

many residents think the humps should be higher. Jim Kline stated he and his family feel safer, think the humps are effective in reducing speed and traffic volume, but did not personally like them. Thought buses should be re-routed to streets other than Maple. Tom Twomey thought more speed humps should be installed in various locations; said traffic is worsening and should be controlled. Carol Robertson commented on traffic volume, said property values will decline if it continues to accelerate; did not think height of speed humps needed to be defined in detail; expressed support for re-routing of Ride-On buses. Comment was made that a Public Hearing will be held in January to discuss Ride-On buses and possible re-routing. Diane DuVall, 12 year resident of Maple, stated that it required a long fight to have the humps installed, prior to that the neighborhood was divided by the hazard of crossing the street. Tim Smith expressed concern about the City's liability in relation to speed humps; said that issue should have been addressed previously; spoke of the need for humps on Sycamore; thought the police department does not issue enough traffic tickets. Councilmembers stated that 4,000 tickets have been issued in the past 10 months; it is required that special attention be given high accident rate areas under the federal grant received by the police department. Maynard Mack cited problems with the Ride-On buses; wanted the speed humps to adjoin the curbing.

Additional Traffic Committee recommendations included: spacing humps 300-500 feet apart (2 per block), installing 200 ft. from stop signs. Councilmember Iddings moved designating 3" as height for speed humps, duly seconded by Councilmember D'Ovidio. Following discussion, decision was that the wording be "approximately 3 to 4 inches high;" motion carried unanimously. Additional motions made by Councilmember Iddings which were duly seconded and carried unanimously included: spacing humps 300 to 500 feet apart, installation to be no closer than 200 feet from a stop sign, safety markings to be reflective tape or other reflective material. The following changes to existing speed hump installations were discussed: removal of one on Anne Street near Wildwood Drive (letter to be sent to Anne Street residents); removal of one on Mississippi Avenue on the curve with possible placement elsewhere (letter to be sent to residents). Comment was made that replacement of humps on Maple is moot because of height variations; need to contact residents of the 7100 block to discuss moving humps was mentioned (60% resident approval required). It was recommended that guidelines justifying hump installation include a history of the problem, statement of whether traffic is excessive, whether street is a primary fire service route; recommendation was made that humps be installed around public parks and not be installed on arterial collector streets.

Funding for speed hump installations was discussed; comment was made that notification should be placed in the City Newsletter of proposed installations, in addition to Public Hearings. Funding options discussed included levying a footage tax on residents of streets receiving the humps; inclusion in the General Fund (City Budget); donations; City matching funds with residents of streets receiving hump installations. The Mayor commented that funding should appropriately be decided upon during budget discussions. Councilmembers Bradley and Dalmat supported funding being a budget item with options; supported by Councilmembers D'Ovidio and Iddings. Regarding removal of installations, statement was made that removal should require consensus of 60% of residents and elapse of six months' time following installation. It was noted that for the sake of safety, speed humps should be placed on streets adjacent to playgrounds due to proximity of play equipment to roads.

The Mayor and Council convened in closed session for the purpose of discussing Cable Television litigation.

3. WAH Modification to Special Exception. Following discussion, consensus was that staff will draft a letter reinforcing past statements regarding landscaping and greenscaping commitments made by the hospital and requiring their fulfillment.

There being no further business to discuss, the meeting adjourned at 12:45 A.M.

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

October 22, 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

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Resolution honoring Esther Delaplaine, former Social Worker in Takoma Park schools
2. Other presentations and comments by Mayor Abbott

READING AND APPROVAL OF THE MINUTES OF OCTOBER 9, 1984

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

- (1) Administrative reports and correspondence
- (2) Special Exception S-1027, 7319 Willow Avenue, to permit the use of an existing apartment as an accessory apartment (Public Hearing: 9:00 AM, 11-1-84, Werner COB, Rockville)
Citizens' comments
Council action
- (3) Special Exception S-1033, 6718 Cockerille Avenue, to permit the use of an existing apartment as an accessory apartment (Public Hearing: 9:30 AM, 11-1-84, Werner COB, Rockville)
Citizens' comments
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- (4) Special Exception S-969, 40 Philadelphia Avenue, to permit the use of an existing apartment as an accessory apartment (Public Hearing: 9:00 AM, 11-1-84, Werner COB, Rockville)
Citizens' comments
Council action
- (5) Affirmation of Council's earlier approval of Special Exception S-1031, 8022 Maple Avenue, to permit use of an existing apartment as an accessory apartment (Public Hearing: 9:00 AM, 11-1-84, Werner COB, Rockville)
Citizens' comments
Council action
- (6) Report by Nuclear Free Zone Ordinance Advisory Committee
Citizens' comments
Council discussion/action
- (7) Petition of Washington Adventist Hospital to modify Special Exception, Case S-807-A, to permit construction of underground radiation therapy addition and eliminate proposed 16-car parking lot (Hearing: 1:30 PM, 11-8-84, Werner COB, Rockville)
Citizens' comments
Council consideration
- (8) First reading of an ordinance amending subsections (14.1) and (14.2), Sec. 13-2(a), of the City Code for the purpose of redefining speed hump and speed hump installation
Citizens' comments
First Reading

- (9) First reading of an ordinance appropriating funds for the purchase of school zone flashing lights on Philadelphia near Holly
Citizens' comments
First reading
- (10) Second reading of an ordinance amending Sec. 6-80.4, "Contents of lease," Chapter 6 of the City Code to make certain changes pertaining to maximum number of occupants
Citizens' comments
Council action
- (11) Second reading of an ordinance amending Sec. 6-80.21 of the Landlord Tenant Relations portion of the City Code to provide additional language on security deposits
Citizens' comments
Council action
- (12) Second reading of an ordinance establishing a Takoma Park Education Advisory Committee
Citizens' comments
Council action
- (13) Second reading of an ordinance authorizing the purchase of 100 copies of the Takoma Park Centennial Book, Takoma Park: Portrait of a Victorian Suburb
Citizens' comments
Council action
- (14) Second reading of an ordinance prohibiting parking in front of the E & X service station on Carroll Avenue at Tulip; designation as bus loading zone
Citizens' comments
Council action

NOTICES: A public hearing on City licensing of rental property will be held at 7:00 PM, Monday, November 5, to be followed by a Council worksession.

The next regular Council meeting will be held on TUESDAY, NOVEMBER 13 (Veterans' Day holiday on November 12).

THE CITY OF TAKOMA PARK, MARYLAND
Regular Meeting of the Mayor and Council
October 22, 1984

CITY OFFICIALS PRESENT:

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

The Mayor and City Council of Takoma Park, Maryland, met on October 22, 1984, at 8:30 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, a resolution honoring Esther Delaplaine, a Montgomery County social worker long assigned to Takoma Park Junior High School, was presented by Councilmember D'Ovidio and moved for passage. Motion was duly seconded, carried unanimously. Mr. D'Ovidio explained that Mrs. Delaplaine will be moving to England where her husband has accepted a new job; the resolution will be presented at a party honoring her for her long and devoted service in the community.

Council Meeting Minutes of October 9, 1984, were moved for acceptance by Councilmember D'Ovidio, duly seconded, carried unanimously.

ADDITIONAL AGENDA ITEMS: Report on Between the Creeks project being proposed by the county (Councilmember Bradley)

GENERAL CITIZENS' REMARKS: (not directed at items for Council action)
Bruce Moyer, 37 Philadelphia Avenue: Expressed concern of residents in response to a plan proposed by the county Department of Transportation that would divert Ride-On buses from Maple Avenue onto Philadelphia and Carroll; referred to a letter from the county dated 10/3/84 addressed to the Mayor and soliciting the City's opinion on the holding of a hearing on the proposal in January. Urged that the City adopt a position of opposition to the holding of said hearing until such time as other options for traffic control in the Old Town area have been examined. The Mayor commented that the letter he received was a carbon copy of one sent to residents of Maple Avenue who met with the Director of Transportation for Montgomery County; he did not interpret the letter as saying that Council had to adopt a position on the issue prior to the proposed public hearing. Mr. Moyer stated that supporting a public hearing would present the proposal as the sole option; said the streets being proposed to accept the Ride-Ons are already flooded with a number of other traffic problems.

