

THE CITY OF TAKOMA PARK, MARYLAND
Public Hearing and Worksession of the Mayor and Council

August 6, 1984
7:00 P.M.

AGENDA

CALL TO ORDER: Mayor Abbott

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

PUBLIC HEARING ON LANDLORD-TENANT ORDINANCE RENT GUIDELINES

ADJOURNMENT

MAYOR AND COUNCIL WORKSESSION
8:30 P.M.

- (1) Discussion of Sligo Creek Sewerage Facility Plan Citizens' Advisory Committee's grievances
- (2) Discussion of Stormwater Management program resolutions
- (3) Report by Traffic Committee on speed hump program
- (4) Report by Newsletter Review Committee
- (5) Discussion/action on Special Exception S-100, petition for an accessory apartment at 501 Margaret Drive
- (6) Discussion of amendments to Nuclear Free Zone Ordinance
- (7) Discussion of Cable Board Ordinance and proposed amendments
- (8) Tentative: Appointments to Cable Compensation Commission
- (9) Report on Burdine property (7114 Sycamore Avenue)
- (10) Library Director's response to proposed co-sponsorship of classes with Columbia Union College

ADJOURNMENT

NOTE: A PUBLIC HEARING on the Speed Hump Program will be held at 8:00 PM, WEDNESDAY, AUGUST 8, 1984.

THE CITY OF TAKOMA PARK, MARYLAND

PUBLIC HEARING ON LANDLORD-TENANT ORDINANCE RENT GUIDELINES

August 6, 1984

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Robbins
Councilmember Bradley	Housing Director Tyree
Councilmember Dalmat	Asst. Housing Director Austin
Councilmember D'Ovidio	Corporation Counsel Gagliardo
Councilmember Haney	Asst. Corp. Counsel DeNovo
Councilmember Iddings	
Councilmember Williams	

The Mayor and City Council of Takoma Park, Maryland, met on August 6, 1984, at 7:11 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of conducting a Public Hearing on Landlord-Tenant Ordinance Rent Guidelines.

Mayor Abbott spoke, explaining that problems with the ordinance would be dealt with individually, commencing with the lid on rent increases; said the City started out with a 10% permissible increase four years ago which remained in effect for three years; last year it was pegged at 5%. All interested parties were invited to give testimony recommending what limit should be placed, if any. Said, additionally, COLTA has recommendations to present regarding reducing the number of members required to hear individual cases, in order to reduce the workload and expedite the procedure. That proposal and other problems related to the ordinance will be considered at several future hearings (refer to the August City Newsletter for schedule). Councilmember Williams spoke; said prior to adoption of the ordinance, there were no guidelines on rent increases levied on tenants in the City. Related problems leading to formulation of the ordinance and its subsequent history. Stated he had material from Mr. Gilmore, President of the Tenants' Association at 7777 Maple Avenue, as well as James Arisman, COLTA Chairman, both supporting retention of the current 5% limit on rent increases. Said, due to federal workers receiving zero pay increase in 1983, arguments could be presented for lowering the rent increase ceiling; however, considering that landlords and tenants seem mutually content with the 5% lid, he would support that figure. Councilmember Bradley emphasized that the present hearing was only the beginning of a series of meetings related to housing problems and resources. Said rent stabilization guidelines are not enough to preserve the diversity and variety of housing in the City, other housing problems must also be addressed. Said one important feature included in the rent stabilization guidelines was the requirement that landlords maintain the property in order to qualify for rent increases. The Mayor commented that in the course of the hearing, Council would have to make a decision whether the original reasons for having the ordinance still exist; citizens were invited to raise such a challenge should they feel it appropriate. The Mayor inquired of the City Administrator whether, during the course of the hearings, key testimony would be available to landlord and/or tenant representatives; response was affirmative.

James Arisman, 7408 Aspen Avenue, Chairman, COLTA: Referred to two memoranda provided to Mayor and Council which set forth COLTA's legislative recommendations for the year; gave an overview of points covered. Said two major recommendations were made - first, that the 5% rent stabilization cap be retained. Said the impact of inflation on rent levels in the local area over the past year was reviewed, using the Montgomery County formula that was used previously. Said the 5% lid kept landlords even with inflation (actually slightly ahead) and held rent increases slightly below those in other jurisdictions; in other words, no hardship was imposed on landlords and tenants were benefitted. Bureau of Labor statistics on inflation were used for the analysis, covering utilities, rents, general rate of inflation in the area. Based on resultant figures, Council would be justified in very slightly reducing the rent lid (to 4.25%); however, COLTA felt the financial benefit to tenants would be so minimal and the administrative confusion substantial enough to warrant retaining the current 5% limit. In response to query from the Mayor, Mr. Arisman stated that approximately 8-10% of COLTA's case load involves rent

increase cases; recalled only one case in which the landlord claimed ignorance of the 5% increase limit, balance were landlords experiencing very negative cash flow in the operation of their units and requesting increases to lessen the amount of their deficit (in cases where an increase was granted, it was generally approximately 9%). Emphasized that in those cases where an increase in excess of the limit was granted, the negative cash flow was such a compelling argument that COLTA felt obliged, under the ordinance as written, to grant the increases. Was not sure of the vote from landlord, tenant and general public representatives in COLTA's discussion of the rent increase limit; said tenants supported retention of the 5% limit, but did not recall whether there was dissent from landlord representatives. In response to query from Councilmember Bradley, stated that "back-door" rent increases are a problem for tenants in every jurisdiction; explained that term refers to instances in which rent itself is not increased but services are reduced; COLTA had not had any complaints of additional fees being imposed for services.

Councilmember Aldrighetti raised the question of building turnover in the City, whether housing stock is being allowed to deteriorate and used for tax depreciation purposes. Mr. Arisman stated the Housing Director and her assistant would be best qualified to speak on that subject; strict code enforcement is local government's best tool to respond to that problem.

Councilmember Dalmat raised questions regarding a 3-unit building on which there is no outstanding mortgage; wondered if the owners sold the building whether the new owner (with a \$1,200-\$1,500 per month mortgage), should he wish to continue to rent the units until phaseout in 1988, could increase rents sufficiently to cover the mortgage. Mr. Arisman stated that situation is a gray area, however, it is not outside the realm of possibility that the new owner could be granted the required rent increase to cover costs.

Mr. Arisman spoke briefly on the purpose of COLTA's development of the 3-member panel for hearings, to be discussed at the August 13 Council Meeting. Said the need was to respond to two separate kinds of cases - tenant complaints and landlord rent increase requests - and expedite hearings of the cases and rendering of decisions.

Kemba Miesh, 657 Houston Avenue: Commented the tenants' organization in her building is the Tuscan Tenants' Association; stated her support for retention of the 5% increase limit; cited problems in her building and difficulties encountered with the City in attempting to resolve problems with the landlord. Said a defective tenancy complaint was filed a year ago by tenants following years of documented non-compliance with the Code; a hearing was held last December; tenants heard verbally that ruling was in their favor, but no formal notice was ever received from COLTA. Said she understood there was some difficulty in deciding upon compensation to tenants; thought there were precedents that could be referred to in making that decision. Stated the building was sold in January, code violations have not been corrected, no code inspection performed to her knowledge, yet rent was increased in May. Additionally, the security deposit was increased (\$70+ for some) and an \$8 per month parking fee imposed. Requested upgraded code enforcement and resolution of the problems stated; said the tenants should not have had to file a complaint, the City should have been responsible for enforcing regulations. Expressed support for the 3-member COLTA hearing panel.

In response to query, Housing Director Tyree stated that in rent increase cases only, Housing could take action based on verbal complaint, sending the landlord a letter stating that the City had reason to believe that an increase in the rent had been effected in excess of the guideline permissible amount and requiring response. Ms. Miesh stated that a call was made to Housing, as well as a letter being sent to Ms. Tyree advising of the rent increase (accompanied by a copy of the rent increase notice). Said when the landlord sent the rent increase notice out, he stated there would be an increase if approval was received from Housing Department, however, he began accepting the increases without stating that he had received the required approval - allowed people to assume that approval was granted. Did not think the

increases exceeded 5%. Rent was not increased in January when the new landlord took over, due to outstanding code violations. Councilmember Bradley commented that there was an apparent breakdown in vigilance on the part of the City, both officials and staff; no increase should have been permitted in light of the outstanding code violations.

Susan Bray, 39 Philadelphia Avenue, Alternate General Public Member of COLTA: Thought the hearing should be expanded to include comments on all aspects of the Landlord-Tenant Ordinance; said the Newsletter announcement did not clarify that the present hearing would be only on rent stabilization. Supported keeping the rent increase cap at 5%, lowering it some small percentage would generate a great deal of confusion among both tenants and landlords. Expressing support for the 3-member panels, said they would be more efficient use of the volunteer manpower and expedite hearings and related paperwork. Thought municipal infraction fines are too low, Council should consider increasing them. In many instances, landlords have no incentive to effect repairs to avoid a \$100 fine - it's cheaper to pay the fine than to correct violations; suggested possibly starting at \$100 with doubling after 30 days, ultimately reaching a maximum of \$500. Corporation Counsel commented that state law limits municipal infraction fines to \$100 for a first offense, subsequent violations to \$200 (subject to whatever the Judge decides to impose in the particular case); fines do double, but there is a loophole in the state law; MML has proposed a bill to close the loopholes which is pending awaiting meeting of the State Legislature; also increasing the fines to \$500 and \$1,000 is being proposed. Councilmember Bradley questioned whether Ms. Bray felt that the fines should be the same, regardless of the violation; Ms. Bray responded it might be nice to have a scale, but would not wish to see the fines scaled down; situation should be such that it is cheaper for the landlord to make the repair than to pay the fine; state legislature should be encouraged to increase the fines. Councilmember Bradley commented on problems with the judicial system relative to how judges perceive the municipal infraction program and related fines.

Nancy Perry, 7520 Maple Avenue: Expressed support for retention of the 5% ceiling on rent increases. Said her rent increase was 3.5%, rather than the 5% limit - voluntarily decreased by the landlord; however, such consideration/cooperation between landlord and tenant is not the usual case in the city. Said some renters experienced increases in excess of the 5% without any reprimand to the landlord from the City. Said in spite of violations being cited by Housing, municipal infractions issued, there is no followup in the form of reinspection. Hoped the City could move beyond the annual discussion of the same old issues and actual progress made so that transiency would be reduced and valuable tenants would not be lost. Said considering conditions in most of the buildings on Maple Avenue, landlords get very decent rents. Did not think tenants could be held accountable for the destruction/deterioration of the buildings; referred to roach/rodent infestations, broken elevators, water and/or air conditioning being intermittently turned off or out of service.

