

City of Takoma Park, Md.  
Special Meeting of the Mayor & Council  
November 9, 1983

The Special Meeting convened at 8:30 p.m. in the Council Chamber of the Municipal Building, with Mayor Abbott in the Chair. Members of the Council present were: Councilmembers Eckert, Garcia, D'Ovidio and Iddings. Also present were City Administrator Nichols, City Clerk Pusti.

The Mayor and Council then received the report of the Election Judges on the results of the November 8, 1983 City Elections, which was delivered by Chief Judge Floyd W. Kester. The report is attached hereto and made a part of these minutes. Upon completion of Chief Judge Kester's reading of the report, Councilmember Iddings moved for acceptance. Motion was duly seconded by Councilmember Garcia and unanimously carried. Following this, Certificates of Election were presented to the newly elected Mayor and Council -- Mayor Abbott, Councilmembers D'Ovidio (Ward 1), Iddings (Ward 2), Dalmat (Ward 3), Williams (Ward 4), Bradley (Ward 5), Haney (Ward 6) and Aldrighetti (Ward 7).

Mayor Abbott thanked the Election Judges and commended them on their efficiency and dedication.

The meeting adjourned at 8:45 p.m.

November 9, 1983

Mayor and City Council  
City of Takoma Park  
7500 Maple Avenue  
Takoma Park, Maryland 20912

Mayor and Councilmembers:

The duly appointed and qualified Board of Election Judges are pleased to submit the following report of the City Election held on the 8th day of November 1983, in the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

The Board was organized as follows: Floyd W. Kester, Chief Judge; Harold E. Alston, Jessie H. Bakeman, Pearl G. Blacksin, Clarence M. Boatman, Ida K. Bowden, Sarah C. Euzent, George E. Friedrich, Bertha L. Gesell, Eleanor S. Jaeger, Helen T. Johnston, Claire B. Kozel, Barbara M. McCashin, Fred Millhiser, R. Stanley Parris, Belinda J. Phillips, Evelyn U. Putnam, Nancy J. Ricks, Clem J. Roski, Cicero Satterfield, Naomi E. Turner, G. Edward Zerne, James J. Neri, Paul W. Allen, and Paul Weisbord as Judges. The prescribed Oath of Office was taken before Mayor Abbott. The polls were opened at the legal hour of 7:00 AM, and closed at the legal hour of 8:00 PM.

The following candidates for Mayor received the number of votes set opposite their names:

|                    |      |
|--------------------|------|
| Sammie A. Abbott   | 1933 |
| Joseph A. Faulkner | 1334 |

Candidates for Councilmember received the number of votes set opposite their names below:

WARD 1, Montgomery County:

|                   |     |
|-------------------|-----|
| Louis H. D'Ovidio | 479 |
|-------------------|-----|

WARD 2, Montgomery County:

|                    |     |
|--------------------|-----|
| Carlton A. Iddings | 423 |
|--------------------|-----|

WARD 3, Montgomery and Prince George's Counties:

|                   |     |
|-------------------|-----|
| Gail B. Dalmat    | 348 |
| Marie M. Holloway | 234 |

WARD 4, Montgomery County:

Herman Williams 235

WARD 5, Montgomery County:

Lynne E. Bradley 279

WARD 6, Prince George's and Montgomery Counties:

Timothy P. Gallagher 195

Michael K. Haney 262

WARD 7, Prince George's and Montgomery Counties:

Rino R. Aldrighetti 304

The following candidate for Mayor received the highest number of votes, and was duly elected Mayor for a period of two years from the third Monday in November 1983:

**Sammie A. Abbott**

The following candidates for Councilmember received the largest number of votes in their respective wards and were duly elected Councilmembers for a period of two years from the third Monday in November 1983.

WARD 1:

Louis H. D'Ovidio

WARD 2:

Carlton A. Iddings

WARD 3:

Gail B. Dalmat

WARD 4:

Herman Williams

WARD 5:

Lynne E. Bradley

WARD 6:

Michael K. Haney

WARD 7:

Rino R. Aldrighetti

The votes cast on Question A, Local Referendum on House Bill 777, are listed below. A copy of the full text of House Bill 777 is appended hereto.

QUESTION A  
LOCAL REFERENDUM HB 777

An Act Concerning Montgomery County--  
Alcoholic Beverages Licenses--Takoma Park

For the purpose of permitting the voters of Takoma Park, Montgomery County, to authorize the issuance, renewal, or transfer of certain alcoholic beverages licenses within the County section of Takoma Park.

FOR Question A                    1223

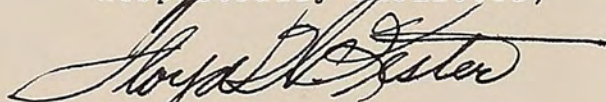
AGAINST Question A                798

The voters of the Montgomery County section of Takoma Park have therefore approved House Bill 777.

The election returns indicate that 3305 registered voters cast their votes, 72 of which were cast by absentee ballot. The City Clerk informs us that there were a total of 8549 certified registered voters, 6189 of whom are registered in Montgomery County and 2360 in Prince George's County.

Certificates of Election in accordance with the results stated above have been prepared, and it is my pleasure to present them at this time.

Respectfully submitted,



Floyd W. Kester  
Chief Judge

(6) A NONPROFIT ORGANIZATION MAY NOT CONDUCT MORE THAN 2 RAFFLES PER YEAR.

(7) AFTER A PUBLIC HEARING, MONTGOMERY COUNTY MAY REVOKE THE PERMIT OF ANY HOLDER FOR FAILURE TO COMPLY WITH PROVISIONS OF THIS SECTION OR OF ANY REGULATIONS ADOPTED BY THE COUNTY PURSUANT TO THIS SECTION.

(8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A NONPROFIT ORGANIZATION MAY CONDUCT 50/50 RAFFLES WITHOUT LIMITATION SO LONG AS THE PRIZE PER RAFFLE DOES NOT EXCEED THE SUM OF \$150.

(B)(E) ANY PERSON, OR LEGAL OR BUSINESS ENTITY, INCLUDING ANY NONPROFIT ORGANIZATION, THAT VIOLATES ANY OF THE PROVISIONS OF THIS SECTION OR ANY REGULATION ADOPTED BY MONTGOMERY COUNTY UNDER THE AUTHORITY GRANTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR, AND ON CONVICTION IS SUBJECT TO A TERM OF IMPRISONMENT OF NOT MORE THAN 1 YEAR, OR A FINE OF \$1,000, OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 2 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1983.

Approved May 10, 1983.

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CHAPTER 242

(House Bill 777)

AN ACT concerning

Montgomery County - Alcoholic Beverages Licenses - Takoma Park  
MC 246-83

FOR the purpose of permitting the voters of the City of Takoma Park, Montgomery County, to authorize the issuance, renewal, or transfer of certain alcoholic beverages licenses within the County section of Takoma Park; providing that this proposal shall be submitted to the city's voters; providing that this Act is contingent on a favorable election result;

providing that, subject to the referendum, Takoma Park is excepted from certain general provisions prohibiting the issuance of any alcoholic beverages licenses; generally relating to the City of Takoma Park and the issuance, renewal, or transfer of alcoholic beverages licenses; and clarifying a reference to Takoma Park as a city.

BY adding to

Article 2B - Alcoholic Beverages  
Section 37(d)  
Annotated Code of Maryland  
(1981 Replacement Volume and 1982 Supplement)

BY repealing and reenacting, with amendments,

Article 2B - Alcoholic Beverages  
Section 37(a)  
Annotated Code of Maryland  
(1981 Replacement Volume and 1982 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 2B - Alcoholic Beverages

37.

(a) (1) In Montgomery County, no license for the sale of alcoholic beverages authorized by this article shall be issued for any place of business located in any one of the following election districts or towns of said county: Laytonsville (1st district), Clarksburg (2nd district), Darnestown (6th district), and Damascus (12th district), and the towns of Barnesville, Kensington, [Takoma Park and] Washington Grove AND THE CITY OF TAKOMA PARK. In the town of Barnesville, the Montgomery County board of license commissioners may issue a special 7 day on-sale beer, wine, and liquor license to any bona fide religious, fraternal, civic, or charitable organization.

(2) THE CITY OF TAKOMA PARK IS EXCEPTED FROM THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION IF SUBSECTION (D) OF THIS SECTION BECOMES EFFECTIVE.

(D) THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE, RENEW, AND TRANSFER AND OTHERWISE PROVIDE FOR 3 CLASSES OF ALCOHOLIC BEVERAGES LICENSES IN THE MONTGOMERY COUNTY SECTION OF TAKOMA PARK AS FOLLOWS:

(1) CLASS B (ON-SALE) BEER AND LIGHT WINE, HOTEL AND RESTAURANT LICENSES;

(2) CLASS H (ON-SALE) BEER AND LIGHT WINE, HOTEL AND RESTAURANT LICENSES; AND

926

LAWS OF MARYLAND

Ch. 242

(3) CLASS B (ON-SALE) BEER, WINE, AND LIQUOR, HOTEL AND RESTAURANT LICENSES.

