

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

January 13, 1986

8:00 PM

AGENDA

8:00 CALL TO ORDER: Mayor Del Giudice

ROLL CALL: Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
Councilmember Williams

8:05 PLEDGE

8:10 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS

8:20 READING AND APPROVAL OF THE MINUTES OF DECEMBER 9, 1985 AND MINUTES OF SPECIAL COUNCIL MEETINGS HELD DECEMBER 16, 1985 AND JANUARY 6, 1986

8:25 ADDITIONAL AGENDA ITEMS

8:30 GENERAL CITIZENS' REMARKS (those not directed at items for Council action)

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

9:00 1. Case A-1488, 313 Philadelphia Avenue, variance request of 10'-5" of the required 25' front set back for installation of dormers; Hearing: 1/23/86, 1:30 PM, COB, Rockville
Citizens comments
Council action

9:10 2. Resolution pertaining to City representation to the Board of Directors of the Takoma Park Volunteer Fire Department
Citizens comments
Council action

9:20 3. Resolution for the appointment of two citizen representatives to the Takoma Park Cable Board
Citizens comments
Council action

9:30 4. Resolution on establishment of committee for the City-owned Thomas/Siegler property
Citizens comments
Council action

10:00 5. Briefing and public forum re proposal for development of Cohen property, 7500 block of New Hampshire Ave. (between Hampshire Car Wash and Hampshire Motor Inn)
Citizens comments
Council discussion

10:30 6. First reading of an ordinance to approve issuance of driveway apron permit and for the development of Grasmere Place (currently a paper street)
Citizens comments
First Reading

11:00 7. Status Report on Cable Contract Modifications - Process
Citizens comments
Council discussion

11:15 8. Resolution establishing Newsletter Editor Selection Committee
Citizens comments
Council action

11:30 9. Ordinance appointing a City Lobbyist
Citizens comments
Council action

ADJOURNMENT

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

January 13, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Asst. City Administrator Habada
Councilmember d'Eustachio	Ec. & Comm. Dev. Coordinator Neal
Councilmember Haney	Public Works Director Robbins
Councilmember Iddings	Recreation Director Ziegler
Councilmember Levy	Corporation Counsel Gagliardo
Councilmember Sharp	Asst. Corporation Counsel DeNovo
Councilmember Williams	

The Mayor and Council met at 8:05 P.M., on January 13, 1986, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, Mayor Del Giudice commented briefly on the very successful meeting held last week between the Council and the citizens' group working on behalf of unification and known as One City, One County. He stated that a number of actions have been planned, including lobbying efforts, and invited interested individuals to contact representatives of the organization such as Sam Abbott or John Dunne. He noted he would be forwarding, with a cover letter, copies of the City's Unification Resolution, #1986-1, to elected officials statewide. He noted that agenda item 9, an ordinance appointing a lobbyist to represent the City in Annapolis, relates directly to unification, as well as other important issues.

The Mayor pointed out that there would be a public forum January 14 at 7:30 P.M. in the Council Chamber for the purpose of discussing County Executive Gilchrist's recommendation on closure and relocation of the Takoma Park Fire Station. He noted this is a very important issue to all citizens of the city and is now before the County Council as a part of their Capital Improvement Budget, with county hearings to be held later in the month.

A resolution was presented and read by Mayor Del Giudice which would establish a committee for the purpose of formulating a recommendation concerning an appropriate memorial to M. Sibyl Pusti, former City Clerk, who was a devoted longtime employee and passed away in December. Passage of the resolution was moved by Councilmember Iddings, duly seconded by Councilmember Bradley, carried unanimously.

RESOLUTION #1986-5

(attached)

The Minutes of December 9, 1985 and Minutes of Special Meetings held December 16, 1985 and January 6, 1986, were individually moved for approval by Councilmember Haney, all duly seconded, and carried (Councilmember Williams abstained from voting on the 1/6/86 Minutes, otherwise votes were unanimous).

ADDITIONAL AGENDA ITEMS:

Set a hearing date for COLTA Appeal TP-270 (Wilson)
Peace Park Bill (Del Giudice)

Councilmember Sharp interjected a comment relative to revenue received by the City from the WAH Bond Issue indicating that he would wish that those monies be kept separate from the general funds of the City and any expenditure of them be addressed directly by the Council; he stated he felt they provide an opportunity for some planning in the City, rather than absorption into general revenue uses. Mr. Wilson suggested that topic be discussed at the next worksession.

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

Arthur Karpas, 6916 Westmoreland Avenue, representing WACO: requested that the topic(s) of parking and traffic flow relative to continued development of Takoma Old Town (Hoffman and Murphy properties) be placed on an upcoming agenda; he noted the importance of addressing the needs of the residential community in addition to the needs of the businesses, and pointed out that questions in relation to a currently non-standard sewer system in that area should also be addressed.

Councilmember d'Eustachio urged that traffic and other problems for both the Takoma Old Town and Takoma Junction areas be considered and discussed

at the hearing projected for February, rather than separating the two, since both will be impacted by continuing development in Old Town. The Mayor commented, for those not already cognizant, that it is anticipated there will be additional development in Old Town -- the Postal Service has allocated funding in its Capital Improvement Budget for a new post office in Takoma Park.

Patrick Donnelly, 7002 Sycamore Avenue: spoke at length concerning what he perceived to be inequities in property taxes levied on Prince George's residents vs. Montgomery County residents of the City, and noted he had previously raised this question before the prior body of elected City officials to no avail. He supplied figures purportedly supporting his contentions, asked that a solution fair to residents of both counties be worked out, and stated he intended to seek full repayment of all money illegally collected in taxes by the City. Councilmember Iddings responded briefly, pointing out that Mr. Donnelly had raised this same issue time and again over the past 3 years, always failing to take into consideration in his analyses of the situation the amount of money that comes to the City from each of the counties to pay for services, thus making his figures very misleading. He did, however, note that Mr. Donnelly's statements about the difference in assessed valuations of houses (as well as their resale value) depending upon their county of location was another strong argument in favor of unification. Following additional dialogue, Mayor Del Giudice pointed out that the issue was one that would be addressed and dealt with in the upcoming budget cycle.

Nancy Evans, 7613 Takoma Avenue: presented a petition signed by more than 60 residents of Ward 1, expressing appreciation to Lou D'Ovidio for his performance as Councilmember for that ward and asking that the City support him in every way possible in his efforts to obtain legal redress for the injuries he sustained in an incident involving a chain saw at 7411 Baltimore Avenue while acting in an official capacity, and, if possible, assist him in defraying the cost of associated legal and medical bills. Councilmember Iddings inquired whether information had been received concerning the outcome of the recent judicial hearing concerning enforcement of the injunction against the violations at 7411 Baltimore. The Mayor commented he understood Mr. Jacszenko failed to appear for the hearing, a bench warrant was issued, the defendant was apprehended and brought before the Court, however, he was not aware of the final outcome. Councilmember Iddings requested inclusion of an update on the situation in the next Council packet.

Dr. Joseph Lerner, 7708 Takoma Avenue: questioned the delay on the Juniper Street pedestrian bridge which, according to the projected schedule, should now be at least half finished and has not yet been started. He commented at length on the temporary bridge, particularly its rundown and unsuitable appearance, and said that if it is contemplated that the bridge will not be replaced, then it should be removed completely. It was noted Councilmember Levy had some current information from the county -- that there is a proposal concerning the bridge and the exact time and date of the hearing will be ascertained. Dr. Lerner emphasized that if completion of a new bridge was projected to be several years hence, then interim improvements should be made to enhance the appearance of the temporary one and make it safer. Concerning meeting agenda items, Dr. Lerner commented that, where possible, those should be publicized in the Newsletter 6-8 weeks in advance of being addressed.

Wayne Upton, 7600 Maple Avenue: spoke concerning a book he had purchased concerning an individual's experiences as a political prisoner for ten years in a South African penitentiary; said he would be donating a couple of copies to the Library and urged that people read it. He disseminated copies of two articles from the January 12 New York Times, one concerning Black History and the other concerning a proposed shrine to Black History in a park close to downtown Philadelphia, and asked that the Mayor and Council take time to read them.

Jim DiLuigi, 7106 13th Avenue: spoke concerning a perceived inequity in WSSC rates between a small apartment building he owns and his personal residence; he explained that despite a similarity in the number of plumbing fixtures, volume of useage, and number of occupants of the two structures, the rate levied on his personal residence is approximately double that of the apartment building, due to WSSC's method of calculation.

Pat Saumweber, 519 Philadelphia Avenue: related that she and neighbors had recently been intimidated and terrorized for 3 days by a large wild dog; the police department refused to respond and Montgomery County has only one dogcatcher. She asked that it be clarified who is responsible in such a situation. Councilmember d'Eustachio commented he had raised the question of a City animal warden for the past 3 years during budget hearings, and would do so again this year. It was suggested that a response to Ms. Saumweber's problem be published in an upcoming Newsletter, perhaps in the police column.

Arthur Karpas asked that the placement of Citizens' Comments be addressed, perhaps in a worksession, and consideration be given to putting it at a later point in the agenda following Items for Council Consideration, and a time limit be imposed on speakers.

ITEMS FOR COUNCIL CONSIDERATION:

1. Case A-1488, 313 Philadelphia Avenue, variance request of 10'5" of the required 25' front setback for installation of dormers.

Mr. Wilson noted that neighbors, as well as the appropriate citizens' association, were notified; only one response had been received and it indicated no objection. Councilmember Iddings moved that a position of no objection to granting of the variance be conveyed to the county, duly seconded by Councilmember Bradley, carried unanimously.

2. Resolution pertaining to City representation to the Board of Directors of the Takoma Park Volunteer Fire Department.

Councilmember Haney moved passage, duly seconded by Councilmember Sharp, carried with Councilmembers Bradley and d'Eustachio Abstaining, balance of Council voting Aye.

RESOLUTION #1986-3
(attached)

3. Resolution for the appointment of two citizen representatives to the Takoma Park Cable Board.

Councilmember Iddings remarked he would like to have the opportunity to meet with some of the applicants prior to making appointments; he moved tabling the resolution until the January 27 meeting, duly seconded by Councilmember Haney. Councilmember Sharp commented he had perceived a reluctance, in the pre-Council worksession discussion, to change Cable Board appointments at the current point in time, thus, did not see the point in having interviews; also understood that January 27 would exceed the time constraint placed on appointments, thus would oppose the motion. The motion carried 4-2, with 1 abstention. The Mayor noted that 5 individuals had applied for the two citizen Cable Board positions (2 had served on the Board previously, 3 had not; all had impressive resumes).

RESOLUTION #1985-
(attached)

4. Resolution on establishment of committee for the City-owned Siegler property.

Mr. Wilson commented briefly that several communications had been received concerning the resolution, and disseminated copies.

Thomas Morris: referred to a prior letter from the Committee for an Arts Center which opposed formation at this time of a committee for the Siegler property; he retracted that position, with consent of all Arts Center Committee members, having learned in the interim that it is standard practice to form such a committee related to park properties. He did emphasize concern that the Arts Center Committee be represented, and expressed concern that people wanting a Tot Lot on the property do not appear to be represented.

Dorothy Cichello, 7320 Piney Branch Road: urged Mayor and Council to move forward with appointment of the subject committee.

Jo Ann Bowman, 37 Philadelphia Avenue, on behalf of Historic Takoma: urged appointment of a committee prior to any public hearings, commented on the role of the committee and what should be accomplished, and efforts put forth by Historic Takoma on behalf of the property.

Arthur Karpas, representing WACO: read WACO's letter into the record, supporting appointment of the committee and making recommendations as to membership composition; favored the holding of a public hearing subsequent to the committee making its recommendations to Mayor and Council, but not before. He noted that WACO's recommendation for membership was not intended to exclude any interested faction, however, did support a limited number of members so as not to allow growth to an unwieldy number.

Dr. Joseph Lerner: hoped the report of the committee when its tasks were completed would be published in the Newsletter at least two weeks prior to the holding of any public hearing; commented he thought a committee membership of 13, as recommended by WACO, was sizeable; thought Council should exercise independence in appointing members to the committee.

Norman Greene, 6712 Westmoreland Avenue: commented there is not a lot of land available in the City for cultural use; no one should be excluded from participating in planning, however, the public should be educated on the issue prior to committee formation so that all factions have an opportunity for representation. Councilmember Haney commented that the open meetings held in the City essentially guarantee the democratic process and allow all an opportunity for input into decisions; he noted that all meetings of the committee should be publicized both in the Newsletter and on the cable TV channel.

Ned Young, 7320 Willow Avenue: commented that a debt is owed to those people who fought to keep the property (Historic Takoma and Old Takoma Citizens' Association particularly), they should be afforded consideration and not excluded from representation on the committee; supported formation of a committee to make recommendations for use of the property.

Frances Phipps, 7210 Holly Avenue: expressed support for appointment of the committee as an appropriate measure, thought it would be helpful if the committee were assisted with some technical aspects in their process and volunteered assistance in an advisory capacity; noted the importance of options. Mayor Del Giudice pointed out that the resolution provides that the Director of Economic and Community Development be a member of the committee, and he would be providing the technical assistance required.

Rob Schware, 7304 Birch Avenue: suggested that the resolution be amended to reflect the fact that, under the Annotated Code of Maryland, the City cannot make a monetary land purchase without a public hearing to formally declare the public purpose or use of the land, and additionally to resolve that the City Council will hold a public hearing to ascertain the permissible use of the property and to charge the committee with the parameters of its activities. He also suggested that an appointee from the Toddler Lot Committee be included in the list of designated appointees in the resolution. Following additional dialogue, he asked that citizens be assured by Council, in written form, that legal requirements have been met in acquiring the property. Mayor Del Giudice pointed out that the property had already been purchased -- under the previous administration, who committed the breach, had any been committed. It was noted that the record would have to be examined to ascertain whether or not a public hearing was held prior to acquisition. Mr. Schware opined that composition of the committee was rather narrow, should include representation of the Toddler Lot Committee which has a membership of 15 individuals and had procured 400+ signatures asking for inclusion of a Tot Lot on the property. Councilmember Haney pointed out that there was a Tot Lot which was built with CDBG funds located within a few blocks of the subject property, near the gazebo, making it easily accessible to the neighborhood. He stated that residents of the area adjacent to the Siegler property had previously testified that there was no need for a Tot Lot on that property in light of the aforementioned one on which money had been spent; said initiators of the petition should be reminded of those facts. Mr. Schware pointed out that the signatories of the petition were not all residents of the immediate area of the Siegler property, lived in the area bounded by Philadelphia Avenue, Piney Branch Road, Eastern Avenue and Carroll Avenue. The petition points out that the property, having been acquired with public funds, requires a public hearing to determine its use. Mr. Schware again emphasized that the petition bearing 400+ signatures of residents represents a significant force desiring a Tot Lot on the property and deserves representation on the committee which will be formulating recommendations.

