

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
September 9, 1985

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

1. Proclamation naming September 17 as Citizenship Day and the week of September 17-23 as Constitution Week
2. Other presentations and comments by Mayor Abbott

READING AND APPROVAL OF THE MINUTES OF JULY 8 AND JULY 22, 1985

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

1. Administrative reports and communications
2. Ordinance authorizing placement of an advisory referendum question on unification of the City into one county on the November 5, 1985 ballott
Citizens' comments
First reading
3. First reading of an ordinance fixing the rent stabilization guideline figure and setting the effective date
Citizens' comments
First reading
4. Second reading of an ordinance amending the City Code to provide for licensing of rental property
Citizens' comments
Council action
5. First reading of an ordinance amending BOCA section of Housing Code to provide deadbolt locks on french or paired doors and that lighting be provided at all multi-family entrances during the hours of darkness
Citizens' comments
First reading
6. First reading of an ordinance authorizing Housing Department to enforce portions of Chapter 12, "Trees and Vegetation," of the City Code
Citizens' comments
First reading
7. First reading of an ordinance authorizing Housing Department to enforce Chapter 10, "Refuse," of the City Code
Citizens' comments
First reading
8. First reading of an ordinance authorizing installation of speed humps on Tulip, Pine, and Birch Avenues
Citizens' comments
First reading

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9. Resolution of cooperation between the City and Prince George's County authorizing County to enforce its erosion and sediment control ordinances in the City
Citizens' comments
Council action
10. Resolution authorizing the disposal of three Public Works vehicles
Citizens' comments
Council action
11. Resolution on Federal cut-backs as they relate to Community Development Block Grant programs
Citizens' comments
Council action
12. Resolution pertaining to Federal government's tax proposals re state and local property taxes
Citizens' comments
Council action
13. Resolution pertaining to South African investments
Citizens' comments
Council action
14. Resolution authorizing Mayor Abbott to sign document pertaining to the Norton Development Project on Holton Lane
Citizens' comments
Council action

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
September 9, 1985

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Habada
Councilmember Bradley	City Clerk Pusti
Councilmember Dalmat	Asst. Housing Director Austin
Councilmember D'Ovidio	Public Works Director Robbins
Councilmember Haney	Corporation Counsel DeNovo
Councilmember Iddings	Corporation Counsel Gagliardo
Councilmember Williams	

The Mayor and Council convened at 8:20 P.M. on September 9, 1985, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Mayor Abbott noted that funeral services had been held earlier in the day for Earl Rhodes who was City Public Works Director for several years in the early 1960's and, prior to holding that position, had been a career Coast Guard Officer. He commented on Capt. Rhodes' distinguished career and expertise concerning trees and parks; noted he was Shirlee Hutmire's father; a moment of silence was observed in commemoration.

Councilmember D'Ovidio read a Proclamation naming September 17 as Citizenship Day and the week of September 17-23 as Constitution Week; passage was moved by Councilmember Bradley, carried unanimously.

PROCLAMATION
(attached)

Councilmember Aldrighetti commented on the outstanding job done by those who worked on the Folk Festival, said that event gets better each year.

The July 8, 1985 Council Meeting Minutes, as published, were moved for approval, duly seconded, carried with one abstention (Councilmember Haney, due to absence from that meeting). Councilmember Iddings offered the following amendments to the July 22 Minutes: top of page 3, "Unidentified male" was Alan Abrams, 7316 Willow Avenue; bottom of page 3, "Dorothy Darryl" should be Dorothy Derra; page 4, "Karen Fisher" is Karen Fishman; he noted other errors in names for which he would offer corrections at a later date. Mayor Abbott noted that "Susie Young" spells her name Suzie. The Minutes of July 22, as amended, were moved for approval, duly seconded, carried with one abstention (Councilmember D'Ovidio was excused from that meeting).

ADDITIONAL AGENDA ITEMS

Condemnation proceedings at 7709 Carroll Avenue (Wilson)
Appointment to County Cable Oversight Committee (Bradley)

Mr. Wilson noted the deletion of agenda item 10 at the request of the Department Head.

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

David Sawyer: expressed thanks to the City, Council and Mayor Abbott, Public Works, Fire and Police Departments, for their outstanding performance in relation to the Folk Festival. He commented the event was the best-attended to date, proceeds were about double those of last year (\$10,000-\$12,000 gross), said Pete Seeger had remarked he would like to perform in Takoma Park again, and a good time was had by all.

Former Councilmember Clayton Forshee: thanked the Mayor for his remarks about Captain Rhodes, said he had enjoyed the privilege of working with him during his tenure with the City. He expressed appreciation to all involved for the cards and plant received during his recent hospital stay for heart surgery.

John Atlee: presented a draft petition relative to a new peace initiative he hoped to formally present to Council in the near future for approval and/or endorsement. He stated that the resolution would address the ideology of the cold war, rather than the hardware (as

addressed by the Nuclear Free Ordinance). He commented he hoped to procure a film on the Cuban Missile Crisis for viewing at a public meeting and hoped a public forum on the subject could be scheduled.

Arthur Karpas, 6916 Westmoreland Avenue, representing WACO: inquired concerning expenditure of CDBG funds for street, curb and gutter improvements, particularly on Elm Avenue between Westmoreland and Pine Avenues. Ms. Habada noted that consideration of that item had been deferred until the September 16 worksession pending receipt of estimates from the consultant. Councilmember D'Ovidio noted that it had been agreed that discussion would occur with WSSC concerning the possibility of their lending assistance with repairs since storm drainage was a part of the problem which resulted in damage; he commented he was in the process of setting up a meeting between City staff and WSSC representatives. Mr. Karpas referred to a letter sent to City Administrator Wilson in July concerning crime on Westmoreland Avenue between Carroll and Walnut Avenues, and citing measures the citizens' association felt would assist in controlling the problem. He stated that he understood the retaining wall along the driveway at Hoffman Interiors is going to be reconstructed and hoped a gate might be installed across the driveway entry which could be closed at night, preventing that driveway from providing a hiding place for would-be muggers, etc. Mr. Wilson commented staff would approach the owners concerning that possibility, thought they would want to cooperate. In response to query concerning lighting in that area, Mr. Wilson stated improved lighting was probably in the process, he would check on the status. In response to query, Public Works Director Robbins stated that as long as utility poles are in place (with wiring running there-to), installation cost of a 150 watt mercury vapor street light is approximately \$300/light. A cost effectiveness study of mercury vapor vs. incandescent lighting is presently being done; he noted that high pressure sodium lighting (of which the City has only a few) is far more efficient, has a longer life span, than either of the aforementioned types. Discussion ensued concerning certain types of lighting having an adverse effect on trees and vegetation; Councilmember Haney commented he was advised by State Forestry that such effects could possibly occur with high pressure sodium lighting in areas where there would be a high concentration of such lights, e.g., shopping center areas, however, would not be as likely to occur in average street light situations. Mayor Abbott noted that when all information on the subject of street lighting has been received, including environmental aspects, a public forum will be held. Councilmember Haney noted that the Maryland Energy Office has a small town energy evaluation program and, as a part of that program, will assess municipal street lighting systems. Mr. Robbins noted awareness of, and contact with, that office.