SECTION 2. AND BE IT FURTHER ENACTED, That before this Act becomes effective it shall first be submitted to a referendum of the legally qualified voters of Montgomery County section of Takoma Park, at the general election to be held in November of 1984 or the next municipal election. There shall be printed on the ballots or ballot labels to be used at the Montgomery County section of Takoma Park the title of this Act and underneath the title, on separate lines, a square or box to the right of and opposite the word "For," and a corresponding square or box to the right of and opposite the word "Against," so that the voters of the Montgomery County section of Takoma Park are able to designate his or her decision for or against this Act. If a majority of the votes cast in the election in the Montgomery County section of Takoma Park are "For," then this Act shall become immediately effective, but if a majority of the votes cast in the Montgomery County section of Takoma Park are "Against," then this Act is null and void.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1983.

Approved May 10, 1983.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
November 14, 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) Second reading of an ordinance instituting 15-minute parking restriction in the vicinity of 7714 Takoma Avenue  
Citizens' comments  
Council action
  - (3) Show-cause hearings on the condition of the following properties:
    - a. 7709 Carroll Avenue
    - b. 7142 Carroll Avenue
    - c. 7309 Flower Avenue
  - (4) Appointment of Tree Commission member
  - (5) Appeal of Leonard Segal on COLTA decision re 6815 Eastern Ave. (TP157)
  - (6) Proposed ordinance authorizing purchase of two police cruisers from Prince George's County  
Citizens' comments  
Council action
  - (7) Second reading of an ordinance amending Article 2, "Basic Property Maintenance Code," Chapter 6, of the City Code  
Citizens' comments  
Council action
  - (8) Second reading of an ordinance amending Ordinance No. 2587, Landlord-Tenant Relations Code  
Citizens' comments  
Council action
  - (9) Second reading of an ordinance amending Ordinance No. 2592, Takoma Old Town Facade Ordinance  
Citizens' comments  
Council action
  - (10) First reading of an ordinance amending Article 5, "Personnel," Chapter 2, of the City Code

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND  
REGULAR MEETING OF THE MAYOR AND COUNCIL  
NOVEMBER 14, 1983

CITY OFFICIALS PRESENT:

|                               |                               |
|-------------------------------|-------------------------------|
| Mayor Abbott                  | City Administrator Nichols    |
| Councilmember Bradley         | City Clerk Pusti              |
| Councilmember D'Ovidio        | Public Works Director Robbins |
| Councilmember Faulkner        | Recreation Director Ziegler   |
| Councilmember Garcia          | Corporation Counsel Gagliardo |
| Councilmember Iddings         |                               |
| Councilmember Williams        |                               |
| EXCUSED: Councilmember Eckert |                               |

The Mayor and City Council of Takoma Park, Maryland, met on November 14, 1983, at 8:10 p.m., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the meeting proceeded.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott commented on the November 8 City elections, noting it was the second largest turnout recorded. The Mayor pledged open government and citizen involvement, stating he would be available for discussion regarding any criticism involving the activities of the Mayor and Council. Obtaining money from the counties and unification were some of the goals of the Mayor and Council.

Mayor Abbott noted that on November 22, 1983, at the Junior High School, there will be a dinner for the outgoing Community School Director, Mrs. Davey. The City will present a proclamation; urged citizen participation.

Councilmember D'Ovidio commented on the City's unification efforts. The Task Force, set up with citizens of both Counties to discuss solutions to unification, met only once in October. A Public Hearing is scheduled for November 29 in Prince George's County. Stated his concerns regarding the lack of interest and sincerity on the part of Prince George's delegation. Councilmember D'Ovidio stated he would write a letter to the delegation regarding his concerns.

GENERAL CITIZENS'S REMARKS

Dr. Joseph Lerner, 7708 Takoma Avenue: Congratulated the new and old Councils. Also thanked Linda Peeke for chairing the Mayoral candidates debate for the North Takoma Citizens' Association. He suggested that agenda items be expanded to be more descriptive; commented on the breakdown in communications between Montgomery College and Takoma Park, and suggested a return to meeting once a year with the College Board. He stated that the present code dealing with auto repairs is unsatisfactory. Councilmember D'Ovidio informed Dr. Lerner that the ordinance dealing with junked autos was passed as initially proposed. There will be a meeting on Tuesday, November 15, at 4:30 between the City Administrator, Corporation Counsel, Chief of Police and Mr. D'Ovidio to discuss the issue. He also stated he would be meeting on a regular basis with Dr. Brown of Montgomery College and Linda Peeke, to discuss college issues.

David Prosten, 7428 Carroll Avenue: Spoke highly of outgoing Councilmember Garcia; found him straightforward, thoughtful, and respected him highly.



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ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

(1) Communications

City Administrator Nichols noted a letter from the Montgomery County Delegation regarding a Public Hearing on Thursday, December 15, at 7:30 on PG-MC 12, which is the bill which would authorize the referendum on the Unification of the City of Takoma Park. Mr. Nichols further noted a communication received from the Montgomery County Board of Appeals that the request for the variance at 311 Ethan-Allen Avenue to allow them to enclose the front porch had been granted.

He announced the following upcoming COLTA hearings: 1) December 7, Cases # 197, and 1609 - 8322 Roanoke Avenue and 315 Lincoln Avenue. 2) December 14, Case #171, 657 Houston Avenue and 3) Jan. 4, 1984, Case # TP185, 7777 Maple Avenue, (4) November 16, Cases #163 and 195 - Hampshire Towers, and on November 30, Case #165, 700 Chaney Drive.

(2) Ordinance instituting 15-minute parking restriction in the vicinity of 7714 Takoma Avenue:

Dr. Joseph Lerner: Read a statement from a neighbor, Mr. Buckingham, living at 7710 Takoma Avenue, urging the ordinance not be adopted. Instead suggested 15-minute parking on the odd side of the street. The permit should be valid only on school days one hour before and after sessions, and be enacted for one year only. Informed Council that the child care center is in violation of the residential zoning code and was not in the original plan of the college.

Ann Goldstein, 7412 Jackson Avenue: As an employee at the center, urged adoption of the ordinance, stating the need for convenience and safety of parents and children enrolled in the Center. Discussion had been held with neighbors, the Police Department and the college, with no negative comments. The Director of Public Works stated that 15-minute parking would be difficult to monitor, since there will be no meters.

Pat Saumweber, 519 Philadelphia Avenue: As Vice-President of the North Takoma Citizens' Association, recommended parking in front of the Center, stating this would be safer than parking across the street.

Dr. Lerner: Proposed that Montgomery College security monitor the parking at 7714 Takoma Avenue and call the Takoma Park Police Department if needed; recommended parking on the East side on the whole block.

Linda Peeke, 7418 Holly Avenue: Stated there was no official vote at the North Takoma Citizens' Association meeting regarding this ordinance. Communicated with the membership as well as residents living within the boundaries of the area, with a Newsletter article announcing the second reading of the ordinance. Noted there is a safety matter that needs to be addressed. A letter was sent to the President of Montgomery College expressing North Takoma's praise for the way the Center was run, as well as the fact that the Association would like to see the continuation of the Center.

Linda Noeske, 7324 Willow Avenue: Uses the Day Care Center and stated that the 15-minute parking would accommodate the overflow of cars in the morning. Spoke against parking on the east side of the street.

John Swafford, 117 Lee Avenue: Stated the Center must have parking facilities for the safety and welfare of City residents, noting the Center is a vital part of the community.

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Councilmember Iddings moved for the adoption of the ordinance, Councilmember Bradley seconded the motion. Mayor Abbott stated that the parking proposed was not in violation of zoning codes. Councilmember Williams moved to amend the ordinance to attach signs beneath the main ones indicating "15-minute parking - day care Center only"; Councilmember D'Ovidio seconded the motion. Councilmember Iddings opposed the amendment on the basis of impossibility of enforcement. The vote on the amendment was 3:3, with Mayor Abbott voting for the clarifying language added to the signs. The ordinance instituting the 15-minute parking restriction in the vicinity of 7714 Takoma Avenue was adopted with the roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Faulkner, Garcia, Williams; Nay: None; Excused: Councilmember Eckert; Abstentions: Councilmember Iddings.

ORDINANCE NO. 2697  
(Attached)

(3) Show-cause hearing on the condition of the following properties: a. 7709 Carroll Avenue:

The City Administrator stated that this property has run the full course of condemnation proceedings as outlined in the City Code--a process which began in 1980. During that period of time, the property has been in an entanglement as to ownership and at the time the Mayor and Council were to award the bid for demolition, they directed a stay of the demolition at the request of the mortgage-holder of the property, Dr. Wunderlich. Dr. Wunderlich had stated he was seeking to take the property back and after that occurred, he would restore it. The Council requested that Dr. Wunderlich or a representative state why the Council should not lift the stay to demolish the property.

Dr. Richard Wunderlich, 4916 Arbutus Avenue, Wheaton, MD: Stated he took the property back in June, painted the house, boarded the property, cleaned the trash, cut the grass, cut loose wires and tried to render the property somewhat respectable. The previous owner opposed the sale of the house during the foreclosure, resulting in a long, drawn-out court procedure. Dr. Wunderlich further stated he had tried to sell the property, but the zoning status has changed and caused difficulties.. He informed the Council that he had not been aware of the status of the condemnation and noted there are two interested buyers.

