

TO: Mayor and Council
FROM: Richard L. Robbins, Acting City Administrator
DATE: February 3, 1984
SUBJ: Worksession, Monday, February 6, 1984

7:30 p.m.

AGENDA

1. Discussion with Charles Lohr from MNCPPC regarding policies for subdivision of properties and how they apply to the Ziegler property at Cedar and Tulip Avenues

Council

2. Variance for 300 Mississippi Avenue - Asking for a variance of 16 feet. City was notified of a request for an 8 foot variance. According to property owner, Montgomery County erred which created the confusion. Hearing is February 9, 1984

Richard Robbins

3. Discussion of Old Town canopy and associates concerns

Paul Mok

4. Pre-budget discussion for Recreation Department

Belle Ziegler

5. Discussion of 7709 Takoma Avenue for possible condemnation proceedings

Councilmember D'Ovidio

6. Tree Commission report regarding 405 Elm Avenue

Councilmember Haney

7. Discussion of making Tree Ordinance a Misdemeanor or Municipal Infraction

Councilmember Haney

8. Update on Unification Task Force

Councilmember D'Ovidio

9. Discussion of socially responsible investment policies

Council Aldrighetti

10. Support for Senator Banimum's Burning Tree Club Bill

Councilmember Iddings

Mayor and Council Worksession

February 6, 1984

The Mayor and City Council met in worksession at 7:40 p.m., Monday, February 6, 1984, with Mayor Pro-Tem D'Ovidio chairing. Present were: Councilmembers Aldrighetti, Bradley, Dalmat, Haney, Iddings and Williams; Acting City Administrator Robbins, Economic Development Coordinator Mok, Community Development Coordinator Neal; Charles Lohr, MNCP&PC.

The following matters were discussed and acted upon as indicated:

1. Discussion with Charles Lohr from MNCPPC regarding policies for subdivision of properties and how they apply to the Siegler property at Cedar and Tulip Avenues. Mr. Lohr spoke, showed drawings projecting the property before and after proposed subdivision; the following points were made:
 - There is nothing in the subdivision regulations to prevent the proposed subdivision; Park & Planning would have to grant approval for at least 2 lots;
 - 3 new houses are being proposed; minimum front footage required in an R-60 zone is 60 feet; however, 50 feet could be "grandfathered;"
 - If placed on the Master Plan for Historic Preservation, additional restraints could be imposed;
 - The Master Plan could not have prevented subdividing, could only have recommended against it; if included in the Plan, a 60-day extension may be effected;
 - As a result of letters from the City, MNCPPC's hearing will probably be extended to mid-March; all parties, including the Historic Preservation Commission, will be notified 10 days in advance.Following discussion, decision was made unanimously that Recreation Director Ziegler would make application to Project Open Space for funding to allow the City to acquire the property, as an option. An information copy of the City's Tree Ordinance will be forwarded to Mr. Lohr at Park & Planning.
2. Variance for 300 Mississippi Avenue - asking for a variance of 16 feet. City was notified of a request for an 8 foot variance. According to property owner, Montgomery County erred which created the confusion. Hearing is February 9, 1984. The requested variance was granted unanimously.
3. Discussion of Old Town canopy and associated concerns. Economic Development Coordinator Mok spoke; he was requested to furnish a projected two-month work plan, including overall design objectives, as well as remaining design decisions. A copy of Travis Price's contract was requested for Mayor and Council. The police patrol issue in TOT, including need for parking enforcement, was discussed; comment was made on the need for this issue to be addressed in the proposed budget. Reminder was given that the Victorian Festival will take place in Old Town on June 10.
4. Pre-budget discussion for Recreation Department. Recreation Director Ziegler presented her department's proposed budget for the upcoming fiscal year.
5. Discussion of making Tree Ordinance a Misdemeanor or Municipal Infraction. The proposed amendment was accepted, will be presented at the February 13 regular Council Meeting for first reading.
6. Update on Unification Task Force. Following Councilmember D'Ovidio's report, comment was made that the Task Force will meet on February 7.
7. Discussion of socially responsible investment policies. Discussion was relative to forming a Task Force for investment policies; decisions were that the matter would be given publicity, including notice in the Newsletter; applications to serve will be accepted by the City Administrator; selection of members will be confirmed by Council.

There being no further business to discuss, the meeting adjourned.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
February 13, 1984

AGENDA

CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Aldrighetti
Councilmember Bradley
Councilmember Dalmat
Councilmember D'Ovidio
Councilmember Haney
Councilmember Iddings
Councilmember Williams

PLEDGE

READING AND APPROVAL OF THE MINUTES OF DECEMBER 12, 1983; January 9 and 23, 1984

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: Acting City Administrator Robbins

1. Communications

2. Administrative Reports and Recommendations for Council Action

(1) Administrative reports:

--Council action on Appeal A-1132, front yard variance,
300 Mississippi Avenue (Robbins)

--Report on parking arrangements for lower Mississippi
Avenue residents (Robbins)

--Application for Class H Beer and Wine license (on-sale only)
Tropicana, 8638 Flower Avenue; public hearing: 11:10 AM,
Wednesday, March 7, COB, Rockville (Robbins)

--Report on status of pending special exception at 7403
Garland Avenue (Corporation Counsel)

--Report on violations of abandoned auto ordinance at
7411 Baltimore Avenue (Corporation Counsel)

(2) Report on Park and Planning briefing re Cedar/Tulip Avenue proposed
resubdivision; Council position (D'Ovidio)
Citizens' comments
Council action

(3) Resolution regarding Martin Luther King, Jr. tree planting on
Library grounds (Haney)

(4) Appeal 7098, 1101 University Boulevard, landscaping waivers on
University Blvd. and N. H. Ave. and variances of 1' on Anne Street,
9' on Kennewick Ave. to accommodate Safeway expansion (Public Hearing:
6:30 PM, 2-15-84, CAB, Upper Marlboro) (Robbins)
Citizens' comments
Council action

(5) First reading of an ordinance amending Sec. 12-28 of the City Code
(Urban Forest) to provide for municipal infraction penalty (Haney)
Citizens' comments
First reading

(6) Resolution authorizing disposal of wrecked police vehicle (Robbins)
Citizens' comments
Council action

(7) Appointments and reappointments to Historic Preservation Comm. (Iddings)

(8) Council position on MC 423-84, "Montgomery County Clubs - Tax Benefits -
Revocation for Discrimination" (Bradley)

ADJOURNMENT

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

FEBRUARY 13, 1984

OFFICIALS PRESENT:

