

Regular Meeting of the Mayor and Council
March 14, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Elrich	Div. of Ec. & Comm. Dev. Dir. Neal
Councilmember Hamilton	Community Dev. Coordinator Schwartz
Councilmember Leary	Housing Services Director Weiss
Councilmember Martin	Recreation Director Ziegler
Councilmember Sharp	

The Mayor and City Council convened at 8:00 P.M. on Monday, March 14, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a moment of silence was observed in commemoration of Bernard Rudolph (Rudy), who was employed by the City from 1974-1985, and who passed away on the weekend.

The Minutes of the February 16, 1988 Meeting, with corrections, were presented. Councilmember Sharp moved adoption, duly seconded by Councilmember Douglas; the motion carried by unanimous vote.

The Mayor related that he and Councilmember d'Eustachio had recently attended the annual Takoma Park Volunteer Fire Department banquet, at which time the City presented honorary citizenship certificates to a number of recently-retired fire department officers. He said he had presented a Proclamation to Lt. James E. Jarboe, who had been a member of the Volunteer Fire Department since 1956, and suggested that the Council formally adopt the document as a resolution. Councilmember d'Eustachio so moved, duly seconded by Councilmember Hamilton; the resolution was passed by unanimous vote.

RESOLUTION #1988-13A
(attached)

Mayor Del Giudice remarked that due to technical difficulties with a video camera, the City's Cable Coordinator would not be able to videotape the meeting.

Councilmember Martin encouraged people to attend the upcoming Wednesday night meeting concerning gypsy moths; she said experts from the state and county would be present, and the meeting should be informative.

ADDITIONAL AGENDA ITEMS:

Purchase of additional sticky tape for Gypsy Moth Program (Martin)

The Mayor asked that the Council convene in Executive Session following adjournment of the Regular Meeting, for the purpose of discussing potential litigation; he noted receipt of a memorandum from Montgomery County concerning ongoing negotiations on a matter.

CITIZENS' COMMENTS:

Dorothy Cichello, President of Takoma Park Azalea Committee:
read a letter directed to the Mayor, Council, and City Administrator, authored by her and dated 3/14/88, concerning the recent removal and discarding by the Public Works Department of a number of hybrid Glenn Dale azaleas from Upper Portal Park, which was characterized as vandalism of the park. The history, age, and physical size of the plants was noted, and the fact that they could not possibly be replaced within the confines of the \$3,000 allocated for restoration of the park. Suggestions were made for proper maintenance of plantings in City parks, and Ms. Cichello asked that the committee and North Takoma Citizens' Association be notified when the work in Upper Portal Park was completed. She said she would be forwarding a copy of a report to the elected body for their information and study, which concerned the City's azalea gardens and was made to the City in 1984 by the committee.

Councilmember Leary commented he felt Ms. Cichello had very aptly summarized a most unfortunate occurrence which could have been avoided had City personnel consulted with community members and organizations prior to undertaking what amounted to the redoing of the park (versus routine maintenance). He asked that, in future, department heads ensure that when it was appropriate, such notification and consultation with concerned community members take place prior to any action being taken.

Wayne Upton, 7600 Maple Avenue: disseminated material concerning the Regional Anti-Drug Task Force, and commented concerning an earlier meeting of that group he had attended as unofficial representative for Mayor Del Giudice, along with a staff member of the Recreation Department. He said the next meeting would be at 10 a.m. on April 2, probably at the new District Building at 14th and U Streets in D.C., and noted COG would be holding a Drug Summit on April 28. Mr. Upton elaborated on other upcoming events, as well as the magnitude of the drug traffic problem in the area, and encouraged that the elected body read the information he had furnished and participate in the campaign against drug use.

Responding to Mr. Upton, the Mayor stated that Montgomery County Councilmembers Crenca and Hanna, as well as Al MacArthur of the County Executive's staff, represent the county on the COG Board.

Mary Grice, Pres. of 7611 Maple Avenue Tenants' Assn.: asked the elected body's support for the tenants, explaining that they intend to exercise their Right of First Refusal to purchase their apartment building. She said she was asking the City's support, because the tenants felt it would not be in the best interests of the City for the county to come in and purchase the building. Ms. Grice explained that there were 74 units in the building; she disseminated an information packet which she said had also been distributed to all tenants of the building, along with a letter from Montgomery County Housing Opportunity Commission. She pointed out a meeting was planned in the Council Chamber on March 24, and asked that the elected officials attend.

Councilmember Hamilton expressed support for the efforts of the tenants of 7611 Maple Avenue; he said he hoped they would be the first successful group to make the Right of First Refusal law work for them. The Mayor pointed out that funds had been allocated in the budget for use by tenants associations considering purchasing their buildings. Ms. Grice stated she had been made aware of the availability of those funds.

Jose Vasquez, 7504 Carroll Avenue: commented that from expressions on the faces of the elected body, he did not think they comprehended the gravity of the situation addressed by Ms. Cichello, and why she was so upset. He referred to having been a Botany major at Md. U., and said most of those hybrid azaleas that had been destroyed were irreplaceable because the stock was virtually nonexistent. Additionally, he said the tenants the City would lose due to the illegal multi-family units phaseout would not be replaceable and related that he had received notification requiring him to vacate his unit by May 31. Mr. Vasquez said that out of deference to his landlord, whom he would not wish to subject to any penalty, he would vacate his apartment, but would not come back to Takoma Park, nor would many others, despite having enjoyed many things about the City and living here for the past 6 years.

Thomas Gagliardo: pointed out that 9 days remained before the county would commence enforcement of a law that was clearly unjust and immoral; he asked what the elected body would be doing about that in the next 9 days. He thanked Councilmember Elrich for his comments the prior day at the Interfaith hearing, which he said were extremely well received.

Councilmember Elrich said he intended to continue his efforts, speaking to groups, as well as to legislators and elected officials at all levels. He said he considered the loss of housing units and tenants due to the phaseout a serious loss. Councilmember d'Eustachio said he

would continue to try to talk with and work with the county on the issue, despite not being in agreement with them. He said that obviously the county had the upper hand, but the City could try to persuade them from taking precipitous action or putting anyone out on the street, and his goal would be to keep people from losing their residences in the city. Responding to Mr. Gagliardo, he said he had voted in favor of a resolution calling for a 1-year moratorium on enforcement of the law and a close examination of the process needed to avoid putting people out on the street. Councilmember Hamilton noted he had voted the same as Mr. d'Eustachio; he said he had talked to a lot of the tenants who would be affected, as well as the county and the Housing Department. He said one protection the City had exacted from the county was a guarantee that if a tenant received a notice to vacate, so long as that individual was trying to locate a place to which he/she could move, they would not be evicted. Mr. Hamilton pointed out that while the incumbent Mayor and Council had been faced with the issue a month and a half ago, Mr. Gagliardo had long been aware that it was coming and had been silent. Mr. Gagliardo responded that he was not personally criticizing Mr. Hamilton, that many had been aware of the situation, and as Mr. Elrich had said in Annapolis: "regardless of who was silent during those 10 years, and whoever was right or wrong because of that silence, the tenants should not be punished." Unfortunately, he said, that would be the effect of what was about to happen. The Mayor pointed out that at the last worksession, consensus was that the City fund an additional staff position within the Housing Services Department for a person to provide assistance to tenants needing help. He said it was specifically decided that none of the limited number of Code Enforcement Officers would be committed to any zoning enforcement activities. Mr. Gagliardo remarked that those decisions appeared to be steps in the right direction. The Mayor said it was also hoped the Housing Department would be able to develop a referral list of available housing within the city so that current residents could relocate in Takoma Park, to the extent there were units available. Mr. Gagliardo suggested that a better use of money would be for the City to join in the lawsuit HOME would be filing to enjoin the county from its immoral action in this situation; the Mayor responded that the City would obviously examine any such lawsuit with particular interest and would decide what position the City could or should take. He said he had felt in his discussions with county officials that if there were not steps taken to provide for a moratorium, there might be lawsuits resulting from the situation. Responding to Mr. Gagliardo, the Mayor stated that the possible litigation the elected body would be discussing in Executive Session had no connection with the phaseout law.

Perry Roberts, 7427 Carroll Avenue: referred to having attended the Interfaith meeting on the previous day; he said Housing Director Weiss had stated at that meeting that calls were being made to various landlords in the City, owners of some formerly multi-family properties that had been converted to single-family dwellings, soliciting places for tenants who would be losing their homes to stay. He inquired whether the City or the county was making those calls, and whether there was intention to take such houses that had been converted and make them back into multi-family dwellings. Ms. Weiss responded that what she had said was that calls would be made, and that solicitations for available space would be placed in the Newsletter and the Takoma Voice; however, there was no intention to reconvert dwellings that had reverted to single-family use. Mr. Roberts contradicted Ms. Weiss concerning what her statements had been, and asked that the elected body get the tapes of the meeting and listen to them. Councilmember Elrich related having been at the subject meeting and said apparently there was some misconstrual of what Ms. Weiss said; he said what was related was that the City would be trying to compile a list of people having available units, but that was in the context of legally rentable units.

ITEMS FOR COUNCIL ACTION:

1. Second Reading of an Ordinance Amending the Executive Pay Plan Ordinance #1987-46.

The Mayor noted attachment to the ordinance of a fiscal impact note indicating there would be no fiscal impact generated by the legisla-

tion. For purposes of discussion, Councilmember Douglas moved adoption of the ordinance, duly seconded by Councilmember Martin. The Mayor noted that consensus at worksession was that Section 6., "Date of Pay Increase," would be amended as indicated on the current draft by double underlining; he moved such amendment, duly seconded by Councilmember Douglas. The amendment was passed by unanimous vote. City Administrator Wilson suggested that in order to make the legislation workable calendar-wise, it be enacted in such a way as to make it retroactive to January 1, 1988. Councilmember Douglas moved amendment to the ordinance to state its effective date as January 1, 1988, duly seconded; the motion to amend carried by unanimous vote. Councilmember d'Eustachio commented that he would be voting in opposition to the ordinance, inasmuch as he felt it caused additional administrative problems without really solving any that already existed. Councilmember Douglas commented he felt the situation was an illustration of why the City should have a good personnel manual, administered by the City Administrator, so that the Council did not spend time on administrative issues. Councilmember Sharp said he concurred with the need for the personnel manual, however, said he felt the current issue was one the Council should deal with regardless. The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers Douglas, Elrich, Leary, Martin and Sharp; NAY: Councilmember d'Eustachio; TEMPORARILY ABSENT: Councilmember Hamilton; ABSTAINED: None.

ORDINANCE #1988-6
(attached)

2. Resolution Establishing Takoma Park's Affiliation With Santa Marta, El Salvador, as a Companion City.

The Mayor moved passage of the resolution, duly seconded by Councilmember d'Eustachio. It was noted copies of the document would be provided in Spanish as well as English.

Reverend Philip Wheaton, 7211 Spruce Avenue: said he had been asked to speak because he had been in Santa Marta, El Salvador, around last Thanksgiving with a group of 5 other persons from the D.C. metropolitan area. He said they had spent the better part of a day in Santa Marta and observed what the people were doing there. He said he felt it important to point out that 30-35% of the 5.5 million population in El Salvador had been forcibly dislocated, displaced, murdered or exiled during the upheaval that had gone on in that country since 1980, and said that the U.S. government (both parties) had complicity in the situation in terms of the economic funding of the military of El Salvador that had been carried out, the scorched earth practices, the killings, and the other practices that had led to forced exile of many of the people. Rev. Wheaton said that in the process, probably 50,000-60,000 refugees fled from El Salvador into Honduras, and many were located in various camps, from which they subsequently returned to El Salvador -- approximately 4,312 of them -- on October 10 and 11, 1987. Of those returnees, he said 1,000 of them went to Santa Marta, the balance to other resettlement areas. He said the totally integrated population of Santa Marta was comprised primarily of women and children, some men, and many husbands, fathers, brothers of the women had been killed in the course of the repression. Many of the people, despite being Salvadoran and living there, did not now have citizenship because they had lost their papers or had been born in Honduras. Rev. Wheaton said the people in Santa Marta were living together as a community, however, and were in the process of reconstructing homes and directing their energies toward survival. He said the people of the community were experiencing great difficulties and pressures; they had run out of food -- it had not been delivered by the Catholic Archdiocese as promised, the military had come in with food but would not release it because the residents would not comply with the conditions placed on them, preferring starvation to compliance with reactionary politics. He said the people of Santa Marta, despite lacking formal education, had stated to his group that their goal was to build a new El Salvador. Rev. Wheaton said he felt the City's recognition would mean a great deal to the residents of Santa Marta, and encouraged passage of the resolution. He circulated pictures taken during the visit there.

