

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and Council  
and  
Public Hearings: Speed Hump Petitions for Tulip, Pine, Birch and Hilltop Road  
and  
Public Hearing: Rent Stabilization Guidelines

August 5, 1985

7:30 P. M.

AGENDA

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

1. Special Exception S-1136, continued use of an existing apartment at 7407 Carroll Avenue as an accessory apartment (Hearing: 8-15-85, 1:30 PM, Rockville)  
Citizens' comments  
Council action
2. Special Exception S-1138, continued use of an existing apartment at 7505 Jackson Avenue as an accessory apartment (Hearing: 9-12-85, 9:00 AM, WCOB, Rockville)  
Citizens' comments  
Council action
3. Public Hearings on speed hump petitions for:
  - a. Tulip Avenue
  - b. Pine Avenue
  - c. Birch Avenue
  - d. Hilltop Road
4. Public Hearing on Rent Stabilization Guidelines
5. Resolution commemorating the 1st World Conference of Mayors for Peace through Inter-city Solidarity, sponsored by the Cities of Hiroshima and Nagasaki, Japan  
Citizens' comments  
Council action
6. Authorization to submit proposed Commercial Crime Prevention Code to Corporation Counsel for review (Haney)  
Council action
7. Fire Tax reimbursement discussion
8. Discussion re position letter on Washington Adventist Hospital and State consultant's report recommending consolidation or closure  
Citizens' comments  
Council action

ADJOURNMENT

NOTE: Public Hearings will be videotaped.

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PUBLIC OFFICIALS PRESENT:

Mayor Pro-tem D'Ovidio	City Administrator Wilson
Councilmember Aldrighetti	City Clerk Pusti
Councilmember Bradley	Housing Director Tyree
Councilmember Haney	Asst. Housing Director Austin
Councilmember Iddings	Public Works Director Robbins
Councilmember Williams	

EXCUSED: Mayor Abbott, Councilmember Dalmat

The Mayor Pro-tem and Council convened on August 5, 1985, at 7:30 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of conducting a special meeting and public hearings on the above-noted subjects.

ITEMS FOR COUNCIL CONSIDERATION:

1. Special Exception S-1136, continued use of an existing apartment at 7407 Carroll Avenue as an accessory apartment. Councilmember Aldrighetti commented that, despite the concentration of such units on Carroll Avenue, (a problem previously referred to the County Board of Appeals for an opinion - no response received to date), he would not oppose granting of the request in light of the applicants being senior citizens, the type of individuals for whom this program was specifically designed. Mr. D'Ovidio asked that Council support inclusion in any motion of a statement pressing the Board of Appeals to address the issue of over-concentration. Mr. Iddings supported the position voiced by Mr. Aldrighetti, remarked that this same position had been taken regarding an accessory apartment in the 7500 block of Carroll where a petition was presented by senior citizens; he asked that the same sort of language as used in that case be conveyed to the county - i.e., concerning the fact that opposition was absent due to applicants so aptly fitting the intent of the legislation, however, reiterating the question of over-concentration and again asking that it be addressed. He moved voicing no opposition to granting of the Special Exception, with the stipulation that the aforementioned language be concurrently conveyed to the Board of Appeals. The motion was duly seconded by Councilmember Haney. Mr. D'Ovidio asked that the county also be requested, in the aforementioned letter, to furnish the number of accessory apartments that have been approved or are pending consideration. Mr. Wilson noted that the last time Asst. Housing Director Austin appeared before the Board of Appeals, he was denied the opportunity to make a full presentation; he said it should be requested in advance that time for the City to make its presentation on the issue be allotted. The maker of the motion accepted that amendment. Councilmember Bradley noted lack of a cohesive City policy on the issue for staff to present to the county; she said perhaps there should be further consideration by Council prior to making any detailed presentation to the Board of Appeals. Mr. D'Ovidio commented he did not disagree with Ms. Bradley, however, pointed out that since the Board of Appeals is responsible for administering the accessory apartment law, they are being asked to state on what criteria they will base their decisions. Following additional dialogue, the question was called, the motion, as amended, carried unanimously.

It was noted that a camera crew, trained by the City's Cable Coordinator, Herb Wilson, was present and filming the meeting as a practice run. Live programming of City Council Meetings on Channel 24 (the City's cable channel) is anticipated at a future date. Councilmember Haney pointed out that there have been character-generated messages on that channel to date, and it is hoped that the channel will be fully operational in the near future.

2. Special Exception S-1138, continued use of an existing apartment at 7505 Jackson Avenue as an accessory apartment.

Mr. Wilson noted that of nearby residents surveyed, 1 expressed no

objection, 2 have expressed opposition. Asst. Housing Director Austin summarized the inspection report of the property which noted several code violations; he commented the property had never been registered with the city; staff's recommendation was that, upon correction of all noted violations, no objection be made to granting of the Special Exception. Councilmember Williams moved acceptance of staff's recommendation, duly seconded by Councilmember Bradley, carried unanimously. In response to query, Mr. Austin stated that violations noted would be checked for compliance prior to the county issuing a use and occupancy permit, and, at that time the unit would be registered with the city.

3. Public Hearings on speed hump petitions.

Mr. Wilson noted that the required percentage of residents' signatures on petitions had been verified for all streets under consideration, with the exception of Hilltop Road, which, despite additional signatures having been gotten, still fell short of the requirement. He noted receipt of correspondence from Susan Vogelsang and Paul Treadseter, in addition to copies of citizens' letters included in the packet, expressing opinions on the speed humps. Public Works Director Robbins spoke concerning recommended speed hump locations on the three streets being considered; he noted that in making his recommendations, he closely adhered to criteria provided in Section 13-2 of the City Code, while taking pertinent physical factors, such as manholes, storm drains, etc., into consideration. He presented information contained in his memorandum of 7/31/85 and elaborated on his rationale for placement(s) of the speed humps.

Roger McGary, Chief, Takoma Park Volunteer Fire Department: spoke in opposition to speed humps; he said that, in the event of a working fire, response time is critical - anything that slows that down jeopardizes the lives and property of the citizens. He emphatically stated that speed hump installations in the city are doubling the department's response time, in terms of both fire and emergency medical services, and showed a video tape illustrating fire apparatus traversing three speed humps on Westmoreland Avenue in order to respond to a fire on that street. Councilmember Aldrighetti commented that Montgomery County is currently performing a study which may involve eventually moving the Takoma Park Fire Station, which would additionally increase response time. In response to query, Chief McGary stated that 7 minutes is considered acceptable response time in Montgomery County, primarily due to the fact that the stations in the upper county that have greater travel distances have an average 7-minute response time; targeted response time in the down-county area is 3.5 minutes average, with average response speed being 28 mph. He stated Takoma Park's response time to its farthest areas, e.g., Erskine Street, is 4 to 4-1/2 minutes.

a. Tulip Avenue:

Candice Harshaw, 103 Tulip Avenue: commented on the amount of traffic displaced onto Tulip Avenue by speed humps on surrounding streets, vehicles speeding 50-60 mph. She stated that regardless of her opinion of speed humps in general, she felt if they are placed on some streets, they must be placed on all to avoid people finding the ones that don't have them and using them as thruways. She noted having two children who ride bicycles and lack of any sidewalk on her side of the street. In response to query, she stated that if Council responded to Chief McGary's presentation by making a decision that there should not be speed humps on city streets, she would still favor having them on her street, was willing to sacrifice fire and rescue response time to afford more protection to children and pets playing in the street.

Councilmember Williams commented that, as long as the residents were well-informed of all the implications of having speed humps on their streets, he would feel obliged to support the wishes of the majority of residents. Councilmember Haney raised the question of having a speed hump that would still slow traffic but have a lesser impact on emergency vehicles; Chief McGary stated his department would not alter its position of opposition to speed humps, however, any configuration having a lesser impact would be an improvement. Chief McGary also noted that the problem of traffic displacement had been discussed as a possibility in early meetings on the subject and had now become a reality. Mr. D'Ovidio commented that the speed humps are just one

means of dealing with a problem that other municipalities have also had to address, some using one-way streets, street closures, stop signs, etc. Chief McGary pointed out that emergency vehicles are not required to stop for stop signs when responding, said traversing the speed humps causes physical damage to emergency vehicles (as discussed at earlier meetings).

Bill Brailey, corner of Tulip & Holly: stated he could agree with and empathize with Chief McGary and his department's position, however, as the parent of a child who was struck by a vehicle on Holly, he was very concerned about children's safety; he said that the streets near Metro are particularly heavily-travelled and a lot of children play in the streets. He suggested that two speed humps should be placed in every block of Tulip in order to slow traffic speeding to and from the Metro station.

Gail Douglas, 212 Tulip Avenue: stated she was one of the circulators of the petition, commented that a number of neighbors were out of town and could not be present, however, they had voiced adamant support for speed humps. She reiterated remarks concerning speeding vehicles.