Mayor Abbott	Act. City Administrator Robbins
Councilmember Aldrighetti	City Clerk Pusti
Councilmember Bradley	Recreation Director Ziegler
Councilmember Dalmat	Act. Public Works Director Smith
Councilmember Haney	Corp. Counsel Gagliardo
Councilmember Iddings	
EXCUSED: Councilmember D'Ovidio	
Councilmember Williams	

The Mayor and City Council of Takoma Park, Maryland, met on February 13, 1984, at 8:10 p.m., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of December 12, 1983 were moved for adoption by Councilmember Bradley, seconded by Councilmember Dalmat; Councilmember Iddings stated that the Minutes of January 9, 1984, page 4 had an extra "the"; page 5, third paragraph, should read "Kathy Bruns"; Councilmember Bradley moved the Minutes of January 9, 1984 for adoption. Councilmember Iddings seconded the motion; Councilmember Iddings stated that the Minutes of January 23, 1984, page 2, should read "Herbert Kaufman"; questioned "historic vegetation"; Councilmember Aldrighetti moved the minutes for adoption. Councilmember Haney seconded the motion; each was approved unanimously.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott announced that legislation is now pending before the State Assembly to allow citizens of Takoma Park the right to vote on unification. At the present, there are two bills pending which allow residents on both sides of the County to vote; hoped the issue would be settled shortly. Further noted the publication of articles in the Washington Post and a Channel 4 telecast urging citizen participation and the importance of this issue.

Mayor Abbott pointed out that a bi-County Task Force had been set up by the Prince George's Delegation to study the problems of a two-County City, stating that nine months had gone by before a meeting had been called. A report has now been finalized on Unification. Mayor Abbott thanked the Corporation Counsel for his work as a citizen in helping with the preparation of this document. Mayor Abbott announced that a Press Conference on Unification would be held in the Municipal Building, February 14, 1984 at 10:00 a.m. On Friday, February 17, the Montgomery County delegation will discuss the issue and vote. The State Senators of that County have approved the bill, and are waiting for the movement to get started in Prince George's County.

ADDITIONAL AGENDA ITEMS

Position on HB 479 Special Taxing Districts (Councilmember Bradley)

GENERAL CITIZENS' REMARKS

James Jeffas, 7600 Hammond Avenue: Suggested a policy change which would impose a fine on persons speaking at Council Meetings who give Takoma Park addresses, but reside elsewhere.

Vernon Ricks, 7667 Maple Avenue: Spoke in support of MC 423-84, Montgomery County Country Clubs - Tax Benefits. Read a statement from the NAACP, which stated that clubs exist which deny applicants on the basis of race, sex, color, creed, or national origin, while enjoying tax-free benefits at the expense of those who support the democratic principals of the nation. Urged Council support of the bill.

Jan Schwartz, 7309 Garland Avenue, Citizens for a Referendum: Spoke on Unification, and announced a march to be held in Annapolis on Monday, February 20 to dramatize the issue; urged financial support for the group and citizen participation.

Patrick Donnelly, 7002 Sycamore Avenue: Submitted a copy of an Executive Summary to the Mayor and Council regarding Unification, prepared by Royal Hart. Referred to a section on Assessments, which indicated no statistical differences between the Montgomery and Prince George's sections of Takoma Park. He disagreed, saying that in Prince George's County there is a steady increase in assessments and a decline in home sales prices; this is not the case in Montgomery County. There was further dialogue with the Mayor and Council, with the Mayor stating a Task Force has been set up to address such matters. He further stated there would be a published list in the Newsletter of all briefings and Public Hearings on the City Budget.

ITEMS FOR COUNCIL CONSIDERATION: Acting City Administrator Robbins

(1) Administrative Reports:

--Council Action on Appeal A-1132, front yard variance, 300 Mississippi Avenue (Robbins)

The Acting City Administrator stated that at the last work-session, the Council reaffirmed their position of approval of the variance at 300 Mississippi Avenue.

--Report on parking arrangements for lower Mississippi Avenue residents

A letter was received from the Director of Parks, Mr. Stanton Ernst, giving permission for residents to use the small Park and Planning parking area near the junction of Hilltop Road and Mississippi Avenue during ice and snow emergencies. An appropriate letter will be forwarded to residents of the area.

--Application for Class H Beer and Wine License (on-sale only), Tropicana, 8638 Flower Avenue; public hearing: 11:10 a.m., Wednesday, March 7, COB, Rockville

The Acting City Administrator noted that the Tropicana Restaurant had applied for a Class H Beer and Wine License. A hearing before the Board of License Commissioners is scheduled for 11:10 a.m., on Wednesday, March 7. It will be scheduled on February 27 Council Agenda.

--Report on status of pending Special Rxeption #3447, 7403 Garland Avenue (Corporation Counsel)

Corporation Counsel stated that the Prince George's County Planning Board voted 5:0 to recommend that a Special Exemption be granted at 7403 Garland Avenue which would permit the operation of a three-unit rental facility at that address. The action was taken over the unanimous objection of the Mayor and Council which was based on violation of the City Master Plan. It is currently operated as four, and in October of 1982, it was cited as being in violation of

zoning laws which require that it be operated as a single-family home. The Planning Board staff report stated in error that approximately a third of the single-family dwellings within that specific quadrant have been, or are currently used as multi-family dwellings. Corporation Counsel stated that, after researching this, he found there were only 10 dwellings, 8 of which are operated illegally; two are permissible two-family homes. A public hearing on the Special Exception will be held before the Hearing Examiner on February 22, at 9:00 a.m. The Planning Board's recommendation will be considered along with other evidence, both pro and con, as to the granting or denial of the petition. Both the City and Longbranch Sligo Citizens' Association will present testimony. Corporation Counsel explained the events and procedures leading to this public hearing. The Hearing Examiner will recommend to the Prince George's County Council, sitting as a District Council, as to whether or not to grant the Special Exception. When a Special Exception is opposed by a municipality, the County Council can only approve it by an affirmative vote of 2/3 of the full Council (i.e., six of the 9 members). There are four independent County processes all of which have been initiated by the property owners. Councilmember Aldrighetti stated that this is an issue of the integrity of the zoning process in the Longbranch Sligo neighborhood. Corporation Counsel stated he had no idea what weight the Master Plan would carry with the Hearing Examiner. Also noted that on Wednesday, February 15 at 8:00 p.m., there will be a planning meeting at Mr. Phillip Vogel's home to discuss the issue.

--Report on violations of abandoned auto ordinance at 7411 Baltimore Avenue (Corporation Counsel)

Corporation Counsel stated that on Thursday, February 9, the Circuit Court of Montgomery County issued an injunction against Mr. Bob Jaszenko ordering him to cease operation of an auto repair business at 7411 Baltimore Avenue. He must remove all vehicles which do not belong to him. This property will be inspected at 9:00 a.m., the following Monday, the deadline set by the Judge for Mr. Jaszenko to comply with his order. Failure to comply will result in a \$100/day fine. There was testimony at the trial from residents of the City, Sgt. Winkler and Officer Rosenthal of the City Police Department. The injunction goes beyond the abandoned auto ordinance; it is an injunction to halt the operation of a business at the premises.

