 cents if the bill is adapted. If the two Counties go into the program, the net gain for Takoma Park residents would be 20 cents from the tax rate after the grants are recovered. Councilmember Garcia seconded the motion. Councilmember Iddings stated opposition because of lack of information; Councilmember Garcia stated his support. Later in the meeting, Councilmember Bradley moved to table support of the Bill until further information was received. Councilmember D'Ovidio seconded the motion to table; the motion passed with a vote of 4:2, with Councilmember Eckert temporarily absent from the meeting.

Mayor Abbott announced the attendance of Montgomery County Delegates Sheila Hixon and Diane Kirchenbauer at the Council Meeting.

Councilmember D'Ovidio reported on the first meeting of the Committee established by the General Assembly to work on the Unification issue. The Committee discussed the unification bill as well as other issues that have an impact on the City as a result of being divided into two counties. Councilmember Faulkner noted that Mary Terchek is the City's representative on the Committee, stating he had no knowledge as to why she was selected or what her opinion is on unification.

GENERAL CITIZEN'S REMARKS

Phil Vogel, 7117 Garland Avenue: Informed the Council that the zoning matter on 7403 Garland Avenue had been discussed on numerous occasions and that the technical staff report from the Park and Planning Commission is now out. Mr. Paul Field, Park and Planning Staff representative, recommended that the Commission approve the special exception (No.3447) for a three-apartment dwelling. The matter is scheduled for discussion on Thursday, October 27, at which time the Commission will decide whether or not they will hear the matter. If they decide to hear it, they would make their recommendation based on a majority vote. Mr. Vogel stated that the staff report was based on questionable rationale and contained substantive errors; that the Board of Appeals had denied two requests for extension of time to correct the zoning violation. He requested that the Council notify Park and Planning that there are problems with the staff report. Councilmember D'Ovidio so moved; Councilmember Faulkner seconded the motion. Councilmembers requested that the specific problems be enumerated in the communication, and that the request violates the Master Plan of the City. Mr. Vogel informed the Council that on November 2, the Zoning Hearing Examiner will hear this case.

Robert Mulligan, 7405 Garland Avenue: Pleased that the Council will continue to support citizens regarding zoning matters.

The motion to reaffirm opposition to grant a special exception at 7403 Garland Avenue was passed unanimously.

Phil Vogel: Spoke of the condition of 7709 Carroll Avenue; although it is an eyesore for the neighborhood, would hate to see it demolished. Believed that the neighborhood citizens' association had an interested buyer, if it could be converted into a two dwelling unit.

Saul Schneiderman, 7925 Sligo Creek Parkway: Informed the Council and citizens on the final figures on the funds raised at the Folk Festival. The Festival supports various youth organizations. \$1500 was given to a variety of organizations: \$400.00 to the Takoma Repertory, for a summer scholarship to be given to the D.C. representative; \$300.00 to the Takoma Park Boys and Girls Club; \$250.00 to the Takoma Park Youth Soccer Club; \$250.00 to the Takoma Park Girl Scouts. Mr. Schniederman thanked the City departments for their help.

Dr. Joseph Lerner, 7708 Takoma Avenue: Announced that the new President of the North Takoma Citizens' Association is Linda Peeke. Further noted problems with the abandoned auto ordinance. Hoped for more vigorous enforcement and would like to see a full report on this issue from the new Council. Informed citizens that the North Takoma Citizens' Association will sponsor a debate on November 1, at Montgomery College between the nominees for Mayor; urged participation. Hoped that the November issue of the Newsletter would contain a detailed report on campaign contributions of \$50.00 or more and a listing of expenditures by the candidates.

Herman Williams, 7777 Maple Avenue: Announced that the son-in-law of Clara Wilson, a city resident, was killed in Beirut. A moment of silence was given by the Council to pay respect.

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

(1) Swearing in of Police Chief

Mayor Abbott swore in the new Police Chief, Anthony F. Fisher. The terms of the contract had been finalized earlier and a picture session took place, after which Chief Fisher gave an acceptance speech. Councilmember Iddings moved for a formal resolution of the appointment; Councilmember Bradley seconded the motion. The resolution passed unanimously with Councilmember Williams temporarily excused from the meeting. Councilmember Iddings thanked Acting Police Chief Gowin for the efficient work and innovations that he had contributed during his tenure in that position. Chief Fisher will assume his duties on Tuesday, October 25, 1983.

Mayor Abbott stated his appreciation for the work of the members of the Police Department during the budget sessions.