Sue Wheaton, 7211 Spruce Avenue: said she would take a picture to send to the residents of Santa Marta if the resolution were passed. She said ten additional names had been added to the list of endorsing organizations originally furnished to the elected body, and enumerated those additions, as well as the initial endorsers.

George Leventhal, 710 Erie Avenue: urged that the Council pass the resolution; he said it was not often we in the United States have the opportunity of sending a message of hope to oppressed individuals in Central America who are suffering in large part because of support the U.S. Government has given to the government of El Salvador.

Jean Narayanan, 7415 Piney Branch Road, Co-Chair of Board for Social Action of Christ Congregational Church: expressed support for the resolution and its intent; she said the board of which she is a member places very high priority on the refugee crisis in Central America, and had been leading their congregation through an organized educational program on the issue so that they could reach an informed position. She said the church was delighted that the City was considering becoming a companion city to Santa Marta, and had unanimously passed a motion of support and offering to lend assistance in any way possible to help the people of that village.

Wayne Upton, 7600 Maple Avenue: inquired why the relationship with Santa Marta was designated as a Companion City, rather than Sister City. The Mayor explained that it was simply a slightly different designation and that Takoma Park already had a Sister City -- Jequie, Brazil. Mr. Upton suggested that an educational display about Santa Marta be set up in the Municipal Building lobby or the Library, following passage of the resolution. The Mayor concurred and additionally suggested publishing articles about the village in the Newsletter and/or the Takoma Voice.

Blake Rutner, 6814 Westmoreland Avenue: stated he attends Blair High School and was Co-President of the Students for Global Responsibility group at that school. He spoke in favor of passage of the resolution, and related having written an article on a fellow student and close friend who had emigrated from El Salvador. He said it was through that friend that the significance of the war in El Salvador and the intensity of the problems there were brought home to him. He said he supported the concept that humane living conditions were the right of people around the world, and that those conditions did not exist in El Salvador; he urged that the Council pass the resolution.

Consuelo Gomez, (speaking through an interpreter): stated she was from El Salvador -- the area where the refugees of Santa Marta were located. She said she felt it important that people know that there were many El Salvadorans in the Takoma Park area who have family members and friends still in El Salvador in the area being repopulated -- particularly Santa Marta. She said that over 50% of the 1,000 people in Santa Marta were children, and that their needs were enormous at the present time -- including the need to build homes and cultivate the land, as well as to build a school for education of the children.

The Mayor noted that Casa de Maryland would be celebrating its anniversary/birthday on the upcoming Saturday at the Presbyterian Church and the community was invited. He said he would be officially presenting copies of the resolution in both English and Spanish at that event.

The resolution was passed by unanimous vote.

RESOLUTION #1988-14
(attached)

3. Resolution Concerning Subdivision of Pinecrest, Lot A, Lot B, Block 13.

Councilmember d'Eustachio moved passage of version 2 of the resolution, duly seconded by Councilmember Hamilton.

Robin Zeke, 6504 Allegheny Avenue: stated she lives directly across from the subject property. She said she favored version 2 of the resolution, and related various problems that should be considered, e.g., driveway location, pointing out that the street is busy and on-street parking is already very limited and congested. She said it would be her preference that the driveway be located on Highland, where there are only a few driveways now existing. For the record, the Mayor noted that version 2 of the resolution would require submission of a site plan for review and approval of the elected body. Additionally, Ms. Zeke expressed concern about a construction schedule for the work that would hopefully minimize disturbance and limit noise. Responding to inquiry from Ms. Zeke, the Mayor stated that the property was zoned for single-family occupancy, and he understood the developer intended to sell the houses.

At the request of Mr. Wilson, Deputy City Clerk Jewell stated she had received two telephone calls from citizens who could not attend the meeting, i.e., from Charles Martin of 6506 Kansas Lane, who was strongly opposed to the subdivision and what the developer was proposing; Denise Kantor of 6507 Allegheny Avenue who expressed concerns about lack of on-street parking and hoped the developer would include a driveway in his plans. The Mayor commented it was his understanding the Zoning Code would require provision of off-street parking, i.e., driveways, and said that had been specifically discussed in worksession with the developer, Mr. Casey.

Timothy J. Casey, developer: said his intention was to build a 5-bedroom, 4-bath, single-family residence on the proposed subdivided lot. He said the existing house was being renovated and nearing completion. Concerning parking, he said he believed a study during the site plan stage would reveal that the best location for the driveway would be off of Highland, because of grades, etc. He said he intended to sell both of the properties. Regarding concerns raised by Ms. Zeke about noise limitation and work schedules, Mr. Casey said it was common practice everywhere for construction workers to bring radios to work, however, he would try to see that the crew kept the noise at a reasonable level. He said the crew would not be working on Sunday; on weekdays, they would commence work at 7 a.m., and on Saturday, at 8 a.m. Councilmember Sharp suggested that City staff ascertain what the county and city laws were concerning the time frames for construction work; Mr. Casey said that whatever those times were, his crew would abide by them. The Mayor suggested that Mr. Casey try to address any complaints or concerns raised by the neighbors during the construction period. Councilmember Martin suggested that Mr. Casey hold meetings with the neighborhood association concerning the site plan, prior to its presentation to the City.

Marshall Coleman, 6506 Highland Avenue: said he understood the resolution before the Council would conditionally grant the requested subdivision; he said while he was not in total agreement with that, perhaps it would provide a basis for a working solution to the situation. He summarized background history of the property, saying that when it first became known that Mr. Casey intended to renovate the property, the neighbors were very pleased because it had been allowed to deteriorate badly and become an eyesore for the community. However, as time progressed, it became apparent that Mr. Casey's word was not reliable and that not only did he intend to build a second structure, but that it seemed obvious that that building was designed for occupancy as a multi-family dwelling, which would violate the Zoning Code. Mr. Coleman said the controversy, problems and questionable tactics of the developer should be examined closely, and that it appeared to him and his neighbors that granting of the subdivision would be self-defeating. He pointed out that the Master Plan designated placement of a park directly across from Mr. Casey's property, and wondered how construction of a rooming house would impact location of a future park at that site. He said that not only he, but all the adjoining property owners, were very concerned. Mr. Coleman extended special thanks to Councilmember d'Eustachio and Ms. Weiss for their diligent efforts on behalf of the neighborhood.

Mr. Casey raised objections to the majority of statements made by Mr.

Coleman, saying that they were not based on fact. He said the only dealings he had had with Upper Marlboro was the validation process he had undergone to validate the fact that the house was built with a 24', rather than a 25', setback, and the garage was in violation of zoning (which was why he said he had agreed to tear it down). He said the fact that the house he was proposing to build would have more than one bathroom would certainly not make it a multi-family dwelling, that it would be as legal as any other house on the street.

Responding to Councilmember Leary, Mr. Casey stated he had never had any connection with either the construction of or operation of a rooming house. He confirmed it was his intent to sell the house after it was built, and that he intended to comply with all applicable zoning laws during the construction of the dwelling. He said both the house being renovated, as well as the house he proposed to build, would each have a single kitchen facility; his reason for including numerous bathrooms was that it raised the value of the house.

Community Development Coordinator Lisa Schwartz referred to her memorandum and said her recommendation was that the resolution provide for site plan review by the City, rather than stipulating that there be no Special Exceptions or Variances granted in relation to the proposed building -- she said it was questionable whether the latter could legally be imposed at the subdivision stage of the process. She said the Planning Board intended to take action on the subdivision application on March 24; due to time restrictions, in order for the City's material to be included in the board's packet for review, it would have to be hand-delivered to the county the following day -- March 15, which Ms. Schwartz said she would ensure was done. Councilmember Leary inquired whether Ms. Schwartz or any other member of staff had any knowledge concerning an allegation made by Mr. Coleman that Mr. Casey had a reputation for involvement in projects that ended up as rooming houses. Ms. Schwartz responded that when she prepared the initial staff report for the Council on March 4, she had no such knowledge; however, she said some material was brought to her attention to that effect on March 7, which was one reason for her suggestion that provision be made for a site plan review. She reminded that the Variance that was unanimously opposed by the neighborhood (the 1' setback Variance for the existing house) was unanimously approved by the Prince George's County Planning Board.

In response to questions raised about the existing house under renovation, it was pointed out that the City did not have jurisdiction to intervene in that situation so long as the county had approved the building plans and their inspectors approved what was done as being in compliance. Mr. Casey commented that when he appeared in Upper Marlboro for the aforementioned validation hearing which was generally merely a formality, as a taxpayer, he greatly resented all the opposition raised by the City about such a simple matter. He said City staff did not even know what they were down there for -- it had to be explained to her by county staff. Additionally, he said City staff was advised at that time that if, after the validation was granted and after the house was built, if there was any problem with the operation of the houses, the county zoning office should be notified and they would investigate the situation. He said that was the proper course of action for the City to follow. The Mayor, for the record, stated that the situation described by Mr. Casey did not embarrass him at all -- that there were some very good reasons behind the City's actions. He said it disturbed him greatly that Mr. Casey had not taken down the garage he had promised to remove, and while he said he anticipated that Mr. Casey would get what he was asking for, the City would be observing him very closely within the legal limits of their authority. He said based on the City's experience with Mr. Casey that, after giving his word on things, it took effort and follow-through to get those things done.

Councilmember Douglas commented that while he would support passage of the resolution, he had serious concerns, and would ask that City staff closely monitor the situation and that Mr. Casey make every effort to stand behind his word. He said the resubdivision appeared to make sense, but he thought what was behind it was quite apparent to all.

Councilmember Hamilton said that while Mr. Casey had the legal right to do what he was doing, he was concerned that the neighborhood would be affected and the neighbors had not really been involved as they should be. He said if Mr. Casey could assure him that he would try to avoid disrupting the neighborhood during construction and that he would be building a single-family dwelling, he would support the resolution; however, he said he did not feel that those intentions were there. Responding to questions raised by Councilmember Martin, Daniel Neal stated it was his understanding that if the City granted its approval to a subdivision based on approval of a site plan, then the county Planning Board would need a super-majority vote to overrule that proviso. The Mayor concurred with that assessment.

Mr. Coleman remarked that an adversarial situation seemed to have developed between Mr. Casey and the neighbors and appeared to be snowballing -- creating animosity and tension; however, he said if Mr. Casey would agree to meet with neighbors and the neighborhood association and discuss his plans, they would welcome such a meeting.

Councilmember Elrich commented he would not feel comfortable trying to dictate terms about such things as hours of construction work, inasmuch as he felt that to be the county's jurisdiction; however, he said he was concerned about what neighbors thought was going to be operated on the property, a presumption which Mr. Casey asserted was untrue -- and either someone was not telling the truth or else people had very active imaginations. Mr. Elrich said he did not feel comfortable voting approval for something when there was so much uncertainty about the outcome. He said he would feel better about the situation if renovation on the first house were complete and it were seen what the use of that structure would be, prior to giving approval for the subdivision.

Councilmember d'Eustachio commented that on the basis of the technical factors the Planning Board would be considering, it was his opinion that they would approve the proposed subdivision, despite the concerns of the neighbors. He said that by asking for the option of site plan approval, he felt the City would be exerting its maximum possible amount of influence over the subdivision. The resolution was passed with Councilmember Elrich Abstaining, balance of Council voting Aye.

RESOLUTION #1988-15
(attached)

4. Resolution Regarding Planning and Developing Siegler Park.

Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Mr. Douglas noted that the resolution contained a number of changes from the one reviewed at the previous week's worksession, many editorial in nature and some reflecting the discussion at the worksession. Concerning the issue of coordination with the Public Works Department, he said a memo had been received from the Director of that department containing suggestions for coordination, particularly as regarded maintenance of the garden, between Public Works and the Friends of the Siegler Property organization. He said he felt that issue merited a lot of discussion between those two entities to ensure that the process went smoothly. Mr. Douglas noted that Daniel Neal had looked into the question of liability and insurance on the property, and would be relating his findings.

