

November 2, 1984

MEMORANDUM

TO: Mayor and Council

FROM: James S. Wilson, Jr. City Administrator

SUBJECT: Public Hearing--Licensing and Worksession,
Monday, November 5, 1984

AGENDA

7:00 PM PUBLIC HEARING on Proposed Licensing Ordinance

7:30 PM EXECUTIVE SESSION on Cable Television

WORKSESSION

- (1) Accessory Apartments
 - *--6733 Eastern Avenue
 - 20 Hickory Avenue
 - *--7218 Maple Avenue
- (2) *Public Art in Municipal Building (Ed McMahon)
- (3) *Hillwood Manor Apartments
- (4) Status Reports
 - Police Radio System
 - *--Police Cars
- (5) Central Plaza Annexation
- (6) Holton Lane Parking Plan
- (7) *Sister City Thrift Shop as Cultural Center
- (8) Watford, England "Twin Cities" Proposal
- (9) *Budget Amendments
- (10) *Clinic for Piney Branch Elementary School

*Pertinent items attached or in package.

THE CITY OF TAKOMA PARK, MARYLAND

PUBLIC HEARING ON PROPOSED LICENSING ORDINANCE

November 5, 1984

CITY OFFICIALS PRESENT:

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

The Mayor and City Council of Takoma Park, Maryland, met on Monday, November 5, 1984, at 7:15 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of conducting a public hearing on the proposed licensing ordinance for the City.

City Administrator Wilson explained that the basic purpose of the proposed legislation is to require licensing of owners and designated agents of owners conducting rental facilities; it will be considered a violation of the law if a rental facility is operated without a license. The ordinance contains a definition section, the licensing procedure, details concerning fees and duration of the license, validity of the license during an appeal; requirement for a hearing should the license be denied, suspended or revoked; renewal and reinstatement of a license, and a listing of penalties for violation. Essentially what the legislation will do is change what has been a registration fee to a licensing fee which will apply to any facility containing two or more rental units in the City. Prior to second reading, a more detailed definition of "tenant" and several other terms will be addressed. In response to query, explained the difference between licensing and the current registration is that under licensing provision is made for enforcement; licensing authorizes the imposition of penalties. In response to query, City Clerk Pusti stated that the public hearing was advertised twice, in two newspapers, during a two week period, as well as the City Newsletter. Housing Director Tyree stated that, additionally, there was a mass mailing notification to all landlords in the City (approximately 350) and all tenants' associations on record. The Mayor questioned what other political entities in the area have the same or similar licensing arrangement; Mr. Wilson stated the City of Annapolis has a licensing procedure; Ms. Tyree stated that both Montgomery and Prince George's County have licensing, as well as the City of College Park, although they call theirs an occupancy permit (it is the same legislation as licensing, same enforcement procedure, etc.); thought Rockville has licensing. Mr. Wilson commented that in Annapolis, the licensing runs parallel with zoning - cases heard relating to license revocation, etc., go through the zoning process, the infraction as it relates to zoning is applied, then it goes to the city Board of Appeals (the final local authority on the issue), and then to the courts.

Edna Roystacker, 5525 Uppingham Street, Chevy Chase, Landlord of 8404 Flower Avenue: Questioned whether licensing would apply to all units or whether there is a maximum/minimum number of units involved; response was that it will apply to all rental units regardless of size.

James Henderson, 6721 Eastern Avenue: Stated there are 3 units in his building (he lives in 1, sister-in-law in another, 3rd is in basement and unoccupied); pays a registration fee to the City; questioned what the difference will be between that fee and licensing. Councilmember D'Ovidio explained that the licensing fee will replace the registration fee; licensing will give the City authority that registration does not in terms of code violations, etc., and what can be done if units are not maintained. Mr. Henderson pointed out that units are currently inspected, the code enforced, and violations must be corrected.

Housing Director Tyree stated that the proposal for licensing was introduced in an attempt by Housing to gain code compliance in a more timely and efficient manner. Said at present municipal infractions

are issued when landlords do not comply; the process is relatively slow when tenants are occupying damaged premises; current system often involves lengthy litigation for repairs to finally be accomplished. License fee will have to be renewed on an annual basis. Primary changes are in enforcement and sanctions if orders are not complied with in a timely fashion, as well as penalty for failure to renew the license. Councilmember D'Ovidio commented that the legislation will have little, if any, effect on those who are maintaining their apartments, following the rules, and doing what is expected in terms of the housing they provide; will assist the City in dealing with landlords who are misusing the system and provide improved enforcement. The Mayor commented that violations must be corrected prior to getting the license, thus providing the City a yearly opportunity for checking. For purposes of clarification, Ms. Tyree explained that the license will be applied primarily to code violations which pose a threat to health, safety or personal welfare (not to comprehensive landlord-tenant violations which are contractual). If an order is issued and compliance is not forthcoming within the specified time frame, depending upon the severity of the violation, the City could elect to suspend or revoke the license. In an extreme case which dictates revocation of the license, a sanction would be imposed against the landlord for allowing the license fee to lapse because of non-compliance; the license fee would have to be paid plus whatever fine is levied. If the license is revoked, ideally, the landlord would not be permitted to operate the apartment complex; however, probably what the City would do in lieu of displacing tenants would be prohibit re-renting of vacant units until the license is restored. Hoped that the lack of incoming rent for the vacant units would affect landlords financially to the extent that they would comply more willingly in correcting violations. Summarized licensing as an attempt on the part of the City to upgrade housing for all tenants; said state legislation will support the City's in court. In response to query from Councilmember Williams, Corporation Counsel Gagliardo stated that he thought the legislation would pass legal muster, but that several policy questions would have to be decided; said it was his understanding that under some circumstances licensing could be used not only to enforce code violations but also COLTA orders, which would be a policy decision. The Mayor remarked that College Park, when living conditions threaten the life, safety or welfare of tenants, steps in and makes repairs to rental facilities and puts a tax lien on the property (as an aside, said they should be called and reminded to forward the City a copy of their ordinance). Said what happens to affected tenants will probably have to be considered on a case-by-case basis; however, College Park's legislation will be examined for possible local adoption (which would provide an additional means of retaining, rather than displacing, tenants); expressed support for the licensing legislation as an improvement over registration.

Grace Whitman, Spring Street: Questioned why the City is taking over authority held by the counties, i.e., inspection, condemnation, etc., of rental properties. Mayor Abbott explained that the counties' role is limited to zoning; they do not come in and inspect for violations of, nor enforce, the housing code; the only time they can be called upon and will respond is in those instances where a property is reported as being used for purposes other than that for which approval was granted. Dialogue followed, with the Mayor and Ms. Tyree reiterating prior statements regarding jurisdiction over code violations and disposition of tenants in the event of license revocation. In connection with code enforcement, Mayor Abbott referred to an 11-unit building condemned and demolished (after many years) by the City, in which an elderly woman was living without heat or water; pointed out that the human condition is such that people in desperation will even inhabit a box if there are no grates to sleep on; mentioned the 4 homeless persons who burned to death in a vacant building in D. C. last week. He questioned the purpose/intent of Ms. Whitman's opposition to licensing in the City; she stated she felt the registration fee has sufficed; thought the City was intruding into an area where they did not need to be, rental units should be an open market between the landlords and the tenants.

Paula Griffith, Property Owner on Cockerille Avenue: Questioned what

the annual licensing fee would be; Ms. Tyree responded that it is proposed that the fee be the same amount as the registration fee at present.

An unidentified male landlord from the audience spoke concerning the county's inspection of units 3-4 years ago; said it was required that units be brought up to a certain level of compliance (repairs to his unit{s} cost him approximately \$2,000), an inspector visits annually. Mayor Abbott explained that the City had 60 single-family homes that contained illegal or non-conforming apartments which had existed for a number of years; 5-6 years ago the county passed a phaseout ordinance (ZTA 77003) which gave the existent apartments (converted after 1954) 10 years; some which existed prior to 1954 were exempted under a grandfather clause. Said the only reason the county came in was that the illegal apartments were in violation of the county's zoning. The unidentified man pointed out his registration fee had risen from \$35 to \$72; the Mayor commented that in the Fire Department's log for a one month period, the majority of calls responded to were for apartments; the City is not recouping the cost to the taxpayers for that service through any fees collected. Said during the budget process, it will have to be computed with the county fire service(s) how that cost can be more evenly assessed. Remarked that when the county did perform their one-time inspection, a number of owners chose to convert back to single-family dwellings.

Councilmember Bradley pointed out that her ward is comprised of 65-66%+ renters; spoke in support of licensing. Said when she went into office a few years ago, she was aware that inspection by the City was uneven, the county periodically got into the act; there were severe safety violations existing. What the City is now doing is attempting to rectify longstanding deleterious conditions in regard to housing. Said in beefing up the inspection program and implementing issuance of municipal infractions in order to take landlords having severe code violations to court, it was found that a stronger measure was needed to force those recalcitrant landlords to assume their responsibility. Pointed out that rental properties are the major form of commerce in the City; protection is required not only for tenants and landlords, but other property owners of the community, to ensure adequate maintenance of property. Licensing will provide the City with an additional tool to ensure that rental property owners assume their responsibilities. Councilmember Williams pointed out that for responsible landlords, essentially there will be no change other than that they will pay a license fee rather than a registration fee; it is the landlords who have been evading their responsibilities who will have to be concerned. City Administrator Wilson pointed out, relative to code enforcement, that the code enforced in the City is exactly the same as in Montgomery and Prince George's Counties; requirements are uniform. In response to query, the Mayor stated that the next step in the process will be to schedule the ordinance for first reading.