Michael Mayer, 7110 Holly Avenue: referred to his December 12 letter to

Mayor and Council indicating he had been a signatory of the Tot Lot petition; said at the time of signing, he was assured that consideration would be given to all options for public recreational uses of the property, ample opportunities would be given for citizen input, prior to a public hearing; he said it was in light of the oral presentation given that many people signed the petition.

Kristina Kiehl, 7118 Cedar Avenue, owner of the house on the Siegler property: spoke in favor of the process outlined by the resolution; said a lot of effort went into preserving the property, that same effort could come up with an appropriate use for the property. She invited Mayor and Council and other interested parties to contact her, walk through her property, as well as the adjacent City-owned portion, in order to more fully appreciate what exists there and is deserving of preservation. Councilmember Bradley inquired whether Ms. Kiehl would be willing to accept non-voting representation on the committee; response was in the affirmative. Ms. Bradley commented that the property could/should have been more appropriately reorganized at the time of resubdivision, so that the lot to the south of Ms. Kiehl's house would have been incorporated in the lot for the house and the remainder designated for public use, thus avoiding surrounding the house to such an extent with land for public use. Councilmember Sharp opined that Ms. Kiehl would have no financial interest in the property, thus there would be no conflict of interest in her being a voting member of the committee should she so prefer.

Frances Phipps: commented that what is being considered is a land use change, which usually goes through zoning -- in such a change, the directly affected neighbors automatically have standing and their input is generally given significant weight.

Pat Saumweber, 519 Philadelphia Avenue, Chairman of North Takoma Citizens' Association: expressed support for the resolution; hoped the committee would come up with several options, and pointed out that the two Council representatives on the committee should represent those groups not otherwise represented.

Sue Lerner, 7708 Takoma Avenue: expressed appreciation for the trend toward providing park areas in the city; commented that a mini Dumbarton Oaks on the Siegler property would be a lovely thing.

Jim Douglas, 212 Tulip Avenue: commented he felt this to be an important planning issue for the City, referred to his prior worksession testimony on the subject. He stated he felt the resolution presented at the current meeting provides some excellent changes from the original, endorsed its passage. He did not support the need for a public hearing prior to the committee performing its function, said he felt the appropriate groups would be represented on the committee as currently outlined. He noted that one of the most important questions to be addressed would be the interface between the public and private portions of the property, therefore, it would be imperative that the owners of the two portions work in close cooperation; he strongly supported the inclusion of Ms. Kiehl as a voting member of the committee, and urged passage of the resolution without delay.

Jennifer Saloma, 7124 Maple Avenue: expressed support for the resolution and composition of the committee as proposed.

Lester Brown, 7109 Cedar Avenue: expressed appreciation to the Council, said the resolution is excellent and should be kept as is. He personally hoped the property would be retained in its natural state, urged Council to proceed with passage of the resolution.

Jeannie Holmes, 7122 Maple Avenue: expressed support for the resolution and its speedy passage; offered assistance in any way possible in the creative process.

Sam Abbott, 7308 Birch Avenue: commented that while Council, when formulating a position on variances and special exceptions for conveyance to the county Planning Board(s), does take into consideration the opinion of adjacent property owners, that is a different situation from the current one; however, the opinions of the owner of the private portion of the Siegler property will certainly be weighed adequately. He supported the validity of Councilmember Bradley's comments on the subject. He commented on the failure of a majority of the Council to support the holding of a

public hearing in order to establish the charge to the committee, the parameters, some of the proposed uses; he supported that approach and questioned Council's reluctance.

Sue Lerner, Takoma Avenue: rebutted remarks made by Mr. Abbott which might be perceived as reflecting on Ms. Phipps' professional credentials.

Roland Halstead, 7116 Maple Avenue: supported the process outlined in the resolution, felt it to be appropriate and ample to address all citizen concerns; did not feel it to be important whether a public hearing were held first or at some later point in the process.

Al Abrams, Willow Avenue: expressed support for the resolution.

Brint Dillingham, 7018 Carroll Avenue: spoke concerning the Tot Lot petition which he participated in circulating; said there was no effort to deceive people, only a few people reacted negatively to the proposal, based on a concern that the Tot Lot would be a first step toward over-development of the property. Concerning a public hearing, he noted that a substantial amount of the City's Open Space funding was expended on this property, thus its use should be afforded city-wide input. He noted that the resolution appeared to charge the committee with coming up with a comprehensive plan rather than a series of options; supported the holding of a public hearing as mentioned by Sam Abbott.

Councilmember Levy commented upon receiving numerous phone calls concerning the resolution; noted, for the record, that she did not see people present who had indicated concern that the composition of the committee did not represent signatories of the Tot Lot petition. Councilmember Iddings moved passage of the resolution, duly seconded by Councilmember Haney. Councilmember Levy moved amending the resolution by adding a representative of the Toddler Lot group to the committee as a voting member, duly seconded by Councilmember Bradley. Following lengthy dialogue and commentary both pro and con by Councilmembers, as reflected by their votes, the amendment was defeated 4-3 (AYE: Councilmembers Bradley, Levy and Williams; NAY: Councilmembers d'Eustachio, Haney, Iddings and Sharp).

Councilmember Bradley moved to amend the resolution by altering the language in the first sentence, as well as other references, where development of a comprehensive plan is referred to to read ...for the purpose of developing options and making recommendations... (deleting "preparation of a comprehensive plan or options"); duly seconded by Councilmember d'Eustachio. The Mayor commented that the committee should have as a goal, whether it reaches it or not, a consensus; should the committee reach a consensus on a comprehensive plan, that would not prevent others who disagree with the plan from voicing their opinions for consideration. The question was called, the amendment carried 4-3. In response to query from Councilmember Iddings, Ms. Bradley stated that the intent of her amendments was to buy into a process; she hoped that not only the committee, but the community, would coalesce around some sort of plan, that there would be a consensus. Councilmember d'Eustachio commented that he did not believe that language would preclude an agreement by consensus of what might be the best option, whereas the original language could perhaps be construed to preclude a series of options should those be appropriate or necessary. Due to confusion over the amendment, a second vote was taken which indicated all Councilmembers voting affirmatively for the amendment.

Councilmember d'Eustachio proposed amending the language by inserting in the second resolve clause, after the words "...for appointment...", the words by the Mayor and Council. Councilmember Iddings noted that, under the Charter, the Mayor has the authority to appoint committees. Mr. d'Eustachio commented that his intent was to bypass that and make these particular appointments by the Mayor and Council. The motion was duly seconded by Councilmember Bradley; carried, with Councilmember Iddings voting Nay, balance of Council voting Aye.

Councilmember Bradley moved amending the resolution to include the owner of the Thomas/Siegler house in committee membership as a non-voting member; duly seconded by Councilmember Levy. Following brief discussion, the amendment was defeated 4-3. Councilmember Sharp moved closing debate and calling the question on the resolution, duly seconded by Councilmember Haney. The roll call vote was recorded as follows: AYE: Councilmembers Haney, Iddings and Sharp; NAY: Councilmembers Bradley, d'Eustachio, Levy

and Williams; ABSTAINED: None.

Councilmember Bradley noted an editorial amendment to the 4th Whereas clause to make it consistent with the opening paragraph, i.e., insertion of developing options and making recommendations after "...purpose of...", and deletion of "preparing a comprehensive plan(s) and alternatives." The amendment was accepted as an editorial change, with the proviso by Mr. Iddings that Mr. d'Eustachio's earlier stated concern be understood.

Concerning the 4th resolve clause wherein mention is made of a public hearing, Ms. Bradley suggested further discussion of a process to include regular public briefings, said meetings of the committee should be open to the public; she referred to the briefings held on Takoma Old Town, Takoma Junction, etc. Councilmember Levy expressed concurrence with Mr. Haney's earlier proposal that the committee's meetings be publicized in advance in the Newsletter, be open for citizens' comments. Councilmember d'Eustachio suggested it might be superfluous to amend the language, so long as there is a clear understanding that the meetings will be open and publicized. Councilmember Bradley moved to amend that same section to read "...will hold a series of public briefings..." (deleting "at least one public hearing"); no second was offered. The Mayor noted that the language "public hearing" generally has a legal connotation of advance public notice of a specific type. Councilmember Haney commented that the properties purchased with Open Space funds and located at Eastridge and Jackson/Boyd were not subjected to the current political conflict. Councilmember Sharp commented that "a series of public briefings" seemed non-specific, ambiguous. Councilmember Iddings moved amending Ms. Bradley's amendment to state "at least one public briefing" in place of "at least one public hearing;" not accepted by Ms. Bradley. The question was called on Ms. Bradley's amendment; the motion to amend was defeated 4-3. Councilmember Iddings moved, as an editorial change, deleting "one public hearing" and substituting the wording one public briefing; accepted by the seconder of the original motion (Councilmember Haney). The question was called on passage of the resolution, as amended. The resolution was passed with Councilmember Bradley Abstaining, balance of Council voting Aye.

Resolution #1986-2

(attached)

5. Briefing and public forum re proposal for development of Cohen property, 7500 block of New Hampshire Avenue (between Hampshire Car Wash and Hampshire Motor Inn).

Daniel Neal noted receipt, from Maryland-National Capitol Park & Planning Commission, Prince George's County Planning Board, of conditional site plans for the proposed development. He commented that what the Planning Board had requested of the City were comments, suggestions -- feedback -- concerning the site plan and landscape development plan. He noted that the property is zoned C-S-C (commercial shopping center), has been so zoned since at least 1982, and prior to that was zoned C-1. Referring to the plans, Mr. Neal explained what is proposed in the way of development, including a fast food restaurant and a bank, both having drive-thru passageways. He assumed that the rear area zoned residential and having trees and bushes would be retained status quo as a buffer zone. He noted a directive from the Mayor that a number of citizens' groups be notified by staff and their comments solicited; said that was done and some groups were represented at the current meeting. He explained that construction would be primarily of brick, with some limestone, aluminum and glass; numerous questions about the proposal were raised by staff of various City departments, and those were enumerated in Mr. Neal's memorandum of 1/10/86. He pointed out that the Planning Board must respond to the applicant (the developer) within seventy days of receipt of the site plan, which would be around February 27. Between the present time and that date, the Planning Board will gather comments from citizens, citizens' groups, City staff, will consider those comments and negotiate directly with the developer to try to iron out problems prior to the site plan going to a vote by the Planning Board. He noted that the City's response had been requested by January 17th, the Mayor requested additional time, and an extension until January 24 was granted. Upon request from Councilmember Haney, Mr. Neal synopsised the points in his memorandum which were raised by staff, including traffic circulation within the site and general traffic counts, ingress to and egress from the site from the state highway, lack of pedestrian ingress and egress from New Hampshire Avenue and pedestrian walk space within the site, proposed planting of white pines along the rear

adjacent to the buffer zone will provide an ambush area for criminal activity (a security fence should be provided), illumination is not indicated on the site plans nor is proposed signage indicated, questions whether sufficient trash dumpster provision is planned for the facilities. He commented that the landscape development plan appeared to meet the minimum requirements for the county zoning code; the developer has stated it is a base plan and will be embellished upon. He noted that WSSC will also have to pass on the plans prior to the site being tied into the existing storm water drainage mains. In response to query from Councilmember Iddings, Mr. Neal stated that there is not presently an elevation plan for the bank and the fast food restaurant; application has been made for building permits for the main building and the annex, but not the two aforementioned buildings. He thought the developer intended building in stages, had incorporated the bank and fast food restaurant in the site plan to accommodate for them. He said mixed use, commercial offices and retail, is proposed for both the main building and the annex, however, should the demand prove to be for office space, they would have the prerogative to turn it into a professional office complex. Regarding any changes the City would wish to have made in the developer's plans, Mr. Neal stated the primary influence the City would have would be its comments, the form and fashion in which they come from the Council to the Planning Board; he noted they have generally been afforded weight in the past, however, not 100% of the time. He noted that if a City curb cut permit were required to widen the entrance, that might be an additional point of leverage; however, Public Works Director Robbins clarified that a City permit would not be required, nullifying that point. Mr. Neal commented he was aware there were concerns about a fast food restaurant at the location. In response to query, he stated that the developers had been invited to send a representative to the meeting, however, had not done so. The plans for the main building and annex are the actual building plans, and, as stated earlier, application has been made for building permits; however, it is assumed that the bank and fast food establishment are future buildings.

Pat Crowley, 7612 15th Avenue: thanked Mr. Neal for being so concise and thorough; opposed the proposed fast food restaurant as being out of the question as far as the neighborhood was concerned, another is not needed in that area, not to mention the smell and the garbage it would generate. He expressed concern about security measures, supported erection of a fence to keep people from the commercial area out of neighboring residential yards. He commented on the ugly appearance of the motel as viewed from residential homes, said any new structures should have a lavish amount of planting for screening purposes. Concerning lighting, he remarked that for safety purposes a substantial amount of lighting would probably be required, however, that would be another unpleasant factor for the residential neighborhood.

Tom Guins, 1200 Kingwood Drive, Pres. of New Hampshire Gardens Citizens' Association: on behalf of the citizens' association, requested that the Council oppose the proposed development until such time as all concerns of the community are resolved; said notification of the hearing was only a week prior to the current meeting, thus sufficient time for in-depth study was not afforded. He expressed concerns that the development might impact the amount of traffic in the neighborhood, traffic on New Hampshire Avenue may be greatly increased, 3 streets have two-way access to New Hampshire Avenue and that may exacerbate the increase of traffic through the neighborhood, the proposed site is in close proximity to Carole Highlands Elementary School and increases the likelihood of criminal activity near the school, the site is directly across from a school bus stop where children wait for the bus; he additionally echoed concerns voiced by Mr. Crowley, and noted that the developer had made no effort to meet with citizens or the citizens' association to hear their concerns.