Mr. Neal related having spoken with Ms. Karen Sargent of the Local Government Insurance Trust, which now carries the City's liability insurance. He said they talked at length on the subject of volunteers, and said the gist of the conversation was that whenever someone volunteered to perform work for the City and was authorized by the City to do so, they were treated under the liability policy as unpaid City employees. He said they would be prohibited from filing suit against the City, and were they to be sued for any reason in relation to and during the course of the work they were performing, they would be covered by the City's liability policy. He said they would not, however, be covered for any bodily injuries they might sustain -- they would not have medical coverage. Councilmember Hamilton remarked that efforts were underway to organize a group of volunteers to work at the

Municipal Gym and inquired whether they would be covered by the liability policy and if there was an age limitation that would apply. The Mayor pointed out that the Local Liability Tort Reform Act which was passed by the State Legislature a year ago required that the City indemnify/insure (in a legal sense) its employees and any volunteers; he said there was no age limitation on that, and he thought the Local Liability Trust insurance paralleled that law. He pointed out that the City would be responsible for the conduct of volunteers, would have to defend such conduct in court, unless it was held to be intentional or reckless, in which case they would, themselves, be responsible for their own conduct or behavior. Responding to inquiry, Mr. Neal said he felt it to be good administrative policy to record the names, phone numbers, etc. of volunteers who would be working in the park or other locations. Concerning the question of authorization, Mr. Douglas said his intent was that the resolution would formally authorize the Friends of the Siegler Property group to perform the activities as outlined in the resolution. He said it would be his hope that the group would maintain good records of those individuals who were physically performing work on the property. Responding to Councilmember Elrich, Mr. Douglas said it was his expectation that the Friends organization would be obtaining permits as necessary to do the work (mentioned on page 1, subsection B., of the resolution), with minimal City staff consultation and City official signatures to documents. Councilmember d'Eustachio suggested that the resolution be editorially amended so that subsection B. would read: "No work shall commence until any necessary Historic Area Work Permits that may be required by the State of Maryland are obtained." He said the section did sound as presently written as though the City would be responsible for obtaining those; however, the legislative history clearly showed, and the intent of the elected body was, that the citizens' committee intended to do and would do the bulk of the work, and the City would simply sign off on it. Councilmember Douglas said he would accept that editorial amendment. Councilmember Martin said she would not accept that, inasmuch as the property was clearly owned by the City and permit applications should be submitted by the City; Ms. Martin was assured that as a matter of law, that would have to be the case. Councilmember Hamilton inquired concerning goals and objectives of the Friends of the Siegler Property organization, and their timetables. Mr. Douglas responded that they had commenced fundraising already, as well as other preliminary work such as looking into what would be necessary to stabilize the carriage house. He said he knew of no specific dates by which the group would have particular items for review by the elected body. The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1988-16
(attached)

5. Resolution Regarding Request for Prince George's County Departure from Design Standards (#305) in Langley Town Center.
Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Hamilton.

Daniel Neal explained that he had only recently learned the matter would be addressed by the Planning Board on March 24, thus the short time frame for Council consideration. The Mayor pointed out that when the issue was considered at a prior worksession, Mr. Neal had been authorized to forward a list of recommendations and concerns he had compiled to Park & Planning staff. Mr. Neal stated they had incorporated some, but not all, of his recommendations into the plan -- and not nearly to the degree that had been hoped. He noted that the City's position on the matter would be advisory only, inasmuch as the property was located just outside the City boundary. He said Park & Planning had not provided sufficient detail of the dumpster screening, had not provided locations of litter receptacles and style of receptacle on the site plan, had not provided a detailed landscape plan including a listing of plants and trees to be provided, and in his opinion, said they had not provided adequate landscape strips either on University Boulevard East or New Hampshire Avenue. Mr. Neal said a brick screening wall that had been suggested was rejected for design and liability reasons, and he said he felt the Planning Board should

be asked to require widening of the landscape strips to conform with the County Code. He said he felt that additional interior landscaping, particularly in a couple of spots, would be beneficial. Concerning handicapped provisions, Mr. Neal said while adequate parking provisions had apparently been made, those needed to be indicated on the site plan and should be marked and spread out more rather than grouped together; ramps for the handicapped had not been provided. He said the drive-through lane where the liquor store pickup was located along New Hampshire Avenue was not properly screened, and it would benefit from some landscaping or other design treatment.

Mr. Neal said they had included the lighting the City had requested, and some of the interior landscaping and some rear screening -- but not enough in either case. He said the traffic aisles and parking spaces needed to be physically dimensioned on the plan, and more screening was needed along Lebanon Street. He suggested the Planning Board be requested to require granting of an easement so that the bus stop near the Hot Shoppe could be moved off the sidewalk and put on the landscape strip where it would not present an obstacle to pedestrians. Responding to Councilmember Elrich, Mr. Neal explained that renovation of older shopping centers was problematic insofar as compliance with present day design standards because to do so would cost a fortune and would deplete parking space which was generally already inadequate. Following additional brief dialogue, the Mayor suggested that Corporation Counsel be directed to examine the applicable statute insofar as the City's exact role in the situation, i.e., whether it was truly limited to being advisory only, or could legally and realistically be more broadly interpreted. Councilmember Martin raised questions concerning bus stops on University Boulevard and inquired whether rooftop parking was included in the total parking calculations and whether it was intended for use as employee parking, to which Mr. Neal responded that that specific use had been suggested. Councilmember d'Eustachio inquired concerning the CDMA's role in the situation, if any; it was pointed out that the majority of businesses and the property owner of that quadrant had passively rejected participation in formation of the CDMA. The Mayor noted that the quadrant was a part of the Takoma/Langley Business & Professional Association, however, and notice of the City's position should be forwarded both to that organization and to the appropriate County Councilmember. The resolution was passed by unanimous vote.

RESOLUTION #1988-17
(attached)

6. Resolution Expressing Support for Funding of Certain State Housing and Community Development Programs by the State Legislature. The Mayor related that the state had approached the Maryland Municipal League Legislative Committee, of which he was a member, asking for their support of the programs. He said a number of pieces of the legislation would be quite important and germane to Takoma Park, and the MML Legislative Committee had endorsed a number of them and was considering each individually. He encouraged that the resolution be passed. Councilmember Elrich moved passage of the resolution, duly seconded by Councilmember Hamilton. Mr. Elrich moved amending the resolution to add under the programs for which the City was expressing support: HB-271, Limited Equity Bill, which he said would apply directly to the scenario raised earlier about tenants wishing to buy their building at 7611 Maple Avenue; the amendment was duly seconded by Councilmember Hamilton. The amendment was passed by unanimous vote. The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1988-18
(attached)

7. Resolution Concerning Restated Trustee Agreement for Local Government Insurance Trust. Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember Elrich. The resolution was passed by unanimous vote of

those present (Councilmembers Martin and Leary temporarily absent).

RESOLUTION #1988-19
(attached)

8. First Reading of an Ordinance Concerning a Loading Zone for Sligo Adventist Church.

The Mayor noted the ordinance would create a loading zone in effect from 8 a.m. to 10 p.m., opposite to the exit from the youth building on Greenwood Avenue, for a distance equal to two parking spaces. Councilmember Sharp moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio. Responding to inquiry from Councilmember Elrich, Deputy City Clerk Jewell stated the neighborhood had been notified concerning the proposal; a phone call was received from a Mr. Reid of 7703 Carroll Avenue who expressed support. It was noted the zone would be in effect 7 days a week. The ordinance was accepted for First Reading by unanimous vote of those present (Councilmembers Martin and Leary temporarily absent).

ORDINANCE #1988-
(attached)

9. First Reading of an Ordinance - Rent Stabilization Sunset Provision Extension.

Councilmember Hamilton moved acceptance of the ordinance for First Reading, duly seconded by Councilmember Elrich. Responding to Councilmember Douglas, Mr. Sharp explained that the original reason for insertion of the Sunset Provision was in response to legal challenge of the Rent Stabilization Ordinance in Circuit Court, during the course of which it was felt there were not adequate standards to guide COLTA in making rent stabilization decisions; an interim ordinance was adopted with the hope that there would be a systematic review done by COLTA -- the expiration date of the ordinance was aimed at pushing that body toward doing so. He explained it was a difficult job, COLTA was presently working on it, and had pledged they would have something ready by Fall, which seemed a reasonable period of time. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1988-
(attached)

10. Single Reading Ordinance Authorizing Purchase of a Police Surveillance Vehicle.

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Leary. For the record, the Mayor noted that purchase of the vehicle did not in any way conflict with the purchasing power of the City under the Nuclear Free Zone Ordinance. For the record, Councilmember Sharp noted the cost of the vehicle was 1/3 more than the price of a vehicle previously considered which would have been suitable for the purpose, but which would have been in conflict with provisions of the Nuclear Free Zone Ordinance. For that reason, he pointed out, the City would be paying approximately \$2,500 more than would have been spent were it not for the need to comply with the Nuclear Free Zone Ordinance. For that reason, he said, he would abstain from the vote. Councilmember Douglas concurred with Mr. Sharp's observation. Councilmember Elrich commented perhaps the elected body should have discussions with the Nuclear Free Zone Committee concerning that issue and possible solutions. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Elrich, Hamilton, Leary and Martin; NAY: None; ABSTAINED: Councilmembers Douglas and Sharp.

ORDINANCE #1988-7
(attached)

11. Purchase of Sticky Tape for Gypsy Moth Control Program.

The Mayor related that consensus at worksession was that the City would authorize staff to proceed with the purchase of \$2,000 worth of the tape (approximately 500 rolls), with the question to be addressed at a later time whether Federal Revenue Sharing Funds should be expended for additional tape. Councilmember Martin pointed out that the

tape needed to be available for purchase by citizens by early April and in place on trees by mid-April. She said 1,000 rolls would be adequate for only 1/4 of the houses in the city, and asked that another 2,000-4,000 be ordered. In the course of ensuing discussion, the Mayor pointed out that there were substantial amounts of unexpended funds in the Public Works budget for the current fiscal year; he said it would appear reasonable for that department to purchase the necessary tape, with the expectation that the majority of the money would be returned to the City as the tape was sold. Councilmember Martin moved that the Council authorize the expenditure of \$2,000 immediately from the Public Works budget for the purchase of tape, with an additional \$2,000 to be expended if that were found necessary to meet the demand, with the appropriate budget mechanisms for transfer of funds to be accomplished by staff. The motion was duly seconded by Councilmember Douglas. Councilmember d'Eustachio moved an amendment which would require that Councilmember Martin personally purchase any remaining tape at the end of the season; the amendment failed for lack of a second. The original motion passed by unanimous vote. The Mayor suggested that the tape be sold at cost, or as close thereto as was feasible.

12. Proposed Joint Press Release re Montgomery County Phaseback Law. Councilmember Leary distributed copies of a proposed press release given him by the President of the Montgomery County Council, Councilmember Subin, which was allegedly based on conversations with several members of the City Council, various citizens, and members of the County Executive's staff. He said Mr. Subin felt it was time for the County Council to reaffirm the policy they had already stated concerning the phaseback law, and, in doing so, would like to join with the County Executive and the City of Takoma Park in issuing a press release similar in content to that furnished and which would state those areas in which the three governing bodies were able to reach agreement. Mr. Leary said the potential benefit of so doing that he saw was that it would more tangibly commit the county to working with the City to find meaningful, longterm solutions to the problem at hand. Councilmember d'Eustachio concurred with the potential benefit Mr. Leary had mentioned, and said the release otherwise appeared to set forth fairly clearly the situation and the positions of those involved, as well as their concerns. He said while there might not be a consensus within the City's elected body as to what solutions were appropriate, there was certainly unanimous agreement on deep concern for the plight of the tenants who would be affected. Councilmember Elrich related that some members of the Interfaith Coalition had met with County Councilmember Subin earlier in the day, and that Mr. Subin clearly thought the City Council was divided on every aspect of the issue -- apparently the fact that there was a consensus in some areas had not been conveyed clearly enough to the county. He said that inasmuch as the document Mr. Leary had disseminated did clearly point out areas of agreement of City Councilmembers, it would probably be beneficial and would exempt the county from being able to use divisiveness among the City Council as an excuse. Councilmember Sharp said the City would be committing resources to point #3 outlined in the document, and said it would be his hope and expectation that the county would come up with a concrete proposal to do likewise. He said perhaps the county should be examining forming a task force without delay to examine the problem, not only in Takoma Park, but countywide; he remarked the county simply did not make any point of addressing problems related to low-income housing. Councilmember Douglas said he was in basic agreement, but felt the document set forth a set of principles to which the county could be held and it might detract from it to make it much more detailed or complex. Councilmember Hamilton remarked that a lot of people view "low-income" persons as those on welfare and living in Section 8 housing, however, said there were many on fixed incomes as well and the two should not be lumped together. The Mayor commented that in light of the county's refusal to provide for either a moratorium or amendments to the law, whatever was issued should make clear that tenants who were making a good faith effort to find alternative housing would be given reasonable time to do so. He said the hardships should be addressed, and the pressing need for the county and communities within it to do a much better job of addressing the question of affordable housing should be noted. He said he felt

it important that those principles be set forth so as to guide the conduct of the county.