Herb Kauffman, 214 Tulip Avenue: thanked Council for conducting the public hearing, affording citizens an opportunity to comment on the speed humps; he remarked that they are very effective in decreasing the speed of vehicles. He quoted from pg. 48 of the Master Plan which, effectively, supported control of traffic to discourage the use of Tulip Avenue as a Metro access route. He, too, voiced concern over the speed of traffic on that street, as well as other city streets. He stated he felt it would be a dangerous omission if a speed hump were not installed in the 500 block of Tulip Avenue because cars come from Carroll Avenue at very excessive speed when they have a green light. He noted that while emergency vehicle response time was a valid consideration, the safety of children was a prime concern; commented that properly maintained vehicles should be able to traverse the humps at a reasonable speed without sustaining any damage.

Councilmember Iddings read, for the record, a letter from James Ret-  
burgh, 408 Tulip Avenue, dated July 30, opposing placement of speed humps on Tulip, particularly in front of his property, and proposing a three-way stop at Tulip and Spruce, which he felt would accomplish the purpose of slowing traffic. Dialogue ensued concerning the effectiveness of speed humps versus stop signs in slowing traffic.

Darryl Stevens, 6800 Westmoreland Avenue: spoke in support of the effectiveness of speed humps; said there should be no necessity for lengthy discussion in light of the adopted ordinance requiring petition by a majority of residents before installation is considered, and the wishes of that majority should be deferred to by Council. He empathized with problems cited by Chief McGary and hoped a modification to the speed humps could be made to better accommodate passage of emergency vehicles, without defeating the original purpose. Councilmember Aldrighetti pointed out that while the ordinance requires petition by 60% of residents of a block in order for speed hump installation to be considered, the installation impacts people other than those petitioners. For that reason, a public hearing is held in order to afford those others impacted an opportunity to express their position(s) and provide Council all sides to consider prior to making a decision. Mayor Pro-tem D'Ovidio pointed out that not only the fact of speed humps, but their location, is critical, and requires consideration. Councilmember Bradley reiterated that under the adopted guidelines, it is incumbent upon Council to consider how specific speed humps impact the entire city, not just a few blocks. Mr. Stevens expressed the wish that the process could be expedited, leaving more time to address other important issues. Additional dialogue ensued with Chief McGary, in which he again emphasized that the speed humps increase response time; the more of those impediments the vehicles have to traverse to reach a given point, the more time is added to their arrival on the scene. Mr. D'Ovidio noted that since implementation is by ordinance, first and second readings will be required, affording additional opportunity for citizen input.

b. Pine Avenue:

Nancy O'Donnell-Cox, 8 Pine Avenue: questioned why fire trucks cannot

go over the speed humps at normal or near-normal speed, to which Chief McGary and others responded. She disputed the recommended placement of humps for Pine Avenue - wanted none on the hill (the 11 block), 2 in the 10 block (one in front of her property, #8), if possible, and none in the 24 block. Councilmember Iddings mentioned the opportunity of placing a three-way stop at Montgomery and Pine, pointed out that the guidelines recommend speed humps be a last resort for dealing with traffic, rather than a first resort as is happening in some cases. Ms. O'Donnell-Cox pointed out that in snowy or icy weather, people stopping for a stop sign at Montgomery and Pine would slide back downhill. Mr. Robbins pointed out that Montgomery Avenue is one-way off Pine, thus a stop sign could not be placed there for entry onto Pine.

Bruce Hutton, 6 Pine Avenue: said if there were a way to slow down speeding vehicles without slowing down emergency equipment, he would be fully supportive, however, did not think it was possible. He stated that residents live with a life-threatening situation every day due to the speeding vehicles, did not think a stop sign would be effective, thus, he favored installation of speed humps.

Jim Holland, 19 Pine Avenue: stated he shared Chief McGary's concerns; spoke in favor of increased police enforcement to deter speeding, rather than installation of speed humps. He questioned what areas of the city would be accessible to emergency vehicles without their having to navigate speed humps at some point along the way. As an aside, for the record, he commented on the extremely poor cable TV service furnished by Tribune-United. Councilmember Williams pointed out that the number of police officers employed by the city is not adequate for full-time traffic surveillance, hiring of additional personnel would require raising taxes. Mr. Holland commented it would probably benefit the city to hire more police officers and fewer administrative personnel. Mr. D'Ovidio noted that the city does not receive any revenue from traffic violations, thus incentive is somewhat reduced; he commented that the speed humps are considered a silent policeman and are on duty 24 hours a day. Councilmember Iddings commented that the police department, about a year and a half ago, received a traffic enforcement grant under which they performed a greatly increased level of enforcement; he said that grant has now run out, and asked that the City Administrator request a report from the Chief of Police on the current level of traffic enforcement, which he suspected was not very high. In the course of additional comments, Councilmember Bradley noted the danger of people becoming complacent about the hazard of vehicles because of having speed humps on their streets.

c. Birch Avenue:

Travis Price, 7301 Birch Avenue: spoke in support of speed humps, generally, and particularly on his street; asked that the one proposed for his block be placed a bit more toward Dogwood, if feasible. He did not support the concept of making Barclay and Birch a three-way stop, did not think it would be effective.

Richard Wahl, 7302 Birch Avenue: did not oppose speed humps, however, wished to reconsider, along with neighbors, the locations proposed and provide feedback at a later date. Councilmember Aldrighetti expressed a concern that in any conversations that occur, the city be represented in terms of the safety factor which must be considered when deciding upon location(s).

Carl Wohlman, 7408 Birch Avenue: commented on the effectiveness of speed humps in slowing traffic; related that his cat was struck by a car, that there are 5 children under the age of 1 year (and many over that age) on his block of Birch, favored installing speed humps.

Councilmember Aldrighetti stated he would wish to see cost impact figures for the proposed speed humps; questioned whether there would be adequate money for maintenance and how much would be left over if all those proposed were installed. It was noted that there was no money specifically budgeted this year for speed humps; it would have to be taken out of the general contingency fund. Mr. Robbins stated that installation of the 8 proposed speed humps would cost approximately \$2,400, including materials and signs; maintenance falls under

the roads material maintenance budget. Councilmember Aldrighetti stated that in next year's budget, he would want to see speed hump installation and maintenance included in a single budget item. Mr. D'Ovidio asked that costs, including maintenance costs, be provided at first reading for the speed hump ordinance, for further consideration.

Pat Hanrahan, Birch Avenue: spoke in support of speed humps; said there are 13 children under the age of 8 on the lower end of Birch near Philadelphia, as well as pets and pedestrians.

Pat Slater, 7410 Birch Avenue: said while speed humps are an imperfect solution, there did not appear to be viable alternatives; noted there are tradeoffs that must be made, but favored installing the speed humps; pointed out there is a day care center on the corner of Dogwood and Birch and she had often seen children sitting on the curb.

d. Hilltop Road:

Rick Zeitelman, 300 Mississippi Avenue: explained his house is at the intersection of Mississippi and Hilltop, he and his wife initiated the petition for a speed hump on Hilltop. Inasmuch as there are only two actual Hilltop addresses between Geneva and Mississippi, he did not understand why the required percentage of residential signatures had not been provided. City Clerk Pusti commented that there are a total of 4 residences on Hilltop (2 between Geneva and Maple). Mr. Zeitelman noted that Hilltop is used as a cut-thru by traffic between Maple Avenue and Piney Branch Road, related various things that obscure the vision of drivers both on the road and those attempting to exit their driveways. He commented as well on the numerous children under the age of 10 in the immediate area. An additional stop sign was discussed as an alternative and initial approach, but no conclusion reached. Consensus was that Mr. Zeitelman would be contacting the City Clerk upon acquiring the additional signatures required to proceed. Chief McGary again emphasized the increased response time factor; said that time for ambulance units is increased 2-1/2 to 3 times over the increase for fire apparatus and they may be responding on calls such as coronary cases, strokes, respiratory distress, etc., in which the time factor is very critical in relation to life safety. He inquired concerning available statistical information on pedestrians struck by vehicles in the city (by block location) and the impact of the speed hump program on that situation. Councilmember Iddings pointed out that the police department's annual report stated that there were no accidents on city streets having speed humps, whereas there were reported accidents on others. He noted that the police department will be supplying traffic counts for the streets proposed for speed hump installations, those should be received within the week.

Dick Munson, 7127 Maple Avenue: stated he will be moving to 102 Tulip Avenue; spoke against the speed hump proposed for installation between Cedar and Holly on Tulip. He said that on that particular street and block, which deadends on Holly, such an installation appeared to be "overkill." He pointed out he has a speed hump directly in front of his present residence and commented on the negative aspects. An unidentified female resident pointed out that Mr. Munson had not yet resided on Tulip, thus was unaware of the speeding problems there. Mr. D'Ovidio noted that when the ordinance for implementation was prepared, the public would be notified of first and second readings.

4. Public Hearing on Rent Stabilization Guidelines.

Mr. Wilson distributed copies of documents received as input to the hearing - one from Park Maple Tenants' Association, the other from a landlord, Bruce Patner. Mr. D'Ovidio noted that the guidelines are reviewed by Council on an annual basis, generally in August.