Rob Liberatore, 508 Tulip Avenue: spoke concerning mechanics' shops which he said appear to proliferate in the city; in particular, he mentioned the former E&X Exxon at Carroll and Tulip, and a garage at 507 Tulip Avenue. He commented on having written a letter to Council a couple of years ago containing suggestions, however, thought that after a few initial steps having been taken, the issue was dropped. He iterated steps that might be taken to address the problem, commented on the unsightliness and noise generated by such establishments, asked that attention be directed to the issue and controls be implemented to ensure that such businesses are not located in residential areas. He remarked that he wrote to Council in June of last year, attaching a petition from about 25 neighboring property owners, concerning 507 Tulip Avenue, asking that the City inform the county that the business there had lost its non-conforming status--said no response to that communication had ever been received. Mayor Abbott stated he regretted that Mr. Liberatore had not been properly informed of the outcome concerning 507 Tulip; said Park & Planning took the position that the business merited continuation despite the alleged 6 month lapse in operation (which the owner disputed). He commented he felt the former E&X Exxon situation to be a very sad affair; the current owner, who barely speaks English, apparently paid \$100,000 for the business not realizing that Exxon was getting out of the franchise business and would be removing the tanks from the premises. He requested that the City's Economic & Community Development Division lend whatever assistance possible to the present owner of that business in helping him find a location in the city where he could operate his

business, in light of zoning prohibitions at the present location which require that the major income be derived from the sale of gasoline. Comments were made concerning long-standing problems associated with having a repair shop at the E&X location, adversely affecting the residential character of the neighborhood, as well as Old Town. In response to query as to whether zoning differentiates between a facility deriving its primary income from the sale of gasoline and one primarily doing repairs, the response was affirmative. Councilmember D'Ovidio noted the E&X station at Piney Branch and Flower which had been taken over by Montgomery College and is now doing extensive repair work and suggested the situation there should be examined.

Mayor Abbott extended a warm welcome to Charles Van Tassel, who had been in the hospital undergoing several operations and wished him a speedy recovery.

ITEMS FOR COUNCIL CONSIDERATION:

1. Administrative reports and communications

Mr. Wilson referred to Public Works Director Robbins' recent memorandum concerning damage to a trash truck which will cost a substantial amount for repairs, said these particular repairs will not exceed budget provisions, however, should there be other vehicle damages sustained during the year, there could be a shortfall in that budget account. Additionally, he noted the recent Newsletter error, to which the Mayor and Council would wish to formally respond at a later point in the meeting.

In response to query, Mr. Robbins stated the trash truck would cost approximately \$7,000 to repair, including replacing the transmission and engine. He commented on the lack of adequate administrative personnel to design and implement training programs for departmental personnel in relation to the vehicle damage that occurred; hoped that situation could be remedied in the near future, thus preventing any recurrences of vehicle damage attributable to lack of driver knowledge. Councilmember Bradley concurred with the importance of driver training for Public Works drivers, asked that Mr. Robbins furnish a report at an upcoming worksession with suggestions for improvement. Councilmember Aldrighetti pointed out that Public Works consistently comes in with expenditures under their budgeted amount for the year; he suggested that rather than hiring an additional administrative person, training might be contracted out using those unexpended funds, thus effecting a saving to the City. Mr. Robbins pointed out that interviews have already been conducted for the budgeted additional administrative position, hiring of the selected individual is to occur shortly, and one of the goals projected for accomplishment when that extra help is available is the implementation of a training program.

2. First reading of an ordinance authorizing placement of an advisory referendum question on unification of the City into one county on the November 5, 1985 ballot.

Mayor Abbott read the ordinance and moved adoption, duly seconded by Councilmember Iddings. Councilmember D'Ovidio commented that, as he had noted in worksession, he did not feel the current wording of the ballot questions clearly and adequately expresses the issue to which Council wants residents to respond; he proposed the following substitute wording for residents of both counties: "Should Prince George's and Montgomery Counties sections of the City of Takoma Park unify under one county?" Councilmember Williams pointed out that is an entirely separate question; Mr. D'Ovidio concurred and moved his proposed substitute language, duly seconded by Councilmember Iddings. Councilmember Bradley pointed out that the language of House Bill 19-86 pending before the State Legislature states the questions as being 1) for the purpose of altering the Prince George's/Montgomery County (or vice versa) boundary and placing the subject (county) portion of the city into the other (county) portion of the city, and, 2) against alteration of the county line. She commented that language was developed by the state, hoping the Bill would be passed at some point, and thought the City should proceed accordingly. Mayor Abbott commented that City Clerk Pusti had discussed the matter with the Prince George's Supervisor of Elections, as the City will be using their voting machines in the upcoming election; Ms. Pusti stated the language in the ordinance was as suggested by that individual. Mayor Abbott pointed out that on the 1982 ballot when the question was put to

precincts having Prince George's voters whether voters should have the right to vote on whether they want unification, 88% responded affirmatively; he said while it had been remarked that that vote was cast by people wishing the opportunity to vote to reject unification, he did not feel that was accurate and thought the 12% who voted in the negative were the ones not wanting unification. He commented the referendum would settle the question, and noted that voters of one county cannot vote to annex voters of another county (only the voters of one area can vote to be annexed by another area). He remarked that the ballot question will ascertain the voters' feelings on the issue prior to voting by the State Legislature, and should even a small number (25%) vote against annexation, he would feel obligated to reassess his approach to the issue. He enumerated the various problems created by the city's bi-county status and those issues whose resolution would be aided by unification. He emphasized the import of giving residents the right to express their preferences in the advisory referendum, and should it be warranted by that vote, the development of a strong citizen body to lobby the State Legislature prior to their vote on the Bill in January. Dialogue ensued in which Councilmember Aldrighetti chastised Mayor Abbott for his personalization of some earlier remarks; he concurred with the importance of citizens becoming involved in the issue, stated citizen leadership will be needed to resolve the issue, however, felt it strategically wrong to raise the issue just prior to election, that City/county relationships could be affected. Councilmember Williams commented that rather than expressing confidence in whatever choice the voters make, there appeared to exist a hesitance to give voters a choice of which county they would want to unify under for fear they might vote other than anticipated, and, one way or the other, relations with officials of one of the counties could be strained.

Steve DelGiudice, 1308 Elson Place: stated he had worked with the unification group known as Citizens For a Referendum to Unite Takoma Park; said he was very concerned about what was currently occurring, particularly the last-minute timing. He was not certain of widespread support for unification from Prince George's residents of the City at the present time and urged that the referendum be directed toward the question of whether citizens want the city unified, not which county they want to be unified under; said if even 25% of the citizens vote against unification in that county, it will seriously affect the effort and the perception will be that the movement is dying. In response to comments by the Mayor, Councilmember Haney stated that remarks voiced by him in a worksession were based on comments made to him by constituents in Ward 6 indicating that they wanted to vote in a referendum because they would like to see unification defeated. Mr. DelGiudice confirmed that there are a number of Prince George's residents opposed to the effort, support is not unanimous in that area of the city. Mayor Abbott reiterated the importance of building a strong citizen support group to commence lobbying the state legislators immediately following the November 5 election, said lacking that effort, 4 years of work on the issue would be down the drain. In response to query from Councilmember Williams, Mr. DelGiudice stated he felt that placing the question of which county residents would want to be unified under on the ballot would antagonize county officials.