Susan Bray, 39 Philadelphia Avenue: Stated that even if Council did not take a direct stand they could take an indirect one; said the issue would be very controversial and could divide neighborhoods; did not think the Ride-Ons should be added to traffic on already heavily congested streets.

Gail Polivey, 7138 Carroll Avenue: Expressed opposition to the proposal; said the speed humps are on Maple Avenue because residents asked for them, the county is willing to change the Ride-On route because of wear and tear on the buses caused by the speed humps. Said the public hearing proposed by the county is contingent upon City approval and a response from the City is requested by November 15. Asked that all citizens be heard prior to Council taking a position. Commented on the noise and pollution generated by the Ride-On buses already using Carroll Avenue.

Theodora Saunders, 30 Philadelphia Avenue: Supported prior speakers; said the plan is for 135 Ride-On buses per day to travel to and from Metro; Philadelphia Avenue already has enough traffic diverted from speed hump streets; predicted residents will become angry and irate if the proposal is pursued.

James Yeager, 7136 Carroll Avenue: Urged that Council not accept the proposal as stated by the county; said only one plan is proposed,

other alternatives should be sought; Carroll and Philadelphia Avenues should not be turned into traffic dumps.

Elliott Schwartz, 7 Philadelphia Avenue: Supported prior speakers; said it would be unfair to dump any more traffic on Philadelphia; was outraged that speed humps are being used as an excuse to divert traffic from Maple onto Philadelphia, particularly as residents were previously assured that the speed humps were not for the purpose of diverting traffic but merely to slow it down; one or two streets should not have to bear the brunt of all the traffic in the City; urged Council to oppose any plan that would put additional traffic on Philadelphia Avenue.

Stephen Quick, 7112 Maple Avenue: Stated he attended the meeting with the county Transportation Director who was asked whether there was a range of solutions available to deal with existent Ride-On problems on Maple Avenue (including quieter buses, better mufflers, better pollution control devices, smaller buses, less frequent operation); said rerouting of the buses was neither mentioned nor advocated by residents. The county claimed that rerouting was the only possibility, other solutions were too complicated. Maple Avenue residents do not agree that the proposed solution is a viable one; did not think Council should take a position at this point; however, did think a public hearing should be held on the problems of the Ride-On bus system.

Dorothy Dara, 7315 Maple Avenue: Agreed with statements made by Mr. Quick; commented on the traffic problems on Maple Avenue; questioned the reason for the proposed public hearing being held in January; did think a public hearing with county transportation department was advisable, but concerned City citizens should meet first and come up with a constructive suggested solution. Said the City might respond to the letter stating the county's responsiveness to City citizens is appreciated, but suggesting that the hearing encompass the broader issue of how the Ride-On system might better serve the community.

Councilmember Iddings requested that the matter of the letter and a response thereto be placed on the next worksession agenda for the purpose of discussing broader issues raised by Mr. Quick such as better mufflers for the buses, more efficient emission controls, etc. Councilmember D'Ovidio agreed; stated he would not support dumping one group's problem on another group as a solution; alternatives will have to be sought. Councilmember Aldrighetti expressed hope that the area citizens' association would participate actively in discussions on the issue; agreed with Mr. D'Ovidio that the problem could not be shifted from one neighborhood to another. Following discussion, Bruce Moyer stated he would favor first involving City residents in discussions centering on the problems and attempting to develop feasible options prior to becoming involved in a direct dialogue with the county. Councilmember Bradley commented that any discussions would have to include users of the buses, as well as residents living along the routes. Elliott Schwartz commented that the county has asked for a response by November 15; a time extension should be requested and if that is not possible, county should be told the City does not want the buses rerouted. Councilmember Bradley requested that staff ascertain from the county whether the January hearing date is tied into some particular requirement or schedule, and also scheduling of a City general discussion forum to include bus users and residents of bus route streets. Councilmember Iddings remarked that the Traffic Committee subcommittee that has met with Maple Avenue residents has had preliminary discussions concerning sponsoring a series of forums, agreed bus route users and residents should be included. Following dialogue, Mr. Moyer urged that any response to the county project a time frame requirement for City residents' input/discussion and propose a future meeting date with the assurance that the City wishes to move ahead on the issue. Mayor Abbott remarked that the City's response to the county will be on the October 29 worksession agenda; Ms. Bray commented that the January deadline for a hearing is not realistic.

Dr. Joseph Lerner, 7708 Takoma Avenue: Voiced complaints concerning parking violations in front of the Montgomery College Day Care Center on Takoma at Philadelphia Avenue and lack of enforcement by the police

department; said the signs posted cause confusion, lack clarity. City Administrator Wilson stated parking is prohibited on that side of the block except for specified periods in front of the center; however, the signs are confusing; situation will be clarified with the police department. Councilmember Iddings suggested the Day Care parking signs might be amended to state additionally "no parking at any other time." Dr. Lerner commented that the drawing furnished depicting the 35% Plan for the Juniper Street pedestrian bridge does not relate the bridge to other objects such as Takoma Avenue, bus stops, etc. Councilmember D'Ovidio commented that 85% drawings (still open to discussion/modification) will be furnished to the City in January 1985; construction will probably be a year away; proposed structure is parallel to and slightly to the left of the present structure. Commented on requirements of a nuclear freeze.

Don Gilmore, 7777 Maple Avenue: Stated tenants are not being provided adequate support by the City; cited Brenda Johnson's recent court case; said if retaliatory actions by a landlord result in a court case, the tenant should be provided City support in that case. Councilmember Williams stated that what upset him was that Ms. Johnson, having followed procedures outlined by City staff and officials, had to appear in court with only a substitute attorney (no one from the City) and lost the case. Said he was aware of only one case in which a City representative was present and the tenant won that case. Said tenants are becoming victims of the City's ordinances; questioned whether Housing Department and COLTA have any validity in the courtroom. Expressed deep concern about whether to retain his seat as an elected official when he could not afford constituents better protection. Mr. Gilmore assured Mr. Williams that his services have been invaluable, that he is irreplaceable, to the residents of the Maple Avenue corridor. Conversation ensued concerning residents of 7777 Maple Avenue recently being without hot water for a several day period. Asst. Housing Director Austin related events surrounding the incident. The Mayor spoke concerning tenant court cases in which Housing Code violations are involved and an apparent lack of a coordinated approach thereto. Said Brenda Johnson did not receive a formal notice of COLTA's decision prior to going to court; that verdict would have upheld her position; emphasized those decisions must go to the judges as soon as possible. Commented that county judges have little respect for municipal ordinances. Said what is being referred to is not direct representation of the client by the City's Corporation Counsel, but support from COLTA with Corporation Counsel upholding the City's laws as passed. Stated that following the loss of Brenda Johnson's court case, steps have been outlined to defend the COLTA order and her tenancy. City Administrator Wilson commented that an appeal in the case has been filed by the Legal Aid attorney on behalf of Mrs. Johnson; Corporation Counsel is filing a Motion to Intervene on behalf of the City in the case. Corporation Counsel Gagliardo explained that it is left to the discretion of the court whether to grant or deny the said motion; recounted the process the case went through during its proceedings in District Court; the appeal will be noted in the Circuit Court. Mr. Gilmore referred to a Park Maple Tenants' Council case last February which relied heavily on code violations compiled by Housing. It was very important that someone from Housing be in court to present supporting testimony, they were assured someone would be; however, no one appeared. Commented Mr. Austin was ill that day and so informed the attorney, however, someone else should have been available to come to court with the required information. Mr. Gagliardo commented that the case referred to was not a COLTA case, that many cases involve individual landlords and individual tenants and the City is not a party thereto; it would be the responsibility of an involved party to have a City representative subpoenaed to appear. Councilmember Williams remarked that Judge Harrington commented in Brenda Johnson's case that there was no one present from the City to speak on behalf of her complaints; Mr. Gagliardo stated that what the judge meant was that he needed a factual witness who could testify from their personal knowledge as to the condition of the apartments (which Mr. Austin could have done, had he been able). The Mayor pointed out that Housing Department was set up to look after the living conditions of the 60% of residents in the City who rent; Council will have to address what is expected from that department. Requested that the