James Arisman, COLTA Chairman, 7408 Aspen Avenue: commented that COLTA makes a recommendation concerning the rent stabilization level to Council each year, they will be discussing and making a decision on that recommended level on August 7. He stated that setting the rent stabilization level is complex, goes beyond simple assessment of consumer price index figures; COLTA's recommendation will be included in the August 9 Council packet.

Mary Boyev, 657 Houston Avenue (a Patner property): said the guidelines should be retained, because rent stabilization is needed

not only to protect those renters on limited incomes, but also because there are some properties where the landlords have defective tenancies, including the one at which she resides. She commented that Mr. Patner had owned the property since February, had made no effort to correct any problems noted when the building was adjudged a defective tenancy. She related having lived in the building for 25 years; said it was once a beautiful building, landlord after landlord has allowed it to deteriorate. She spoke at length iterating the long-standing code violations and problems in the building and the landlord's apathy; noted that she recently received a notice from Mr. Patner notifying that he intends to propose a 21% rent increase, which would raise the rent on her defective apartment from \$399 to \$482.70.

Cecile Frey, Park Ritchie Tenant & Sec'y. of the Tenants' Assn.: wondered whether the rent stabilization laws had been made clear to Mr. Patner, hoped there were further steps that could be taken to protect tenants; wondered what criteria would be used in determining a permissible level of rent increase.

Councilmember Williams related the history of rent stabilization in the city, which initially allowed a 10% annual rent increase based on Montgomery County's law, in its third year was lowered to 5% (based on COL and utility decreases), and has continued through the fourth year at that level; the upcoming year will be the fifth year. He commented that cost-of-living is in the area of 3.(x)%, costs for utilities have gone down, and services in rental buildings have also gone down. He noted that the city in the past had been lenient with landlords in that they had been permitted to levy rent increases slightly higher than what costs would justify; this year costs would be somewhat less than 4%. In response to a request from Councilmember Aldrighetti, Mr. Arisman summarized the composition and role of the Commission On Landlord-Tenant Affairs (COLTA); he noted that the majority of complaints adjudicated by the commission are filed by tenants against their landlords, primarily security deposit and defective tenancy cases; he explained the complaint procedure. He stated that the commission, in formulating their rent stabilization recommendation, utilizes figures from the Bureau of Labor Statistics, factor together the cost-of-living index in the city, rises or decreases in rents in the Washington Metropolitan area, and the cost of utilities; using those various factors, a formula instituted by Montgomery County is used to come up with the final recommendation which is presented to the Mayor and Council. Judgments must be made concerning what the impact of rate-setting in the city will be in terms of stability of the tenant population, as well as the welfare of landlords in the city, i.e., what will happen if good landlords do not get what they feel is a fair return on their investment. Council weighs these factors, in addition to testimony from concerned parties, prior to making a decision. Councilmember Williams noted that a clause in the ordinance provides for the filing of defective tenancies (precluding any rent increase) against those landlords who refuse to keep their properties up to code standards. Mr. Arisman additionally noted that the law provides that within those buildings that have serious violations, a rent increase in any amount can be denied. He commented on the favorable impact that organized tenants' associations and their efforts have on conditions in buildings. Councilmember Aldrighetti commented that at some point in time a serious City effort needs to be made to pinpoint landlords acquiring and retaining buildings for tax benefits and subsequently unloading them; Mr. Arisman concurred. Councilmember Bradley commented on the effectiveness of code enforcement in many rental buildings, but noted the need for continued perseverance to address those such as the one cited by an earlier speaker.

Gilbert Jones, 7777 Maple Avenue, representing Park Maple Tenants' Council: recommended that permissible rent increases be limited to 4%, based on the fact that many heads of households are unemployed; he cited the fact that Vitro, located in Montgomery County, had terminated hundreds of employees since last March, referred to numerous federal government reductions in force and granting of only a 3.5% raise last year to those employees retained. He stated that, in many homes, even a 4% rent increase would create a substantial hardship and families would have to go without necessities to pay the rent. He remarked that many landlords are asking Watergate prices, but not providing Watergate services, nor are they properly maintaining the

buildings. He supported landlords who maintain their buildings getting a fair return on their investments, but feared that a 4% increase might be too much for some Park Maple tenants to bear in light of the aforesaid factors. He did, however, urge that the rent stabilization cap be 4%. An unidentified female commented on a salary freeze imposed by the federal government, said there will be no raises prior to 1986; she requested a copy of COLTA's written recommendation, which Mr. D'Ovidio pointed out should be available at the City Office for public perusal on August 7.

Greg Hamilton, Park Ritchie tenant & Vice-Pres. of tenants' assn.: stated that over the last four years his rent had increased 30%, while his salary had only increased about 8.5%. He noted that tenants have filed a complaint, there has been zero maintenance of the building; expressed concern about job layoffs and lack of salary increases; felt it was time the tenants were given a break for a year or so. Councilmember Williams spoke in concurrence with Mr. Hamilton's statements.

Ginja Carter, Neighborhoods Together: commented some tenants could not be present due to attending a meeting concerning a school issue; inquired when those people would have an opportunity for input. Mr. D'Ovidio noted that the item would be on the agenda at least twice more. Mr. Wilson stated it would be on the August 12 agenda for first reading, on September 9 for second reading. Ms. Carter commented on recently learning that single-family rental houses and multi-family units of 4 or less are not covered by rent stabilization, wondered why those are not addressed. Comments were made concerning the lack of inquiries about that omission, the fact that in the case of most small multi-family properties the owner resides on the premises. Councilmember Iddings remarked that there are cases where a single landlord owns a number of small multi-family properties, and perhaps those cases should be addressed relative to rent stabilization. Greg Hamilton commented that in contemplating the rent stabilization cap, senior citizens on fixed incomes should be taken into consideration.

Tom Wetmore, 8308 Flower Avenue: complimented his landlord on maintenance of his building, supported continuing the 5% (or less) rent increase lid.

Councilmember Williams raised a question concerning whether rent stabilization applies to individual Section 8 tenants; he commented that Montgomery County's HOC apparently acknowledges the City's guidelines, however, there appeared to be an area of vagueness in the ordinance. Mr. Wilson stated staff would have to look into that, individual Section 8 tenant coverage may require clarification.

Kemba Mayeesh, 657 Houston Avenue, member of Tuscan Tenants' Assn.: commented the tenants' association did not have an opportunity to meet on the current issue, asked that meeting notices be disseminated earlier and that such notices be more specific as to what will be discussed and what is desired in the way of input from tenants. She asked that the rent increase cap be maintained at the current 5% level or reduced, particularly in light of the extremely poor maintenance in her building as mentioned earlier; she said Mr. Patner was trying to raise her rent by 28%, she suspected it was a retaliatory measure. In response to query from Mr. D'Ovidio, she stated she had received written notice of the proposed increase and would leave a copy with staff who, Mr. D'Ovidio assured, would write Mr. Patner and remind him of the rent stabilization guidelines. Ms. Mayeesh stated that what she received was a two-page document; one proposing a 28% increase, the other, a 5% increase; apparently Mr. Patner thought if he did not get the former, he would the latter; she commented that both she and Ms. Boyev had written letters of protest to Mr. Patner and related the long process, not yet concluded, that tenants have undergone as a result of complaints filed against the prior owners, Waggaman-Brawner, as well as a prior complaint related to parking spaces filed against Mr. Patner. Upon her request, Councilmember Bradley read the correspondence received from Mr. Patner and addressed to the City, into the record. Ms. Bradley commented that the Tuscan, as well as some other buildings, had a long history of problems which are frustrating not only for the tenants, but for everyone involved; she remarked on the patience and cooperativeness displayed by the Tuscan tenants. Coun-



councilmember Aldrighetti reiterated the option mentioned earlier of denying landlords whose buildings have outstanding code violations any rent increase whatsoever.

Following dialogue concerning scheduling for second reading of the ordinance, consensus was that second reading may be set for September 23, with worksession discussion of COLTA's recommendation in the interim, in which case the current guidelines would be extended until adoption of new ones.