John d'Eustachio, 7213 15th Avenue: stated that citizens do not know enough about the proposal to totally reject it, however, reiterated Mr. Guins' request that Council oppose it until such time as questions and issues can be resolved. He related having spoken to Mr. Snyder's office at State Highway Administration and said he was assured that the City could rescind its support of the median cut previously requested to allow access to the site from New Hampshire Avenue. He said citizens would want to see whatever studies may or may not have been done on traffic impact on the Carole Highlands area, expressed concerns about the traffic flow from the proposed bank and fast food restaurant. It was noted that there was nothing to prevent the developer from eventually making the rear R-55 buffer

zone into a parking area or whatever he desired; would want some sort of assurance built in to prevent that happening. He additionally expressed concern about the style of architecture to be employed in the construction.

David Hess, 1627 Drexel Street, representing Carole Highlands Citizens' Association: commented that about 60 homes in his area would be affected by the development -- those which can see the property from their residences. He echoed the concerns voiced by the previous several speakers. He noted his area was downwind of the site which could have an additional impact; requested that an impact study be performed, particularly in relation to noise, visual effects - especially from the rear of the buildings, sanitation problems including vermin and flies, and lighting. In view of the steep slope of the land, he commented there would be heavy water runoff which will have to be addressed. He reiterated concern that the R-55 buffer zone not become a parking lot, and wanted written assurance.

Bob Fredrick, 7214 13th Avenue, Pres. of Hillwood Manor Citizens' Assn: expressed disappointment that a representative of the developer was not present to answer questions and hear the concerns voiced; he asked that Dan Neal's memorandum be made a part of the submission package along with the City's position on the issue; he noted that Park & Planning's approval was conditional based on certain conditions, including protection of adjacent residential properties. He remarked that comments made indicate residents' perceptions that the site plans do not protect their properties, rather create a slew of problems. He reiterated the perceived problems voiced by prior speakers, and additionally, posed the question of whether there is a need for the development. He, too, urged that the City rescind their prior approval of the median cut on New Hampshire Avenue; thought the development would devalue the neighborhood; asked that Council oppose the development as it is planned.

In response to comments made by the prior speaker concerning what was conditional, Mr. Neal stated that the preliminary plat of subdivision for the property was conditional upon approval of the site plan within two years, protection of nearby residents was an included factor.

Jim DiLuigi, 7106 13th Avenue: related he works for a development company and encourages development; did not oppose the functions of the proposed buildings, however, felt this would be a turning point for the community and would determine future development in the area; thought what is proposed leaves much to be desired (in other words, is an unmitigated dog), has many inherent problems; thought the best development approach for that site would be parceling, a complex of buildings stepped on the slope. He stated the City should oppose the current proposal, particularly in light of its probable negative impact on the community. Regarding signage for the buildings, he said a built-in factor provides for signage over each bay, which means that there could be literally dozens of signs of many varieties, they could be flashing and multi-colored.

Janice Martin, 1319 Elson Place: expressed concerns about adding more traffic to the already existing nightmare in that area, particularly thought the bank and fast food restaurant would create numerous problems; was astonished that it was proposed to use the motel parking lot as a part of the traffic flow pattern and thought the parking lot would pose serious security risks for those using it. She said that rather than another fast food establishment which would be superfluous in the area and generate a lot of trash, a nice sit-down restaurant serving dinners is needed.

Mary Ralston, 1210 Elson Place: supported comments made by other speakers, expressed concerns about security, fire and police response times to the area; strongly opposed the proposed development.

Ed McMahon, 7311 Wildwood Drive, Vice-Pres. of Hampshire Gardens Citizens' Association: for information to the developer, he voiced opposition to location of a fast food restaurant at the site, however, if that were inevitable, made several suggestions/requests, i.e., opposition to a free-standing sign for the fast food restaurant as opposed to a sign on the facade of the building; he noted the already existing numerous fast food restaurants within a one mile radius of the proposed location; asked that the architecture be tasteful, that the developer be responsive to the desires of the community in that regard. He offered suggestions concerning parking lot screening, uniform and tasteful signage for the facades of the buildings. He inquired on what grounds a proposed fast food restaurant on

Piney Branch Road was turned down by Park & Planning. It was noted that the developer withdrew his proposal, based primarily on community opposition.

Loretta d'Eustachio, 15th Avenue: supported comments of other speakers, remarked that the buffer zone behind the property is owned by the developer, as is the motel, and there is no legal guarantee that the buffer zone will remain status quo -- a parking lot, private road, or parking area for maintenance vehicles could be put there. She pointed out there are no current plans for a fence, the school is right behind that area; what is proposed could devalue neighboring residential properties, and she did not think the additional development was needed.

Mayor Del Giudice related his pre-election involvement, through his citizens' association, in the traffic reconfigurations proposed by SHA on New Hampshire Avenue, including the median cut mentioned earlier, and attendance at the meeting held in the City concerning the subject. He commented on the developer of the property currently under discussion being asked to work with the citizens' association, however, there was no response to invitations issued and, apparently, he was unable to attend the current meeting. The Mayor noted that the present discussion would continue at the January 21 worksession; he encouraged interested individuals to attend.

It was noted that a visitor from Annapolis was present in the audience, Mr. Bruce Bereano, who had submitted a bid to provide lobbying services for the City. Consensus of Council was to move that agenda item up so that Mr. Bereano could depart to make his trip back to Annapolis.

6. Ordinance appointing a City Lobbyist.

In response to query, Ms. Habada stated the ordinance would require only one reading since there is a budget line item for the service. Mr. Bereano introduced himself and offered to respond to any questions. In response to query from Councilmember Iddings concerning Mr. Bereano's understanding of his duties for the City, Mr. Bereano stated he would work on those legislative items as directed by the Mayor and the Council, would make himself available to give advice, counsel, and plan strategy, as well as performing bill drafting or amendment services as required; would give testimony and speak with legislators, watchdog any proposals or subject areas indicated by the Mayor and Council, and keep the City advised of any proposals introduced relative to subject areas of interest to the City, and any other services as desired. Councilmember Iddings noted the high level of citizen interest and involvement in City issues and inquired whether Mr. Bereano would be amenable to advising and working with citizens and citizens' groups, to which he responded in the affirmative, and cited some of his experience that would relate directly to such an assignment. Councilmember Haney remarked on an obvious lack of success with prior lobbying efforts in Annapolis employing an overly aggressive approach; he hoped Mr. Bereano would be sensitive to the notable lack of success using such tactics. Mr. Bereano commented on familiarity with the situation, said he attempts to conform his style to the needs and wishes of his client(s), would certainly commit his best efforts and expertise to the City, would at no time either by actions or style cause any embarrassment to the City. In ensuing dialogue with Councilmembers, he stated that a critical point for effective representation would be advance coordination of communication, strategy and activity -- that would avoid legislators being able to utilize disorganization to the disadvantage of the City. He stated he would make himself available as required, would wish that a City contact person be established for the purpose of relaying and receiving information. He stated that the retainer is the minimum fee; he would submit monthly itemized statements.

Phil Vogel, 7117 Garland Avenue: inquired concerning the amount of the retainer and the hourly rate. The Mayor responded and noted that the hourly amount billed is applied against the retainer until that amount is depleted. Mr. Vogel inquired whether the position was advertised; commented that the agenda wording indicating a lobbyist was to be appointed did not connote a paid position. The Mayor commented that the item was on a worksession agenda and was discussed, requests for proposals were sent to various individuals who had been recommended as worthy of consideration for the position; he said that given the time frame for the legislative session, the decision was made to proceed with putting out the requests for proposals to discern the level of interest on the part of professional lobbyists. Councilmember d'Eustachio pointed out that the proposed position was very thoroughly discussed at the last One City, One County meeting

(a publicized public meeting). Mr. Vogel expressed opposition to the spending of taxpayers' money without appropriate citizen notification and input, resented the lack of publicity on the issue, and the misrepresentation in the wording concerning the item on the agenda; he said the Council should scrutinize what they are doing morally on this item. The Mayor reiterated that the legislative session had already started, one of the problems faced in the past with unification was early defeat in committees which meet early in the legislative session; he did point out that Mr. Bereano, if hired, would work on a number of legislative matters in addition to unification, including a bill concerning zoning authority for the City, and a bill that would create separate taxing districts.

Lou D'Ovidio, 7324 Piney Branch Road: commented he had suggested the hiring of a paid lobbyist for the City, particularly in connection with the unification issue; said the prior history of the City attempting to achieve its goals in Annapolis had been dismal and he felt a more professional approach was required. He said the prior Council, during the last budget cycle, had specifically included a budget line item for this purpose, and that budget process was as totally public as anything could be. He commented he did feel the Mayor and Council were mandated to move forward on this since the legislative session had commenced, did not think there had been any attempt on anyone's part to be secretive or misleading. He said he did not feel the money expended would be misspent, that the hiring of a professional lobbyist would be a clear message to the legislature that the City is serious about its goal(s); he expressed full support and urged that the Mayor and Council take action on the ordinance without delay.

Ron Albaugh, 7202 Central Avenue: supported comments made by Mr. D'Ovidio; said utilization of the paid lobbyist should at least be tried, perhaps on a provisional trial basis if necessary. He said the message on unification was that conveyed by the November 5 non-binding referendum, and it was upon that message that the strategy ought to be built. The Mayor stated it was his intent that Mr. Bereano's services would be utilized to help train citizens who did not have lobbying experience, to facilitate the setting up of meetings with delegate members in Annapolis, and to work cooperatively in the effort; he said he and Mr. Bereano would work together on strategy, and in conjunction with a contact lead person who would be identified from the One City, One County organization, and an individual from the City Offices, probably Mr. Wilson. He commented there had been some mention of citizens going to Annapolis en masse for a demonstration on unification, and that would take careful planning and coordination. Following additional discussion, Councilmember Iddings commented positively on the proposed hiring of the lobbyist, said whether the goal of unification were achieved or not during this legislative session, the expenditure would not be wasted, that it would be a positive move toward proceeding in a structured and coherent fashion toward that goal. Mr. Albaugh expressed concurrence with hiring of the lobbyist as a constructive move, and commented on the need to address the ego problem in relation to the counties and the unification issue and somehow delete that factor from the issue.

For the record, and in response to remarks voiced to him about money not having been spent on lobbying in the past, Councilmember Sharp noted that in FY 1985, \$1,766 was spent on lobbying, in FY 1984, \$3,532 was expended on that same item; thus, as much (or more) has been spent previously on this item. Councilmember Bradley commented on having ambivalent feelings on the subject -- said while she felt Mr. Bereano's knowledge and information would be very useful, she had received phone calls from constituents who opposed the hiring of a paid lobbyist; she stated she felt the lobbyist, if hired, should be hired only for the purpose of the unification effort (did not want citizen involvement downgraded or discounted). Mr. Bereano reiterated that his performance would be according to the dictates of the Mayor and Council, including their wishes related to direction and training of citizens, or whatever else was indicated; he again emphasized the need for a clear line of communication and designation of an individual to whom he would directly answer and from whom he would receive direction. Councilmember Bradley inquired whether, outside of Baltimore City, there were any other municipalities having paid lobbyists, to which Mr. Bereano responded he did not think so, however, some of the major counties do. Councilmember Haney remarked he thought Rockville and Annapolis had on occasion hired a lobbyist for specific bills on a part-time or temporary basis. Mr. Bereano commented he had lobbied for the City of Annapolis, while residing there, on a pro bono basis for a two year period. Councilmember Levy expressed concerns, particularly in relation to Mr. Vogel's

remarks and perceptions, hoped there might be some explanatory material published in the Newsletter; she said she had attended the One City, One County meeting and did not get a clear message and that citizens' responses appeared to be very divided on the lobbyist issue. The Mayor concurred that citizens' opinions expressed at the aforesaid meeting appeared divided. Mr. Bereano thanked the Mayor and Council for their time and consideration and departed. Councilmember Haney moved adoption of the ordinance, duly seconded. Councilmember Bradley commented she would abstain on the vote because she felt the role was not completely worked out, nor how all concerned would work together; a cap on expenditure after depletion of the retainer fee had not been set; and she did not think anyone else could substitute for elected officials and citizens doing the lobbying -- the hiring of a professional lobbyist may dampen the willingness of citizens to participate and go to Annapolis. The roll call vote was recorded as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy, Sharp and Williams; NAY: None; ABSTAINED: Councilmember Bradley.

ORDINANCE #1986-1

(attached)

7. First reading of an ordinance to approve issuance of driveway apron permit and for the development of Grasmere Place (currently a paper street).

Councilmember Williams moved acceptance for first reading, duly seconded by Councilmember Bradley. Randy Weiss, Attorney for the Fainman's, owners of Lot 51, Block 37, introduced himself. He commented that the only problem he and his clients had with the proposed ordinance was with the wording of subparagraph (c); he said Asst. Corporation Counsel DeNovo had advised him that subsection was language she had inserted thinking it addressed an issue Council would wish to consider; however, he stated he and his clients did not feel it appropriate for purposes of the ordinance. He said it would appear to require that private parties be responsible for maintenance of a public street. He said that the "satisfactory agreement" referred to in that subsection had not been addressed, and asked that the subsection either be stricken or the intent clarified. He said that if the intent were that the street be maintained at the level at which the Fainmans would be improving it, that might be feasible, however, it was not clear but that something much more costly might be involved at a future date for the purchasers and subsequent owners of the property. Councilmember Iddings suggested that, prior to second reading, City staff and the drafter of the ordinance meet with Mr. Weiss for the purpose of satisfactorily reworking the language of the ordinance to clarify intent. Mr. Weiss suggested simply inserting something like "...consistent with the improvement as provided by the Fainmans..." referring to the crushed rock or stone as mentioned earlier in the document, for which the Fainmans will pay.

Tom Warfield, contract purchaser of the property: said he had envisioned an arrangement wherein every 5 years or so, he would pay to have some crushed stone or gravel dumped on the driveway, and indicated he would be willing to pay for that, however, would not wish to be responsible for the street as he did not have control over it. He said he did think something mutually satisfactory could be worked out.