City Administrator convene a meeting to include a COLTA representative, a Housing Department representative, Councilmember Williams and Corporation Counsel for the purpose of working out a procedure relative to decision notifications, exhaustion of administrative recourse, etc. Said a Landlord-Tenant Seminar will be held in the Municipal Building on Saturday, November 17, and the proposed procedure could be presented and discussed at that time. Corporation Counsel emphasized the importance of subpoenaing necessary witnesses (for the protection of both the client and the attorney), including Housing Department personnel.

Saul Schneiderman, 8302 Flower Avenue: Reported on the final meeting of the Folk Festival Committee; stated that the following amounts of money would be donated from proceeds of the festival: Friends of the Library, Takoma D.C. (\$400), Girl Scout Troop (\$250), Boys & Girls Club (\$1,000), Neighborhood Youth Soccer (\$100), Neighbors, Inc. Youth Project (\$100), Takoma Park Concert Band (\$100), Orphanage in Jequie, Brazil (\$100). The Mayor commented that a letter concerning the orphanage in Brazil will be printed in the upcoming Newsletter. Mr. Schneiderman urged that people working with youth groups contact him relative to assistance with next year's festival in appreciation for which a donation is generally made to the group's treasury.

ITEMS FOR COUNCIL CONSIDERATION:

(1) Administrative reports and correspondence:

City Administrator Wilson spoke regarding the recommendation by the Cable Coordinator Selection Committee of an individual to fill the Cable Coordinator position with the City (as discussed in pre-Council worksession). Said the committee reviewed over 100 applications; recommends that Maurice Jacobsen be appointed to fill the position. Commented that the process was long and arduous, competition strenuous, video resumes were used for finalists; in all areas of the process, committee unanimously agreed that Mr. Jacobsen should be the City's choice for the position. Councilmember Bradley moved approval of Mr. Jacobsen to fill the Cable Coordinator position, duly seconded by Councilmember Aldrighetti, carried unanimously (Councilmember Williams temporarily absent).

(2) Special Exception S-1027, 7319 Willow Avenue, to permit the use of an existing apartment as an accessory apartment (Public Hearing: 9:00 A.M., 11-1-84, Werner COB, Rockville).

Mr. Wilson stated that staff's recommendation is that the exception be approved with the proviso that four identified violations be corrected; Councilmember Iddings moved support for the special exception contingent upon completion of the specific work order requests, duly seconded by Councilmember Bradley.

Ellery Dennison, 7207 13th Place: Expressed concern about the apparent increase in apartments, particularly in homes zoned single-family; said any such apartments that are marginal should not be approved as that would set a precedent for approval of such facilities; Council should be very cautious in granting approval. The Mayor stated, in response to questions raised, that under the law, an accessory apartment, if a property is transferred, is not automatically granted to the new owner (application must be made for approval). Mr. Wilson commented that a total of 21 requests within the City were filed during the short time period allotted for filing with the Board of Appeals; about half of those appeals have been heard by Council to date.

The question was called, motion to approve carried unanimously.

(3) Special Exception S-969, 40 Philadelphia Avenue, to permit the use of an existing apartment as an accessory apartment (Public Hearing: 9:00 A.M., 11-1-84, Werner COB, Rockville).

Mr. Wilson stated the property has been inspected, five violations were noted; recommendation is for approval, providing the specified violations are corrected. David Prosten stated he was requested by Tom and Susan Bray of 39 Philadelphia (who could not be present) to ascertain that their objection to granting of the special exception was noted, based upon parking at the location. It was pointed out

that the property formerly contained four separate apartments with parking, would now house the landlord plus one apartment; parking should be adequate. Councilmember Dalmat moved approval of the special exception contingent upon violations being corrected, duly seconded by Councilmember Bradley, carried unanimously.

(4) Special Exception S-1033, 6718 Cockerille Avenue, to permit the use of an existing apartment as an accessory apartment (Public Hearing: 9:30 A.M., 11-1-84, Werner COB, Rockville).

Mr. Wilson stated this request is for a reduction from 3 units to 2 units; staff recommends that if approval is granted, a stipulation be made concerning which units are affected and also that the third unit not be occupied. In response to query, it was stated that the top floor apartment is considered to be the accessory apartment; the basement is equipped as an apartment but is not to be occupied. Councilmember D'Ovidio moved support for the request with the stipulations that there be only one accessory apartment located on the top floor and that the basement, although equipped, not be used as an apartment. The motion was duly seconded by Councilmember Dalmat. Councilmember Bradley commented she would abstain due to uncertainty that an accessory apartment was the appropriate classification for the structure. Joan Pederson, a co-owner of the property, stated that they were advised by the county to follow this route if they wished to continue renting the top floor of the building after 1988; said the basement space is being used by the people occupying the first floor unit. Councilmember Iddings commented that the owners are attempting to maintain something by making this application that they would otherwise lose because of the phaseout in 1988. The question was called; motion carried with Councilmember Bradley Abstaining, balance of Council voting Aye. Mr. Wilson remarked that the same stipulation requiring correction of any noted violations would apply in this case.

(5) Affirmation of Council's earlier approval of Special Exception S-1031, 8022 Maple Avenue, to permit use of an existing apartment as an accessory apartment (Public Hearing: 9:00 A.M., 11-1-84, Werner COB, Rockville).

Mr. Wilson stated that a consensus was reached at the last worksession in support of granting the special exception. Councilmember D'Ovidio moved affirmation of approval, duly seconded by Councilmember Bradley, carried unanimously.

(6) Report by Nuclear Free Zone Ordinance Advisory Committee.

Steven DelGuidice, 1308 Elson Place, spoke representing the committee which was established by Council resolution on August 13, 1984, for the purpose of reviewing the Nuclear Free Zone Act in terms of overall workability, its impact on City purchasing needs and fiscal resources and to consider recommendations for legislative and/or administrative changes. Said the committee was comprised of 6 members, including Councilmembers Bradley and Iddings, and met on a weekly basis. In addition to the current report, additional proposed administrative procedures will be forthcoming. Amendments proposed in the report will strengthen the Act. Said the committee unanimously supports the idea that the City remain a nuclear free zone as an act of resistance to and non-cooperation with the nuclear weapons industry. Spoke of the cooperation and assistance rendered by City staff in compilation and preparation of the report. Pointed out that during review of the City's bid history, it was noted that of a recent 21 bids only 6 were awarded to nuclear weapons producers (2 for police radios, 4 for vehicles); also noted that the City has never had a policy of accepting the lowest bid without considering quality of the product. Said the committee met several times at length with Albert Donnay of Nuclear Free America; spoke at length recounting history of the committee meetings, material discussed, and weaknesses/loopholes encountered in the ordinance. Said a proposed new definition section is included in the report which defines terms in much greater depth/detail. Pointed out the need of City staff for a comprehensive list of nuclear weapons producers, to assist them in complying with the Act; only one such list is currently available, however, an effort is afoot to combine resources and compile additional lists. Commented that the discussion of impasse procedures was the only point at which there was disagreement within the committee; Corporation Counsel opined that notwith-

standing an impasse amendment to the Act, Council could, on an ad hoc basis, override the Act for a specific purpose should that be deemed necessary. Said 3 committee members support the proposed impasse procedure amendment; other proposed amendments were supported unanimously. One major amendment proposed and considered vital by the committee is establishment of a Nuclear Free Takoma Park Committee which would assist the City Administrator and Council in administering the Act, implementing it and ensuring adherence. Pointed out that on page 1 of Appendix B (at back of the report), the words "directly or indirectly" should be inserted in both A. and B. directly following "...award, contract, or purchase order...." to ensure application to third party purchases. Councilmember Bradley expressed thanks to Peter Franchot for substituting for her at some of the early meetings she was unable to attend; also thanked other committee members for their hard work and efforts.