Councilmember Haney commented that Housing Services has commenced their special program; at the time of the budget hearings, it was 60% completed, will take some additional time to complete first inspections of all the City apartments; a real effort is being made by Housing to assign priorities and move ahead as quickly as possible; mentioned cost factors and restrictions due to available staff.

Councilmember Williams agreed with comments made by Ms. Perry regarding the almost 100% turnover of tenants in the last 5 years; said people did not leave because they really wanted to or because their financial resources had improved, but because the housing was not adequate and conditions were not satisfactory for the money they were paying. Said he could not, for instance, observe any difference in the condition of 7611 Maple Avenue from what it was 6 years ago - trash outside, lobby roof fell in a couple of weeks ago; thought the process had bogged down somewhere along the line, some element was lacking. Councilmember Bradley commented there did not seem to be any change effected over a period of time, creating a lack of faith in the system.

Jim Bowman, Co-owner/landlord of 251 Manor Circle: Said the 5% rent increase limit seems more than fair; inquired what the City's tax increase was, percentage-wise, on rental property. Response was that the tax rate was uniform; however, the total tax is based upon the assessment of the property (if the property assessment increased, the total tax would be increased, regardless of a lower tax rate). Councilmember Iddings commented there was approximately an 8% net increase in taxes. Mr. Bowman stated, in contrast to earlier statements, that his building has 7 units, is inspected by the City annually, inspections are very thorough and they are not permitted much slack time to correct violations. Councilmember Bradley commented on the inequity to responsible property owners when recalcitrants are permitted to get by without making timely corrections of violations. Mr. Bowman referred to yellow curbing in front of his building that is deteriorated and requires repairs.

Wayne Upton, Tenant, 7600 Maple Avenue: Supported the 5% rent increase cap; commented on the landlord-tenant workshop held last October (did not think it very productive); information needs to be gathered and provided in workshops concerning improved methods of maintenance of apartment buildings. City Administrator Wilson commented that another workshop is scheduled for upcoming mid-October; heed will be paid to any constructive criticisms from interested parties relative to format, content, etc.; contact can be made directly with the City Administrator for rendering suggestions.

Don Gilmore, Tenant, 7777 Maple Avenue, representing Tenant Council: Stated he supports 5% or less increase, or, alternatively, no rent increase; said tenants in his building have been engaged in a serious struggle with the landlord for the past year; many code violations have been cited by Housing, some have been corrected (approximately 40%), others are still outstanding. Tenants have been to court, rent monies have been placed in escrow during the court case. Rents have been increased 5% twice in the past year in spite of outstanding code violations; 10% was imposed on a tenant in one case and subsequently rescinded and changed to 5%. The Mayor commented that an 18% increase was granted prior to the landlord selling the building. Mr. Gilmore reemphasized that under the ordinance, no rent increase should have been permissible due to the outstanding violations; said little or no progress has been made in attempts by the Tenant Council to deal one-on-one with the landlord; any repairs have been primarily cosmetic.

Housing Director Tyree spoke; said state law supersedes the City ordinance; referred to a recent case in which the state upheld the landlord in a rent increase case; however, advised the plaintiff he might seek relief through the City. Did not think the City had let any increases go through when there were outstanding code violations; however, mentioned the timing element - violation notices can be issued and corrections accomplished by the time the increase becomes effective; violations can be cleared up, cases closed, and then recurrences take place immediately; licensing by the City might provide the solution.

Corporation Counsel commented that he could envision how a court ruling such as Ms. Tyree referred to could occur - tenant could go before the Judge requesting to place his rent in escrow because of certain existing problems; Judge may deny the petition and direct the tenant to pay his full rent to the landlord due to the petition not meeting state criteria for placing rent in escrow. Thought the Judge was according recognition to the City's ordinance in referring the tenant to COLTA for possible relief. Spoke on the City's legal responsibilities in landlord-tenant cases, including municipal infractions and COLTA decisions; said rent escrow petitions are a private action between the tenant(s) and the court. Referred to Section 6-80.23 of the City Code which refers to the BOCA Code and deals with serious (and outstanding) violations, their definition, and the fact that they may be used as evidence for barring a rent increase and/or proving that a rent escrow is justified. In response to comments made earlier, pointed out that Section 6-80.17 of the City Code requires the landlord to give the tenant written notice 60-90 days prior to the effective date of any rent increase and failure to do so bars the rent increase; the notice is required to set forth both current rent and

proposed new total amount; said if tenants feel there is any reason for dispute, including outstanding code violations, their recourse is to go to COLTA. Councilmember Williams inquired whether any of the 750+ new state laws that became effective July 1 pertained to housing; response from Corporation Counsel was negative. In response to query from the Mayor, City Administrator Wilson stated that notice of the hearing was mailed to landlords and was posted and/or distributed to tenants either by staff or tenants' group leaders.

Councilmember Williams read testimony for Diane Jenkins, Tenant, 7600 Maple Avenue, supporting a 5% or less rent increase cap; she stated landlords will raise the rent to the maximum permissible whether or not warranted by building conditions and services; any increase in excess of 5% would indicate a lack of concern for welfare of tenants.

City Administrator Wilson recited the schedule for subsequent public hearings pertaining to the Landlord-Tenant Ordinance; including August 13 at 8:00 p.m. (first reading of any proposed changes and additional testimony), September 4 at 8:00 p.m. (second reading of proposed changes), and September 10 at 8:00 p.m. (adoption of ordinance(s)). Mayor Abbott reminded that the Council will be recessed from August 14-September 4.

Upon motion, duly seconded, the hearing adjourned at 8:52 p.m., to reconvene on Wednesday, August 8, 1984, at 8:00 p.m., for a Public Hearing on the Speed Hump Program.

Mayor and Council Worksession

August 6, 1984

Following the Public Hearing on Landlord-Tenant Ordinance Rent Guidelines, the Mayor and City Council met in worksession at 8:55 P.M., Monday, August 6, 1984, with the Mayor chairing. Present were: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings and Williams; City Administrator Wilson, Asst. City Administrators Habada and Robbins, Corporation Counsel Gagliardo.

The following matters were discussed and acted upon as indicated:

1. Discussion of Sligo Creek Sewerage Facility Plan Citizens' Advisory Committee's grievances. History of the issue was explained by Jim DiLuigi and Reverend Albaugh; related that Darwin Brewer (who took a middle-of-the-road approach and was sensitive to community needs) was replaced by Cyrus Jones, with the understanding that Mr. Brewer would complete technical report #1, which was done in May 1984, but never subjected to review of the CAC. It was stated that water samples taken and subjected to testing by both Montgomery and Prince George's Counties indicate the water to be unsafe, containing coliform bacteria, etc. Comments were made concerning Mr. Jones' failure to respond to questions posed by the committee in a letter; accusations made by him that the committee does not furnish constructive input (despite evidence to the contrary); lack of meeting minutes being furnished; committee cannot continue to function with Mr. Jones at the helm. Mr. Furtado of WSSC has stated that a meeting will be held between the commissioners and other management personnel to discuss the situation; however, he could not personally support the committee's contention that Mr. Jones is not performing in a professional manner. Decision was that Mayor and Council will support the CAC; a letter will be drafted for transmittal to WSSC so stating, requesting that minutes be provided and restoration of Darwin Brewer as project manager, as well as reassurance from WSSC re their position concerning the committee.
2. Discussion of Stormwater Management program resolutions. Discussion revealed some confusion over jurisdictional enforcement if one county's plan were adopted; decision was that Corporation Counsel will prepare an alternate resolution for a City-wide plan for presentation to Council August 8.
3. Report on Burdine property (7114 Sycamore Avenue): Questions were raised as to whether work done is in compliance with the Code; whether framing has been inspected (inspection should reveal construction faults if any exist); whether application has been made for electrical and plumbing permits, and whether permits issued are valid. Staff is to determine whether assessment and taxes on the property have been adjusted due to the structure thereon. Comment was made that neighbors state the owner has gone out of town, a realty company is involved and apparently providing funds for completion of the construction.
4. Speed Humps: Comment was made that a traffic displacement study was done to determine on what streets traffic has increased as a result of speed humps, however, data is not yet available. There was a consensus concerning need for an ordinance addressing specific size and shape of speed humps, as well as location. Determination of emergency routes will be made by the Fire Chief in collaboration with the Mayor and Council. Councilmember Iddings commented he felt residents of streets receiving humps should be assessed for the cost of installation; the Mayor stated that if cost is assessed City-wide through an increase in property tax, it should go to referendum. Reminder was made that there will be a public hearing on the issue on August 8.
5. Report by Newsletter Review Committee. Dave Prosten presented the report; stated that the committee's final report would be presented to Mayor and Council September 10; committee feels it imperative that the guidelines be adhered to. Councilmember Iddings requested that Councilmember Dalmat's and Haney's letter be attached to that report.

6. Discussion/action on Special Exception S-100, petition for an accessory apartment at 501 Margaret Drive. Councilmember Iddings did not think the requested Special Exception should be granted; City Administrator Wilson recommended that the City take a negative position on the request. Comments were made that the apartment has not yet been constructed, thus cannot be inspected; notification to neighboring property owners by the City has not elicited any objections; suggestion was made that contact be made with the county at higher levels re accessory apartments.

7. Discussion of Cable Board Ordinance and proposed amendments. Following discussion, Councilmember Iddings withdrew objections voiced to the proposed language and Council expressed approval for modifications proposed by Bruce Moyer.

8. Appointments to Cable Compensation Commission. It was stated that recommendations are ready for all positions on the commission with the exception of a real estate representative; Karen Maury who was under consideration is moving from the City - CATV Committee will continue its search and interviews for a City resident to fill that position and report back at a later date.

9. Library Director's response to proposed co-sponsorship of classes with Columbia Union College. Preference was expressed that the classes be free if held in the Library (rather than \$15 as proposed by the college). Councilmember Iddings remarked that the Library Planning Committee had not been included in discussions/planning. Library Director Spottswood commented that if this were to be a continuing item, then the committee should definitely be included, as she had stated in her memorandum on the subject. Councilmember Bradley suggested a meeting including the committee, Mayor and Council for the purpose of discussing long-range plans for the Library.

Following discussion of a proposal to honor the late Clarence Mitchell for his accomplishments, decision was made that a resolution will be prepared for presentation at the August 13 Council Meeting.

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

THE CITY OF TAKOMA PARK, MARYLAND
Public Hearing and Worksession of the Mayor and Council

August 8, 1984
8:00 P.M.

AGENDA

CALL TO ORDER: Mayor Abbott

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

PUBLIC HEARING TO RECEIVE COMMENTS ON THE SPEED HUMP PROGRAM

ADJOURNMENT

MAYOR AND COUNCIL WORKSESSION

9:00 P.M.