The Mayor commented that Public Works Director Robbins had been out to look over the site and would be prepared to respond to concerns raised. He said that Mr. Robbins had explained that there is a swell that cuts across Lot 36 Grasmere Place to Lot 35; putting in a street will block that swell and will produce a retention of ground water on Lot 36, which will need to be addressed. Richard Robbins spoke concerning the topography of the area, said that in checking grades, it was determined that retaining walls would probably not be necessary to put the roadway in, however, the low area on Lot 36 will have to be dealt with. Ideally, he said, the best way of doing that would be to raise the grade, and if that were not possible, then a small retaining wall should be built for about a 50' stretch; he elaborated on drainage and possible erosion problems due to land grade; said the best way of draining Lot 36 would be under Grasmere Place and through the property on Lot 35 (which was probably not practical), however, did not think there was any ideal way of draining Lot 36 without raising it. In response to query, he stated that at present the water washes across Grasmere Place, washing out ruts, which have been filled from time to time. Asst. Corporation Counsel DeNovo stated she had reviewed the title report on Lot 36, which is a mess, having all sorts of possible claimants to the property. Ensuing dialogue pointed out that when the City, in the past,

had the old house on that lot torn down, the contract included regrading of the Lot, and perhaps the lot was regraded improperly and could now be properly regraded on that basis. Mr. Fainman stated he would have no problem with doing that. It was noted that a Public Hearing would be conducted on January 27 on the subject issue; neighboring property owners, as well as Mr. Karkenny (a claimant of Lot 36), would be properly notified in advance. Ms. DeNovo commented that Mr. Karkenny is not the owner of record of Lot 36 -- actual ownership is in total dispute. She explained that some other individual bought the lot at tax sale in 1981 and assigned the interest to Mr. Karkenny; in 1982, Mr. Karkenny filed a suit to clear the title which has not been pursued since that time, however, the former owner was served prior to her death, so all of her heirs are possible claimants, and there is also an unreleased Deed of Trust, so the mortgagee is also a claimant. She opined that the City could not fill in Lot 36 without consent from the owner, and at present there is no clear owner. Councilmember d'Eustachio supported Mr. Iddings' contention that the City could arrange for regrading of the lot to fulfill the prior contract which called for regrading of the property following demolition of the old house thereon. In response to questions raised, it was noted that there did not appear to be any current claim of record by the City against Lot 36. Councilmember Iddings moved that the ordinance be accepted for first reading, with appropriate amendments to be made in two weeks; duly seconded by Councilmember d'Eustachio, carried.

ORDINANCE #1986-
(attached)

8. Status Report on Cable Contract Modifications - Process.

The Mayor referred to Ms. DeNovo's memorandum outlining the situation. Councilmember Bradley inquired what was projected for accomplishment; she said that since the City had chosen not to participate in the hearings, the time frame is a bit more flexible. The Mayor stated that a decision should be made whether to hold a Public Hearing on the subject in February so that if the decision is affirmative, notification can be published in the February Newsletter. The Mayor commented that the recommendation of Bruce Moyer and Ms. DeNovo was that the record from the prior hearings in Montgomery County be opened up for additional comments by citizens -- he said that the recommended decision and a copy of the record should be put at the Library for public examination prior to the City's Public Hearing on the subject. It was noted that March 5 is the deadline for the City's input to the county. Following discussion, consensus was that the Public Hearing would be conducted on Wednesday, February 19, with advance notice published in the Newsletter.

Alida DeGuarra, Lee Avenue: related attending a county meeting with Bruce Moyer, said it was apparent the county has absolutely no interest in providing public access, will make it very difficult to get. She commented that the local group is having severe difficulties in getting equipment from Tribune-United, dealing with them is a real hassle - they are most uncooperative. She commented on subscribers, including herself, sometimes still being without cable for weeks at a time. She said Tribune-United is asking for a contract revision, however, did not state that the contract was previously revised cutting 3 tiers to 2 tiers, completely eliminating 1 tier; she stated the county should not have granted that, it gives the cable firm grounds to ask for more and more, without end. She supported the City holding a hearing on the issue.

9. Resolution establishing a Newsletter Editor Selection Committee.

Mayor Del Giudice noted that Councilmember Williams had expressed an interest in serving as a Council representative on the committee, and additionally noted the names and addresses of several citizens wishing to serve. Former Councilmember Aldrighetti was suggested for membership in light of his experience and expertise in the field, however, it was noted that his current employment requires him to be out of town a substantial amount, and he should be contacted and queried prior to any appointment on the committee. Councilmember Iddings hoped that a member of the committee might have graphics design experience, as he felt that was an important factor in producing an interesting, attractive publication. Councilmember d'Eustachio suggested, and concurrence was general, amending the resolution editorially to insert language providing that additional members may be added at a later date if that should seem appropriate. Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember d'Eustachio, carried with Councilmember Haney Abstaining, balance of Council voting Aye.

(Councilmembers Levy and Williams had departed at an earlier point in the discussion.)

RESOLUTION #1986-4
(attached)

10. Peace Park.

The Mayor commented that the bill on M. C. Carolyn's Peace Park would be considered on January 17, 1986; he said Senator Bainum would like to have someone at the Montgomery County Delegation meeting in Annapolis on that date to present the City's view on the legislation. Councilmembers Iddings and Bradley volunteered to attend. The Mayor noted that the bill requires that the bond proceeds from the state be matched by the City, there is a question whether that means City funds or whether the money can be provided from private contributions, donations and fundraising. Former Councilmember Gail Dalmat, speaking from the audience, commented that when Ms. Carolyn first came to the City with her proposed project, a stipulation made by Council was that City funds would not be expended for the project. Councilmember d'Eustachio commented that it was fairly obvious that budget funds could not be appropriated for the purpose, however, the City could provide value in the form of the land for the park (for which the City already holds the title), and would be willing to cooperate in the establishment of a non-profit corporation or act as a conduit for funds for the project. The Mayor noted that the bill provides that any money generated by the sale of the bonds and not paid to the City, should the City fail to fulfill obligations within the required time, would then revert back to the state. Consensus was that the City could express support for the bill going forward, given the understanding that the City will not be providing matching funds out of City revenues.

Upon motion, duly seconded, the meeting adjourned at 1:25 A.M., to reconvene in regular session at 8:00 P.M. on January 27, 1986.

During the January 6, 1986 worksession, upon motion by Councilmember Sharp, which was duly seconded by Councilmember Haney and carried unanimously, the Mayor and Council convened in Special Session at 7:42 P.M., for the purpose of addressing a resolution concerning unification of the City. By consensus, an editorial amendment to the proposed resolution was accepted, adding language to the second resolve clause which would state the Mayor and Council's support for PG/MC-19-1986. Passage of the resolution was moved by Councilmember d'Eustachio, duly seconded by Councilmember Haney, carried unanimously.

RESOLUTION #1986-1
(attached)

Upon motion by Councilmember Sharp, duly seconded by Councilmember d'Eustachio, the Special Session adjourned at 7:44 P.M.

Introduced by: Councilmember Iddings

Adopted: 1-13-86

RESOLUTION NO. 1986- 5

Resolution to establish a committee for the purpose of recommending an appropriate memorial to be dedicated to the honor of M. Sibyl Pusti.

WHEREAS, Mrs. M. Sibyl Pusti devotedly served the City of Takoma Park for more than a decade, including her term as City Clerk; AND

WHEREAS, it is entirely fitting and appropriate for the City to dedicate a memorial honoring Sibyl's service and commitment to the City and its citizens; AND

WHEREAS, the City employees, Mrs. Pusti's peers, who worked with her on a daily basis, truly knew her on a personal level and are amply capable of recommending an appropriate memorial; AND

WHEREAS, Section 1.5 of the City Charter does empower the Mayor to appoint special committees as the Council may determine and the Mayor shall designate a chairman of such committees as he may determine.

NOW, THEREFORE, BE IT RESOLVED THAT the M. Sibyl Pusti Memorial Committee is hereby formed and will consist of one City employee from each department within the City's government.

BE IT FURTHER RESOLVED THAT this Committee present to the Council no later than April 15, 1986 its recommendation(s) for an appropriate Memorial to be dedicated to the honor of M. Sibyl Pusti, including plans for an appropriate ceremony for the dedication of such Memorial.

Adopted this 13 day of January, 1986.

Introduced by: Councilmember Haney

Adopted: 1-13-86

RESOLUTION NO. 1986-3

WHEREAS, the City of Takoma Park is represented on the Board of Directors of the Takoma Park Volunteer Fire Department according to the 1974 Agreement between the Takoma Park Volunteer Fire Department and the City of Takoma Park; AND

WHEREAS, it is the desire of the Mayor and City Council to be represented on the Board of Directors of the Takoma Park Volunteer Fire Department.

NOW, THEREFORE, BE IT RESOLVED THAT Councilmembers Lynne E. Bradley and Paul D. d'Eustachio are hereby appointed as the City's representatives to the Takoma Park Volunteer Fire Department Board of Directors.

BE IT FURTHER RESOLVED THAT the City Administrator, James S. Wilson, Jr., is hereby appointed as the non-elected City official to the Board of Directors of the Takoma Park Volunteer Fire Department.

Adopted this 13 day of January, 1986.

Introduced by:

Adopted:

RESOLUTION NO. 1986-

WHEREAS, there are four vacancies on the City's Cable Television Board that need to be filled, those for two citizen representatives, one Council representative and one City staff representative; AND

WHEREAS, the citizen application period ended Friday, January 10, 1986; AND

WHEREAS, Adele Bunoski*, M. C. Carolyn, Robert Smith*, William L. Squire, and Catherine Boggs have all applied to serve as citizen members of the Cable Television Board; AND

WHEREAS, Councilmember _____ and City staff member Ellen Arnold-Robbins have also indicated their interest in serving on the Cable Television Board.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park does hereby appoint the following persons as representatives for the vacant seats on the City Cable Television Board:

- (1) _____, Citizen Representative
- (2) _____, Citizen Representative
- (3) _____, Council Representative
- (4) Ellen Arnold-Robbins, City Staff Representative.

Adopted this _____ of _____, 1986.

* Currently members of Cable Television Board.

RESOLUTION #1986-2

Resolution to establish a committee for the purpose of developing options and making recommendations for the development, management and maintenance of the Thomas/Siegler property.

WHEREAS, the Thomas/Siegler property was purchased in 1985 by the City, with Program Open Space funds, to preserve lots 31, 40, 41, and outlot A of Block 4 of the B. F. Gilbert's Addition to Takoma Park; AND

WHEREAS, development of the Thomas/Siegler property is a complex issue given the historic district in which the property is located, the historic structure which exists on the site, the horticulture present on the site, the safety of pedestrians and the local community, as well as other factors; AND

WHEREAS, Section 1.5 of the City Charter does empower the Mayor to appoint special committees as the Council may determine and that the Mayor shall designate a chairman of such committees as he may determine; AND

WHEREAS, there is a need to establish a working committee charged with the responsibility of developing options and making recommendations for the development, financing, management and maintenance of the new City-owned Thomas/Siegler property.

NOW, THEREFORE, BE IT RESOLVED THAT the Thomas/Siegler Development Advisory Committee is formed with representation by the following groups/individuals:

- (a) One appointee from:
 - Old Takoma Park Citizens' Association
 - North Takoma Citizens' Association
 - Historic Takoma, Incorporated
 - Historic Preservation Committee
 - Takoma Artists' Guild
 - Arts Center Committee
 - Horticulture Club
- (b) Owner of the Thomas/Siegler House;
- (c) One neighbor of the Thomas/Siegler property to be nominated/selected by the Mayor;
- (d) Two citizens who are not residents of Wards 1 or 2 as at-large members to be nominated/selected by the Mayor;
- (e) Councilmember Carlton Iddings, Ward 2;
- (f) Councilmember Sharon Levy, Ward 1;
- (g) Two non-voting members to include the Director of the Department of Recreation and the Director of Economic and Community Development.

BE IT FURTHER RESOLVED THAT the groups as noted in Section (a), above, shall be asked to forward to the Mayor names of their nominees for appointment by the Mayor and Council to this Committee.

BE IT FURTHER RESOLVED THAT this Committee will meet for at least a period of six (6) months, but not more than one (1) year to prepare their development recommendations for submission to the City Council by March 1, 1987.

BE IT FURTHER RESOLVED THAT this Committee will hold at least one public briefing at which citizens and groups will be allowed to submit recommendations and plans for the use and development and financing of such proposals, for the Thomas/Siegler property.

BE IT FURTHER RESOLVED THAT the Mayor and Council will hold a public hearing to review the options and recommendations prepared by this Committee at an appropriate time and place.

ORDINANCE NO. 1986-1

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

SECTION 1. THAT requests for proposals for lobbying services were solicited from four law firms with responses due on December 31, 1985; AND

SECTION 2. THAT one proposal was received from Mr. Bruce Bereano of the law firm of Bereano & Resnick of Annapolis submitting a proposal for the services desired at a retainer cost of \$3,500 against an hourly billing of \$125 plus reimbursement for reasonable expenses incurred; AND

SECTION 3. THAT Mr. Bereano has, since submitting his proposal, revised his retainer fee to \$2,500 against an hourly billing of \$125 plus reimbursement for reasonable expenses incurred; AND

SECTION 4. THAT Council have reviewed the proposal and considered the revised offer of Mr. Bereano;

SECTION 5. THEREFORE THAT the Mayor is hereby authorized to enter into a contract with Mr. Bereano for the lobbying services proposed, said contract to be reviewed by the Mayor and Council on a monthly basis for cost review.

SECTION 6. FURTHER THAT this contract be billed against Budget Account Number 570.3 Lobbying.

Adopted this 13th day of January, 1986.