Committee member Davora Slavin, 8205-B Roanoke Avenue, referred to her statement on why she could not agree with criteria for the proposed waiver process; said she raised 3 points and iterated them; urged Council to consider her points carefully and expeditiously. Committee member Linda Peek, 7418 Holly Avenue, presented her statement supporting all of the proposed amendments and the rationale therefor. Asst. City Administrator Habada reported on a meeting she and the Mayor attended October 16 on Capitol Hill (offices of Friends of the Committee on National Legislation) where nuclear research groups met to discuss problems some municipalities are experiencing with too many available lists of nuclear related firms, rather than a single consolidated list to serve as a basis for boycotting. One positive comment offered concerned the need for a list of companies that can be bought from; suggested that the committee proposed for establishment might appropriately compile that list. Another suggestion made at the meeting was that cities choosing not to buy from nuclear producers might share their information on a quarterly basis with Nuclear Free America as the coordinating group. Ms. Habada stated that there are only two ordinances prohibiting purchasing from nuclear-related suppliers, i.e., Takoma Park and Hoboken, New Jersey (Portland, Oregon is working on one). Councilmember Iddings thanked the Mayor for initiating the joint meeting of the groups; thought what evolves from it will be very positive. The Mayor spoke at length on the difficulties involved in procuring information and compiling a nuclear-related vendor list, including the cost; suggested that municipalities will be better served if focus is on products used and needed; said simplification of the problem is essential; criteria will have to be adopted. Commented on a ruling by the Massachusetts Attorney General that Amherst's Nuclear Free Act was unconstitutional because it would result in "balkanization" (splitting of political entities of the U.S. in an illegal fashion). Said such arguments can only be settled by building the movement; Takoma Park's role is being viewed by the whole world; hoped the committee's seriousness in reviewing the ordinance would be emulated by citizens and the Council in resolving the issue of the amendments. Pointed out that the ordinance aided in an effective resolution of the police radio system problem.

Robert Alpern, 316 Elm Avenue, Committee Member: Stated he does advocacy work for the Unitarian-Universalist Association of Churches, travels extensively; has found that people are very interested in hearing about what is taking place in Takoma Park, what the City is trying to do relative to nuclear freeze; what is done here will have great import in other parts of the country.

Councilmember Aldrighetti expressed thanks to the committee for all their work in compiling the report and recommendations; agreed with statements made by the Mayor concerning the necessity for simplification of vendor lists.

Jay Levy, 7431 Baltimore Avenue: Stated he is a member of the Takoma Park Nuclear Freeze Task Force, but not speaking for that group. Pointed out that in the report introduction, statement is made that the ordinance calls for development of a socially responsible way of doing business by making non-nuclear production a major criterion in purchasing policy - said non-nuclear production under the Act is not a

major criterion, but a must. Thought the task force would support the proposed amendments with the exception of the waiver provision (which could be utilized in order to save the City money); spoke against adoption of that amendment. Councilmember Iddings pointed out that it seemed apparent that Council can, at any time, by a majority vote, choose to enact a waiver and override provisions of the ordinance. Corporation Counsel stated that Mr. Donnay from Nuclear Free America suggested that Council could amend at any time, which is agreed upon by all involved including himself. Said the question at hand is primarily political, rather than legal; commented that as he reads Section F(2) of the report it sets forth 3 situations in which a waiver might be enacted; if that is not the intent, then the language of that section should be reworked. Steven DelGuidice stated that the committee argued at length about this matter; however, there was a consensus that cost alone could never be the reason for a waiver. Pointed out that nuclear-related firms will be able to underbid non-nuclear related concerns in many instances due to having profitable defense contracts. Said the language of the section in question was a compromise. Mayor Abbott commented that further consideration of the report and proposed amendments would be placed on the next worksession agenda; a procedure will have to be formulated to deal with the report and amendments. Comment was made that copies of the report, as well as additional material from Nuclear Free America on nuclear free zones, will be available for inspection in the Library. The Mayor urged that citizens study the material and actively participate in resolution of the situation; thanked those citizens who worked on the committee. Mayor Abbott departed at this point in the meeting, due to illness; Mayor Pro-Tem D'Ovidio assumed the chair.

(7) Petition of Washington Adventist Hospital to modify Special Exception, Case S-807-A, to permit construction of underground radiation therapy addition and eliminate proposed 16-car parking lot (Hearing: 1:30 P.M., 11-8-84, Werner COB, Rockville).

Councilmember Bradley commented that this issue was discussed by Council in a worksession, consensus was to take no position on the special exception; however, in communicating with the county, emphasis should be placed upon earlier commitments by the hospital to improve landscaping and green screening, e.g., at Maple and Maplewood Avenues; also something should be done to improve the appearance of the large retaining wall above the lower parking lot, e.g., plant ivy, etc. Question was posed by a member of the audience as to how the hospital was able to begin construction prior to granting of the special exception.

Milton Seaton, 7736 Maple Avenue, Vice-President, WAH: Stated the hospital has an understanding with the county that if, for any reason, the hospital's request for a plan originally submitted is denied, any excavating begun will be filled back in. Pointed out the enormous amount of concrete work involved, which cannot be done in mid-winter. If preliminaries were not started now, the construction would have to be postponed until next spring. Repayment on the bond issue has already commenced; thus, it is in the interest of the hospital to begin the construction as soon as possible. Commented the hospital is considering various alternatives to deal with the large unsightly concrete retaining wall mentioned earlier. Councilmember Bradley moved that staff be directed to draft and forward a letter to the county Board of Appeals stating that Council takes no position on the requested special exception, but stipulating that landscaping commitments in the current special exception, as well as prior landscaping commitments regarding the aforementioned parking lot area and concrete retaining wall be properly enforced, installed and maintained by the hospital. The motion was duly seconded by Councilmember Dalmat; carried unanimously.

(8) First reading of an ordinance amending subsections (14.1) and (14.2), Sec. 13-2(a), of the City Code for the purpose of redefining speed hump and speed hump installation.

Councilmember Iddings stated that the amendments incorporate substantive technical issues about speed humps discussed at worksessions. Commented that the set of guidelines for administering speed humps tentatively agreed upon would be presented at the November 13 meeting

and adopted by resolution. Referred to the issue of timing, as discussed with Asst. City Administrator Robbins, i.e., the need for public hearings, problems of winter and leaf collection fast approaching, etc.; recommended that those 4 or 5 streets which have requested installation of speed humps be the subject of public hearings during the winter so that installation can commence in the spring. It was suggested that a resolution addressing the public hearing schedule for speed humps also be presented at the November 13 meeting. Comment was made that petitions already received which meet the required criteria of 60% of street residents wanting the speed humps will be reviewed and scheduled for public hearing; those, if any, not meeting that criteria should be reworked and resubmitted. Councilmember Dalmat pointed out that the agreement was that the ordinance (concerning height of speed humps) would read approximately 3 to approximately 4 inches; this was verified by Councilmember D'Ovidio. Councilmember Iddings pointed out that use of the word "approximately" would permit enough variation that the humps could be ineffective, i.e., 2-1/2"; discussion ensued. The City Administrator suggested stating "between 3 and 4 inches." Mayor Pro-Tem D'Ovidio stated the ordinance should read "approximately" (as previously agreed upon) until second reading, at which time it could be amended, if so desired.