Councilmember Bradley stated she felt that if the city were ever going to accomplish unification, this was the prime year for getting the Bill passed, prior to a general election provides a good opportunity. She concurred with the importance of a strong citizens' support movement, said during the election campaign is a golden opportunity for candidates to encourage people to organize in both counties. She stated her perception of the 88% vote on the 1982 straw ballot was that it was an indication of support for unification from Prince George's residents, remarked on comments received from some of her constituents indicating a preference for Montgomery County schools for their children--some had moved from the P. G. County area of the city for that reason. She stated she viewed unification as a required long-term goal for the health of the municipality and its government in terms of many issues and urged that the effort proceed. Councilmember Haney commented that the current wording of the ballot questions would undoubtedly elicit an overwhelming negative vote from Montgomery County voters against unifying into Prince George's County,

which was bound to generate adverse and antagonistic reactions from Prince George's officials--the vote would equate to a slap in the face, and would be bad strategy on the part of the City. Councilmember Bradley noted that some politicians have been opposed to unification from its inception and remain so, did not think the stance of those in support would be altered by the vote. Following long dialogue concerning the fire issue and its resolution in relation to unification, as well as wording of the ballot question, Councilmember D'Ovidio withdrew his substitute motion containing alternative language made earlier. Initially, Councilmember Haney, seconder of the motion, dissented; however, following additional discussion, withdrew his second and stated that if Councilmember Williams would restate, as a motion, his earlier suggestion concerning language, he would second that. Mayor Abbott remarked that his original motion for adoption of the ordinance, as written, remained on the floor. Councilmember Williams moved an amendment which would add the question on the ballot (for voters of both counties) of whether the two sections of the city should be united under one county. Following discussion of whether the ordinance, scheduled for first reading, should be adopted on an emergency basis to allow Newsletter publication at an early date, or whether it could be passed as a Resolution, the issue was deferred temporarily to afford Corporation Counsel and the City Clerk time to confer and provide guidance.

In the interim, Council acted upon items #3 and #4, which follow hereafter. Upon return to the meeting, Corporation Counsel Gagliardo advised that he and City Clerk Pusti had agreed that concerning the referendum vote on unification, an Ordinance was not required and a Resolution would suffice. Consensus was that the document be declared a Resolution; upon request, Councilmember Williams repeated his amendment, which would appear on the ballot as question number 1 (the original question to appear as question 2), duly seconded by Councilmember Haney. Councilmember Aldrighetti requested a brief time to consider the issue prior to taking of a final vote; in the interim, action was taken on items #5 through #7, as follow hereinafter. Following the vote on item #7 (Licensing), Councilmember Aldrighetti stated he was ready to vote and would favor the proposed amendment. A vote was taken on the amendment, which carried unanimously. The Resolution, as amended, passed with Councilmember Iddings Excused, balance of Council voting Aye.

RESOLUTION #1985-22
(attached)

3. First reading of an ordinance authorizing installation of speed humps on Tulip, Pine, and Birch Avenues.

In response to query from a member of the audience, Councilmember Iddings stated that the guidelines suggested that if a traffic count revealed passage of less than 500 vehicles per day on a street, close consideration should be given to denying speed humps on that street; he stated that the traffic count on Birch Avenue indicated 280 vehicles per day. Councilmember Bradley noted that the guidelines are, in effect, advisory, and suggested that perhaps a street such as Birch, which is surrounded by other streets having speed humps and thus probably gets additional traffic diverted from those streets, should be scrutinized in a context other than just traffic count. Mr. Iddings stated that while the Traffic Committee intended doing that, it will not meet until September 12, at which time that item will be placed on the agenda. He noted that petitions from Tulip and Pine will also be reviewed by the committee at that meeting.

Carl Goldman, 7408 Birch Avenue: spoke in favor of speed humps for Birch regardless of the traffic count, pointed out it is the only street used as a cut-through to Metro which does not have speed humps, stated that speeding vehicles are a problem and that traffic has increased. He asked that an exception be made, particularly in light of the street being an access route to the Metro station.

Pat Hanrahan, 7413 Birch Avenue: emphasized that residents urgently want the speed humps on Birch for reasons stated by Mr. Goldman and in earlier meetings, and they would willing share in maintenance if that would be a helpful or deciding factor.

Mayor Abbott asked that residents of Birch Avenue attend the upcoming Traffic Committee Meeting to offer further comments, in light of the ordinance being on the current agenda for first reading, and so that Council could proceed with that lengthy present agenda.

Herb Kaufman, 214 Tulip Avenue: stated he wished to confirm the importance of having speed humps on Tulip and the desire of residents to have them; he noted the City's installation plan was acceptable to residents, including a proposed 3-way stop at the intersection in the 500 block.

The ordinance was accepted for first reading.

ORDINANCE #1985-
(attached)

4. Ordinance authorizing Mayor Abbott to sign document pertaining to the Norton Development Project on Holton Lane.

Adoption was moved by Councilmember Bradley, duly seconded by Councilmember D'Ovidio. In view of the date requirement for signing of the document, Mayor Abbott moved adoption on an emergency basis; motion carried with Councilmember Iddings voting Nay, balance of Council voting Aye. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Iddings and Williams; NAY: None; EXCUSED: Councilmember Haney.

ORDINANCE #1985-47
(attached)

5. First reading of an ordinance fixing the rent stabilization guideline figure and setting the effective date.

Councilmember Haney moved acceptance for first reading; the ordinance was accepted for first reading.

ORDINANCE #1985-
(attached)

6. First reading of an ordinance amending Chapter 6, Sec. 6-80.16, "Appeals," City Code, 1972, as amended, in relation to COLTA Appeals.

The ordinance was moved and accepted for first reading.

ORDINANCE #1985-
(accepted)

7. Second reading of an ordinance amending the City Code to provide for licensing of rental property.

Councilmember Bradley moved adoption, duly seconded.

Patrick Hyde, 7307 Flower Avenue, COLTA Commissioner: discussed and expressed general approval of Section 6-109, into which language changes proposed by COLTA had been incorporated. Councilmember Iddings moved striking from that section, under subsection (a)(3), the word "...valid...", duly seconded, carried with Councilmember Haney abstaining, balance of Council voting Aye. He expressed some concern about the appeals process in that he felt that use of the language "...owner or tenant may file a notice of appeal with a court of competent jurisdiction...", set up an additional layer of judicial process which might present difficulty. He suggested striking of that language and designation of COLTA as the body with whom an appeal shall be filed. Councilmember Iddings commented that the section, if considered in context of the overall ordinance and its other provisions, was not as problematic as might be perceived. During ensuing discussion, it was noted that during worksession discussion, consensus was to change the title of Section 6-109(g) from "Appeals" to "Hearing." Lengthy dialogue ensued concerning that process and possible language changes, particularly in Section 6-110(a), wherein Councilmember Bradley proposed an amendment adding several words; she, however, at a later point withdrew that amendment due to substantial dissension concerning what the impact of the addition would be. She noted that once the ordinance was adopted, there would be sufficient time for additional discussion and amendment, if so desired, prior to actual implementation. Asst. Housing Director Austin stated, in response to

query, that he did not foresee the department having problems with the ordinance as written, however, reminded that at first reading, a request was made that in Section 4, the effective date of the ordinance be amended to read 180 days after enactment rather than 90 days, in order to provide adequate time for proper implementation. Following discussion, that was so moved, duly seconded, carried with Councilmember Bradley Abstaining, balance of Council voting Aye. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldri-ghetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings and Williams; NAY: None; EXCUSED: None.

ORDINANCE #1985-48
(attached)

Upon motion by Councilmember Bradley, duly seconded, the following ordinances were accepted for first reading:

8. Amendment to BOCA section of Housing Code to provide dead-bolt locks on french or paired doors and that lighting be provided at all multi-family entrances during the hours of darkness.

ORDINANCE #1985-
(attached)

9. Authorization for Housing Department to enforce portions of Chapter 12, "Trees and Vegetation," of the City Code.

ORDINANCE #1985-
(attached)

10. Authorization for Housing Department to enforce Chapter 10, "Refuse," of the City Code.

ORDINANCE #1985-
(attached)

11. Resolution of cooperation between the City and Prince George's County authorizing County to enforce its erosion and sediment control ordinances in the City.

Councilmember Haney moved passage, duly seconded by Councilmember D'Ovidio, carried unanimously.

RESOLUTION #1985-23
(attached)

Councilmember Bradley moved passage of the two Resolutions pertaining to the following subjects; the motion was duly seconded, carried unanimously.