Dick Woodburn, 10710 River Road, Potomac, MD: Stated he started proceedings on the purchase of the property. Informed the Council he would like two separate units in the property itself, and that he is financially able to renovate the entire house. Urged Council support in sub-dividing the one lot so each unit could be considered as a townhouse. Mr. Woodburn said he would know within two weeks whether or not he and Dr. Wunderlich can consummate the sale. Dr. Wunderlich noted that there were also two architects that have looked at the property and met with Mr. Nichols and himself. He also reported that the area citizens' association was highly supportive of maintaining the property and had indicated support for rezoning. Councilmember Iddings noted concerns expressed by the neighborhood regarding the streetscape, should the building be demolished. He moved to table the ordinance and give Mr. Woodburn 30 days to evaluate the situation and report back to the Council, at which time the Council would make a decision; the motion was duly seconded. Mayor Abbott asked for an interim report on November 28.

Rino Aldrighetti, 7213 Central Avenue: Supported the motion to table the demolition for the moment; residents concerned that rats are on the property. Suggested that if movement on the property is not made in three months, residents of the area will

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give up and would then support proceeding with demolition.

Ron Albaugh, 7202 Central Avenue: Informed the Council that the neighborhood would not submit to any rezoning beyond R-40.

John Swafford, 117 Lee Avenue: Would like the housing code enforced and well-maintained homes in the area.

The motion to table demolition of the property at 7709 Carroll Avenue until a full report is given on December 12 was passed unanimously.

b. 7142 Carroll Avenue:

The City Administrator stated that the property has been in a state of disrepair for a considerable amount of time. He received a telegram in behalf of the owner of the property, Dr. Masterton, who is ill and unable to attend the show-cause hearing. It was requested that the show-cause hearing be postponed until a later date. Mr. Nichols also noted he had received a telephone call from Shannon and Luchs, the real estate agency retained by the daughter of Mr. Masterton, who had been given "power of attorney," over the disposition of the property. The agent stated the property is for sale and a contract is registered on the property. The owner of the property had been working to clear title; one cloud is cleared, the second will clear in a matter of days, then the scheduled settlement will proceed. The new owner will rehabilitate the property as a residence. The City Administrator recommended proceeding with the introduction of an ordinance at the next Council Meeting to declare the property a nuisance and abate the violations within a specific period of time. Councilmember Bradley moved to introduce the ordinance at the next Council meeting; Councilmember Garcia seconded the motion; motion carried unanimously.

c. 7309 Flower Avenue:

The City Administrator stated the property is boarded up because it is in a serious state of disrepair. It is located in an R-55 zone, and owned by Mrs. Kuriakose.

Mrs. Kuriakose, Flushing, N.Y.: Received a repair notice and hearing notice on October 28. Informed Council she now resides in New York. The residence had been vandalized several times, but has been repaired. The property is for sale and there is an interested buyer. If the sale does not take place, she would like to build a two-family home; she further stated that the Seventh Day Adventist College would like to build a parking lot on the property. Mrs. Kuriakose requested a few months stay on the demolition to work out problems. Councilmember D'Ovidio moved to direct the City Administrator to begin proceedings to demolish the property at 7309 Flower Avenue; Councilmember Bradley seconded the motion; motion passed with Councilmembers Eckert and Faulkner absent from the meeting.

(4) Appointment of Tree Commission Member

Councilmember Bradley moved to appoint Ms. Georgine Prokopik, 8018 Maple Avenue, to the Takoma Park Tree Commission; Councilmember Williams seconded the motion; the motion passed unanimously. Mayor Abbott recommended inserting a notice of vacancies in the Newsletter. There followed discussion between Corporation Counsel and Councilmember Iddings regarding the possibility of instituting a municipal infraction penalty.

(5) Appeal of Leonard Segal on COLTA decision re 6815 Eastern Avenue. (TP157):

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Mayor Abbott restated the criteria to be used by the Mayor and Council in making decisions on COLTA appeals, which had been formally adopted as the standard on June 27, 1983.

After the appeal was heard by the Mayor and Council, a motion was made by Councilmember Iddings to dismiss the appeal because it was not filed in a timely manner, and to uphold the COLTA decision; Councilmember D'Ovidio seconded the motion; and it carried unanimously.

(6) Proposed ordinance authorizing purchase of two police cruisers from Prince George's County

The City Administrator recommended rescission of Ordinance 2692, authorizing the purchase of one vehicle, and to purchase two cruisers at a lower price through Prince George's County. The purchase of the second vehicle, not budgeted for the present year, was necessitated by the loss of a cruiser in an accident. Councilmember Bradley moved to adopt the proposed ordinance authorizing the purchase of two police cruisers from Prince George's County; Councilmember D'Ovidio seconded the motion; the ordinance was adopted with the roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Garcia, Iddings, Williams; Nay: None; Excused: Councilmembers Eckert and Faulkner. Councilmember Iddings noted for the record that the purchase of the cruisers would fully implement the plan which would put additional officers on the street during peak crime periods.

ORDINANCE NO.2698  
(Attached)

(6a) Resignation of the City Administrator

Councilmember Bradley read, with regret, a letter received by the Mayor and Council from City Administrator Alvin Nichols, announcing his resignation. The Mayor and Council wished Mr. Nichols every success in the future.

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

The City Administrator stated that the ordinance sets stiffer fines for serious violations involving health and safety. Councilmember Iddings moved for the adoption of the ordinance; Councilmember Bradley seconded the motion; and the ordinance was adopted by roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Garcia, Iddings, Williams; Nay: none; Excused: Councilmembers Eckert and Faulkner.

ORDINANCE NO.2699  
(Attached)

(8) Second reading of an ordinance amending Ordinance No. 2587, Landlord/Tenant Relations Code

Councilmember Bradley moved for the adoption of the Landlord/Tenant Relationship Code of 1983; Councilmember Williams seconded the motion. Councilmember Iddings moved to amend section 6(c) to replace the existing language with the new language contained in the attached memo from the Corporation Counsel, dated Nov. 14, 1983. Corporation Counsel noted that section 28 should be renumbered section 29; Councilmember Bradley seconded the motion; motion passed unanimously. Councilmember Iddings moved that section 7(h) be amended by deletion of all material following "the assistance of an attorney;" Councilmember Williams seconded the motion; motion passed unanimously. Councilmember Iddings moved the adoption of a new section 7(i) entitled "Colta Hearings," as read; motion was seconded by Councilmember D'Ovidio, and passed unanimously. Councilmember Iddings moved

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for the adoption of Section 26, "Security Deposits", as read; Councilmember Bradley seconded the motion; motion passed unanimously. Councilmember Iddings moved to adopt Section 28 as read; Councilmember Bradley seconded the motion and it passed unanimously. Councilmember Iddings suggested renumbering section 27 to become Section 29, and Section 28 to be Section 30. Councilmember Iddings moved to delete references to ordinance #2555 and use appropriate code numbers; Councilmember Bradley seconded the motion and it unanimously carried.

James Arisman, 7408 Aspen Avenue: Suggested the imposition of a minimum fine for noncompliance of COLTA orders by striking the last two sentences of Sec. 20(a) and inserting the following; "shall be subject to a municipal infraction for which the fine is \$100.00." Councilmember Williams moved the language stated by Mr. Arisman; Councilmember Bradley seconded and the motion unanimously carried. Councilmember Bradley restated the motion to adopt the Landlord/Tenant Code of 1983 as amended; Councilmember Williams seconded the motion and the ordinance was adopted with the roll call vote recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Garcia, Iddings, Williams; Nay: None; Excused: Councilmembers Eckert and Faulkner.

(Note: Ordinance No. 2587, and all amendments made subsequent to its passage on September 28, 1981, is being codified as Ordinance No. 2700. It will be available and published in the minutes when completed.)

(9) Second reading of an ordinance amending Ordinance No. 2592, Takoma Old Town Facade Ordinance

The City Administrator stated that Sec. 2(c)(2) had been revised to reflect that "The Mayor shall appoint three disinterested commissioners," making it consistent with the Code, and that Sec. 2(d)(i) had also been revised. Councilmember Iddings moved for the adoption of the ordinance; Councilmember D'Ovidio seconded the motion; Councilmember Iddings noted for the record that the ordinance is a revision of the design standards ordinance for Takoma Old Town to insure enforcement. Ordinance No. 2701 was adopted by roll call vote recorded as follows: Aye: Councilmembers D'Ovidio, Garcia, Iddings, Williams; Nay: None; Excused Councilmembers Bradley, Eckert and Faulkner.

ORDINANCE NO.2701

(Attached)

(10) First reading of an ordinance amending Article 5, "Personnel.", Chapter 2, of the City Code

The City Administrator stated that this ordinance amends two aspects of the City Personnel Code; Section 2-76 providing that an employee who had been working for the City for at least 90 days may draw upon the sick leave which he would earn by the end of the year. Section 2.98A pertains to the City Administrator, Department Heads and City Clerk, who may be dismissed by the Mayor and Council with no cause. The amendment provides that during the first year of employment, if an employee fits into that category, he would receive 30 days notice or pay in lieu thereof. During the second year, and each year thereafter, that employee would receive 90 days notice or 90 days' severance pay.

PROPOSED ORDINANCE

(Attached)

Upon proper motion, the meeting adjourned at 11:15 p.m., to reconvene on Monday, November 21, at 8:00 p.m., for a special meeting of the outgoing Council and the convening of the newly-elected Mayor and Council.