Introduced By:

First Reading:
Second Reading:

ORDINANCE NO. 1986-

WHEREAS, Arnold Fainman and Leonard Fainman, owners of Lot 51, Block 37, B. F. Gilbert's Addition to Takoma Park, have filed with the Mayor and Council a Petition Relative To The Improvement of Grasmere Place in the City of Takoma Park, Maryland, a copy of which is attached hereto as Exhibit A; and

WHEREAS, said Petition alleges (i) that the only means of ingress to and egress from Lot 51 is by Grasmere Place, a "paper street" off the 7500 block of Carroll Avenue and that (ii) the Petitioners have agreed to sell Lot 51 to contract purchasers who wish to construct a residence thereon and are therefore required to assure access to the property as a condition of obtaining a building permit; and

WHEREAS, the Petitioners have requested the City to improve Grasmere Place, which is currently unimproved, with crushed stone or gravel, and have agreed to pay all the costs of such improvement; and

WHEREAS, the Petitioners have also submitted statements of all but one of the owners of property adjacent to Grasmere Place consenting to such improvement; and

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

SECTION 1. THAT the "paper street" known as Grasmere Place shall be improved with crushed rock and/or crushed stone by the City of Takoma Park, Maryland; provided, however:

(a) that said improvement shall be carried out in accordance with all requirements imposed by the City Administrator or his designee with respect to public health and safety considerations, quality of and specifications for the work, and safeguarding adjacent properties; and

(b) that Arnold Fainman and Leonard Fainman shall agree in a form satisfactory to the City to pay (on such terms as may be required by the City Administrator) all the costs of said improvement, including but not limited to the costs of any survey, engineering and/or drainage plans, and testing and/or certification and the costs of raising the grade of Lot 36, Block 37, B. F. Gilbert's Addition to Takoma Park and/or part of the right-of-way, if any of the above should be required by the City Administrator or his designee; and

(c) that a satisfactory agreement is reached between the City and the Fainmans with respect to the future maintenance of Grasmere Place.

RESOLUTION #1986-4

WHEREAS, Section 1.5 of the City Charter does empower the Mayor to appoint special committees as the Council may determine are necessary and the Mayor shall designate a chairman of such committee as he may determine; AND

WHEREAS, there is a need to select an editor for the City Newsletter; AND

WHEREAS, it is the determination of the City Council that a Special Committee is needed to select an editor.

NOW, THEREFORE, BE IT RESOLVED THAT the Newsletter Editor Selection Committee is hereby established with representation to be made up of two Councilmembers and three citizen members, with the proviso that additional members may be appointed at a later date should that be deemed appropriate.

BE IT FURTHER RESOLVED THAT the following persons are hereby designated to serve on the Committee:

Michael K. Haney, Council representative

Herman Williams, Council representative

William Leary, 7301 Takoma Avenue, Ward 1, Citizen representative

Shawn Boyle, 7210 Central Avenue, Ward 7, Citizen representative

Michael Koempel, 6612 Allegheny Avenue, Ward 3, Citizen
representative

BE IT FURTHER RESOLVED THAT this Committee shall conduct its work to recommend an editor for the City Newsletter no later than February 24, 1986.

Adopted this 13th day of January, 1986.

Introduced by: Councilmember d'Eustachio

Adopted 1/6/86

U N I F I C A T I O N R E S O L U T I O N

RESOLUTION #1986-1

WHEREAS, the citizens of the City of Takoma Park, Maryland, on November 5, 1985, voted overwhelmingly in favor of the unification of the City into one county, and

WHEREAS, those voters in favor of unification represent a broad cross section of City residents; young, old, black, white, hispanic, men, women, supporters of the past mayor, and supporters of the new, and

WHEREAS, such unification would result in substantial benefits to the City and its residents.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Takoma Park, Maryland, express unequivocal support for the unification of the City into one county, and urge all county and state officials to do likewise, and

BE IT FURTHER RESOLVED that the Mayor and Council support PG/MC-19-1986, which calls for a binding referendum to be held in the City of Takoma Park so that the voters of the City may democratically determine whether or not the City should be so unified, and into which county, and

BE IT FURTHER RESOLVED that this resolution shall be forwarded to all appropriate state and local officials to register the support of the Mayor and Council for such a referendum.

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Public Hearing on Development of Grasmere Place
January 27, 1986
8:00 PM

AGENDA

8:00 CALL TO ORDER: Mayor Del Giudice

ROLL CALL: Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
Councilmember Williams

8:05 PLEDGE

8:10 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS

8:20 ADDITIONAL AGENDA ITEMS

8:30 GENERAL CITIZENS' REMARKS (those not directed at items for Council action)

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

- 9:00 *1. Public hearing on, and second reading of, an ordinance to approve issuance of driveway apron permit and for the development of Grasmere Place (currently a paper street)
Citizens comments
Council action
- 9:30 *2. First reading of an ordinance to establish a handicap parking space at 6901 Woodland Avenue
Citizens comments
Council action
- 9:40 **3. Resolution for the appointment of two citizen representatives to the Takoma Park Cable Board
Citizens comments
Council action
- 9:50 ****4. Special Exception #ZAS 217, 7432 Piney Branch Road, to permit continuation of an existing home occupation (photo developing).
[Hearing: 9:30 a.m., February 12, 1986, Rm. 225 COB, Rockville]
Citizens comments
Council action
- 10:00 *5. Status report on PG-MC 24-86 which would authorize a municipal corporation located in two counties to establish a tax differential in certain circumstances
Citizens comments
Council discussion

ADJOURNMENT

- * Pertinent material attached
** Material furnished with 1/13/86 agenda
*** Material furnished with 1/21/86 worksession agenda

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Public Hearing on Development of Grasmere Place
January 27, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Asst. City Administrator Habada
Councilmember d'Eustachio	Ec. & Comm. Dev. Coordinator Neal
Councilmember Haney	Asst. Corp. Counsel DeNovo
Councilmember Iddings	
Councilmember Levy	
Councilmember Sharp	
Councilmember Williams	

The Mayor and City Council convened at 8:22 P.M. on January 27, 1986 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, the Mayor made note of a hearing on the evening of January 28 at the County Office Building in Rockville, concerning the County Executive's Capital Improvement Program proposal to close the Takoma Park and Silver Spring fire stations, consolidate and relocate them at a new station on Piney Branch Road outside the City. He thanked all who had collected petition signatures, and urged all who could to attend the hearing. He commented he understood there might be a more detailed hearing on the proposal at a later date by the committee to which it will be referred.

ADDITIONAL AGENDA ITEMS:

Zoning variance at 7709 Takoma Avenue (Wilson)

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

Robert Mandel, 7003 Woodland Avenue: commented he had attended the recent public forum concerning proposed closure of the fire station(s), and had since formed a number of opinions; said he did not think the fire house would be saved by petitions, public hearings or by pressuring the County Executive. He said the thing that would save the fire station would be the giving of a substantial amount of money to Montgomery County for fire service to the Prince George's section of the City and urged that be done, whether it meant increasing taxes in that section of the City, or whatever measures were required. Concerning unification, he commented Prince George's legislators would battle that because they do not want to lose population, particularly since state and other monies they receive are based on population; however, he did not think they would oppose legislation which would allow the City to increase taxes on their citizens residing in Takoma Park in order to reimburse Montgomery County for fire service provided to those citizens; such a move would not be unfair in light of the tax rebate(s) to those citizens by Prince George's. He suggested as an interim measure that the Mayor and Council pass a resolution stating the intention of paying Montgomery County a stated sum yearly for fire service to the Prince George's section of the City, and that the resolution be presented to the county at the January 28 hearing in Rockville. The Mayor thanked Mr. Mandel and pointed out that agenda item 5 concerning PG-MC 24-86 deals to an extent with questions he raised, would allegedly give the City the authority to do something similar to what Mr. Mandel suggests. Councilmember Bradley pointed out an apparent discrepancy between the amount Prince George's rebates to the citizens and what Montgomery County claims as the cost of fire service to those citizens, and inquired whether, if it were necessary to tax those citizens in excess of their county rebate(s) they would feel it to be worthwhile in terms of saving the fire station. Mr. Mandel replied in the affirmative, pointed out the necessity of having the current level of fire service and the fact that if the station were relocated, fire insurance premiums to citizens in that area would likely escalate substantially. Ms. Bradley commented on the possibility of not being able to get concrete reassurance from Montgomery County that they would abandon their proposal to close the station, even if the City were able to reimburse them for fire service to the Prince George's section. Mr. Mandel was dubious that the Montgomery County Council would give any decision at the January 28 hearing, and said that whatever decision they make would not be binding upon that Council's successors, so at some later point in time the situation might again have to be addressed.

Pat Slater, 7410 Birch Avenue: on behalf of the 450 individuals residing in the area of the Thomas/Siegler City-owned property and who signed a petition requesting a Tot Lot on that property, submitted copies of the petition; she asked that the committee formed to address use(s) of the property give due consideration to location thereon of a playground area for younger children. For the record, she read the petition. Councilmember Levy thanked Ms. Slater and stated that, as a member of the aforementioned committee, she would give consideration to the suggestions offered in the petition.

Phil Vogel, 7117 Garland Avenue: spoke concerning the Sligo Creek Facility Project Advisory Committee on which 4 City residents served, and the outstanding performance of its chair, Jim DiLuigi; he said he felt Mr. DiLuigi was due some recognition from City government, perhaps in the form of some sort of unique award, rather than a paper document. He expressed concern that too much City business is being taken care of at worksessions, and that citizen attendees are not provided the agenda for those meetings; he asked that a few copies be made available. Mayor Del Giudice commented that, commencing with the next issue, the Newsletter would contain tentative upcoming agenda items, and supported Mr. Vogel's request as well.

Rob Schware, 7304 Birch Avenue: reminded that at the January 13 meeting, he had raised the question, relative to acquisition of the Thomas/Siegler property, of whether due process took place -- whether a public hearing on use of the property was held prior to acquisition of that property, as required by law -- if so, where, when, and how was it advertised. The Mayor responded that the City Administrator was in the process of having that question researched; information would be furnished when available. Councilmember Iddings commented that essentially the same process was followed in all Program Open Space acquisitions, however, did not know specifically whether a public hearing with appropriate advertising took place in connection with that property. He did note that numerous public meetings occurred, numerous articles were published in the Newsletter over an extended period of time; there were public hearings before Park & Planning, as well as the County Council, on the issue of that property; the public process for the Thomas/Siegler property was far greater than for any other Program Open Space acquisition in the City. Councilmember Bradley pointed out, as an aside, that the park properties at Eastridge and Jackson/Boyd were designated as a part of the long range plan for the City, which the Siegler property was not.

Alan Abrams, 7316 Willow Avenue: referred to the Austin Preservation Committee and the prior Council's resolution that neighbors of that parcel of property make an effort to purchase the property; he stated that the property was sold on 12/31/85 while the committee was still trying to raise the remaining amount needed to purchase it. He said the issue still dangles in front of the Planning Board, and hoped the City would address the issue once again. He said he felt the issue to be relevant to the City because it involves an interpretation of the Takoma Park Master Plan, as well as being precedential relative to future development.

ITEMS FOR COUNCIL CONSIDERATION:

1. Public hearing on, and second reading of, an ordinance to approve issuance of driveway apron permit and for the development of Grasmere Place (currently a paper street).

The Mayor commented that certain additional agreements would have to be drawn up subsequent to action by Council on the ordinance, i.e., specifications for the street and the driveway apron, as well as cost and maintenance; he noted that the matter had been duly advertised for public hearing.

Sam Karkenny, 9 Pine Avenue: stated he had a proceeding against the Lot adjacent to Grasmere Place, fronting on Carroll Avenue.

The Mayor explained that the proposal the City had received from the Fainmans, present owners of the property, was to improve Grasmere Place by the laying of crushed rock or stone on its surface, doing whatever necessary to bring it to proper grade, for the purpose of developing the Lot at the back of that street (owned by them) for residential construction.

Mr. Karkenny noted receipt, only a few days ago, of notice of the current hearing; said notification of neighboring property owners should properly have occurred prior to first reading of the ordinance. In ensuing dialo-

gue, the Mayor noted that the record contains consent from all other adjacent property owners to the proposed improvement(s), not, however, for the property to which Mr. Karkenny has a claim. Concerning notification, Mr. Wilson noted that notices were sent out on or about the 14th of January to all neighboring property owners, notice of hearing was published in the Suburban Record on 1/17 and 1/24 and twice in the Prince George's Post-Sentinel.

Randy Weiss, attorney for the Fainmans, thanked the Council for the opportunity for the public hearing; said the City had fulfilled all requirements for due process and public hearing of the matter; he said that, as long ago as three months, Mr. Karkenny knew that something would be in the works -- he received actual notice ten days ago, and could have come to the City Office to review the proposed ordinance, had he so desired. He read selected pertinent passages from the Maryland Encyclopedia of Law, which he stated is accepted as general principles of law, though it is not the law itself. He pointed out that he had provided alternate language for subsection (c) of the ordinance for purposes of clarification that what was intended in the way of future maintenance by his clients was crushed rock or stone, and not any expanded type of improvement. He said the intent of the selections he read was to point out that it is incumbent upon Council to ensure that streets, roads, sidewalks, etc., in the City are not in such condition as to present a safety hazard to citizens; improvements should be made where possible and/or necessary. In response to query from Councilmember Levy, Mr. Wilson stated there are five neighboring properties involved in the proposed improvement(s), four have acquiesced. In response to query from the Mayor, Mr. Weiss stated that to ensure subsection (c) of the ordinance and the agreement referred to therein being binding upon future owner(s) of the property, Mr. Fainman could enter into an agreement with the City, which could be entered into the land records at Rockville as a covenant. He pointed out that there already exists a restrictive covenant on the property, dating back to the early 1900's, which states that there shall not be any spirits manufactured on the premises.

Tom Warfield, prospective purchaser of the property, stated he would certainly be willing to agree to what is fair and equitable in a covenant. He did, however, point out there are currently people using Grasmere Place for parking and as an alleyway, and said he would not dispute paying a fair price for what he uses, but could not agree to solely funding the upkeep on something that would be for public use. Councilmember Iddings commented he was aware of that street being used for access to parking areas behind 7513 Carroll Avenue (an apartment house), thus, it would not be fair to make Mr. Warfield responsible for a street used by others for their benefit. Ms. DeNovo commented that the owner of 7513 Carroll, Mr. Greenan, had made it very clear that his consent to the improvement(s) to Grasmere Place was predicated on not being responsible for any payment therefor. Mr. Iddings pointed out that the ordinance, as written, leaves leeway for details to be worked out. As a consideration for any future instances, Councilmember Haney inquired whether it might not have been better for the City to decertify the street and allow it to be developed as a driveway to the Fainman property. Ms. DeNovo stated the City could have abandoned the street, could still abandon it, but not without the consent of the owner of the Lot because that would have denied him street access -- abandonment really only applies when the public street is not being used as someone's sole access. With regard to improving the street, she stated the City does not really need the consent of neighboring property owners to do so. Concerning future maintenance of the street, in order for neighboring property owners to be taxed for upkeep, the City would have to go through the whole special assessment procedure and the properties would have to be taxed in the proportion that they are benefitted by use of the street. Mr. Warfield pointed out that whether the street were improved or not, maintenance would always be required; the improvement would only make the condition of the street better than it now is.