(2) Report on Park and Planning briefing re Cedar/Tulip Avenue proposed resubdivision; Council position (D'Ovidio)

Councilmember Iddings stated that the Council had been dealing with this issue for the past two months. A proposal is before Park and Planning to resubdivide the Siegler property at Tulip and Cedar.

John Urciolo, 5316 Nevada Avenue: As a hired consultant for the Siegler family on the resubdivision, Mr. Urciolo thanked the Mayor and Council for the briefing. Stated he had inspected the Master Plan of the City, talked with Zoning, and stated there are various alternatives; one of which is the resubdivision of the lots into 4 lots, which would include the double lot under the house. He displayed plans which showed what exists on the site at present, and what he proposed. He explained that the property is currently subdivided so that a building permit could be obtained on the lots, but any home built would be subject to the review of the City's Historic Review Preservation Committee as well as that of the County Historic Preservation Commission. The lots are the original B. F. Gilbert subdivisions (50 by 200) containing 10,000 square feet of land and zoned R-60. Mr. Urciolo further noted that since houses have already

been built on the Tulip Avenue side, and with the lay of the land as such, a number of configurations were considered. Noted that Mr. Siegler is very much in favor of maintaining the two lots on which the house sits together, with his mother remaining on the property. Only the two back lots would be subdivided. Mr. Urciolo further pointed out that Mr. Siegler's mother requires 24-hour nursing care and that the expense of the continuing care was his reason for requesting the resubdivision. The main house is not in jeopardy - it would not be touched. It would be in the best interests for the purchaser to present his own case to the Historic commission and build a home within their guidelines. Mr. Siegler is prepared to sell all of the lots in toto, exclusive of the main house. Mr. Urciolo stated at the present there are no contract offers on the property and Mr. Siegler required that nothing be taken in writing until the subdivision plan had been presented and ruled on. Further noted that the land trust idea is not feasible; the sale of the property without the main house could involve the right of first refusal, which would be a real possibility for the property.

Ed McMahon, 7311 Wildwood Avenue: Questioned Mr. Urciolo as to which parcel of land would be offered first; it was indicated that lots 40 and 41 would be offered and then lots 31 and 36. Mr. Urciolo further informed the Council that he has an option to buy lot 31, but that this would be subject to the resubdivision.

Jim Douglas, 212 Tulip Avenue: As Vice-President of the Old Takoma Citizens' Association, restated opposition to the resubdivision, explaining the site has important historic values for the City. The site also contains Azaleas which are rare. Further noted the resubdivision would substantially alter the character of the neighborhood and the City. Mr. Douglas named other citizens' associations and organizations that also oppose the resubidivision and stated that the Montgomery County Historic Preservation Commission is in opposition. The Commission is sympathetic to Mr. Siegler and understands that he would like a significant return of funds for his property. A number of alternatives had been raised to preserve the entire property and the Commission would like to be able to continue to pursue these alternatives and not be hindered by persons who state they are open to alternatives and then put up road blocks. Mr. Douglas stated that the Association had retained legal counsel to represent them at the hearing, and is instituting a fund-raising campaign to pay for legal expenses; if there are surplus funds, they will be contributed to the City to apply to the purchase of the property on behalf of the citizens of Takoma Park. On March 1, this particular property will be nominated as an individual property to be on the County's Master Plan. Further noted he had been in touch with Senator Bainum's Office and that the Senator would be writing to the Mayor and Council and the Park and Planning Commission in strong support of the Association's position. At the last worksession, there was considerable discussion with Mr. Loehr from Park and Planning as to when and at what time the upcoming hearing would be held. Mr. Douglas stated that Mr. Urciolo had a clear financial interest in the resubidivion of the property.

In response to Councilmember Aldrighetti's question, Mr. Urciolo restated he would make arrangements for a purchaser to see the property if approached with an offer to buy the property minus the lot on which the house sits, but with the right of first refusal. He informed the Council that he had forwarded all views and letters from citizens and organizations in the City to Mr. Siegler and he is well aware of and sensitive to the views of the City and would like to work out a solution. He stated again that no approach had been made for a partial purchase with the right

of first refusal; everyone wants the entire parcel which would not be offered because of Mrs. Siegler's situation. Mr. Urciolo informed the Council that he was given a report prepared by the Historic Preservation Commission, by Mr. Roy H. Gaza, Jr. which, referring to Mr. Morrison, stated that "he made the property unique and a study ground and laboratory for the science of Azalea culture." Mr. Urciolo indicated this was not a true statement and he had so informed the Commission. He also stated there was no difference of opinion between Mr. Siegler and his mother as to the plans; that she was fully informed of the resubdivision, and only requested that she be allowed to remain in the house.

Karen Maury, Sherman Avenue: As a real estate agent in Takoma Park, stated she had received numerous phone calls regarding this property. Asked if Mr. Urciolo was a Maryland broker and whether he represented the Siegler family as an attorney or broker. Mr. Urciolo answered "no" on all points. She also asked for an estimated price of the options on the other lots. Mrs. Maury questioned how it would be possible, with no dollar value known on the property, to execute a purchase agreement. Mr. Urciolo stated the property is not up for sale; it is up for resubdivision, stating he does not have a price on the property, but it could be requested from Mr. Siegler. There was a long dialogue among the Mayor and Council and Ms. Maury as to the net worth of the property, a life-time estate vs. the option for a first refusal, etc.

Mr. Friedman: Reiterated his willingness to work out needs and preserve the neighborhood character. Questioned how to proceed to generate the kind of offers that would be acceptable.

Councilmember Iddings stated that at a worksession two weeks ago, the matter of the schedule by Park and Planning was discussed and it was decided to ask for a 30 day postponement. A letter was sent by the Acting City Administrator to Park and Planning; a specific date was not set.

Lisa Jourdan, 7208 Trescott Avenue: As Vice-President of the Long Branch Sligo Citizens' Association, reiterated that many associations in the area are opposed to the resubdivision.

Richard Bernardi, 7111 Cedar Avenue: Stated opposition to any resubdivision and urged Council support to set a precedent.

Roland Halstead, 7116 Maple Avenue: As President of Historic Takoma, stated opposition to the resubdivision; the Board of Directors of Historic Takoma stated that approval of the resubdivision would set a precedent for other parts of the Historic Districts in the City and would change the character of the neighborhoods.