- (1) Presentation of Morton Hoffman & Co. Takoma Junction Marketing Study
- (2) Stormwater Management Plan
- (3) Draft Letter to WSSC re problems of Sligo Creek Sewerage Facility Citizens' Advisory Committee

THE CITY OF TAKOMA PARK, MARYLAND

PUBLIC HEARING ON THE SPEED HUMP PROGRAM

August 8, 1984

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Robbins
Councilmember Bradley	Asst. City Administrator Habada
Councilmember Dalmat	Recreation Director Ziegler
Councilmember D'Ovidio	Corporation Counsel Gagliardo
Councilmember Haney	
Councilmember Iddings	
EXCUSED: Councilmember Williams	

The Mayor and City Council of Takoma Park, Maryland, met on August 8, 1984, at 8:05 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland, to conduct a Public Hearing on the Speed Hump Program.

Councilmember Iddings referred to the August Newsletter article containing the summary report from the Traffic Committee regarding the Speed Hump Program; gave a resume of the material contained therein. Said the committee had made specific recommendation for removal of several speed humps due to either incorrect installation or opposition from residents - including the 7100 block of Maple Avenue, one on Anne Street, and one on Mississippi Avenue near the curve. Said when the article was written a point was omitted relative to who should bear the cost of the speed humps, which was extensively discussed by the committee. One point of view was that they should be handled the same as other city improvements (using City funds); alternatively, a special assessment could be made on residents of the streets receiving the speed humps (favored by a minority of the committee).

Roger McGary, Chief, Takoma Park Volunteer Fire Department: Stated the department opposes the program; however, recommendations of the committee such as removal of some of the humps and reduction in height of others will be of considerable assistance. Said the humps have critically affected response time; the apparatus must come to almost a complete stop when crossing the humps; ambulances must stop and cross with extreme caution to avoid jolting persons being transported. Equipment required major front-end alignment during preventive maintenance this year, which it did not last year; axle suspension problems were encountered on one engine which required placing it out of service, a spring went on another; assorted suspension problems experienced on various vehicles. While suspension problems have been experienced in the past, they seem to be exacerbated by the stress related to speed humps. Said speeding problems should be addressed by the police department, using radar and increased enforcement, rather than speed humps. Councilmember Iddings commented that is a point well taken; police department applied for and received a grant during the past year for increased surveillance on speeding, ticketing was increased 300%; problem is that an officer would have to be stationed 24 hours a day for complete control on speeding at any given location. In discussing response time, statement was made that Montgomery County guideline response time is 5 minutes; 4 minutes for Prince George's. Chief McGary stated in response to query that Takoma Park is within the 5 minute response time in spite of the speed humps due to their short travel distance; however, response time is increased. In a study performed in conjunction with the Master Fire Defense Plan, Takoma Park V.F.D. was cited as having an average response time of 1.88 minutes, which is extremely low and in reality could not be accomplished at given speeds. In response to query from the Mayor, said the increased response time has not yet resulted in any disasters or near disasters. The Mayor commented that the increased maintenance cost to fire equipment has to be weighed against the increased liveability for residents on streets having the humps when making an assessment. Responding to Councilmember Bradley, Chief McGary stated he did not notice any drastic change in location of accidents due to speed humps, that serious ones generally occur at major intersections such as Piney Branch and Philadelphia, New Hampshire and East-West; speed, inattention and failure to obey traffic signals are frequent causative factors.

Mrs. Pennifield, 7305 Takoma Avenue: Stated speed humps are a needless and unnecessary expense; voiced complaints about police issuing speeding tickets; expressed hope that City services would eventually be abolished and the area would go under county jurisdiction. Said metered parking would drive customers away from city businesses.

Greg Maskalik, 7026 Carroll Avenue: Commented he recently moved to the area from Pittsburgh, is an avid bicyclist. Spoke on the hazard speed humps present for bicycle riders; said the humps channel traffic onto other streets; supported Chief McGary's testimony; urged that methods other than speed humps be pursued for speed control. Councilmember Iddings commented that the surveys done by the Traffic Committee solicited comments pro or con from bicyclists; none were received; a number of committee members who are bike riders stated they had no problems negotiating them. The Mayor commented that opinions from members of the Washington Area Bicyclists Association should be sought prior to the next hearing.

Tim Smith, Sycamore Avenue: Spoke regarding problems with speeding motorists on his street, concerns for the numerous children living in the neighborhood; had spoken with a number of bicyclists on the street, none voiced objections to speed humps; hoped they might be placed on Sycamore. Thought children-residents ought to be permitted to sign petitions requesting installation of speed humps.

In response to comments made, the Mayor stated that no portion of fines levied for speeding tickets goes to the city; those monies go to the state to fund the court system. Council is introducing a bill to the state legislature, through MML, to change that policy and rebate a portion of the fines collected to the jurisdiction in which the violation was cited. Said that legislative change would induce police officers to more stringently enforce moving violations.

Stephen Quick, 7112 Maple Avenue: Stated he was present to represent the views of 19 residents of the 7100 block of Maple Avenue; referred to a meeting held the previous evening. Thought the views of the residents of that block were misrepresented by the survey done - do not really want the humps removed; do not like the way they were done and the hassle they create; however, do not wish to be left defenseless against the traffic problems (volume, excessive speed, Ride-On bus, post office and lack of parking for postal patrons). Commented that the speed humps make the bus problem a lot worse due to their having to stop and then accelerate. Spoke briefly on the history of traffic problems on that street; said the issue is complex, a balance must be reached between moving the flow of traffic and preserving the residential character of the neighborhood; did not think removal of the speed humps alone is the solution. Pointed out that the recommended policy on speed humps states they should not be placed on streets having bus traffic. Said the opinion of residents seems to be that no one living on the 7100, 7200, or 7300 blocks of Maple Avenue utilizes the Ride-On buses (merely suffer their street being the corridor through which the buses pass). Hoped the Traffic Committee would make an in-depth study of the problems on Maple Avenue, including but not limited to speed humps and Ride-On bus useage, and come up with recommendations. Councilmember Iddings commented that Maple Avenue functions as a thoroughfare in the city; the upper section connects lower Maple Avenue with Metro; that particular bus route is the most-used in the county; alternative routes would be substantially slower. Mr. Quick suggested quieter buses would be a viable solution to the noise problem. Councilmember Bradley expressed appreciation for the comments presented by Mr. Quick and the approach of examining alternatives while seeking a solution to the traffic problems.

Daphne White, Ethan Allen Avenue, Traffic Committee Member: Stated she opposed speed humps; questioned why Council decided against the committee's recommendation to delete \$5,000 (of \$10,000 total) allocated for speed humps from the budget, and what condition Council foresees for the city in ten years if a few additional speed humps are installed each year. Councilmember Bradley stated she did not favor cutting the speed hump budget because it would be unfair to areas with a high tenant population where property owners would refuse to pay the

assessment (if that approach were used), would deny those neighborhoods the opportunity to participate in the process. Councilmember Aldrighetti commented that money had to be allocated in the event speed hump removal was decided upon; there are mixed opinions in Council as to who should pay for speed humps. Councilmember Haney remarked that just because the money has been allocated does not necessarily mean that it will be spent in one given year. The Mayor commented that should Council vote to remove the humps, it will cost the allocated amount of funds to remove them; estimate was \$310 to remove each bump and \$380 each to replace, so total amount to install and then remove would be \$690 per hump. Ms. White expressed concerns that given the current trend, with the displacement of traffic from one street to another, in ten years all residential streets in the city with the exception of major arterials would have speed humps. Councilmember Bradley questioned whether Traffic Committee discussions addressed equity and how it can be determined what is fair for a particular block or street in terms of traffic speed and/or volume. Ms. White commented that committee members' opinions seemed to reflect their residence streets - whether they lived on major arterials or not. People living on side streets having speed humps liked them, others did not; overall there was about 2-1 opposition to the humps. Said it seemed unfair that the survey was hand-delivered to people on speed hump streets, not to those on other streets such as Ethan Allen, Philadelphia, Piney Branch. Said the problem of traffic displacement should be dealt with now rather than at a later point in time. Councilmember D'Ovidio pointed out that the committee's recommended policy states that humps should not be placed on streets considered to be primary access routes for police and fire vehicles; wondered how those routes are defined; thought some streets already having humps, such as Maple Avenue, would be considered such routes and perhaps those humps would have to be reconsidered. Ms. White stated the humps were an experiment in the beginning with the option of removal; fire department has commented they increase response time; a proposed informational brochure for residents of speed hump streets would state that emergency vehicle response time may be increased (on other streets as well if the speed hump street is a major one like Maple). Chief McGary stated that the major arterial streets are primary response routes for fire department vehicles, i.e., Carroll, Ethan Allen, Piney Branch, Philadelphia, Maple (but not the portion from Philadelphia to Eastern), Anne Street (and the humps there are most undesirable from fire department standpoint); said his department would provide a list of those streets to Council, if required. Councilmember Bradley questioned whether the committee had discussed alternative speed control devices; Ms. White stated alternatives for specific locations were discussed, material on alternatives was provided by Councilmember Iddings. Councilmember Bradley remarked that she would like to see a report from the committee concerning how to control speed, an overall discussion and recommendations. Ms. White commented that the reason the committee had devoted so much time and effort to speed humps was that they were mandated to complete the report; prior committee looked at various options; reason current committee recommended cutting the speed hump budget was because they felt other options should be examined prior to widespread installation of speed humps.

Bruce Moyer, 37 Philadelphia Avenue: Spoke in opposition to the Traffic Committee report; expressed serious reservations about the validity and completeness of data contained therein, thoroughness of analysis, viability of conclusions and recommendations set forth. Said no information was furnished to citizens regarding cost of speed humps; wondered how the cost of upgraded/increased police surveillance (in man-hours) on streets suffering speeding problems would compare with the amount appropriated for speed humps. Said the data on traffic displacement is defective - there is almost no discussion of that problem contained in the report except for an obscure reference at the end which suggests that it continue to be monitored. Stated he and his neighbors perceive a noticeable increase in traffic on Philadelphia. Analysis section of the report is minimal; contains no discussion of tradeoffs, personal and public safety on other streets, inconvenience, displacement - simply an arbitrary conclusion that the program has been successful and should move forward. Reiterated the question posed by an earlier speaker of where the current trend will lead and the end result a few years hence; said major highways will

become ever more congested and major. Commented against permitting parking on speed hump streets, particularly Maple Avenue where parking is allowed on both sides. Encouraged a moratorium on installation of any more speed humps in the city pending gathering of more data on displacement, more systematic consideration and examination of the issue.

Roland Halstead, 7116 Maple Avenue: Concurred with statements made by Mr. Quick; as a bicycle commuter, disagreed with comments made by Mr. Maskalik; has had no problem on his bicycle relative to the speed humps, said precautions such as reasonably reducing speed must be taken; bike pedals always clear the humps if riding in a safe manner. Other bike commuters encountered have not voiced any real problems with the humps, continue to use Maple Avenue.