12. Federal cut-backs as they relate to Community Development Block Grant programs.

RESOLUTION #1985-24
(attached)

13. Federal government's tax proposals re state and local property taxes.

RESOLUTION #1985-25
(attached)

14. Resolution pertaining to South African investments.
Councilmember Bradley commented that there was a consensus when the document was previously reviewed that in the fourth "WHEREAS," the word "...established,..." would be substituted for "...restored,...". Following brief discussion, Councilmember D'Ovidio moved passage, as amended, duly seconded by Councilmember Haney, carried unanimously.

RESOLUTION #1985-26
(attached)

15. First reading of ordinance rescinding condemnation proceedings at 7709 Carroll Avenue.

Councilmember Aldrighetti inquired whether Dr. Wunderlich had transferred ownership of the property as intended and asked that that information be supplied prior to adoption of the ordinance. He commented that a neighboring property owner had informed him that about 6 cars are routinely parked on the lot behind the house each evening and raised the question of whether the structure is being used as a boarding house, which was never intended. Mayor Abbott asked that an inspection be done; thought that a father and mother and 3 sons were inhabiting the building. Mr. Wilson noted that Housing Department had performed a final inspection on August 13; additional information since received could alter results of that inspection. The ordinance was accepted for first reading.

ORDINANCE #1985-
(attached)

16. Appointment to County Cable Oversight Committee.

Councilmember Bradley nominated Bruce Moyer to temporarily represent the City on the new County Council Cable Television Oversight Committee, and Tom Turner as alternate representative and moved their appointment, duly seconded, carried unanimously.

17. Violation of Newsletter Guidelines.

Councilmember Dalmat read a statement she had prepared for publication concerning the campaign fundraiser announcement erroneously published in the September issue of the Newsletter; a unanimous vote of approval was expressed.

For the record, Councilmember Iddings expressed his support for having a referendum on unification; however, he said he felt that having several questions muddles the issue and he would have preferred to see either the specific language or the substitute language offered by Councilmember D'Ovidio. Having been temporarily absent when the vote was taken, he asked that his vote be recorded as Aye.

Upon motion, duly seconded, the meeting adjourned at 11:25 P.M., to reconvene in regular session at 8:00 P.M. on September 23, 1985.

PROCLAMATION

WHEREAS, September 17 is annually observed as Citizenship Day in commemoration of the signing of the U. S. Constitution on September 17, 1787, and in recognition of all citizens who have come of age, and all who have been naturalized during the year; AND

WHEREAS, September 17-23 is annually observed as Constitution Week, a time for study and observance of the acts that resulted in the formation of the U. S. Constitution; AND

WHEREAS, Maryland, as one of the thirteen original states, played a crucial role in the creation and adoption of the U. S. Constitution, including hosting the Annapolis Convention in September 1786, which issued the call for the Philadelphia Constitutional Convention.

NOW, THEREFORE, I, Sammie A. Abbott, Mayor of the City of Takoma Park, Maryland, hereby proclaim September 17, 1985, as Citizenship Day, and urge the citizens of Takoma Park to commemorate Citizenship Day as the 198th anniversary of the signing of the U. S. Constitution, and to recognize all citizens who have reached voting age or who have become new citizens by naturalization during the past year; AND

FURTHER PROCLAIM, that September 17-23 be observed as Constitution Week by the citizens of Takoma Park and by students in the schools, and urge that they reflect on the events that led to the adoption of the U. S. Constitution and rejoice in the nearly two centuries of growth, prosperity, and freedom we have all enjoyed under this form of government.

SEPTEMBER 9, 1985.

Introduced by:
Mayor Abbott

Adopted: 9-9-85

RESOLUTION 1985-22

WHEREAS, the Mayor and Council wish to gauge the support of voters on the question of unification of the City into one county.

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

SECTION 1. THAT the following advisory referendum questions shall be placed on the ballot of the November 5, 1985 City Election:

For Prince George's County voters, the questions shall read:

- Question 1. Should the Montgomery and Prince George's sections of the City be unified in one county?
- Question 2. An Advisory Referendum on Unification of Takoma Park into One County for residents of Prince George's County Only.

Should the Prince George's section of Takoma Park become a part of Montgomery County?

Beneath each question, voting levers shall be labelled "Yes" and "No."

For Montgomery County voters, the questions shall read as follows:

- Question 1. Should the Montgomery and Prince George's sections of the City be unified in one county?
- Question 2. An Advisory Referendum on Unification of Takoma Park into One County for residents of Montgomery County Only.

Should the Montgomery section of Takoma Park become a part of Prince George's County?

Beneath each question, voting levers shall be labelled "Yes" and "No."

SECTION 2. THAT notice of the above shall appear in the Suburban Record and the Prince George's Post-Sentinel during the weeks of September 30 and October 7, 1985.

ADOPTED BY THE MAYOR AND COUNCIL SEPTEMBER 9, 1985.

Introduced by:

1st reading: 9-9-85
2nd reading:

ORDINANCE NO. 1985-

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

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of new subsections (j), (k), and (l) to Section 1, as set forth below:

Section 1. That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Md., 1972, as amended, be installed at the following locations:

- (j) Tulip Avenue, between Holly Avenue and Carroll Avenue;
- (k) Pine Avenue, between Elm Avenue and Columbia Avenue;
- (l) Birch Avenue, between Philadelphia Avenue and Cedar Avenue.

SECTION 2. THAT funds to cover this work be appropriated from the capital expenditures account, #995.

Introduced by:
Mayor Abbott

ORDINANCE NO. 1985-47

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

WHEREAS, the City submitted an Application dated January 14, 1985 and amended March 7, 1985 (including any and all subsequent submissions and amendments thereto), to the Department of Economic and Community Development of the State of Maryland (hereinafter "DECD") for a loan from the Maryland Industrial and Commercial Redevelopment Fund ("MICRF") for the construction of a building containing approximately 4,500 square feet of commercial and retail space on property owned by Donald N. Norton and Patricia A. Norton and located at 1361, 1363 and 1365 Holton Lane; and

WHEREAS, the City has received a commitment letter dated April 29, 1985 from the Secretary of Economic and Community Development, committing to fund such a loan; and

WHEREAS, the City understands and agrees that the proceeds of said loan will be disbursed and used in accordance with Maryland law relating to MICRF, namely Secs. 460 *et seq.*, Article 41, the Annotated Code of Maryland, and the applicable regulations, for the purposes set forth in the Application described above; and

WHEREAS, the City's obligation to MICRF for the above loan will be a general obligation of the City secured by its assets and revenues; and

WHEREAS, it is in the best interests of the City to enter into this commercial redevelopment project as more fully set forth in the Application;

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

1. The Mayor (or another appropriate official designated by him) be authorized and directed to execute and deliver of the Loan Agreement with, and Promissory Note to the order of, the Department of Economic and Community Development, in the form attached hereto as Exhibits A and B respectively and incorporated herein by reference, for and on behalf of the City of Takoma Park, contingent upon execution and delivery of Promissory Notes by Donald N. Norton and Patricia A. Norton to the City and a Deed of Trust securing said obligations, subject to the approval of the Department of Economic and Community Development.

2. This ordinance shall be effective upon enactment.

ADOPTED BY THE MAYOR AND COUNCIL SEPTEMBER 9, 1985.

Introduced by:

1st reading: 9-9-85
2nd reading:

ORDINANCE NO. 1985-

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

SECTION 1. THAT Secs. (c), (e)(3)(A), and (g)(1), of Sec. 6-80.17, "Rent Guidelines," of the Code of Takoma Park, Md., 1982, as amended, be further amended to read as follows:

Sec. 6-80.17. Rent guidelines

(c) It shall be unlawful for any landlord or anyone acting on behalf of a landlord to charge or collect any rent for any dwelling unit which exceeds the lawful rent chargeable for such unit on ~~September 10, 1984~~ September 10, 1985, by more than ~~five-percent-(5%)~~ five percent (5 %) unless the landlord has first obtained a determination from the Commission on Landlord-Tenant Affairs that a rent in excess of ~~five-percent-(5%)~~ five percent (5 %) than the lawful rent chargeable on ~~September 10, 1984~~ September 10, 1985, is justified in accordance with this section of this article.