Robert Anderson, 214 Dogwood Avenue: Questioned Mr. Urciolo if offers made on the property for a right of first refusal would be accepted. Mr. Urciolo stated that no one had made this offer; the only offer was the discussion about a life-estate, which would not be acceptable. When asked if lots 31 and 42 had been purchased separately from the rest of the property, Mr. Urciolo indicated that lots 31, 32, 35 and 36 were purchased together and at a later date, Mr. Siegler purchased the back lots of 30, 33, 34 and 37.

Ed McMahon, 7311 Wildwood Drive: Spoke as a member of the Historic Preservation Committee, and stated the Committee's unanimous decision to oppose the resubdivision and urged Council support of that position for the following reasons: 1) the denial of the resubdivision request does not deprive

the owner of reasonable use of his property or present any undue hardship; 2) the request would seriously impair the integrity of the neighborhood. The Committee is basically interested in insuring the preservation of the site, while allowing the owner to realize appropriate economic gains. Mr. McMahon thanked Mr. Urciolo for his presentation.

Councilmember Bradley stated the Council is in need of a coherent policy on open space for the entire City, not just the Historic Districts. Stated that one of the activities that the City is currently involved in is surveying the open space so that matters such as this could be better anticipated in the future.

Councilmember Iddings summarized the presentation, noting that the purpose of Mr. Urciolo's proposals for the resubdivision is provide an income for Mrs. Siegler's maintenance during the remaining course of her life. The citizens and Ms. Maury demonstrated that there are a number of alternatives involving individual purchases for the entire parcel that have not yet been explored. There are also alternatives presented by Mr. McMahon relative to the trust of public land that also need to be explored. There are a number of different approaches to meeting the various interests that have been outlined. Councilmember Iddings outlined the interest of Mr. Siegler to have a resource that he could rely on to maintain his mother, the interest of the citizens to maintain the character of the neighborhood, and the City's interest in maintaining public space that contributes to the overall park-like character of the City.

Councilmember Iddings moved that the Mayor and Council of the City of Takoma Park, Maryland oppose at this time the proposed resubdivision of the Siegler property and that the City Administrator be directed to communicate this position to the Park and Planning Commission and to Mr. Siegler; that the City ask for an extension of at least 90 days before any Planning Board Hearing be held so that the parties can explore resolution of the issue through the sale of the property in toto. Councilmember Aldrighetti seconded the motion. When questioned by Councilmember Aldrighetti on whether he would support the 90 day agreement, Mr. Urciolo stated it was unreasonable, but would agree with 30 days or the possibility of 45 days. He further stated he would have Mr. Siegler come into the City for a productive meeting with something in writing on the basis of 30 or 45 days. Mayor Abbott questioned the use of the term in toto, since Mr. Siegler had indicated his mother is not interested in a life estate. Councilmember Aldrighetti further questioned Mr. Urciolo if an inspection of the property could be made before Mr. Siegler was brought to a meeting. Mr. Urciolo stated that this could be arranged. At this point, Councilmember Aldrighetti moved to amend the motion to state that based upon a good faith showing on the part of the holders of the property, which would consist of the showing of the property to a group of citizens and representatives from the City, and based upon an in-person meeting with Mr. Siegler that the time be reduced to 60 days; Councilmember Bradley seconded the motion. The amendment passed, with Councilmember Dalmat abstaining. Councilmember Bradley stated her support for the motion, with the understanding that staff draft a letter to Mr. Siegler addressing on a personal basis some of the concerns heard from citizens and concerns of the City. Expressed the opinion that inspection of the premises should be limited to prospective buyers only. Further stated that citizen interest and participation in the preservation of one historic home was impressive, and should continue. When the Council looked at future spaces, they should work with the Mayor and Council in maintaining historic sites in Takoma Park. Mayor Abbott noted that in the past, individuals

interested in preservation in an isolated way had fought and opposed the idea of the City obtaining its own zoning power because they did not wish to entrust that power to persons in the City.

Councilmember Dalmat stated she would abstain from voting, and explained a possible conflict of interest, saying that she had at one time been interested in one of Mr. Siegler's lots for development. Agreed that the City must have a coherent policy in dealing with subdivision requests. Also requested that the City retain a certified appraiser for inspection of the property.

Councilmember Iddings expressed gratitude for citizen participation on the large lot survey being conducted by the City and in working with zoning issues. The motion, "in view of the interests of the citizens in maintaining the integrity of the neighborhood, and the interest of the City to maintain public space and private space which contributes to the over-all park-like character of our City, we oppose at this time the proposed resubdivision of the Siegler property and direct the Acting City Administrator to request an extension of 60 days for any Planning Board Hearing, based upon the willingness of all parties involved to achieve some reconciliation on the matter", passed, with all voting Aye, except Councilmember Dalmat who abstained for the reason stated. Councilmember Aldrighetti moved to amend the motion to request that the Planning Board Hearing be held in Takoma Park during evening hours; it was duly seconded and passed unanimously.

(3) Resolution regarding Martin Luther King, Jr. tree planting on Library grounds (Haney)

This is a resolution prepared by Councilmembers Haney and Williams to plant a tree on the Library grounds in commemoration of Dr. Martin Luther King, Jr. Forty states and the District of Columbia have had similar planting dedications. This is also an effort of the City to promote, preserve and protect the urban forest.

James Jeffas 7600 Hammond Ave: Stated that this is the 350th anniversary of the State of Maryland, and he would prefer that a "Marylander" be honored by the tree.

Mayor Abbott and Councilmember Bradley noted that Takoma Park had been designated as a "Tree City USA" by the National Arbor Day Foundation; this is a step toward a tree planting policy as a form of recognition. The City may consider setting up a contributory fund to purchase additional trees and designate memorial trees. The resolution was moved, seconded and passed unanimously.

RESOLUTION
(Attached)

(4) Appeal 7098, 1101 University Boulevard, landscaping waivers on University Blvd. and N.H. Ave., and variances of 1' on Anne Street, 9' on Kennewick Ave. to accommodate Safeway expansion (Public Hearing: 6:30 PM, 2-15-84, CAB Upper Marlboro (Robbins)

The Acting City Administrator stated that the Safeway store had requested a waiver and variances from landscaping zoning requirements. Anne Street and Kennewick Avenue parking lot curbs are required to be set back 35 feet from the center of the road. On the Anne Avenue side, there is a 34 foot setback, and therefore, several hundred feet of curb and gutter would have to be removed to meet the strict zoning requirements. On the Kennewick Avenue side, a 9 foot waiver had been requested. The Safeway is also requesting a 10

foot waiver on the front of the property for landscaping purposes and to increase the amount of parking spaces to conform with zoning ordinances. Mr. Paul Mok, the City's Economic Development Coordinator, stated there are no specific proposals of trees that would be planted but that the State Highway Administration had agreed to the plantings. The Acting City Administrator stated that an appropriate letter had been sent to residents of the area and a hearing date has been scheduled for February 15, 1984, at 6:30 p.m., COB Upper Marlboro. Councilmember Haney moved for support of this request; Councilmember Bradley seconded the motion.