The Public Hearing adjourned at 7:55 P.M., with Mayor and Council to reconvene in Executive Session.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
Tuesday, November 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

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Resolution of Condolence, family of Stanley R. Fickes, Sr.
2. Other presentations/comments by Mayor Abbott

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) Affirmation of Council's earlier decisions on Special Exceptions to permit the use of existing apartments as accessory apartments:
 - (a) Case S-1045, 108 Sherman Avenue (Hearing: 9:00 AM, 11-15-84, WCOB)
 - (b) Case S-1042, 20 Hickory Avenue (Hearing: same as above)
 - (c) Case S-959, 7218 Maple Avenue (Hearing: 1:30 PM, 11-29-84, WCOB)
 - (d) Case S-962, 6733 Eastern Avenue (Hearing: same as above)Citizens' comments
Council action
- (3) Second reading of an ordinance amending Sec. 6-80.21 of the Landlord Tenant portion of the City Code to provide additional language on security deposits
Citizens' comments
Council action

TRAFFIC MATTERS: (Items 4 thru 9)

- (4) Second reading of an ordinance amending subsections (14.1) and (14.2), Sec. 13-2(a), City Code, by redefining speed hump and speed hump installation
Citizens' comments
Council action
- (5) Resolution adopting Council policy on speed hump installations
Citizens' comments
Council action
- (6) First reading of an ordinance creating a 4-way stop at Chesnut and Hodges Lane
Citizens' comments
First reading
- (7) First reading of an ordinance prohibiting parking on the east side of the 7300 block of Piney Branch Road for a distance of approximately 80 feet southward of the northern lot line of lot 26, Brashears Sub. Block 12
Citizens' comments
First reading
- (8) Appointments to the Traffic Committee
- (9) Second reading of an ordinance appropriating funds for the purchase of school zone flashing lights on Philadelphia Avenue near Holly Avenue
Citizens' comments
Council action
- (10) Council decision on new parking configuration on Holton Lane
Citizens' comments
Council decision
- (11) First reading of an ordinance amending Fiscal Year 1984-85 City Budget (Public Hearing scheduled for 11-26-84)
Citizens' comments
First reading

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND
Regular Meeting of the Mayor and Council
November 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 D'Ovidio (neces- sarily late)	Recreation Director Ziegler
Councilmember Iddings	Corporation Counsel Gagliardo
Councilmember Williams	
EXCUSED: Councilmember Haney	

The Mayor and City Council of Takoma Park, Maryland, met on November 13, 1984, at 8:10 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Mayor Abbott suggested, in order to involve Council more in proceedings of the meetings, that Councilmembers alternate in leading the pledge of allegiance. Following the pledge led by Councilmember Dalmat, approval of the Council Meeting Minutes of October 22, 1984, was moved by Councilmember Bradley, duly seconded by Councilmember Iddings, who pointed out that at the bottom of page 1 the name "Saunders" should be "Tsongas." The minutes with the noted correction were approved unanimously.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS:

Councilmember Dalmat read a resolution of condolence to the wife and children of former Takoma Park Fire Department Chief Stanley R. Fickes, Sr., who died on November 7 at the age of 57. The resolution was passed unanimously and will be forwarded to the family. Mayor Abbott referred to the recent death of Scott Lawson which was announced at a prior meeting; said he was sorry to relate that Councilmember Haney is in Pittsburgh due to the death of his father and directed that staff send a suitable message of condolence and flowers or other appropriate expression; City Administrator Wilson commented that the family had requested donations, in lieu of flowers, to an organization in Pittsburgh providing food to the poor. The Mayor commented additionally on the death two days ago of Ms. Jacqueline Bowman who was involved in the Takoma Repertory Theater and much admired for her tenacity and work; remarked on the tragedy of losing two young people in a two week period who were active and involved in the community. A moment of silence was observed in commemoration of Mr. Haney and Ms. Bowman.

Concerning the appeal that recently appeared in the Newsletter from an orphanage in Jequie, Brazil, Recreation Director Ziegler related that the Folk Festival Committee had promised a donation, the Sister City Committee after verifying information and legitimacy of the need will be making a donation (probably on a quarterly basis). Said the Sister City Committee, over the years, has assisted in a number of ways in Jequie, i.e., donations to a boys' orphanage, an old folks' home, a dental clinic for the poor, a pre-school program for poor children, incubators to a hospital, etc.

ADDITIONAL AGENDA ITEMS:

Appointment to the Cable Advisory Committee

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

Jay Levy, 7431 Baltimore Avenue: Commented that Scott Lawson was a very active member of the Nuclear Freeze Task Force and other community activities; lived on Carroll Avenue for a number of years; last month helped organize the John Lennon Peace Festival at the gazebo. Suggested on behalf of Mr. Lawson's many friends and colleagues that the City might plant a tree in memory of him at the gazebo or Veterans' Park. The Mayor asked that a memorandum so requesting be submitted for consideration.

Dean Hoge remarked on the presence of a number of persons who walked across the United States as a part of the European Peace Pil-

grimage which will end tomorrow at the White House; said this was done to convey a message. The group stood and was recognized.

Lynn Biles, (from Kent, near London): Stated he had been walking with the group for 10 days; was one of the people who conceived the idea; spoke of other peace walks he had participated in; pointed out that all the people involved in the walk are not young (he is 54).

Ursula Schira, (from Germany): Stated her reason for participating was to inform Americans what is going on in Europe, especially Germany, and of the deep concern of the German people over the number of weapons stationed in their country; said they fear for the future and want to survive; felt development of mutual understanding and caring between people is very important; commented on the openness and friendliness of the American people encountered on the walk, was surprised at similarity of feelings and said that nationality presented no barrier. In response to query, Mr. Biles stated that the basic message they wish to convey is concern relative to Cruise and Pershing missiles, considered to be first strike weapons, which disturbed and activated serious concern in Europeans. Said they have no control over the issue; there are 117 U. S. bases in England alone, the majority of which have missiles on mobile carriers capable of reaching their destination in 6 minutes after launch (previous ones took 20 minutes). Ms. Schira mentioned a display depicting a peace demonstration by about 350,000 people that took place in Germany last Autumn which will be shown in Washington, D. C. tomorrow. The Mayor expressed appreciation to the Takoma Park Presbyterian Church for providing lodging for the visitors during their stay in the City. Following dialogue concerning responsibility as related to nuclear weaponry, Ms. Schira stated the entire responsibility must not be left to governments; the people have to resume responsibility so that the issue is dealt with not only on the political, but the personal, level. Mayor Abbott quoted Einstein's statement to the effect that development of the nuclear weapon ended all prior existing relationships between nations; said in order for a successful reduction in arms to take place, a verifiable mutually agreeable freeze will have to be negotiated followed by a reduction in stockpiles; thought the way this would be accomplished was through peoples of the world forcing governments to take the matter seriously; commented on ineffectiveness of the arms talks of the past few years. Congratulated those participating in the march and expressed appreciation that they chose to visit Takoma Park.

Dennis Seekins: Commented that the agenda as published should be adhered to. The Mayor welcomed Mr. Seekins back to the city.

Jay Levy commented that there would be a memorial service for Scott Lawson whose death was mentioned earlier (Presbyterian Church at Tulip and Maple Avenues, Sunday, November 18, 1:00 p.m.; family requested memorial contributions be made to the Takoma Park Nuclear Freeze Task Force).

ITEMS FOR COUNCIL CONSIDERATION:

(1) Administrative reports and correspondence

City Administrator Wilson referred to the first monthly operational statement (for October) distributed, published primarily for department heads' reference and Council's information; pointed out that request for a COLTA appeal has been received and will be discussed later; noted a request from Senator Dorman to discuss the two junior colleges. The Mayor directed that Senator Dorman's request be added to the agenda. Councilmember Bradley noted there is a question of whether to accept the aforementioned COLTA appeal because it was filed by the appellant after the due date; said it is a complex case; suggested it be discussed at a worksession (Mr. Wilson stated it would be on the November 19 worksession agenda).

(2) Appointment to Montgomery County Cable Advisory Committee.

Based upon an interview and advice from the City's Cable Advisory Board, Councilmember Bradley moved appointment of Tom Turner as the City's representative to the Montgomery County Cable Communications Advisory Committee. Commented that Mr. Turner had not only been

active on the City's cable committee, but had participated in public hearings and forums at both the local and county level. The motion was duly seconded by Councilmember Aldrighetti, carried unanimously. In response to query, Ms. Bradley stated that this position is a voting membership; the committee's role is ambiguous; they advise the county on various matters in the development of public access, government programming, function in part as a watchdog.

(3) Affirmation of Council's earlier decisions on Special Exceptions to permit the use of existing apartments as accessory apartments:

(a) Case S-1045, 108 Sherman Avenue: Mr. Wilson stated that a letter was dispatched to the Clerk of the Board of Appeals offering no objection to granting of the Special Exception providing all code violations are corrected; what is required is Council's affirmation, which was moved by Councilmember Iddings, duly seconded; carried unanimously. Mr. Wilson affirmed that the letter raised the question of concentration, pointed out that approval had been granted at 113 Sherman Avenue for an accessory apartment.

(b) Case S-1042, 20 Hickory Avenue: Councilmember Iddings moved that Council voice no opposition to granting of the Special Exception request but note that substantial work is required in the apartment and a concern must be expressed about the two phaseout apartments at either end of Hickory Avenue, duly seconded by Councilmember Dalmat. Councilmember Iddings relayed on behalf of Councilmember D'Ovidio (who was absent) a concern about the use of public rehab funds in creating accessory apartments; Mr. D'Ovidio felt that may be a misuse of rehab funds or historical rehab funds intended for use on single-family dwellings historical rehab funds; if present he would abstain from supporting the motion. Councilmember Aldrighetti commented that staff had demonstrated that there was no illegality; noted this is the first instance in which Council's approval is sought where there is not an apartment already existing and for that reason was opposed to the motion; however, commended the significant work accomplished on the property. The Mayor pointed out that the county law applies not only to existing apartments, but also to the establishment of apartments in homes not presently having them. Councilmember Iddings stated that at meetings held on the legislation, the intent was never specifically stated as an in-law apartment or limited to the elderly (county attorneys ruled that would be an unconstitutional restriction); intent was that allowing the accessory apartments would be a way of increasing low and moderate income housing stock in the county. Mr. Iddings stated he felt there is a need for this sort of housing, the City would benefit from good quality accessory apartments; considering all pertinent factors, did not think the property in question would present a problem if an accessory apartment were permitted. Reminded that the Special Exception is granted only to the present owner; if the property changes hands, the new owner would have to reapply. Councilmember Dalmat pointed out that while requests considered to date have applied to existing apartments, the law does permit construction of new accessory apartments. Councilmember Iddings restated his earlier motion that Council voice no objection but note the need for correction of outstanding code violations and the presence of two non-conforming apartment houses at either end of the street.