(2) Consideration of City's position on "Accessory Apartments"

Councilmember Iddings stated that in March of this year, the Montgomery County Council appointed a thirteen-member task force to examine the issue of Accessory Apartments and to make recommendations for the development of a Zoning Text Amendment (ZTA) and implementing Accessory Apartments in Montgomery County. Councilmember Iddings served as the Takoma Park representative. The Committee was directed to come up with ways that Accessory Apartments could be implemented, not whether or not it was a desired way of meeting the County's housing needs. The Committee made the following recommendations: that the County Council enact legislation that would permit Accessory Apartments in Montgomery County as a special exception use subject to the following conditions: that there be a special exception process before the Board of Appeals; the apartments to be licensed by the County Office of Landlord/Tenant Affairs, inspected every three years, and meet administrative requirements; they would be permitted in detached homes, which are owner occupied, in all single-family zones in Montgomery County; an excessive concentration in any one neighborhood would not be permitted; other conditions were: the homes must be at least five years old; apartments must be internal to the main dwelling on lots under one acre, have a second entrance way from the street, and one off-street parking space per house. These recommendations were then drafted into ordinance form by County Council staff and introduced on September 20, 1983, with a public hearing to be held on November 1, 1983 at 7:30 p.m., in Rockville. Further explained ZTA 77003, which is currently in force the City. ZTA 77003, enacted in 1978, is a County-wide ordinance which requires all multi-family properties in single-family (R-60 & R-40) zones to convert back to single-family use by 1988. According to the amendment, the property owners would have the option to apply for a special exception and, if approved, could continue to operate as multi-family beyond the 1988 conversion date. It was noted that the majority of these converted single-family homes are located in Takoma Park and the lower portion of Silver Spring. Councilmember Iddings noted for the record that it is unconstitutional in a zoning issue to eliminate or create classes of people such as owner-occupants and non-owner-occupants; therefore, the argument is that an ordinance that requires owner-occupancy would be illegal. If this position is not accepted by the County Council majority, it will be one of the amendments discussed at the public hearing. Further recommended that if the County decides to adopt the law, a section should be added declaring that the entire division creating Accessory Apartments be made null and void if any section is declared illegal or unconstitutional and the existing special exceptions be allowed to expire at the end of their term. The rationale for excluding new construction was that the County was asked to look at existing housing. Noted that the final report argued for outright owner-occupancy and that is the way the ordinance reads. If a Council

majority is convinced that the ordinance will be attacked on those grounds, they may choose not to implement it. This ordinance grew out of the County's housing policy adopted in 1981 calling for a multi-faceted attack on the problems of rental housing within the County. Mayor Abbott noted that Takoma Park had more residents renting than living in private homes and asked if this had been addressed. Councilmember Iddings stated that this was the real issue and the matter was not adequately addressed.

Dr. Frances Phipps, 7210 Holly Avenue: Stated that the City has had the same struggle for the last ten years, and that accessory apartments would provide no benefits for Takoma Park; that the community Improvement Board had voted against it. Suggested a floating zone for a trial experience to see if there is an actual need for accessory apartments in other areas than Takoma Park and Silver Spring. She stated that homeowner associations should sue in order to have the problem on record. She also said that the County cannot enforce or inspect all the units, and when they do their inspections are not adequate.

Dr. Joseph Lerner, 7708 Takoma Avenue: Suggested a trial for only newer houses five years old or newer because they would be up to code. Noted the need for an article in the Newsletter regarding this issue.

Ron Albaugh, 7202 Central Avenue: Asked if Park and Planning had reviewed or commented on the legislation. He expressed the opinion that the ordinance would conflict with the Master Plan, and suggested that Park and Planning and Social Services comment. Councilmember Iddings stated that he raised the option before the Committee that the treatment of accessory apartments should be dealt with in the same way that Sec. 8 housing projects were treated. The County Executive would determine which areas of the County had an over concentration of HOC assisted and Sec. 8 apartments and those areas would not receive more projects. Noted that the County Executive supported the ZTA and would like to see it phased-in in a limited way. Councilmember Iddings further stated that as part of the special exception process, the City would be notified when residents applied for special exception and/or transfers from one property owner to another, putting the burden on the neighborhood residents if there were objection to the transfer.

Abbey Mandel, 7003 Woodland Avenue: Spoke as a member of the Steering Committee for the Homeless Committee of Silver Spring, "HELP." The Committee is in favor of the legislation because it would help limit the number of the homeless; urged Council not to testify against the ZTA; asked if it were possible to opt out Takoma Park, but not cancel out all of the County. Informed Council that the shelter for homeless men would open on November 1, 1983 in Bethesda. Councilmember Iddings noted a real need for low-cost housing in Montgomery County.