Councilmember Aldrighetti remarked that the recommended block survey for speed hump installation requires survey of 60% of the residents; wondered how that figure compares with the requirement for permit parking (thought a higher percentage was required for permit parking). Response was 80% for that purpose; Mr. Aldrighetti felt speed hump installation was a more serious matter, yet required a survey of fewer residents; questioned the rationale. Councilmember D'Ovidio clarified that the permit parking ordinance specifies 80% of property owners, rather than residents. Councilmember Iddings remarked that a figure of 75% of the residents was initially considered, but a consensus was ultimately reached that getting 60% to agree upon speed hump installation would be a significant task. Councilmember Aldrighetti stated that, particularly should the concept of assessing people for installation of the humps be pursued, a higher percentage of residents surveyed should be required. Additionally, raised questions concerning liability in relation to the speed humps - 1) will homeowners' fire insurance increase, to which Corporation Counsel responded that insurance rates depend upon response time as well as other factors; 2) are any figures available concerning increased liability in municipalities that have gone for speed humps on a large scale. Assistant City Administrator Robbins spoke on the history/evolution of the current humps in the city; said they are 4" high, concave on the rise to the apex, the original hump developed by federal D.O.T. was found to be ineffective; despite developing the original hump, D.O.T. still opposes use of the humps. Councilmember Aldrighetti remarked that it seemed likely the federal D.O.T. would be tracking use of speed humps in municipalities; requested that information be sought from that agency relative to increased liability in municipalities having numerous humps. Councilmember Iddings stated that former Corporation Counsel Gingerich furnished an opinion that the City would not be liable for damage sustained in relation to a speed hump; Mr. Gingerich referred to the commonly-cited 1926 case in Missouri and stated it was not applicable in the City's case. Corporation Counsel Gagliardo stated he had the memorandum setting forth that opinion and felt it inadequate - did not address these particular humps; cited an incident he had heard related in which an ambulance driver did not see the hump, stretcher patient was lifted off the stretcher when the vehicle went over the hump (damage could have been severe or fatal had it been a spinal injury being transported). Said the points that must be addressed in any full analysis are 1) what the humps do; 2) what liability, if any, has the City immunized itself from; 3) is there any question of negligent installation or maintenance (which would provide a case, regardless of how safe the hump may be); 4) is the City financially protected; and, 5) how well do they serve the intended purpose as opposed to causing some other effect (product liability). Said prior to performing such an analysis, technical information about the actual and potential risk of the speed humps would have to be furnished. Mentioned that state law mandates a minimum speed that must be maintainable on streets other than state highways and which is binding upon the city, would check and ascertain that figure. Councilmember Haney requested that Corporation Counsel be directed to research and furnish opinions on the questions of City liability raised. Assistant City Administrator Robbins referred to a 7-page memorandum he wrote last summer addressing certain legal aspects of speed humps, State Highway administrative policy, and a legal precedent Rumford v. Berkeley, in which the court found in favor of Berkeley regarding speed humps because policies

written by the state were vague and unclear (such as in the State of Maryland). Mayor Abbott commented that "overkill" must be separated from reaching an optimum number, that would have to be addressed in arriving at a judgment as to whether a proper number of speed humps properly placed would benefit the neighborhoods; the dollar sign should not be dragged into every discussion. Reminded of prior placement, upon request of citizens and a former Councilmember, of a stop sign and crosswalk in mid-block on Maple Avenue which remained for 6 months and was then removed. Emphasized that Council, prior to making any final decision on speed humps, should decide upon optimum placement, location, and configuration of the hump. Councilmember Aldrighetti questioned whether the humps themselves create a need for additional humps, thus obscuring the possibility of defining an optimum number. Agreed funds should not always be a primary consideration, but said Council is obliged to look at tax control; remarked that there are a lot of questions yet to be answered regarding speed humps.

Susan Flashman Bray, 39 Philadelphia Avenue: Commended the City for taking action on the speed hump program, making a start toward controlling traffic; said additional consideration needs to be afforded to effects of the speed humps by Council; hoped the City Newsletter, prior to the next hearing, would carry Councilmembers' thoughts and comments on the issue.

Mayor Abbott requested Chief McGary to furnish Council with the number of fire calls and the number of ambulance calls for a given one year period. Encouraged submission of an article from the Traffic Committee on the current public hearing for the upcoming Newsletter. Reminded of Mayor and Council's vacation period from August 14 to September 4. Upon motion, duly seconded, the public hearing adjourned at 9:58 P.M., to reconvene in special session on Tuesday, September 4, 1984, at 8:00 P.M.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
August 13, 1984

AGENDA

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

PLEDGE

READING AND APPROVAL OF THE MINUTES OF JULY 23, 1984

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Swearing in of new police officer, Daniel Parker

PUBLIC FORUM ON A PROPOSED ORDINANCE AMENDING SECTION 6 OF ORDINANCE NO. 2703,
NUCLEAR FREE ZONE ACT

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

- (1) Second reading of an ordinance establishing a City/Citizen Cable Board
Citizens' comments
Council action
- (2) Discussion and/or first reading of an ordinance amending rental guidelines
section of the Landlord-Tenant Ordinance (Sec. 6-80.17(c) of City Code)
Citizens' comments
First reading
- (3) Community Development Block Grant Citizens' Advisory Committee presentation
and briefing on proposals developed
- (4) Appeal of COLTA decision by Pierre Portman, owner of 125 Lee Avenue
- (5) Two resolutions adopting Storm Water Management Plans of Montgomery and
Prince George's Counties
Citizens' comments
Council action
- (6) Affirmation of Council's earlier decision on Special Exception S-1000,
to permit an Accessory Apartment at 501 Margaret Drive (Public Hearing:
9:00 AM, 9-13-84, Werner COB, Rockville)
Citizens' comments
Council action
- (7) First reading of an ordinance amending Sec. 6-18 (PM-201.0) of the Housing
Code to provide a new definition of "Occupant" (Councilman Williams)
Citizens' comments
First reading
- (8) Second reading of an ordinance authorizing a stop sign on Kennebec Avenue
at its intersection with Houston Avenue
Citizens' comments
Council action
- (9) Second reading of an ordinance authorizing a stop sign on Houston Avenue at
its intersection with Sligo Creek Parkway
Citizens' comments
Council action
- (10) Second reading of an ordinance creating a 3-way stop at Flower and Jackson
Avenues; other provisions
Citizens' comments
Council action

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND
REGULAR MEETING OF THE MAYOR AND COUNCIL
August 13, 1984

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Habada
Councilmember Bradley	Asst. City Administrator Robbins
Councilmember Dalmat	City Clerk Pusti
Councilmember Haney	Housing Director Tyree
Councilmember Iddings	Asst. Housing Director Austin
Councilmember Williams	Library Director Spottswood
EXCUSED: Councilmember D'Ovidio	Police Chief Fisher
	Recreation Director Ziegler
	Asst. Corporation Counsel DeNovo

The Mayor and City Council of Takoma Park, Maryland, met on August 13, 1984, at 8:15 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, a moment of silence was observed to commemorate victims of bombs dropped on Hiroshima and Nagasaki on August 6 and 8, 1945. Council Meeting Minutes of July 23, 1984, were presented; Councilmember Iddings pointed out that the section dealing with "Car Free Day" in Sligo Creek Park should have included mention that the Traffic Committee, and specifically Dave Taylor, was responsible for the event. A motion to approve as amended was made, duly seconded, carried unanimously.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

The Mayor administered the Oath to new City Police Officer, Daniel Parker and welcomed him as a member of the force.

PUBLIC FORUM ON A PROPOSED ORDINANCE AMENDING SECTION 6 OF ORDINANCE NO. 2703, NUCLEAR FREE ZONE ACT

Councilmember Bradley spoke; stated questions recently arose during an attempt to resolve the purchase of a police radio system; there has been discussion concerning the possible need for legislative and/or administrative changes in the administrative impact of the subject ordinance. Moved establishment of a Nuclear Free Zone Ordinance Advisory Committee to: 1) conduct an objective analysis of the City's purchasing requirements and policies, including the availability or non-availability of products from non-nuclear suppliers; and, 2) the effect of such availability or non-availability on the City's fiscal resources. Explained the committee would be comprised of six members, including two Councilmembers (Iddings and Bradley) who would each appoint two citizen members; committee would proceed with their work immediately and make a preliminary report to Council on September 24, with a final report on October 8, 1984; City Administrator's Office to provide necessary staff support. Motion was duly seconded by Councilmember Iddings who commented that it became apparent during the process of responding to the bids on the police radio system that the Nuclear Free Zone Act did not provide adequate guidance for coping with an impasse situation. Had intended presenting proposed amendments to the ordinance, formulated by several Councilmembers; however, would refer those to the committee for consideration. Councilmember Aldrighetti commented that the proposed compromise recognizes two important points - importance of the anti-nuclear movement as well as the City's role in that movement, and, the essential need for the City to do business in an effective and efficient manner. Would support establishment of the committee with the understanding that the two points mentioned would be balanced; expressed thanks to Peter Franchot for his assistance with negotiating a compromise on the current situation. Councilmember Haney commented that the step being taken is necessary, as well as constructive and positive; should the proposed amendments be enacted, the City will still have the strongest anti-nuclear ordinance of any community in the nation. Said the amendments would make a stronger ordinance which can be promoted throughout the country as a reasonable model; it will be more acceptable to the general community. The question was called; motion carried with Councilmember Dalmat abstaining; Councilmember D'Ovidio excused; balance of Council voting Aye.

The Mayor commented on the united concern of staff and Council on this issue; said no other city in the country has yet faced a similar

problem, thus countless eyes are focused on Takoma Park and how the City will resolve the situation. City Administrator Wilson spoke; said the number one priority is to get an updated and responsive communications system into the police department as quickly as possible; several things are being pursued simultaneously. An overall engineering evaluation of the current equipment is being done which reflects, from service reports, recurrent failures of various types - antenna, transmission, reception. A complete technical analysis of the system will be performed by competent engineers; a determination will have to be made whether or not the present system should be abandoned. If necessary, a reasonable amount of money will be allocated to refurbish the current system until additional issues are resolved. Requests for bids will be reissued for both 450 MHz. and 150 MHz. equipment, with the Nuclear Free Zone Ordinance and Request for Certification attached. Explained that current equipment is low-band (39.82 MHz.); the lower the frequency, the greater the susceptibility to interference from distant stations depending to an extent upon ionospheric conditions. It is unknown whether a higher frequency assignment can be procured from F.C.C., but the proposal is to require the respondent to furnish frequency availability along with the bids. If no response is received, it can be concluded that either there is no frequency available or there is not a producer who is uninvolved with nuclear armaments, or both. Information has been received which indicates that the F.C.C. will, in the near future, relinquish their first-come, first-served policy on frequency allocations; rules will be promulgated to give priority to public safety agencies. City has had an 800 MHz. band frequency application in to F.C.C. for several months, has had no response other than a recent request for additional information/clarification; until a frequency assignment is received from F.C.C, equipment cannot be purchased. The Mayor commented that the upcoming changes in F.C.C. regulations regarding affording priority to public safety agencies came about as a result of Los Angeles Sheriff's Department making repeated applications without success over a number of years. Dialogue followed between Mayor Abbott and Councilmember Dalmat concerning assignment of responsibility for the problems currently being encountered. Councilmember Aldrighetti questioned whether an estimate of the anticipated delay on adoption of the new regulations and frequency allocation from the F.C.C. could be given; response was negative as far as receipt of frequency assignment, time frame for the new regulations will depend upon whether comments are received subsequent to their publication in the Congressional Record (if no comments are received, they generally become effective 30 days after publication; comments can require several additional publications). Mr. Wilson stated that the two items the City has direct control over are the rapidity with which bids are solicited and the completion of the evaluation of the present radio system, both of which should be accomplished within two weeks.