Councilmember Douglas commented he hoped the Housing Committee would be taking up the matter of the tenants' desire to purchase their building at 7611 Maple Avenue. Ms. Weiss commented that in reading over the contract, she noted HOC required that the City favor the purchase of the building by the tenants, in order for that to happen.

Councilmember Hamilton remarked he was very disappointed in the failure of the Cable office to tape the current meeting, particularly because he felt the passage of the resolution concerning Santa Marta, El Salvador, to be very important and it should have been recorded. He said he would hope the City Administrator would check with that office and ensure that the situation did not recur.

The meeting adjourned at 10:56 p.m., to reconvene immediately thereafter in Executive Session. The Mayor and Council will reconvene in Regular Session at 8:00 p.m., on March 28, 1988.

PROCLAMATION

WHEREAS, Lt. James E. Jarboe, retired on January 15, 1988 from the career force of the Takoma Park Volunteer Fire Department after completing twenty eight years and two and a half months of dedicated and faithful service as a fire fighter for the City of Takoma Park; AND

WHEREAS, He has won the admiration and respect from officials, fellow fire fighters and the community for his untiring dedication to the fire service and the community; AND

WHEREAS, Lt. Jarboe has served as a volunteer fire fighter since December 10, 1956 and plans to remain in this capacity for many years to come; AND

WHEREAS, on January 13, 1971, he was made a life time member of the Takoma Park Volunteer Fire Department and has been a recipient of numerous awards including the Award of Valor, Fire Fighter of the Year 1972 by the Takoma Park Lions Club, Fire Fighter of the Year in 1966, 1970, 1971, 1972 and 1975 by the Takoma Park Volunteer Fire Department, many Response awards, HJM Training Award, Montgomery County Fire/Rescue Association Fire Fighter of the Month Award, and the Dr. Howard M. Bubert Memorial Award; AND

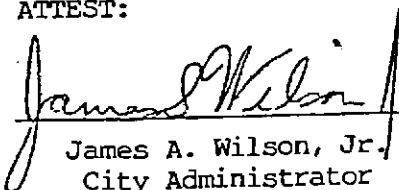
WHEREAS, Lt. Jarboe has given generously and freely of his time and efforts to raising funds for Muscular Dystrophy and the Takoma Park Independence Day Committee, and has solicited and distributed hundreds of toys under his Toys for Tots program and has assisted with the food distribution under Montgomery County's "Helping Hand" program, and has willingly volunteered his services to many of the City Recreation Department programs; AND

NOW, THEREFORE, BE IT PROCLAIMED THAT the Mayor and Council of the City of Takoma Park, Maryland declare James. E. Jarboe an HONORARY CITIZEN of Takoma Park and express their appreciation and thanks for his many years of distinguished and outstanding service to the community.

March 5, 1988

Stephen J. Del Giudice
Mayor

ATTEST:


James A. Wilson, Jr.
City Administrator



(Amended: 3/10/88)

1st Reading: 2/29/88
2nd Reading: 3/14/88
Effective: 1/1/88

ORDINANCE NO. 1988- 6

Short Title: An ordinance to amend the Executive Pay Plan

AN ORDINANCE TO:

- (a) Provide for implementation of pay increases for executive employees on said employee(s) anniversary date(s) of hire.

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

SECTION 1. PAY SCALE PLAN

Positions listed in Ordinance No. 1986-53, as amended, designated as Executive 1 shall be compensated at the level of Executive 1; those listed in Executive 2 shall be compensated at the level of Executive 2; those listed as being in Executive 3 shall be compensated at the level of Executive 3, and those listed in Executive 4 shall be compensated at the level of Executive 4.

SECTION 2. IMPLEMENTATION OF PAY SCALE PLAN

- (a) Effective July 1, 1987, Senior Management staff in Grades Executive 1 through Executive 4 will be paid in accordance with the pay scale for:
- (1) the grades that their job classifications have been allocated;
 - (2) with the exact amount to be determined by the City Administrator with the provision that none of the executives will receive a salary decrease as a result of the initial implementation of this pay plan.

SECTION 3. GUIDANCE FOR PLACING EXECUTIVE STAFF IN THE PAY SYSTEM.

- (a) 1st Quartile - Hiring Bracket:

Individuals are generally hired within this

quartile with the exact place to be determined by the City Administrator based on the experience and subject matter knowledge of the appointee. Subsequent merit increases should continue within the quartile with the amount depending upon the results of performance evaluation(s). Further guidance to the City Administrator for differentiating between amounts will be given in the Personnel Regulations.

(b) 2nd Quartile - Performance Step:

Individuals are granted raises into this area for average and above average performance after they have learned to perform their functions thoroughly and have proven their ability to manage their units.

(c) 3rd Quartile - Performance and Longevity Step:

Individuals are placed in this step normally after they have acquired many years of experience in managing their units and have received ratings of average and above consistently. Most executives will not ever be awarded pay greater than the maximum allowed for this quartile.

(d) 4th Quartile - Superior Performance

Individuals normally are awarded pay in this quartile only if they perform clearly in a superior manner and/or if they have been recognized by a national professional organization as one of the leaders in the field.

SECTION 4. EXECUTIVE PAY SCALE

Executive 1:	1st Quartile	=	28,005	-	32,460
	2nd Quartile	=	32,461	-	35,150
	3rd Quartile	=	32,151	-	37,839
	4th Quartile	=	37,840	-	40,528
Executive 2:	1st Quartile	=	30,005	-	34,885
	2nd Quartile	=	34,886	-	37,765
	3rd Quartile	=	37,766	-	40,645
	4th Quartile	=	40,646	-	43,525

Executive 3:	1st Quartile	=	32,986	-	37,500
	2nd Quartile	=	37,501	-	40,598
	3rd Quartile	=	40,600	-	43,694
	4th Quartile	=	43,700	-	46,790
Executive 4:	1st Quartile	=	35,760	-	40,315
	2nd Quartile	=	40,320	-	43,640
	3rd Quartile	=	43,641	-	46,970
	4th Quartile	=	46,975	-	50,300

SECTION 5. COST OF LIVING ADJUSTMENTS

- (a) A cost of living adjustment is a percentage applied to Executive quartiles.
- (b) The Mayor and Council determine whether the City will give a cost of living adjustment in any year and the size of the adjustment.
- (c) A cost of living adjustment shall be effective on the first day of a new fiscal year.

SECTION 6. DATE OF PAY INCREASES

- (a) Notwithstanding provisions of Article 8B, Section 8B-124(a) of the City Code, the effective date for an executive employee(s) merit increase[s], if any, shall be on said employee(s) initial anniversary date of hire, and thereafter as the Mayor and Council deem appropriate upon evaluation of said employee(s).

Adopted this 14TH day of March, 1988 to take effect January 1, 1988.

NOTE: Brackets [] indicate deleted language.

Underlining indicates new language being added.

Double Underlining indicates amendments made since first reading of the ordinance.

AYE: Douglas, Elrich, Leary, Martin, Sharp

NAY: d'Eustachio

ABSTAINED: None

ABSENT: Hamilton

Introduced by:

RESOLUTION #1988-14

**To Establish a Companion City Affiliation
with Santa Marta, El Salvador**

WHEREAS, Takoma Park is home to many Salvadorans who have fled their country's civil strife; AND

WHEREAS, Takoma Park is well-known for its support of peace within our community among people of various racial and ethnic backgrounds, and for its support of peace in international affairs; AND

WHEREAS, Takoma Park has many citizens working actively for peace in Central America, and who are deeply pained by the suffering and uprooting that has taken place in El Salvador; AND

WHEREAS, the people of Santa Santa Marta, El Salvador, are involved in establishing justice and democracy from the grassroots; AND

WHEREAS, the people of Takoma Park consider the people of Santa Marta mutual partners in the search for justice, peace, and democracy; AND

WHEREAS, the people of Santa Marta, a town which has been built and rebuilt by its people from the destruction of war, have shown their determination to exist and to exercise their right to self-government.

NOW THEREFORE, BE IT RESOLVED BY THE TAKOMA PARK CITY COUNCIL, THAT the Takoma Park City Council proclaims the City of Takoma Park a companion city to Santa Marta, El Salvador; AND

BE IT FURTHER RESOLVED, THAT on behalf of the people of Takoma Park, the Mayor will send a letter to Santa Marta extending the companion city affiliation; AND

BE IT FURTHER RESOLVED, THAT the Takoma Park City Council encourages the people of Takoma Park to enter into mutual support activities with the people of Santa Marta in our quest for common goals; AND

BE IT FURTHER RESOLVED, THAT a copy of this Resolution be sent to United States Senators and the Maryland Congressional Delegation and State of Maryland Delegates and Senators representating Takoma Park in the Montgomery and Prince George's County legislative districts; AND

BE IT FURTHER RESOLVED, THAT a copy of this Resolution be spread among the permanent records of the City of Takoma Park.

Dated this 14th day of March, 1988

Presentado por: Alcalde Del Giudice

RESOLUCION # 1988- 14

Para establecer una Ciudad Compañera Afiliada con
Santa Marta, El Salvador,

POR LO TANTO, Takoma Park es el hogar de muchos Salvadoreños, quienes han dejado su país por la guerra civil; y

Takoma Park es bien conocida por su apoyo de paz dentro de nuestra comunidad entre personas de diferentes antecedentes étnicos y raciales, y por su apoyo de paz en asuntos internacionales; y

Takoma Park tiene muchos ciudadanos trabajando activamente por la paz en Centro America y quienes estan profundamente angustiados por el sufrimiento; y

La gente de Santa Marta, El Salvador estan comprometidos en establecer justicia y democracia desde sus raíces; y

La gente de Takoma Park junto con los de Santa Marta son compañeros en la busqueda de justicia, paz y democracia; y

Santa Marta, una ciudad que ha sido construida y reconstruida por su pueblo desde la destrucción por la guerra, ha demostrado su determinación para existir y ejercer sus derechos para gobernarse.

AHORA POR LO TANTO SERA RESUELTO POR EL CONSEJO MUNICIPAL DE TAKOMA PARK QUE, el Consejo Municipal de Takoma Park proclama a la ciudad de Takoma Park ciudad compañera de Santa Marta, El Salvador; y

SERA RESUELTO QUE, en nombre del pueblo de Takoma Park, El Alcalde enviara una carta a Santa Marta, extendiendo la afiliacion como Ciudad Companera; y

El Consejo Municipal de Takoma Park anima a la ciudad de Takoma Park a participar dentro de las actividades de apoyo mutuo con el pueblo de Santa Marta en nuestra busqueda de metas iguales; y

Una copia de esta resolucioⁿ será enviada a Senadores de los Estados Unidos y delegaciones congresionales del estado de Maryland representando los distritos legislativos del Condado de Montgomery y Prince George; y

Una copia de esta resolucioⁿ sera distribuida entre los archivos permanentes de la Ciudad de Takoma Park.

Dado el 14 de Marzo de 1988.