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

(3) the Following statement with the correct figures filled in:

(A) If the rent increase is within the limit prescribed in Section 6-80.17(c):

"1. YOUR RENT WILL BE INCREASED . . . % TO \$ ON, 198
"The Takoma Park Code provides that the rent for your apartment may not be raised more than percent (. % than the lawful rent chargeable on 198 The lawful rent chargeable for this apartment on, 1983 19 was \$ Accordingly, the rent for this apartment may be raised \$, for a total rent of \$ per month, without the approval of the Commission on Landlord-Tenant Affairs.

(g) Proposed increases of more than ~~five-percent-(5%)~~ five percent (5 %).

(1) Whenever a landlord proposes a rent increase of more than ~~five-percent-(5%)~~ five percent (5 %), the landlord shall provide an affidavit on a form provided by the Commission setting forth the justification for the increase. Upon receipt of the affidavit, the Commission shall review the justification presented by the landlord and determine whether the rent increase is reasonable based on the landlord's presentation. The Commission shall have the authority to determine how often a landlord may make application each year.

NOTE: ----- denotes deletions
 _____ Underscoring denotes additions

This ordinance addresses amount of rental increase only.

Introduced by:

1st reading: 9-9-85
2nd reading:

ORDINANCE NO. 1985-

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

SECTION 1. THAT Sec. 6-80.16, "Appeals," of Chapter 6, Code of Takoma Park, Md., 1972, as amended, be amended to read as follows:

Sec. 6-80.16. Appeals.

Any person aggrieved by a final action of the Commission rendered under this article may appeal to ~~the Mayor and Council~~ a court of competent jurisdiction within ~~ten-(10)~~ thirty (30) calendar days of receipt of notification of ~~the Commission's decision~~ service or posting of the Commission's final order. Receipt shall be presumed to have occurred following the passage of four (4) working days from the date of posting for delivery by first class mail. The date of such posting shall be made a matter of record at the time it is effected. When the total of the ~~ten-day~~ thirty-day appeal period and additional days allotted for postal delivery has passed, any subsequent appeal shall be deemed to be untimely. The appeal will be heard on the record as compiled by the Commission. The standards shall be:

NOTE: ----- denotes deletions
 underscoring denotes additions

Introduced by: Councilmember Bradley

1st reading: 3-25-85
2nd reading: 9-9-85

Ordinance No. 1985- 48

Whereas: It is the desire of the Mayor and Council to provide for a comprehensive legislative plan to ensure the availability of liveable and affordable housing within the City of Takoma Park; and

Whereas: The Mayor and Council have enacted ordinances concerning the regulation of rents, landlord-tenant relations, and housing standards; and

Whereas: The licensing of landlords will facilitate the enforcement of those ordinances and others; and

Whereas: Landlords operating in Montgomery County outside of Takoma Park are licensed, while those operating within the City are not,

Be it ordained by the City Council of the City of Takoma Park, Maryland that the sections 6-104, 6-105 and 6-106, 6-107, 6-108, 6-110 and 6-111 of the City code are hereby repealed and simultaneously reenacted as follows:

~~The Mayor and Council of the City of Takoma Park hereby enact and ordain the following:~~

Section 1. Article 9 of Chapter 6 of the Takoma Park Code shall hereafter be titled "Licensing of Rental Units".

Section 2.

Section 6-101 Definitions: The words used in this ordinance shall be given their usual and ordinary meaning except as expressly provided as follows:]

(a) "APPLICATION": the submission of information and tendering of the fee called for in Section 6-105;

(b) "TO CONDUCT OR OPERATE": to rent, lease, receive remuneration for or otherwise make a rental unit available for human occupancy for monetary consideration;

(c) "DIRECTOR": the director of housing services of the City of Takoma Park, Maryland, or his or her designated representative.

(d) "OWNER" and "AGENT": (i) An owner is any natural person, partnership, joint venture, trust, corporation or other entity which has legal ownership of a rental facility; but EXCLUDING cooperatives and condominiums, but only to the extent such entities are not engaged in operating or conducting a rental facility. (ii) An agent is any such person or entity which acts or purports to act on behalf or instead of an owner.

(e) "RENTAL FACILITY": a building or structure containing one or more rental units, regardless of (1) whether the owner occupies the building or structure and (2) whether the consideration for use of the rental unit is paid by the tenant or is subsidized by a third-party; but EXCLUDING (1) transient facilities, such as tourists homes, inns, motels, hotels, and bed and breakfast facilities; (2) school dormitories; (3) hospitals, nursing and convalescent homes, hospices or other health-care related residences; (4) religious houses, such as parsonages, rectories, convents and parish houses; and (5) homes, apartments or other residential facilities provided in lieu of monetary compensation for services rendered.

(f) "RENTAL UNIT": an apartment, room, group of rooms or any part of a rental facility forming a single unit intended for human occupancy and/or such uses as living, sleeping, cooking or eating. In the case of a cooperative or condominium multi-family housing structure, building or facility, any unit which is designated, intended or arranged for use or occupancy as a residence by one or more persons who do not have an ownership interest in the legal entity which holds title to the cooperative housing structure and for which the party who has an ownership interest in the legal entity receives consideration.

(g) "REVOCATION OR DENIAL OF A LICENSE": generally or specifically prohibiting an owner and/or agent to continue renting dwelling units in the City of Takoma Park; or prohibiting the re-rental of vacant dwelling units.

(h) "SERVICE OF PROCESS": the delivery of any notice, order or other document required to be sent by one party to another. Service shall be deemed to have been made on the director by mailing by first class mail a copy of the process to be served to the director at City of Takoma Park Municipal Bldg., 7500 Maple Ave. Takoma Park, MD. 20912. Service shall be deemed to have been made on an owner by mailing by first class mail a copy of the process to be served to the owner at either the address listed for the owner or the agent in the owner's application for a license. Receipt of process shall be presumed to have occurred three working days after mailing.

(i) "SUSPENSION OR REVOCATION": an order of the director (1) prohibiting the owner to continue renting units in the City of Takoma Park; or (2) prohibiting the owner from renting some of the units in a rental facility; or (3) prohibiting the re-renting of vacant rental units; (4) prohibiting the owner and agent from collecting rents or consideration from any unit and in lieu thereof establishing an escrow account to which the sums otherwise due the owner shall be paid by the tenants and from which shall be deducted the cost of any materials and services expended by the director to abate conditions presenting a threat to the life, safety or health of the occupants of one or more of the owner's rental units.

Section 6-102. License Required

After the effective date of this ordinance, it shall be ~~unlawful~~ a municipal infraction to conduct or operate a rental facility within the City of Takoma Park without having first applied for and obtained a license to operate or conduct such rental facility.

Section 6-103. Owner is Licensee; when owner is corporation; owner to designate agent for service of process

(a) The holder of a license shall be the owner(s) of the rental facility sought to be licensed. An owner shall submit an application in accordance with this ordinance to the director.

(b) If the owner is a corporation, or if a corporation is a partner in a partnership which owns a rental facility, the corporation shall be qualified to do business in Maryland, as provided by state law.

(c) Each and every owner shall [designate] ~~certify to the Director that the name, address and telephone number~~ of an agent who shall reside in Maryland and be authorized to accept service of process on behalf of the owner [and shall certify the name, address and telephone number of the agent to the Director].