5. Fire Tax reimbursement discussion.

Mr. Wilson noted that there were media articles covering the August 2 meeting of city and county officials (both counties) on the issue. Councilmember Aldrighetti summarized what transpired, said the City's position was that Takoma Park was perfectly willing to act as a conduit to receive the money in question from Prince George's County and transfer it to Montgomery County, however, was not willing to collect the money from Prince George's residents through City taxes. In regard to tax equity in the City, there was some support for creation of a single system; that concept was discussed to an extent between officials of the two counties and there appeared to be a level of good will. He stated it is uncertain whether the counties' political bodies, particularly the Montgomery County Council, would be willing to accept the City in a go-between role without additional cash, but it is hoped the proposal will be brought before them. He noted part of the discussion centered around the possibility of the City again taking control of the fire station; however, the City's position has always been that the expense would be prohibitive, which was why control was originally relinquished. It was noted, however, that Laurel has a municipal fire department and an arrangement with Prince George's County which makes the proposition very attractive. He proposed that a letter be sent to Bob Kendall asking for a seat for the City on the Down-County Task Force which will be discussing the future of the fire station and asking that the City be provided some assistance in analyzing cost figures in the event the City did resume responsibility for the fire station, as well as attempting to ascertain whether Montgomery County might be willing to offer a similar arrangement to that Laurel has with Prince George's County. In response to query, he clarified that what was discussed with Mr. Gudis in Ocean City was an arrangement wherein Prince George's County would rebate a certain amount of money for fire service to Takoma Park citizens residing in that county, the City would then tax those residents for fire service, contract with Montgomery County for fire service to that area, and pass the money along to them. He noted the county would be willing to assist the City in working out any legal problems involved. In response to query concerning whether Prince George's County would be willing to rebate in the amount Montgomery County claims is due, he said that Royal Hart had stated that the variation in amount would be less than had previously been anticipated. He reiterated that Montgomery County will be seriously contemplating location(s) of both the Takoma Park and Silver Spring fire stations, and it would be very advantageous for the City to have a seat on the Task Force. Mr. Wilson noted that there is not really any longer any question in the county's mind of whether the station should be relocated, but when, and emphasis is being placed on acceleration. Mr. Aldrighetti commented that, unfortunately, the longer the fire tax issue remains unresolved, the more it becomes tied to the issue of relocating the fire station, which it was initially promised would not happen. Mr. Wilson noted during discussion of the varying processes related to fire tax in the two counties that a further meeting of officials and staff of the two jurisdictions had been scheduled to take place at the Municipal Building in the near future, primarily so that Bob Kendall can be informed of how Prince George's County acquires its revenue for that service, which is a very different process from that employed by Montgomery County.

Mr. Aldrighetti stated that he would wish: 1) to get a consensus from Council that could be relayed to the counties that the City would act in a conduit role to pass along the fire tax money, with a good-faith understanding from the counties that they would assist the City in unifying the two rebate systems and achieving tax equity; and, 2) to get agreement that a letter be sent expeditiously requesting a seat on the Down-County Task Force, and asking for assistance in examining

whether it would be economically feasible for the City to resume responsibility for the fire station if that were an option and citing the City of Laurel's arrangement with Prince George's County as something to be explored to ascertain whether it could be feasible for a small city to operate its own fire service. He noted it would have to be made very clear that the City is not asking to take back the fire station, but is interested in exploring the possibility and feasibility. Mr. Wilson commented that his impression was that if the City were willing to seriously consider resuming responsibility for the fire station, there would be no question of being assured a seat on the Task Force. Councilmember Bradley commented that if take-back of the station were seriously considered, she would prefer an in-depth analysis be done independent of the counties, perhaps with the assistance of a consultant; she noted the need also to discuss and project how the two sections of the city would be impacted in regard to fire service in the event the fire station is relocated. Councilmember Haney commented that in addressing the question of take-back, it would have to be considered whether the present level of service (which he said has been described by some parties as somewhat extravagant for the needs of the fire district) would be maintained. He concurred with comments made by Mr. Aldrighetti that the studies proposed by Ms. Bradley would be major and time-consuming for city staff. Councilmember Iddings commented that the two major issues to be addressed are 1) getting a seat for the City on the Down-County Task Force, which would ensure a channel for information, and 2) the \$200,000 which Montgomery County is currently withholding from the City. Mr. Aldrighetti noted that it was not feasible for the City to assume a conduit role for the fire tax money this year due to tax rates having already been set and no arrangements having been made between the counties, thus leaving that arrangement as a future option and also leaving the problems of the past as yet unresolved. Councilmember Haney expressed confidence in the approach being pursued by Mr. Wilson and Councilmember Aldrighetti. Mr. Aldrighetti moved that the City send a letter to the appropriate parties, including Bob Kendall, requesting a seat for the City on the Down County Fire Service Task Force, expressing interest in the municipal fire station situation in Laurel as described by Prince George's County Councilmember Casula, and asking help from Montgomery County in exploring whether something affordable for the City could be arranged allowing resumption of responsibility for the fire station and provision of fire service to all areas of the City; the motion was duly seconded. Councilmember Bradley commented she would want the letter to convey an interest in researching all options, including the possibility of the two sections of the city being serviced by two different stations. Mr. Wilson pointed out that the first priority should be getting a seat for the City at the table, after which acquiring answers to questions and other information will be greatly facilitated. Ms. Bradley reiterated that she would not want, under any circumstances, the idea conveyed or implied that the City was in any way anxious to resume operation of the fire station. Councilmember Iddings commented that the proposed letter did not appear to address the issue of the \$200,000 being withheld; Mr. Aldrighetti agreed it did not, and felt that could be more appropriately addressed separately; Mr. D'Ovidio concurred that this letter would not be the proper avenue for raising that separate issue. The question was called; the motion carried unanimously.

Councilmember Aldrighetti asked that the Council, in principle, accept the concept that the City would be willing to act as a conduit between the two counties to channel monies from Prince George's County to Montgomery County for provision of fire service and, as a part of the arrangement, that the two counties make all possible efforts to end the two different ways in which they rebate money to the City (reconciling into one uniform approach) for services Takoma Park provides. During the course of lengthy discussion, the good will and spirit of cooperation evidenced between officials of both counties present at the August 2 meeting was again noted, however, comments were made to the effect that it would be imperative that if the City were to act as a conduit between the two counties on this issue, those two political bodies would have to enter into an agreement ensuring that the City would not be "caught in the middle." Following additional discussion, the consensus requested by Mr. Aldrighetti was reached.

6. Discussion re position letter on Washington Adventist Hospital and State consultant's report recommending consolidation or closure.

Councilmember Bradley summarized a July 25 meeting between herself, Rudy Arredondo, Ron Marks, President of WAH, and several hospital staff members; she referred to her brief report concerning the meeting which had been disseminated to Councilmembers. She commented that despite some differences of opinion with the hospital over the years, some dissatisfaction on the part of citizens over care issues, no one in the city wants the hospital closed. She said she and Mr. Arredondo emphasized in discussions that they would like to see additional discussions with a positive approach regarding reinstatement of certain services such as the family health center, obstetrical clinic, etc. She noted that the state report addresses WAH as a Montgomery County facility, not taking into consideration the fact that it serves not only Prince George's, but also D. C., patients, is in close proximity to those areas. She commented the report is voluminous - 2 volumes; noted additional hearings are imminent, deadline for written comments is August 13. She suggested a letter from the City be drafted and submitted prior to that date, and commented a second round of hearings will be upcoming in September, with state staff intending to send the issue to the State Assembly Committee on September 15 in anticipation of a special meeting of the State Assembly in order to adopt the new regulations and put them into effect by October 1. She commented that while that appears to be a rapid process, some legislators feel it will be slowed down due to questions not only about the process itself, but also about basic assumptions and substantive material of the report.

Unidentified female resident, health care professional: wondered how the state intended to provide health and emergency medical care for the area should they close WAH, and whether the critical time factor for emergency treatment had been addressed (commented on brain damage, as well as loss of life, which occurs in certain cases if treatment is not administered within a given brief time period). In response to query, Councilmember Bradley commented that apparently no economic feasibility study was done in relation to providing specialized care available at WAH at some other site - for instance, the outstanding pulmonary and coronary care provided there, as well as certain diagnostic equipment whose only other area location is at NIH (on a limited basis). Councilmember Aldrighetti commented he would have wished the hospital to contact the City regarding the issue, however, regardless of that omission, felt it incumbent upon the City to strongly oppose any plan to close WAH. Councilmember Iddings commented that any letter sent should point out that a major flaw in the state report is that it does not address the metropolitan area regionally in terms of service area. The female resident speaker commented that health care is not a priority item in the political arena, gets shifted aside; noted the lack of funding and struggle to keep D. C. General operating. She stated that the current managerial goal in the health care field is to provide primary care at the local level, with specialized treatment available at a regional facility. Councilmember Bradley commented that not only should the letter be sent to the State Commission, but also to the State Assembly Committee; the City should work with its Delegates and contact and lobby the special task force; she volunteered to work with staff in drafting the letter. Ms. Bradley asked that Council endorse the drafting and forwarding of the letter to the Health Resources Planning Commission, as well as State Delegates and other appropriate State Assembly members; consensus was that that be done. Ms. Bradley commented that Mr. Arredondo was serving on the County Health Care Coordinating Committee; said that avenue could be used to encourage Montgomery County hospitals to coordinate their specializations and work to avoid closing any one particular hospital. Mr. Aldrighetti inquired whether it would be of value, time permitting, to distribute a flyer urging citizens to attend the upcoming August 8 hearing in Upper Marlboro to express opposition; Ms. Bradley commented it was suggested to her that writing a letter may be as effective as attending the hearings.