ORDINANCE NO. 2697

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, with signs reading "Day Care Center Only" affixed to the parking signs; 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(1), Code of Takoma Park, Md., 1972, as amended.

ADOPTED BY THE MAYOR AND COUNCIL NOVEMBER 14, 1983.

ORDINANCE NO. 2698

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. WHERE AS it is necessary to replace an additional police cruiser declared a total loss as a result of a traffic accident for which insurance reimbursement has been received in the amount of \$3, 729; AND
- SECTION 3. THAT arrangements have been made to purchase two 1983 Chevolet Malibu police cruisers through the Prince George's County Police Department; AND
- SECTION 4. THAT these vehicles, which were purchased by Prince George's County through bids solicited from qualified dealers, can be purchased at the County's cost of \$9,650 each; AND
- SECTION 5. THEREFORE THAT the City shall purchase two police cruisers from Prince George's County for the net amount of NINETEEN THOUSAND THREE HUNDRED DOLLARS (\$19,300.00); AND
- SECTION 6. THEREFORE THAT by doing so Ordinance #2692, accepting the Bid from Stewart Motor Company, Lanham, Maryland, is hereby recinded; AND
- SECTION 7. WHERE AS additional funds will be needed for the purchase and instalation of electronic equipment that the net amount of THREE HUNDRED AND FIFTY DOLLARS (\$350.00) be appropriated for this purpose; AND
- SECTION 8. THAT funds to cover the above described purchase be appropriated from the Police Department Capital Budget in the net amount of TEN THOUSAND DOLLARS (\$10,000.00); AND
- SECTION 9. THAT the remainder of funds (NINE THOUSAND SIX HUNDRED AND FIFTY DOLLARS (\$9,650.00) be charged to the FY 1984 General Contingency Account.

ADOPTED BY THE MAYOR AND COUNCIL NOVEMBER 14, 1983.

ORDINANCE NO. 2699

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

SECTION 1. THAT Division 2, "Exceptions and Modifications to the Basic Property Maintenance Code," of Article 2, Chapter 6, Code of Takoma Park, Md., 1972, as amended, be hereby amended as set forth below:

Sec. 6-16. Section PM-109.2

The entire section PM-109.2 is repealed in its entirety and simultaneously reenacted to read as follows:

PM-109.2 Penalty.

(a) Any violation of the following sections of the Basic Property Maintenance Code, as adopted by the City of Takoma Park, shall be deemed to be a serious violation:

- a. PM-302.0 (302.1 - 302.3.7) - Exterior structure
- b. PM-501.0 (501.1 - 501.4) - Required plumbing facilities
- c. PM-502.0 (502.1 - 502.6) - Toilet rooms
- d. PM-503.0 (503.1 - 503.5) - Plumbing fixtures
- e. PM-504.0 (504.1 - 504.4) - Water system
- f. PM-505.0 (505.1 - 505.2) - Sewage system
- g. PM-601.0 (601.1 - 601.5) - Heating facilities
- h. PM-602.0 (602.1 - 602.3) - Electrical facilities
- i. PM-603.0 (603.1) - Elevators, escalators, dumbwaiters
- j. PM-700.0 (700.1 - 700.2) - Firesafety requirements
- k. PM-701.0 (701.1 - 701.5) - Means of egress
- l. PM-702.0 (702.1 - 702.4) - Accumulation of storage
- m. PM-703.0 (703.1) - Fire resistance ratings
- n. PM-704.0 (704.1 - 704.5) Fire protection systems
- o. PM-801.0 (801.10) - Utilities discontinuance

(b) Any violation listed in subsection (a), above, shall be a municipal infraction, the penalty for which shall be One Hundred Dollars (\$100.00) for each initial violation and Two Hundred Dollars (\$200.00) for each repeat or continuing violation.

(c) Any violation of any other section of the Basic Property Maintenance Code, as adopted by the City of Takoma Park, shall be a municipal infraction, the penalty for which shall be Twenty-five Dollars (\$25.00) for each initial violation and Fifty Dollars (\$50.00) for each repeat or continuing violation.

(d) Willful, unabated and continuing violations.

(1) Any willful violation of any section of the Basic Property Maintenance Code, as adopted by the City of Takoma Park, or any violation which is not abated or corrected within 35 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 One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), 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 the defendant prevented timely compliance. Upon clear and convincing proof of such, the charges against a defendant shall be dismissed.

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



Sec. 6-21A. Section PM-302.3.8.

A new section PM-302.3.8 is added and reads as follows:

PM-302.3.8. Exit facilities: All exterior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every outside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.

Sec. 6-21B. Section PM-302.3.9

A new section PM-302.3.9 is added and reads as follows:

PM-302.3.9. Handrails: Every flight of stairs, which is more than three risers high, shall have handrails which shall be located as required by the building code, and every open portion of a stair, porch, landing and balcony which is more than 30 inches (76.20 cm) above the grade below shall have guardrails. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

Sec. 6-21C. Section PM-302.4

The following language is added to PM-302.4:

Security locks or pins are required on windows and sliding doors less than three stories above the ground, which shall include any stories which are partially below ground. Track locks and "charlie bars" shall be deemed acceptable for sliding glass doors. Casement windows shall fit tightly and the latch and/or crank shall be capable of firmly closing and latching the windows.

Sec. 6-25A. Section PM-601.1

Section PM-601.1 is amended to read as follows:

PM-601.1. Residential buildings: Every dwelling unit and guest room shall be provided with heating facilities maintaining a room temperature of 68 degrees F. ( 20 degrees C), at a point 3 feet (0.91 m) above the floor and 3 feet (0.91 m) from an exterior wall in all habitable rooms, bathrooms and toilet rooms between the period October 15 and May 15 of each calendar year.

AND

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

ADOPTED BY THE MAYOR AND COUNCIL NOVEMBER 14, 1983.

November 14, 1983

To: Mayor and Council  
City Administrator  
Director of Housing Services

From: Corporation Counsel

Re: Further Amendments to "Landlord-Tenant Act of 1983"

Following are the changes to the October 14, 1983 version of the L&T legislation which you asked that I draft.

Section 6(c)

The following shall be municipal infractions:

- (i) any violation of Sections 9, 11(h), 12, 13, 22(c), 22(d), 22(e), 23, 25 26 and 28 of this ordinance; and/or
- (ii) any failure to obey a lawful order of the Commission on Landlord Tenant Affairs; and/or
- (iii) any interference or obstruction or attempt to interfere with or obstruct the Commission on Landlord Tenant Affairs or the Department of Housing Services or anyone acting on behalf of either agency in the discharge of their functions under this ordinance; and/or
- (iv) any act or omission which constitutes interference with, coercion or discrimination, or any attempt to do the same, because of the exercise of any rights afforded under section 24 of this ordinance.

Each day a violation exists shall be considered a separate infraction for which the penalties called for herein may be imposed.

Unless otherwise expressly provided for, the minimum fine for each municipal infraction shall be \$25.00, and the maximum fine shall be \$100, or such other greater maximum as may be permitted by law.

Any minimum fine called for herein may be suspended only upon a finding that the matter for which the fine would otherwise be imposed is the first offense of the charged party and that no willfulness was involved in the act or omission constituting the infraction.

Any violation of Section 22(c), 22(d), 22(e) 23 and 26 of this ordinance and subsections (ii), (iii) and (iv) shall also constitute misdemeanors, and may be prosecuted as such in the discretion of the state's attorney. The penalties shall be as prescribed in Article 23A, Section 3 of the Annotated Code of Maryland.

This section supercedes section 1.17 of the code of the City of Takoma Park, and to the extent they are inconsistent the provisions herein shall prevail.

Section 7(h) end section after "...the assistance of an attorney."

#### Section 7(i) COLTA hearings

Any party in a hearing before the Commission shall have the right to present testimony and evidence to prove any material point which is genuinely disputed. Each party shall have the right to cross examine every opposing witness, to submit rebuttal evidence, and to present summation and argument. The Commission may call its own witnesses and enter its own evidence.

All testimony shall be given under oath or affirmation.

The Commission may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs. It shall give effect to the rules of privilege recognized by law. It may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence..

All evidence, including records and documents in the possession of the Commission and the Department of Housing, of which the Commission desires to avail itself, shall be offered and made a part of the record in the case, and no further factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

The Commission may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within their specialized knowledge. Parties shall be notified either before or during the hearing of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

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 transcript and the record of the hearing at such charges as are necessary to meet costs.

#### Section 26 Security Deposits

The provisions of Section 8-203 of the Real Property Article of the Annotated Code of Maryland, as amended are hereby incorporated by reference and adopted as an ordinance of the City of Takoma Park.

Section 26 "Reporting Requirements" is renumbered Section 27.

#### Section 28 Statute of Limitations

Any action--other than enforcement of a municipal infraction or misdemeanor-- sought to be maintained under this ordinance shall be brought within one(1) year of its occurrence, unless otherwise expressly provided for. This statute of limitations shall not run during the pendency of an action before the Commission on Landlord Tenant Affairs, or an appeal therefrom. Nothing contained herein shall be interpreted as limiting the time in which an action may be brought under some other law for which there is a longer a statute of limitations.