Introduced By: d'Eustachio
Drafted By: L. Schwartz

Resolution No. 1988-15

WHEREAS, Mr. Timothy J. Casey has applied to Prince George's County for the resubdivision of Lots 1, 2, and part of Lot 3 of Block 13 of the Pinecrest subdivision (located at the northwest corner of Allegheny Avenue and Highland Street) into Lots A and B; AND

WHEREAS, this property is located in the City of Takoma Park and the application has therefore been referred to the City for review and comment; AND

WHEREAS, the application has been reviewed by City staff, which has recommended CONDITIONAL APPROVAL of the application on the basis of analysis contained in the pertinent staff report dated March 4, 1988; AND

WHEREAS, the Mayor and Council have taken into consideration public comments received on the subject application;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Mayor and Council hereby express their support of the subject rezoning application, and encourage the Prince George's County Planning Board and Hearing Examiner to APPROVE the subject application, with the following CONDITIONS:

--that the entire property be brought into compliance with applicable property maintenance codes; and

--that the property owner be required to submit, for approval by the City of Takoma Park and the Prince George's County Planning Board, a site plan for any future development of proposed lots A and B.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate Prince George's County authorities.

ADOPTED THIS 14th DAY OF March, 1988.

Introduced by: Councilmember Douglas

RESOLUTION 1988-16

AUTHORIZING PLANNING AND OTHER WORK ON THE THOMAS/SIEGLER GARDEN

WHEREAS the Takoma Park City Council has approved a concept plan for the development of the Thomas/Siegler Garden park on the city-owned property at the corner of Tulip and Cedar Avenues in Takoma Park; and

WHEREAS that concept plan urged "restoration of the garden and stabilization of the carriage house as soon as possible;" and

WHEREAS the property was purchased with State of Maryland Program Open Space funds and is listed on the Montgomery County Atlas of Historic Sites; and

WHEREAS the 1988 Budget for the City does not contain funds for planning or development work on the property; and

WHEREAS the "Friends of the Thomas/Siegler Historic Property, Inc." have requested, in writing, permission to undertake certain work to stabilize the carriage house and to prepare a detailed site plan for the garden with funds raised privately and through other community organizations such as the Takoma Park House and Garden Tour Committee and Historic Takoma, Inc.; and

WHEREAS the Takoma Park House and Garden Tour Committee would like to include the property on its May 1, 1988 tour;

NOW, THEREFORE, BE IT RESOLVED that the Friends of the Historic Thomas/Siegler Property, Inc. is authorized to undertake work necessary to stabilize the carriage house on the Siegler Garden site, provided that:

- a) all proposed work, including plans and drawings for such work, is reviewed and approved in advance by the City and that such plans and drawings must be sufficient to obtain necessary Historic Area Work Permits from Montgomery County;
- b) no work shall commence until any necessary Historic Area Work Permits are obtained and any clearances that may be required by the State of Maryland are obtained;
- c) any work undertaken will be limited to that necessary to prevent further deterioration of the structure and shall not preclude any options for future use of the carriage house as part of the Siegler Garden;

BE IT FURTHER RESOLVED that the Friends of the Historic Thomas/Siegler Property, Inc. is further authorized to develop a detailed site plan

for the Siegler Garden for use by the Mayor and Council in making final decisions on the development, operation, and maintenance of the site, provided that:

- a) the plan contains sufficient information and detail for the City Council to make subsequent decisions on development, operation, and maintenance of the Siegler Garden; and
- b) the resulting plan addresses all issues necessary to assure that any development and operation of the garden based on the plan complies with the requirements of Montgomery County and the State of Maryland regarding use of designated historic sites and use of Program Open Space funds; and
- c) the plan is based on, and is consistent with, the report of the Siegler Committee as adopted by the Mayor and Council in Resolution 1986-20, April 1986; and
- d) the plan shall specifically address:
 - i) the relationship between the garden area, which is publicly owned, and the Thomas/Siegler house, which is privately owned, including how the privacy of the private property will be protected and how the overall integrity of the historic character of house and landscaped surroundings will be preserved; and
 - ii) options for uses of the carriage house that are consistent with the importance of the carriage house to the overall historic character of the site; and
 - iii) the costs of developing and maintaining the site as envisioned in the detailed site plan, with emphasis on alternatives that minimize development, operation, and maintenance costs;

BE IT FURTHER RESOLVED that the Friends of the Historic Thomas/Siegler Property, Inc. is further authorized to undertake limited clean-up and maintenance of the Siegler Garden site on a continuing basis to prevent deterioration of the site and to prevent public health, safety, and nuisance problems, provided that any such work does not materially alter the site or preclude future decisions on development or use of the site. All clean-up and maintenance work is to be performed in consultation with the Department of Public Works.

BE IT FURTHER RESOLVED that the Friends of the Historic Thomas/Siegler Property, Inc. shall periodically report on the progress of the site plan and carriage house stabilization work to the Council's Planning, Transportation, and Zoning Committee and the Takoma Park Historic Preservation Committee, and shall submit a preliminary site plan for review by the Mayor and Council. The Friends of the Historic Thomas/Siegler Property, Inc. may periodically consult with the Director,

Division of Economic and Community Development to obtain guidance and advice.

BE IT FURTHER RESOLVED that upon submission of a final detailed site plan by Friends of the Historic Thomas/Siegler Property, Inc., the Mayor and Council will solicit public review and comments prior to adopting a site plan for the Thomas/Siegler Garden Park and making decisions on the development, operation, and maintenance of the Siegler Garden park.

Dated this 14th day of March, 1988

JD: 3/18/88

Introduced By: Councilmember d'Eustachio
Drafted By: Daniel Neal

RESOLUTION NO. 1988-17

WHEREAS Realco, Inc. has applied to Prince George's County ("the County") for a Departure from Design Standards (D.D.S. #305) for the proposed modernization of the Langley Town Center shopping plaza ("the Property") situated on the northwest quadrant of the intersection of New Hampshire Avenue and University Boulevard East; AND

WHEREAS the Property is located adjacent to the City of Takoma Park ("the City") and has therefore been referred to the City for review and comment; AND

WHEREAS the application for D.D.S. #305 has been reviewed by City staff, which has recommended CONDITIONAL APPROVAL of the application on the basis of analysis summarized in the pertinent staff memorandum dated 11 March 1988; AND

WHEREAS the Mayor and City Council have received and taken into consideration public comments made about the subject application;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the Mayor and Council hereby express their conditional support of the subject application and encourage the Prince George's County Planning Board to APPROVE the subject application subject to the following CONDITIONS:

- 1) that the dumpster screening is detailed on the application site plan and that said detail is in accordance with applicable County design standards;
- 2) that the site plan indicates the positioning of litter receptacles, the number, style and positioning of which are acceptable to the County and the City;
- 3) that a detailed landscape plan for the site is provided to the County and the City and that this landscape plan is approved by the County and the City prior to the issuance of building permits;
- 4) that the landscape strips along New Hampshire Avenue, University Boulevard East and Lebanon Street are widened so as to conform with County standards;

- 5) that the landscape strip requirement is calculated independent of the interior landscape requirement and that both calculations are noted on the site plan and conform to County standards;
- 6) that the handicap space requirements are met and that this calculation is noted on the site plan;
- 7) that handicap ramps are provided in accordance with applicable standards and in locations that meet with the approval of the County and the City;
- 8) that the drive-through lane along New Hampshire Avenue (adjacent to buildings 21 through 26) is more extensively and effectively landscaped in a manner approved by the County and the City;
- 9) that the site plan indicates details of the Property's proposed signage system and that this signage system is in accordance with applicable design standards and meets with the approval of the County and the City;
- 10) that pedestrian walkways indicated on the site plan are striped in accordance with applicable standards and that one additional striped pedestrian walkway is provided between stores 18 and 21;
- 11) that loading space calculations are indicated on the site plan;
- 12) that a minimum of one (1) shade tree and five (5) shrubs are provided in the landscape strip for every thirty five (35) linear feet of street frontage, as per the County standard;
- 13) that all traffic aisles and parking spaces are dimensioned on the site plan;
- 14) that the screening proposed behind buildings 1 through 7 and 19 through 27 is enhanced so as to meet with the approval of the County and the City;
AND
- 15) that the property owner grants an easement to allow for the placement of the bus shelter situated on the public sidewalk just north of building 27 on a concrete pad within the landscape strip, next to the existing bus stop.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby
directed to send a copy of this Resolution to the
appropriate Prince George's County authorities.

ADOPTED THIS 14 DAY OF March, 1988.

wp, disk #6
dds305.res

Adopted: 14 March 1988

Introduced By: Councilmember Marc Elrich
Drafted By: Daniel Neal

RESOLUTION NO. 1988-18

- WHEREAS the Maryland Department of Housing and Community Development (DHCD) has developed certain excellent programs designed to meet critical housing and community development needs throughout the State of Maryland; AND
- WHEREAS funding for these programs has been requested by Governor William Donald Schaefer in his FY 1988-89 State Budget request; AND
- WHEREAS the Mayor and Council find that full funding for these programs will ultimately benefit citizens in Takoma Park and throughout the State of Maryland, particularly those of low and moderate income; AND
- WHEREAS the Maryland State Legislature is now considering the Governor's funding requests for these housing and community development programs;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND THAT the City of Takoma Park fully supports the funding of the following DHCD budget requests by the Maryland State Legislature for FY 1988-89:

<u>Program</u>	<u>Bill No.</u>	<u>Funding Request</u>
Partnership Rental Housing	HB739/SB865	\$6,000,000 (previously appropriated)
Rental Allowance Program	HB 1358	\$1,000,000
State Action Loans for Targeted Areas (SALT)	HB 483	\$2,000,000
Commercial Revitalization Grant Program	Budget Item	\$ 200,000
MD Home Financing Program	Budget Item	\$5,500,000
Limited Equity Bill	HB 271	N/A

BE IT FURTHER RESOLVED THAT the Mayor and Council of Takoma Park oppose the reduction of the Maryland DHCD's staff.

BE IT FURTHER RESOLVED THAT the City Administrator is directed to immediately forward a true copy of this Resolution to members of the Maryland House Appropriations Committee, members of the Senate Budget and Taxation Committee, Governor Schaefer and the Secretary of DHCD.

ADOPTED THIS 14th DAY OF March 1988.

wp, disk #6
dhcdstbu.res

Adopted: March 14, 1988

RESOLUTION NO. 1988 - 19

WHEREAS, The City Council of Takoma Park, Maryland, on the 29th day of June, 1987, authorized the City Administrator to execute the Local Government Insurance Trust Agreement to include the City of Takoma Park in the liability insurance pool for the purpose of minimizing the cost of comprehensive general liability business automobile liability and physical damage, law enforcement liability, and public official legal liability insurance, AND

WHEREAS, The City of Takoma Park wishes to participate in insurance protection for casualty and property risks, and risk management and loss control that will be provided by the Local Government Insurance Trust, all for the purpose of minimizing the cost of casualty insurance and property insurance claims and administration; AND

WHEREAS, The Local Government Insurance Trust Board of Trustees, on February 22, 1988, Amended and Restated the Local Government Insurance Trust Agreement, in order to provide a casualty and property insurance pool, and is requesting our approval and participation therein; AND

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Takoma Park, Maryland, that the City Administrator is hereby authorized to execute the Local Government Insurance Trust Participant Approval and Participant Certificate for the purpose of approving the creation of separate insurance pools to provide coverage for casualty-related or property-related risks by the Local Government Insurance Trust.

(Drafted by Paula Jewell)
3/3/88

1st Reading: 3/14/88
2nd Reading:

D R A F T

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

SECTION 1. THAT there is a need to facilitate the loading and unloading of handicapped individuals, delivery of goods and services and the flow of traffic at the Sligo Seventh Day Adventist Church and youth center; AND

SECTION 2. THAT the Mayor and Council deem it desirable to provide short-term parking for the youth center in order to facilitate the needs of those using the Church and center.

SECTION 3. THEREFORE THAT the Director of Public Works is hereby requested to place appropriate signs reading "LOADING ZONE - 8:00 A.M. TO 10:00 P.M." opposite the exit from the youth building on Greenwood Avenue for a distance sufficient to create two parking spaces; AND

SECTION 4. THAT this Ordinance shall become effective upon completion of the signing; AND

SECTION 5. THAT penalty for violation of this Ordinance shall be as prescribed in Sec. 13-64.2 of the Code of Takoma Park, MD, 1972, as amended.