Barry Stimmel, 8105 Lockney Avenue, WAH employee: stated the first round of hearings is primarily for public input; the second round will be devoted more to hospitals working with the commission. He verified that the state is viewing the issue on a county basis only; said at

the meeting in Montgomery County the prior week, only the 5 Montgomery County hospitals were addressed, thus, at the meeting in Upper Marlboro, regardless of whether someone speaks concerning the regional aspects, probably only hospitals located in Prince George's County will be addressed. He stated that everyone connected with the hospital views this as a serious issue; said perhaps there is over-bedding in the state, however, the hospitals should be allowed to examine themselves rather than being told they must cut "x" number of beds - said they have slated Montgomery County to cut 500+ beds, 5,100+ statewide. He stated the hospital would appreciate a letter being sent and he would coordinate with Mr. Marks concerning the hospital disseminating some information to citizens; Mr. Aldrighetti commented the hospital could state the City Council's support on the issue if they felt it would be helpful. Dialogue ensued concerning distribution of the information, additional points of information that might be addressed.

7. Resolution commemorating the 1st World Conference of Mayors for Peace through Inter-city Solidarity, sponsored by the Cities of Hiroshima and Nagasaki, Japan.

Councilmember Aldrighetti proposed that the resolution be amended to include a section declaring Mayor Abbott's trip to be an official function and financially matching the amount of funds raised through citizen contributions in the amount of \$279.00 in support of the trip, duly seconded by Councilmember Haney; carried unanimously.

RESOLUTION #1985-21  
(attached)

8. Authorization to submit proposed Commercial Crime Prevention Code to Corporation Counsel for review.

Councilmember Haney explained that Corporation Counsel had previously expressed reservations concerning the legality of certain points; he asked that authorization be given to submit the documentation for comment only to Mr. Gagliardo; consensus was that it be forwarded for his official review and critique, with an informal discussion to occur with Sgt. Jack Goetz and staff prior to any rewriting taking place. Consensus was that the requested authorization be granted.

9. First reading of City Election ordinance.

The ordinance, as written, was accepted for first reading.

ORDINANCE #1985-  
(attached)

10. Update on Adler property.

Councilmember Bradley commented the item would be an August 12 agenda item; related that the property owner, Mr. Adler, wants the property to be three lots, the community wants the property to be two lots. Mr. Wilson commented he was told by Mr. Chung of Park & Planning that what is proposed would be a resubdivision, would automatically fall under the new code, and the owner would have two lots, with no option of having three. Ms. Bradley said that Mr. Adler quoted someone at Park & Planning as having told him that normally the property would be two lots but since the it has been existing as three lots, if the city and the community did not object, Park & Planning would defer to its being three lots.

Upon motion, duly seconded, the meeting adjourned at 12:15 A.M., to reconvene in regular session at 8:00 P.M. on August 12, 1985.

RESOLUTION 1985-21

WHEREAS, on this date the 1st World Conference of Mayors for Peace through Inter-city Solidarity has convened in the City of Hiroshima, Japan, to be continued on August 8, 1985, in the City of Nagasaki, where it will adjourn on Friday, August 9; AND

WHEREAS, some two hundred mayors from around the world will be welcomed by the mayor and city council president of each city visited, and addressed by leading individuals from various nations who are dedicated to avoiding nuclear confrontation and preserving peace in the world; AND

WHEREAS, the Mayor and Council of the City of Takoma Park, by ordinance duly adopted, declared Takoma Park to be a Nuclear-Free Zone on December 12, 1983; AND

WHEREAS, it is particularly fitting that Mayor Sam Abbott of the Nuclear-Free City of Takoma Park, Maryland is among the honored invitees at a world conference whose theme is "Toward the Total Abolition of Nuclear Weapons--Role of Cities in the Nuclear Age;" AND

WHEREAS, there exists a consensus of the City Council that Mayor Abbott's trip should be considered an official function of his office.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND is wholeheartedly committed to the goals inherent in the theme of the 1st World Conference of Mayors for Peace Through Inter-city Solidarity and applauds such a meeting of persons committed to peace; AND

BE IT FURTHER RESOLVED THAT the City Council hereby commends Mayor Abbott for his participation and unanimously supports his attendance at this meeting of momentous import; AND

BE IT FURTHER RESOLVED THAT the City Council hereby directs that an amount of money equivalent to that contributed by citizens toward funding Mayor Abbott's trip (\$279.00), as an expression of support, be allocated appropriately in the City budget, due to the official nature of the trip, for application toward his travel expenses.

AUGUST 5, 1985

ORDINANCE NO. 1985-

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

- SECTION 1. THAT the City Clerk shall call a meeting of the citizens for the nomination of candidates for Mayor and Councilmembers on Tuesday, October 1, 1985, at 8:00 PM in the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland; the said meeting shall be conducted as prescribed in the City Charter; AND
- SECTION 2. THAT a City Election shall be held at the Municipal Building on Tuesday, November 5, 1985, between the hours of 7:00 AM and 8:00 PM for the purpose of electing a Mayor and seven Councilmembers. The Mayor shall be elected at large, and one Councilmember from each ward shall be elected by the voters of that ward only. The election shall be conducted by voting machines and, as nearly as practicable, all laws and regulations governing the use of voting machines in Prince George's County elections shall apply. Absentee voting shall be available as set forth in the Charter; AND
- SECTION 3. THAT the City Clerk shall arrange with the Supervisors of Elections of Prince George's County for the use of eight voting machines at the said election, with a separate machine for the exclusive use of each of the seven wards, and an eighth for use only in the event of malfunction. The City Clerk shall place the names of the candidates nominated for Councilmember at the Citizens' Meeting on separate ward voting machines, with each machine displaying the names of candidates for one ward only, and shall place the names of persons nominated for the office of Mayor on all voting machines; all of the names of candidates nominated at the Citizens' Meeting shall be so placed, except any who within three days thereafter may have filed in writing with the City Clerk a declination; AND
- SECTION 4. THAT the Clerk shall cause a notice of the Citizens' Meeting and the City Election to be inserted in the Suburban Record and the Prince George's Post during the two weeks prior to October 1, 1985. In addition, the Clerk shall have inserted in the Suburban Record and the Prince George's Post, during the week preceding the election, a facsimile of the arrangements of the names and wards which will appear on the voting machines; AND
- SECTION 5. THAT voter authority cards and lists shall be prepared for each ward separately, bearing the names, addresses and election wards of all eligible voters as certified by the Boards of Supervisors of Elections for Prince George's and Montgomery Counties, and supplied to the Judges of Election on election day; AND
- SECTION 6. THAT the Clerk shall recommend to the Mayor and Council the names of twenty-eight persons for designation by the Council as Judges of Election; AND
- SECTION 7. THAT the Judges of Election shall meet in the Municipal Building as a Board of Election at 7:00 PM, Wednesday, November 6, 1985, and shall determine and certify the results of the election, as provided in the City Charter; AND
- SECTION 8. THAT the Mayor and Council shall meet in Special Session at 8:00 PM, Wednesday, November 6, 1985, to receive the certification of the election from the Judges.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

August 12, 1985

8:00 PM

AGENDA

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

PLEDGE

PUBLIC BRIEFING BY STATE HIGHWAY ADMINISTRATION re proposed traffic pattern changes relating to New Hampshire Avenue in the Takoma/Langley Park area

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

READING AND APPROVAL OF THE MINUTES OF JUNE 10 AND JUNE 24, 1985

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 communications
2. Consideration of request to grant a right-of-way through Grasmere Place for purpose of development of Lot 51, Block 37, Gilbert's Addition Subdivision  
Citizens' comments  
Council action
3. Appeal No. 7708 (Prince George's Co.), 808 Jackson Avenue, extension of grace period for correction or cessation of zoning violation: having a multi-family dwelling in an R-55 (single-family) zone [Hearing: 7:15 PM, 9-4-85, CAB, Upper Marlboro]  
Citizens' comments  
Council action
4. Second Reading of ordinance authorizing a Nominating Caucus on October 1, 1985 and a City Election on November 5, 1985  
Citizens' comments  
Council action
5. Second Reading of an ordinance staying condemnation proceedings, 7709 Takoma Avenue, for one year  
Citizens' comments  
Council action
6. Resolution pertaining to South African investments  
Citizens' comments  
Council action
7. Consideration of Rent Stabilization Guidelines  
Citizens' comments  
Council discussion
8. Consideration of rental property licensing ordinance  
Citizens' comments  
Council discussion
9. COLTA Appeal No. TP-171, Waggaman-Brawner Realty Corp./G.C.L.S. Enterprises, 657 Houston Avenue-Tuscan Apartments
10. Consideration of request re turning the direction of three recorded lots to face Poplar Avenue instead of undeveloped Lake Avenue (Lots 7, 8 and 9, Block 13, G & K Sub., corner of Poplar and Lake)  
Citizens' comments  
Council discussion
11. Cable Television Update (Councilmember Bradley)

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
August 12, 1985

CITY OFFICIALS PRESENT:

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

EXCUSED: Councilmember Dalmat

The Mayor and Council convened at 8:20 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Mr. Michael Snyder of State Highway Administration was introduced. He gave a briefing concerning proposed traffic pattern changes relating to New Hampshire Avenue in the Takoma/Langley Park area. The current traffic signal location would be moved from the entrance/exit of the shopping center to Holton Lane, with other accompanying traffic changes. Councilmember Haney expressed concern that with northbound traffic on New Hampshire being prohibited from turning left onto Kirklynn to enter the shopping center area, people would start searching out shortcut routes through residential areas; Mr. Snyder concurred that is a continuing problem related to busy intersections. He commented that one proposal currently in the design phase is very comprehensive synchronization of the entire traffic signal system along New Hampshire Avenue; that project should be under construction sometime in the spring and completed by the end of next year, and should expedite traffic movement, reducing the appeal of shortcuts. In response to query concerning crosswalks and pedestrian safety, he stated that issue had yet to be addressed in depth; City input concerning any adjustment(s) to bus stop locations would be welcomed by SHA. He stated that if it were felt a bus bay would provide a substantial safety factor, SHA could acquire the needed right-of-way for that purpose.

