

## THE CITY OF TAKOMA PARK, MARYLAND

Public Hearing on Proposed Rent Stabilization  
Continued

May 5, 1980

## City Officials Present:

Mayor Abbott  
 Councilmember Garcia  
 Councilmember Holland  
 Councilmember Patrick  
 Councilmember Ramsey  
 Councilmember Ricks  
 Councilmember Saloma  
 Councilmember Weisman

City Administrator Gilsdorf  
 Asst. City Administrator Shaffer  
 City Clerk Pusti  
 Corporation Counsel Gingerich

The public hearing was called to order at 8:05 PM, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Mayor Abbott announced that the County Council would be discussing the halfway and quarterway houses located on Maplewood Avenue at their worksession on May 6, after 9:00 AM; urged citizen attendance, noting that several Councilmembers interested in the item would be unable to attend because of the short notice; that he hoped the City Council could prevail on the Washington Adventist Hospital to withdraw the properties from the market.

Mayor Abbott restated the revisions to the original proposed Rent Stabilization Ordinance: that a landlord-tenant commission be formed (3 landlords, 3 tenants, and 3 members selected from the general public) to administer the ordinance provisions, instead of the City Administrator; there would be no phase-out of the ordinance and units vacated after March 10, 1980 would be removed from control--requested that speakers please address themselves to these revisions as well as any other comments they have concerning rent stabilization; Councilmember Ramsey stated he had submitted a list of revisions to the ordinance that he would like comments.

CITIZENS' REMARKS

1. Frank King, 7334 Piney Branch Road: raised the following questions: Sec. 5--why shouldn't all proposed increases be submitted to the commission? Sec. 9, (2), (3) and (6)--why are these units exempt from ordinance? Felt ordinance should be applicable to all units; it was noted by some Councilmembers and the Corporation Counsel that Sec. 9, (2) was included because the City has received very few complaints from the smaller buildings (landlord owns fewer than 5 units); Mr. King stated that the Council was making exemptions in advance.

2. Harold Myers, 7212 Cedar Avenue: stated that he is single-family owner and his support for the ordinance; noted several items mentioned by landlords at the last meeting. If they are not making a profit--why in the business? Spoke of the profit to be gained just by owning property which could be sold for higher price than purchased; that free-enterprise system is not working if rents keep increasing and people are being forced out of their homes; the threats raised of landlords boarding up their buildings--felt if this happened, possibly City could take over and operate.



3. Mildred Shapiro, 7667 Maple Avenue: tenant; stated her displeasure with the amendments to the ordinance; that it is not a free-market/free-enterprise system because of the condominium conversions which are killing the rental market; tenants need protection by the government and that the legislation should apply to all units; that 50% of the City's constituents are confronted with rental inequities; disturbed by the establishment of a commission because more people usually means more delays; listed the following rent increases: initial rent (16 years ago) for one bedroom-\$142; rent increases received yearly ranging from 4%-6%; received rent increase from \$260 to \$295 beginning January 1980; in January received another notice of increase from \$295 to \$325 effective April 1980; again received notice that rent would increase to \$350 effective March 1980 and to disregard previous notice; that she received a roll-back to \$325 with the Council's help, but has heard that this is just a temporary measure. Councilmember Ricks stated that there appear to be no standards for rent increases at that building; that rents range from \$290 to \$325 for one bedroom units; that the owner apparently wants to raise all to \$350.

4. Sharlene Bobo, 7777 Maple Avenue: received notice of rent increase on April 28 to be effective July 1, from \$340 to \$401 for 2 bedroom unit; many tenants whose anniversary dates are within the next 2-3 months are receiving the same; felt this is management's way of responding to the proposed legislation; noted the very poor maintenance in the building--rapid turnover of resident managers and maintenance people; that when a problem arises, tenants can't get in contact with anyone; the tenants need some support from the Council; many tenants feel that nothing can be done.

5. Howard Walter, 7777 Maple Avenue: spoke of increase effective July 1 raising rent from \$330 to \$389 for two bedroom unit; that he had contacted the management company asking the purpose of the increase and was told that it was for a number of reasons, primarily involving maintenance which they are not receiving; that the management is very poor and make-shift means are being used to keep the building running; noted specifically that the building now uses dumpsters for trash, which are always overflowing; that the trash rooms and incenerator have been sealed up; spoke of many other problems residents have had, and continue to have, including mice in the building. Also stated the building is up for sale.

6. Audrey Gibbs, 7520 Maple Avenue: stated that she is renting a 3 bedroom unit and last August her rent was increased from \$407 to \$448; worried about how much higher the rent will increase; noted that since she moved in 7 years ago, the maintenance in the building has declined in proportion to the increase of minority tenants.

7. Charlie Dobson, 7777 Maple Avenue: stated that he moved into his one bedroom unit in October 1979; that there have been two rent increases in the building since that time, and that, although he is protected by a lease, he is concerned about increases when his lease expires; noted the many maintenance problems in the building.

8. Luwan Gibbs, 7520 Maple Avenue: cited several maintenance problems in building, and noted that there is no place for children to play.



9. Audrey Kennedy, 7667 Maple Avenue: stated that she has been living there two years, and after the first year, the rent for her three bedroom unit was increased from \$365 to \$375; that she received an increase notice in March to be effective May 1, raising the rent from \$375 to \$525; was told by the resident manager that if the rent stabilization ordinance was adopted, that the owners would have the option to give tenants eviction notices. It was noted by the Mayor that the Council could be creating a bad situation for tenants whereby landlords could begin issuing eviction notices; Corporation Counsel Gingerich stated that a landlord may issue eviction notices to tenants whose leases have expired (on month-to-month) and also those whose leases are due to expire; that these are called "no cause" evictions and can be issued at any time as stated; the only time a tenant would have recourse on an eviction is if it were retaliatory.