Sharon Wolchik, 7217 Holly Avenue: Urged adoption of the ordinance; said residents of Holly Avenue are anxious for a resolution of the issue; want speed humps installed on their street and hope a public hearing will be scheduled as soon as possible. Did not think leaf collection was a good reason for delaying installation of speed humps.

Roland Halstead, 7116 Maple Avenue: Thanked Mr. D'Ovidio for supporting the wording in the ordinance agreed upon last week concerning height of speed humps; said residents of Maple were concerned lest wording dictate removal of the speed humps on their street; retention of the word "approximately" would protect their interest.

The ordinance was accepted for first reading; to be scheduled for second reading on November 13, with a schedule of public hearings to be conducted on individual streets presented at that time.

PROPOSED ORDINANCE
(attached)

(9) First reading of an ordinance appropriating funds for the purchase of school zone flashing lights on Philadelphia near Holly. Asst. City Administrator Robbins stated that delivery of the equipment will be approximately 4-6 weeks after placing the order, following adoption of the ordinance. Authorization to use utility poles will have to be obtained from PEPCO; actual location of the lights will be determined by which utility poles the City is authorized to use; no problems with PEPCO are anticipated. Councilmember Iddings suggested this ordinance might qualify for emergency adoption; City Administrator Wilson suggested that, alternatively, staff might be directed to proceed with preliminary work on the assumption that the ordinance will be adopted at the next meeting; this suggestion was agreed to by Council. Following discussion, it was decided that since the City has jurisdiction over that portion of Philadelphia Avenue where the flashing lights will be installed, it should be investigated whether the speed limit could be reduced to 15 mph during school hours and signs posted so advising.

PROPOSED ORDINANCE
(attached)

(10) Second reading of an ordinance amending Sec. 6-80.4, "Contents of lease," Chapter 6 of the City Code to make certain changes pertaining to maximum number of occupants. Councilmember Williams moved adoption of the ordinance, duly seconded by Councilmember Iddings. Corporation Counsel referred to staff's proposal submitted suggesting that all of Section 6-80.4 be given a catch-all provision that would make the same provisions applicable to tenancies where there is no written lease. Suggested adding a

subsection with appropriate wording. Councilmember Bradley moved adoption of the ordinance with an amendment adding subsection (1) to read: "The above provisions shall apply to all tenancies whether or not there is a written lease," duly seconded, amendment accepted. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Iddings and Williams; NAY: None; EXCUSED: Councilmember Haney.

ORDINANCE #2737
(attached)

(11) Second reading of an ordinance amending Sec. 6-80.21 of the Landlord-Tenant Relations portion of the City Code to provide additional language on security deposits.

Councilmember Williams moved adoption of the ordinance, duly seconded. Questions arose concerning the language of subsection (c) and its intent; consensus was that the item be deferred until the November 13 meeting, with Corporation Counsel's office to review the ordinance for clarity and intent prior to that time.

PROPOSED ORDINANCE
(attached)

(12) Second reading of an ordinance establishing a Takoma Park Education Advisory Committee.

Councilmember Bradley moved adoption of the ordinance, duly seconded by Councilmember Dalmat. Mayor Pro-Tem D'Ovidio commented Council should start submitting names of individuals for appointment to the committee. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Iddings and Williams; NAY: None; EXCUSED: Councilmember Haney.

ORDINANCE #2738
(attached)

(13) Second reading of an ordinance authorizing the purchase of 100 copies of the Takoma Park Centennial Book, "Takoma Park: Portrait of a Victorian Suburb."

Councilmember Dalmat moved adoption of the ordinance, duly seconded. Councilmember Bradley stated she would be voting against the ordinance as she felt the City should have been afforded the \$10.00/copy rate on the publication; thought the Maryland magazine article would be more appropriate for the distribution planned; felt the money could be better expended toward another purpose. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Iddings and Williams; NAY: Councilmember Bradley; EXCUSED: Councilmember Haney.

ORDINANCE #2739
(attached)

Roland Halstead, President of Historic Takoma, thanked Council for their encouragement of preservation of the City's heritage; commented they did receive a commitment for \$500 seed money from the Centennial Committee but never received the money. Said the \$10.00 amount was the pre-publication price for the book to raise seed money for publishing and marketing. Commented that prior to the City's purchase, Washington Adventist Hospital had bought the largest quantity of the publication (60 copies).

(14) Second reading of an ordinance prohibiting parking in front of the E & X service station on Carroll Avenue at Tulip; designation as bus loading zone.

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

ORDINANCE #2740
(attached)

(15) Report on Between the Creeks project proposed by the county.

Councilmember Bradley commented that four major intersection changes are proposed, not only widening the radii, but also widening the street around certain bus stops at Flower and Houston, Flower and Hudson, Flower and Wabash and Flower and Domer. Said consensus is that widening of turning radii at intersections might be worthy of support, but too much money is being spent on widening the intersections. Said the county has solicited opinions from the City and community, a letter should be dispatched this week so that the county receives it by October 26. Suggested that the City adopt a position that the current proposals should be modified; amount of money designated for widening intersections is not only excessive but detracts from the amount that can be expended on sidewalk improvements; the impact on allowing traffic to speed up on Flower Avenue results in a negative impact on the community. It should be requested that money saved from diminishing intersection changes be channeled into additional sidewalks, including the 8200 block of Roanoke, Eastridge near the new park being installed, improving those on Kennebec, the head of Maple where there are no sidewalks, and on Hudson where there are no sidewalks. Suggested that the letter make a statement to the effect that the City would like to further discuss possible cooperation in the housing co-op proposal, omitting any mention of trying to get county funding for the proposal. Councilmember Aldrighetti questioned whether the intersections proposed for modification are high accident rate locations; response was negative, according to the police department's recent report; however, Mr. Robbins intends to pull the accident reports for Flower Avenue and attempt to analyze causal factors. In response to query, Ms. Bradley stated the proposed widenings are on both the City side and the county side of Flower Avenue, alternating. She commented that the letter should state that the City is trying to slow traffic down in all areas; another point to be made is that a majority of the sidewalk improvements or construction are on the county side of Between the Creeks, Ward 5 is essentially ignored. Council's consensus was agreement with statements proposed by Ms. Bradley regarding sidewalks and intersections; following discussion, decision was that an expression of interest, request for clarification, and desire to further discuss the housing co-op proposal should be included. Councilmember Bradley requested that she see the subject letter to the county prior to its being dispatched.

Councilmember D'Ovidio commented that, with all the time and effort Council expended on Duff's Restaurant, they are advertising their location as Langley Park, rather than Takoma Park; said Daniel Neal has been directed to contact them.

Upon motion, duly seconded, the meeting adjourned at 12:30 A.M., to reconvene in regular session on Tuesday, November 13, 1984, at 8:00 P.M.