Irwin Mack, 8107 Chester Street: As President of the Langley Park Business and Professional Association, went on record in support of the petition, saying it is in keeping with the revitalization of the area. The motion to support the appelliant in Appeal No. 7098 carried unanimously.

(5) First reading of an ordinance amending Sec. 12-28 of the City Code (Urban Forest) to provide for municipal infraction penalty (Haney)

Councilmember Haney stated that this amendment would provide more efficient enforcement of the Tree Ordinance. As the ordinance is now written, Corporation Counsel would have to approach the State's Attorney's Office to obtain enforcement as a misdemeanor, and it would probably be considered low priority. The amendment would simplify legal enforcement; urged Council support. Corporation Counsel asked the Council to look at three points : 1) consider the fine limits in the ordinance; 2) whether Council would like to specify that a misdemeanor is willful and wanton disregard, or other qualifiers; 3) whether Council wished to distinguish between what would constitute a misdemeanor and a municipal infraction or provide that a violation could be either. The ordinance was accepted for first reading, with the understanding that Corporation Counsel would draft language to provide that a violation could be either an infraction or a misdemeanor, with the willful and wanton proviso inherent in the latter.

PROPOSED ORDINANCE
(Attached)

(6) Resolution authorizing disposal of wrecked police vehicle (Robbins)

The Acting City Administrator explained the nature of the request, which is described in the resolution. Councilmember Bradley moved the resolution for adoption; Councilmember Iddings seconded the motion, and it carried unanimously.

RESOLUTION
(Attached)

(7) Appointments and reappointments to Historic Preservation Committee (Iddings)

Councilmember Iddings moved to reappoint David J. E. Saumweber and Maurice Berez to two year terms, and appoint Mary A. Dean, Linda Donald and Philip C. Metzger for one year terms to the Historic Preservation Committee. Councilmember Bradley seconded the motion, and it was passed unanimously. Corporation Counsel suggested that the City opt out of the County law on Historic Preservation under the new "Tillie Frank" legislation. Councilmember Iddings stated that to do this, the City would have to also remove itself from the restrictions imposed by Article 66D of the Maryland Code, which would be another matter.

(8) Council position on MC 423-84, "Montgomery County Clubs Tax Benefits: Revocation for Discrimination (Bradley)

Councilmember Bradley moved for support of MC 423-84, which pertains to all Montgomery county clubs and removal of tax benefits for those clubs which discriminate. Further noted that Senator Bainum is a main supporter for this bill. Requested that a letter of support be sent to Senator Baniun and to the Chair of the Montgomery County delegation and other appropriate General Assembly officials. The motion was duly seconded and carried unanimously.

(9) Support of HB 479, Special Taxing Districts

Councilmember Bradley stated that the state law requires that in order for a jurisdiction such as Friendship Heights to become a municipality, there is a complex formula of voting for both residents and a large percentage of property owners. In Friendship Heights, there are only six property owners, the rest are renters. This bill would ease the requirements for voters, and thus restrict control by a few landholders. Councilmember Bradley further noted that this is a municipal issue and the City should go on record in support of it, which would be consistent with Takoma Park's general support of Unification and other municipal issues. Councilmember Bradley moved to send a letter of support for HB 749 to the appropriate persons; Councilmember Haney seconded the motion and it carried unanimously.

Upon proper motion, the meeting adjourned at 11:28 p.m., to reconvene on Monday, February 27, 1984 at 8:00 p.m.

RESOLUTION

WHEREAS, Dr. Martin Luther King, Jr. was a leader in the advancement of civil and human rights; AND

WHEREAS, Dr. King has made a significant, positive difference in the lives of Americans of all races; AND

WHEREAS, the City of Takoma Park has been designated as a "Tree City, USA" by the National Arbor Day Foundation; AND

WHEREAS, April 4, 1984 marks the 100th anniversary of Arbor Day in Maryland; AND

WHEREAS, the Mayor and Council desire to commemorate the memory of Dr. Martin Luther King, Jr. and celebrate Takoma Park's national recognition as a "Tree City."

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and Council of Takoma Park, Maryland that a tree shall be planted on the grounds of the City's library on April 4, 1984, to commemorate the memory of Dr. Martin Luther King, Jr. and his achievements.

FEBRUARY 13, 1984.

WHEREAS, Ordinance No. 2677, creating Article 4, Chapter 12 of the Takoma Park Code, as originally enacted, provided that certain violations of its provisions would be misdemeanors and included penalties for misdemeanor violations, but did not provide that violations of the ordinance would constitute municipal infractions; and

WHEREAS, efficient enforcement of Article 4 requires that the City be able to handle violations of its provisions as municipal infractions instead of or in addition to misdemeanors, in order to permit the imposition of civil penalties instead of or in addition to criminal ones; and

WHEREAS, it is the intention of the Mayor and Council that the Corporation Counsel be able to maintain actions for enforcement of municipal infraction violations of Article 4;

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

1. Section 12-28 of the Takoma Park Code shall be repealed and simultaneously reenacted to read as follows:

"Section 12-28. Enforcement.

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

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

(c) In addition to the foregoing, any violation of this Article shall constitute a municipal infraction for which a citation may be issued. The fine for each violation shall be \$50.00 per tree affected, plus \$25.00 per inch of tree circumference greater than twenty-four inches measured at four and a half feet above ground level or at the highest remaining point of less than four and a half feet, with a maximum fine of \$100.00 per tree affected, and \$200.00 for repeat offenses, or such other greater maximums as may be permitted by state law. The minimum fine may be suspended only upon a finding that the violation was the first offense by the party charged and that there was no willfulness involved.

(d) Without limitation upon 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 Article. An injunction shall be issued prohibiting any action requiring a permit under Section 12-24 upon a showing that no permit has been issued or that an appeal from a decision to issue a permit is pending or that the time allowed for the submission of an appeal has not expired. The court shall award attorney's fees and costs to any party who succeeds in obtaining an injunction hereunder.

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

2. This ordinance shall be effective upon enactment.

RESOLUTION

WHEREAS, a police vehicle, known As Car 5, was involved in an accident and subsequently declared to be beyond repair by the insurance company making settlement on the claim.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Takoma Park, Maryland that the City Administrator is hereby authorized to remove from the City records the 1980 Dodge Aspen, Title #0982732, Serial #NL41GAF174107.

February 13, 1984.