Adopted this _____ day of _____, 1988, by Roll Call Vote as follows:

AYE:
NAY:
ABSTAINED:
ABSENT:

1st Reading: 3/14/88

Introduced By:

2nd Reading:

Ordinance #1988-

An Ordinance extending the sunset provision for Ordinance 1987-33, Definitions and Rent Guidelines, from March 31, 1988 to March 31, 1989.

Sec. 6-76.

(o) Stabilization Ceiling shall mean the maximum amount of rent for a dwelling unit that a landlord is permitted, by law, to charge.

(p) Tenant shall mean any person who occupies a dwelling unit for living or dwelling purposes with the Landlord's consent.

Sec. 6-80.17

(g) Proposed increases in excess of the rent stabilization amount established in Sec. 6-80.17(c).

(1) Whenever a landlord proposes a rent increase of more than the amount permitted by the stabilization ceiling established in Sec. 6-80.17(c), the landlord shall file a petition on the affidavit provided by the Commission. The affidavit shall include:

(a) Justification for the rent increase in excess of the stabilization ceiling:

- (i) Operating expense increases are greater than increases in the total income,
- (ii) Need to increase cash flow levels.
- (iii) Capital improvements.
- (iv) Change in the level of service, and/or
- (v) Inadequate rate of returns.

- (ii) The following are not to be included as expenses:
- (b) Information defining the beginning and end dates of the fiscal year or calendar year during which the actual income and expenses, recorded on the affidavit took place.
 - (c) The method of accounting used: cash basis or accrual basis.
 - (d) An accounting for cash flow where past cash flow is defined as the remainder resultant when subtracting expenses from the sum of the maximum possible rental income which can be derived from the rental dwelling plus the maximum amount of all other income which can be derived from the dwelling.
- (1) The following may be included as expenses:
- utilities
 - administrative expenses.
 - operating and maintenance expenses.
 - payroll.
 - taxes and insurance payments.
 - uncollected rents and vacancy losses.
 - debt service payments.
 - amounts deposited to reserves, and a pro-rata share, using straight-line depreciation, of capital improvements which have a useful life in excess of three (3) years.

- fines resultant from non-compliance with Housing Code violations or COLTA orders;
- damages paid to tenants as ordered by COLTA or the courts;
- depreciation or other expense items recognized by the Federal government but not recognized by the Takoma Park Municipal Code;
- late fees or service penalties imposed by utility companies, lenders, or other entities providing goods or services to the landlord or the dwelling;
- membership fees in organizations established to influence legislation and regulations;
- mortgage principal payments;
- contributions to lobbying efforts;
- contributions for legal fees in the prosecution of class action cases;
- political contributions to candidates for office;
- maintenance expenses for which the landlord has been reimbursed by any security deposit, insurance settlement, judgment for damages, agreed upon payments, or any other method;
- attorney's fees charged for services connected with counseling or litigation related to actions brought by the City due to the landlord's failure to comply with applicable housing regulations; and
- any expenses for which the tenant has lawfully paid directly.

(e) All relevant tax assessment information.

(f) All relevant documents on any encumbrances on the property.

(2) Facts represented in the affidavit shall be documented by true copies of bills, receipts, and other financial

records so that the Commission, should it find substantiation of the affidavit necessary, will have documents needed to substantiate the affidavit.

(3) The Commission shall not consider a Landlord's request:

(a) until the affidavit, including supporting documentation as required by Sec. 6-80.17(g) (2)(c), has been submitted to the COLTA Coordinator; or

(b) When serious outstanding code violations affecting health, safety or welfare are found to exist; or

(4) In determining whether to grant, modify, or deny the landlord's request, the Commission shall issue an Order with findings regarding the effect of the request on:

(a) tenant interests, including tenants' interest locating and keeping affordable, high quality living quarters; and

(b) landlord interests, including the landlord's interest in gaining a reasonable rate of return. In no event shall the rate of return exceed 12% of the landlord's equity per year. The rate of return shall be determined by dividing the cash flow by the landlord's equity. The landlord's equity shall be defined as the tax assessed value less any encumbrances on the property.

The landlord shall have the option to substantiate need for the rent increase on the basis that the failure to grant an increase beyond the stabilization ceiling would result in a negative cash flow.

(c) public interest, including the public interest in maintaining a stable, ethnically diverse and economically heterogeneous community and in preserving the quality of affordable housing.

(5) In the event that the Commission shall determine that the landlord is not justified in increasing the rent above the stabilization ceiling, the Commission shall notify the landlord and affected or interested tenants of its finding.

(6) Any person aggrieved by a final order of the Commission may appeal to Circuit Court of the appropriate county within thirty (30) calendar days of service of the Commission's final order. An additional three (3) days will be allowed if service is by first class mail. The date and manner of service shall be made a matter of record at the time it is effected. The appeal will be heard on the record as compiled by the Commission.

The Commission's order shall be upheld if supported by substantial evidence in the record.

(h) The Commission shall conduct a fact-finding hearing to compile additional information prior to determining whether or not a rent increase in excess of the stabilization ceiling set forth above shall be permitted.

(i) Notice of the hearing shall be given as provided in Section 6-80.2(g). The hearing shall be open to the public and shall be conducted in accordance with the provisions of Section 6-80.2(h).

(j) Any violation of Subsections (c), (d), (e) or (f) of this section of this Article shall be a municipal infraction, the penalties for which shall be as follows:

(1) Imposition or attempts to impose a rent increase in excess of the stabilization ceiling provided in Section 6-80.17(c) without the approval of the Commission on Landlord-Tenant Affairs; fifty dollars (\$50) per dwelling unit.

(2) Imposition or attempts to impose more than one (1) rent in a twelve-month period: fifty dollars (\$50) per dwelling unit.

(3) Imposition or attempts to impose any rent increase without substantial compliance with the notice provisions of Section 6-80.17(e): fifty dollars (\$50) per dwelling unit.

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

(l) If, during the pendency of a notice called for in Section 6-80.17(e), the stabilization ceiling provided for in Sections 6-80.17(a) and (c) is lowered by the City Council, a landlord shall be entitled to charge rent only up to the stabilized ceiling as lowered by the City Council, at the proposed effective date of the increase. The landlord may charge rent in excess of the stabilization ceiling as lowered by the City Council only after complying with the requirements of Section 6-80.17(g). In all cases, a finding that a rent increase

to the amount called for in the notice is justified under this Article, the Commission on Landlord-Tenant Affairs shall make its order permitting such an increase retroactive to the proposed effective date specified in the notice for such increase, provided that such increase and effective date are otherwise lawful.

Sunset Provision: This legislation shall expire on March 31, ~~1988~~-1989.

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
March 28, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Elrich	Cable Coordinator Smith
Councilmember Hamilton	Community Dev. Coordinator Schwartz
Councilmember Leary	Housing Services Director Weiss
Councilmember Martin	
Councilmember Sharp	

The Mayor and City Council convened at 8:06 P.M. on Monday, March 28, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of the February 29, 1988 Regular Meeting were presented for approval. Councilmember d'Eustachio moved approval, as written; the motion was duly seconded by Councilmember Douglas and carried unanimously.

Mayor Del Giudice noted the present meeting was the first to be broadcast live on the City's cable TV channel.

The Mayor read a Proclamation recognizing recently-retired Police Sgt. Laurie Cofske's thirty years of dedicated service to the City and declaring him an Honorary Citizen. He moved its passage as a resolution, duly seconded by Councilmember d'Eustachio, carried unanimously.

RESOLUTION #1988-20
(attached)

Mayor Del Giudice related having attended the 12th Annual Maryland Jaycees Awards Program during the previous week, at which 5 senior citizen volunteer workers from the City's Police Department were recipients of a special President's Award in recognition of their valuable and outstanding service to the City. Those honored were Mildred Balderson, Jim Neri, Frank Neri, Carrie Spicer, and Eileen Roche. The Mayor noted the tremendous saving to the City in the work performed by these volunteers, and thanked them.

The Mayor noted there would be an areawide Drug Summit conducted on April 27, 1988, sponsored by the Council of Governments and concerning drug traffic and abuse in the metropolitan area and ways of combatting the problems. He urged that those interested in attending contact him or their Councilperson. He commented that the City's annual budget hearings would be commencing on April 12, with presentation of proposed budgets for Administration and Housing Services, to be followed by other departmental hearings on April 20 and 26, with final adoption scheduled for May 31. He noted the full schedule would be published in the upcoming issue of the Newsletter.

Concerning the impending enforcement of the housing phaseback law, the Mayor commented that one particular aspect of the issue that had been very frustrating for him was that there appeared to be a lack of accurate information available stating specifically upon whom the law would have impact. He said it was known that there were some units that could qualify as accessory apartments through the Special Exception process, and urged that any tenant residing in a unit in a building in which the landlord was in residence ascertain whether the landlord had gotten the necessary Special Exception to legalize the apartment unit. The Mayor said that the City would help in any way possible to clarify those situations where there was a landlord in residence, and would assist in getting the necessary Special Exceptions so that tenants in those units that could qualify as accessory apartments could remain in their residences. Additionally, the Mayor said he was concerned about multi-family dwellings subject to the phaseback law that were being put on the market for sale; he said he was aware of at least one such property in the process of being sold and it was unclear whether the tenants of the building had been given

their Right of First Refusal, as required by City Law. He urged that tenants residing in such buildings contact the City if their landlord should decide to sell the property, noting such tenants have the right to purchase their building and the City would assist them if they were so inclined.

Councilmember Hamilton noted that the Community Services Committee would be conducting a Public Forum on Drugs on April 21 at 7:30 P.M., addressing drug-related problems that affect the community. He urged interested persons to attend.

CITIZENS' COMMENTS:

Rino Aldrighetti, 7213 Central Avenue, former Councilmember: referred to and displayed an article in a recent issue of the Chronicle Express, a newspaper which he said had wide circulation in upper Montgomery County. He said the apparent joining of forces with the County Executive and County Council by the City's elected body in the release to the press had weakened the Resolution adopted earlier asking that a one-year moratorium be imposed on enforcement of the law. He said he had personally applauded that Resolution and the stance taken by the City Council, but the subsequent resolve to participate in the joint press release had diluted the effort and would result in weakening the City's position with the county in other affairs as well. Mr. Aldrighetti inquired when the matter of the joint press release was publicly discussed, inasmuch as it related to such an important issue, and said one individual with whom he had spoken suspected it had been discussed in closed session. Mr. Aldrighetti referred to his initial arrival in the city, as an organizer, at the time residents of Block 69 were engaged in a battle with Montgomery College and the county to save their homes -- some of which at that time were considered to be in run-down condition -- from being taken over by the college for expansion purposes. He said the elected body at that time sat on the podium, listening to those citizens, and, in effect, telling them that they were a nuisance -- were not a favorable addition to the city. He said those legislators did not respect that kind of housing and did not listen to those people. He said when people come to the elected body -- regardless of whether they elicit a favorable response on an individual and personal level -- they have a right to be heard and their message really listened to and considered. He said that the phaseout of the non-complying multi-family units would eliminate an entire class of people from the city, and it was important that the elected body listen to them and realize that they have a right to live in Takoma Park. He commented that the purpose of making laws is to serve people, and said he would hope the present Council would not allow themselves to become one such as that of 10+ years ago that he had mentioned earlier and who had little concern for a group of citizens seeking their help.

Councilmember Sharp said that the Chronicle Express was incorrect in their statement. The Mayor related that the Council had not agreed by vote to the press release, however, had reviewed a draft of the statement and were in general agreement with it. He said he did not feel the statement reneged on the Council's adopted position, but was intended to make clear that despite the City's opposition and inability to move the county from its position, the City would agree with the County Executive and Council that assistance would be rendered to tenants and those who were making good faith efforts to relocate would not be evicted. He said agreement to that extent was an attempt to ensure at least some understanding in principles about how the county was going to proceed with their enforcement of the law. The Mayor related that the proposed press release was discussed as an added agenda item at the March 14 meeting, copies of the draft release were circulated to Councilmembers for review; however, a formal vote on the matter was not taken.