Rino Aldrighetti, 7213 Central Avenue: Agreed with Mrs. Mandel's comments on the homeless, but said Takoma Park has gone through many problems with its housing stock; ZTA 77003 dealt specifically with that problem in Takoma Park. He expressed the hope that the City can opt out. Councilmember D'Ovidio noted that he was not sure that the ZTA adequately addressed the needs of the homeless; that rent for accessory apartments is not as high as apartment building rent, but was fairly close. Councilmember Iddings described an accessory apartment in Takoma Park that would fall under this bill.

Mayor Abbott noted that his feeling was that a City should have the authority to make the decision for accessory apartments. Individual communities did not have the power to enforce zoning codes.

Councilmember D'Ovidio moved that the Council go on record as strongly opposing the accessory apartments legislation, based on the fact that the City is in the middle of a phase-out period under Zoning Text Amendment 77003, and that Takoma Park should be exempted as a municipality; Councilmember Eckert seconded the motion. Councilmember Iddings noted his desire to work with Corporation Counsel to develop language that would be legal to take back to the Committee on the issue. Councilmember Bradley expressed support for the motion, adding that she is not against accessory apartments, but that code enforcement would be difficult. Councilmember Faulkner stated his reasons why ZTA 77003 should be combined with the proposed legislation. The motion that Takoma Park be exempt from the proposed ZTA passed unanimously.

(5) First Reading of an ordinance amending Ordinance 2592, Takoma Old Town Facade Ordinance

Corporation Counsel explained the amendments to the ordinance, which conform to the municipal infraction enforcement approach and provide for a commission. It was accepted for first reading.

PROPOSED ORDINANCE
(Attached)

(6) Ordinance enlarging the size of the Historic Preservation Committee

Councilmember Faulkner moved the ordinance enlarging the size of the Historic Preservation Committee from 7 to 9 members; Councilmember D'Ovidio seconded the motion. Ordinance No. 2645 was adopted, with the roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Faulkner, Garcia, Williams; Nay: None; Excused: Councilmembers Eckert and Iddings.

ORDINANCE NO. 2695
(Attached)

(7) Ordinance accepting a bid on the demolition of 7312 Jackson Avenue (City-owned property)

The City Administrator explained that this pertains to a structure on a property recently acquired through Program Open Space, which is to be used as a park. Councilmember D'Ovidio moved to accept the bid of Lee Washington Associates; Councilmember Garcia seconded the motion. Ordinance No. 2696 was adopted with the roll call voted recorded as follows: Aye: Councilmembers D'Ovidio, Faulkner, Garcia, Iddings, Williams; Nay: None; Excused: Councilmember Eckert; Abstentions: Councilmember Bradley.

ORDINANCE NO. 2696
(Attached)

Upon proper motion, the meeting adjourned at 10:30 p.m., to reconvene on Monday, November 14, 1983 at 8:00 p.m.

ORDINANCE NO. _____

WHEREAS, the Mayor and Council wish to clarify and amend the provisions for enforcement of Ordinance No. 2592, relating to design standards for the Takoma Old Town commercial revitalization area;

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

Sec. 1. That Section 2 of Ordinance No. 2592 be and it hereby is repealed and reenacted to read as follows:

"Section 2. Non-Compliance with Design Standards; Enforcement.

(a) All properties subject to this ordinance shall be in compliance with its provisions within 24 months of the date of enactment of Ordinance No. 2592 on November 9, 1981, that is, by November 9, 1983.

(b) Notice of Violation. Whenever the City Administrator or the Administrator's designee determines that a property is not in compliance with this ordinance, that official shall issue a notice of violation which shall be served on the property owner. The notice of violation shall:

(i) be in writing and include a description of the property sufficient for identification;

(ii) include a statement of the reason or reasons why it is being issued;

(iii) include a statement of the corrective action required to bring the property into compliance with this ordinance;

(iv) state a reasonable time, not to exceed 15 days, for the property owner to complete the corrective action necessary to bring the property into compliance with this ordinance.

The notice of violation shall be deemed to have been properly served on the property owner if it is served by personal delivery or if it is sent by registered or certified mail to the property owner's last known address or if the owner is served by any other method authorized by the laws of the state of Maryland.

(c) Appeal to Commissioners.

(1) Any property owner may appeal the determination

that the owner's property is not in compliance with this ordinance by filing a request for a hearing with the City Administrator within ten days of service of the notice of violation.