Mr. Karkenny commented it would be hard to project how much maintenance would be needed on the street; said his experience with gravel had been that it tends to wash out in heavy rainstorms; said cars going out onto Carroll Avenue would have a tendency to spin the gravel, which could damage someone's windows. He stated he thought it would be premature to adopt the ordinance, did not think it was in final form. Concerning notification, he reiterated he should have received notice prior to first reading of the ordinance and been afforded an opportunity for input at that meeting. The Mayor pointed out that Mr. Karkenny's status as a property owner was slight-

ly different from others in that area, in that he was an interested party, among a number of others, in the Lot whose ownership is in dispute and which adjoins Mr. Fainman's property. Mr. Karkenny voiced opposition to the proposed improvement of the street, particularly to the use of crushed rock or gravel which he said would be a real nuisance; he said paving would not cost much more and would require less maintenance. He commented he thought the Lot in which he holds an interest would be the one most adversely affected by the use of gravel for the improvement. In response to questions raised by Mr. Karkenny, the Mayor affirmed that there is a concern about the grade of the Lot in which Mr. Karkenny holds an interest which will have to be addressed.

In response to questions raised by Councilmember Bradley, Ms. DeNovo stated she did not think parking on the street would present a problem as there would not be adequate room for parking; she stated, however, that it is a public right-of-way and anyone could use it. Concerning the fairness issue, that would have to be determined by the City; she said the way the ordinance is worded, nothing will happen until a satisfactory agreement is reached between the City and the Fainmans, not only relative to maintenance, but as to exactly how the improvement is to be carried out and conditions to be imposed. She pointed out that the only connection in which contributions by others had been mentioned was in relation to maintenance; if that was not costly, the Warfields might be willing to cover it, thus removing the issue. She expressed confusion concerning Mr. Weiss' intent in his proposed additional language for subsection (c) of the ordinance; stated it would be the covenants that would govern future maintenance of the street.

Mr. Weiss stated that his intent was to ensure that when the agreement is negotiated, what is being talked about relative to maintenance is a gravel road and not anything other than that; he said that if Council could assure him that corresponded with their thinking, he would be willing to delete the proposed additional language.

Councilmember d'Eustachio moved adoption of the ordinance as originally written, duly seconded by Councilmember Bradley. The Mayor proposed an editorial amendment to subsection (b), line 4, to make "improvement" read improvements, because there is potential for more than one; that change was accepted. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Iddings, Levy, Sharp and Williams; NAY: None; ABSTAINED: None.

ORDINANCE #1986-2
(attached)

2. First reading of an ordinance to establish a handicap parking space at 6901 Woodland Avenue.

Mr. Wilson noted that letters had been sent on January 21 to neighboring property owners, as well as the Spring Park Community Association; to date no comments had been received. Councilmember d'Eustachio requested that a copy of the letter also be sent to the B. F. Gilbert Citizens' Association. In response to query, Mr. Wilson stated the applicant for the parking space does not have off-street parking. Acceptance for first reading was moved by Councilmember Iddings, duly seconded, carried.

ORDINANCE #1986-
(attached)

3. Resolution for the appointment of two citizen representatives to the Takoma Park Cable Board.

Councilmember Bradley moved appointment of Adele Bunoski, citizen representative, Robert Smith, citizen representative, Ellen Robbins, City staff, and Sharon Levy, City Council; duly seconded by Councilmember Haney. Ms. Bradley noted that the decision was difficult to make, in that all the applicants for the Board had excellent qualifications; she commented it was hoped the Board would encourage those applicants who were not appointed, as well as other interested citizens, to participate actively in the open subcommittees. For their past service on the Board, Councilmember Haney expressed thanks to Mr. Wilson, and, particularly to Councilmember Bradley for the substantial amount of time and effort she devoted. Councilmember Iddings commented he was pleased to have had the opportunity to interview

the applicants, was very impressed with their qualifications. The resolution was passed by unanimous vote.

RESOLUTION #1986-6
(attached)

4. Special Exception #ZAS 217, 7432 Piney Branch Road, to permit continuation of an existing home occupation (photo developing).

In response to a question raised at the January 13 meeting, Mr. Wilson commented he had spoken personally with Mr. Collins, the applicant, and had been advised that the method employed for disposing of chemicals used in the photo developing process was to dump them down the sink (for the past twenty years). As an aside, he said Mr. Collins was correct in his statement made during the conversation that Drano was considerably stronger than any of the chemicals he uses in his process. He commented that the current chemical disposal method is probably the best choice for all concerned, however, perhaps an indication of the City's concern should be made to the Hearing Examiner's office. Councilmember d'Eustachio stated he was quite sure that a WSSC permit was required for disposal of chemicals in the aforementioned manner; he suggested it be mentioned to the Hearing Examiner's office that they might want to ascertain whether such a permit is held by the applicant. In response to query, Mr. Wilson stated that no comments either pro or con had been received from neighbors. Following additional dialogue, Councilmember Bradley moved that Council adopt a position of no objection to granting of the Special Exception, duly seconded by Councilmember Williams. Councilmember Iddings asked that Mr. d'Eustachio's suggestion concerning the need for a WSSC permit be included in the City's communication to the county; accepted. Councilmember Iddings expressed concern in principle about condoning an industrial use such as the one under discussion in a residentially zoned area, even if the criteria for home occupations for residential zones are met. The question was called, the motion carried unanimously.

5. Status report on PG-MC 24-86 which would authorize a municipal corporation located in two counties to establish a tax differential in certain circumstances.

The Mayor noted that this bill would shortly be coming up before the Prince George's Delegation Bi-County Committee; Delegate Maloney had expressed interest in the City's position on the legislation. He referred to recent discussion between himself, Councilmember Iddings, County Executive Gilchrist and County Council Chair Hanna concerning the bill, among other topics, and commented that the County Council had voted to amend the bill earlier in the day. He said in the aforementioned discussion, the talk about the bill was general -- Mr. Hanna gave a clear indication that the County Council will be pushing the bill, they expect that Takoma Park will support it as a demonstration of good faith to provide some form of payment to Montgomery County for the fire service provided to the Prince George's section of the City. He said both Mr. Gilchrist and Mr. Hanna expressed serious concern, displeasure, and distress that the City had had an opportunity, through the tax differential system, to tax Prince George's City residents and provide at least some sort of payment to Montgomery County, and had not availed itself of that possibility. He said one of the first points made by the two aforementioned officials was that resolution of the fire tax situation would not guarantee that the fire station would remain status quo, however, without that situation being worked out, there would be little hope, if any, that the fire station could be saved. He said the county, however, basically views the consolidation question and the fire tax situation as two separate issues. Concerning unification, Mr. Gilchrist stated that he has always endorsed and supported that issue, however, the City's failure to come forth with a plan to compensate Montgomery County for fire service to the Prince George's sector has dampened his enthusiasm. Mr. Hanna's only comment on unification was to reiterate that the County Council had not yet taken a position on that bill. Councilmember Iddings pointed out that Mr. Hanna did refer to a study which indicated that unification into Montgomery County would cost that county in terms of money expenditure. Ms. Habada remarked that a copy of that study had been requested, but there had been no response to date. Mr. Iddings commented Mr. Hanna indicated he had been unable to locate the report. The Mayor noted that Mr. Gilchrist indicated a study done by the County Executive's office reached a contrary conclusion, i.e., that unification would save the county money. Mr. Iddings stated that he and Mayor Del Giudice emphasized in the discussion that while recognizing an inequity exists, the City would not want to correct one inequity by creating another

through double taxation of Prince George's City residents in order to come up with the entire amount Montgomery County wants for provision of the service. Despite that, Mr. Iddings pointed out that County Council's message in their amendment(s) to the bill is that they are going for the entire amount. Councilmember Bradley commented that mention had been made in prior discussions of the City collecting a portion of the money through City taxes, with Montgomery County going after Prince George's directly for the rest. Concerning relevant figures, it was noted that .32 was the county's tax rate for the consolidated fire district (possibly .30 this year), Prince George's rebates .18 to their taxpayers residing in the City (the amount, they calculate, of the property tax that goes to support fire service provided by P. G. County, despite the fact that they express their actual cost as being around .40). Councilmember Iddings related that former Councilmember Faulkner, who served on the PGMA Task Force which initially set up the numbers, had a very clear recollection that a commitment was made to rebate more than the .18. Mr. Iddings said, in response to Councilmember Sharp, that were Prince George's to rebate more to citizens than what was collected on the basis of property tax for fire service, that might impact the negotiations between the 28 municipalities that drew up the process and affect the extraordinarily convoluted formula utilized, as well as internal politics. He said that while it would appear that to make adjustments would not cost Prince George's any revenue, what it is necessary to deal with is the political reality. In ensuing dialogue, Councilmember Bradley opined that unification and the fire service are directly tied together; she referred to an earlier conversation with County Councilmember Rose Crenca in which Ms. Crenca stated that the County Council took no position on the unification bill at its 1/27 meeting because it did not have enough information. Ms. Bradley related attempts by herself and former Mayor Abbott to furnish verbal information on the subject to that group and being given almost no time to do so. She said they are still claiming lack of information on the subject, particularly regarding implementation. Concerning the fire issue, Ms. Crenca referred to the "Kendall/Scull amendment," i.e., Mr. Scull feels that even if legal questions have been raised about the City's ability to resolve the issue by means of the tax rate (or constitutionality of so doing), at least the City could make an attempt. She said Ms. Crenca related that Mr. Scull felt there was no connection between payment of the money from Prince George's for fire service and keeping the Takoma Park fire station open; however, Ms. Bradley referred to Bob Kendall's statement at the public forum in the City re the fire station that the two things that would keep the fire station open were Prince George's paying the money (or Montgomery County being paid the money from some source) for the fire service provided, or unification; and Ms. Crenca felt that Mr. Gilchrist would stand behind that commitment from Mr. Kendall, but did not think the council majority would be in support. The Mayor commented he felt it to be rather ludicrous for anyone with the county to state that lack of compensation for the fire service was not linked with closure of the fire station; the history of the issue indicates otherwise. He said that the City's suit for money being withheld by Montgomery County was an additional upsetting factor to that body. The Mayor pointed out that if the fire station were closed and relocated, that would move the City further away from its unification goal; it would be a distinct and further division, at least in terms of fire service. He said that if the City is to support Bill PG-MC 24-86 and try to work out a cooperative agreement with the two counties (with assurances from Prince George's, as well as Montgomery), then it will have to be understood that the City is forever moving away from the prior history of the 1974 agreement(s) concerning fire service, and it will be imperative to ensure that that sort of situation does not recur. Alternatively, the choice exists to escalate the current situation, which could conceivably involve a lawsuit based on the 1974 agreement(s). Should that be the option of choice, he said it would have to be clear what sort of relief the City was seeking when filing suit. He spoke at some length concerning the implications of such a lawsuit and related questions that would have to be addressed. He commented that in the conversation with the County Executive the question was raised, and Mr. Gilchrist appeared to concur with the need for an answer, concerning the fact that the City only has authority to tax for services it provides, thus, the City would be on precarious ground with the bill in that: 1) it does not provide the service, and, 2) legal questions of discrimination were raised by the Attorney General's position. The Mayor stated that, were the City to go ahead with the bill, a new memorandum of understanding would be required stating that the county would provide the service to the City, whereby the City would, indirectly, be providing the service, which would give a basis to tax for

it. Councilmember Iddings recounted some of the history of the issue which led up to the City's most recent position.

Councilmember d'Eustachio suggested that as a good faith measure, funds be set aside in the upcoming budget cycle, equating with the .18 amount rebated by Prince George's to their citizens, for transmission to Montgomery County for fire service provided to those citizens; and, additionally, that the Mayor forward a letter to Montgomery County stating that intent and asking that they set up an appropriate mechanism to receive the money. Councilmember Bradley expressed support, in principle, however, wanted binding assurance that Station 2 would not be closed, as well as some way of assuring that if Montgomery County insisted upon the entire amount, Prince George's citizens would not be doubly (or additionally) taxed to make up the difference. Following additional dialogue, Mr. Wilson pointed out that any transfers of revenue, in relation to the current discussion, must be dealt with in context of the state's tax differential law, which clearly states that a city shall request reimbursement from a county where that city is providing a specific service, and that county shall respond to that request in an equitable way. He elaborated on that law and apparent misinterpretations on the part of both counties in relation to it and the City, and services provided.

Mr. Mandel commented that governments at all levels are short of money these days; said Prince George's has long been a financial disaster, and any solution in terms of getting money from that county is a dream, as is the thought of unification as a solution, for the reasons he stated earlier. He opined that the City could express support for the bill, in principle, and suggest that certain appropriate wording changes be effected; however, said should Council decide to the contrary, then nothing would persuade Montgomery County to do anything for the City.

Councilmember Iddings commented he felt it was a very bad bill for the City; it omits too many important factors. Mr. Mandel suggested the City request an extension of a week or so for purposes of redrafting the bill. The Mayor commented he did not think it would be inappropriate to ask the Prince George's delegation to table the legislation, particularly in light of the amendment(s) proposed by Montgomery County and time required to consider those and come up with alternatives and/or more agreeable language. He said the request for tabling to allow further discussion would be another demonstration of good faith. Councilmember Sharp remarked that the points the City wishes to consider further, an indication of areas of concern, should be communicated at the time the request to table the legislation is conveyed.

During the lengthy ensuing discussion, Mr. Iddings commented it might be appropriate at the January 28 CIP hearing in Rockville to point out that not all areas of the city are served first due by TPVFD; Chillum-Adelphi station 44 is first due in the Langley Park Shopping Center, from the southeast quadrant down to somewhere around Erskine Avenue. Councilmember Haney, who resides in that area, commented that their first due ambulance service is from station 44, but first due fire service is from TPVFD. It was noted that there have been well-attended meetings in the Silver Spring area concerning the county budget re fire service proposals, and that people in the affected areas are very incensed over the issue; the inadequacy/weakness of the Task Force report was commented upon and the fact that the report does not present justification for what is being proposed.