10. Glen Parris, 7600 Maple Avenue: stated that he was speaking for his sons who live at 7667 Maple Avenue; they moved there in October 1979, paying \$315; were given notice in February 1980 that it would be increased to \$350, and again in March, to increase to \$450; noted the many problems his sons have had concerning maintenance at the building; felt there should be a system for landlords to set aside money for maintenance, instead of having to raise the rents every time there is a problem.

11. Jerry Kurtinitis, 7064 Eastern Avenue: noted that he is the owner of three small buildings in the City; that a good property manager always sets aside money for major maintenance problems, such as new roof or boiler, etc.; noted that most of the complaints from tenants are those living in the large buildings along Maple Avenue; that all landlords should not be punished with rent stabilization because of these landlords; that he has always abided by the County's guidelines on raising of rents; said that he does most of his own maintenance work, except for major repairs and asked how the commission could determine his increased costs (maintenance), as compared to a landlord who hired a professional whose hourly wages are very high; felt that poor management and inefficiency on the part of some landlords could be used to justify large rent increases.

12. Don Woodhams, 10 Montgomery Avenue: asked how the administration and implementation of the ordinance would be funded; Councilmember Ricks stated that the City is currently paying Montgomery County OLTA approximately \$14,000 per year for enforcement of the Landlord-Tenant Act, excluding Rent Control section; that if they were also to enforce rent control, it would cost the City approximately \$20,000 more per year; these funds are taken from Federal Revenue Sharing Funds, and are made up by all tax payers of the City. Mr. Woodhams stated that while he is not unsympathetic to the tenants' problems, he is opposed to the ordinance because it would use his tax dollars to subsidize the program; that the ordinance itself supports a special interest group--the tenants; would like the Council to give the single-family homeowner the same protection against rising costs as the Council is trying to give the tenants.

13. Carol Gibson, 7667 Maple Avenue: stated that she lives in an apartment because she cannot afford a house, but the way rents are increasing, she is paying about the same as a house mortgage payment; that in February, she was told her rent would increase from \$350 to \$450, but with the Council's



help, that increase was cancelled; that the management has told her the rent will increase the same amount beginning in September, her anniversary date; urged the Council to adopt the ordinance; also noted the poor maintenance at the building.

14. Jimmy Peterson, 7600 Maple Avenue: stated that he rents a three bedroom unit; when he moved in three years ago, the rent was \$365, now it is \$385; interested in what the security deposit is used for and how many tenants have it returned to them; said that in order to have his apartment painted, he had to sign another year's lease; for what he is paying in rent, he might as well put that toward a home.

15. Herman Williams, 7667 Maple Avenue: stated his support for the rent stabilization ordinance; noted that one of the first requirements in renting in the area, is to earn per week what is paid per month in rent; that rents in the area all seem to be about the same average.

16. Al Barnett, 7667 Maple Avenue: urged Council to adopt the ordinance; noted that it is hard for families in apartments to survive, and although homeowners are in the same position, they at least have some equity; stated that his rent was increased from \$320 to \$325 in three months; that there is a lack of maintenance for the amount of rent paid; stated that the establishment of a landlord-tenant commission does not mean that there cannot be increases of more than 10%, but it does give the tenants some assurances as to not being priced out of the apartments; that even if the tenant was ruled against by the commission, at least he felt they would get a fair chance.

17. Shirley Jones, 7427 Carroll Avenue: stated that she is a landlord for several small buildings in the City; listed several increases she received within the last year, including property taxes, which were increased 95.4%, and when she went to the assessor's office, she was told there was nothing she could do, except pass it on to the tenants; opposed the 10% ceiling; felt there should be some assurances for the landlord, that if rents could not increase more than 10% per year, that the expenses of the landlord should not increase more than 10%; noted that possibly some tenants are receiving larger increases because they may cause more problems than others; suggested that the Council speak to the owners of the larger buildings that are increasing rents rapidly, instead of applying ordinance to all buildings, many of which have not caused any problems.

Mayor Abbott noted that of the some 300 landlords notified of the hearings, only ten or so have testified.

18. Carlos Stewart, 7710 Maple Avenue: noted that testimony from tenants had come from the following buildings: 7513, 7520, 7600, 7667, 7710, 7777 and a former tenant of 7620 Maple; said he had heard rumors that rents on two apartments in his building had been raised from \$325 to \$375. Felt that emergency legislation has been supported; that increases in utilities should not be borne by the tenants; tenants' salaries are not increasing at the same rate as their rents; that the legislation should apply to all apartments in the City.

19. Ron Wylie, 7618 Glenside Court: noted some improvements in the revised draft ordinance; that the commission is a very good idea; questioned



whether commission would also look into maintenance complaints; that legisla- tion should specify that the commission is voluntary; concerned that there may be delays with decisions from commission and suggested that a certain time limitation be included in ordinance; asked if additional evidence could be pre- sented at an appeal and was told hearing would be held de novo; noted that he is comfortable with the 10% maximum on rent increases; raised other questions about scope and standards.

20. Mary Pennifield, 7305 Takoma Avenue: felt that landlords who have in- creased rents enormously should have a ceiling imposed, but that those who have been trying to abide by the guidelines should not be unduly punished.

21. Roland Halstead, 7116 Maple Avenue: stated that the ordinance is in- adequate in giving guidance to the commission on setting up regulations; would rather see Council set up guidelines; that Sec. 2 does not state that the 10% maximum increase is per year; also felt that Council should include in ordi- nance some protection for tenants from eviction.