(2) The Mayor shall appoint three disinterested commissioners to decide, upon request by a property owner, whether properties subject to this ordinance are in compliance with its provisions. The commissioners shall be residents of the City of Takoma Park with experience or expertise in architecture, design, urban planning, real estate, construction or related fields; provided, however, that no commissioner shall have any financial interest in any property subject to this ordinance. Persons under consideration for appointment as commissioners under this ordinance shall disclose any financial interest they may have in any property subject to this ordinance and shall provide such additional information as the Mayor and Council may request.

(3) The commissioners appointed under subsection (2) above shall hold a fact-finding hearing to determine whether or not the property of an owner who has appealed is in compliance with this ordinance. Notice of the hearing and its time and place shall be given to the property owner and to any other persons known to the commissioners who may be affected by the determination. Such notice shall be prepared and transmitted in such form and process as the commissioners may prescribe. The hearing shall be open to the public. The commissioners may request from the property owner and other parties such information and documents as they may consider relevant. Any party to a hearing, at the party's option, may appear in person before the commissioners, 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. Upon request by any party to the proceeding, the City Administrator shall furnish such party a copy of the hearing record at such charges as are necessary to meet costs.

(4) The commissioners shall render their decision in writing, in such form and with such findings as they may prescribe. If the commissioners find, after the hearing, that the property is not in compliance with this ordinance, they may, at their discretion, extend the period for compliance with the provisions of this ordinance to a property owner who (i) has demonstrated that the property is under consideration for new development by submitting the design proposal, the financing proposal and a letter of intent from the prospective developer; or (ii) initiated facade renovation to the property.

(d) (1) Any violation of this ordinance not corrected within any extension period for compliance specified by the commissioners under subsection (c) (4) above shall be a municipal infraction. The minimum fine for each violation shall be \$_____ and the maximum fine shall be \$_____ for each initial violation and \$_____ for repeat or continuing violations, or such other greater maximums as may be permitted by state law. The minimum fine may be suspended only upon a finding that such violation is not a repeat or continuing violation and that no willfulness was involved. (Each day for which the violation exists after the issuance of a municipal infraction citation or after the expiration of any time for compliance specified by the commissioners under subsection (c) (4) above, as the case may be, shall constitute a separate offense.) The provisions of Sec. 1.17(b) of the City Code are repealed, to the extent that they are inconsistent with this section.

(2) Without limitation or election against any other available remedy, the City or any other aggrieved party may apply to a court of competent jurisdiction for an injunction enjoining any violation of this ordinance. The court shall award attorney's fees and costs to any party who succeeds in obtaining an injunction hereunder.

ORDINANCE NO. 2695

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

SECTION 1. THAT the Historic Preservation Committee was created by the Mayor and Council by Ordinance No. 2608, adopted May 10, 1982, as a seven member body; AND

SECTION 2. THAT the Committee has requested that their membership be enlarged to nine to more adequately meet their responsibilities.

SECTION 3. THEREFORE THAT Section 4.A, Article 2, Ordinance No. 2608, be amended to read as follows:

A. Membership. The Committee shall consist of nine (9) voting members appointed by the Mayor of Takoma Park, subject to the approval of the City Council, and three (3) ex officio members. Each voting member shall be a resident of Takoma Park, Maryland. The ex officio members shall be the Mayor of Takoma Park, or his designee from the City Council, and one member each from the Montgomery County and Prince George's County Historic Preservation Commissions. The voting members of the Committee shall include, to the extent possible, a citizen with expertise in history, a citizen with expertise in architecture or art history, a citizen with expertise in construction or business, and at least one citizen with demonstrated interest in historic preservation. The members of the Committee shall, to the extent possible, be selected to represent cultural, social, economic, and geographic interests of the City. In appointing members, the Mayor and City Council shall ensure that these areas of expertise and interest are, to the extent possible, represented on the Committee; AND

SECTION 4. THAT this ordinance shall become effective upon adoption

ADOPTED BY THE MAYOR AND COUNCIL OCTOBER 24, 1983.

ORDINANCE NO. 2696

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

- SECTION 1. THAT, in accordance with authorization given by the Mayor and Council, bids were solicited and advertised twice in two newspapers of local circulation for the demolition of the City-owned structure at 7312 Jackson Avenue; AND
- SECTION 2. THAT bids were opened at 2:00 PM, October 19, 1983, with two bids having been received; AND
- SECTION 3. THAT the low bid submitted by Lee Washington, Inc., Washington, D. C., in the amount of \$2,500 be hereby accepted; AND
- SECTION 4. THAT funds to cover the cost of demolition in the amount of TWO THOUSAND, FIVE HUNDRED DOLLARS (\$2,500) be appropriated from the General Contingency Fund.

ADOPTED BY THE MAYOR AND COUNCIL OCTOBER 24, 1983.