Section 6-104. Violation to operate or conduct a rental facility without a license.

(a) Any owner or agent who (1) operates or conducts a rental facility, attempts to operate or conduct a rental facility or causes or allows a rental facility to be operated or conducted without first having obtained a license, as provided herein, or after a license has expired or been suspended, revoked or denied; or (2) fails to comply with any order or summons issued pursuant to this ordinance shall be deemed to have committed a municipal infraction, and upon conviction shall be subject to a fine not exceeding the maximum as set forth in Sec.

(b) The provisions of Sec. 1-17 of this code pertaining to municipal infractions generally shall apply to violations of this ordinance.

(c) 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 license upon a showing that no valid license is in effect and no appeal from a decision to deny, revoke or suspend a license is pending.

The court shall award attorney's fees and costs to any party who succeeds in obtaining an injunction hereunder.

~~(c) The provisions of Sec. ----- of this code pertaining to injunctions and the award of attorneys fees shall apply to violations of this ordinance.~~

~~(d) The provisions of Sec. ----- of this code pertaining to collection of fines or fees owed by attachment and lien shall apply to violations of this ordinance.~~

(d) The provisions of Sec. 1-15 of this code pertaining to service of process shall apply.

Section 6-105. Licensing procedures

(a) An owner shall make an application for a license to the Director on a form provided by the Director, or on such other form which substantially complies with the requirements of this ordinance. An application shall be filed in triplicate and shall be accompanied by [cash], a certified check or money order in the amount specified by the director pursuant to Sec. 6-107 of this code for the license for which the application is sought. Failure to tender the amount due in the form required shall be cause for rejecting the application

(b) The contents of the application shall be certified by the owner [or the owner's designated agent] as true and accurate under the penalties of perjury.

(c) The application shall contain the following information:

(1) the name, address and telephone number of the owner;

(2) if the owner is a corporation, a certified copy of those documents indicating that it is qualified to do business in the state of Maryland;

(3) if the owner is a partnership, the name, address and phone number of each [general] partner;

(4) the name address and telephone number of the owner's agent, as specified in Section 1 (3);

(5) the address of the rental facility to be licensed;

(6) the number of rental units in the rental facility to be licensed;

(7) a schedule of rents charged for each apartment on the date specified for determining lawful rent increases in 6-80.17(c) of this Code; and the rents charged for each apartment on the date an application is filed.

(d) Before a license is issued the Director shall determine that:

(1) the information contained in the application is true and accurate;

(2) the appropriate fees have been paid;

(3) there are no existing violations of applicable health, housing, fire, building, electric, plumbing, property maintenance, safety, and zoning codes. Issuance of a license shall not operate to bar the City of Takoma Park or any other entity [jurisdiction or person] from asserting, notwithstanding the issuance of a license, that such violations do in fact exist.

(4) there are no uncorrected conditions for which a municipal or county infraction citation [or notice of violation from any other jurisdiction] has been issued, or any unpaid fine or penalty resulting from such citation [or notice]; PROVIDED, HOWEVER, if a citation is pending adjudication, the fact that a fine or penalty is unpaid shall not act as a bar to issuance of a license; and

(5) there are no unpaid city taxes on the rental facility.

(6) that the units sought to be licensed have passed inspection within the 12 calendar months immediately preceding the date the license is to become effective. In the event such is not the case the Director shall cause an inspection of such units to be made. No license shall be issued for a unit until it passes inspection.

(e) When the Director finds that the terms and conditions set forth in subsection "(d)" have been met, the Director shall issue a license immediately. If within 45 calendar days the Director has made no finding as to any such term or condition it shall be presumed to have been met by the applicant.

(f)(i) In the event the Director finds a term or condition required for a license has not been met the Director may nevertheless issue a temporary license for a period not to extend 45 days, PROVIDED HOWEVER, the Director determines there is no threat to life and safety and the applicant is engaged in actual efforts to meet the term or condition. Upon the same findings the Director may subsequently renew such temporary license for subsequent 45-day periods.

(ii) Alternatively, the Director may issue a license conditionally upon meeting all terms and conditions by a specified time. Failure to meet the conditional terms shall result in the automatic revocation of the license.

(g) Failure to completely and accurately file an application is grounds to deny a license.

(a) ~~The~~ Fees shall be as prescribed by the Director with the approval of the Mayor and Council. Fees shall not be increased for the holder of license during the time that license is valid; but nothing contained herein shall be construed to limit the amount of any fee due and payable at time of renewal or reinstatement. Fees shall be uniformly assessed on the basis of the number of rental units contained in the rental facility to be licensed.

(b) ~~When a license is applied for after October 1 of any year, the fee shall be one half that charged for a full year.~~ A copy of the schedule of fees shall be made available, without cost, to anyone requesting such.

Section 6-106. Duration and Display of License

(a) A license shall be effective for one year from April 1 ~~or~~ the date it is issued. ~~whichever is later, until the following March 30.~~

(b) The owner shall display the license during the entire time it is in effect in the lobby, vestibule, rental office or other prominent public place on the premises of the rental facility.

Section 6-107. Registration Licensing and inspection fees.

(a) Each application filed under this Division shall be accompanied by the following registration licensing and inspection fees:

(1) One (1) or more units: twenty-four (\$24) dollars per unit for licensing and eight (\$8) per unit for inspection.

(2) Upon payment of the prescribed fee, the applicant shall be given an official ~~certificate of registration~~ license.

(3) In case the number of persons to whom rooms are to be rented or the number of family units rented during the calendar year is increased over the number specified in the application, the application shall, within five (5) days of such increase, be amended, such amended application being accompanied by any additional amount of ~~registration~~ license and inspection fee required by reason of such increase.

Section 6-108. Changes in ownership: transferability; and other changes

(a) Whenever any of the information contained in the application for a license changes, the owner shall notify the Director of any such change within 15 working days of its occurrence.

(b) A license may be transferred from an owner(s) to a subsequent or additional owner(s), but such license shall be deemed valid only when the information required in Section 6-105 pertaining to the new owner has been submitted under penalties of perjury to the Director, along with a transfer fee not to exceed Fifty Dollars (\$50) or the full-year application fee then in effect, whichever is less.

(c) Whenever the ownership of the rental facility changes hands, it shall be the duty of the transferor to notify all tenants of the rental facility of the name, address and office location of the transferee. If the transferee is a corporation, the transferor shall indicate the name and address of the resident agent of the transferee.

Section 6-109. Denial, suspension and revocation of licenses.

(a) Director to Propose Denial, Suspension or Revocation

The director may deny, suspend or revoke a license when the Director determines (1) there are violations of any applicable law which presents a threat to the life, safety or health of the tenants of the facility or others; or (2) when a unit(s) is declared unfit for human habitation by the State or County fire marshal, board of health or other authority; or (3) that the licensee has failed to comply with a final order of the Takoma Park Commission on Landlord-Tenant Affairs; or (4) if there are any outstanding or unsatisfied municipal infraction citations, PROVIDED HOWEVER that this subsection shall not operate to deny, suspend or revoke a license if the licensee is pursuing diligently and in good faith an appeal of the COLTA order, or is contesting a municipal infraction citation.

(b) Director to Issue Order.

Upon making a determination that a license should be denied, suspended or revoked, the director shall issue a written order which shall set forth specific findings of fact and conclusions of law to the owner to show cause in writing within 10 working days of receipt of the show cause order, as to why the action recommended by the director should not become effective. All appeal rights shall be set forth in such orders.

(c) When Failure to Show Cause.

If the owner (or agent) fails to respond to the director's proposed denial, suspension or revocation within the time provided the proposed denial, suspension or revocation shall become effective upon the expiration of such time.

(d) Owner's Defense to be Considered.