Jo Alexander, 22 Hickory Avenue: Posed a question concerning phaseout of the two mentioned non-conforming apartments; response was that one was scheduled for phaseout in 1988, the other is protected under the grandfather clause. Ms. Alexander expressed concern about concentration of apartments in single-family dwellings on Hickory Avenue. Following additional discussion, the motion carried with Councilmember Aldrighetti voting Nay, Councilmember Williams Abstaining, Councilmember D'Ovidio Absent, balance of Council voting Aye. Mr. Wilson assured that Council's position would be conveyed to the county prior to the hearing which was scheduled for two days hence.

(c) Case S-959, 7218 Maple Avenue: Mr. Wilson explained that Council's decision of November 5 was to oppose granting of this request based upon the fact that there is no separate entrance to the apartment (occupants would have to pass through the living quarters of

the owner to gain access, which is in violation of the City Housing Code, the BOCA Code, the county Fire Code); the county accessory apartment legislation additionally requires access either to a public corridor or directly to the outside. The owners of the property have indicated that they have no plans to correct the deficiency. Councilmember Iddings moved that Council affirm their earlier decision to oppose granting of the requested Special Exception, duly seconded.

Husband of Diane DeVall (property owner): Said he had explained the situation to Mayor and Council a week ago; emphasized that no statement was made that no corrections would be effected; however, no separate entrance will be provided; thought the Housing rules and regulations enforced by inspectors were ridiculous; the apartment has existed for a number of years. He explained that care is given to choosing a tenant for the apartment and there has never been any problem with the lack of a separate entrance. The Mayor stated that while individuals may be able to deal on a personal basis in such issues, the requirements of the various laws mentioned earlier must be met. Councilmember Iddings noted that the question at hand is why the violation of lack of a separate entrance for the apartment was not brought up at any earlier time. Councilmember Bradley pointed out that, over the years, the City has had inferior inspections and is paying the price; however, in the past two years under the current Council, Housing inspections have been improved and accelerated in an attempt to deal with deterioration and unsafe conditions; emphasized the importance of properly enforcing the code; stated that if the property were brought into compliance with applicable codes, she would support the requested Special Exception. The husband of the property owner reiterated emphatically that another entrance would not be constructed. Councilmember Dalmat commented that in almost all instances, improvements have had to be made in conjunction with the applications; some have been quite costly to the owners but are required to ensure compliance with the code(s). Councilmember Aldrighetti commented that the owner(s) are not without a choice in the matter and have apparently made a choice, thus dictating Council's decision. The question was called; motion carried unanimously.

(d) Case S-962, 6733 Eastern Avenue: Mr. Wilson stated that Council's prior decision was to voice no objection to granting of this Special Exception providing it meets all the county requirements. Councilmember Bradley recalled this as being a request for which Council voted to express support with the stipulation that any code violations be corrected; a motion was made that a followup letter be sent to the county stating that Council favors granting of the appeal, duly seconded, carried unanimously. Mayor Abbott commented that the county received 21 applications for accessory apartments located in Takoma Park; a total of 134 were received county-wide including those in the City; explained the history of Zoning Text Amendment 77003 which requires the phaseout in 1988 of apartments in single-family dwellings. Said the accessory apartment legislation will permit retention of some of those apartments which meet specific requirements.

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

Councilmember Williams moved adoption, duly seconded by Councilmember Bradley. Councilmember Iddings questioned what is meant by "tenancy" under subsection (3); Corporation Counsel stated that "tenancy" is meant to be generic and comprehensive (including situations where there is a lease, where there is no lease, where tenancy is month-to-month, etc.); the point is that the security deposit is that sum which is required to be paid at the beginning of the relationship with the landlord as distinguished from money demanded from the tenant at any other time or for any other reason; rent in advance is a different matter and may not be withheld to cover damages. Mr. Iddings questioned how (under subsection {d}) an increase in security deposit could occur; Councilmember Bradley referred to an instance in which a property changed hands, the new owner required new leases and increased security deposits (question of capriciousness was raised in this instance due to security deposit amounts being applied unevenly).

Corporation Counsel commented that under the ordinance at hand, the stated situation would be considered to be a rent increase and in no way related to a security deposit; once it is declared to be a rent increase, it is subject to rent limitation both in terms of the gross amount, COLTA approval, assessment not more than once in a 12-month period, etc. Councilmember Iddings expressed support for the ordinance; was concerned that landlords not be forced to charge the entire security deposit up-front and thought that should be monitored. Corporation Counsel pointed out that the amount landlords may charge as a security deposit is set forth in state law and is not something municipalities can legislate; that is the reason the City law clearly defines and differentiates between rent and security deposit. Councilmember Williams spoke in support of the ordinance, as did Councilmember Dalmat who raised questions regarding wording. Corporation Counsel remarked that for the sake of clarity, it might be helpful to reword Section (d) to state "Any assessment of a security deposit shall not be retaliatory, discriminatory, arbitrary or capricious." A motion was made to amend the wording as suggested, duly seconded, and carried unanimously. For the sake of consistency, an additional amendment was moved by Councilmember Dalmat, deleting the word "is" from Section (c), line 7, and inserting "is" as the first word in Subsection (c)(1) to read "is expressly designated...." The motion was duly seconded, carried unanimously. 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. (Note: Councilmember D'Ovidio arrived during discussion of the ordinance.)

ORDINANCE #2741
(attached)

TRAFFIC MATTERS:

Mayor Abbott stated that action by Council on any speed hump related items is not intended in any way to affect or influence Ride-On bus issues; in particular, the agenda item redefining speed humps and their installation is intended solely to clarify language pertaining to height of the humps and how and when they would be installed or removed.

Councilmember Iddings commented that there were two Holton Lane business representatives present; wondered whether original agenda item (10) "decision on new parking configuration on Holton Lane" might be dealt with prior to citizen comments and discussion on traffic matters. Asst. City Administrator Habada stated that the necessary decision could be made at a worksession and affirmed in an open meeting at a later date following discussion with businesses and other interested parties. This item was deferred until the November 19 worksession.

(5) Second reading of an ordinance amending subsections (14.1) and (14.2), Sec. 13-2(a), City Code, by redefining speed hump and speed hump installation.

Councilmember Iddings moved adoption of the ordinance, duly seconded by Councilmember D'Ovidio. Mr. D'Ovidio referred to a memo from staff concerning reflective tape or paint, suggested deletion of that reference from the ordinance to provide more flexibility. Mr. Iddings stated the Traffic Committee's concern was that some marking materials currently used are not clearly visible in dark, wet weather; the reflective quality is important; mentioned the ambulance incident where a patient was joggled due to the driver not seeing the speed hump in time to slow his speed sufficiently. Asst. City Administrator Robbins commented that the 3M reflective tape costs \$80 for a 1 foot wide 12 feet long strip; the speed humps on Maple Avenue would cost \$800 each to reflectorize; average cost would be \$600-\$800 each. Commented on an economical, but not lasting, method of reflectorizing by sprinkling glass beads on paint; said he would investigate mixing glass into the asphalt, which was mentioned, and other cost effective methods will continue to be sought. He stated, in response to query, that no complaints of damage due to the humps have been received other than the ambulance complaint mentioned earlier. It was agreed the wording would not be amended, but that use of the reflective tape

would be minimized due to cost. Councilmember Aldrighetti remarked that earlier discussions revealed that Council's purpose for speed hump installation included control of both or either speed and volume; suggested adding "/or" in the last line of subsection (14.1) to read "...traffic speed and/or volume" and the same addition in subsection (14.2), line 5, to read "...traffic speed and/or volume on that..." Councilmember Iddings pointed out that, due to an oversight, line 3 of (14.1) "with a circular cross section" does not accurately describe the speed humps in use; Councilmember D'Ovidio moved deletion of that entire phrase, duly seconded by the Mayor. Mr. Iddings stated it was important that a description be included. The stated motion to amend carried with Councilmembers Iddings and Dalmat voting Nay, balance of Council voting Aye. Councilmember Iddings moved to insert in place of the wording just removed "...with a dip and crown shape when viewed in cross section, on a base of 12 feet long..." The motion was duly seconded; carried unanimously.

James Yeager, 7136 Carroll Avenue: Stated that while he appreciated the Mayor's opening remarks that Council's actions were not intended to prejudice routing of the Ride-On buses, it would seem apparent the county would presume from the City's actions relative to speed humps that there is opposition to having the buses travel Maple Avenue and they would be diverted onto Philadelphia and Carroll Avenues or elsewhere. Objected to what he perceived as a conflict of principles between local control (by residents of streets) and mass transit service; contended that a rerouting of the buses would be a deprivation of bus service to users, especially those on Holly and other streets beyond Maple. Noted that the ordinance as it stands permits the existence of speed humps on some streets carrying mass transportation. Presented a proposed amendment to the ordinance aimed at exempting streets carrying mass transit vehicles from speed hump installations; the Mayor pointed out that Mr. Yeager's proposed amendment would pre-empt a decision at a later date subsequent to public hearings on Ride-On issues. Mr. Yeager stated his primary objective was to ensure that Ride-On be permitted to make a decision about service beneficial to the entire community. Councilmember Iddings commented that in the course of contact and surveys with Ride-On, they have never indicated having any problems with the speed humps.

Bruce Moyer, 37 Philadelphia Avenue: Referred to Montgomery County Director of Transportation McGary's October 3rd letter which states in the first paragraph "upon inspection of the current operating conditions imposed by the presence of seven speed bumps in a three-block section (referring to Maple Avenue), I believe that this section of Maple Avenue is unacceptable for bus operations." Said that statement places the county's attitude on the table; Ride-On is agitated by the presence of the speed humps and recognizes a basic incompatibility which was also acknowledged in the Traffic Committee's September 10 report (part of their substantive recommendations was that humps not be installed on a street which is a bus route). Said all the problems cited in the Maple Avenue residents' August letter which generated the meeting with Mr. McGary are either directly attributable to or exacerbated by the speed humps. Questioned the rationale for the size and shape of humps as stated in the ordinance; suggested that perhaps a hump could be devised that was less disruptive to the Ride-On buses and yet served the purpose of slowing traffic.

Tom Twomey, 7315 Willow Avenue: Said Takoma Park has a legacy of fighting for preservation of the community and various neighborhoods; speed humps are a tool in that effort and progress should not be reversed by removal of speed humps.