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

Dr. Joseph Lerner, 7708 Takoma Avenue: Stated that the Nuclear Free Ordinance having been in effect for almost a year, a report should be furnished not only of contract purchase problems, but also of what progress is being made toward getting a sibling city in Russia. To his knowledge no nuclear armaments have been transported through the city; however, the City has no authority to stop such movements through the area or to interfere with the production of nuclear related components; requested a full and comprehensive report from Council on the issue. Said if the City is serious about the ordinance, procurement restrictions should extend to all City purchases rather than only those which go out to bid; stated he believes the Nuclear Free Zone Act is contrary to what its supporters believe it to be - is an anti-peace, anti-denuclearization program, because it represents unilateral crippling, unilateral reduction in nuclear forces, is the opposite of nuclear freeze - the message to the Soviet Union is clear - "wait, don't negotiate." If Takoma Park's position becomes widespread, there will be no place in the nation where nuclear material can be produced or researched, other than on federally-owned land. Said Council should hold a special session on a weekend afternoon where citizens could express their opinions on the issue at length.

Mark Stanford, 705 Houston Avenue: Questioned what maximum time period the City Administrator would project for a frequency assignment

from the F.C.C.; Mr. Wilson responded he had thought something would have been heard by now - hopefully, within the next few weeks.

Councilmember Haney commented that everyone is invited to express their comments on the issue in the City Newsletter, regardless of their viewpoint. Councilmember Bradley remarked that citizens may also write the City Administrator or the newly-formed committee to express comments on the Nuclear Free Zone Act, in addition to attending the two remaining meetings on the subject.

Marge Malakoff, 7417 Holly Avenue: Stated there are alternatives in the police radio situation and that more time should be taken to be deliberate in decisions made; if the original decision is valued, then amendments cannot be supported unless public health or safety is at stake; however, the police equipment is needed.

Ed Hutmire, 21 Columbia Avenue: Questioned what the procedures are for the Nuclear Free Ordinance as it exists, in terms of qualified vs. unqualified suppliers (are there established lists and are they subject to change), to what level of purchasing is the ordinance applied/addressed. Mr. Wilson stated those are the type of questions (as well as some additional ones) he hoped the committee will address and recommend guidelines and definitions for City purchases. Said at present reliance is placed on the vendor and on lists compiled by various groups identifying major manufacturers related to nuclear armament component manufacture and/or research. A memorandum has been sent to all staff advising them that a list of potential respondents to Requests for Proposals will be prepared in each instance; the vendor will be required to certify whether they do or do not participate in those activities cited in the ordinance which, hopefully, will be more specifically defined. Mayor Abbott commented that there is an additional resource available - the "Investors' Responsibility Research Center" located in D. C., funded by church groups, banks, philanthropic groups and individuals. They research every corporation in the context of the federal government; inside of a few hours the City can verify contractual relationship of any manufacturer in the U. S. with the Defense Department. Councilmember Iddings encouraged Mr. Hutmire to write the committee, as the points he expressed were ones the committee should address. Councilmember Aldrighetti commented that Council was advised to seek new bids on the police radio system for two reasons, i.e., the Nuclear Free Ordinance and the fact that the prior Request for Proposals appeared to be product specific.

Robert Alpern, 316 Elm Avenue: Commended Council for taking the time to carefully examine the ordinance; hoped they would consider every possible way of maintaining its spirit and integrity, while still permitting the City to function; said economy should be considered in relation to City purchases, money saved whenever possible without sacrificing performance quality. Said the spirit of this ordinance holds meaning not only for city residents, but for people in other communities, on Capitol Hill, and throughout the world. Councilmember Aldrighetti commented that he hoped cost factors would be addressed by the committee in their deliberations, along with other issues.

Richard Amt, 7111 Sycamore Avenue: Said the national system of representative government provides citizens adequate opportunity to voice their opinions and influence the course of national affairs; City officials should devote their full attention and energies to City affairs, should not be involved in national matters at the expense of Takoma Park. Said City services are being hampered by the fallout from Council's excursion into national pastures; the ordinance should be amended so that necessary equipment can be purchased, allowing the police department to function as intended.

Gordon Adams, 125 Lee Avenue: Spoke of living in California in the 1950's and a group of people who decided to migrate there from New York seeking a "nuclear-free" area; after learning that the chosen town of Chico was the alternate capitol for the state in the event of a nuclear attack and that there was a Titan missile base at the airport, half of the people went back to New York, the others remained. Said there is no place that is totally free, safe and independent of nuclear weapons; community action and involvement is important and is what has made the nuclear movement grow. Stated he works for Defense Budget Project; they, in part, supply the data for the Investors' Research

Center referred to earlier by the Mayor; said looking at procurement and finding competitors is important, can save significant amounts of money. Offered to assist the committee in any way possible; said a local legislative initiative dealing with this issue is important, is heard across the country. Thought procurement problems could be resolved and the ordinance preserved.

Jonathan Weiss, 16 Philadelphia Avenue: Supported comments made by Mr. Adams; said the Nuclear Free Ordinance is an important piece of legislation; however, health and safety of city residents should not be endangered in pursuit of principles - a balance must be reached. Thought the committee is a good idea, but they should also look at some broader issues of civic/social responsibility - such as purchasing from companies that do business in South Africa, that are notorious union busters - alternatives to purchasing from such firms should be sought.

Susan Abbott, 7416 Holly Avenue: Spoke representing herself as well as the Takoma Park Nuclear Freeze Committee, which participated in drafting the original ordinance 8 months ago. Said Council's unanimous support of the ordinance was gratifying; no one thought that problems would not be encountered in time. Supported formation of the committee; was confident the strength, intent and spirit of the ordinance would be maintained. Thanked Councilmembers Aldrighetti, Bradley, Iddings and Peter Franchot for their efforts in working out a solution.

Melda Henry, 416 Boyd Avenue: Commended Council for their handling of the situation; hoped people would use the time prior to final hearing in October to become more informed and actively participate; as a member of South of Sligo Citizens' Association, appealed to all citizen association members to make their thoughts and feelings on the issue known to the committee; did not support nuclear armaments.

Richard Harmon, 125 Lee Avenue: Commented on unilateral freeze; said the only American wanting such a freeze is President Reagan, who wants the Russians to do the freezing, not the U. S. Said the ordinance is a very cost effective way of sending the message to the Soviet Union, citizens now want to claim it's too expensive, too much hassle. Said the message the Russian people are getting is that Americans will vote for a president who doesn't care if he destroys the economy of the whole world, just wants to build a nuclear arsenal. Did not think major manufacturers/corporations have a real concern for the people in spite of the image they try to project; individuals cannot even purchase a lightbulb without helping the arms race.

John Buchan, Takoma Park Police Officer: Stated he was not present to either commend or condemn Council; said his job is to serve the citizenry, which is difficult with the equipment provided. Supported nuclear control, but cited problems concerning having to go into buildings with a non-functional radio, or call an ambulance with a radio that won't work. Said the public are the ones who will either benefit or suffer depending upon whether the police department is supplied with functional radio equipment. Mayor Abbott commented that the impasse was permitted to exist for too long a time period; now responsible people are heading the movement and a solution will be expedited.

Al Czerski, Takoma Park Police Officer: Wondered whether a limit had been set on how much might be spent to patch up the current radio system. Mr. Wilson responded a maximum of \$8,000-\$10,000, if it were feasible; if not, it would have to be abandoned. Officer Czerski queried how long a delay would be generated if the Nuclear Free Ordinance required amendment. Mr. Wilson stated a decision as to whether a new system is mandatory, as well as all other administrative decisions, would be made well prior to completion of the committee's deliberations, thus avoiding any unnecessary delay. The Mayor reiterated that an answer would have to be received concerning frequency allocation prior to making any final decisions regarding equipment; one supplier cited 120 days delivery and a couple of weeks installation time; hoped that time frame could be improved upon. Councilmember Aldrighetti commented that even if the ordinance were amended immediately, that would not affect the situation insofar as the police department getting the radios due to the prior bids being unacceptable for reasons previously stated; sympathized with the situation the

police are experiencing.

Robert Holford, Takoma Park Police Officer: Related responding the previous night on a call which turned out to be a girl having a seizure; tried to contact headquarters from Manor Circle to request an ambulance (using one of the newest and most powerful portables the department presently has) - could get no response. Said fortunately another cruiser was outside, relayed the information and got assistance. Wondered how long it would be before adequate equipment would be provided. Councilmember Haney commented he felt Council is sensitively aware of the situation, several members participated in the department's ride-along program and put forth efforts to bring the situation to the forefront. Said everything possible is being done to resolve the problem quickly. The Mayor commented on the steps in the process, some of which have already been commenced, and the projected time frame as stated earlier. Mr. Wilson reiterated that the current equipment would be fixed up, at least temporarily, until newer state of the art equipment could be procured; emphasized that no equipment is infallible, any system will have blind spots which must be identified, information must be sought as to whether there are ways of alleviating those blind spots, and alternatively there must be backup procedures.

Paul D'Eustachio, 6611 Alleghany Avenue: Urged citizens to remain until the end of the meeting, no matter what the hour. Said the CDBG CAC presentation scheduled for later deals with the spending of over \$1 million dollars of taxpayers' money in the City.

Patrick Donnelly, 7002 Sycamore Avenue: Expressed complaints about the City taking the Prince George's tax rebate from citizens to add to its coffers (said Takoma Park was the only county municipality to do so); inquired of Councilmembers Haney and Aldrighetti what their positions were on that issue. Councilmember Aldrighetti referred to the numerous articles published on the subject; said Takoma Park is the only municipality split into two counties, is a full-service city; on the Montgomery County side money comes to the city from the county in the form of a grant, while on the Prince George's side money is returned to the taxpayer - a balance must be reached, that was done by the City's tax credit system. Councilmember Haney commented that the net result of the law effective July 1st last year was that the combined total of city and county taxes would go down, which it did by 20 cents on the dollar; reiterated that Takoma Park is a full-service city and it is necessary to fund the level and quality of services demanded by the citizenry.