RESOLUTION

WHEREAS, from time to time a community has the good fortune to have in its midst a person who touches the lives of many, and from whom it draws strength both individually and collectively; AND

WHEREAS, Esther Delaplaine, a social worker assigned to Takoma Park schools from 1977 through 1981, was such a person, whose work in the City left positive, far-reaching and cumulative effects; AND

WHEREAS, Esther Delaplaine, who served Takoma Park and other Montgomery County schools for over fifteen years, will retire from her present post on October 24, 1984, to move to a new home in England; AND

WHEREAS, though assigned primarily to Takoma Park Junior High School, Esther Delaplaine reached out to children from kindergarten through the ninth grade, often bringing together entire families and utilizing all available community resources to find solutions to the varied problems presented; AND

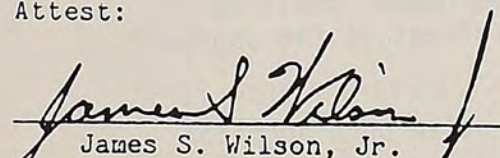
WHEREAS, Esther Delaplaine is fondly remembered by those whose lives she touched as one who gave unstintingly of herself to all who needed to be heard--students, families and school staff alike--taking extraordinary initiative and responsibility in addressing their needs and concerns; AND

WHEREAS, there is a word reserved for persons such as Esther Delaplaine; that word is selfless; AND

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT THEY hereby express appreciation to Esther Delaplaine for her unselfish devotion and outstanding accomplishments on behalf of the students, families and staff of the schools of Takoma Park, and wish her well in her new home in England.

OCTOBER 22, 1984

Attest:


James S. Wilson, Jr.
City Administrator

Sammie A. Abbott
Mayor



PROPOSED ORDINANCE

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

SECTION 1. THAT the following subsections of Sec. 13-2, Chapter 13, "Vehicles and Traffic," Code of Takoma Park, 1972, as amended, be repealed and reenacted to read as set forth below: Sec. 13-2(a)(14.1) and 13-2(a)(14.2):

Sec. 13-2. Definitions

(a) As used in this chapter:

(14.1) Speed hump shall mean a raised section of asphalt or other construction material constructed on a roadway, with a circular cross section on a base twelve (12) feet long, measured parallel to the curb-lines of the roadway, and with a height of ~~five-(5) inches~~ approximately three (3) inches to approximately four (4) inches. Such "speed humps" shall be installed for the purpose of controlling traffic speed and volume.

(14.2) Speed hump installation shall mean one (1) or more speed humps spaced every ~~two-hundred-(200)-to four-hundred-(400)~~ three hundred (300) to five hundred (500) feet along a public highway for the purpose of controlling traffic speed and volume on that public highway. Except under special circumstances as determined by the Director of Public Works, no speed hump shall be placed within two hundred (200) feet of a stop sign. Each speed hump in the installation shall be painted with distinctive markings, which shall include reflective tape or paint. Warning signs marked "Speed Humps" shall be placed on the right-hand side of the street at the approach to each speed hump.

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

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

ORDINANCE NO. _____

WHEREAS, Ordinance No. 2625, adopted on September 13, 1982, designated that part of Philadelphia Avenue lying between Piney Branch Road and Cedar Avenue as a school zone; AND

WHEREAS, it has been requested by area residents that flashing yellow lights be used to give motorists clear warning that they are entering a school zone; AND

WHEREAS, the Mayor and Council concur with the area residents that a clear and present danger has been identified for school-age children.

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

SECTION 1. THAT two flashing yellow lights be installed on Philadelphia Avenue, one near a point at Chestnut Avenue in clear view of eastbound motorists, and one at a point near Birch Avenue in clear view of westbound motorists; AND

SECTION 2. THAT the precise location of the flashing lights shall be determined by the Assistant City Administrator for Operations, working in conjunction with PEPCO for utility pole availability; AND

SECTION 3. THAT funds not in excess of FOUR THOUSAND DOLLARS (\$4,000) be charged to the Capital Expenditures Account (#995) to cover the costs of this project.

ORDINANCE NO. 2737

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

SECTION 1. THAT Section 6-80.4, "Contents of lease," of Article 7, "Landlord-Tenant Relations," Chapter 6, Code of Takoma Park, Md., 1972, as amended, be further amended by the addition of new subsections (k) and (l), as set forth below:

Sec. 6-80.4. Contents of lease.

(k) Contain a provision expressly excluding from the maximum number of persons who may occupy a dwelling unit any child born to another occupant or for whom another occupant obtains custody, but allowing the maximum number of all occupants to be limited in accordance with Sec. PM-401.1, et seq., of the "BOCA Basic Property Maintenance Code, Second Edition, 1981".

(l) The above provisions shall apply to all tenancies whether or not they are created by a written lease.

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

ADOPTED BY THE CITY COUNCIL OCTOBER 22, 1984.

ORDINANCE NO.

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

SECTION 1. THAT Sec. 6.80.21, "Statutory provisions," of Article 7, "Landlord-Tenant Relations," Chapter 6, Code of Takoma Park, Md., 1972, as amended, be repealed in its entirety, and a new Sec. 6.80.21, entitled "Security deposits," be enacted in its place to read as follows:

Sec. 6.80.21. Security deposits.

(a) The provisions of Sec. 8-203 of the Real Property Article of the Annotated Code of Maryland, as amended, are hereby incorporated by reference and adopted as an ordinance of the City of Takoma Park.

(b) In addition to any means of enforcement provided by law, the Commission on Landlord Tenant Affairs is authorized, to the extent such authorization is not prohibited by state law, to enforce the provisions of Section (a) above.

(c) Any increase in the amount charged as a security deposit, as provided in Sec. 8-203(b) of the Real Property Article of the Annotated Code of Maryland (said section being a part of Sec. 8-203, as provided in Sec. (a) above) shall be deemed to be a rent increase subject to the notice, limit, frequency of increase and any other provisions of 6-80.17(c) of this code, unless said sum is:

- (1) expressly designated as a security deposit; and
- (2) is deposited as provided in Section 8-203(e) of the Real Property Article; and
- (3) is not all or part of a month's rent against which a claim for rent or damages as provided in Section 8-203(a) of the Real Property Article; and
- (4) is charged at the beginning of a tenancy.

(d) Any increase in a security deposit shall not be retaliatory, discriminatory, arbitrary or capricious.

(e) The provisions of this section are severable.

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

3/16/84
Revised 9/13/84

ORDINANCE NO. 2738

WHEREAS, the citizens and City government of Takoma Park possess a deep and abiding concern for the educational and personal well-being of the children and young people of Takoma Park; AND

WHEREAS, the public schools are an important and integral part of our society, the concept of a free and equal education is an American tradition and this country's strength, the students of today are the leaders of tomorrow, and all citizens have a responsibility to public schools; AND

WHEREAS, the Mayor and City Council support the strengthening, upgrading, and improvement of the public school system, including the academic and community school resources that together constitute quality of education for the children and residents of the greater Takoma Park community; AND

WHEREAS, the citizens of Takoma Park and their City government are directly affected by the policies and programs of the Boards of Education in both Montgomery and Prince George's Counties; AND

WHEREAS, the Mayor and City Council desire to continue an active role, and effectively communicate with the Montgomery County Board of Education and the Prince George's County Board of Education, and to continue to maintain a Takoma Park presence that represents City interests before both Boards of Education.

NOW, THEREFORE, the Mayor and City Council of Takoma Park do hereby establish the Takoma Park Public Education Advisory Committee.

SECTION 1. Establishment of a Takoma Park Public Education Advisory Committee.

There is hereby established a Takoma Park Public Education Advisory Committee (PEAC) which shall be a standing committee of the Council.

SECTION 2. Objectives.