Steven Wilson, Construction Manager representing Cohen Brothers, owners and managers of the Hampshire Motor Inn, spoke concerning anticipated construction on a site owned by Messrs. Cohen and located on New Hampshire north of the motor inn. He stated what is proposed is a 50,000-55,000 sq. ft. retail center, noted that a substantial strategic problem exists relative to access by southbound traffic, and explained his proposed remedy. He related that bank space in the proposed building is already spoken for, a number of restaurateurs are vying for proposed restaurant space, and no problems are anticipated in acquiring tenants for other available space. Mr. Snyder, in response to query, stated that should additional traffic signalization be proven warranted on that section of New Hampshire at a later time due to increased shopping center patronage, then SHA would be mandated to address that need; however, he pointed out that there are eight warrants an intersection must meet in order to qualify for signalization, and he doubted that the one serving the Cohen development would ever qualify.

Erwin Mack, Pres., Takoma/Langley Business & Professional Assn.: introduced Connie Mason, Commercial Revitalization Manager, hired by the association and whose employment became effective on a full-time basis on July 15; he thanked the City for the part they played in making Ms. Mason's employment possible and hoped the investment being made in the position would benefit all concerned. He related the association's long-standing concerns about the Holton Lane/New Hampshire Avenue intersection and efforts toward getting a traffic signal installed there, said at one time they were told that the intersection did not meet the warrants. He commented that the association had not realized that upon installation of the signal at Holton Lane, the one at the Professional Building would be removed; the unanimous vote and specific request of the association was that there be no change to that light and that the one at Holton Lane be an additional signal. It was felt that the negative impact of the proposed plan would outweigh the positive aspects; he elaborated on how the plan would affect merchants/businesses located in the shopping areas, as well as pedestrian



safety factors, which had not been seriously addressed. He urged that a compromise be made which would leave the present signal at the Professional Building and add a signal, synchronized with all the rest, at Holton Lane. Mr. Snyder stated that an additional signal at Holton Lane would require alteration of timing at other satellite (to the main signal at University and New Hampshire) signals, which would impact the entire traffic signalization system in that area, plus the fact that the traffic numbers at Holton Lane, in and of themselves, do not justify a traffic signal--the Holton Lane left-turns had to be combined with the shopping center left-turns in order to come up with sufficient traffic numbers to warrant the light at Holton Lane. Mr. Mack commented on the vast improvement in safety and flow of traffic since the implementation of the left turn arrow for northbound traffic on New Hampshire into the Professional Building area; however, regretted that there was not a similar situation for southbound traffic wishing to access the other side of New Hampshire.

James Jeffas, 7600 Hammond Avenue: concurred with statements made by Mr. Mack, directed a number of questions to Mr. Snyder, supported retention of the present light at the Professional Building, ingresses and egresses as they currently exist, and addition of a signal at Holton Lane.

Ed McMahon, 7311 Wildwood Drive: commented he felt State Highway's proposal would generate a substantial increase in traffic in neighborhoods behind the Hampshire-Langley Shopping Center, having a very negative impact.

Susie Alder, 1101 Holton Lane: reiterated Mr. McMahon's remarks; said speed humps on Anne Street have already diverted traffic onto other neighborhood streets, did not wish to see any further increase.

Brian Schall, 1206 Holton Lane: expressed disappointment that traffic numbers appeared to be of more import to SHA than traffic safety, commented on frequent accidents at the Holton Lane intersection and need for a traffic signal there.

Kent Conner, 7802 Lockney Avenue: detailed the inconveniences and hazards that would be created by the SHA proposal for people wishing to access various areas of the shopping complex; said the service road in front of the Professional Building should be extended southward, traffic channeled right-only from the Professional Building lot onward and allowed to blend in onto southbound New Hampshire at various accesses; he said it appeared that the Professional Building and the Hampshire-Langley Shopping Center would be the only ones benefitting from the proposed traffic restructuring.

Steven DelGuidice: questioned whether Holton Lane would eventually be cut through to access Central Plaza, to which response was uncertain (would depend in part upon whether that complex annexed into the City); however, if a cut-through were made, the route would be very circuitous in order to prevent people using it as a cut-through from New Hampshire to University Boulevard to avoid the light. He expressed concern that the SHA proposal would bring additional traffic through his neighborhood (Hillwood Manor); said Erskine is a cut-through from New Hampshire to Riggs Road and SHA is examining the need for a traffic signal at Erskine and New Hampshire; he urged that SHA consider that need in conjunction with the other proposed changes on New Hampshire. He urged retention of the light at the Professional Building, with the addition of a light at Holton Lane, and, additionally, that traffic not be allowed to go straight across at the light from the shopping center to the Professional Building, which could be very dangerous.

Tom Guins, 1200 Kingwood Drive: opposed removal of the present traffic signal at the Professional Building; expressed concern traffic would be rerouted through the adjacent neighborhood.

Steve Lorber, 1308 Erskine Avenue: commented negatively concerning the proposed Cohen Brothers retail center mentioned earlier by Mr. Steve Wilson, said adequate shopping/retail facilities already exist in that area and did not support construction of more; said it would adversely affect Hillwood Manor and other surrounding residential areas, that

the crime rate is higher in the commercial areas and neighborhoods adjacent to them. It was noted that the Hillwood Manor Citizens' Association had become revitalized within the past year after being dormant for some time; suggestion was made that the association involve itself in discussions regarding the proposed construction and also the possible traffic signal at Erskine Avenue.

Ron Albaugh, 7202 Central Avenue: questioned whether there would be a public hearing on SHA's proposal; Mayor Abbott responded that he felt it would be necessary due to the obvious public interest. Rev. Albaugh expressed support for such a hearing on the issue with a full presentation from SHA, including good maps, graphics, statistics, etc., and answers to questions posed; he commented he did not think SHA had come close to discerning the impact their proposed changes would have; he emphasized that both traffic lights--at Holton Lane and at the Professional Building--are needed.

Mayor Abbott stated a full public hearing on the issue would be held, with advance publicity, and stated he hoped SHA would participate and also would provide a detailed scale map of their proposal; he inquired concerning their time frame for accomplishment of the proposed changes. Mr. Snyder stated that SHA's plans would not move forward until an agreement was reached with the City, thus, they are essentially "on hold" at present; he said, had an agreement been reached at the current meeting, changes would have been completed approximately 18 months hence. He stated that if no right-of-ways are required for changes, then the time frame can be accelerated a bit. Councilmember D'Ovidio requested that Mr. Snyder respond in writing to the City Administrator, to some of the questions posed, e.g., concerning extension of the access road in front of the Professional Building, and providing some of the numbers and statistics cited in conversation. Mr. Snyder asked that the City first respond to his letter, at which time he would provide all the detailed information, drawings, etc.; he stated that while the issue, from SHA's standpoint, does not require a public hearing, he would be more than happy to respond at a future date and participate in any hearing the City wished to conduct. Councilmember Haney commented he hoped that in light of testimony from citizens residing in the area and their expressed concerns for their neighborhoods, retention of the signal at the Professional Building would be reconsidered. Councilmember Iddings asked that the City Administrator provide Mr. Snyder with relevant sections of the City's Master Plan, and that he respond to pertinent issues therein, such as the fact that the New Hampshire/University Boulevard area should be viewed as a unit rather than as separate quadrants. He commented that the present SHA proposal addresses a traffic problem but does nothing in relation to the broader issues reflected in the Master Plan. Councilmember Williams suggested that SHA provide several alternative plans for the area, taking into consideration citizen input received. Mr. Snyder commented that Park & Planning, in their study of the area, came up with several options for improving access; the plan presented at the current meeting was deemed by both SHA and Park & Planning to be the most beneficial for all concerned. Councilmember Bradley stressed the need to involve Park & Planning, as well as City staff, along with SHA, in assessing the overall long-term impact on traffic through signalization and other controls along the New Hampshire Avenue corridor; she pointed out that New Hampshire is a major access route to Route 29, and as further development occurs along that road, problems can accelerate.