ORDINANCE NO. 2701

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 (3) 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 shall be \$25.00, and the maximum fine shall be \$100.00 for each initial violation, and the maximum fine allowable by law for repeat or continuing violations. 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.) This section supercedes Sec. 1.17(b) of the Code of Takoma Park, Md., 1972, as amended, and to the extent that they are inconsistent, the provisions herein shall prevail.

(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.

ADOPTED BY THE MAYOR AND COUNCIL NOVEMBER 14, 1983.

PROPOSED ORDINANCE

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

SECTION 1. THAT Chapter 2, "Administration," of the Code of Takoma Park, Md. 1982, as amended, be further amended by the addition of new Sec. 2.76(j) and Sec. 2.98A, as set forth below:

Sec. 2.76. Sick Leave

(j) After ninety (90) days of continuous employment, an employee may utilize the aggregate amount of sick leave which would accrue to him during the calendar year in which the leave is taken. Any leave taken in excess of that which would have accrued by the end of any calendar year will be considered leave without pay.

Sec. 2.98A. Termination; severance pay; exceptions

(a) In the event of termination without good cause of any employee appointed by the Council as prescribed by the City Code, such employee shall be given thirty (30) days' notice, or pay in lieu thereof, if such termination occurs within one year of the employee's appointment; and ninety (90) days' notice, or pay in lieu thereof, if such termination occurs more than one year after the employee's appointment.

(b) The provisions of Sec. 2.98A(a) shall not apply if such termination is for good cause, or if an employee quits his employment, becomes disabled or otherwise unable to discharge his assigned duties, or dies.

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

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

Meeting of the Mayor and Council

November 21, 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

CITIZENS' REMARKS

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols  
1. Communications  
2. Administrative Reports and Recommendations for Council Action

ADJOURNMENT

SWEARING IN OF MAYOR ABBOTT

Hon. Norman L. Pritchett, Clerk of the Circuit Court for Prince  
George's County

Ms. Cindy Kline, Assistant Chief Deputy to the Clerk of the  
Circuit Court for Montgomery County

CONVENING OF THE NEW COUNCIL: Mayor Abbott

ROLL CALL: Councilmember Aldrighetti  
Councilmember Bradley  
Councilmember Dalmat  
Councilmember D'Ovidio  
Councilmember Haney  
Councilmember Iddings  
Councilmember Williams

OATH OF OFFICE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Resolutions of appreciation to outgoing Councilmembers
2. Other presentations and comments

ADDITIONAL AGENDA ITEMS

CITIZENS' COMMENTS

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols  
1. Communications  
2. Administrative Reports and Recommendations for Council Action  
(1) Proposed Ordinance to declare Takoma Park a nuclear-free  
zone  
(2) Proposed Amendments to COLTA Rules

ADJOURNMENT

OLD TYME COUNCIL MEETING (A reenactment of an early Council meeting  
based on Council minutes of the early 1890s)

YEAR 2000 COUNCIL MEETING (A meeting conducted by local students  
addressing issues of the Year 2000)



THE CITY OF TAKOMA PARK, MARYLAND  
REGULAR MEETING OF THE MAYOR AND COUNCIL  
NOVEMBER 21, 1983

CITY OFFICIALS PRESENT:

|                               |                             |
|-------------------------------|-----------------------------|
| Mayor Abbott                  | City Administrator Nichols  |
| Councilmember Bradley         | City Clerk Pusti            |
| Councilmember D'Ovidio        | Recreation Director Ziegler |
| Councilmember Garcia          |                             |
| Councilmember Iddings         |                             |
| Councilmember Williams        |                             |
| EXCUSED: Councilmember Eckert |                             |
| Councilmember Faulkner        |                             |

The Mayor and City Council of Takoma Park, Maryland, met on November 21, 1983, at 8:10 p.m., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the meeting proceeded.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott made a presentation to Councilmember Frank Garcia upon retiring from the Council, expressing gratitude from residents of the City as well as the Mayor and Council.

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

The City Administrator read a letter of invitation from Mr. Webster, the Director of the FBI, to the City, inviting Lt. John Gowin to attend the FBI Academy in January, 1984. Councilmember Iddings expressed personal thanks to Mr. Nichols, the outgoing City Administrator, noting he had enjoyed working with him and felt a great deal had been accomplish under his command.

Upon proper motion, the Council Meeting adjourned at 8:17 p.m.

SWEARING IN OF MAYOR ABBOTT

The Hon. Norman L. Pritchett, Clerk of the Circuit Court for Prince George's County, and Ms. Cindy Kline, Assistant Chief Deputy to the Clerk of the Circuit Court for Montgomery County, gave the oath of office to Mayor Abbott.

CONVENING OF THE NEW COUNCIL:

ROLL CALL:

Councilmember Aldrighetti  
Councilmember Bradley  
Councilmember Dalmat  
Councilmember D'Ovidio  
Councilmember Haney  
Councilmember Iddings  
Councilmember Williams

Following roll call, Mayor Abbott administered the oath of office to the new Councilmembers.

Councilmember Bradley announced that the Takoma Park Education Advisory Committee would meet on Saturday, December 3, from 9:30 a.m., to 11:30 a.m., and urged citizens' participation. Announced that the Centiennial Ball would be held the following Saturday night.

Councilmember D'Ovidio informed the Mayor and Council that on Tuesday, November 29, the County Council will hold a "round-table" on budget priorities, stating there were no municipali-

ties invited to participate, and that this was an indication of Mr. Scull's continuing disregard for the importance of County municipalities. He proposed that the City Administrator be directed to write a letter to the Council President asking for an explanation. It was so moved by Councilmember Bradley, seconded by Councilmember Iddings, and carried unanimously.

Councilmember D'Ovidio spoke in regard to a bill entitled Montgomery County Landlord/Tenant evictions proposed by Delegate Idamae McGarrott and asked that it be placed on the agenda for November 28. Councilmember Iddings noted that this is a House Bill-425-84, providing that Montgomery County by local law may place restrictions on the grounds for evictions of tenants who are at least 62 years old.

#### CITIZENS' COMMENTS

Abbey Mandel, 7003 Woodland Avenue: Informed the Council of the Silver Spring Volunteer Soup Kitchen opening the following week, at 825 Bonifant Street. Stated that they are in need of volunteers and money, and noted the hours of operation. Councilmember Iddings suggested that the Mayor and Council donate \$500.00 from their contingency fund.

Mayor Abbott announced that on Thursday, December 8, at the Municipal Building, surplus food will be distributed to eligible Montgomery County citizens.

#### ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols Administrative Reports and Recommendations for Council Action

##### (1) Proposed Ordinance to declare Takoma Park a nuclear-free zone

Councilmembers D'Ovidio and Iddings introduced a proposed ordinance declaring the City of Takoma Park to be a nuclear-free zone. This ordinance was drafted by the Takoma Park Nuclear freeze Task Force, created by the outgoing Council. Councilmember Iddings read the proposed ordinance and moved it for a first reading, with a public hearing to be held on December 12, 1983. Councilmember D'Ovidio seconded the motion. Councilmember D'Ovidio discussed the TV showing of the film "The Day After," and its impact on children today.

Mayor Abbott stated that Takoma Park had contributed much to the nuclear-freeze movement in the greater Metropolitan Washington area and on a national level.

Jay Levy, 7431 Baltimore Avenue: Spoke as a member of the Takoma Park Nuclear-Freeze Task Force, noting that the aims of the Task Force could be furthered by the ordinance. The City would join 40-50 other communities across the country that have established nuclear-free zones. With passage in Takoma Park, the City would become the largest in Maryland to adopt such an ordinance; urged adoption.

Susan Abbott, 7416 Holly Avenue: As a member of the Task Force, stated the ordinance would enable the City to make a statement against nuclear warfare. The inspiration of the Nuclear Freeze Resolution was instrumental in organizing an area coalition; urged adoption.

Joan Jacobs, 7428 Carroll Avenue: Spoke as a member of the Task Force and as a public health professional. Nuclear war was the topic of discussion at a recent public health meeting at which Dr. Linus Pauling spoke. The disarmament movement has long held that mass public action is the only recourse to extinction. Urged adoption and work with other communities toward that end.

Manfred Smith, Columbia, Maryland: A former resident of the City, he noted a lack of knowledge on the part of residents regarding nuclear warfare; stated there is a need for

reinforcement through education for children and adults, and urged adoption of the ordinance.

Olivia Mellon, 7412 Jackson Avenue: A new resident of the City involved with the psychological effects surrounding the showing of "The Day After." Supported the ordinance, noting it symbolizes a positive image of a world enlivened by peace. Mayor Abbott spoke of the TV showing of "The Day After," and the discussions that followed.

Peter Franchot, 7206 Garland Avenue: Said the discussions that followed the film were nonproductive. The Takoma Park Task Force has gone a long way toward answering the needs for new ideas and boldness the country is demanding. Congratulated the City on the ordinance.

Councilmember Williams, who works with radiation on a daily basis, noted that viewing the movie was very mild in contrast to reality. Supported the ordinance. Councilmembers Bradley, Aldrighetti and Dalmat expressed support for the ordinance. Councilmember Iddings noted that the section on enforcement would require amendments. Councilmember Haney said the ordinance was symbolic of life, hope, and belief in the future; urged support. Mayor Abbott noted he was on record as supporting the nuclear-freeze and informed the Council of his intention to support the ordinance. The ordinance was accepted for a first reading, and will be published in the City Newsletter.