FROM: Richard L. Robbins, Acting City Administrator
SUBJECT: WORKSESSION, TUESDAY, February 14, 7:30 PM.


AGENDA

- (1) Review of Youth Outreach Program. Present for review will be Calvin Avann, Belle Elgler, Sgt. Jack Coats, and two Montgomery County representatives. (This item is scheduled first as Calvin and the Montgomery County representatives have youth activities planned for the same evening.)
- (2) WOCANA Presentation - Seventh-day Adventist plans for development next to the Old Town area
- (3) Discussion of CMTV Compensation Commission
- (4) Pre-budget worksession with Police Department
- (5) Discussion on proposed draft of Police oath (Haley)
- (6) Discussion of consent agenda (Addings)
- (7) Discussion of Speed Bump (Addings)
- (8) Discussion of personnel matter (Haley)

February 17, 1984

MEMORANDUM

TO: Mayor and Council

FROM: Richard L. Robbins, Acting City Administrator 

SUBJECT: Worksession, TUESDAY, February 21, 7:30 PM.

AGENDA

- (1) Review of Youth Outreach Program. Present for review will be Calvin Avant, Belle Ziegler, Sgt. Jack Goetz, and two Montgomery County representatives. (This item is scheduled first as Calvin and the Montgomery County representatives have youth activities planned for the same evening.)
- (2) TOCANA Presentation - Seventh-Day Adventist plans for development next to the Old Town area
- (3) Discussion of CATV Compensation Commission
- (4) Pre-budget worksession with Police Department
- (5) Discussion on proposed draft of Police Oath (Haney)
- (6) Discussion of consent agenda (Iddings)
- (7) Discussion of Speed Humps (Iddings)
- (8) Discussion of personnel matter (Haney)

Mayor and Council Worksession

February 21, 1984

The Mayor and City Council met in worksession at 7:45 p.m., Monday, February 21, 1984, with the Mayor chairing. Present were: Mayor Abbott, Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings and Williams; Acting City Administrator Robbins.

The following matters were discussed and acted upon as indicated:

1. Review of Youth Outreach Program. (Calvin Avant, Recreation Director Ziegler, Police Sgt. Goetz, 2 representatives from Montgomery County.) Youth Worker Calvin Avant described the program; spoke on the objectives and accomplishments. Councilmembers Iddings, Haney and Aldrighetti expressed support and praise.
2. TOCANA Presentation - Seventh-Day Adventist plans for development next to Old Town area. A presentation on the plans was made; questions were posed by Mayor and Council, as well as a number of residents. Consensus was that TOCANA had avoided making their plans known until the 11th hour and were now attempting to play sides against one another.
3. Discussion of CATV Compensation Commission. Mayor and Council were briefed on the 3 applicants for the commission; (2 are needed - 1 reality, 1 architectural), comment was made that Travis Price is interested in the architectural position. Decision was made that a letter would be sent to County Council President Gelman regarding the public access center to be located at Takoma Junior High.
4. Discussion on proposed draft of Police Oath. The proposed Oath was approved unanimously.
5. Discussion of consent agenda. Councilmember Iddings spoke; pointed out the benefits. Mayor Abbott expressed the opinion that it was both ineffective and unnecessary. No decision reached.
6. Discussion of speed humps. Councilmember Iddings gave a brief report on status of the speed hump program.
7. Discussion of personnel matter. This matter was discussed in closed session.

Additional Business Discussed:

--Update on Duff's Restaurant. Mayor and Council directed that Economic Development Coordinator Mok write the agreement ensuring that appropriate landscaping will be done, using language from the previous agreement with Safeway.

--SSI name change. Suggestion was made that the name be changed to North Takoma; Councilmember D'Ovidio was to ascertain from the North Takoma Citizens' Group whether they would prefer naming the property for a Takoma Park resident.

There being no further business to discuss, the meeting adjourned at 12:00 a.m.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
February 27, 1984

AGENDA

CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Aldrighetti
Councilmember Bradley
Councilmember Dalmat
Councilmember D'Ovidio
Councilmember Haney
Councilmember Iddings
Councilmember Williams

PLEDGE

READING AND APPROVAL OF THE MINUTES OF FEBRUARY 13, 1984

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: Acting City Administrator Robbins

1. Communications
2. Administrative Reports and Recommendations for Council Action
 - (1) Administrative reports:
 - Report on Special Exception 3447 hearing to permit continued multi-family use of 7403 Garland Avenue (Corp. Counsel)
 - (2) Position on Application for Class H Beer and Wine License, on-sale only, Tropicana Restaurant, 8638 Flower Avenue (Board of License Commissioners hearing: 11:10 AM, March 7, COB, Rockville)
 - Citizens' comments
 - Council action
 - (3) Business Association presentation on Takoma Old Town parking (Iddings)
 - (4) Briefing on the proposed construction of Takoma Center in Takoma Old Town (Iddings)
 - (5) Discussion and Mayor and Council position on proposed Metro fare increase (Iddings)
 - Citizens' comments
 - Council action
 - (6) Appointments to the Revenue Task Force (Haney)
 - (7) Appeal 7108, validation of existing shopping center via waiver of 10' planting strip, Langley Park Shopping Center (old A&P store area); Public hearing: 6:45 PM, Wednesday, 2-29-84, Rm. 1040, CAB, Upper Marlboro
 - Citizens' comments
 - Council action

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND
REGULAR MEETING OF THE MAYOR AND COUNCIL
FEBRUARY 27, 1984

CITY OFFICIALS PRESENT:

Mayor Abbott	Act. City Administrator Robbins
Councilmember Aldrighetti	City Clerk Pusti
Councilmember Bradley	Economic Development Coor. Mok
Councilmember D'Ovidio	Recreation Director Ziegler
Councilmember Haney	Act. Public Works Director Smith
Councilmember Iddings	Corporation Counsel Gagliardo
Councilmember Williams	
EXCUSED: Councilmember Dalmat	

The Mayor and City Council of Takoma Park, Maryland, met on February 27, 1984 at 8:10 p.m., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Councilmember Iddings requested that Mr. Friedman's address, 7118 Cedar Avenue, be inserted on Page 5 of the February 13, 1984 Minutes. Councilmember D'Ovidio moved the Minutes for adoption; Councilmember Bradley seconded the motion, and they were approved unanimously.