Steven Quick, 7112 Maple Avenue: Pointed out that location of speed humps would appropriately be addressed in the policy guidelines; said insofar as the Ride-Ons, Council should allow the process which has been initiated to go forward and not inject prejudice one way or the other; dangerous speeding and public transportation are two separate issues and should not be confused. Said he considers speed humps tangential, not the major concern on Maple Avenue in the bus issue.

Elliott Schwartz, 7 Philadelphia Avenue: Commented some residents of

Maple Avenue have stated they did not want Ride-On buses on their street under any circumstances; thought alteration of the size and shape of speed humps could be one way of resolving the bus issue. Suggested that Section 2 of the ordinance additionally state that the effective date would be deferred for streets currently used by Ride-On buses until such time as the Ride-On bus issue is resolved.

For discussion purposes, Councilmember Bradley moved the amendment proposed earlier by Mr. Yeager, duly seconded by Councilmember Iddings. The proposed amendment would insert in (14.1) directly following "...constructed on a roadway..." the wording except for a roadway identified as a primary public transportation route; and in (14.2) directly following "...along a public highway..." the wording except for a public highway identified as a primary public transportation route. Following discussion of what would constitute a primary route, Councilmember Bradley suggested that a primary route might be one which has bus traffic at all hours of the day versus one which has buses only during rush hours and might be considered a secondary route.

Maynard Mack, 7200 Maple Avenue: Commented negatively on the direction the discussion was taking; said residents fought for years to get speed humps on Maple Avenue for reasons that had absolutely nothing to do with buses and are not prepared to give them up; said the proposed amendment would be an abnegation of responsibility on the part of Council, would turn the major decisions of which are primary bus routes over to Ride-On. Urged that Council adopt the ordinance at hand and then move on to dealing with the Ride-On bus problem separately at a later date.

Mayor Abbott questioned whether a response was sent to Mr. McGary's letter, setting January 15 as the commencement date for a series of public forums to discuss Ride-On issues in the City. Mr. Wilson responded that the letter is in draft form, being rewritten in order to more forcibly stress the City's position. The Mayor directed that the letter be dispatched setting forth the aforementioned date and stating that the agenda will be worked out. Commented that Mr. Yeager's proposed amendment attempts, prior to the projected meetings with the county, to define Maple Avenue as a primary public transportation route and exempt it from having speed humps, thus pre-empting the purpose of those future meetings. Following additional discussion, Councilmember D'Ovidio sympathized with Mr. Yeager's expressed fears; however, said he was in agreement with the Mayor's statement and felt Council should move ahead with the ordinance and deal with the Ride-On issue separately; thought the concept of rerouting the Ride-On buses was in direct response to pressure imposed by the Maple Avenue residents. Councilmember Aldrighetti remarked that it was hoped in the final resolution of the Ride-On issue there would not be a division of neighborhoods, that community unity could be preserved; encouraged cooperation with and reliance upon the traffic subcommittee formed to study the Ride-On issues. Councilmember Bradley withdrew the proposed amendment; agreed to by the seconder. She commented upon being approached by several people regarding deferring the ordinance pending resolution of the Ride-On issue, but pointed out that several streets have speed hump requests pending; thought the speed hump and bus issues were inter-related. Following dialogue concerning wording in the ordinance relative to purpose of installing the speed humps (last sentence Sec. 14.1; first sentence Sec. 14.2), Corporation Counsel suggested either deleting the language or using non-specific phraseology; Councilmember Aldrighetti moved stating the purpose as being for the protection of the public safety; Councilmember Iddings requested the addition of "from excessive speed and volume of traffic."

Jonathan Weiss, 16 Philadelphia Avenue, Traffic Committee Member: Thought the purpose statement should include protection of traffic and pedestrian safety; in reference to dimension specifications stated in the ordinance, thought they were fine, but it should be recognized they might be an area of discussion between Ride-On and the City in regard to Ride-On routes and Council should maintain a measure of flexibility depending upon traffic carried by certain streets. Councilmember D'Ovidio moved amending the wording of Sec. 14.1 by deleting "controlling traffic speed and volume" and inserting improving pedes-

trian and traffic safety, duly seconded, carried unanimously. Councilmember Iddings moved amending Sec. (14.1) by deleting "approximately three(3) inches to approximately four (4) inches" and inserting in its place not less than three (3) inches nor more than four (4) inches, duly seconded by Councilmember D'Ovidio, carried unanimously. The question was called; ordinance #2742 was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Iddings and Williams; NAY: None; EXCUSED: Councilmember Haney.

ORDINANCE #2742
(attached)

(6) Resolution adopting Council policy on speed hump installations.

Councilmember D'Ovidio moved deletion of Sections I.B.1. and B.2., as well as any references to City-conducted mail surveying (i.e., Sec. I, following "...can be made by petition..."), duly seconded, carried unanimously. Under Sec. II.A.3., the 15 days allotted for Council to announce its decision was discussed, no amendment offered. Councilmember Iddings moved amending Sec. I.A.1. to insert "..., or on their block or blocks of a multi-block street...." The motion was duly seconded, but following discussion was withdrawn on the basis that it was superfluous. Under Sec. II.A., Councilmember Iddings moved insertion of a new subsection 4. to read: "The Mayor and Council may approve, approve with modifications, or deny the requested speed hump installation." Current subsection 4. would be renumbered to 5. The motion was duly seconded, carried unanimously. Councilmember Iddings moved removal of Sec. III.B., replacing it with a section under Sec. IV as follows:

B. "Authority of City Over Speed Humps.

1. Nothing in these guidelines shall be construed as preempting the City of its initiative from installing, altering, maintaining, or removing a speed hump or speed hump installation. The City Administrator will notify the appropriate neighborhood association and the affected residents of any proposed changes to a speed hump installation. The residents and the association will have an opportunity to discuss the proposed changes with the Mayor and Council before the changes are adopted and implemented."

The motion was duly seconded, carried unanimously. In response to question from the audience, Councilmember Iddings stated that because a street is identified as a primary fire and rescue route into a neighborhood does not preclude speed hump installation; however, those situations would require special evaluation. Councilmember Bradley pointed out that Sec. II.B. does not reflect situations wherein the Mayor and Council or City staff might instigate installation, modification or removal of speed humps; suggested a consideration of impact on public transportation should also be included; made a motion to substitute the word criteria for "guidelines" in line 1 of the opening statement under Sec. B; to strike the words "The petitioner should show that the..." from Sec. B.1., 2. and 3. and add a Sec. B.4. requiring that installation of a speed hump not negatively impact public transportation routes; motion duly seconded by Councilmember Dalmat. The first point of the motion substituting "criteria" for "guidelines" carried unanimously; second point deleting "The petitioner should show that the..." carried unanimously.

Shirley True, 7202 Maple Avenue: Urged that Council reject any amendment pertaining to consideration of whether a street is a public transportation route; public safety should take precedence.

Jonathan Weiss, Philadelphia Avenue: Requested modification of the language to include a statement that the effect of the speed humps on public transportation, on residents of neighboring streets and on other residents of the city would be assessed.

Manuel Palau, 7138 Carroll Avenue: Supported the proposed amendments; said they will not exclude speed humps, but make the language more explicit and will satisfy a number of concerns.

At the request of an unidentified member of the audience, the word "definitive" was replaced with exclusive in Sec. B., opening paragraph, line 4, by a consensus of the Mayor and Council. The Mayor supplied the wording for new Sec. B.4., to read: "The installation of speed humps be assessed for impact on public transportation;" so moved, duly seconded, carried unanimously. Councilmember Dalmat moved addition of Sec. B.5. to read: "The impact of speed humps on adjacent neighborhoods be assessed;" duly seconded, carried unanimously.

Following additional discussion, passage of the Resolution adopting Council's policy on speed hump installations was moved, duly seconded, carried unanimously.

RESOLUTION
(attached)

(7) First reading of an ordinance creating a 4-way stop at Chesnut and Hodges Lane.

Councilmember D'Ovidio moved acceptance for first reading, duly seconded. Mr. D'Ovidio referred to a statement of support received from Maggie Berry, 201 Hodges Lane, which should be entered into the record and will be disseminated to Council in the upcoming week.

(8) First reading of an ordinance prohibiting parking on the east side of the 7300 block of Piney Branch Road for a distance of approximately 80 feet southward of the northern lot line of lot 26, Brashears Sub. Block 12.

Hank Cox, 7331 Piney Branch Road: Thanked Mayor and Council for their efforts to slow traffic on Piney Branch; commented on the extreme hazard presented trying to get out of his driveway due to the parked cars obscuring view of traffic in addition to a high stone wall (in the area addressed by the ordinance).

Following discussion, the City Clerk was directed to ascertain the proper distance involved in including the four properties designated as 7327 through 7333 Piney Branch Road and modify the ordinance as required prior to second reading on November 26. Councilmember Iddings wished it noted that the modifications to the proposed ordinance were recommended by the Traffic Committee. The ordinance was accepted for first reading.

PROPOSED ORDINANCE
(attached)

(9) Appointments to the Traffic Committee.

Councilmember Iddings moved appointment of Alan Solomon as an Alternate Representative from Ward 2, Sharon Wolchik as a Full Representative from Ward 1; duly seconded, carried unanimously.

(10) Second reading of an ordinance appropriating funds for the purchase of school zone flashing lights on Philadelphia Avenue near Holly Avenue.

Councilmember Iddings moved adoption, duly seconded. The Mayor referred to a communication received from State Highway dated November 8 recommending against adoption of the ordinance; Mr. Wilson stated that their specific opposition is to the 15 mph speed restriction - if the posted limit were 25 mph they would be willing to discuss joint financing of installation with the City (reminded the total amount involved is \$4,000). Following discussion, the ordinance was adopted by roll call vote as follows: AYE: Councilmembers Dalmat, D'Ovidio, Iddings and Williams; NAY: None; TEMPORARILY ABSENT: Councilmembers Aldrighetti and Bradley; EXCUSED: Councilmember Haney.

ORDINANCE #2743
(attached)

(11) First reading of an ordinance amending Fiscal Year 1984-85 City Budget (Public Hearing scheduled for 11-26-84).

The proposed ordinance was accepted for first reading.