Ron Albaugh, 7202 Central Avenue: Expressed pleasure at being part of a city that thinks globally and acts locally. Commended Council on their action to resolve problems with the Nuclear Free Ordinance. Commented on a big leak in WSSC's planning process which creates problems, i.e., that agency's lack of involvement in the Master Plan planning process, particularly water use impact. The Mayor commented on the refusal of the present Director of the project for sewer relief in the Sligo Creek area to consider problems (Council reacted and the individual's removal is being requested); said a meeting is scheduled for September 5; hoped Mr. Albaugh would raise concerns at that meeting concerning the lack in the process.

Ginger Carter, Director, Neighborhoods Together: Stated that a project has been developed for weatherizing one hundred low-income apartments in Takoma Park and part of East Silver Spring. There will be no cost to the tenant, but permission must be given to access the building; funding is being provided by PEPCO; distributed material defining guidelines; said tenants will benefit by lower utility bills and a warmer building. Low income houses and senior citizens' homes may also be included.

Joseph Lerner, 7708 Takoma Avenue: Concerning the City Newsletter, commented that the current issue could be produced on four pages; is derelict in that it carried no information that there would be hearings concerning immigration legislation nor any notification of the problems with the police radio communications system.

ITEMS FOR COUNCIL CONSIDERATION:

(2) Discussion and/or first reading of an ordinance amending rental guidelines section of the Landlord-Tenant Ordinance (Sec. 6-80.17(c) of City Code).

Councilmember Williams stated that comments were elicited and received at the August 8 hearing; supported retention of the 5% rent increase lid; moved acceptance of the ordinance for first reading, duly seconded by Councilmember Bradley.

Pierre Portman, Owner of 125 Lee Avenue: Stated that many of the bills rendered to landlords have increased 30, 50 to 70+ percent, rather than 5 percent, e.g., refuse collection (from \$30 to \$45 per month), building materials and supplies (have almost doubled in last few years). Councilmember Aldrighetti commented that if a landlord can prove a hardship situation, exceptions can be made to the 5% lid; Mr. Portman responded that he had been heard by COLTA, was turned down, will file an appeal. Councilmember Bradley remarked that Council had attempted to base the increase lid on actual average figures rather than numbers pulled out of thin air; property owners should share information regarding actual costs through the appeal process, the rent increase lid is a guideline figure. Councilmember Williams reminded of the Code Enforcement aspect relative to rent increases and outstanding code violations; Mr. Portman reiterated that the process drags out for months, makes it impossible to collect rents sufficient to cover bills; said landlords of the city are being converted into private charities. Mayor Abbott referred to letters received from only two other landlords objecting to the 5% rent increase lid; said since the lid was imposed transiency has decreased. In response to query, Mr. Portman stated he had owned 125 Lee Avenue since 1979.

Arnitha Cruz, 711 Sligo Creek Parkway: Expressed concern that housing code violations are not being enforced; said there is an apartment complex (1700 block of Aspen Court) behind her residence and there are a number of abandoned cars, a lot of trash, filth and dirt, abandoned furniture, resulting in an unsafe and unhealthy environment as well as depreciation of nearby property values; landlords are negligent and she hoped something would be done by the City. Said a letter to the City regarding the situation was previously written (about 3 months ago) for her by a member of South of Sligo Citizens' Association.

Charles Van Tassell, 116 Lee Avenue: Stated he is a federal retiree, will get no cost-of-living increase until January 1985; recently received a rent increase effective October 1 from \$418 to \$438; said landlords charge all the traffic can bear, if rents continue to rise tenants will be sitting out in the streets. Councilmember Williams substantiated Mr. Van Tassell's statements; said for a 3-year period landlords were permitted 10% increases, retirees' COL did not begin to approach an amount that could keep up with those increases. In response to remarks made, the Mayor pointed out that under the law vacancy of an apartment is not a legitimate reason for a rent increase.

Brenda Johnson, 125 Lee Avenue: Questioned, if the allowable rent increase for a new tenant is 5%, how the tenant would know that was not exceeded. Councilmember Williams responded that in most cases, they do not know.

The Mayor commented that there will be two more meetings concerning the proposed ordinance prior to final adoption, urged all those concerned to attend. The ordinance was accepted for first reading.

Proposed Ordinance
(attached)

(1) Second reading of an ordinance establishing a City/Citizen Cable Board.

Councilmember Bradley explained that this ordinance is the product of several years of work, developed in conjunction with the Citizens' Cable TV Committee; the Board will oversee, coordinate and promote the use of the municipal channel by the City and its residents; moved adoption of the ordinance, duly seconded by Councilmember Aldrighetti. Councilmember Bradley commented that the function of the Board will promote a cooperative relationship between citizens and official government entities, rather than a separation.

Bruce Moyer, Chairman, Cable TV Committee, 37 Philadelphia Avenue: Thanked Council for their support of the ordinance; said it was felt a City/citizen board would be most appropriate and effective for the channel. Cable will be coming to the City this fall; there will be 100+ channels of service available. It is planned that the City's channel will carry both public access programming (generated by citizens and citizen groups) as well as City government programming such as Council Meetings, budget hearings, etc. City will be employing a Cable Coordinator to oversee day to day management of the channel, the 11-member board will be the policy making body. Encouraged interested citizens to make application for membership on the board. Councilmember Haney expressed thanks to all those involved over the years in planning for Cable TV in the City; said they had produced a superior product.

The question was called; ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Haney, Iddings and Williams; NAY: None; TEMPORARILY EXCUSED: Councilmember Dalmat; EXCUSED: Councilmember D'Ovidio.

Ordinance No. 2728
(attached)

(3) Community Development Block Grant Citizens' Advisory Committee presentation and briefing on proposals developed.

Paul D'Eustachio, Chairman of the Citizens' Advisory Committee spoke; thanked committee members for their devotion and hard work, as well as members of the community who submitted proposals. Said over \$1 million worth of proposals were received; they have been worked down some and prioritized. Additionally expressed thanks to City staff, particularly Daniel Neal. Said the actual request will be \$1,017,666.48 - the third largest amount ever requested; proposals have been divided into six categories. Proposal priorities have been set at levels one through four, one being considered most pressing. Commented on a speed hump (\$2,000) included under public improvements which was requested by residents of Wildwood Drive; said vote on the committee was very close on that item, appropriateness of its inclusion for CDBG funding was questioned; suggested that Mayor and Council consider that particular request prior to submission to the county. The Mayor questioned how the public improvements proposals relate to the street survey study performed by a consultant for Public Works; Mr. D'Eustachio responded that to some extent there is a correlation; however, the study was not used as a hard and fast guide. Said it is hoped that CDBG funds can be used as a lever to persuade the state to contribute and cooperate in getting work done on state highway areas in the city; Asst. City Administrator Robbins is coordinating efforts with the state and they have verbally expressed interest in such cooperation. Councilmember Bradley remarked on the question that arises each year of using CDBG funds for asphalt; said there are numerous demands for repaving, putting in sidewalks where none exist, repairing existent curb, guttering and sidewalks, etc. Commented CDBG funds may not always be available, alternative funding for those kinds of projects should be researched. Mr. D'Eustachio stated that the committee did not formally discuss that issue, however, there was peripheral discussion as to the appropriateness of using the funds for those projects; primary focus of the committee was whether proposals met the federal guidelines for the program; agreed alternate sources for funding the aforementioned projects should be actively sought. Councilmember Bradley remarked that copies of the CDBG CAC report are available to citizens, upon request, from the City Administrator's Office; deadline for submission of report to the county is September 7; next and final discussion will be the September 4 special meeting. Councilmember Williams commented on an area of Ritchie Avenue he felt required curb and gutter attention; said he would contact Mrs. Boatman for her comments. Councilmember Bradley stated that for the September 4 meeting, she would like an update on the multi-family rehab money the county has (talked about last year during the CDBG discussion) in terms of trying to get similar money for Takoma Park and also on Ward 5/Between the Creek requests which are included in county proposals (that area designated as a Neighborhood Strategy Area in 1982). Said Ward 5 comments and endorsements should be integrated in county proposals for Between the Creeks; this was done by the county previously, thus effectively indicating that Ward 5 would not go through the City CDBG process; matter should be discussed further when more written

material is available from the county. Mr. D'Eustachio stated discussion, if necessary, should take place prior to September 4 in order to allow sufficient time for final preparation of the report for submission. Mayor Abbott suggested that any comments on public improvements be made at the present meeting. Councilmember Iddings moved deletion of the proposed speed humps on Wildwood Drive; no objections voiced. Mr. D'Eustachio remarked that of the four proposals submitted for that area, New Hampshire Gardens Citizens' Association states that one is their highest priority item; they felt that inclusion in a budget independent of City funds might afford greater assurance of getting them.

Tom Allegretti, 7308 New Hampshire Avenue: Stated he sat on the Citizens' Advisory Committee as the New Hampshire Gardens Citizens' Association representative; said Mr. D'Eustachio had pretty well represented arguments he presented on the committee; however, said were the Wildwood speed hump proposal to survive and CDBG funds be allocated for the purpose, there was no intent that the Traffic Committee's criteria in any way be short circuited, felt those criteria could be met and that the proposed speed humps met all the federal criteria for the CDBG Program, particularly the one which addresses urgent community need. Councilmember Aldrighetti commented he would like to get documentation from the county this year as to whether or not they will fund speed humps, in the event the City's program proceeds. Councilmember Dalmat agreed with Councilmember Iddings' earlier remark that speed humps are properly discussed and funded under the City Speed Hump Program.

Norman Greene, member of CDBG CAC Committee, 6712 Westmoreland Avenue: Said Wildwood Drive was surveyed by the committee during rush hour and found to be very heavily travelled; thought this was a case where the humps are truly needed.