Mr. Aldrighetti commented he felt the Mayor and Council had acted unwisely in addressing an item of such importance to a large number of people as other than a formally scheduled agenda item, which would have given concerned individuals an opportunity for input on the matter prior to any agreement being made. Additionally, he said he felt the elected body had not considered or recognized how the press

and the county could use such an action to their benefit, and had thus been taken advantage of, in effect. Councilmember d'Eustachio remarked that the City Council's general agreement with publication of the joint press release was an attempt also to put the county on record as agreeing, at least in a minimal fashion, to consider the welfare of the tenants -- at least insofar as not putting them out on the street if they and/or the landlord were making a good faith effort to rectify the situation. He said he had felt it important that the county state publicly that they were not going to crack the whip on the issue. Councilmember Douglas remarked he felt the implication that the incumbent Mayor and Council were not listening to a group of people was implicitly untrue and unfair, considering the amount of time and the number of meetings at which people had spoken on the issue, as well as time Councilmembers had devoted to talking with people on the telephone at home, and on the street around the city. Councilmember Leary said he felt one of the intents of the joint press release was to increase the relevance of the City government, however marginally, in the situation. He said there was general agreement that the City Council's recommendations (based on a 4-3 vote) had basically been ignored by the county; however, there were basic elements on which all members of the City Council could agree and on which it appeared they could join with the county government in an agreement to make the best possible of the difficult and painful situation. He said he did not, by any stretch of the imagination, view asking 250 tenants to move to other residences within the city as an elimination of an entire class of people from the city -- relocating 250 people out of the ±10,000 tenant population in the city did not equate with eliminating tenants from Takoma Park. Mr. Aldrighetti responded that those 250 tenants had been formed as a class of people because they were directly impacted by the law due to the type of housing in which they live and were being moved out of the city without any great deal of effort being expended on their behalf by the elected body of the city. Councilmember Elrich related having spoken with two reporters who wrote articles for 2 media publications and said he had read them a copy of the draft statement that had been circulated among the Council; he said he had made clear to them that the City Council did not intend in any way to condone the county's actions or effect any change or modification to their previously stated position. He said he thought the Journal reporter had understood and conveyed that situation. Councilmember Hamilton commented he had felt it very important that the county put themselves on record with the concession and commitment not to evict any tenants so long as they were making a good faith effort to find other housing.

Wayne Upton, 7600 Maple Avenue: inquired whether Mayor Del Giudice had met with Mitch Snyder as a recent newspaper stated was intended. The Mayor responded in the affirmative, relating that they had renewed a former acquaintance, had discussed not only the local problem but also the general plight of the homeless and some of the things that were being done on a national level. He said they discussed particularly Reuben McCornack, a city resident, who was conducting a fast, and the Mayor had agreed to accompany Mr. Snyder in a visit to Mr. McCornack, which they did. He commented that fasting such as Mr. McCornack was doing was a very serious matter, risking health and life, and said he was concerned for Mr. McCornack and the others with him. He said he understood Mr. McCornack would break his fast if the county would agree to a one-year moratorium and convening of a Public Hearing on the matter; however, it was unknown what the outcome of that would be with the county.

Mr. Upton said he had been advised by the Council last Fall that cable TV would be hooked up at the Park Ritchie by April; he inquired what the status of that was at present. Councilmember Hamilton related that Montgomery County Television had just signed a contract with Park Ritchie and Hampshire Towers within the past two weeks; now they would have to do the necessary construction and would then solicit individuals for hookup. He said at the time the contract was signed, it was stated that construction would commence within 30 days, hopefully.

Mr. Upton disseminated copies of newspaper articles and commented concerning some churches in D.C. becoming involved in the problems of

drug abuse and violence; he said some were holding prayer meetings and demonstrations, and that he and others from the city had participated in some of the activities. Mr. Upton noted a drug conference conducted by Montgomery County recently as well. He encouraged that more people become involved in the war against drug use and abuse, and pointed out there was an upcoming Public Forum on Drug Problems scheduled in the Municipal Building which would be announced in the April Newsletter.

R. Parris, 7620 Maple Avenue: said those using drugs should be arrested and punished -- if there were no market for drugs, there would be no drug sellers.

Joe Kolsky, Lincoln Avenue: said there had been a great deal of furor over the phaseout law, which was passed 10 years ago in an effort to deal with unsatisfactory conditions which no longer existed at the present time. He said perhaps the City and/or the county should now examine changing the law. The Mayor pointed out that a part of what the City had requested the county to do was to create Special Exceptions that would have allowed 60-80% of the units to remain in operation. He said the county's position had been that they would not extend the deadline for enforcement, nor would they consider any additional Special Exceptions. He said the only other way the law could be changed would be to effect a change in zoning in the particular neighborhoods affected, which he said he felt would raise more serious objections.

Joyce Linford, Anne Street: expressed concerns about the placement of the existing speed humps on Anne Street, pointing out that one was directly in front of the entry sidewalk to her house and presented a safety hazard to guests parking and exiting or entering their vehicles at that spot. In addition, she said it seemed superfluous to have both speed humps and the stop sign on that street.

ITEMS FOR COUNCIL ACTION:

1. Second Reading of an Ordinance Designating Loading Zone for Sligo Adventist Church.

Councilmember Hamilton moved adoption, duly seconded by Councilmember Sharp. The Mayor noted the loading zone would be located on Greenwood Avenue, and would be in effect from 8 A.M. to 10 P.M. Mr. Wilson noted the presence in the audience of Joseph Kolsky, representing Reverend Zork. Mr. Kolsky briefly commented on the length of the zone (equal to 2 parking spaces) and its purpose. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin and Sharp; NAY: None; ABSTAINED: None.

ORDINANCE #1988-8
(attached)

2. Second Reading of Ordinance Extending City Code Sec. 6-80.17 (Rent Stabilization Petition Requirements).

Councilmember Elrich moved adoption, duly seconded by Councilmember Hamilton. The Mayor noted that the elected body had last year amended and extended the Rent Stabilization program and had inserted a sunset provision. He said what was currently being done would extend that sunset provision with the hope and understanding that COLTA and the Housing Committee would be coming forward in the next year with additional amendments to that program. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin and Sharp; NAY: None; ABSTAINED: None.

ORDINANCE #1988-9
(attached)

3. Council Position on Variance Request for 1008 Anne Street.

Responding to the Mayor, Deputy City Clerk Jewell affirmed that notices were sent to adjacent property owners and neighbors. Community Development Coordinator Schwartz related that the request would be heard before the county Zoning Board of Appeals on March 30; the owners were asking that an existing driveway be validated and for

permission to construct a deck on the side and rear of the house off the porch. She said the request sought permission to exceed by 600 sq. ft. the 30% maximum lot coverage requirement of buildings and off-street parking. She pointed out the deck would account for about 200 sq. ft. of the excess -- the minimum required side yard width of 8 ft. would be short by 2 ft., and the minimum required back yard depth of 20 ft. would be short by 4 ft. Ms. Schwartz noted the house was in an R-55 zone (single-family detached). She said she had altered her original position as stated in her staff report, subsequent to actually viewing the property and speaking with the owners, explaining that the original report had been prepared within a condensed time frame due to late receipt of the hearing notice. Having physically examined the situation, she said, the purpose of the variances did not appear to impair the intent, purpose or integrity of the Master Plan, and neighbors did not object to granting of the requests. Ms. Schwartz said there would seem to be no harm in granting of the requested variances, thus, her present recommendation was that approval be granted. Councilmember Martin moved passage of the draft resolution disseminated in the Council packet which would approve the variance for the driveway, but deny approval of the deck; the motion was duly seconded by Councilmember d'Eustachio. Councilmember Douglas moved that the resolution be amended to take no position on the variance for the deck; the motion was duly seconded by Councilmember Sharp.

Jim Linford, 1008 Anne Street, property owner: said he had spoken with all the neighbors and they had no objections to the requested variances; he furnished plans for the elected body to examine. The Mayor noted that the material provided to the Council had not included a property map, which would have been helpful. Responding to Councilmember Martin, Mr. Linford stated the deck would be elevated on the side of the house by about 2.5-3 feet, and would be a little lower in the back. For the record, Deputy City Clerk Jewell noted that Mr. Sherbet of 8100 Kennewick Avenue had voiced no objection to the variance in a telephone call received. Responding to Councilmember Leary, Councilmember Douglas stated that the reasoning behind his amendment was that while Ms. Schwartz had stated that the variance for the deck would not be in conflict with the Master Plan, he had some concerns about density, proximity to property lines in construction in the city, and felt that while the Council need not oppose the request, he was not sure they should endorse it. The amendment passed by a 5-2 vote. The resolution, as amended, passed by unanimous vote. The Mayor noted the need to editorially amend the resolution by inserting the word Variance in place of "Appeal."

RESOLUTION #1988-21
(attached)

4. Council Position on Variance Request for 7404 Wildwood Drive. Deputy City Clerk Jewell affirmed that notices were sent to adjacent property owners and neighbors. Community Development Coordinator Schwartz noted the request would be heard by the county Board of Appeals on March 30. She said the requested variances were to validate the existing house and garage, and to build an addition onto the rear of the house. A 1 ft. side yard variance was requested on the right side of the house to validate the existing dwelling, as well as a variance on the requirement that buildings be 2 ft. from the lot line -- the existing garage was less than 1 ft. from the lot line. Permission was also being sought to exceed by 713 sq. ft. the maximum 30% lot coverage requirement for buildings and off-street parking; the proposed addition would comprise about 200 sq. ft. of the excess, the balance would validate the existing dwelling. She noted the property was zoned R-55 (single-family detached), and recommended approval of the variance request. Ms. Schwartz said the existing dwelling and garage were attractive and well-maintained; the purpose of the proposed addition was to expand a small kitchen and an upstairs area that was not presently really useable due to its configuration. She said granting of the variance would not conflict with either zoning requirements or the Master Plan; architectural plans for the addition were sensitive to the style of the house and property. She said the property owners had approached neighbors and they had voiced no objections to the plans. Councilmember Martin moved passage of the resolu-

tion expressing approval of the request, duly seconded by Councilmember Hamilton. The Mayor noted the presence of the property owner in the audience. Deputy City Clerk Jewell noted receipt of 2 telephone calls expressing no objections to the proposal, i.e., from Mr. Robert Hurd of 1116 Lancaster Road, and Mr. Thomas Darcy who did not state his address but who was on the mailing list of those notified. Councilmember Martin stated she had viewed the property and thought the proposed addition would be an asset to the neighborhood, would be very attractive. Councilmember Douglas inquired concerning the reason for needing to validate existing structures; it was noted that over the years, lot lines may have changed, building permits were issued earlier without careful scrutiny of zoning requirements, etc., and people were now picking up on those matters and trying to correct them. Councilmember Leary raised the question of why a distinction was made between the previous variance request for the deck and the request at hand. Councilmember d'Eustachio commented he felt there were some questions concerning the deck that could perhaps be considered preconditional if the City took a position of support; thus, he said he felt the wiser course to be assumption of a neutral position. Councilmember Martin said the variance request under discussion did not drastically impact distance requirements from property lines, which she felt made a big difference. Councilmember Elrich commented it appeared somewhat nit-picking to him to differentiate between a property owner laying a patio and building a deck which essentially served the same purpose. He said he did not think people with small lots should be precluded from having decks because of zoning laws. Ms. Martin remarked on the fact that elevated decks could, in some instances, impact on the privacy of neighbors because they would be precluded under the law from erecting a fence high enough to block the outside view from a neighbor's deck that was elevated 3 ft. off the ground. The resolution was passed by unanimous vote.

RESOLUTION #1988-22
(attached)

5. Single Reading Ordinance Authorizing Purchase of Vehicles for Housing Services Department.

Councilmember Hamilton moved adoption, duly seconded by Councilmember d'Eustachio. Councilmember Elrich noted the proposed expenditure was for \$13,000; he said the vehicles were used and that new vehicles were available for a similar price; he inquired whether the City was precluded under its law from purchasing foreign imports. The Mayor responded in the negative. For the record, Mr. Wilson commented that what administration was looking for was the most vehicle for the least price. Ms. Weiss stated that a bid was received from Hyundai for a little over \$8,000 each for new vehicles; the City also had the option of piggybacking on a state purchase for new vehicles at a price of a little over \$8,000, but that would have taken 4-6 weeks. She said the vehicles proposed for purchase were 1987 Chrysler Reliant K cars with 15,000 or less miles on them. Councilmember Martin inquired whether the City had any assurance that rental cars, such as these, had never been wrecked or had no major defects. Ms. Weiss said the vehicles were carefully assessed by Public Works personnel, but that there was no written guarantee that they had never been involved in an accident; however, Housing had had good results with the last 2 vehicles they purchased used from the same organization about a year ago. Brief discussion followed generated by Councilmember Sharp and concerning the fact that the ordinance appeared to convey that Thrifty did not sell used Ford, General Motors, etc., products or any vehicles produced by nuclear-related manufacturers. He inquired whether the vehicles purchased for use by Housing Services personnel were used by employees of other departments. Ms. Weiss responded that they were, on occasion, used by other City employees for business purposes. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin and Sharp; NAY: None; ABSTAINED: None.