22. Robert Moore, 7314 Willow Avenue: favored the ordinance; thought that the speakers at the March 10 Council meeting had made several good points and that their statements should be included as testimony for the ordinance; did not favor destabilizing vacated units; felt that if ordinance was not adopted it would lead to development of many condominiums in the City.

23. Harold Myers: in reference to the cost of administering program, questioned what the Community Improvement Board cost the City. The City Ad- ministrator stated that even though the CIB members are volunteers, it cost the City approximately \$15,000 per year for the inspectors' time, office ser- vices, supplies, mailing costs, etc. Mr. Myers said that if vacated apartments are not included under the controls, the matter of tenant turnover could become a money-making proposition.

24. Mike Mead: supported Councilmember Ramsey's suggestion for guidelines to apply to units vacated voluntarily or when tenants had been evicted for cause, but not units vacated otherwise.

25. Ruth Abbott, 7308 Birch Avenue: stated that she felt that vacated apartments should be covered by the ordinance; that landlords would have the opportunity to empty the units when they wanted to increase rents and they would be allowed to if not covered; that if the ordinance or some other action was not taken, only the affluent or those covered by Section 8 could afford to live in City rental units.

Councilmember Ramsey listed the following for the Council to consider: the need to protect tenants without penalizing landlords; need to consider specific policy for Code Enforcement future; and the need for protection be- cause it is so difficult to buy a home at the present time and there is a pre- mium on rental housing. (Copies of Mr. Ramsey's proposed amendments to the ordinance are available in the City Administrator's Office.)

Upon suggestion of Mayor Abbott, with the consensus of the Council, a Special Meeting of the City Council was called for Monday, May 19, at 8:00 PM, in the Council Chamber, at which time the Council will make their decision on the Rent Stabilization Ordinance;

Upon motion, duly seconded, the Public Hearing adjourned at 12:35 AM.

APPROVED

ATTEST  
\_\_\_\_\_  
Herbert W. Gilsdorf  
City Administrator

\_\_\_\_\_  
Sam A. Abbott, Mayor



Rent Stabilization Ordinance

Proposed Amendments

D. Ramsey  
5/5/80

1. page 1, Section 2

Replace the entire section with the following:

Rent for any particular dwelling unit may be increased in an amount not to exceed 10% of the base rent charged on March 10, 1980, or such base rent as may be authorized under this ordinance; such increase not to be applicable to an incumbent tenant more often than once a year.

2. page 2, Section 3 (a)  
line 2

Amend the line to read:

. . . tenants; and three (3) shall be members . . .

3. Page 2, Sec. 3 (b)  
line 3

Replace the word "inequities" with the word "problems".

4. Page 2, Sec. 4, line 1

Replace the word "imposes" with "proposes".

5. Page 2, Sec. 3 (b)  
line 6

Replace the word "guidelines" with "stabilization".

6. Page 3, Sec. 6 (b)

Delete the first sentence, "The Commission shall also monitor all actual and proposed rent increases."

7. Page 4, Sec. 9 (2)

Delete part (2) (exemption of units owned by a person owning fewer than 5 units).

8. Page 4, Sec. 9 (3)

Delete part (3) (exemption of single family rental houses, etc.).

9. Page 4, Sec. 9 (6)

Delete part (6) (exemption of units renting above \$600).

10. Page 4, Sec. 9

Add a part to read as follows: (list of exemptions)

Vacant units that have been vacated voluntarily by the former tenant, or from which the tenant had been evicted for cause; but not units vacated otherwise.

11. Page 4

Add a section, probably following Section 10, to read as follows:

This ordinance shall be null and void, unless renewed by ordinance, at 12:00 midnight on March 31, 1981; provided, however, that the authority of the Commission shall continue until final disposition of all cases before it.

-OVER-



Add a paragraph to read as follows:

In consideration of the reasonableness of a proposed rent increase, the Commission shall be guided by, but not bound by, the following guidelines:

- (a) A tenant's rent ought not to exceed 35% of the combined gross income of all occupants of the dwelling unit.
- (b) An increase exceeding 10% should not be granted on a property having outstanding violations of the municipal housing code.
- (c) A landlord should not be placed in a position of having to subsidize a building from outside funds, or of having to increase an existing such subsidy.
- (d) A landlord should not, by virtue of denial of a proposed rent increase, have his total income reduced to an annual rate of less than \$25,000.
- (e) The effect of any government rent subsidy for which the tenant may be eligible should be taken into account.



CITY OF TAKOMA PARK, MARYLAND  
SPECIAL WORKSESSION  
OF THE  
MAYOR AND CITY COUNCIL  
May 8, 1980

Councilmembers present:

- Mayor Abbott
- Councilmember Garcia
- Councilmember Holland
- Councilmember Patrick
- Councilmember Ramsey
- Councilmember Ricks
- Councilmember Saloma
- Councilmember Weisman
- City Administrator Gilsdorf

The meeting was called to order at 7:35 PM by Mayor Abbott.

Halfway and Quarterway Houses on Maplewood Avenue. Mayor Abbott reported that he had spent the entire day Tuesday in Rockville attending the worksession of the County Council. He stated that during the discussion, it became obvious that the County Council had made its decision to go ahead and purchase the four properties on Maplewood Avenue owned by the Washington Adventist Hospital.

With this position clear, Mayor Abbott urged the City Council to meet with representatives of the Hospital at 4:00 PM, Tuesday, May 12, with the purpose of persuading them not to sell the properties to Montgomery County.

The Councilmembers, by consensus, agreed with the Mayor, and the meeting will go forward as suggested.

There being no further business to discuss, the meeting adjourned at 9:00 PM.