The objectives of the Takoma Park Public Education Advisory Committee are:

- (A) To support, maintain, and strengthen educational facilities and resources and to support, maintain, and improve the quality of education offered in our local public schools;
- (B) To maintain communication and rapport with the staff, responsible school officials, and parent-staff advisory boards within our local public schools;

- (C) To inform and educate the Takoma Park community on school and public education issues;
- (D) To keep the Mayor and City Council informed of current and long range Boards of Education, Maryland-National Capital Park and Planning Commission (MNCPPC), and County Council policies and programs which may affect the education in the Takoma Park community;
- (E) To represent the City of Takoma Park, maintain a continuing dialogue, and create a Takoma Park presence before the Boards of Education in both counties, the State Board of Education, MNCPPC, both County Councils, and other appropriate forums;
- ~~(F) -- To monitor the activities of the Federal government as to the effect on state and local educational policies;~~
- (F) To establish communication with similar municipal education committees;
- (G) To actively seek promote representation for the City on appropriate advisory boards appointed by school authorities and Boards of Education in both counties.

SECTION 3. Scope of Activities.

The Takoma Park Public Education Advisory Committee shall review and report current and long range policies and programs as they effect Takoma Park, including but not limited to:

1. Educational programs and quality education resources
2. School boundaries and "clusters"
3. Transfer policy and magnet schools
4. Racial balances in the schools
5. Community-school programs and community use of school facilities and resources
6. Change in school facility use and condition
7. Grade re-organizations.
8. ~~Fair share of state/county funding, block grants and similar federal/state aid, and other sources of funds.~~

SECTION 4. Organization of Committee.

- (A) The Mayor shall appoint fifteen (15) members of the Committee, who shall represent a cross-section of educational interests, according to the following criteria:
 1. Two co-chairs, one from Montgomery County and one from Prince George's County, who shall chair respective sub-committees focusing on particular county issues.
 2. Representatives drawn from the diverse populations of Takoma Park, reflecting interest in the designated elementary, middle, junior and senior high schools, and community and adult education programs. Designated schools are those to which Takoma Park students are currently assigned:

- (a) Prince George's County: Carole Highlands and Ridgecrest Elementary Schools, Nicholas Orem Middle, High Point and Northwestern High Schools.
- (b) Montgomery County: Takoma Park, Piney Branch and Rolling Terrace Elementary Schools, Takoma Park Junior High Community School, Montgomery Blair High School.
3. At least two City Council representatives representation for each county.
4. At least two at-large members, which can include including Takoma Park parents who have children in related cluster schools. such as East Silver Spring, Oakview, Highland View, Pinecrest, etc.
- (B) All members shall be residents of Takoma Park unless exempted by the Mayor, and parents who send their children to Takoma Park magnets from outside the City.
- (C) The majority of members shall have children in the Takoma Park public schools as listed in Section 4(A)2.(a) and (b).
- (D) ~~Terms of Appointment shall be rotating three-year terms; starting with arbitrarily made 3, 2, and 1-year designations:~~
Appointments shall be for two years. Initially the terms will be divided into one or two year appointments.
- (E) Nominations shall be invited from citizen associations, appropriate PTAs, and other public school-related committees/groups in the City as well as by open invitation in the Takoma Park Newsletter.

SECTION 5. Subcommittees Operations.

- (A) The co-chairs shall be responsible for calling regular meetings of the committee and its subcommittees. making reports to the Mayor and Council; and providing regular meeting notices and reports for publication in the Takoma Park Newsletter.
- (B) ~~Meetings must be adequately publicized and open to the public.~~
Meetings shall be called at least every two months and shall be adequately publicized.
- (C) ~~Meetings shall be called at least every two months.~~
Meetings shall be open to the public.
- (D) The co-chairs shall make timely reports to the Mayor and Council.

~~(D)~~ (E) The co-chairs shall also be responsible for coordinating statements and testimony from the Takoma Park Public Education Advisory Committee for the City and insuring that such statements are consistent with City policies.

~~(E)~~ (F) The Committee may testify before both County Boards of Education, the Maryland State Board of Education, the MNCPPC, both County Councils and other appropriate forums, as long as its testimony reflects appropriate policies of the Takoma Park City Council.

~~(F)~~ (G) The City Administrator shall provide staff support as necessary.

ADOPTED BY THE CITY COUNCIL OF TAKOMA PARK, MD. OCTOBER 22, 1984.

----- indicates deletions

 indicates additions

ORDINANCE NO. 2739

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

SECTION 1. THAT the sum of THIRTEEN HUNDRED DOLLARS (\$1,300.00) be appropriated from the General Contingency Fund and transferred to Budget Account #502, Mayor and Council Expense, for the purchase of 100 copies @ \$13.00 each of the publication Takoma Park: Portrait of a Victorian Suburb from Historic Takoma, Inc.

ADOPTED BY THE CITY COUNCIL OF TAKOMA PARK, MD. OCTOBER 22, 1984.

10-17-84

ORDINANCE NO. 2740

WHEREAS, Ordinance No. 2542, adopted November 24, 1980, established bus loading zones with certain parking restrictions in the 7600 block of Maple Avenue and the 7300 block of Takoma Avenue; AND

WHEREAS, it has been determined that a dangerous situation exists for persons exiting the Ride-On bus at the stop situated directly in front of the E&X service station on Carroll Avenue at Tulip, thereby creating a need for a bus loading zone at that location.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MD.

SECTION 1. THAT Ordinance No. 2542 be amended by the addition of a new Section 6A, to read as follows:

SECTION 6A. THAT parking shall be prohibited on the northwest side of Carroll Avenue for a distance of 83 feet southward from the apex of its intersection with Tulip Avenue.

SECTION 2. THAT the Director of Public Works is hereby requested to place a sign reading "No parking from here to corner" at the appropriate location; AND

SECTION 3. THAT this ordinance shall become effective upon completion of the signing; AND

SECTION 4. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 13-64.2 of the Code of Takoma Park, Md., 1972, as amended.

ADOPTED BY THE CITY COUNCIL OF TAKOMA PARK, MD. OCTOBER 22, 1984.

NOTE: The above is offered in lieu of the original ordinance, with no substantive changes. It amends an ordinance which designated bus loading zones at specific locations and can be utilized to put other restrictions in place until such time that a decision is made regarding a general ban. It is also useful for tracking purposes.

October 26, 1984

MEMORANDUM

TO: Mayor and Council
FROM: James S. Wilson, Jr., City Administrator
SUBJECT: Council Worksession, Monday, October 29, 7:30 PM

AGENDA

- (1) Accessory Apartment Consideration:
*--20 Hickory Avenue
*--108 Sherman Avenue
- (2) *Licensing Ordinance
- (3) Hillwood Manor Proposal
- (4) Speed Hump Ordinance Clarification
- (5) Consideration of response to Mont. Co. Dept. of
Transportation re rerouting of Ride-on busses
- (6) *Nuclear Free Zone Committee Follow-up
- (7) *New State Law: Erosion and Sediment Control
- (8) Central Plaza Waiver re parking in right-of-way
- (9) City Entrance Signs (Haney)
- (10) Discussion of guidelines for use of Municipal
Building (Dalmat)
- (11) Discussion of Clinic for Piney Branch Elementary
School (D'Ovidio)
- (12) *Library Planning Committee Report

*Pertinent items attached or in package.

Mayor and Council Worksession

October 29, 1984

The Mayor and City Council met in worksession at 7:45 P.M., Monday, October 29, 1984, with the Mayor chairing. Present were Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney and Iddings; City Administrator Wilson, Asst. City Administrators Habada and Robbins; Library Director Spottswood, Corporation Counsel Gagliardo, Asst. Corporation Counsel DeNovo, and COLTA Chairman James Arisman.

The following matters were discussed and acted upon as indicated:

1. Accessory Apartment Consideration: 20 Hickory Avenue and 108 Sherman Avenue. Comment was made that county-wide 134 applications were filed, 21 of those in Takoma Park. More applications were received for the Glen Echo, Bethesda and Potomac areas than for the City.