When the owner (or agent) offers reasons why the license should not be denied, suspended or revoked as proposed by the director, the director shall consider the reasons offered by the owner and upon full and fair consideration thereof may amend, modify, cancel or reaffirm his or her decision to deny, suspend or revoke the license.

(e) Service of Decision.

The director shall both serve a copy of the decision on the owner or agent and post a copy in a prominent public place in the rental facility. A specific unit affected may also be posted. Removal of the posted notice without the express permission of the Department of Housing Services shall be a municipal infraction in the amount of \$50 per individual violation.

(g) Hearing.

If the owner or any tenant of the rental facility is dissatisfied with the decision of the director, the owner or tenant may file a notice of appeal with a court of competent jurisdiction; and shall serve a copy of such notice with the director. The appeal shall be in writing and filed within 30 calendar days of service or posting of the director's final order, whichever is later. ~~The notice of an appeal to COLTA may be served on the Chair of COLTA, the Director, the City Clerk, or the City Administrator.~~

(h) In addition to Other Penalties.

Revocation, denial, or suspension of a license shall be in addition to, and in not in substitution for, such other penalties as may be provided by this code.

(i) Other Authority of The Director

The director, once a license has been suspended or revoked may (1) direct the tenants of the affected dwelling unit(s) to pay rent to an escrow fund established and maintained by the director; which escrow shall be released to the owner or agent upon the reinstatement of the license; or (2) when the director or other authority finds the unit(s) to be unfit for human habitation to order the tenant(s) to vacate the unit(s) until such time as it is fit and to house in such displaced tenant(s) at the owner or agent's expense.

(j) 60-Days Notice to Tenants

In the event that a license hereunder is revoked or any application, including an application for license renewal, is denied, and the landlord of the premises for which the license had been issued or applied for chooses to cease renting the facility regulated hereunder, he shall give any tenants occupying the premises in question sixty days' written notice to vacate the premises, said period to begin on the first day of the month following service of said notice. In addition, a copy of said notice must be delivered to the Director.

(k) Validity of license during appeal.

Except in the case of the revocation of a license, an appeal shall not operate to stay the action of the director, unless the action is stayed by order of COLTA or, as the case may be, the Mayor and Council or court of competent jurisdiction for good cause shown.

Section 6-110. Hearing required.

(a) Whenever a license is denied, suspended or revoked by the Director, and a notice of appeal is filed with the Mayor and Council, a public hearing on the appeal shall be scheduled upon receipt of the appeal within fifteen (15) working days of receipt of the request.

(b) The hearing shall be open to the public and a tape recording of a quality capable of accurate transcription and minutes of the proceedings shall be made and kept.

(c) Any party to the appeal, including the director shall have the right to call witnesses and present evidence on the party's own behalf and to cross-examine witnesses and refute evidence submitted by any other party. ~~In cases of appeals to COLTA, the Chair of COLTA, The Mayor, the Director~~ may issue summons at the request of any party, and except for good cause shown shall issue a summons when requested. ~~In cases of appeal to the Mayor and Council, the Mayor may issue a summons at the request of any party, and except for good cause shown shall issue a summons when requested.~~

(d) Failure to abide by a summons shall be a violation of this ordinance and municipal infraction.

(e) ~~The COLTA, or when an appeal is filed with them, the Mayor and Council~~ The Director shall decide the case on the record made before them; and shall make their his or her ~~their~~ decision known within 10 working days of the hearing.

(f) The decision of ~~COLTA and the Mayor and Council~~ the Director shall be final and may be appealed to a court of competent jurisdiction within 30 calendar days after it is served on the owner or agent or it is posted in a prominent public place in the rental facility, whichever is later.

Section 6-111. Renewal and Reinstatement.

(a) Licenses are renewable annually upon the director's approval of a renewal application and payment of a renewal fee.

(b) Licenses which have been suspended shall be reinstated at the end of the suspension period upon a showing that the conditions which led to suspension have been corrected and payment of a reinstatement fee to be set by the director.

Said fee shall not exceed \$100.

(c) Licenses which have been revoked shall be reinstated upon a showing that the conditions which led to revocation have been corrected and payment of a reinstatement fee to be set by the director. Said fee shall not ~~be less than \$100, nor more than \$400.~~ exceed \$500.

Section 4 Effective Date

This ordinance shall become effective 180 days after its enactment. ~~Any annual fees which are otherwise required to be paid by April 1 or any other date prior to the effective date of this ordinance shall be pro-rated from the effective date of this ordinance.~~

Introduced by:

1st reading: 9-9-85
2nd reading:

ORDINANCE NO. 1985-

BE IT ORDAINED BY THE 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. 6-21.3. Section PM-302.4

The following language is added to PM-302.4:

All double, french, or paired exterior doors shall be equipped with a vertical deadbolt lock, affixed to both doors, with either cane bolts or concealed header and threshold bolts located at the top and bottom of each such door. A horizontal deadbolt lock attached to both doors may be used when concealed header and threshold bolts are used on one such door.

Sec. 6-24A. Section PM-401.5

A new section PM-401.5 is added and reads as follows:

PM-401.5. All multi-family structures shall provide exterior lighting for each entrance to the dwelling during the hours of darkness. An entrance is defined as one which provides access to the structure from streets, plazas, parking areas, walkways, and any other points of ingress or egress. Hours of darkness shall include the hour before sunrise and the hour before sunset.

Introduced by:

1st reading: 9-9-85
2nd reading:

ORDINANCE NO. 1985-

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

SECTION 1. THAT Chapter 12, "Trees and Vegetation," Code of Takoma Park, Md., 1972, as amended, be further amended by the addition of new Section 12-4 and Subsection 12-22(1), to read as follows:

Article 1. General Provisions.

Sec. 12-4. Enforcement

The Assistant Director of Housing or his designee may serve as the Director's representative for the purpose of enforcement of Article 1, "General Provisions"; Article 2, "Vegetation"; and Article 3, "Municipal Infractions," said articles encompassing Sections 12-1 to 12-5, Sections 12-6 to 12-21, and Section 12-22, respectively.

Article 3. Municipal Infractions

Sec. 12-22. Municipal infractions; fines; other remedies.

(k) The Assistant Director of Housing or his designee may serve as the Director's representative, with full authority to enforce all the provisions of this article.

Introduced by:

1st reading: 9-9-85
2nd reading:

ORDINANCE NO. 1985-

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

SECTION 1. THAT Chapter 10, "Refuse," of the Code of Takoma Park, Md., 1972, as amended, be further amended by the addition of new subsections 10-3(c) and 10-58(1), as set forth below:

Article 1. General Provisions.

Sec. 10-3. Rules, regulations and determination of violations.

(c) The Assistant Director of Housing or his designee may serve as the Director's representative for the purpose of enforcement of the provisions of this Chapter.

Article 7. Municipal Infractions.

Sec. 10-58. Municipal infractions; fines; other remedies.

(1) The Assistant Director of Housing or his designee may serve as the Director's representative, with full authority to enforce all the provisions of this article.