APPROVED \_\_\_\_\_  
Sam Abbott  
Mayor

ATTEST \_\_\_\_\_  
Herbert W. Gilsdorf  
City Administrator



## THE CITY OF TAKOMA PARK, MARYLAND

Meeting of the Mayor and City Council  
and  
Public Hearing on Fiscal Year 1981 Budgets for  
Library, Code Enforcement and Public Works Departments

May 12, 1980

AGENDA

CALL TO ORDER: Mayor Abbott

ROLL CALL: Councilmember Garcia  
Councilmember Holland  
Councilmember Patrick  
Councilmember Ramsey  
Councilmember Ricks  
Councilmember Saloma  
Councilmember Weisman

PLEDGE

READING AND APPROVAL OF THE MINUTES

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

1. Introduction and briefing on FY-81 Budget (City Administrator Gilsdorf)
2. Public Hearing on FY-81 Budgets for Library, Code Enforcement and Public Works
3. Other remarks by citizens

FINANCIAL STATEMENT: City Administrator Gilsdorf

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications
2. Administrative Reports and Recommendations for Council Action

(1) Announcements:

- Special Meeting of the Mayor and Council on May 19, 1980, 8:00 PM,  
to consider adoption of the Rent Stabilization Ordinance
- May 27, 8:00 PM (Tuesday): Public Hearings on the following:
  - FY-81 Budget for Recreation, Administration and Police Depts.
  - FY-81 Proposed Use of Federal Revenue Sharing Funds

(2) Appointments:

- Community Improvement Board
- Operation Turnaround Board
- Press Secretary to the Mayor

SPECIAL REPORTS

NEW BUSINESS

ADJOURNMENT



## THE CITY OF TAKOMA PARK, MARYLAND

Meeting of the Mayor and City Council

and

Public Hearing on Fiscal Year 1981 Budgets for  
Library, Code Enforcement and Public Works Departments

May 12, 1980

## City Officials Present:

Mayor Abbott	City Administrator Gilsdorf
Councilmember Garcia	Asst. City Administrator Shaffer
Councilmember Holland	City Clerk Pusti
Councilmember Patrick	Library Director Barclay
Councilmember Ramsey	Police Chief Porter
Councilmember Ricks	Public Works Director Robbins
Councilmember Saloma	Recreation Director Ziegler
Councilmember Weisman	Asst Corporation Counsel Culpepper

The Mayor and Council of Takoma Park met on May 12 at 8:00 PM, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Md. Following the pledge of allegiance, a motion was made and duly seconded to approve the minutes of April 28, 1980. Councilmember Ramsey requested that his remarks on page 7, 30th line, be clarified by the addition of "regarding the properties in question" at the end of the sentence; he also noted that prior to his election to the Council, he had never tried to influence the former Council's thoughts on these properties. With the correction included, the minutes were adopted unanimously by the Council.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott presented the following resolution:

RESOLUTION

WHEREAS, the week of May 11 through 17, 1980 has been declared Historic Preservation Week; AND

WHEREAS, it is appropriate that the citizens of Takoma Park acknowledge the importance of preservation in our community; AND

WHEREAS, the City of Takoma Park is the oldest planned railroad suburb of the City of Washington, D. C. and will celebrate its 100th anniversary in 1983; AND

WHEREAS, approximately one-third of Takoma Park is on the National Register of Historic Places, designated by the Department of the Interior as being worthy of recognition and preservation; AND

WHEREAS, the theme of this year's Historic Preservation Week is "Conserving Energy Through Preserving Old Buildings"; AND

WHEREAS, old buildings are a past investment of energy, and by saving them, energy produced today can be used for other needs; AND

WHEREAS, old buildings can be rehabilitated to become more energy efficient and were often built to take advantage of breezes and sunshine in the days before air conditioning and central heating; AND



WHEREAS, new technology permits the use of alternative energy sources such as solar and wind power which can be applied to some older buildings without destroying their architectural and historic character.

NOW, THEREFORE, the Mayor and Council of the City of Takoma Park, Maryland do hereby take note that citizens, old and newcomers alike, are supporting and becoming more involved in Historic Preservation.

MAY 12, 1980.

The Mayor stated that the residents of Takoma Tower had arranged a meeting last week with executives of Safeway, members of the County's Department of Transportation, several citizens, and himself; that after a fruitful discussion, it was decided that the Ride-on bus stop would be moved from Lebanon Street to its original terminus--in front of Safeway in the Hampshire/Langley Shopping Center--and that the shift would be made after proper restriping of some 25 parking spaces.

Stated that on Tuesday, May 13, 4:00 PM, second floor meeting room of the Municipal Building, Councilmembers are to meet with representatives of the Washington Adventist Hospital and members of Montgomery County Health Department's Alcoholic Division to discuss the proposed purchase by the County of halfway and quarterway houses on Maplewood Avenue; stated that the position of the present Council is the same as the former--that of opposition; that when Councilmembers met informally with representatives of WAH, the Administrator of the Hospital had stated that in case the City and County could not resolve this matter, the WAH would have to support the City's position; the purpose of Tuesday's meeting is to encourage the Hospital to remove the properties from the market or not sell them to the County; noted that the County's justification for purchasing the properties was that there are no other alcoholic programs operating anywhere in the County besides in the City; noted that County Councilmember Crenca had made a motion to the County Council that the County purchase and operate the properties for a period of one year and during that time, other alcoholic programs should be established throughout the County; but that her motion failed for lack of a second; invited citizens and representatives of citizen associations to attend the meeting.

Announced that there will be a Special Meeting of the Mayor and Council held Monday, May 19, at 8:00 PM, in the Council Chamber for the Council to take action, adoption or rejection, on the Proposed Rent Stabilization Ordinance.