In conclusion, Councilmember d'Eustachio moved that Council adopt a position favoring an equitable solution to provision of fire service in the City, and request that the Prince George's Bi-County Committee table bill PG-MC 24-86 for a period of time to afford the City time to analyze new amendments which are coming forward on it; the motion was duly seconded; carried unanimously. In preceding conversation, it was noted that the City's lobbyist, Bruce Bereano, would be meeting with the Mayor and those Councilmembers available to attend, on Wednesday evening, January 29, at which time he would be apprised of all facts relevant to the issue. Consensus was that contact would be made with Delegate Maloney on January 28 A.M. concerning the request for temporary tabling of the legislation.

6. Variance request at 7709 Takoma Avenue.

Councilmember Iddings moved that Council support granting of the variance, duly seconded by Councilmember Bradley. Daniel Neal commented that internal renovations are being done on the house, the variance would approve its

present location on the lot. The question was called, the motion carried unanimously.

Upon motion, duly seconded, the meeting adjourned at 11:22 P.M., to reconvene in regular session at 8:00 P.M. on February 10, 1986.

At the January 21, 1986 worksession, during continuation of the Show Cause Hearing relative to proposed institution of condemnation proceedings at 6801 Westmoreland Avenue, Councilmember d'Eustachio moved that Council convene in Special Session, duly seconded by Councilmember Haney; carried unanimously. Special Session convened at 8:15 P.M.

The property owners' representative, their son, Arquimedes MacDonald, commented he believed everyone was in possession of copies of information from his parents' attorney regarding action that will be taken on [reconstruction of the house at] 6801 Westmoreland. Mayor Del Giudice inquired whether Mr. MacDonald had anything further he would wish to add to the record, to which Mr. MacDonald responded that there was nothing he could do about anything -- that it was a waiting game. The Mayor commented that the attorney's communication indicates that settlement in the case should occur around April 1986. Councilmember d'Eustachio moved tabling the ordinance until the first regular Council meeting in April (April 14) to see what progress is made in the interim, duly seconded by Councilmember Bradley; carried unanimously. It was noted that a letter would be sent to the MacDonald's lawyer, Attorney Marc Emden, informing him of Council's action.

Concerning Special Exception #ZAS 217, which would permit continued operation of a home occupation (photo developing) at 7432 Piney Branch Road, the Mayor inquired whether there was anyone present wishing to comment. Councilmember Iddings remarked that he had questions concerning what the individual at that address does with the chemicals used in his business, how they are disposed of. Councilmember Levy commented that neighbors have not responded with any complaints about the situation. It was requested that a letter be sent to the property owner regarding the chemicals used and their disposal, and asking that he appear at the next Council session to respond to questions. Councilmember Sharp commented that it should be ascertained whether any notification concerning the business operation there had previously been made to neighbors. Councilmember Levy reiterated that she had not received any complaints about the issue. Consensus was that the item would be placed on the next Council meeting agenda.

Adjournment of the Special Session was moved by Councilmember d'Eustachio at 8:34 P.M., duly seconded by Councilmember Haney; carried unanimously.

During discussion of proposed development of the Cohen property on New Hampshire Avenue between the car wash and the Hampshire Motor Inn, at 9:40 P.M., Councilmember Haney moved that Council again convene in Special Session. The motion was duly seconded by Councilmember Sharp, carried unanimously.

Councilmember Haney moved, duly seconded by Councilmember Sharp, that the City go on record as opposing the aforementioned proposed development until such time as expressed concerns such as site traffic flow, impact of additional traffic generated on New Hampshire Avenue, conformance of the site plan with the zoning code, the need for a buffer zone between the R-55 zone at the rear of the property and the C-S-C zone, and the frontage setback of the bank from New Hampshire Avenue, can be resolved through meetings with the property owner and M-NCP&PC staff. The motion carried unanimously. Mayor Del Giudice commented that City staff will be preparing a detailed report on the issue, however, the position, as stated, could be conveyed to the Planning Board.

Upon motion by Councilmember Haney, duly seconded by Councilmember Sharp, the Special Session adjourned at 9:44 P.M.

Introduced By: Coun. d'Eustachio

First Reading: 1-13-86

Second Reading: 1-27-86

ORDINANCE NO. 1986-2

WHEREAS, Arnold Fainman and Leonard Fainman, owners of Lot 51, Block 37, B. F. Gilbert's Addition to Takoma Park, have filed with the Mayor and Council a Petition Relative To The Improvement of Grasmere Place in the City of Takoma Park, Maryland, a copy of which is attached hereto as Exhibit A; and

WHEREAS, said Petition alleges (i) that the only means of ingress to and egress from Lot 51 is by Grasmere Place, a "paper street" off the 7500 block of Carroll Avenue and that (ii) the Petitioners have agreed to sell Lot 51 to contract purchasers who wish to construct a residence thereon and are therefore required to assure access to the property as a condition of obtaining a building permit; and

WHEREAS, the Petitioners have requested the City to improve Grasmere Place, which is currently unimproved, with crushed stone or gravel, and have agreed to pay all the costs of such improvement; and

WHEREAS, the Petitioners have also submitted statements of all but one of the owners of property adjacent to Grasmere Place consenting to such improvement; and

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

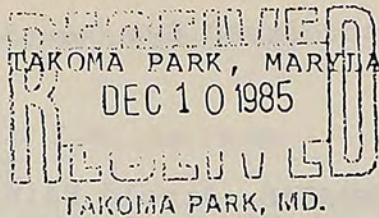
SECTION 1. THAT the "paper street" known as Grasmere Place shall be improved with crushed rock and/or crushed stone by the City of Takoma Park, Maryland; provided, however:

(a) that said improvement shall be carried out in accordance with all requirements imposed by the City Administrator or his designee with respect to public health and safety considerations, quality of and specifications for the work, and safeguarding adjacent properties; and

(b) that Arnold Fainman and Leonard Fainman shall agree in a form satisfactory to the City to pay (on such terms as may be required by the City Administrator) all the costs of said improvement(s), including but not limited to the costs of any survey, engineering and/or drainage plans, and testing and/or certification and the costs of raising the grade of Lot 36, Block 37, B. F. Gilbert's Addition to Takoma Park and/or part of the right-of-way, if any of the above should be required by the City Administrator or his designee; and

(c) that a satisfactory agreement is reached between the City and the Fainmans with respect to the future maintenance of Grasmere Place.

CITY OF TAKOMA PARK



BEFORE THE CITY COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

In Re:)
)
Petition of Arnold Fainman and)
Leonard Fainman for Improvements)
to Grasmere Place)
)

PETITION OF ARNOLD FAINMAN AND LEONARD FAINMAN
RELATIVE TO THE IMPROVEMENT OF
GRASMERE PLACE IN THE CITY OF TAKOMA PARK, MARYLAND

COME NOW, Arnold Fainman and Leonard Fainman, and who make Petition to the City Council of the City of Takoma Park, Maryland, relative to the improvement of Grasmere Place, and who respectfully state under oath as follows:

1. That they, Arnold Fainman and Leonard Fainman (hereinafter the "Petitioners"), are the sole owners of Lot 51, Block 37, in B. F. Gilbert's addition to Takoma Park, as per plat thereof recorded in Plat Book 66, Plat 6063, among the land records of Montgomery County, Maryland, by Deed dated December 30, 1980, between Al D. Derr as Grantor and Arnold T. Fainman and Leonard C. Fainman, tenants in common, as Grantees, the said Deed recorded in Liber 5648 at Folio 194, et seq. See Exhibit A.

2. That the Petitioners have entered into an Agreement to improve and convey the said Lot 51 and in order to construct a residence thereon and that they are required to ensure ingress and egress to the property as a pre-requisite to obtaining their building permit. The only ingress and egress to the property is through "Grasmere Place," a "paper street" which accesses the property to Carroll Avenue in the 7500 block thereof. See Exhibit B.

3. While, originally, the Petitioners sought to have Grasmere Place abandoned to their benefit, it appears more appropriate for the City to make certain improvements in the roadway, which is now but a simple dirt pathway, and to charge

the costs thereof to private parties. A Memorandum from Anne DeNovo, Esq., Assistant Corporation Counsel, to the Mayor and Council and City Administrator (undated), cites the legal procedure for the abandonment. See Exhibit C. However, by and through this Petition, the Petitioners do not seek to have the said Grasmere Place abandoned to their benefit, and instead seek to have title remain with the City agreeing to bear all costs relative to the improvement of Grasmere Place from the dirt pathway as it now exists to a street improved with crushed rock and/or crushed stone.

4. There are three parcels of property which, but for the said Grasmere Place, would be "landlocked," without access to Carroll Avenue. They are Lot 50, now owned by Trung Bui and Chau M. To, whose property address is 306 Lincoln Avenue, but who have a permanent easement between Lots 1 and 26 on Lincoln Avenue for ingress and egress so as not to be landlocked; Lot 42, which lot is subject to the terms of a land lease which land Lessee is Beverly Enterprises, Incorporated, a California corporation, and which Lot 42, abutting the said Grasmere Place, is connected to several other lots for which there is access to Carroll Avenue in the 7500 Block thereof so as not to landlock this lot; and, finally, Lot 51, that owned by the Petitioners, which requires Grasmere Place for ingress and egress to avoid being landlocked. There are two other lot owners whose lots abut Grasmere Place. They are Lot 35, now owned by James Greenan, Esq., et ux, which lot has full access to Carroll Avenue because it abuts Carroll Avenue and Lot 36, which also abuts Carroll Avenue and has access thereto. The ownership of Lot 36 is unclear at this time because it was sold at tax sale and failure of the purchaser at foreclosure to clear title.

5. The Petitioners have been successful in obtaining consents from the above-known interested parties relative to the improvement of Grasmere Place. See consent of Trung Bui and Chow

M. To (Exhibit D); consent of Beverly Enterprises, Incorporated (Exhibit E); and consent letter from James Greenan, et ux, See (Exhibit F). These consents state, in essence, that the said interested parties not only do not oppose but support and encourage the paving of Grasmere Place with crushed stone and/or crushed rock, provided that the Petitioners herein bear all costs for said improvement and paving with such materials.

6. By and through this Petition, Petitioners request that the City Council of the City of Takoma Park enact an Ordinance which directs improvement of Grasmere Place with crushed rock and/or crushed stone, to the specifications as directed by the Director of Public Works, and which cost and expense of said improvement to Grasmere Place shall be assessed against and born by the Petitioners herein, provided, that such improvements are made with such materials.

7. It is clearly within the authority and prerogative of the City Council to enact such Ordinance. The following sections from the City of Takoma Park City Code are relevant to the granting of the relief that Petitioners request herein:

(a) Section 1.7 states that the City shall have the power to ". . . pass all ordinances necessary for the good government of the City; . . . to establish the grades of the streets, gutters and sidewalks of said City; fixed the width thereof and describe the material of which they shall be constructed"

(b) Section 1.7 also states that the City shall have the power: ". . . to provide by ordinance for condemning, laying out, opening, extending and making new streets or alleys and for altering, straightening, widening, grading, improving or closing up, in whole or in part, any existing street or alley"

(c) Section 1.10 also states that "(A) The Council is authorized and empowered whenever in its judgment the public health, safety or comfort requires it, to grade, construct, reconstruct, pave or otherwise improvement any street, sidewalk, alley, or public highway, or any part thereof, at such time and to such extent and with such materials and in such manner as shall be provided by ordinance, and to pay the costs of all such work and assess the said cost, or any part thereof, against the abutting property as hereinafter provided in this Section."

(d) The said Section 1.10 also provides for the procedure for which the Council shall notify abutting landowners of notice and hearing and opportunity to comment thereon relative to the improvement thereof, and also states that "(C) If after the hearing, the Council shall be of the opinion that the public health, safety or comfort requires the work or improvement proposed to be done or made, they shall provide by ordinance for the same and may charge the expense thereof or any part of such expense against the property which they shall find to be specially benefited thereby according to the lineal frontage of said property The Council shall also provide in said ordinance the time and terms upon which payment of said assessments for said work and improvements shall be made by said property owners, the rate of interest, if any, that shall be charged upon deferred payments and shall provide penalties for failure to pay any deferred payment when due. Assessments so levied as aforesaid shall be a lien upon the property against which they are charged superior to all other liens from the date of the approval of such assessments by the Council."

(e) Section 11-8, cross-referencing the Montgomery County Code, gives the City Council the flexibility to charge improvements to developers and provides: "The entire cost, or any part thereof as may be determined by the Council of any


public work required to be performed under this Article, shall be performed at the cost of the subdivider, developer, or other individual responsible for the work."

8. At the present time, the said Grasmere Place is nothing short of an embarrassment to the City. Upon information and belief, it is the only "paper street" in the City of Takoma Park. It is an eyesore, hinders Petitioners' development of Lot 51, and creates unnecessary exposure in terms of liability to the City in its present, deplorable shape as it is a publicly dedicated street within the City limits. Appended as Exhibit 4 is a photograph of the said Grasmere Place.

9. It is clearly in the best interest of the public interest of Takoma Park to approve Petitioners' request herein. It will improve to an acceptable state, a street now in deplorable shape. It will also permit development of Lot 51 and enhance the tax base of the City. The Petition herein encourages development, but there are no costs, expenditures, or adverse implications to the City of Takoma Park as a consequence of its approval.

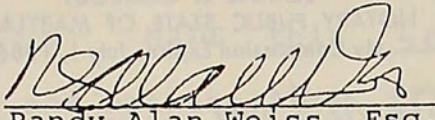
WHEREFORE, Petitioners respectively request that the City Council of Takoma Park grant the relief requested herein by approving the improvement of Grasmere Place, through crushed rock and/or crushed stone, as determined by the Director of Public Works of the City of Takoma Park, provided that the costs thereof are assessed against and borne entirely by the lot owners of Lot 51, Petitioners Arnold Fainman and Leonard Fainman.

Respectively submitted,


ARNOLD FAINMAN


LEONARD FAINMAN

By Counsel:


Randy Alan Weiss, Esq.