PROPOSED ORDINANCE
(attached)

(12) Request by Senator Dorman for a position from Council regarding students attending community colleges.

The Mayor explained that the legislation being worked on deals with students in either portion of Takoma Park being permitted to attend either Montgomery College or Prince George's Community College and tuition being dealt with as though they were residents of the particular county. Corporation Counsel Gagliardo commented that this clearly relates to unification but deals with it piecemeal; is a beneficial measure, however, and could not be rejected; said Senator Dorman should be pinned down concerning his stance on unification. Councilmember Iddings pointed out that the actual case is that residents of the Prince George's sector of the City will be permitted to attend Montgomery College under the aforementioned conditions; however, the reverse is not true except in certain specified cases. Dialogue ensued concerning unification and the need for formulation of a strategy; Corporation Counsel pointed out that John D'Eustachio will be approaching Mayor and Council requesting their endorsement because Delegate Mooney is reputedly leaving the legislature to take a job in the Reagan administration and the Central Committee wants D'Eustachio, who already advised the Mayor he will be seeking endorsement, as a replacement. Councilmember Iddings commented that there should be reciprocity regarding community college attendance for residents of bi-county municipalities.

For the record, it is noted that under authority of Article 76A(11)(b)(2) of the Maryland Annotated Code, the Mayor and Council by unanimous agreement of those present met in closed emergency session at 7:30 P.M., October 23, 1984, to discuss potential litigation. Present were: Mayor Abbott, Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Iddings and Williams; City Administrator Wilson, Corporation Counsel and Assistant Corporation Counsel, Messrs. Bruce Moyer and Michael Messinger.

Upon motion, duly seconded, the meeting adjourned at 11:47 P.M., to reconvene in regular session on Monday, November 26, 1984 at 8:00 P.M.

RESOLUTION OF CONDOLENCE

WHEREAS, it was with great sorrow that the Mayor and Council learned of the passing on November 7, 1984, of former Takoma Park Fire Department Chief, Stanley R. Fickes, Sr., in his fifty-seventh year; AND

WHEREAS, Stanley R. Fickes, Sr. began his firefighting career in 1948, serving as a volunteer; he became a career fireman in the Takoma Park Fire Department in June 1953, later moving on to Deputy Chief and to Fire Chief in March 1978, where he remained until his retirement in October 1979; AND

WHEREAS, Stanley R. Fickes, Sr. is survived by his wife, Betty L. Fickes, and four children.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council, on behalf of the officials and employees of the City of Takoma Park, as well as the citizens of the community, that we do hereby extend to the members of Chief Fickes' family this expression of heartfelt sympathy in the great loss that they have suffered through his death.

BE IT FURTHER RESOLVED THAT this resolution be spread upon the permanent records of the City of Takoma Park, and that an appropriate copy be prepared for Betty L. Fickes.

NOVEMBER 13, 1984.

ATTEST:

Sammie A. Abbott, Mayor

James S. Wilson, Jr.
City Administrator

ORDINANCE NO. 2741

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:

- (1) is 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~~
- (3) ~~(4)~~ is charged at the beginning of a tenancy.

(d) Any assessment of 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.

ADOPTED NOVEMBER 13, 1984.

---- denotes deletions following first reading.

ORDINANCE NO. 2742

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, Md., 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~~ "dip and crown" shape as viewed in 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 not less than three (3) inches nor more than four (4) inches. Such "speed humps" shall be installed for the purpose of controlling traffic speed and/or volume of improving pedestrian and traffic safety.

(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/or 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

ADOPTED BY THE CITY COUNCIL NOVEMBER 13, 1984.

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the document entitled, "GUIDELINES AND PROCEDURES: Speed Hump Installations," attached hereto and made a part of this resolution by reference, shall be the official policy of the Mayor and Council in decisions regarding the installation, removal or alteration of speed humps on City streets.

NOVEMBER 13, 1984.

ADOPTED BY THE MAYOR AND COUNCIL NOVEMBER 13, 1984.

GUIDELINES and PROCEDURES

11/01/84
Rev. 11-13-84

Speed Hump Installations

Pursuant to Sec. 13-2(a)(14.2) of the Code of Takoma Park, Maryland, 1972 as amended, the following guidelines and procedures for Speed Hump Installations are hereby adopted:

I. Request for Speed Hump Installation.

A request for a speed hump installation can be made by petition.

A. Petition Request.

1. Residents of a street can submit a petition to the Administrator indicating that the residents of at least 60% of the households want speed humps to be installed on that street.

2. If a speed hump installation is being requested for only a portion of a street, the petition must also be circulated to the residents living on the street within one block of the requested installation site.

3. The City Clerk will validate the petition, will determine the total number of eligible households residing on the street, and will compute the percentage of households signing the petition. If that percentage is 60% or greater, the City Clerk will so inform the Mayor, who shall schedule a public hearing.

B. City Clerk Authorized to Develop Standard Forms.

1. To assist residents in petitioning for speed humps, the City Clerk is authorized to develop and distribute a standard "Request for Speed Hump Installation" petition form.

II. Procedures for Public Hearing on Speed Hump Installations.

A. Conduct of Public Hearing.

1. After having been notified by the City Clerk that a valid petition requesting a speed hump installation has been received, the Mayor will schedule a public hearing to solicit the opinions of the entire neighborhood and the City at large.

2. The City Clerk shall send notice of the public hearing to all residents of the street which is proposed to receive a speed hump installation, to the local neighborhood citizen association, and to adjoining neighborhood citizen associations. The public hearing shall be advertised in the Takoma Park Newsletter as well as in a paper of general circulation.

3. After conducting the public hearing and declaring the hearing record closed, the Mayor and Council shall announce its decision within 15 days of the close of the hearing record. Under extraordinary circumstances, this time limit may be extended by majority vote of the Council.

4. The Mayor and Council may approve, approve with modifications, or deny the requested speed hump installation.

5. The City Clerk shall notify the petitioners, and their neighborhood or civic association of the Mayor and Council's decision, which shall also be published in the Newsletter.

B. Guidelines for Evaluating the Public Hearing.

The following criteria are intended to guide the Mayor and Council in determining whether a request for a speed hump installation is reasonable and justified. These should not be considered exclusive criteria.

1. The street proposed for a speed hump installation has an identified speeding problem which cannot be alleviated in any other way than by a speed hump installation. Such a problem can be identified through a combination of resident complaints, police radar surveillance and ticketing practices, accident statistics, and a history of previous efforts to control speeding on the street.

2. The street carries a higher volume of non-residential traffic than would normally be expected. In particular, in the absence of other extraordinary circumstances, speed humps may not be appropriate for streets with a traffic volume of less than 500 vehicles per day.

3. The street has not been identified and is not used by the Takoma Park Volunteer Fire Department as a primary fire and rescue route into a neighborhood.

4. The installation of speed humps be assessed for impact on public transportation.

5. The impact of speed humps on adjacent neighborhoods be assessed.

III. Procedures for Removing a Speed Hump Installation.

A. Removal of Speed Hump Installations.

1. Upon request of 60% of the households of a street containing a speed hump installation, and after six months have elapsed from the initial installation of the speed humps, the Mayor and Council may consider removing the speed hump installation.

2. The request for removal must be made by petition, subject to the procedures specified in Section I.A. above.

IV. Miscellaneous.

A. Placement of Speed Humps near Parks and Playgrounds.

The Mayor and Council may initiate the installation of speed humps on streets adjacent to neighborhood parks, playgrounds, and schools.

B. Authority of City Over Speed Humps.

1. Nothing in these guidelines shall be construed as preempting the City at its initiative from installing, altering, maintaining, or removing a speed hump or speed hump installation. The City Administrator will notify the appropriate neighborhood association and the affected residents of any proposed changes to a speed hump installation. The residents and the association will have an opportunity to discuss the proposed changes with the Mayor and Council before the changes are adopted and implemented.

10/19/84

ORDINANCE NO. 2743

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.

ADOPTED BY THE CITY COUNCIL NOVEMBER 13, 1984.

ORDINANCE NO.

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

- SECTION 1. THAT parking shall be prohibited on the east side of the 7300 block of Piney Branch Road, beginning at PEPCO Pole #7358 (located 648 feet north of the Eastern Avenue curb line), and extending northward for a distance of 212 feet to an unnumbered PEPCO pole located in front of 7333 Piney Branch Road; AND
- SECTION 2. THAT the Director of Public Works is hereby requested to erect the appropriate signing; AND
- SECTION 3. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 4. FURTHER 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.

PROPOSED ORDINANCE

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

- SECTION 1. THAT all vehicular traffic travelling in either direction on Hodges Lane shall come to a complete stop at that street's intersection with Chesnut Avenue; AND
- SECTION 2. THAT all vehicular traffic travelling in either direction on Chesnut Avenue shall come to a complete stop at its intersection with Hodges Lane, thereby creating a 4-way stop; AND
- SECTION 3. THAT the Director of Public Works is hereby request to install the appropriate signing; AND
- SECTION 4. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 5. 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.

ORDINANCE NO.

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

SECTION 1. THAT the Fiscal Year 1985 City Budget be amended as follows:

- (a) An Administration & Legislation expenditure budgetline item for "Temporary Assistance" is created under GOVERNMENT ADMINISTRATION, with a designated budget code number of 510.1.
- (b) A budget line item for "Temporary Assistance" is created for the Department of Public Works - Office with a designated budget code number of 800.1.
- (c) Transfer \$3,500 from General Contingency, budget code number #991 to Temporary Assistance, budget code number 510.1.
- (d) Transfer \$1,000 from General Contingency, budget code number 991 to Temporary Assistance, budget code number 800.1.
- (e) A Miscellaneous Revenue budget line item is created with a designation of "Farmers Market;" a budget code number of 479 and an appropriation of \$1,042.
- (f) Appropriate \$1,042 to Budget line item #991, General Contingency.
- (g) Increase revenues for Urban Development and Assistance by \$12,000 specifically to revenue budget line item #430.
- (h) Appropriate \$10,000 to Community Development Division salaries; specifically to expenditure budget line item #590.
- (i) A revenue line item designated "King Memorial Fund" is created under MISCELLANEOUS REVENUES with a designated budget code number of 477 and an appropriation of \$65.00.
- (j) Appropriate \$65.00 to Budget Code 502; Mayor and Council expense.
- (k) Transfer \$2,000.00 from General Contingency, budget code number 991 to Police - General Contingency, budget code number 605 to cover cost of a Promotions Assessment consultant contract.