ADDITIONAL AGENDA ITEMS

Discussion of two proposed letters concerning the Carroll House (Councilmember Weisman)

PUBLIC HEARING ON FY-81 BUDGETS FOR LIBRARY, CODE ENFORCEMENT, AND PUBLIC WORKS DEPARTMENTS

Introduction and briefing on FY-91 Budget. City Administrator Gilsdorf stated that the budget document is administratively prepared; that inflation has been a threat for the past few years, with increases in gas, utilities, supplies; that the City has got by for the past two years without increasing the tax rate, but this year, it will be receiving less money/funds from State and Federal government--less from gas tax rebate, less from horse racing revenues, reduction in funds from Montgomery County Revenue Authority; that there is a proposed 10¢ increase in the City tax rate, raising it from \$1.25 per one hundred dollars of assessed value to \$1.35; the City will also institute for the first time, the taxation of Corporate Personal Property, which should raise approximately \$60,000; that the City is the only jurisdiction in the area that does not already have this tax and it is an alternative to an even higher increase in the tax rate; the budget has increased approximately 10% over last year's; this includes a proposed 10% cost-of-living raise for City employees, with no new positions being added and the present level of service being maintained. Stated that the Mayor and Council had split budget hearings into two parts: Library, Code Enforcement and Public Works Departments



on May 12, and Recreation, Police and Government Administration Departments budgets on May 27 (Tuesday).

LIBRARY DEPARTMENT -- the City Administrator noted an error in one of the accounts, Maintenance-Office Machines, figure in proposed column should be \$400 instead of \$200.

1. Robert Mulligan, 7405 Garland Avenue: stated his surprise at how modest the proposed budget is; felt that the number of employees should be included for each department; noted the small increase in funds for purchasing books, periodicals, and records as compared to the large increases in costs for these materials; Library Director Barclay stated that she agreed it was a small increase for the amount costs have increased; that the Library tries to maintain the same amount of materials year to year (50,000 in total collection); that this has been accomplished only through the generosity of local citizens who donate about 25% of the books that make up the collection; Mr. Mulligan encouraged the Council to act favorably when considering the department's budget; that if a surplus is found, to turn over to Library for additional acquisitions. Mayor Abbott noted that Montgomery County pays Library Aid to the City, but Prince George's County does not; that something should be done to encourage Prince George's County to pay their fair share.

2. Larry Robinson, 7504 Holly Avenue: asked how the City's Library budget compared with the Counties; Mrs. Barclay stated that the salaries are on par with the Counties, although the acquisition funding may be a bit lower.

3. Jeff Reed, 7109 Cedar Avenue: asked whether the many part-time employees are more efficient than having full-time employees, but less of them; Mrs. Barclay stated that with the part-time employee system, there are fewer scheduling problems when employees may want to take leave at the same time.

4. Faith Stern, 103 Grant Avenue, Chairman, Library Advisory Board: stated that the Board agrees that the proposed Library budget is modest; reiterated that if there are excess funds available, the Library would appreciate receiving them; feels that the Library is an essential part of Takoma Park and should be maintained; that it gives personalized service to the citizens which is not available at the County level.

5. Jim Suntum, 7125 Poplar Avenue: stated his support for the Library, saying he found more information on a research project at Takoma Park's Library than at the County library.

6. Robert Mandel, 7003 Woodland Avenue: requested explanation for account 3.5094, on page 2; the City Administrator stated that this is a payment from the Counties for services (trash collection, snow removal, etc.) provided by the City, which otherwise would have to be provided by the Counties; that the payment does not match the actual City expenditures; Mayor Abbott suggested a breakdown of payments by County for the citizens; Mr. Mandel asked why the large increase in revenues from parking meter violations, to which the City Administrator responded that there will be increased enforcement, reduced breakdown of meters by institution of a better maintenance program, and also revenue from the State flagging program.

CODE ENFORCEMENT DEPARTMENT -- the Department inspects approximately 4,000 rental units on a 12 to 16 month inspection cycle; notices are issued to the owners either stating that the property is in compliance, or violation notices are issued; the Department also works with the Community Improvement Board by verifying and following up on violations reported by the Board; there are three code enforcement officers (one working more than half-time as a housing rehabilitation specialist) and one administrative aide.



1. Allan Marsh, 7405 Maple Avenue: stated that the registration fees for rental units in single-family R-60 zones should be much higher than those that are zoned properly; that he is not satisfied with the Code Enforcement Department; that the Department did not work efficiently for the tenants, but more so for landlords; that there should be an escalating fee for reinspections on second violation notices; Councilmember Ramsey noted that the City cannot license apartments (and therefore can't revoke a license), but only registers units; that the power to license may need to be investigated; Mayor Abbott suggested increasing registration fees for buildings requiring many inspections.

2. Joseph Lerner, 7708 Takoma Avenue: suggested that problem properties be inspected more often, noting the large amount of time reinspections take up. Councilmember Ricks said that the Council had considered reviewing and possibly changing the BOCA Code and procedures; recommended that this item be taken up again.

3. Ron Wylie, 7618 Glenside Court: noted that Code Enforcement is a critical part of the City's operation; questioned what portion of the Corporation Counsel's time is devoted to prosecution of the Department's cases; the City Administrator and Corporation Counsel stated that many violations are settled/cleared before they reach the prosecution stage; that when they do go to court, one unsatisfactory aspect is that judges do not like to impose fines on criminal charges, as stated in the City Code, on matters they consider to be non-criminal actions; that fines assessed go directly to the courts and not to the City and that his office considers it more effective to go to the Circuit Court for injunctive relief. Councilmember Weisman suggested applying Municipal Infraction Ordinance to some Code Enforcement violations; Corporation Counsel said that Municipal Infractions must be prosecuted by the State's Attorney's Office and not by the Corporation Counsel and they have the discretion as to whether or not they will prosecute. Mr. Wylie requested information on CIB notices; the City Administrator stated that the CIB turns in approximately 500 notices after their April ride-arounds; the Code Enforcement officers then screen all notices to weed out properties that are rental and also make sure that they are bona fide violations; correspondence is sent to property owner and at the end of the summer, officers and CIB members again check properties and report is made to the Council.