ORDINANCE #1988-10
(attached)

Councilmember Douglas moved that the meeting be adjourned, duly second-

Council Meeting Minutes, 3/28/88

ed by Councilmember Hamilton. The meeting adjourned at 9:38 P.M., to reconvene in Regular Session at 8:00 P.M. on April 11, 1988.

1st Reading: 3/14/88
2nd Reading: 3/28/88

ORDINANCE #1988-8

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

SECTION 1. THAT there is a need to facilitate the loading and unloading of handicapped individuals, delivery of goods and services and the flow of traffic at the Sligo Seventh Day Adventist Church and youth center; AND

SECTION 2. THAT the Mayor and Council deem it desirable to provide short-term parking for the youth center in order to facilitate the needs of those using the Church and center.

SECTION 3. THEREFORE THAT the Director of Public Works is hereby requested to place appropriate signs reading "LOADING ZONE - 8:00 A.M. TO 10:00 P.M." opposite the exit from the youth building on Greenwood Avenue for a distance sufficient to create two parking spaces; AND

SECTION 4. THAT this Ordinance shall become effective upon completion of the signing; AND

SECTION 5. THAT penalty for violation of this Ordinance shall be as prescribed in Sec. 13-64.2 of the Code of Takoma Park, MD, 1972, as amended.

Adopted this 28th day of March, 1988, by Roll Call Vote as follows:

AYE: d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, Sharp
NAY: None
ABSTAINED: None
ABSENT: None

1st Reading: 3/14/88

Introduced By: Mayor Del Giudice

2nd Reading: 3/28/88

Ordinance #1988-9

An Ordinance extending the sunset provision for Ordinance 1987-33, Definitions and Rent Guidelines, from March 31, 1988 to March 31, 1989.

Sec. 6-76.

(o) Stabilization Ceiling shall mean the maximum amount of rent for a dwelling unit that a landlord is permitted, by law, to charge.

(p) Tenant shall mean any person who occupies a dwelling unit for living or dwelling purposes with the Landlord's consent.

Sec. 6-80.17

(g) Proposed increases in excess of the rent stabilization amount established in Sec. 6-80.17(c).

(1) Whenever a landlord proposes a rent increase of more than the amount permitted by the stabilization ceiling established in Sec. 6-80.17(c), the landlord shall file a petition on the affidavit provided by the Commission. The affidavit shall include:

(a) Justification for the rent increase in excess of the stabilization ceiling:

- (i) Operating expense increases are greater than increases in the total income,
- (ii) Need to increase cash flow levels.
- (iii) Capital improvements.
- (iv) Change in the level of service, and/or
- (v) Inadequate rate of returns.

(ii) The following are not to be included as expenses:

(b) Information defining the beginning and end dates of the fiscal year or calendar year during which the actual income and expenses, recorded on the affidavit took place.

(c) The method of accounting used: cash basis or accrual basis.

(d) An accounting for cash flow where past cash flow is defined as the remainder resultant when subtracting expenses from the sum of the maximum possible rental income which can be derived from the rental dwelling plus the maximum amount of all other income which can be derived from the dwelling.

(f) The following may be included as expenses:

- utilities
- administrative expenses.
- operating and maintenance expenses.
- payroll.
- taxes and insurance payments.
- uncollected rents and vacancy losses.
- debt service payments.
- amounts deposited to reserves, and
- a pro-rata share, using straight-line depreciation, of capital improvements which have a useful life in excess of three (3) years.

- fines resultant from non-compliance with Housing Code violations or COLTA orders;
- damages paid to tenants as ordered by COLTA or the courts;
- depreciation or other expense items recognized by the Federal government but not recognized by the Takoma Park Municipal Code;
- late fees or service penalties imposed by utility companies, lenders, or other entities providing goods or services to the landlord or the dwelling;
- membership fees in organizations established to influence legislation and regulations;
- mortgage principal payments;
- contributions to lobbying efforts;
- contributions for legal fees in the prosecution of class action cases;
- political contributions to candidates for office;
- maintenance expenses for which the landlord has been reimbursed by any security deposit, insurance settlement, judgment for damages, agreed upon payments, or any other method;
- attorney's fees charged for services connected with counseling or litigation related to actions brought by the City due to the landlord's failure to comply with applicable housing regulations; and
- any expenses for which the tenant has lawfully paid directly.

(e) All relevant tax assessment information.

(f) All relevant documents on any encumbrances on the property.

(2) Facts represented in the affidavit shall be documented by true copies of bills, receipts, and other financial

records so that the Commission, should it find substantiation of the affidavit necessary, will have documents needed to substantiate the affidavit.

(3) The Commission shall not consider a Landlord's request:

(a) until the affidavit, including supporting documentation as required by Sec. 6-80.17(g) (2)(c), has been submitted to the COLTA Coordinator; or

(b) When serious outstanding code violations affecting health, safety or welfare are found to exist; or

(4) In determining whether to grant, modify, or deny the landlord's request, the Commission shall issue an Order with findings regarding the effect of the request on:

(a) tenant interests, including tenants' interest locating and keeping affordable, high quality living quarters; and

(b) landlord interests, including the landlord's interest in gaining a reasonable rate of return. In no event shall the rate of return exceed 12% of the landlord's equity per year. The rate of return shall be determined by dividing the cash flow by the landlord's equity. The landlord's equity shall be defined as the tax assessed value less any encumbrances on the property.

The landlord shall have the option to substantiate need for the rent increase on the basis that the failure to grant an increase beyond the stabilization ceiling would result in a negative cash flow.

(c) public interest, including the public interest in maintaining a stable, ethnically diverse and economically heterogeneous community and in preserving the quality of affordable housing.

(5) In the event that the Commission shall determine that the landlord is not justified in increasing the rent above the stabilization ceiling, the Commission shall notify the landlord and affected or interested tenants of its finding.

(6) Any person aggrieved by a final order of the Commission may appeal to Circuit Court of the appropriate county within thirty (30) calendar days of service of the Commission's final order. An additional three (3) days will be allowed if service is by first class mail. The date and manner of service shall be made a matter of record at the time it is effected. The appeal will be heard on the record as compiled by the Commission.

The Commission's order shall be upheld if supported by substantial evidence in the record.

(h) The Commission shall conduct a fact-finding hearing to compile additional information prior to determining whether or not a rent increase in excess of the stabilization ceiling set forth above shall be permitted.

(i) Notice of the hearing shall be given as provided in Section 6-80.2(g). The hearing shall be open to the public and shall be conducted in accordance with the provisions of Section 6-80.2(h).

(j) Any violation of Subsections (c), (d), (e) or (f) of this section of this Article shall be a municipal infraction, the penalties for which shall be as follows:

(1) Imposition or attempts to impose a rent increase in excess of the stabilization ceiling provided in Section 6-80.17(c) without the approval of the Commission on Landlord-Tenant Affairs; fifty dollars (\$50) per dwelling unit.

(2) Imposition or attempts to impose more than one (1) rent in a twelve-month period: fifty dollars (\$50) per dwelling unit.

(3) Imposition or attempts to impose any rent increase without substantial compliance with the notice provisions of Section 6-80.17(e): fifty dollars (\$50) per dwelling unit.

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

(l) If, during the pendency of a notice called for in Section 6-80.17(e), the stabilization ceiling provided for in Sections 6-80.17(a) and (c) is lowered by the City Council, a landlord shall be entitled to charge rent only up to the stabilized ceiling as lowered by the City Council, at the proposed effective date of the increase. The landlord may charge rent in excess of the stabilization ceiling as lowered by the City Council only after complying with the requirements of Section 6-80.17(g). In all cases, a finding that a rent increase

to the amount called for in the notice is justified under this Article, the Commission on Landlord-Tenant Affairs shall make its order permitting such an increase retroactive to the proposed effective date specified in the notice for such increase, provided that such increase and effective date are otherwise lawful.

Sunset Provision: This legislation shall expire on March 31, ~~1988~~-
1989.

Single Reading: 3/28/88

ORDINANCE NO. 1988-10

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

- SECTION 1. That the Fiscal Year 1987-88 City Budget earmarked \$14,000 in the Capital Budget for the purchase of two used code enforcement vehicles, AND
- SECTION 2. THAT bids were solicited from fourteen (14) qualified dealers, AND
- SECTION 3. THAT bids were publicly opened at 2:00 p.m. March 22, 1988 with low bid of \$6,500 per vehicle (\$13,000 for two vehicles) being received from Thrifty Car Rental, 2900 Jefferson Davis Highway, Arlington, VA, AND
- SECTION 4. THAT the bid of \$13,000 for two code enforcement vehicles each not exceeding 15,000 miles is hereby accepted, AND
- SECTION 5. FURTHER THAT Thrifty has submitted the required notarized statement certifying that the company is not involved in the nuclear weapons industry or the sale of merchandise produced by companies so involved, AND
- SECTION 6. THAT funds to cover these purchases in the amount of (\$13,000) be charged to the Capital Expenditures Account, #995.

P R O C L A M A T I O N

WHEREAS, Sgt. Laurie Cofske retired on March 1, 1988, from the career force of the Takoma Park Police Department after completing thirty years of dedicated and faithful service as a police officer for the City of Takoma Park; AND

WHEREAS, Sgt. Cofske spent thirty years on rotating shifts, working sometimes on holidays and in danger, rain and snow;

NOW, THEREFORE, BE IT PROCLAIMED THAT the Mayor and Council of the City of Takoma Park, Maryland, declare Laurie Cofske to be an HONORARY CITIZEN of Takoma Park, and express their appreciation for his many years of loyal service to the community.

March 25, 1988

Stephen J. Del Giudice
Mayor

ATTEST:

James S. Wilson, Jr.
City Administrator

Introduced By: Councilmember Martin
Drafted By: L. Schwartz

Resolution No. 1988-21

WHEREAS. James and Joyce Linford have applied to Prince George's County for variances for Lot 2 of Block 16 of the New Hampshire subdivision, being 1008 Anne Street, Takoma Park: AND

WHEREAS. this property is located in the City of Takoma Park and the application has therefore been referred to the City for review and comment: AND

WHEREAS. the application has been reviewed by City staff, which analysis is contained in the pertinent staff report dated March 28, 1988: AND

WHEREAS. the Mayor and Council have taken into consideration public comments received on the subject application:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Mayor and Council hereby express support of the variance concerning the driveway, and encourage the Prince George's County Board of Appeals to APPROVE the variance for the driveway.

BE IT FURTHER RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Mayor and Council take NO POSITION on the variances for the deck.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate Prince George's County authorities.

ADOPTED THIS 28th DAY OF March, 1988.

Introduced By: Councilmember Martin
Drafted By: L. Schwartz

Resolution No. 1988-22

WHEREAS. Mr. John R. Zelenik has applied to Prince George's County for variances for Lot 10 of Block 6 of the Green Hill Farm subdivision, being 7404 Wildwood Drive, Takoma Park; AND

WHEREAS. this property is located in the City of Takoma Park and the application has therefore been referred to the City for review and comment; AND

WHEREAS. the application has been reviewed by City staff, which has recommended APPROVAL of the application on the basis of analysis contained in the pertinent staff report dated March 28, 1988; AND

WHEREAS. the Mayor and Council have taken into consideration public comments received on the subject application:

NOW. THEREFORE. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Mayor and Council hereby express their support of the subject variance application, and encourage the Prince George's County Board of Appeals to APPROVE the subject application.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate Prince George's County authorities.

ADOPTED THIS 28th DAY OF March, 1988.