SECTION 2. THAT this ordinance shall become effective upon adoption after public hearing.

MEMORANDUM

TO: Mayor and Council

FROM: James S. Wilson, Jr. ~~City~~ City Administrator

SUBJECT: Worksession on Monday, November 19 at 7:30 p.m.

DATE: November 16, 1984

AGENDA

1. Briefing on Citizens Bank Property on Laurel Avenue
2. *Accessory Apartments: 8000 Maple Avenue
115 Grant Avenue
4 Crescent Place
3. Scheduling of Unification and Zoning Bills for Delegation Hearing
4. *Ethics Ordinance Revision
5. Health Care Plan (City employees)
6. Holton Lane Parking Plan
7. Hillwood Manor Section 8
8. Dorman Communication re Prince George's/Montgomery Community Colleges
9. Health Clinic (D'Ovidio)
10. COLTA Appeal -- whether or not to accept --Wagman Brawner Realty

*Pertinent items attached or in package

Mayor and Council Worksession

November 19, 1984

The Mayor and City Council met in worksession at 7:45 P.M., Monday, November 19, 1984, with the Mayor chairing. Present were Councilmembers Aldrighetti (necessarily late - arrived 10:20 P.M.), Bradley, Dalmat, D'Ovidio, Haney, and Williams; City Administrator Wilson, Asst. City Administrators Habada and Robbins.

The following matters were discussed and acted upon as indicated:

1. Accessory Apartments.

8000 Maple Avenue: Recommendation was that Council adopt a position of no objection to granting of the Special Exception; comment was made that the apartment had never been registered with the City; apartment is on the ground floor, inspection revealed no violations. The property owner (Quattlebaum) remarked on being told when buying the property that the apartment was registered. County hearing on the Special Exception is set for December 13; the fire department's report has not yet been received; decision was to defer action until the November 26 regular Council Meeting.

115 Grant Avenue: Recommendation was that Council express no objection to this ground floor apartment; county hearing is set for December 13; decision was to defer action until the November 26 meeting.

4 Crescent Place: Comment was made that out of 34 neighborhood surveys mailed, there have been 2 expressions of support and 1 objection received; county hearing is scheduled for December 13. Apartment is on top floor of the structure, was slated for phaseout in 1988; inspection revealed no violations; recommendation was that Council express no objection. In response to query, the property owner, Ms. Dawson, stated that the apartment was rented when she purchased in 1964 and has been rented continuously since that time; there are 2 cars at the residence (tenant has no car). Councilmember D'Ovidio requested that recommendations be sought from the fire department regarding the outside wooden staircase to the apartment; decision was to defer action (pending receipt of information from the fire department) until the November 26 meeting. Additional decision was made to direct staff to have an intern indicate on City maps both location of "built as" apartments (grandfathered units) and density of those units.

2. Briefing on Citizens Bank property on Laurel Avenue. Travis Price presented the briefing; proposed retaining the Italianate character of the Park Pharmacy building (75,000 sq. ft.). Phase I would include rehabing and expanding the Park Pharmacy building. Phase II addresses the Jack Alan strip (which has a 3-story C-1 zoning limitation); would provide ingress to parking from Laurel Avenue, ingress and egress from Eastern Avenue. Planned parking area would provide 30-60 spaces; mention was made of possibility of this being a City-owned parking lot; comment that this would be a way to alleviate the parking problem in Old Town. Phase III addresses the mid-section of the Jack Alan strip; will involve demolition of everything but the Park Pharmacy building. Comments were made concerning need for more retail space on ground floor of proposed structure; need for temporary cleanup of present facades; lack of communication to merchants concerning what is proposed and what is taking place. In response to query, it was stated that renovation of Park Pharmacy would displace residents of the building for approximately 6 months; reconstruction of the far end of the strip (at Laurel & Eastern) is projected to begin a year hence, the entire strip should be completed in approximately 2 years. It was requested that all the stated information be put into a form for Mayor and Council to review at an upcoming pre-Council session. Councilmember D'Ovidio commented that spring recreational activities should be scheduled to take place in Old Town; it was directed that followup be done on a memo previously sent to Belle Ziegler concerning scheduling activities for that area. Police Sgt. Jack Goetz commented on having a December 11 meeting scheduled with business owners in Old Town concerning Business Watch Program. Comment was made concerning the need for a police walking beat in Old Town.

3. Holton Lane Parking Plan: It was noted that information should be gotten from Gruner concerning how many spaces will be needed for contractor's employees; he should be asked to build a gravel lot at the end of Holton Lane for their parking use. He is also to be asked why they could not build a road up to the trailer and not use Holton Lane for access. The Mayor stated he did not want truck traffic on Holton Lane; said business proprietors are to be requested to cooperate (Myers Candy) by using the alleyway from University Boulevard to access their businesses. A preference was expressed for Plan III (Alt. III).

4. Health Care Plan (City employees): Reference was made to Asst. City Administrator Robbins' memorandum of 11/19/84; comment was made that under federal law, it was required the HMOs have an opportunity to make their presentations to employees; employees will benefit by retaining an HMO rather than going to bid each year; recommendation was 1) Group practice HMO, and 2) Individual practice HMO; if City goes with these plans employees will have to make their choices and sign up by December 15. Council expressed approval of the proposed plan.

Reverend Albaugh spoke concerning wanting further prioritization of Priority 1 projects in the City project list for CDBG funding. Councilmember D'Ovidio commented on the City having given priorities, county staff having gotten its way on new functions of the CAC. Following discussion, Mr. Wilson was directed to call Mr. Ferrara concerning Cindy Donner's behavior and CAC's request for priorities.

5. Ethics Ordinance Revision: Decision was to include the pertinent information in Friday's package; consensus was that the ordinance should be left in the simplest form.

6. Scheduling of Unification and Zoning Bills for Delegation Hearing:

The Mayor commented on a January 10th meeting to be convened with panelists from both counties concerning unification; meeting is not yet confirmed. Hearing dates on bills will have to be arranged with county delegations. Asst. City Administrator Habada was directed to draft necessary resolutions.

The Mayor proposed meeting for a worksession on December 3, regular Council Meetings on December 10 and 17; consensus of Council was agreement.

7. Hillwood Manor Section 8: It was noted that the case has been heard before COLTA; case file is open, not yet complete; Councilmember Aldrighetti commented favorably on the Section 8 report.

8. Dorman Communication re Prince George's/Montgomery Community Colleges: It was noted that Senator Dorman, in his letter, approved ideas previously communicated but referenced larger issues that would have to be considered.

Published agenda item 9 was deleted due to no new developments in the Health Clinic situation.

9. COLTA Appeal - (whether or not to accept - Wagganman Brawner Realty: Consensus was that hearing of the appeal should be denied on the basis that the appellant did not file within the required time frame; a brief resolution so stating will be prepared for the November 26 meeting.

Councilmember Aldrighetti commented on the PGMA meeting to be held in the City in February; mention was made that Maurice Jacobsen will be giving a briefing on Cable TV at the next worksession, also comments concerning extension of the CDBG contract for 1983 street improvement project.

There being no further business to discuss, the meeting adjourned at 11:00 P.M.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Public Hearing on Amendments to FY-1984-85 City Budget
November 26, 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

READING AND APPROVAL OF THE MINUTES OF NOVEMBER 12, 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) Public hearing and second reading of an ordinance amending the Fiscal Year 1984-85 City Budget
 - Public hearing
 - Council action
- (3) Council decision on Special Exceptions to permit the use of existing apartments and accessory apartments:
 - (a) Case S-968, 115 Grant Avenue (Hearing: 10:00 AM, 12-13-84, WCOB)
 - (b) Case S-980, 8000 Maple Avenue (Hearing: 10:00 AM, 12-13-84, WCOB)
 - (c) Case S-986, 4 Crescent Place (Hearing: 9:00 AM, 12-20-84, WCOB)
 - Citizens' comments
 - Council action
- (4) Second reading of an ordinance creating a 4-way stop at Chesnut and Hodges Lane
 - Citizens' comments
 - Council action
- (5) Second reading of an ordinance prohibiting parking on the east side of the 7300 block of Piney Branch Road for a distance of 212 feet, to accommodate ingress and egress from the driveways of 7327, 7329, 7331 and 7333 Piney Branch Road
 - Citizens' comments
 - Council action
- (6) Resolution pertaining to a request for an appeal from a COLTA decision (Wagmanman Brawner Realty)
 - Citizens' comments
 - Council action
- (7) Acceptance of bid on two police cruisers
 - Citizens' comments
 - Council action

NOTE: The Mayor and Council will hold meetings on December 10 and December 17. The next regularly scheduled Council meeting will take place on January 14, 1985.

THE CITY OF TAKOMA PARK, MARYLAND
Regular Meeting of the Mayor and Council
and
Public Hearing on Amendments to FY-1984-85 City Budget
November 26, 1984

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Habada
Councilmember Bradley (neces- sarily late)	Asst. City Administrator Robbins
Councilmember Dalmat	City Clerk Pusti
Councilmember D'Ovidio	Asst. Housing Director Austin
Councilmember Haney	
Councilmember Iddings	
EXCUSED: Councilmember Williams	

The Mayor and City Council of Takoma Park, Maryland, met on November 26, 1984, at 8:05 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of conducting a Public Hearing on Amendments to the FY-1984-85 City Budget and the regularly scheduled session of the Mayor and Council.

Following the pledge, Mayor Abbott commented that on December 12, the anniversary of passage of the City's Nuclear Free Zone Ordinance, a member of the New Zealand Parliament, Miss Clark (elected in 1981), will be visiting in Takoma Park as part of a tour arranged by Nuclear Free America. The upstairs meeting room has been reserved and Council and the Nuclear Freeze Task Force were asked to promote a meeting for that date with Ms. Clark scheduled to speak at 7:30 P.M. Related that prior to election to Parliament, Ms. Clark held positions in the Labor Party, is now Chair of the Parliament Committee on Disarmament and Control. In that capacity she expects to be meeting with members of the House of Representatives and the Senate to express concerns of her country which does not want nuclear-powered submarines from any nation using its ports. Said the movie about the Micronesian island, Paolo, which was first to pass an anti-nuclear ordinance, will be shown at the December 12 meeting. The Mayors of Sykesville and Garrett Park, and the head of the Village Board of Wildlake in Columbia were invited by Nuclear Free America in Baltimore to come to Takoma Park for a press conference and noon luncheon on December 12; however, due to the conflict of schedules, they have been invited to attend the evening meeting.