Introduced by:

Councilmember Haney

RESOLUTION 1985-23

RESOLUTION OF COOPERATION BETWEEN
THE CITY OF TAKOMA PARK AND PRINCE GEORGE'S COUNTY
CONCERNING EROSION AND SEDIMENT CONTROL

WHEREAS by virtue of the passage of the Natural Resources Article 8-1101 through 8-1108, "Sediment Control," Annotated Code of Maryland, which is designed to protect the lands and waters of the State of Maryland; and

WHEREAS by virtue of the adoption of Prince George's County Ordinance Subtitle 4, Division 3, "Grading, Drainage, and Erosion Control Ordinance," the County has established certain requirements and procedures designed to implement and promote the intent and purposes of the aforesaid "Grading, Drainage, and Erosion Control Ordinance," and

WHEREAS the Mayor and Council of the City of Takoma Park, Maryland are willing to and desirous of cooperating with the statute of Maryland and Prince George's County by establishing effective erosion and sediment controls within the municipal boundaries for any construction or maintenance of any municipal roadwork, easements, right-of-ways, or parking lots.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Takoma Park, Maryland that the requirements and procedures as set forth in the Prince George's County Ordinance Subtitle 4, Division 3, "Grading, Drainage, and Erosion Control Ordinance," as they pertain to any construction or maintenance of any municipal roadwork, easements, rights-of-way, or parking lots be and the same are hereby made applicable and effective within the boundaries of the City of Takoma Park, Maryland ; and

BE IT FURTHER RESOLVED that Prince George's County, via the Department of Environmental Resources, be and the same is hereby

granted authority and jurisdiction to inspect, supervise and enforce excavating, grading and filling in accordance with Subtitle 4, Division 3, "Grading, Drainage and Erosion Control Ordinance" as it pertains to any work within any roadway, easement, right-of-way, or parking lot in the same manner and to the same extent as though such activity were being carried on in Prince George's County outside of the corporate limits of the City of Takoma Park, Maryland;

AND BE IT FURTHER ENACTED, that this resolution shall become effective ten (10) days after approved by the Prince George's County Director of Environmental Resources, and shall be void if the State of Maryland, Department of Natural Resources should deny or suspend inspection and enforcement authority for erosion and sediment control to Prince George's County.

APPROVED AND ADOPTED this _____ day of _____, 1985 by the Council of the City of Takoma Park, Maryland.

_____ witnessed _____ signed Sammie A. Abbott

title Mayor

and

APPROVED by Prince George's County the _____ day of _____, 1985.

_____ witnessed _____ signed
_____ title

INTRODUCED BY: Councilmember Bradley

RESOLUTION NO. 1985-24

WHEREAS, the City of Takoma Park, Maryland, has been receiving Community Development Block Grant entitlement funds since 1977 and has been using the funds effectively to improve the quality of life for its low and moderate income residents through actions to revitalize older neighborhoods with a Housing Rehabilitation Program and other programs, to revitalize its blighted neighborhood commercial districts and to improve parks and other public facilities;

WHEREAS, proposed reductions in Community Development Block Grant entitlement funds will have a serious negative impact upon the quality of life for many of Takoma Park's elderly, handicapped, minority and disadvantaged citizens due to the corresponding reduction in services to these populations; and

WHEREAS, the proposed ten percent reduction in the Community Development Block Grant Program, combined with the proposed change in the formula for computing Community Development Block Grant entitlement allocations, would reduce Montgomery County's grant - of which Takoma Park obtains a portion - approximately twenty-four percent next year, an amount that would seriously impair both the County's and the City's ability to serve the housing and community development needs of the City's low and moderate income population.

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND CITY COUNCIL of Takoma Park, Maryland, request the City's Congressional delegation to support full funding for the Community Development Block Grant Entitlement Program;
AND

BE IT FURTHER RESOLVED THAT THE MAYOR AND COUNCIL of Takoma Park, Maryland, agree to send copies of this resolution to all members of Takoma Park's Congressional delegation and to encourage them to work diligently to oppose proposed cuts in the Community Development Block Grant Program.

Introduced by:
Councilmember Bradley

Enacted: 9-9-85

RESOLUTION 1985-25

WHEREAS the existence of state and local taxes were enacted prior to Federal taxes, creation of deductibility for property taxes paid to state and local governments came during the height of the Civil War when an emergency Federal income tax was enacted, and

WHEREAS state and local deductibility was a key provision of the Income Tax Law of 1913, in this law, income once taxed by counties, states or school districts was not to be taxed again,

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND recognize state and local property deductibility as a compact between the federal government and municipal governments; and

BE IT FURTHER RESOLVE THAT THE MAYOR AND COUNCIL oppose any attempt by the federal government to enact a tax system that would eliminate this deductibility.

Introduced by:
Councilmember D'Ovidio

Adopted: 9-9-85

RESOLUTION NO. 1985- 26

WHEREAS, THE NATION OF SOUTH AFRICA has failed to end their appalling system of apartheid and have instead answered growing unrest by proclaiming a state of emergency; AND

WHEREAS, this state of emergency voids rights which the free world holds to be promises of decency and acceptable government; AND

WHEREAS, the government of South Africa under the leadership of President Botha has stated that no solution will be reached through violence and yet they have resorted to lawless violence and repression, leaving no peaceful alternative to the majority population; AND

WHEREAS, it is in the interest of the United States of America to see long lasting and true peace be established, and standards of human dignity for all people be attained in South Africa; AND

WHEREAS, Nobel Peace Prize Honoree Desmond Tutu and other leaders of free and independent African States have called for an end to America's policy of constructive engagement, in order to bring pressure upon the government of South Africa to comply with world standards of decency; AND

WHEREAS, we reject arguments that such economic sanctions will cause hardships from loss of jobs only among those of the population of South Africa whom we seek to aid, noting that those same people are suffering the loss of their native homelands, their dignity, and their lives under the current regime. The black leaders of South Africa, themselves have called for sanctions against the racist government of South Africa in hopes that violent revolution can be avoided. We find the arguments to the contrary to be specious and self-serving.

THEREFORE BE IT RESOLVED, that the citizens of Takoma Park call for the government of The United States to prevent further private and public investment in South Africa, to prevent the export of weaponry, and of computer and other high technology hardware and software, to prevent the import and sale of Krugerands, and to end all forms of constructive engagement with South Africa until South Africa frees all political prisoners unconditionally including Nelson Mandela, and ends the opprobrious system of apartheid and elevates all human beings within their borders and the artificially created "Bantuland" reservations to free and equal status under law.

SEPTEMBER 9, 1985.

Introduced by:

1st Reading:

2nd Reading:

ORDINANCE NO. 1985-

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

- SECTION 1. THAT on February 8, 1982, the Mayor and Council adopted Ordinance No. 2597, declaring the structure located at 7709 Carroll Avenue to be unfit for human habitation and setting the date of March 8, 1982, for a show cause hearing as to why the property should not be declared a nuisance; AND
- SECTION 2. THAT the hearing was held at the scheduled time; AND
- SECTION 3. THAT on April 12, 1982, the Mayor and Council adopted Ordinance No. 2606, declaring the above structure a nuisance and ordering abatement of all housing code violations within 90 days of passage of the ordinance; AND
- SECTION 4. THAT on July 26, 1982, the Mayor and Council accepted for first reading an ordinance authorizing the Director of Public Works to solicit bids for demolition of the above structure; AND
- SECTION 5. THAT on December 13, 1982, by motion duly passed, the Mayor and Council deferred final action on the ordinance cited in Section 4, above, pending finalization of a pending sale of the property; AND
- SECTION 6. THAT on January 9, 1984, the Mayor and Council temporarily stayed further action following an agreement reached with the property owner, Dr. Richard A. Wunderlich, and the prospective purchaser, Solyman Ashrafi, that entailed a schedule for renovation of the property and the tendering of a cashier's check, to the City, of \$5,000 as a bond in the event the purchasers failed to conform to the agreement; AND
- SECTION 7. THAT subsequently the owner, Solyman Ashrafi, has corrected all code violations enumerated in Ordinance No. 2597.
- SECTION 8. THEREFORE THAT the Mayor and Council hereby rescind the designation of 7709 Carroll Avenue as unfit for human habitation and authorize the release of the \$5,000 bond, plus interest, to be returned to Dr. Richard A. Wunderlich, thereby confirming that all items set out in the agreement referred to in Section 6 have been met.