ADDITIONAL AGENDA ITEMS

Position on Project Open Space Funding (Councilmember Iddings)

GENERAL CITIZENS' REMARKS

Jim Douglas, 212 Tulip Avenue: Spoke on behalf of the Old Takoma Citizens' Association regarding the proposed resubdivision at Tulip and Cedar Avenue. Stated that a letter to Mr. Siegler, through Mr. Urciolo, had been prepared requesting permission to inspect the property, inform prospective buyers, and also asking Mr. Siegler to meet with the City Council after the property had been evaluated. One possibility that had been discussed was that the Trust for Public Land to purchase part of the tract and hold it until Open Space money became available and resell it to the City or to a private buyer. Mr. Douglas stated he had met with the Eastern representative of the Trust and they will pursue independent contact with Mr. Siegler. He further informed the Council that the process had been started for getting this individual site on the County Master Plan of Historic Sites and Districts; Park and Planning had started proceedings and the Historic Preservation Commission is scheduled to consider it on March 1. The original Park and Planning meeting on the resubdivision had been scheduled for mid-February; as it stands now, a meeting will take place on March 15. The City has requested that Mr. Urciolo put in writing his recent agreement for a 60 day postponement to accompany the City's letter requesting the same. This has not yet been received and Park and Planning has indicated it would be required.

Mayor Abbott question Mr. Kaufmann, Chairman of the Fundraising Committee, on the examples cited in his letter published in the March Newsletter, which leaves the false impression that an uncontrolled tide of developments is sweeping Takoma Park, destroying landmarks, etc., with the concurrence of the Mayor and Council. Mr. Kaufmann stated funds are necessary for legal representation before the Planning Board and the letter was written for the purpose of fund raising. He apologized for the possible misrepresentations in the letter.

Mike Messinger, 7411 Flower Avenue: Spoke on behalf of

Mrs. Alma Kerney, who lives on Chaney Drive. She is requesting that the sidewalks on Chaney Drive be looked at as a possible target area for repair or replacement. Mayor Abbott directed the Acting City Administrator to look into the square feet involved and report on the condition for Council consideration.

ITEMS FOR COUNCIL CONSIDERATION: Acting City Administrator Robbins

(1) Administrative reports:

--Report on Special Exception 3447 hearing to permit continued multi-family use of 7403 Garland Avenue

Corporation Counsel stated this is a Special Exception applied for by the Patners who own the property, which is currently being operated as a four-unit apartment house. The Special Exception would legitmate up to three units. The Technical Staff at Park and Planning has recommended only two units be operated on the site unless certain parking and other requirements are waived, in which case they would approve use for three units. The Patners have also applied for a validation of a permit issued in error which would allow them to operate four units. There was a hearing before the Hearing Examiner in Prince George's County on February 22, and considerable testimony had been taken from both sides. The matter was continued and will resume on March 7, at which time a decision would be handed down by the Zoning Examiner. Corporation Counsel stated that the City's case was based on the violation of the Master Plan and enforcement of zoning laws. Representing Takoma Park at the hearing were Mr. Phil Vogel and Bob Mulligan; statements were also submitted by several residents of the City. The Patners' witnesses were all former residents. In response to Councilmember Aldrighetti's question as to any application for waivers, Corporation Council stated that these waivers are all part of the current hearings; a garage too close to the property line, a driveway too narrow for three-car parking, and the number of required parking spaces be reduced from three to two, all in violation of the green space requirements. Corporation Council noted that while the hearing was in session, an Assistant County Attorney approached him stating she was in charge of encofcement and would not seek an injunction to enforce the zoning violation until the two processes - the Special Exception, and the validation of permit issued in error - were concluded. The Board Zoning Appeal had twice ruled that the zoning violation should be abated immediately. Councilmember Aldrighetti requested that a letter be sent from the City to the County Attorney's Office requesting that they move forward on this matter, with a copy to the County Executive. It was requested that Corporation Counsel prepare the letter.

--Status of Unification Legislation

Corporation Council stated that on February 28, the Bi-County Committee of the Prince George's County Delegation will vote on Unification. He had spoken with Delegate Perry and was informed that PG/MC 4-84, the referedum to unite in Prince George's County, looked promising, but the vote on PG/MC 12-84, to unite in Montgomery County, would be close. The full Prince George's Delegation is scheduled to meet and vote on Friday, March 2, at 9:00 a.m. Councilmember Bradley noted that an extra step had been added this year. Once the delegations have voted, the bills would go to the House Constitutional and Administrative Law Committee; two key persons on that Committee are delegates from Montgomery County who have consistently voted against all Unification bills.

(2) Position on Application for Class H Beer and Wine License, on-sale only, Tropicana Restaurant, 8638 Flower Avenue (Board of License Commissioners hearing: 11:10 a.m., March 7, COB Rockville)

Councilmember Bradley stated that she had heard only positive comments in support of the application. The owner of the restaurant, Mr. Gualdra, stated he has been located at this site for eleven years. He informed the Council that he will require that patrons order food along with beer or wine. Councilmembers Iddings, Aldrighetti and Williams stated their support for the application. Mr. Gualdra stated his restaurant closes at 10:00 p.m. and has had little or no problems with disorderly conduct.

Arthur Karpas, 6916 Westmoreland Avenue: Stated that he frequents the restaurant and its atmosphere is appropriate for a beer and wine license; it is family owned and operated; stated his support of the application.

Mark Shupe, 8600 Flower Avenue: Spoke as the Vice-President of Between the Creeks Neighborhood Association, and reiterated the Association's support as set out in a letter to the Mayor and Council.

Councilmember Bradley moved that the City take a position in favor of this application and to communicate the City's position to the Board of License Commissioners; Councilmember Willaims seconded the motion and it carried unanimously.

(3) Briefing on the proposed construction of Takoma Center in Takoma Old Town

Mr. Travis Price briefed the Council and displayed a model of the Center to be located at 7050 Carroll Avenue. He stated that financing is available, the land is secured, and groundbreaking will begin in the near future. The building will contain 4300 square feet, with the possibility of a French-type cafe on the ground floor, office space on the second floor, awnings placed at different locations, and parking in the rear for 8 or 9 vehicles, with a fence surrounding the area. He further noted that in the next month or two, the drawings would be completed, a contractor selected, with groundbreaking in April and 4 or 5 months construction time.

(4) Business Association presentation on Takoma Old Town parking

Councilmember Iddings stated that the TOT Business Association had been meeting on the problem of parking. Sue Silber spoke for the Association, stating that the parking situation is at crisis proportions at this time. All persons in the Association have been working to come up with a realistic, effective, and inexpensive solution, which had been presented to the Mayor and Council. In certain areas, the parking facilities need to be improved, parking meters need to be reinstated, better enforcement of parking limits using moneys collected. The most essential part of the plan is to provide parking permits for merchant and employee parking on neighborhood streets. A one-year experiment, was proposed, to be carefully monitored, with parking distributed evenly among the neighborhood streets. There would have to be a count of the exact number of potential spaces and the number of merchants expressing a need. The basic concept would be to remove merchants and employees from the metered spaces, making room for customer parking. Mr. Paul Mok, the City's Economic Development Coordinator, stated he had spoken to the Overseas Missionary Building for use of their parking lot and was informed that it is used for Church parking. Mayor Abbott suggested using the two large lots of the Review and Herald Building.