Councilmember D'Ovidio moved approval of the November 13, 1984 Council Meeting Minutes; duly seconded by Councilmember Iddings with a correction noted on page 9, midpage: "Councilmember Iddings wished it noted that the modifications to the proposed ordinance were recommended by the Traffic Committee" should read "Councilmember Iddings wished it noted that the proposed ordinances were recommended by the Traffic Committee." The minutes with the noted correction were approved unanimously.

ITEMS FOR COUNCIL CONSIDERATION:

(1) Public hearing and second reading of an ordinance amending the Fiscal Year 1984-85 City Budget.

In response to query, Asst. City Administrator Habada stated that under item (e) of the ordinance, the figure of \$1,042 is the revenue amount projected by Daniel Neal through next spring (incoming revenue which is then appropriated to General Contingency); stated item (i) is money collected in the city, was not appropriated. Councilmember Haney requested that the total amount under item (i) be verified. At the request of Councilmember Iddings, Ms. Habada explained that item (k) was not included in the adopted budget; however, the 3-phase plan for deciding upon promotions in the police department includes not only the written exam and an oral interview, but examination by a panel of assessors. Chief Fisher felt that institution of the third phase would inject a more professional approach into the promotion process for officers. Councilmember Iddings remarked that he had no problem with utilization of such services for the purpose, but that they should be included in and discussed as a part of the budget process. Adoption of the ordinance was moved by Councilmember D'Ovidio, duly seconded by Councilmember Iddings; roll call vote was

as follows: AYE: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney and Iddings; NAY: None; EXCUSED: Councilmembers Bradley and Williams.

ORDINANCE #2744
(attached)

(2) Council decision on Special Exceptions to permit the use of existing apartments as accessory apartments:

(a) Case S-968, 115 Grant Avenue (Hearing: 10 A.M., 12/13/84, WCOB). City Administrator Wilson stated that inspection of the subject property by staff revealed no existing violations and recommendation was that there be no objection to granting of the Special Exception. Councilmember D'Ovidio commented on the County Board of Appeals' deference to Council's position in recommendations submitted thus far on accessory apartment cases, and their reliance upon work done by City staff; Mr. Wilson agreed they have been consistent in concurring with City recommendations. (Note: Councilmember Bradley arrived at this point in the meeting.) In response to query, Asst. Housing Director Austin stated that first round inspections for the purpose of procuring use and occupancy permits will be conducted in conjunction with the county; if code violations have not been corrected on properties as required, the permit can be withheld, thus providing leverage to ensure compliance (in addition to the City's registration process and general inspections). Councilmember D'Ovidio moved that Council express no opposition to granting of the Special Exception, duly seconded. Councilmember Iddings remarked that he would be abstaining from voting on all three cases due to not being able to attend the pertinent worksession discussions. The motion carried with Councilmember Iddings Abstaining, balance of Council voting Aye.

(b) Case S-980, 8000 Maple Avenue (Hearing: 10:00 A.M., 12/13/84, WCOB). Mr. Wilson related that at the time of the worksession discussion, the fire department inspection had not been performed; it has since been completed with several deficiencies requiring correction noted. Staff's recommendation is that there be no objection expressed to granting of the Special Exception, contingent upon correction of the noted deficiencies. Councilmember Bradley commented that this apartment has existed for some time, is occupied by a family member and will probably continue to be; moved that Council express approval for granting of the Special Exception. She stated the neighborhood generally supports accessory apartments and no complaints have been received. Councilmember Dalmat seconded the motion, contingent upon correction of the noted deficiencies; motion carried with Councilmember Iddings Abstaining, balance of Council voting Aye.

(c) Case S-986, 4 Crescent Place (Hearing: 9:00 A.M., 12/20/84, WCOB). Mr. Wilson remarked that at the worksession discussion, a question arose concerning the outside wooden staircases; stated that further investigation has revealed that the Fire Code does not require fire-resistant outside stairways for structures 3-stories and under in old construction. New construction and anything over 3-stories is required to be constructed of fire-resistant materials. Councilmember D'Ovidio, who originally posed the question regarding the staircase, moved expressing no objection to granting of the Special Exception, duly seconded, carried with Councilmember Iddings Abstaining, balance of Council voting Aye. Mr. Wilson commented that according to the list provided to the City by the county, there remain four accessory apartment requests to be addressed.

(3) Second reading of an ordinance creating a 4-way stop at Chesnut and Hodges Lane.

Councilmember Iddings moved adoption, duly seconded by Councilmember D'Ovidio. For the record, Mr. Iddings stated that the City Clerk notified Hodges Heights Citizens' Association (in particular, Mrs. Longen, who had spoken to a number of people who thought the 4-way stop was a good idea); a petition was received from residents of Hodges Lane. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney and Iddings; NAY: None; EXCUSED: Councilmember Williams.

ORDINANCE #2745
(attached)

(4) Second reading of an ordinance prohibiting parking on the east side of the 7300 block of Piney Branch Road for a distance of 212 feet, to accommodate ingress and egress from the driveways of 7327, 7329, 7331 and 7333 Piney Branch Road.

Hank Cox, 7331 Piney Branch Road: Spoke briefly concerning the very perilous situation when trying to exit his driveway with cars parked nearby obscuring the view of approaching traffic; urged adoption of the ordinance. The Mayor commented on several other residents being present at first reading of the ordinance to express their support.

In response to query, Asst. City Administrator Robbins stated the designated no parking area will be posted with signs on the utility poles; painting of the curbing is not presently planned. Councilmember D'Ovidio suggested painting a yellow line at either end of the no parking area perpendicular to the white line, thus delineating the restricted area, rather than painting the entire curb. In response to query from a citizen, Mr. D'Ovidio stated that generally when a parking restriction is newly installed, the police issue warnings for a period of time prior to ticketing, and, in some instances, towing vehicles. Councilmember D'Ovidio moved adoption of the ordinance with the understanding that the no parking area will be delineated as discussed, duly seconded, adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney and Iddings; NAY: None; EXCUSED: Councilmember Williams.

ORDINANCE #2746
(attached)

(5) Resolution pertaining to a request for an appeal from a COLTA decision (Waggaman Brawner Realty).

Mr. Wilson referred to Asst. Corporation Counsel DeNovo's memorandum with an attachment comprised of Findings of Fact, Conclusions of Law, plus an Order which, if passed, will accomplish execution of the consensus reached in worksession of denying the appeal. In response to query about how this would affect GCLS's contention that the entire situation was the fault of the management company, Mr. Wilson pointed out that the last paragraph of Ms. DeNovo's memorandum suggests that the Mayor and Council transmit the Motion To Clarify Or Remand Award filed by GCLS to COLTA for its consideration and send a letter to GCLS's attorney advising of that action. This would in effect remand the issue of whether they should or should not have been served to COLTA for deliberation. Mr. Wilson pointed out that GCLS was not the organization of record throughout the entire proceeding until COLTA's Order was written, at which time they were included on the caption; Waggaman-Brawner Realty have been the sole managers for some time and are the sole name used on leases executed. Councilmember Bradley mentioned being advised by a tenant of the building that letters have been received by tenants from GCLS with a request that a document be signed stating that GCLS was not responsible for the existing situation; said the tenant felt she is being harassed and another COLTA case may be generated. Ms. Bradley expressed concern that the process not be further slowed down, moved denial of the appeal on the basis that the stipulated notice was not filed within the required time frame, duly seconded. Motion carried unanimously and was accomplished by the Mayor's signing of the legal document provided.

FINDINGS OF FACTS, CONCLUSIONS OF LAW AND
ORDER OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF TAKOMA PARK, MARYLAND
(attached)

Councilmember Bradley commented that this case might be a model worthy of dissection and study for future reference by the City. In response to query from Councilmember Iddings, Mr. Wilson suggested that the GCLS issue be remanded to COLTA; so moved by Councilmember Bradley, duly seconded. Following discussion, the motion carried unanimously.

(6) Acceptance of bid on two police cruisers.

Mr. Wilson referred to the ordinance prepared subsequent to the bid opening; stated only one bid was received, the cars quoted on are 1984 4-door Dodge Diplomats; the white vehicle will be for uniform personnel use, the blue vehicle for detective personnel use; the Non-Nuclear Certification was received with the bid. Councilmember Haney questioned whether the visibar light installation on top of the uniform cruiser would be consistent with those already in use; response was affirmative. Councilmember D'Ovidio moved adoption of the ordinance, duly seconded by Councilmember Iddings. In response to query from Councilmember Aldrighetti concerning car radios, Mr. Wilson stated that Chief Fisher has requested permission to purchase medium-priced mobile units for the cars to be used in the interim period until a new radio system is procured and then retained for backup and use in other vehicles; purchase would be made with funds appropriated for refurbishing the current radio communications system. Councilmember Bradley questioned size of the police department auto fleet with the addition of the two new cars. Mr. Wilson stated he did not have the figure at hand; remarked that there is a third new car which is in the possession of the police department but not yet paid for because the county has not furnished a price. Councilmember Bradley commented that during budget deliberations, it was decided very late in a meeting after some councilmembers (including herself) had departed, to reinsert the purchase of three police cars in the budget; expressed doubts about how many cars are actually needed based upon number of personnel; did not think a good case was made for needing three new cars; would abstain from voting on the ordinance; wanted clarification of negotiations for purchase of the third car mentioned. Councilmember Iddings pointed out that a majority of Council concurred in including purchase of three police vehicles in the budget for reasons stated by the Police Chief; said there was nothing devious in the way it was done, despite the late hour. Following additional dialogue, Mr. Wilson stated in response to query that the three cars, if the lights and sirens are included, will cost \$1,306 more than the appropriated \$31,500; bid for the two cars was the only bid received in response to five requests for proposals sent to local Dodge and Chrysler-Plymouth dealers; explained reasons for the dearth of bids on the police cars. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney and Iddings; NAY: None; ABSTAINED: Councilmember Bradley; EXCUSED: Councilmember Williams.