PROPOSED ORDINANCE  
(Attached)

(2) Proposed Adments to COLTA Rules

James Arisman, 7408 Aspen Avenue: Chairman of the Commission on Landlord/Tenant Affairs; presented a cut-and-paste version of changes and amendments to the operating rules. Summarized the changes, noting that they are "housekeeping provisions". Over the next several months, the Commission will make a comprehensive review of COLTA rules and redraft them. Councilmember Iddings expressed concern regarding references to Ordinance No. 2587, which will be renumbered and codified as a section of the City Code. Councilmember D'Ovidio requested that this item be placed on the agenda for November 28.

Upon proper motion, the meeting adjourned at 9:30 p.m., to reconvene on Monday, November 28, 1983 at 8:00 p.m.

The following meetings were conducted as part of the City's Centennial Celebration:

OLD TYME COUNCIL MEETING

At this point, the Mayor (as B. F. Gilbert) and members of the Council reenacted an early Council meeting based on Council minutes of the early 1890's. Subjects on the agenda included a resolution on Spring Park, the City election, the City Seal, women's suffrage, and a City financial report.

YEAR 2000 COUNCIL MEETING

A meeting was conducted by local students addressing the issues of the Year 2003. The meeting was called to order and conducted by the following students: Steve TAYOR as Mayor; and Councilmembers Kendra Havloviak, Mark Schay, Eddie Donis, Josh Wulkan, Laura Thomas, Charles Leary, Ted Tankata, Suleika Myrie, and Tim Meek. The young people discussed a number of topics in a very professional manner, and passed a proclamation thanking the Mayor.

## TO DECLARE THE CITY OF TAKOMA PARK, MD. A NUCLEAR FREE ZONE

Section 1. Title

This ordinance shall be known as "The Takoma Park Nuclear Free Zone Act."

Section 2. Purpose

The purpose of this Act is to establish the City of Takoma Park, Maryland as a nuclear free zone in that work on nuclear weapons is prohibited within the city limits and that citizens and representatives are urged to redirect resources previously used for nuclear weapons toward endeavors which promote and enhance life such as human services including child care, housing, schools, health care, emergency services, public transportation, public assistance and jobs.

Section 3. Findings

It is the finding of the Mayor and Council of the City of Takoma Park, Maryland, that:

· The nuclear arms race has been accelerating for more than one third of a century, draining the world's resources and presenting humanity with the ever-mounting threat of nuclear holocaust.

· There is no adequate method to protect Takoma Park residents in the event of nuclear war.

· Nuclear war threatens to destroy most higher life forms on this planet.

· The use of resources for nuclear weapons prevents these resources from being used for other human needs, including jobs, housing, education, health care, public transportation and services for youth, the elderly and the disabled.

· The United States, as a leading producer of nuclear weapons, should take the lead in the process of global rejection of the arms race and the elimination of the threat of impending nuclear holocaust.

· An emphatic expression of the feelings on the part of private citizens and local governments can help initiate such steps by the United States and the other nuclear weapons powers.

· Takoma Park is on record in support of a bilateral nuclear weapons freeze and has expressed its opposition to civil defense crisis relocation planning for nuclear war.

· In view of the Nuremberg Principles, which hold individuals accountable for crimes against humanity, and the illegality of nuclear weapons under international law, in adopting this ordinance this community seeks to end its complicity with preparations for fighting a nuclear war.

#### Section 4. Prohibition of Nuclear Facilities

No nuclear weapons shall be produced, transported, stored, processed, disposed of, nor used within the city of Takoma Park. No facility, equipment, components, supplies or substance for the production, transportation, storage, processing, disposal or use of nuclear weapons shall be allowed in Takoma Park, Maryland. This prohibition shall take effect on June 1, 1984.

No person, corporation, university, laboratory or institution or other entity in the City of Takoma Park which is engaged in work the primary purpose of which is the research, development, testing, evaluation, production, maintenance, storage, transportation and/or disposal of nuclear weapons or the components of nuclear weapons shall commence any such work at any time after June 1, 1984.

Section 5. Investment of City Funds

The City of Takoma Park shall immediately divest itself of all investments in industries and institutions, public and private, which are involved in nuclear war or preparations for nuclear war; furthermore there will be no subsidies granted to industries involved in any form of war or preparation for war.

Section 6. Eligibility for City Contracts

Any firm or companies engaged in work, the primary purpose of which is the research, development, testing, evaluation, production, maintenance, storage, transportation, and/or disposal of nuclear weapons or components of nuclear weapons, shall be ineligible to receive city contracts. Notice to this effect shall be included in all "Requests for Proposals" issued by the City.

Section 7. Exclusions

Nothing in this ordinance shall be construed to prohibit or regulate the research and application of nuclear medicine or the use of fissionable materials for smoke detectors, light-emitting watches and clocks, and other applications where the primary purpose is unrelated to nuclear weapons development or fabrication.

Section 8. Enforcement

Each violation of this Act shall be punishable by up to 60 days imprisonment and/or up to a \$5,000 fine. Each day of the violation shall be interpreted as a separate violation. Violations shall be determined by the Corporation Counsel of Takoma Park.

Concerned Takoma Park residents also have a right to enforce this Act by appropriate private actions for damages or declaratory or injunctive relief. Reasonable attorney fees and costs shall be awarded to a prevailing plaintiff in such an action.

Section 9. Severability

If any section, sub-section, paragraph, sentence or word of this Act shall be held unconstitutional either on its face or as applied, the unconstitutionality of the section, sub-section, paragraph, sentence or word or the application thereof; shall not affect the other sections, sub-sections, paragraphs, sentences, and words of this Act, and the applications thereof; and to that end the section, sub-sections, paragraphs, sentences and words of this Act are intended to be severable.

Section 10. Definitions

Nuclear weapon is defined to be any device in which explosion results from the energy released by reactions involving atomic nuclei, either fission, or fusion, or both. A component of a nuclear weapons is defined to be any device, radioactive material or non-radio-active material the primary function of which is to contribute to the operation of a nuclear weapon.

R E S O L U T I O N

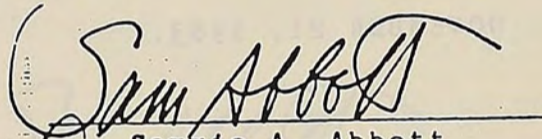
WHEREAS, as of this date, Councilmember Frank V. Garcia will retire from elective office; AND

WHEREAS, it is our desire to take note of, and express appreciation for, his service to the City as Councilmember during the period April 1974 to date.

NOW, THEREFORE BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland do hereby take recognition of the accomplishments of Frank V. Garcia and express gratitude for his valued efforts on behalf of the City and its citizens.

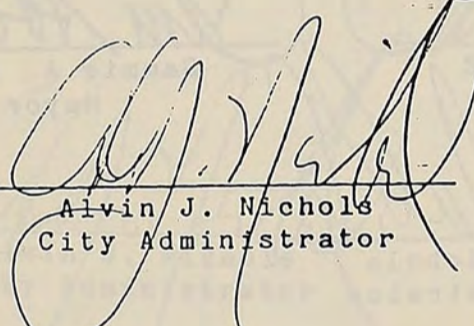
BE IT FURTHER RESOLVED THAT this resolution be spread among the permanent records of the City of Takoma Park.

NOVEMBER 21, 1983.



Sammie A. Abbott  
Mayor

ATTEST:



Alvin J. Nichols  
City Administrator





R E S O L U T I O N

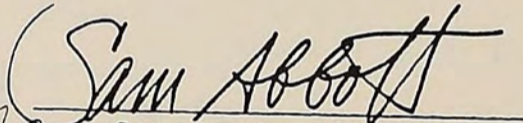
WHEREAS, as of this date, Councilmember Joseph A. Faulkner will retire from elective office; AND

WHEREAS, it is our desire to take note of, and express appreciation for, his service to the City as Councilmember during the period 1972-1980 and 1982 to date.

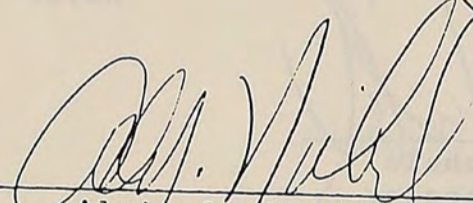
NOW, THEREFORE BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland do hereby take recognition of the accomplishments of Joseph A. Faulkner, and express gratitude for his valued efforts on behalf of the City and its citizens.

BE IT FURTHER RESOLVED THAT this resolution be spread among the permanent records of the City of Takoma Park.

NOVEMBER 21, 1983.

  
Sammie A. Abbott  
Mayor

ATTEST:

  
Alvin J. Nichols  
City Administrator



R E S O L U T I O N

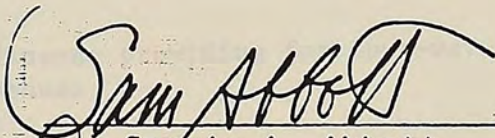
WHEREAS, as of this date, Councilmember William A. Eckert will retire from elective office; AND

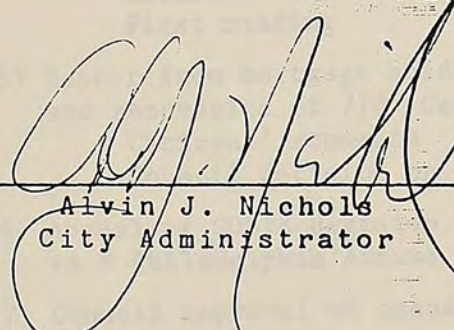
WHEREAS, it is our desire to take note of, and express appreciation for, his service to the City as Councilmember during the period April 1982 to date.