COLTA Appeal No. TP-171, Waggaman-Brawner Realty Corp./G.C.L.S. Enterprises, 657 Houston Avenue-Tuscan Apartments.

It was noted the appeal had been withdrawn; Mr. Wilson read the Settlement Agreement and, as stipulated in that document, the matter was remanded, by unanimous vote, to COLTA for that body's further proceedings.

(AGREEMENT attached)

The Council Meeting Minutes of June 10 and June 24, 1985 were individually moved for approval, as published. The motions were duly seconded, carried unanimously.

Consideration of request to grant a right-of-way through Grasmere Place for purpose of development of Lot 51, Block 37, Gilbert's Addition Subdivision.

Corporation Counsel Anne DeNovo summarized and reviewed the situation, pointing out that consent would have to be acquired by Mr. Fainman, the developer, from all adjacent landowners, and it would be his responsibility to contact the concerned individuals. She additionally noted he should contact WSSC concerning water and sewer connections for the proposed construction, and return to Council when these matters have been addressed.

Appeal No. 7708 (Prince George's Co.), 808 Jackson Avenue, extension of grace period for correction or cessation of zoning violation: having a multi-family dwelling in an R-55 (single-family) zone.

Following lengthy discussion, a motion was made, duly seconded and carried unanimously that a letter be sent to the Board of Appeals opposing granting of the requested grace period extension, with notification to Longbranch-Sligo Citizens' Association of the City's position on the issue.

Consideration of Rent Stabilization Guidelines.

Following discussion, consensus was that the present guidelines be extended until such time as new ones are in place, with the projected timetable to include additional discussion at the September 3 worksession, first and second readings to occur on September 9 and 16, respectively.

A. J. Mitchell, 7600 Maple Avenue: said Rent Guidelines have allowed rents in his building to increase 30% over the last 4 years; salary increases, if any, cannot begin to keep up, and other costs such as health and hospitalization plans, Social Security, income taxes, etc., have risen. He stated he earned \$18,000-\$20,000 gross per year and paid \$600 per month apartment rental, supported a zero rent increase lid for the coming year. Councilmember Williams commented that from all indications, other than COLTA's recommendation, the rent increase lid should be below 5%. Councilmember Haney commented that while owners of some of the large apartment complexes might be able to take a zero rent increase without being hurt, such a move might adversely affect small landlords and impact their ability to properly maintain their buildings. In response to query, Mr. Mitchell stated that service in his building had not kept pace with rent increases already received, which influenced his support for a zero rent increase. Councilmember Bradley stated she felt there was a definite inter-connection between rent stabilization and code enforcement, and perhaps those who maintain their buildings well should be rewarded through rent increases.

James Arisman, COLTA Chairman: verified that COLTA's recommendation was retention of the 5% rent stabilization limit. He summarized the process COLTA utilizes in formulating their recommendation, noted that a change in the limit figure generates side effects, one of which is loss of compliance on the part of some landlords. He stated it was felt by the Commission that retention of the 5% figure would retain landlord compliance in the coming year. He commented that during the coming year, COLTA hopes to work with both tenants and landlords in performing a review of rent stabilization and rent control programs countrywide to attempt to provide improved policy options for the City. In response to query from Councilmember Bradley, he expressed support for the concept of a Housing Committee which would include representatives of various concerned factions and whose purpose would be to address policy issues and options and to provide a vehicle for getting community members' concerns into the system for consideration. He reiterated the importance of tenants organizing and forming associations to work on behalf of their own protection. Regarding the question of incentives for landlords to maintain their buildings, he commented that issue should be specifically addressed within the coming year; however, pointed out that the system currently provides for landlords to come to COLTA and detail their plans for needed improvements and request rent increases to cover the projected costs. He emphasized that there is no desire on the Commission to continue a system that would promote deterioration or decline of housing stock.

Karen Mitchell, Park Ritchie tenant: stated she chose to reside in Takoma Park because it presents itself as a family community, explained she has four children; said the way things are going, her family is being priced out of living in Takoma Park, could not afford a 5% rent increase. She remarked that voluntary landlord compliance, cooperation between landlords and tenants are lofty ideals, but the immediate and pressing problem is affordable family housing.

Greg Hamilton, Park Ritchie tenant: questioned why it should be incumbent upon tenants to fight rent increases in instances where there are outstanding code violations when the law clearly states no increases will be permitted if violations exist, and why landlords should be permitted to levy a 5% increase without justification. Councilmember Bradley noted that the code violations, in order for a rent increase to be denied, must be major, i.e., pose a threat to health and safety. Mayor Abbott noted that the way the law is currently written, redress for tenant complaints must be initiated by the tenants; he commented that situation should be examined, perhaps altering the role of the Housing Department so that it can move to withhold rent increases in buildings where a determination has been made through the citation process that major violations exist. For purposes of consideration, Councilmember Bradley suggested staff might note on citations of major violations that those items, unless corrected within the given time period, pose a threat to granting of any rent increases. She additionally suggested that a sliding scale of rent increases might be feasible, were it not too administratively burdensome, ranging from zero increase for those buildings with major violations to the maximum permissible increase for those having no violations whatsoever. Long dialogue ensued concerning the possibility of altering Housing Department's role in relation to withholding rent increases pending correction of code violations.

An unidentified female member of the audience proposed that there be a freeze on rent increases for the current year, or, alternatively, a ceiling of 3.35%; she commented that the rent lid had favored landlords in the recent past and that maintenance performed on buildings did not justify rent increases permitted. Questions were raised concerning rent control and its effectiveness in other area jurisdictions.

Patrick Hyde, COLTA Commissioner: supported the concept of using the administrative process to achieve enforcement as being extremely cost-efficient, and noted that use of licensing to ensure compliance was also important. He read a prepared statement concerning rent control, said it appeared that despite the good and just ends achieved by rent control, that control had caused a decline in housing stock. He commented that decline had led to the District of Columbia commencing to phase out rent control. He stated, however, that he did fully support rent stabilization. Councilmember Williams reiterated his contention that landlords should have to apply for rent increases, which application could then be granted or denied based on whether or not there are outstanding code violations. It was noted there would be several additional opportunities for discussion of the Rent Stabilization Guidelines and public input prior to any final decision, including the September 3 worksession, with first reading at the September 9 meeting and second reading on September 16.

Resolution pertaining to South African investments.

Ms. Stevens referred to a resolution she had drafted for Council's consideration, asking that the United States end constructive engagement with South Africa; she requested that consideration be given to adding a section which would ask that the United States grant asylum to refugees from South Africa, and, particularly, to Mr. Twigs Ziphu, a resident of the City and political refugee originally from Botswana and currently facing a deportation hearing, which could result in his being sent to South Africa. Mr. Ziphu explained that he was a student at Howard University, related various credentials, and stated that he was facing deportation. He noted he had been in this country since 1979, and related the events leading to his coming to the United States. Councilmember Haney suggested that Congressman Barnes might be contacted and asked to intercede on Mr. Ziphu's behalf; Mayor Abbott stated he would be glad to contact Mr. Barnes on behalf of Council, as well as sending a communication to the Immigration and

Naturalization Service, asking that Mr. Ziphu be granted political asylum. It was suggested that Senator Sarbanes and Congressman Hoyer be contacted as well; petitions of support were distributed for circulation and procurement of signatures.

Councilmember Bradley moved amending the fourth "Whereas" of the resolution, changing "...and true peace be restored,..." to read "...and true peace be established,..." Mayor Abbott asked that in the last paragraph, the resolve, that the third line "...further private investment..." be amended to read "...further private and public investment..." Councilmember Haney asked that the request for granting of political asylum to South African refugees be incorporated in a separate resolution, so that he might vote on the current resolution and abstain from the other, in order to avoid any conflict of interest with his full-time employment at INS.

Following additional discussion, the suggestion was made that the South African resolution be publicized and addressed at the September 4 meeting in conjunction with the sanctuary for Central American refugees issue.

Consideration of rental property licensing ordinance.

COLTA Chairman James Arisman referred to a memorandum submitted concerning the redrafted licensing ordinance, which he said appeared to be basically satisfactory. He noted two recommendations made regarding omitted language, which would incorporate in the ordinance agreements reached in meetings of concerned parties; in particular, that non-compliance with orders of COLTA would be the basis for denial of a license to a landlord, which could include revocation and/or suspension. He noted that language pertaining to appeals should in all instances include reference to COLTA in addition to the Mayor and Council, and pointed out various other language changes that would be desirable. He commented on the need to impose limitations on temporary licenses to avoid continuing extensions or renewals of those in lieu of obtaining a valid license, and suggested a 90-day limit on temporary licenses.

Corporation Counsel Gagliardo commented that language changes previously suggested by Housing and COLTA had been incorporated into the ordinance; he summarized those items and his recommendations.

Mr. Wilson stated that the final integrated ordinance would be presented at the September 3 worksession, with second reading to occur on September 9.

Second Reading of ordinance authorizing a Nominating Caucus on October 1, 1985 and a City Election on November 5, 1985.