ORDINANCE #2747
(attached)

City Administrator Wilson commented that he and Chief Fisher had discussed the fact that, in future, additions to the police vehicle fleet will have to be planned on a regular basis; optimum fleet size will have to be decided upon, and miles per vehicle will have to be estimated, so that projections can be made concerning turnover. Dialogue ensued concerning budget process discussions on the vehicles and justification of need as related to number of personnel.

(7) Traffic Committee Appointment.

Councilmember Bradley moved appointment of Nancy Wheeler, 8211 Roanoke Avenue, as the Ward 5 Representative to the Traffic Committee; said her appointment was endorsed by neighbors and neighborhood organization representatives. Commented the former representative from that ward, Jan Cohen, resigned. The motion was duly seconded, carried unanimously.

(8) Budget Process and Departmental Goals Management.

Councilmember Aldrighetti stated he and Councilmember Bradley had discussed this item; said they felt more time should be devoted by Mayor and Council to discussing their goals for the various departments; invited expressions of interest in such discussions with the City Administrator and his assistants in attendance. Mayor Abbott suggested a brief memo be submitted by councilmembers expressing their comments. Ms. Bradley remarked that the proposed discussions should occur prior to getting involved in details of the budget process. In response to query from the Mayor, Mr. Wilson stated a schedule outline

for the budget process will be presented shortly after the first of the year; spoke of the need to develop budget guidelines. The Mayor commented in support of holding discussions with department heads prior to actual budget discussions; Councilmember Bradley remarked on the need to develop a followup process for directions given during budget hearings. Councilmember Haney expressed thanks for the proposal; said he would welcome the opportunity for input into the process (versus Mayor and Council reviewing a document presented to them) and hoped a precedent could thereby be set. The Mayor requested that the aforementioned memos be submitted and stated he and the City Administrator would work out a schedule for the discussions.

(9) Final Allocation Report of Laurel-Eastern Avenue Project.

Asst. City Administrator Habada explained that the state IRB form provided reflects ceiling limit amounts imposed for issuance in 1985; said the state ceiling is based upon \$150 per capita (in the City's case multiplied by population figure of 16,231); this does not mean that allocation of funds from other sources cannot be requested, thus additional funding can probably be acquired if needed. In response to query, cited problems encountered in getting action from PEPCO on the lighting in Old Town; the Mayor suggested that an appropriate staff member make a trip to D. C. and personally prod PEPCO into getting underway, hopefully getting the lighting on prior to the Christmas season; Ms. Habada assured a trip would be made in the coming week. The Mayor commented on the clock requiring installation, brick work yet to be completed, violations of the facade ordinance (Daugharthy properties, Frank's Barber Shop). Ms. Habada stated some action on Frank's Barber Shop is imminent; commented on problems encountered in trying to get Mr. Daugharthy to comply with the ordinance; said the situation may require legal action to overcome his obstinacy; he has invited the City to sue him. Corporation Counsel Gagliardo remarked that the case was sent to him previously, had been badly mishandled by a staff member no longer with the City; he returned it for re-citation and had not been advised of further developments. Following dialogue, it was decided Mr. Daugharthy would be appropriately cited for the violation as the initial step in resolving the issue. In response to query, Ms. Habada stated the City has to meet a December 1 deadline for submission of the IRB form to the state; said in response to query that staff has been in contact with Senator Bainum's office but the City does not have a proposed project far enough advanced for him to put in legislation for funding; insofar as the proposed clinic, the Senator has stated that a project has to be of statewide significance to qualify.

Councilmember Bradley stated that at last week's meeting of MML, a decision was made that due to the shortage of funds in the chapter's treasury, each municipality will be asked to invite their State Delegates and Senator to the December 14 Christmas party at the 4H Center on Connecticut Avenue in Chevy Chase. Requested that a staff member call the appropriate 4 representatives, verbally invite them and remind them of the date; there was a consensus of Council that the request be acted upon.

Upon motion, duly seconded, the meeting adjourned at 9:15 P.M., to reconvene in regular session on December 10, 1984 at 8:00 P.M.

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

SECTION 1. THAT the Fiscal Year 1985 City Budget be amended as follows:

- (a) An Administration & Legislation expenditure budgetline item for "Temporary Assistance" is created under GOVERNMENT ADMINISTRATION, with a designated budget code number of 510.1.
- (b) A budget line item for "Temporary Assistance" is created for the Department of Public Works - Office with a designated budget code number of 800.1.
- (c) Transfer \$3,500 from General Contingency, budget code number #991 to Temporary Assistance, budget code number 510.1.
- (d) Transfer \$1,000 from General Contingency, budget code number 991 to Temporary Assistance, budget code number 800.1.
- (e) A Miscellaneous Revenue budget line item is created with a designation of "Farmers Market;" a budget code number of 479 and an appropriation of \$1,042.
- (f) Appropriate \$1,042 to Budget line item #991, General Contingency.
- (g) Increase revenues for Urban Development and Assistance by \$12,000 specifically to revenue budget line item #430.
- (h) Appropriate \$10,000 to Community Development Division salaries; specifically to expenditure budget line item #590.
- (i) A revenue line item designated "King Memorial Fund" is created under MISCELLANEOUS REVENUES with a designated budget code number of 477 and an appropriation of \$65.00.
- (j) Appropriate \$65.00 to Budget Code 502; Mayor and Council expense.
- (k) Transfer \$2,000.00 from General Contingency, budget code number 991 to Police - General Contingency, budget code number 605 to cover cost of a Promotions Assessment consultant contract.

SECTION 2. THAT this ordinance shall become effective upon adoption after public hearing.

ORDINANCE NO. 2745

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

- SECTION 1. THAT parking shall be prohibited on the east side of the 7300 block of Piney Branch Road, beginning at PEPCO Pole #7358 (located 648 feet north of the Eastern Avenue curb line), and extending northward for a distance of 212 feet to an unnumbered PEPCO pole located in front of 7333 Piney Branch Road; AND
- SECTION 2. THAT the Director of Public Works is hereby requested to erect the appropriate signing; AND
- SECTION 3. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 4. FURTHER 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.

PROPOSED ORDINANCE 2746

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

- SECTION 1. THAT all vehicular traffic travelling in either direction on Hodges Lane shall come to a complete stop at that street's intersection with Chesnut Avenue; AND
- SECTION 2. THAT all vehicular traffic travelling in either direction on Chesnut Avenue shall come to a complete stop at its intersection with Hodges Lane, thereby creating a 4-way stop; AND
- SECTION 3. THAT the Director of Public Works is hereby request to install the appropriate signing; AND
- SECTION 4. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 5. 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.

IN THE MATTER OF:)

Waggaman-Brawner Realty
Corporation, GCLS Enterprises)

Landlord)

and)

Tuscan Tenants Association)

Case No. TP-171
657 Houston Avenue
Tuscan Apartments

FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER

OF THE MAYOR AND CITY COUNCIL

OF THE CITY OF TAKOMA PARK, MARYLAND

Findings of Fact

1. On October 3, 1984, the City of Takoma Park Commission on Landlord-Tenant Affairs (COLTA) issued its Opinion and Order in Case No. TP-171, Tuscan Tenants Association vs. Waggaman-Brawner Realty Corporation.

2. A copy of said Opinion and Order of COLTA was mailed to Waggaman-Brawner Realty Corporation on October 3, 1984, by certified mail, return receipt requested.

3. A copy of said Opinion and Order of COLTA was received by Waggaman-Brawner Realty Corporation on October 4, 1984, as evidenced by the return receipt signed by a representative of the Corporation on file in this matter.

4. On October 15, 1984, Waggaman-Brawner Realty Corporation filed a letter dated October 15, 1984 requesting an appeal of COLTA's Order to the Mayor and Council.

Conclusions of Law

1. Section 6-80.16 of the City of Takoma Park Code provides that any person aggrieved by a final action of the Commission on Landlord-Tenant Affairs may appeal to the Mayor and Council within ten (10) days of receipt of notification of the Commission's decision.

2. Waggaman-Brawner Realty Corporation's appeal to the Mayor and Council was not filed within the time allowed by Section 6-80.16 of the City of Takoma Park Code.

Order

NOW, THEREFORE, BE IT ORDERED by the Mayor and City Council of the City of Takoma Park, Maryland, sitting as an appellate body, that the request for appeal filed by Waggaman-Brawner Realty Corporation of COLTA's Order in Case No. TP-171 be rejected as untimely under Section 6-80.16 of the City of Takoma Park Code.

FOR THE MAYOR AND CITY COUNCIL OF THE
CITY OF TAKOMA PARK, MARYLAND

Sammie A. Abbott, Mayor

ORDINANCE NO. 2747

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

SECTION 1. THAT the 1984-85 Capital Budget earmarked Federal Revenue Sharing Funds for the purchase of three police patrol cars; AND

SECTION 2. THAT bids for two cars were solicited from qualified dealers and advertised for two weeks in two weekly newspapers of local circulation; AND

SECTION 3. THAT the bids were publicly opened at 2:00 PM, November 26, 1984, with one bid having been received from Warnock-Ryan Dodge, Inc. of Livingston, N. J., said bid meeting all specification requirements.

SECTION 4. THEREFORE THAT the bid of Warnock-Ryan Dodge, Inc. is hereby accepted, said bid being in the amount of TWENTY-TWO THOUSAND, ONE HUNDRED SIXTY-FOUR DOLLARS AND SIXTY CENTS (\$22,164.60) for two (2) 4-door, 1984 Dodge Diplomats, one car equipped with a Federal 24 EAHT light bar including siren and speaker, and one car equipped with detective-style siren, control panel and emergency light; AND

SECTION 5. THAT Warnock-Ryan Dodge, Inc. has submitted the required notarized statement certifying that, as of the date of the bid opening, that company is not involved in the nuclear weapons industry or the sale of merchandise produced by companies so involved; AND

SECTION 6. THAT funds to cover this purchase in the amount of \$22,164.60 shall be appropriated from the Capital Expenditures account, No. 995, and posted to the Revenue Sharing Account.

ADOPTED BY THE CITY COUNCIL NOVEMBER 26, 1984.