NOW, THEREFORE BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland do hereby take recognition of the accomplishments of William A. Eckert and express gratitude for his valued efforts on behalf of the City and its citizens.

BE IT FURTHER RESOLVED THAT this resolution be spread among the permanent records of the City of Takoma Park.

NOVEMBER 21, 1983.

  
Sammie A. Abbott  
Mayor

ATTEST:   
Alvin J. Nichols  
City Administrator



THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
November 28, 1983

AGENDA

CALL TO ORDER: Mayor Abbott  
ROLL CALL: Councilmember Aldrighetti  
Councilmember Bradley  
Councilmember Dalmat  
Councilmember D'Ovidio  
Councilmember Haney  
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) Appointment of Acting City Administrator
  - (3) Resolution commending the Silver Spring Volunteer Soup Kitchen, 835 Bonifant Street
  - (4) First reading of an ordinance providing for four-way stop signs at Birch and Dogwood Avenues  
Citizens' comments  
First reading
  - (5) Report from mortgage holder on status of negotiations for the sale and renovation of 7709 Carroll Avenue  
Citizens' comments  
Council decision on demolition
  - (6) Appeal of COLTA decision in Case 1P-159 by Zakhar and Robin Matlin, re 8 Philadelphia Avenue
  - (7) Council approval of amendments to COLTA rules of procedure
  - (8) Discussion of Council position on HB 425-84 as it pertains to changes in State Law on evictions  
Citizens' comments  
Council action
  - (9) First reading of an ordinance declaring the structure at 7142 Carroll Avenue a nuisance, and ordering abatement of violations or demolition  
Citizens' comments  
First reading
  - (10) First reading of an ordinance declaring the structure at 7309 Flower Avenue a nuisance, and ordering abatement of violations or demolition  
Citizens' comments  
First reading
  - (11) Second reading of an ordinance amending the personnel section of Chapter 2, "Administration," City Code, to provide for advancing of sick leave and for severance pay under certain circumstances  
Citizens' comments  
Council action

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND  
REGULAR MEETING OF THE MAYOR AND COUNCIL  
NOVEMBER 28, 1983

CITY OFFICIALS PRESENT:

|                                       |                               |
|---------------------------------------|-------------------------------|
| Councilmember D'Ovidio, Mayor Pro Tem | City Administrator Nichols    |
| Councilmember Aldrighetti             | City Clerk Pusti              |
| Councilmember Bradley                 | Public Works Director Robbins |
| Councilmember Dalmat                  | Housing Director Tyree        |
| Councilmember Haney                   | Corporation Counsel Gagliardo |
| Councilmember Iddings                 |                               |
| EXCUSED: Mayor Abbott                 |                               |
| Councilmember Williams                |                               |

The City Council of Takoma Park, Maryland, met on November 28, 1983 at 8:10 p.m., with Mayor Pro Tem D'Ovidio in the Chair. The Meeting was held in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the meeting proceeded.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Councilmember D'Ovidio, presiding over the meeting, paid special tribute to the Centennial Committee who had worked very hard over the last few months, noting the Centennial Ball at Montgomery College had been a huge success. Announced that the Takoma Cafe, #1 Columbia Avenue, made an application to the Montgomery County Board of License Commissioners for a class H Beer and Wine License. A Public Hearing on the application will be held on December 21, at 10:30 a.m., in Rockville, 100 Maryland Avenue, first floor meeting room. The Mayor and Council are to consider their position on December 12 and a letter to that effect had been sent to property owners and local citizens associations.

Councilmember D'Ovidio noted that COLTA has a number of openings; one landlord and one alternate landlord vacancy, with a possible tenant vacancy coming up as well. Further announced that a search process is being conducted for the City Administrator's position; Mr. Nichols will be leaving on December 7, 1983. Such groups as the Management Associations, Municipal League and the City Newsletter will be used in the search, along with self referrals. December 12, 1983, will be the cut-off date for applications and the screening committee will be set up in the next week to consist of three Councilmembers and two citizens; the goal for an appointment is mid-January. The Assistant City Administrator applications will be accepted also, with a cut-off date of January 3, 1984. Advertising will proceed, but the new Administrator will appoint the Assistant. Councilmember Haney stated that Friday evening, December 2, 1983, from 6:00 to 9:00 p.m., and Saturday from 10:00 to 4:00, the TOT area will hold an "open house" for the Holiday season.

ADDITIONAL AGENDA ITEMS

Re-appointment of the "Press Secretary" to the Mayor and Council. (Councilmember D'Ovidio).

Agenda Item No. 8 was deleted to await further review by Corporation Counsel.

GENERAL CITIZENS' REMARKS

Dr. Joseph Lerner, 7708 Takoma Avenue: Called attention to

a letter he had sent to the Montgomery Journal regarding the Nuclear Free zone, stating his observations and conclusions that the zone is inconsistent with the City's position on the Nuclear Freeze, because the latter is a bi-lateral arrangement with the U.S. and the Soviet Union, whereas the new ordinance is completely unilateral. He said that the objective should be to have unilateral disarmament. Suggested that the City request Federal Government Agencies to enact similar measures and have representatives testify at the Public Hearing. He spoke of the problems of fully complying with the ordinance in terms of investments, contracts and purchases, saying to circumvent those provisions would mock the message. Mr. Lerner stated the ordinance should have been presented in the election as a referendum question, as was done in Cambridge, Mass. He asked that the new City Council enact legislation requiring filing of reports on election campaign disbursements, and that they be published in the Newsletter, along with campaign contribution reports.

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

(1) Communications

The City Administrator announced upcoming COLTA hearings: On November 30, Case # TP-165, re: 700 Chaney Drive; December 7, #TP197 and #160, 8322 Roanoke Avenue, and 315 Lincoln Avenue; December 14, Case # TP171; Jan 4, Case #185.

(2) Appointment of Acting City Administrator

The City Administrator stated that he had recommended that Public Works Director Richard L. Robbins be appointed as the Acting City Administrator, until a replacement is found. Mr. Nichols thanked the Mayor and Council for their courtesies to him over the past two years. A motion to appoint Mr. Robbins Acting City Administrator beginning November 29, was made by Councilmember Bradley, seconded, and passed unanimously.

(3) Resolution commending the Silver Spring Volunteer Soup Kitchen, 835 Bonifant Street, and authorizing a \$500 donation from the Mayor and Council Contingency Fund

Councilmember Iddings read the resolution and moved its adoption; the motion was duly seconded.

Councilmember Bradley suggested other ways to support the effort and spoke of the need for publicity as to the services of the Kitchen.

Ms. Jerry McClurkin, 7806 Garland Avenue: Spoke as the Acting Chair of the S.S. HELP Committee for the Housing of the Homeless, and stated she would be happy to write an article for the City Newsletter, as the Committee would be eager for the publicity. Ms. McClurkin thanked the Mayor and Council for the resolution and described their outreach program. Stated that only \$10,000 in Federal funds had been given to the Kitchen for rehabilitation, with the rest coming from residents, churches, etc. Further discussion ensued in regard to suggestions made by Councilmembers for coordination of efforts and the need for foreign speaking help, to accommodate the needy who are refugees. Following expressions of support from the Council, the resolution passed unanimously.

RESOLUTION  
(Attached)

(3) First reading of an ordinance providing for four-way stop signs at Birch and Dogwood Avenues

Councilmember Iddings stated that the Traffic Committee was presented with a petition from residents of Birch and Dogwood requesting that the current two-way stop be expanded to a four-way stop. The ordinance was accepted for a first reading.

PROPOSED ORDINANCE  
(Attached)

(4) Report from mortgage holder on status of negotiations for the sale and renovation of 7709 Carroll Avenue

Councilmember D'Ovidio reminded the Council that this item was taken up at the last meeting and at the direction of the Mayor and Council, a formal report was to be given within 30 days. The City Administrator stated that Dr. Wunderlich, the owner of the property would present a report. Mr. Nichols noted the property had been formally condemned by the Mayor and Council and is at the point of a second reading of an ordinance authorizing solicitation of bids for demolition. The ordinance had been tabled to permit the mortgage holder at that time to acquire the property and make improvements.

Dr. Wunderlich, Wheaton, Md. Informed the Council that builders, electricians, and plumbers have looked at the property and data is still being collected. He had received an estimate of \$175,000 to renovate the property into a two-family unit; stated he could not afford this. Reassured the Council he intended to renovate the property and had advertised in the newspapers for bids. He had another interested party and would explore that possibility, if current negotiations fall through. Councilmember D'Ovidio stated his hesitance in offering an extension at the next meeting, stating he had never seen anything in writing and nothing had been resolved. Dr. Wunderlich had signed a contract with Mr. Woodburn contingent on resolving a few problems. Councilmember Bradley informed Dr. Wunderlich that information on contractors could be made available for his use. A further report on Dr. Wunderlich's progress will be made to the Council on December 12.