4. Ron Albaugh, 7202 Central Avenue: agreed with Councilmember Ricks' recommendation to review entire Code Enforcement process; suggested that there be citizen participation and public hearings.

5. Larry Robinson: stated his support for review of Code Enforcement process.

6. Roland Halstead, 7116 Maple Avenue: suggested a six month inspection cycle instead of 12-16 month cycle; noted the large number of violations and questioned whether located in a particular section of City; the City Administrator stated that violations are from all over the City; some are quite serious, while others can be as insignificant as a burned out light bulb.

7. Joe Giannini, 208 Spring Avenue: asked how effective the CIB is and whether consideration is given to property owners who may be on a fixed income; Councilmember Holland stated that the CIB is only authorized to observe properties from the outside and they do not know whether rental or single-family; that this is determined by the Code Enforcement Office; that if the City finds that a person is on a fixed income or has other financial problems, he is offered a Rehabilitation Loan funded through the CDBG program.



PUBLIC WORKS DEPARTMENT -- Repair Shop, this division maintains the City vehicles, supplies gas for same vehicles; there are three mechanics. Streets Division provides new construction and maintenance of City streets; most overtime is accumulated in this department because of leaf collections and snow removal. Parks Department maintains City gardens and azalea beds, grounds of City buildings.

1. Abby Mandel, 7003 Woodland Avenue: stated that the Federal government has established that a family of four needs approximately \$20,000 to live on this year; asked if any of the employees of the Sanitation Division with families are making less than this figure, if so, salaries should be increased to a living wage; asked if employees have agreed to the proposed 10% cost-of-living increase; also stated support for Library budget.

2. Joseph Lerner: regarding use of CDBG for street work, suggested that more CDBG funds should be devoted elsewhere.

3. John Flemming, 6909 Westmoreland Avenue: stated his appreciation for the arrangements the City has made to have a special Saturday trash pick-up for large items in his neighborhood.

4. Ron Albaugh: noted that the Longbranch-Sligo area has received wonderful cooperation from the Public Works Department, especially in the park areas.

5. Harold Myers, 7212 Cedar Avenue: stated that the 7100 and 7200 blocks of Cedar Avenue need repair/replacement of curbs; also suggested construction of swimming pool and closer recreation facilities.

6. Gail Stevenson, 7334 Piney Branch Road: noted some sidewalks in North Takoma area which have been redone with blacktop instead of cement and expressed a preference for cement; the City Administrator suggested that this may have been done by a utility company since it is not a policy of the City.

7. Allan Marsh: listed some streets in the District which have had speed bumps installed to slow traffic; suggested that this idea be used in City and offered Maple Avenue for such a project, saying that something should be done about speeding on Maple Avenue; requested that grass strip between curb and sidewalk be installed along the street for safety purposes; that trash cans are being left out along the curbs for long periods of time; the City Administrator said that it is the responsibility of the property owner to move cans back to their proper place.

There was some discussion of funds for maintenance of the portable stage.

8. Gail Stevenson: noted that when she moved into City, she was told by a friend to place the cans at the curb for collection because the sanitation workers would not come into the yard.

OTHER REMARKS BY CITIZENS

1. Joan Prosten, 7428 Carroll Avenue: invited the Mayor and Council and citizens to attend and participate in a community forum on the transportation of nuclear waste being held by the Beltway Alliance for Safe Energy on Wednesday, June 11, 7:30 PM, in the second floor meeting room of the Municipal Building; stated that there are no official figures on the number of vehicles carrying nuclear waste that pass through the City or nearby and that many cities have banned such transports.

2. Edward Turner, President, Takoma Park Businessmen't Asso: asked what is happening with the zoning issues of the Takoma Park Master Plan; that he was informed by Park and Planning representative that the Plan would become final on June 9; Mayor Abbott stated that the record on the last public hearing would be closed on June 9, but the Plan would not become final for some time yet; the City Administrator stated that Park & Planning



is trying to arrange another public hearing for July 8, but the date has ~~not been finalized~~. The Mayor commended the businessmen for taking an interest in City affairs.

3. Karl Kessler, owner, Barcelona Nut Shop: stated that he is disturbed by the proposed initiation of Corporate Personal Property tax on businesses in the City; that they are already being taxed at the State level.

4. Frank King, 7334 Piney Branch Road: commended the City Administrator and staff for the budget document; asked how the salary for Corporation Counsel is ascertained and was told that it started out at a specific figure and has slowly increased. In response to Mr. King's suggestion for a listing of employees whose salaries are over \$20,000, the City Administrator said it would be reflected in the pay scale plan. Mr. King suggested increase in Mayor and Council salaries; asked about cash flow in the City; the City Administrator stated that when money is received, it is quickly deposited in high earnings investment accounts.

5. Allan Marsh, President, Old Takoma Citizens Asso: requested that Council consider reviewing and possibly changing the size of parking permit areas due to abuses that are taking place; asked for public hearings if a review is decided on; Mayor Abbott suggested that citizens in the permit areas give their recommendations for improvements to the Council. Mr. Marsh encouraged the businesses in the City to improve the appearance of their storefronts; noting that some are very attractive, while others need definite improvement.