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

ORDINANCE #1985-45  
(attached)

Second Reading of an ordinance staying condemnation proceedings, 7709 Takoma Avenue, for one year.

Councilmember D'Ovidio moved adoption, duly seconded by Councilmember Bradley. Mr. Wilson noted receipt of a written request from Dr. Joseph Lerner that the stay of condemnation proceedings be for a six-month period rather than one year, and that the six-month time period commence upon acquisition by the new owners. Consensus was that for the extensive renovation required, six months would probably not be an adequate period for accomplishment; however, upon suggestion by Mr. Gagliardo, it was decided that language would be appropriately inserted in the ordinance requiring that a good faith effort to renovate the property to meet the City Code be maintained continuously during the one year period. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, D'Ovidio, Haney, Iddings and Williams; NAY: None; EXCUSED: Councilmember Dalmat.

ORDINANCE #1985-46  
(attached)

Cable Television Update.

Councilmember Bradley summarized points covered in an August 8 meeting before the Montgomery County Council at which amendments to the cable franchise agreement between Tribune-United and the county were to be considered. She commented that the amendments, at the direction of the County Executive, were removed from the docket, although the hearing did proceed for the purpose of receiving comments from citizens and Tribune-United. Ms. Bradley related that she spoke at the hearing on behalf of the City and its residents, read Takoma Park's resolution on the issue and amplified on existing complaints about the service.

Upon motion, duly seconded, the meeting adjourned at 11:55 P.M., to reconvene in regular session at 8:00 P.M. on September 9, 1985.

BEFORE THE MAYOR AND CITY COUNCIL OF THE CITY OF TAKOMA PARK

GCLS Enterprises	)	
	)	
and	)	
	)	
Waggaman-Brawner Realty Corp.	)	
	)	
Appellants	)	Appeal from COLTA
	)	
v.	)	TP No. 171
	)	
Tuscan Tenants Association	)	
	)	
Appellees	)	

SETTLEMENT AGREEMENT

To the Honorable Mayor and City Council Members of Takoma Park:

Please note that all of the parties to this appeal have this date reached an accord and satisfaction of all claims by and between appellants and appellees, the terms and provisions of which are set forth as follows:

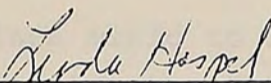
1. All tenants who wish to exercise any right or claim against the landlord or management company of the Tuscan Apartments at 657 Houston Avenue, Takoma Park, Maryland existing at any time on or before March 1984 will execute releases of satisfaction of all of such claims for and in consideration of the payments hereunder.

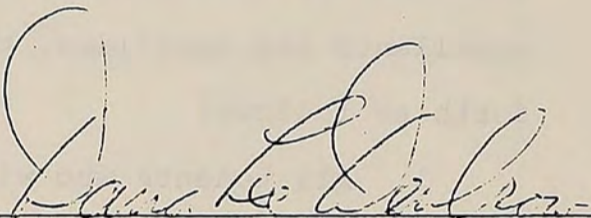
2. Each of the tenants pursuing any claim against appellants for full reimbursement, specifically, Boyette, LeGall, Mai, Maish, Ombwere, O'Reilly, Smith (#404), Smith (#401) and Tea, will receive the sum of six hundred dollars (\$600.00), and the remaining tenants pursuing claims for partial reimbursement, specifically, Smith (#304) and Zellner will receive the sum of one hundred dollars (\$100.00) each, for a total pay-out figure of fifty-six hundred dollars (\$5,600.00).

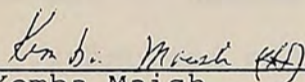
3. Appellants GCLS and Waggaman-Brawner Realty will remit the aforementioned sums contemporaneously with receipt of executed covenants of release and satisfaction.

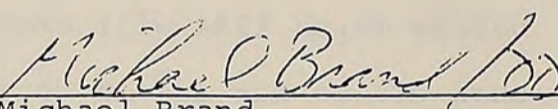
This Settlement Agreement is specifically conditioned by the Order of Remand by the Mayor and City Council of the instant appeal to the Takoma Park Commission on Landlord/Tenant Affairs and further, upon COLTA's vacating with prejudice its Order dated October 3, 1984, all affected tenants to receive notice of such order of dismissal directed to their present or last known address.

WHEREFORE, all parties pray that the Mayor and City Council forthwith remand the instant appeal to COLTA for further proceedings in accordance with the mutual prayers and stipulations as more specifically set forth above.

  
\_\_\_\_\_  
Linda Haspel  
Counsel for Tuscan Tenants Assoc.

  
\_\_\_\_\_  
Dana Lee Dembrow  
Counsel for GCLS Enterprises

  
\_\_\_\_\_  
Kemba Maish  
Pres., Tuscan Tenants Association

  
\_\_\_\_\_  
Michael Brand  
Counsel for Waggaman-Brawner



ORDINANCE NO. 1985- 45

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

- SECTION 1. THAT the City Clerk shall call a meeting of the citizens for the nomination of candidates for Mayor and Councilmembers on Tuesday, October 1, 1985, at 8:00 PM in the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland; the said meeting shall be conducted as prescribed in the City Charter; AND
- SECTION 2. THAT a City Election shall be held at the Municipal Building on Tuesday, November 5, 1985, between the hours of 7:00 AM and 8:00 PM for the purpose of electing a Mayor and seven Councilmembers. The Mayor shall be elected at large, and one Councilmember from each ward shall be elected by the voters of that ward only. The election shall be conducted by voting machines and, as nearly as practicable, all laws and regulations governing the use of voting machines in Prince George's County elections shall apply. Absentee voting shall be available as set forth in the Charter; AND
- SECTION 3. THAT the City Clerk shall arrange with the Supervisors of Elections of Prince George's County for the use of eight voting machines at the said election, with a separate machine for the exclusive use of each of the seven wards, and an eighth for use only in the event of malfunction. The City Clerk shall place the names of the candidates nominated for Councilmember at the Citizens' Meeting on separate ward voting machines, with each machine displaying the names of candidates for one ward only, and shall place the names of persons nominated for the office of Mayor on all voting machines; all of the names of candidates nominated at the Citizens' Meeting shall be so placed, except any who within three days thereafter may have filed in writing with the City Clerk a declination; AND
- SECTION 4. THAT the Clerk shall cause a notice of the Citizens' Meeting and the City Election to be inserted in the Suburban Record and the Prince George's Post during the two weeks prior to October 1, 1983. In addition, the Clerk shall have inserted in the Suburban Record and the Prince George's Post, during the week preceding the election, a facsimile of the arrangements of the names and wards which will appear on the voting machines; AND
- SECTION 5. THAT voter authority cards and lists shall be prepared for each ward separately, bearing the names, addresses and election wards of all eligible voters as certified by the Boards of Supervisors of Elections for Prince George's and Montgomery Counties, and supplied to the Judges of Election on election day; AND
- SECTION 6. THAT the Clerk shall recommend to the Mayor and Council the names of twenty-eight persons for designation by the Council as Judges of Election; AND
- SECTION 7. THAT the Judges of Election shall meet in the Municipal Building as a Board of Election at 7:00 PM, Wednesday, November 6, 1985, and shall determine and certify the results of the election, as provided in the City Charter; AND
- SECTION 8. THAT the Mayor and Council shall meet in Special Session at 8:00 PM, Wednesday, November 6, 1985, to receive the certification of the election from the Judges.

ORDINANCE NO. 1985-46

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

SECTION 1. THAT on January 28, 1985, the Mayor and Council adopted Ordinance No. 1985-5, declaring the structure located at 7709 Takoma Avenue, Takoma Park, Md., to be unfit for human habitation and setting the date of February 25, 1985 for a show cause hearing as to why the property should not be declared a nuisance; AND

SECTION 2. THAT the show cause hearing was not held at the scheduled time owing to the death of the owner, Edith L. Latham, on February 24, 1985; AND

SECTION 3. THAT on June 30, 1985, the City received a letter from W. Douglas Varn, 1212 Lamont Street, N. W., Washington, D. C., which in pertinent parts stated the following:

"My wife and I have reached an agreement with Mr. Deane A. Shure, attorney for the estate [of Edith L. Latham], for the purchase of the property. It is our intention to renovate the property and occupy it as our principal residence.

"The purchase is contingent, however, upon satisfactory assurances to us and prospective mortgage lenders that the condemnation process will be cancelled. Assuming that prospective mortgage lenders concur, we are agreeable to the City retaining the current, suspended status of the condemnation proceedings pending our best efforts to bring the property into compliance with the appropriate building codes at which time the condemnation will be cancelled."

SECTION 4. THAT in the light of the above assurances, the Mayor and Council hereby temporarily suspend condemnation proceedings on the property at 7709 Takoma Avenue for a period of one year from date of acquisition, provided a good faith effort to meet all code standards is maintained continuously, after which time the proceedings will be permanently rescinded or revived.

ADOPTED BY THE CITY COUNCIL AUGUST 12, 1985.