MARGOLIUS, DAVIS, FINKELSTEIN & RIDER
1503 - 21st Street, N.W.
Washington, D.C. 20036

Handwritten notes:
1-27-86
4.50

SEAL

Ex A

COUNTY OF Montgomery :
STATE OF MARYLAND : ss:

JEANNE L. GODBOUT
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 1986

Be it remembered that on this 10th day
of December, 1985, personally came before
me, Arnold Fainman, a notary public for the jurisdiction
aforesaid, ARNOLD FAINMAN, party to this Petition and who is
personally known to me to be such and acknowledged under oath
that the contents of this Petition are true to the best of his
knowledge, information and belief.

Given under my hand and seal of office the day and year
aforesaid.

Jeanne L. Godbout (SEAL)
NOTARY PUBLIC

My Commission expires:

COUNTY OF Montgomery :
STATE OF MARYLAND : ss:

JEANNE L. GODBOUT
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 1986

Be it remembered that on this 10th day
of December, 1985, personally came before
me, Leonard Fainman, a notary public for the jurisdiction
aforesaid, LEONARD FAINMAN, party to this Petition and who is
personally known to me to be such and acknowledged under oath
that the contents of this Petition are true to the best of his
knowledge, information and belief.

Given under my hand and seal of office the day and year
aforesaid.

Jeanne L. Godbout (SEAL)
NOTARY PUBLIC

My Commission expires:

THIS DEED

MADE this 30 day of February, A.D., 1980,

by and between AL D. DERR, grantor, party of the first part, and ARNOLD T. FAINMAN and LEONARD C. FAINMAN, as tenants in common, parties of the second part.

WITNESSETH, That for and in consideration of TWO THOUSAND FIVE HUNDRED Dollars, lawful money of the United States of America, and other valuable consideration in hand paid, the receipt of which is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said party of the second part, his heirs or assigns, in fee simple as joint tenants, all that piece or parcel of land situate, lying, and being in Montgomery County, State of Maryland, and being described as follows, to-wit, all of the following described parcel of land, being part of the same parcel of land acquired by said AL D. DERR by deed from Potomac Electric Power Company dated July 5, 1962 and recorded September 20, 1962 in Liber 3012, Folio 109 through 112, inclusive, of the Land Records of said Montgomery County, Maryland:

Lot 51, Block 37, in B.V. Gilbert's Addition to Takoma Park, as per plat thereof recorded in Plat Book 66, Plat 6063, of the Land Records of Montgomery County, Maryland.

TOGETHER WITH all and singular the ways, easements, rights, privileges and appurtenances to the same belonging or in anywise appertaining, and all the estate, right, title, interest and claim, either in law or in equity, or otherwise however, of the said parties of the first part, of, in, to or out of said parcel of land.

To have and to hold the aforesaid piece or parcel of ground and premises above described or mentioned, and hereby intended to be conveyed, together with the rights, privileges,

CLERK'S OFFICE
MONTGOMERY COUNTY, MD

1981 JAN 23 PM 3:32

I certify that this instrument was prepared under the supervision of Sheldon P. Schuman, an attorney admitted to practice before the Court of Appeals of Maryland.

SHELDON P. SCHUMAN
4004 MOORLAND LANE
BETHESDA, MARYLAND 20814
(301) 986-0200

9-50

Ex. A

EXHIBIT "A", pg. 10
Ord. No. 1986-2, 1/27/86

JAN 25 1981
13.25-106265C

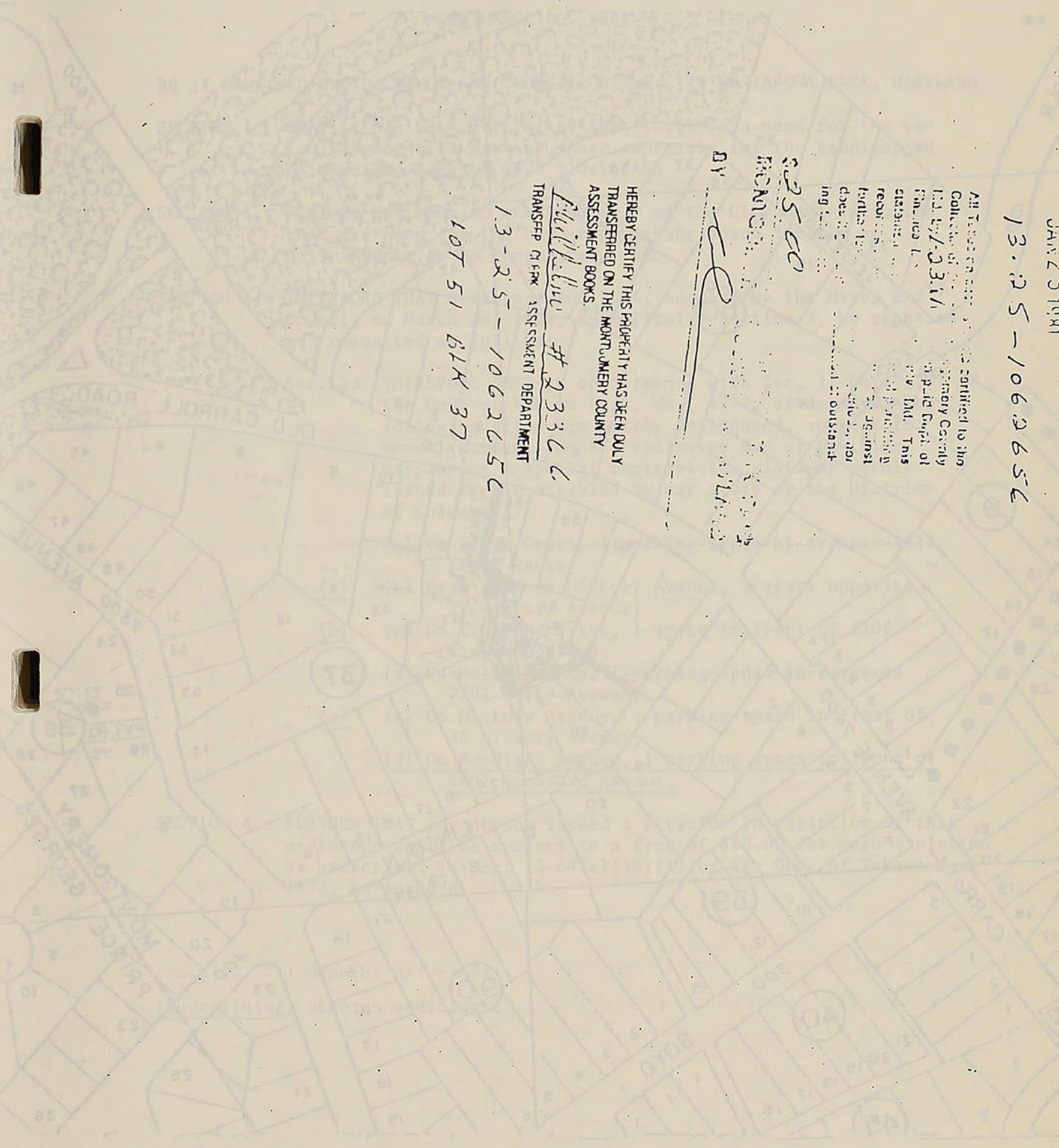
All Taxes on this property certified to the
Collector of the County of Montgomery County
Md. by 1-23-81
Finance Dept.
Statement of
Records
Audit
Director
ing

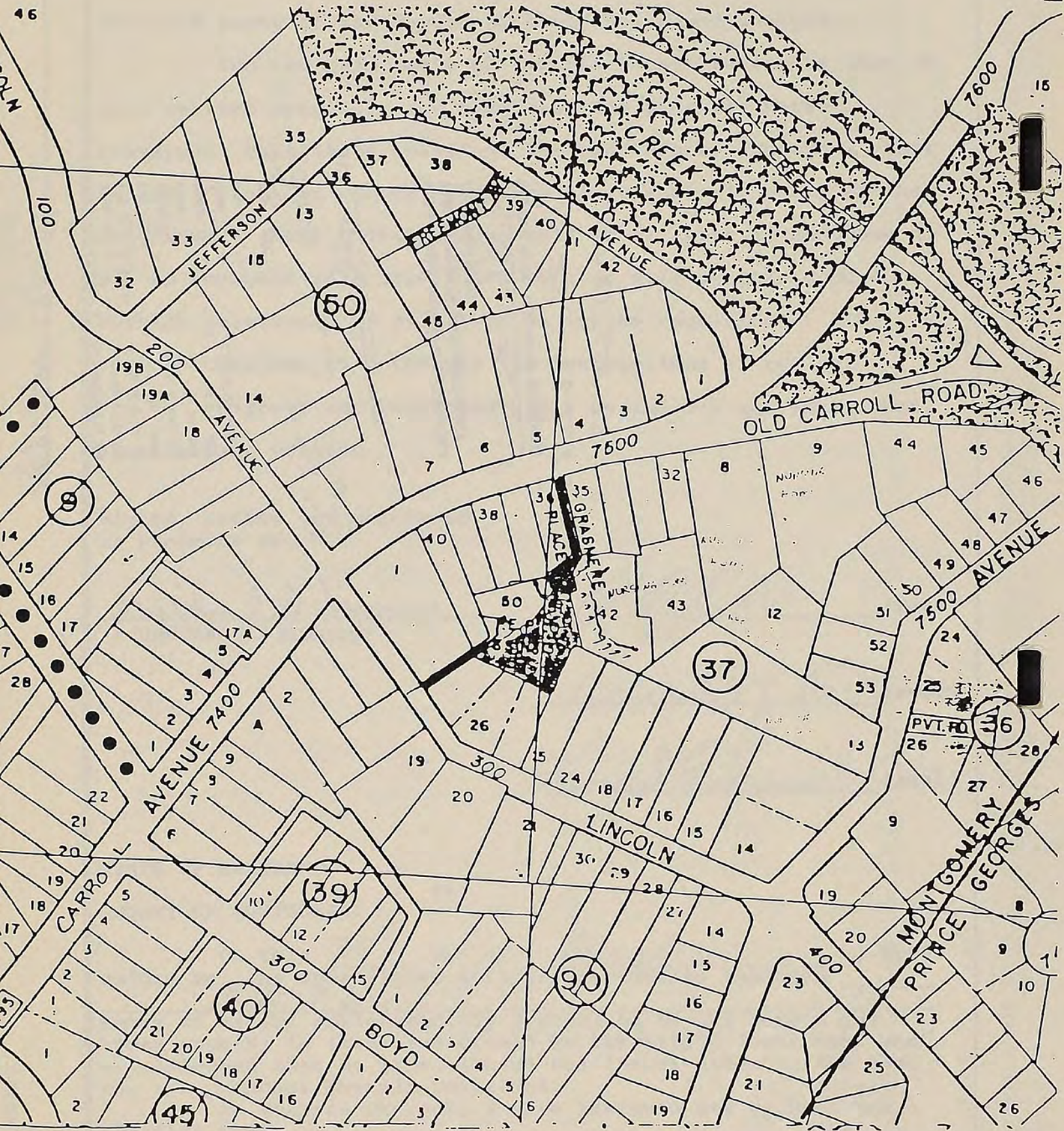
525 00
FROM
BY *[Signature]*

HEREBY CERTIFY THIS PROPERTY HAS BEEN DULY
TRANSFERRED ON THE MONTGOMERY COUNTY
ASSESSMENT BOOKS.

William H. Hill # 23366
TRANSFER CLERK ASSESSMENT DEPARTMENT

1.3-25-106265C
LOT 51 BLK 37





Ex. B

Introduced by:

1st Reading:
2nd Reading:

ORDINANCE NO. 1986-

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

SECTION 1. THAT it has been determined that there is a need for the establishment of a parking space expressly for the handicapped on Woodland Avenue, 6900 block; AND

SECTION 2. THAT it has come to the attention of the City Administration that the need for the handicap parking space located on Holly Avenue is no longer required.

SECTION 3. THEREFORE THAT Ordinance No. 2714, adopted by the Mayor and Council on March 26, 1984, specifically Section 3, be repealed and reenacted as follows:

Sec. 2. THEREFORE THAT in conformance with Sec. 13-64(a)(10) of the Code of Takoma Park, Md., 1972, as amended, the following sites are hereby designated, subject to annual review, for the exclusive use of vehicles displaying a special registration plate or permit issued to the disabled by any state or the District of Columbia:

~~(a) On Elsen Court, 1 parking space at or near 1311 Elsen Court;~~

(a) ~~(b)~~ West side of Hickory Avenue, 1 space opposite 22 Hickory Avenue;

(b) ~~(e)~~ On Kingwood Drive, 1 space in front of 1108 Kingwood Drive;

~~(d) On Holly Avenue, 1 parking space in front of 7301 Holly Avenue;~~

(c) ~~(e)~~ On Hickory Avenue, 1 parking space in front of 35 Hickory Avenue;

(d) On Woodland Avenue, 1 parking space in front of 6901 Woodland Avenue.

SECTION 4. FURTHER THAT any person issued a citation in violation of this ordinance shall be subject to a fine of \$50.00 for each violation as prescribed in Sec. 13-64(a)(10)(A) of the Code of Takoma Park, 1972, as amended.

(-----) denotes deletions.

(underlining) denotes additions.

Introduced by: Councilmember Bradley

Adopted: 1-27-86

RESOLUTION NO. 1986-6

WHEREAS, there are four vacancies on the City's Cable Television Board that need to be filled, those for two citizen representatives, one Council representative and one City staff representative; AND

WHEREAS, the citizen application period ended Friday, January 10, 1986; AND

WHEREAS, Adele Bunoski*, M. C. Carolyn, Robert Smith*, William L. Squire, and Catherine Boggs have all applied to serve as citizen members of the Cable Television Board; AND

WHEREAS, Councilmember _____ and City staff member Ellen Arnold-Robbins have also indicated their interest in serving on the Cable Television Board.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park does hereby appoint the following persons as representatives for the vacant seats on the City Cable Television Board:

- (1) Adele Bunoski, Citizen Representative
- (2) Robert Smith, Citizen Representative
- (3) Sharon Levy, Council Representative
- (4) Ellen Arnold-Robbins, City Staff Representative.

Adopted this 27th of January, 1986.

* Currently members of Cable Television Board.