6. Ron Wylie: responding to questions, the City Administrator stated that the Surplus Fund is the current year's Emergency Fund which is anticipated to remain unspent; that the interest and dividends account has increased because interest rates have gone up and there is a regular program of investing City's money. Mr. Wylie asked when the City's last tax rate increase was instituted; the City Administrator stated that the last increase was in 1968; in 1974 the tax rate was decreased from \$1.35 to \$1.30 when the Fire Department went under the County system, and again decreased in 1976 from \$1.30 to \$1.25 because of the sale of some City property; Mr. Wylie said the proposed increase and Corporate Personal Property tax should have been more widely publicized.

7. Joe Giannini: expressed the opinion that something should be done about the City's Police Department and described many problems he has had with some of the officers; the Mayor and City Administrator suggested that in fairness to the Police Department, it was inappropriate to discuss the complaint at that time since no Police Department representative was present to give their side of the story; the Mayor and Council stated that if Mr. Giannini would submit a statement listing all necessary information, they would investigate the matter; Mr. Giannini agreed to this. Mayor Abbott stated that he has not yet had an opportunity to meet with the Police Chief, but it was his general philosophy that citizens should not feel intimidated by the police and that he planned to set up a mechanism for the orderly airing of grievances through proper channels.

#### FINANCIAL STATEMENT

The City Administrator gave a brief summary of the City's financial status for the month of April.

#### ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Announcements: Special meeting of the Mayor and Council on May 19, 1980, 8:00 PM, to consider adoption of the Rent Stabilization Ordinance.

May 27, 8:00 PM (Tuesday): Public Hearings on the following:  
--FY-81 Budget for Recreation, Administration and Police Depts.  
--FY-81 Proposed Use of Federal Revenue Sharing Funds  
--Intent to Exceed Constant Yield Tax Rate



2. Appointment of new Community Improvement Board Chairperson. Mayor Abbott moved that Mrs. Mary Ann McGuire be appointed to this position; this was seconded by Councilmember Garcia; Mayor Abbott noted that Mrs. McGuire is currently a member of the CIB, and was also a member of the Board's predecessor--the Civic Improvement Board; when the motion was put to a vote, it was approved unanimously by the Council. Mayor Abbott made a motion that Mrs. Elaine LaVaute be appointed to fill Mrs. McGuire's unexpired term of one year on the CIB; the motion was seconded by Councilmember Holland and approved by the Council unanimously.

3. Appointment of new Chairman of the Operation Turnaround Board. Mayor Abbott made a motion, duly seconded by Councilmember Ricks, that Councilmember Weisman be appointed to succeed Mr. Faulkner as Chairman of the Board; the motion was approved unanimously by the Council.

4. Appointment of Press Secretary to the Mayor. Mayor Abbott moved that Michael Messinger be appointed to the position of Press Secretary for the Mayor, Council and City Administrator; the motion was seconded by Councilmember Ricks. Several Councilmembers noted that they would like a specific description of Mr. Messinger's duties and responsibilities; also stated that they did not wish Mr. Messinger to be making policy statements for the Council or the City in general; that the Mayor and City Administrator are to retain that function. Mayor Abbott stated that Mr. Messinger would in no way be making or establishing policy; that he would report to the Mayor and City Administrator; that his main purpose is in contacting the press and requesting their attendance at meetings, etc.; that he would be paid a retainer of \$1.00 per year and that he would not require the services of City staff. Corporation Counsel said that the \$1.00 fee would establish Mr. Messinger as a contractor to the City and not as an employee. Councilmember Ricks moved that the original motion be amended to have Mr. Messinger prepare a position questionnaire listing his duties and that this be done in cooperation with the City Administrator; the motion was seconded by Councilmember Holland and when put to a vote, approved unanimously by the Council. The original motion to appoint Mr. Messinger as Press Secretary to the Mayor, Council and City Administrator was approved unanimously by the Council.

5. Councilmember Weisman made a motion, duly seconded, that correspondence be sent to Congresswoman Spellman regarding her letter to the Council on the Carroll House; that the letter include that the College Board of Trustees have continued to follow a course which offers little prospect of settling the controversy to the satisfaction of all parties; that the retention of a portion of the Carroll House property has no bearing on "sound educational decisions" as stated by the Chairman of the Board; that the retention of the property also has no effect on the operations or aesthetics of the College; request that Congresswoman Spellman assist the City in asking the College to afford the prospective purchaser of the property an opportunity to purchase at least 80 feet of the frontage which the College now plans to retain; Councilmember Weisman requested that a similar letter be sent to Governor Hughes also asking for his assistance in this matter. When the motion was put to a vote, it was approved unanimously by the Council.

Upon motion, duly seconded, the meeting adjourned at 12:30 AM, to reconvene on TUESDAY, May 27, 1980, at 8:00 PM.

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SPECIAL NOTICE: A Special Meeting of the Mayor and Council will be held on Tuesday, June 3, 8:00 PM, for final consideration and adoption of the Rent Stabilization Ordinance.  
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APPROVED \_\_\_\_\_

Sam Abbott, Mayor

ATTEST \_\_\_\_\_

Herbert W. Gilsdorf, City Administrator



THE CITY OF TAKOMA PARK, MARYLAND

SPECIAL MEETING  
OF THE  
MAYOR AND CITY COUNCIL  
ON RENT STABILIZATION ORDINANCE

May 19, 1980

City Officials Present:

Mayor Abbott  
Councilmember Garcia  
Councilmember Holland  
Councilmember Patrick  
Councilmember Ramsey  
Councilmember Ricks  
Councilmember Saloma  
Councilmember Weisman

City Administrator Gilsdorf  
Asst. City Administrator Shaffer  
City Clerk Pusti  
Corporation Counsel Gingerich

Mayor Abbott called the meeting to order at 8:06 PM.