(5) Appeal of COLTA decision in Case TP-159 by Zakhar and Robin Matlin, re 8 Philadelphia Avenue

Councilmember D'Ovidio restated the standards that would be used by the Council in making decisions on COLTA appeals as set forth in the criteria adopted on June 27, 1983. Councilmember Iddings moved to take this appeal under advisement and review the matter in worksession on December 5, and issue a final decision on December 12; it was duly seconded, but the motion failed by a vote of 3:3. Councilmember Bradley moved to support the decision of COLTA. The motion was seconded by Councilmember Aldrighetti, and passed unanimously. Councilmember Iddings suggested that Housing Services draft a model lease for Takoma Park landlords to use.

(7) Council approval of amendments to COLTA rules of procedure

James Arisman enumerated the amendments to the COLTA rules, as contained in a memorandum dated November 21. Councilmember Iddings moved to approve the amendments to the COLTA rules of procedure as presented; Councilmember Bradley seconded the motion, and it passed unanimously. (COLTA rules are available through Housing Services.)

(8) First reading of an ordinance declaring the structure at 7142 Carroll Avenue a nuisance, and ordering abatement of violations or demolition

Councilmember Iddings stated this property is poorly maintained and clearly meets the definition of a nuisance. This is the first step in the process of getting the property renovated. The City Administrator stated that he had received information to the effect that the clouds on the title had been removed and settlement would be forthcoming. The ordinance was accepted for a first reading.

PROPOSED ORDINANCE  
(ATTACHED)

(9) First reading of an ordinance declaring the structure at 7309 Flower Avenue a nuisance, and ordering abatement of violations or demolition

Councilmember Aldrighetti stated this subject had been discussed with the owner of the property and the citizens' association. The ordinance was accepted as a first reading. It was noted that, contrary to the owner's contention, the property is zoned for single-family use.

PROPOSED ORDINANCE  
(Attached)

(10) Second reading of an ordinance amending the personnel section of Chapter 2, "Administration" City Code, to provide for advancing of sick leave and for severance pay under certain circumstances

The City Administrator stated this was a second reading of an ordinance which would make two changes to the personnel code of the City: 1) to amend the sick leave provision to allow after 90 days of continuous employment, an employee to use the amount of sick leave which would be accrued through the end of the year even though he may not have earned that leave; 2) provide termination notice or severance pay for those employees who are not a part of the classified service plan, should they be dismissed by the Council without cause or for reasons other than performance. This change would provide 30 days' notice or 30 days' pay during the first year, and 90 days' notice or 90 days' pay during the second and successive years. It would apply only to employees who are appointed by the Mayor and Council, i.e., City Administrator, department heads and the City Clerk. The sick leave portion applies to all employees of the City.

Corporation Counsel stated that the phrase "just cause" is a term of art and has certain meanings; it is frequently used in employment contracts. It would not include economic layoff or any reduction for an economic reason, but would apply to conviction of a crime, breach of secrecy, etc., as well as failure or refusal to perform. Councilmember Aldrighetti inquired if the City could negotiate "political" appointments on an individual basis. The City Administrator stated that, in terms of individual negotiations, he would recommend setting a standard across the board.

It was pointed out by Councilmember Iddings that the proposed provisions for notice and severance pay had already been negotiated by contractual agreement with the Police Chief; that the previous Council had reasserted its authority to hire (and therefore fire) department heads; and

for that reason some form of protection should also be afforded all persons who fall into that category. The City Administrator stated that, prior to negotiations with the Police Chief, Council had agreed to apply across the board, via amendment of the personnel code, those additional protections which would accrue to the Police Chief.

Upon motion by Councilmember Bradley, seconded by Councilmember Aldrighetti, the Council voted unanimously to separate the ordinance into two parts--sick leave and termination. Councilmember Bradley moved to adopt Sec. 2.76 of the ordinance (sick leave); it was duly seconded and passed, with the roll call vote recorded as follows: Aye: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings; Nay: None; Excused: Councilmember Williams.

ORDINANCE NO.2702  
(Attached)

Following further lengthy discussion on the pros and cons of Sec. 2.98A, termination, Councilmember Aldrighetti moved to table it until more information is obtained as to the policy in other jurisdictions and to add a definition of good cause; it was duly seconded, and passed with Councilmember Iddings abstaining, for the reasons stated earlier.

(11) The Appointment of Press Secretary to the Mayor and Council

Councilmember Aldrighetti moved the appointment of Mr. Michael Messenger as Press Secretary to the Mayor and Council, for one dollar per year. Councilmember Iddings seconded the motion and it carried unanimously.

Upon proper motion, the meeting was adjourned at 10:40 p.m., to reconvene on Monday, December 12, 1983 at 8:00 p.m.



## RESOLUTION

WHEREAS, for years there has been a documented need for a facility in the East Silver Spring-Takoma Park area to feed the needy hungry; AND

WHEREAS, the needy hungry in the East Silver Spring-Takoma Park area include elderly people living on fixed, often inadequate, incomes, families living in circumstances of poverty, unemployed and under-employed individuals, as well as people who are simply unable to succeed in our society today; AND

WHEREAS, because of the calculated economic and social welfare policies of the current national administration, the economic status of the poorest people in our County has substantially deteriorated to the point where many people who were previously self-sufficient now find themselves unable to live without additional community support; AND

WHEREAS, Silver Spring HELP, Inc., together with the First Baptist Church of Silver Spring and other churches in the area has begun a volunteer Soup Kitchen in Silver Spring to provide daily a hot, nutritious meal to hungry, needy people on a first-come, first-serve basis, and to offer resource counseling and referral to those in need of additional services.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT the Mayor and Council hereby commend Silver Spring HELP, Inc. and the members of the First Baptist Church of Silver Spring for opening the Silver Spring Volunteer Soup Kitchen, which will be an important community resource meeting real human needs; AND

BE IT FURTHER RESOLVED THAT as a token of the Mayor and Council's support for this soup kitchen, the City Administrator is authorized to donate five hundred dollars (\$500) from the Mayor and Council's Contingency Fund to the volunteer Soup Kitchen.

ADOPTED BY THE MAYOR AND COUNCIL NOVEMBER 28, 1983.

PROPOSED ORDINANCE

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

SECTION 1. THAT all vehicular traffic on Dogwood Avenue shall come to a complete stop at that street's intersection with Birch Avenue, thereby creating a 4-way stop; AND

SECTION 2. THAT the Director of Public Works is hereby instructed to install the signs necessary to effect the directive in Section 1 of this ordinance; AND

SECTION 3. THAT this ordinance shall become effective upon completion of the signing; AND

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

PROPOSED ORDINANCE

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

- SECTION 1. THAT, whereas, on October 11, 1983, Ordinance No. 2693 was adopted by the Mayor and Council authorizing legal proceedings for condemnation of the building located at 7142 Carroll Avenue, situated on Lots 14 and part of 15, Block 2, Hill Crest Subdivision, within the City of Takoma Park, Md., 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, owners of record; AND
- SECTION 2. THAT a hearing was held on November 14, 1983, as prescribed by law, at which the owner or a representative of his choice was given opportunity to show cause why the building should not be declared a nuisance; AND
- SECTION 3. THAT the Mayor and Council hereby declare the building located at 7142 Carroll Avenue to be a nuisance; AND
- SECTION 4. THAT in accordance with Chapter 6, Article 6, Secs. 6-65 and 6-66, the Code of Takoma Park, 1972, as amended, the owners, H. A. and F. T. Masterton, are hereby ordered to abate code violations 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, and to restore the building to a habitable condition or demolish the building and remove all debris within a period of ninety (90) days from passage of this ordinance.

PROPOSED ORDINANCE

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

- SECTION 1. THAT, whereas, on October 11, 1983, Ordinance No. 2694 was adopted by the Mayor and Council authorizing legal proceedings for condemnation of the building located at 7309 Flower Avenue, situated on Lot 5, Block 46, Fletcher's Addition to Takoma Park, within the City of Takoma Park boundaries, and 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 2. THAT a hearing was held on November 14, 1983, as prescribed by law, at which the owner or a representative of his choice was given opportunity to show cause why the building should not be declared a nuisance; AND
- SECTION 3. THAT the Mayor and Council hereby declare the building located at 7309 Flower Avenue to be a nuisance; AND
- SECTION 4. THAT in accordance with the Fire Safety Code and Chapter 6, Secs. 6-65 and 6-66, of the Code of Takoma Park, Md., 1972, as amended, the owner, Kunkukunjamma M. Kuriakose, is hereby ordered to abate Fire Safety Code violations and the following violations of the Housing Code: 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 to restore the building to habitable condition or demolish the building and remove all debris within a period of ninety (90) days from passage of this ordinance.

ORDINANCE NO. 2702

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

SECTION 1. THAT Chapter 2, "Administration," of the Code of Takoma Park, Md., 1972, as amended, be further amended by the addition of a new Sec. 2.76(j) as set forth below:

Sec. 2.76. Sick Leave

(j) After ninety (90) days of continuous employment, an employee may utilize the aggregate amount of sick leave which would accrue to him during the calendar year in which the leave is taken. Any leave taken in excess of that which would have accrued by the end of any calendar year will be considered leave without pay.

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

ADOPTED BY THE MAYOR AND COUNCIL NOVEMBER 28, 1983.