20 Hickory Avenue: It was explained that the apartment in question is located on the ground floor, property was once registered with the City for multi-family use (but no longer is), interior is being rehabbed, several violations were noted during inspection. Survey of neighbors produced 9 no responses, 2 oppositions. Questions were raised concerning parking; Housing Department indicates parking is adequate, however, concrete should be filled between strips to allow for parking 3 cars. Councilmember Dalmat recommended Council adopting a position of no objection contingent upon violations being corrected. Accessory apartment use after expenditure of block grant funds was questioned; Mr. Wilson stated staff had researched this and there was no problem; Mr. Prario stated he had also checked with the state, with whom he has a loan, and encountered no opposition. Jim Holland stated the property was supposed to revert to single-family; to support granting of the accessory apartment would be a reversal of policy; house is an obvious single-family dwelling. Councilmember Aldrighetti commented this situation is different from others supported by Mayor and Council due to being slated for phaseout in 1988. Councilmember D'Ovidio moved to table the request until more information is available, duly seconded, carried unanimously.

108 Sherman Avenue: It was stated that the apartment in question is located on the top floor; has been registered with the City since the mid-1950's. Housing found inadequate ceiling height in one bedroom which is now being used for storage; a couple of county code violations were noted; a ground fault circuit breaker needs to be installed and a smoke detector needs relocation. 7 surveys were mailed to neighbors, no responses have been received. Councilmember Iddings pointed out that one accessory apartment was previously approved on Sherman, which raises the question of concentration. Following discussion, he moved that Council express no position with the proviso that the second bedroom not be used and a letter be sent to the county pointing out that there is another accessory apartment proposed for this street. Motion duly seconded, carried unanimously.

2. Library Planning Committee Report. Sara Fisher chaired the committee which has been meeting for one year; the preliminary mission statement (cornerstone for future reports) was discussed; it was pointed out that the preliminary report will demonstrate useage and non-duplication of resources. Councilmember Aldrighetti questioned whether there is a long-range volunteer support group which might hold bake sales, etc.; response was that the mission statement is broad enough to include such a group. In response to question regarding gathering of survey data, it was stated that 20 City Newsletter survey responses were received. Councilmember Iddings asked whether the Library is looking toward development of a constituency through provision of specific services; thought perhaps space could be better utilized, quiet rooms developed; said a consultant's services may be necessary to maximize space useage. Ms. Spottswood commented that a small amount of money was appropriated for that purpose; she had been having preliminary talks with Ann Freedman on the subject. The Mayor questioned how many non-librarian members are on the committee (only 1, all others dropped out); said more non-librarian members should be recruited. Suggestion was made that volunteers be sought to assist in non-technical areas.

3. Speed Hump Ordinance Clarification. It was stated that the need for clarification in the ordinance arose at the October 22 Council Meeting; specifically, height of the speed humps must be addressed. Councilmember Iddings suggested stating the maximum height as 4 inches, commented the construction material can approach a specific measurement, but not be held to close tolerances. Councilmember D'Ovidio pointed out that would be a change in the ordinance rather than a clarification. In response to query, Mr. Robbins stated that the wording in the ordinance should correspond to what can best be legally defended should the need arise. A speed hump policy is to be available by November 12.

4. Consideration of response to Montgomery County Department of Transportation re rerouting of Ride-On buses. The Mayor recommended advising the county the City wants an extension until January 15 to consider and adopt a position on the issue, after which the county can conduct their proposed public hearing. Councilmember Bradley stated that with 3 major holidays occurring in the months prior to January 15, enough time is not afforded; suggested early February. Comments were made that the county's letter was designed to put the ball in the City's court; a letter of response should ask that the county respond to all Ride-On concerns at the proposed public hearing, with notices posted on all Ride-On buses coming through the City prior to the hearing date. Councilmember Bradley pointed out that the county letter was not a commitment to address Ride-On issues other than the proposed rerouting. A motion was made that a letter be drafted to the county Department of Transportation outlining points made by Councilmember Iddings and expressing the hope that public forums will be held on Ride-On issues, duly seconded, carried with Councilmember Bradley voting Nay, balance of Council voting Aye.

5. Licensing Ordinance. Asst. Corporation Counsel DeNovo commented that there are four areas in the ordinance that need to be resolved: 1) whether the coverage should be the same as for registration; 2) sanctions for operating without a license; 3) special cases, e.g., dorms, motels, etc.; and 4) escrow - who would administer it and who makes the decision to revoke a license. Mr. Gagliardo commented that Housing had patterned the ordinance after the county's insofar as sanctions are concerned. Discussion followed concerning boarding houses, halfway houses, school dorms, in relation to inspections and licensing; both Housing Department and Corporation Counsel recommend that all types of facilities be subject to a licensing fee; Corporation Counsel will compile a list of those to be included and excluded. Councilmember Bradley questioned whether certain facilities, such as colleges, should be exempt from fees. James Arisman stated he had drafted the ordinance based upon the county's with COLTA as the first appeal level (rather than Mayor and Council); said COLTA should be included in the process as the first appeal level; cases concerning licensing policy would be appealed to Circuit Court after COLTA. Corporation Counsel remarked that he needs a list of special cases pending from Housing.

6. Hillwood Manor Proposal. Comments were made that Montgomery County has 128 Section 8 units; actual distribution of those units should be indicated on a map; Levy and Abel receive Section 8 money. Housing has contacted the county reference forcing Section 8 apartment owners to make repairs with that money under the threat of losing it; a complete report will be available at the next meeting. Mention was made of possible new ownership, contingent upon a requested rent increase; petition for this increase has been presented to COLTA; possible new owner is acting as agent for the present owner; this matter will be on the agenda for the next worksession. Corporation Counsel Gagliardo commented that the Mayor and Council can listen to residents' opinions but cannot discuss them with COLTA. Councilmember Haney expressed concern about not being advised of the Hillwood Manor issue when it first surfaced.

Upon proper motion, Council went into closed session for the purpose of discussing Cable TV litigation; a special meeting was convened at 11:28 P.M., adjourned at 11:32 P.M.

7. Nuclear Free Zone Committee Followup. The Mayor favored scheduling first reading for November 13 or 26, with second reading on December 10.

8. New State Law: Erosion and Sediment Control. It was noted that responsibility for compliance will be transferred from the local level to the state; counties have been enforcing erosion control - it was questioned whether that would continue in the City under the new law. They may continue to do so if state approval is sought and granted. Decision was to ascertain from the counties what they are going to do, and from the state when their proposals will be reviewed.

9. Central Plaza Waiver re parking in right-of-way. Comment was made that this issue is on the agenda in Prince George's County tomorrow; the Plaza has filed an appeal to build a parking lot within an area (Holton Lane) designated on the Master Plan. Park and Planning is opposing the proposal as it would override the Master Plan; however, consensus is that it will probably go through. It was pointed out that the Master Plan for the City does not show a cut-through; in response to question of whether the City might provide a backdoor access to the site on the other side, Asst. City Administrator Habada responded in the negative.

10. City Entrance Signs. Councilmember Haney pointed out that the Town of Glenarden has a town sign installed by State Highway Administration; showed slides of same.

11. Discussion of Guidelines for use of Municipal Building. It was pointed out that the guidelines established are not being observed; distribution of handbills is prohibited. Councilmember Dalmat thought changes should be made in the policy, a review performed. Comment was made that civic groups using the building cannot state admissions in their advertisements or they are subject to tax. Statement was made that procedural details should be addressed, also a practical means of attaching advertising and signs to public spaces.

Decision was made to donate \$50. to Prince George's County Cancer Hospice in memory of County Executive Glendening's mother who recently passed away.

There being no further business to discuss, the meeting adjourned at 12:16 A.M.