Councilmember Iddings suggested pursuit of this with a letter to be drafted for the Mayor's signature to the President of the General Conference.

Arthur Karpas: Suggested that the City rent the SDA space from the Church, stating the money could be appropriated from the Businessmen's Association. Mr. Price suggested that parking permit stickers be issued to merchants and be nontransferable. Councilmember Iddings suggested that merchants and employees use alternative modes of transportation (public transportation and carpools) to the extent possible, thereby eliminating the need for many parking spaces. Councilmember Iddings stated there are two proposals in the package that would require ordinance changes and directed staff to prepare the changes. One would be the increase of the parking rate from ten cents to 25 cents per hour, the other to direct modification of permit parking to allow for merchant permits during the day. Suggested discussion of these issues at the next worksession with citizens' associations notified.

(5) Discussion and Mayor and Council position on proposed Metro fare increase

Councilmember Iddings noted that a proposed Resolution had been distributed to the Mayor and Council. Each year Metrorail fare increases and it lessens the economic competitiveness of public mass transit with the private use of cars, resulting in a decrease in the projected Metrorail ridership and an increase in the private use of the car, especially for commuting. The Resolution states that the City of Takoma Park is in opposition to the Metrorail and Metrobus fare increases and offers alternatives. The Resolution also urges the WMATA Board to develop an equitable regional tax specifically dedicated for Metro operations and aimed at recouping some of the value added to commercial property by the activities of Metro, and to pursue policies that improve the competitiveness of public mass transit by addressing such issues as subsidized automobile parking in transit-rich areas. Councilmember Iddings moved the Resolution; Councilmember D'Ovidio seconded the motion. Mayor Abbott stated that large amounts of money had been made because Metro has increased the value of property; noted that for the first time a municipality or governmental jurisdiction is proposing a tax based upon the added value of the Metro for which the public should be compensated. He supported the Resolution and suggested it be publicized. Councilmember Iddings noted that the City is registered to testify against fare increases on Wednesday, February 29, and he would attend. He suggested that the City share the Resolution with appropriate county authorities. The Resolution passed unanimously.

RESOLUTION
(Attached)

(6) Appointments to the Revenue Task Force

Councilmember Haney briefed the Council on the reasons surrounding the establishment of the citizens Revenue Task Force, and moved the following persons be appointed to the Task Force: Larry Lawrence, Richard Bernardi, Kevin Murphy, Beverly Habada, Nancy Stark, Malcolm Tarlton, and Michael Messinger. Mayor Abbott added the name of David Moore; Councilmember Bradley added the name of Jim Welu. The motion was seconded and passed unanimously.

(7) Appeal 7108, validation of existing shopping center via waiver of 10' planting strip, Langley Park Shopping Center (old A&P store area); Public hearing: 6:45 p.m., Wednesday, 2-29-84, Rm 1040, CAB, Upper Marlboro

The Acting City Administrator stated that Suburban Bank, Trustee U.A. for G. Albert Gude and Joseph B. Abrahams had asked for a landscaping waiver of 10 feet. The hearing is scheduled for February 29. This is resulting from a change in usage of the old A&P store which would be modified to accommodate Duff's Cafeteria. With the change of usage, it now must comply with new codes. This is one of several waivers which will come before the Council. In order for Duff's to comply, Park and Planning will be implementing conditions on the design standards. Councilmember Iddings moved that the Council express no opposition to the validation; Councilmember Haney seconded the motion. The Acting City Administrator stated that in order to accommodate the deviations from the design standards, there would be certain landscaping themes developed and the standards would be conditional on the design scheme for the whole quadrant. In response to Mayor Abbott's inquiry as to the date the design standards would be submitted, Mr. Robbins stated it would be within 30 days. The waiver would be granted to Duff's on a conditional basis with the proviso that landscaping will be accomplished in the future in accordance with the quadrant theme developed by the Prince George's County Economic Development Corporation. Mr. Mok, the City's Economic Development Coordinator, stated that Duff's is completing construction at one site on April 1. If the Langley Park property landscaping problems have not been resolved, they will move to another site at that time. Councilmember Aldrighetti emphasized the importance of bringing the cafeteria into the City and asked that everything necessary be done to insure that. He moved an amendment to reflect the City's desire that the County's design standards be adhered to. The motion was duly seconded and passed unanimously. Councilmember Bradley requested including in the letter that the City is anxious to have Duff's Cafeteria on the site, stating this is a temporary variance but in no way should the process halt or defer Duff's arrival in Takoma Park; other landscaping problems are to be solved at a later date. It was the sense of the Council that this language be incorporated in the letter.

(8) Project Open Space: Support of HB 1482 and SB 751

Councilmember Iddings reported on a memo from the Recreation Department Director regarding a move to transfer Open Space Transfer Tax Revenues from the original purpose to that of funding the Chesapeake Bay Clean-up program and educational priorities programs. This is a way of avoiding the Governor's five cent surcharge. Councilmember Iddings moved that a letter be prepared in opposition to any diversion of Project Open Space funds from its intended purpose and that the City communicate that position to the appropriate members of the State Legislature; Councilmember Bradley seconded the motion, and it passed unanimously. Councilmember Bradley stated that before a letter is sent, that the City make sure that the vote on the bills had not already taken place.

Upon proper motion, the meeting adjourned at 10:28 p.m., to reconvene on Monday, March 12, 1984 at 8:00 p.m.

RESOLUTION ON METRO FARE INCREASES

WHEREAS, the Washington Metropolitan Area Transit Authority has proposed fare increases for Metrobus and Metrorail which substantially exceed the rate of inflation, and which institute, for the first time ever, an off-peak mileage charge for Metrorail; AND

WHEREAS, each Metrorail fare increase lessens the economic competitiveness of public mass transit with the private use of the car, thereby resulting in a decrease in the projected Metrorail ridership and a corresponding increase in the private use of the car, especially for commuting; AND

WHEREAS, it is an expressed Master Plan goal of the City of Takoma Park to reduce commuter traffic through our City.

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

Section 1. We oppose the Metrorail and Metrobus fare increases as proposed by the Washington Metropolitan Area Transit Authority.

Section 2. In lieu of new transit fare increases, we urge the WMATA Board to develop an equitable regional tax specifically dedicated for Metro operations and aimed at recouping some of the value added to commercial property by the activities of Metro.

Section 3. We further urge the WMATA Board to pursue policies that improve the competitiveness of public mass transit, by addressing such issues as subsidized automobile parking in transit-rich areas.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND FEBRUARY 27, 1984.