Mayor Abbott stated that it seemed incongruous to use CDBG funds directly for the funding of speed humps on a particular street; said if, after the public hearing on September 10, Council adopts a policy whereby people living on streets can apply to have speed humps installed, the City will be inundated with requests and only one street will have their request funded by CDBG monies. Thought the problem will have to be resolved other than with CDBG funds, possibly with a lump sum budget allocation. City Administrator Wilson stated that if an item is included in a block grant proposal and subsequently either not used or a change is requested, it always delays the expenditure of the funds; any delay in expenditure always presents the possibility of loss of some of the funds. Said, from a policy point of view, if Wildwood Drive meets the CDBG criteria in terms of need, then they will compete for the money on the basis of the criteria whether it be CDBG funds or money allocated in the budget for speed humps. In response to query from the Mayor, stated that regardless of the source of money, the selection process should be through one source and under one set of criteria; personal preference would be that funding be through City budget funds allocated for the purpose; pointed out that curb and gutter work is maintenance/upgrading of infrastructure, speed humps are a traffic control device regardless of whether they meet the criteria of need. Councilmember Iddings commented that, given the problem of traffic displacement, he was not sure speed humps would be the optimum solution on Wildwood Drive, other alternatives should be explored prior to any final decision; said a letter and copy of the problem report form on speed humps was recently distributed to all citizens' associations, no responses have been received to date. The Mayor commented that it seemed clear that no responses have been received due to the fact that the policy on speed humps has yet to be determined.

Mr. D'Eustachio stated that the CAC believes in many ways Housing Rehabilitation is the heart of the CDBG program, represents what the City should, in an ideal sense, be doing with CDBG money. It meets the needs of low and moderate income citizens, makes funding available to those who do not immediately submit requests. Requested amount was \$100,000; the committee is recommending \$70,000, primarily because the City currently has a surplus of \$177,000 available. Said the committee will be recommending, under administration, that an additional staff person be employed so that additional rehab projects can be taken on, expanding the program and better utilizing the funds. In

response to query from Councilmember Aldrighetti, stated that Operation Turnaround is not included in the Housing Rehab category this year; was funded for \$50,000 this fiscal year but no request was submitted to the committee for the next fiscal year. Mr. D'Eustachio stated that \$100,000-\$120,000 is a traditional fund balance for housing rehab; level of staffing in City has generally allowed ten projects per year of approximately \$10,000 each. Pointed out there is some question as to whether these funds are the City's or not - it has been rumored that the county is not going to allow the City to maintain the fund, would take the money back and require the City to request on a year by year basis. What currently exists is basically a revolving fund, as loans are repaid the money is placed back into the fund (in a segregated account) and can then be loaned out again. Said it is hoped that by controlling and aggressively using the money, City control can be maintained rather than having to go to the county each time funds are required.

Mr. D'Eustachio stated that the CDBG administrative request was \$88,789; committee is recommending employment of an additional half-time staff person for the housing rehab program; one half-time person is not physically capable of performing all that is required to properly administer the program, particularly with the recommended increase in the number of projects to be undertaken.

Concerning commercial revitalization, Mr. D'Eustachio stated that Takoma Junction's full request of \$280,000 is being recommended by the committee. There are serious concerns that the Takoma Junction area may deteriorate substantially if funding is not procured for rebuilding; there are abandoned buildings; when Barcelona Nuts moves out there will be more empty space; area is essentially a classic case of urban blight. Commercial revitalization is very much within the purview of use of CDBG funds; consensus of the committee was that this area is worthy of the effort. In response to query, stated that the Takoma Junction Committee had been very actively involved in development of CAC's proposals this year. Said the Langley Park shopping center area is a very worthwhile project, is deteriorating rapidly; the neighborhood is in flux, could go up or down; proposed amount of funding is \$100,000; owner of the shopping center is proposing to put up two-thirds of the cost of the entire project (trustee is Suburban Bank and their letter of intent will be included in the proposal to the county). Councilmember Haney commented he hoped this particular request would be approved due to its unique, creative funding, as well as the need outlined; said that area represents a large portion of the City's commercial tax base. Councilmember Iddings commented that it is also important that the request be approved at its level one priority in order to gauge how the county CDBG CAC members would respond. Councilmember Aldrighetti commented that it is a good test case because it is an exceptionally strong proposal, i.e., low and moderate income area, infrastructure deteriorating, other supportive sources of funds; could set a precedent that the Prince George's section of the city should receive Montgomery County CDBG funding. The Erie-Flower commercial area is being recommended for funding in the amount requested; is assigned level two priority due to a consultant's report being outstanding and it being unknown exactly what will be recommended for accomplishment; emphasized that area is not considered to be less important than other commercial areas of the city.

Under parks, park access and recreation, said a Jackson Avenue pedestrian bridge is being recommended to connect two neighborhoods across the park; will also, to a limited extent, allow access to shopping centers; was submitted by two neighborhood associations independently of each other. Park & Planning and Prince George's County, who have jurisdiction over the land, are both amenable to installation of the foot bridge, but not interested in funding the project. Said Recreation Department presented proposals to the committee on both Spring Park and Jequie Park, totalling around \$70,000, with Spring Park to be afforded preference due to its more deteriorated condition requiring new equipment, relandscaping, new shelter; Spring Park will be prioritized level one, Jequie Park level three. Recreation Director Ziegler stated, in response to query, that Program Open Space funds are not available for park maintenance; they are primarily for acquisition and development. Two pedestrian paths a block apart were proposed to allow Ward 5 more convenient access to Sligo Creek; committee recommends one, suggests the other be requested

next year. Said there was a fair amount of discussion regarding the bicycle network; there were numerous requests submitted, many seemed very worthwhile but the level of need did not appear as pressing as many other needs, thus no funding was recommended by the committee. Suggested that the Traffic Committee submit a proposal in the future more specifically addressing needs and goals of the CDBG program. Councilmember Bradley commented on amounts spent on other recreational facilities such as parks and equipment (bicycle network request was small by comparison); said the City lacks any sort of decent bike path which many different citizens could use while parks tend to be used by contiguous neighbors; there is absolutely nowhere for children to ride bikes. Councilmember Iddings expressed agreement; said Car-Free Day in Sligo Creek Park demonstrated the tremendous enthusiasm in the area for bicycling; bikeway network would provide safe cycling throughout the city, both commuter and recreational. Mr. D'Eustachio outlined the committee's views on the proposed paths; said they would not particularly serve commuters, were oriented toward recreational riders; major safety considerations in relation to traffic were cited; said the money spent would not offer a significant return to the city in terms of improved recreation, utility and safety as compared to money spent on a park. The county has traditionally more willingly funded projects they consider mainstream.

Mr. D'Eustachio stated that the committee essentially supports the Police Department's safety and crime prevention program; cut the requested amount somewhat as they could not support dissemination of a comic book dealing with drugs that was felt to be inappropriate; a few hundred dollars was added for officer in-service training. The Police Department Corps, a youth program similar to a boys' club program, designed to familiarize youngsters with police-type activities, foster a sense of cooperation between police and neighborhood youth, requested \$30,000 for uniforms, military drill team activities. Committee recommended deletion of money for uniforms, refocus of attention to public service type activities, possible allocation of money for T-shirts and caps, cleaned shoes; funds for administration were reduced; consensus of the committee was that establishment of a police-related boys and girls club was worthwhile in terms of crime prevention and other community concerns. Commented there were a number of letters of support for the proposed program from schools, churches, etc. In response to query, Recreation Director Ziegler stated she did not foresee any conflict between this program and Recreation Department's Outreach Youth Worker program; thought the two would appeal to different segments. Councilmember Haney commented that countless police departments have similar programs which have been very successful and positive in a number of ways, foster a better understanding of the police department's relationship with the community. Mr. D'Eustachio stressed that the committee's concept of the program did not include intent to establish a para-military organization. Councilmember Aldrighetti expressed concerns regarding obtaining funding for creation of a program and then having to provide money at a later point in time to continue. Mr. D'Eustachio stated that if the program is successful, some continued block grant funding could be expected, however, not at the initial level; said the Police Department had stated they thought some outside funding could be obtained and they would not be seeking subsequent funding. Pointed out that Boy Scouts is funded through private sources; it is not inconceivable that a successful program might employ volunteers, fundraising and private funding to continue. Councilmember Aldrighetti requested that available information on the proposed program be referred to the City Administrator for further evaluation and feedback.

The Historic District Survey requested \$2,000; that amount was recommended. Appropriateness for CDBG funding was discussed; some felt it met criteria due to dealing with protection of neighborhoods and environment; assigned priority level is four. No funding was recommended for Traffic Committee's sign improvement program due to lack of sufficient information for making an intelligent decision.

Mayor Abbott questioned whether the county reviews the proposal categorically or whether a lump sum is allocated with distribution left to the City; response was both - they give out the money in chunks designated for categories and then leave prioritizing to the City, amounts cannot be shifted from one category to another without approval from the county. The Mayor expressed thanks and commended

Mr. D'Eustachio and committee members for their excellent and thorough report; was pleased with the cooperative effort of Takoma Junction and CAC members; hoped the county would support the recommendations.

(4) Appeal of COLTA decision by Pierre Portman, Owner of 125 Lee Avenue.

Criteria to be used by Mayor and Council in making decisions on COLTA appeals was restated. Following hearing of the appeal, a motion was made by Councilmember Williams, duly seconded by Councilmember Aldrighetti, that Council take the matter under advisement with a decision to be made by September 4 and publicly announced on September 10. Question was called, motion carried unanimously. Mayor Abbott thanked the involved parties for appearing in spite of the late hour; assured that Council would devote thought and care to their decision.

(5) Two resolutions adopting Storm Water Management Plans of Montgomery and Prince George's Counties.

Mayor Abbott commented that both plans had been previously discussed. Passage of the resolution to adopt Prince George's County's plan was moved by Councilmember Iddings, duly seconded, carried unanimously.

Resolution
(attached)

Passage of the resolution to adopt Montgomery County's plan was moved by Councilmember Iddings, duly seconded, carried unanimously.

Resolution
(attached)

(6) Affirmation of Council's earlier decision on Special Exception S-1000, to permit an Accessory Apartment at 501 Margaret Drive (Public Hearing: 9:00 A.M., 9-13-84, Werner COB, Rockville).

Councilmember Iddings moved that Council affirm their decision to oppose granting of the Special Exception, duly seconded, carried unanimously. It was pointed out this was an application for a new Accessory Apartment; none previously existed at that address.

(7) First reading of an ordinance amending Sec. 6-18 (PM-201.0) of the Housing Code to provide a new definition of "Occupant."

Councilmember Williams commented this change will clarify what an occupant is, will assist in COLTA cases, amends the ordinance to conform with Montgomery County's, as well as national regulations. Proposed ordinance accepted for first reading, to be considered for passage on September 10.

Proposed Ordinance
(attached)

(8) Second reading of an ordinance authorizing a stop sign on Kennebec Avenue at its intersection with Houston Avenue.

Adoption of the ordinance was moved by Councilmember Iddings, duly seconded by Councilmember Aldrighetti. Councilmember Bradley departed earlier, however, wished it stated for the record that she was pleased Council was going to act on this ordinance tonight. Councilmember Iddings commented that the stop sign ordinances came through the Traffic Committee, were requested by citizens. Ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Dalmat, Haney, Iddings and Williams; NAY: None; EXCUSED: Councilmembers Bradley and D'Ovidio.

Ordinance No. 2729
(attached)

(9) Second reading of an ordinance authorizing a stop sign on Houston Avenue at its intersection with Sligo Creek Parkway.

Adoption of the ordinance was moved by Councilmember Iddings, duly seconded; adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Dalmat, Haney, Iddings and Williams; NAY: None; EXCUSED: Councilmembers Bradley and D'Ovidio.

Ordinance No. 2730
(attached)

(10) Second reading of an ordinance creating a 3-way stop at Flower and Jackson Avenues; other provisions.

Councilmember Aldrighetti moved adoption, duly seconded; adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Dalmat, Haney, Iddings and Williams; NAY: None; EXCUSED: Councilmembers Bradley and D'Ovidio.

Ordinance No. 2731
(attached)

Upon motion, duly seconded, the meeting adjourned at 1:00 A.M., 8/14/84, to reconvene in special session at 8:00 P.M., Tuesday, September 4, 1984.

PROPOSED ORDINANCE

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

(c)

SECTION 1. THAT Sec. 6-80.17, Rent Guidelines, of Chapter 6, Code of Takoma Park, Maryland, 1972, as amended, be amended to read as follows:

Sec. 6-80.17. Rent guidelines.

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

ORDINANCE NO. 2728

ON THE ESTABLISHMENT OF A CABLE TELEVISION BOARD

WHEREAS, the City of Takoma Park, Maryland is a co-franchisor of the Montgomery County cable television franchise; AND

WHEREAS, a municipal channel on the Montgomery County cable television system has been dedicated for the use of the City of Takoma Park; AND

WHEREAS, the Takoma Park municipal channel has significant potential as a communications vehicle for use by the City of Takoma Park and its residents to inform, educate, and entertain city-wide and county-wide with regard to matters of public and cultural interest; AND

WHEREAS, it is in the interest of the City of Takoma Park and its residents to actively promote and use the municipal channel as a municipal communications resource; AND

WHEREAS, both municipal access and public access programming should be presented on the Takoma Park municipal channel; AND

WHEREAS, the management of the municipal channel is best promoted by a partnership of City and citizen participants widely representative of the City population.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND that a Cable Television Board be established to oversee, coordinate and promote the use of the Takoma Park municipal channel by the City and its residents, as set forth below:

Section 1. Establishment of a Takoma Park Cable Television Board.

A Takoma Park Cable Television Board is established, which shall possess all powers and responsibilities as set forth in this ordinance.

Section 2. Objectives.

The objectives of the Takoma Park Cable Television Board are to support and promote:

(A) Programming on the Takoma Park municipal channel that advances greater public understanding of municipal and other public affairs and that facilitates the greater participation of City residents in

municipal decision-making processes and the life of the community.

(B) Programming that widens public knowledge of City and community programs and events and enhances the quality of life within the community.

(C) Programming that fosters a greater sense of community in the City through recognition of the broad span of nationalities, ages, races, cultures and talents that flourish throughout the City.

Section 3. Authority and Responsibility.

The Board shall assist in the management of the Takoma Park municipal channel by performing responsibilities including, but not limited to, the following:

(A) Advise the Mayor and City Council on policy relating to the production and presentation of municipal access programming appearing on the channel;

(B) Advise the City Administrator on the selection and hiring of staff to manage and operate the channel;

(C) Determine all policy relating to the production and presentation of public access programming appearing on the channel;

(D) Establish rules of procedure necessary for the conduct of its affairs.

(E) Coordinate and perform fundraising efforts to assist in the operations of the channel;

(F) Annually report to the Mayor and Council and the public on the operations of the municipal channel. The report shall include an assessment of the Board's operating structure and the suitability of a non-profit corporation as an alternative operation structure.

Section 4. Organization of Board.

(A) The Cable Board shall be composed of 11 members.

(B) The Mayor and Council shall appoint the initial 11 members of the Board, who shall broadly represent the population of the City and include people knowledgeable about community service, fundraising, and television production and management.

(C) All members shall be residents of Takoma Park.

(D) The term of office of 8 of the initial members shall run to 60 days after the November, 1985 City election. The term of office of the 3 remaining members shall be through January 1, 1986.

(E) Successors to the 11 initial members shall be selected in the following manner:

(1) In years of city elections:

(a) Four members shall be elected by residents of Takoma Park at least 18 years of age who present proof of age and City residency.

(b) Four members shall be appointed by the newly constituted City Council within 60 days of the City election.

(2) In years between city elections, 3 members shall be appointed by the members of the standing Board.

(F) Except for the initially-appointed members, members of the Board shall serve a term of two years. No member, including those initially-appointed, may serve more than 3 consecutive terms.

(G) The Board shall select its chairman, upon confirmation of the Council, to serve for one year.

(H) Upon the creation of any vacancy on the Board, the Board shall nominate for the consideration of the Mayor and Council a person to fill the remaining term. The Mayor and Council shall appoint qualified persons to fill all Board vacancies.

Every effort shall be made in the appointment and nomination of members to the Board to assure Board membership broadly representative of the City's population and knowledgeable about community service, fundraising, and television production and management.

Section 5. Committees.

The Board shall establish the following standing committees and others it deems necessary, composed of Board members and City residents, to assist the Board in the performance of its responsibilities:

- (A) Program Committee
- (B) Operations Committee
- (C) Fundraising Committee

(D) Nominating Committee

Section 6. Use of Municipal Channel Resources.

(A) All City staff, equipment, air time and other resources related to the operations of the channel shall generally be shared evenly among municipal and community needs. In the event of conflict, municipal needs shall be met on a priority basis.

(B) All qualified City residents, whose qualifications shall be determined by the Board, shall have the right of reasonable use of:

(1) The City's video equipment package to produce public access programming for presentation on the channel.

(2) Air time on the channel to present technically acceptable public access programming.

(C) The right of use of the City's video equipment package and channel air time by City residents shall be subject to policies determined by the Board that ensure the production and presentation of programming consistent with community standards.

ADOPTED BY THE CITY COUNCIL AUGUST 13, 1984.

RESOLUTION

WHEREAS, Prince George's County adopted a Stormwater Management ordinance designated as CB-52-1984 pursuant to Subtitle 8-11A of the Natural Resources Article of the Annotated Code of Maryland on July 3, 1984; AND

WHEREAS, the City of Takoma Park, Maryland has reviewed the said Prince George's County ordinance and believes it is satisfactory to protect the lives and property of City residents; AND

WHEREAS, Prince George's County has agreed to administer and enforce its ordinance within that part of the corporate limits of Takoma Park lying within Prince George's County.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park, Maryland pursuant to Subtitle 8-11A of the Natural Resources Article of the Annotated Code of Maryland and COMAR 08.05.05.04 that the City of Takoma Park hereby adopts Prince George's County Ordinance CB-52-1984, and any future amendments or regulations promulgated thereunder pursuant thereto; AND

BE IT FURTHER RESOLVED THAT Prince George's County shall administer and enforce the provisions of said county ordinance within the corporate limits of the City of Takoma Park which lie within Prince George's County.

AUGUST 13, 1984.

RESOLUTION

WHEREAS, Subtitle 8-11A of the Natural Resources Article of the Annotated Code of Maryland requires all political subdivisions of the state to adopt a Storm Water Management Program; AND

WHEREAS, Montgomery County has a Storm Water Management Program in place which, after revision, will meet all the standards of the State Water Resources Administration, and will adequately serve the needs of the Montgomery County section of Takoma Park; AND

WHEREAS, Montgomery County has agreed to administer and enforce its Storm Water Management laws and Executive Regulations in that part of the corporate limits of Takoma Park lying within Montgomery County.

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Takoma Park, Maryland, pursuant to Subtitle 8-11A of the Natural Resources Article of the Annotated Code of Maryland, hereby adopts Article II, Storm Water Management, of Chapter 19, Montgomery County Code, 1972, as amended, and the Executive Regulations pursuant thereto, and any future amendments to the law, standards, or Executive Regulations which are adopted or promulgated hereafter.

BE IT FURTHER RESOLVED THAT the Council of the City of Takoma Park, Maryland hereby requests the Montgomery County Council and the County Executive to provide for the administration and enforcement of the Storm Water Management laws and regulations within the Montgomery County section of the City of Takoma Park.

AUGUST 13, 1984.

8-10-84

PROPOSED ORDINANCE

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

SECTION 1. THAT Sec. 6-18 (PM-201.0), Division 2, Exceptions and Modifications to Basic Property Maintenance Code, of Chapter 6, the Code of Takoma Park, Md., 1982, as amended, be amended by the addition of the following:

Sec. 6-18. Section PM-201.0

(f) Occupant. Amend to read as follows:

Occupant: Any person, over one year of age, living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit. Any person twelve years of age or under shall be counted as one-half occupant.

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

Rev. 7-24-84

ORDINANCE NO. 2729

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

- SECTION 1. THAT Section 3 of Ordinance No. 1465, adopted October 28, 1957, is hereby repealed; AND
- SECTION 2. THAT all vehicular traffic on Kennebec Avenue shall come to a complete stop at that street's intersection with Houston Avenue and Sligo Creek Parkway; AND
- SECTION 3. THAT the Director of Public Works is hereby requested to erect the appropriate sign and to install a stop bar on the roadway of Houston Avenue; AND
- SECTION 4. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 5. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

ADOPTED BY THE CITY COUNCIL AUGUST 13, 1984.

ORDINANCE NO. 2730

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

SECTION 1. THAT Secs. 1, 2, 4 and 5 of Ordinance No. 1465, adopted October 28, 1957, are hereby repealed; AND

SECTION 2. THAT all vehicular traffic on Houston Avenue shall come to a complete stop at its intersection with Sligo Creek Parkway; AND

SECTION 3. THAT the Director of Public Works, in consultation with the Chief of Police, shall install a stop sign and stop bar on the extreme southwest corner of Houston Avenue at its entrance to Sligo Creek Parkway; AND

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

SECTION 5. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

ADOPTED BY THE CITY COUNCIL AUGUST 13, 1984.

ORDINANCE NO. 2731

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

SECTION 1. THAT all vehicular traffic travelling in either a northerly or a southerly direction on Flower Avenue shall come to a complete stop at that street's intersection with Jackson Avenue, thereby creating a 3-way stop; AND

SECTION 2. THAT the Director of Public Works is hereby requested to erect the appropriate signs and install the following crosswalks and stop bars: a stop bar and crosswalk across Jackson Avenue and a stop bar and crosswalk across Flower Avenue designed in such a way as to connect the two existing handicapped ramps; in addition, he shall install signs warning approaching motorists on Jackson Avenue of the stop signs and sharp curve ahead; AND

SECTION 3. THAT this ordinance shall become effective upon completion of the signing and installation of the crosswalks and stop bars; AND

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

ADOPTED BY THE CITY COUNCIL AUGUST 13, 1984.