The following announcements were made: Councilmember Garcia stated that the Prince George's County property tax assessor would be holding meetings to hear appeals on assessments for Takoma Park residents on Wednesday, May 28 and Thursday, May 29, 2nd floor meeting room, Municipal Building; that these meetings will only be for residents already notified that their appeal will be heard those days.

City Administrator Gilsdorf reported that there will be a briefing on Montgomery County Cable Television Bill on Thursday, May 22, 7:30 PM, the County Office Building, Rockville; that this briefing is being held by the Montgomery County Chapter of the Maryland Municipal League; the County's Public Hearing on Cable TV will be held June 11; Mayor Abbott stated that the former Council had established a Cable TV committee consisting of three Councilmembers who may wish to continue to serve; Councilmember Ricks noted that the committee was established to investigate the feasibility of the City opting in with either or both of the Counties. Linne Bradley, 8112 Flower Avenue, who has been gathering information on Cable TV at the request of Mayor Abbott, stated that she would like any persons interested in Cable TV to contact her; that the options for Cable TV in the City are: not to have cable, City can contract with company on its own, can go completely with one County or the other, or the City can wait to find out which company is awarded a franchise by the Counties ~~and ask the company what they can do to unite both portions of the City and one franchise;~~ it was noted that insofar as is known, each County's franchise would only service that portion of the City; stated that there would be further reports to the Council on this matter.

Mayor Abbott stated that this Special Meeting is a continuation of Rent Stabilization discussions. He said that the basis for discussion would be a revision of the March 10, 1980 (Rev. 4-21-80) Rent Stabilization Ordinance which had been prepared at his request by Robert Moore, 7314 Willow Avenue. The May 19 proposed version incorporated changes in Sec. 2; Sec. 3(a), (d), (e); Sec. 4; and the insertion of two new sections labelled Sec. 5 and Sec. 6, causing subsequent sections to be renumbered Secs. 7 through 14. Changes were also proposed in Sec. 8 (formerly 6) and Sec. 11 (formerly 9). Proposed



Special meeting  
 Rent Stabilization Ordinance  
 May 19, 1980

- (d) The Commission shall elect one of its members as Chairman and another of ~~its members as~~ Vice-Chairman, each to serve at the pleasure of the Commission, and such other officers as it shall determine. The Commission shall meet on call by the Chairman as frequently as required to perform its duties. Six members of the Commission, two (2) from each interest group shall constitute a quorum for the transaction of business, and a majority vote of those present, with not less than six (6) present at any meeting, shall be sufficient for any official action taken by the Commission. ~~(A majority of the members of the Commission shall constitute a quorum for the transaction of business, and a majority of those present, but not less than four (4), at any meeting shall be sufficient for any official action taken by the Commission.)~~ At the request of a majority of the members a regular or emergency meeting of the Commission shall be convened. WRITTEN NOTICE SHALL BE GIVEN TO EACH AND EVERY COMMISSION MEMBER AND ALTERNATE MEMBER AT LEAST THREE (3) DAYS PRIOR TO ANY REGULAR MEETING. NOTICE OF AN EMERGENCY MEETING MAY BE IN WRITING OR BY TELEPHONE, BUT MUST BE COMMUNICATED TO ALL OF THE MEMBERS AND ALTERNATES NO LATER THAN TWENTY-FOUR (24) HOURS IN ADVANCE OF SUCH EMERGENCY MEETING.

After a discussion involving weighing the possibility of a deliberate paralyzation of the Commission by lack of a quorum versus acting on the assumption that the Commission will act in good faith in that regard, Mayor Abbott withdrew his motion to adopt the May 19 proposal and, upon his motion, duly seconded, the Council voted unanimously to reinstate the original language (third sentence). Robert Moore and Thomas Gagliardo had earlier stated their support for the May 19 version, with the latter also suggesting a procedure for amassing evidence before a hearing officer or a 3-member panel of commissioners.

The addition of the last sentence as proposed in the May 19 version, was approved by unanimous vote of the Council upon motion by Mayor Abbott, duly seconded.

\*/ NOTE: (----) denotes deletions.  
ALL CAPS denotes additions.



Former Subsection (e):

(f) The City Administrator shall HAVE THE AUTHORITY TO provide housekeeping and staff services to the Commission AND SHALL PROVIDE A RECORD OF EXPENSES INCURRED.

The above subsection (f), formerly (e), was amended as shown on a motion by Councilmember Ramsey, subsequently acceptably reworded by Councilmember Weisman, and adopted by the Council as follows: Aye: Councilmembers Holland, Ramsey, Ricks, Saloma and Weisman; Nay: Councilmembers Garcia and Patrick. The new language evolved as a compromise solution to objections raised by several Councilmembers to the open-ended approach to expenditure of funds and the desire to have some knowledge of the costs involved. Other members of the Council expressed the opinion that Commission expenses should be treated the same as other City boards and committees -- that is, no separate accounting. Councilmember Ramsey proposed a motion, which failed for lack of a second, to the effect that the City Administrator be authorized to appoint volunteer staff. During the discussion David Prosten suggested that the financial decisions be left to the City Administrator. Saul Schneiderman suggested that no one would turn down volunteer services and Carlos Stewart suggested use of Revenue Sharing Funds to support Commission needs.

SECTION 4. Whenever a landlord ~~imposes~~ PROPOSES a rent increase of more than 10%, the landlord shall provide an affidavit on a form provided by the Commission setting forth the justification for the increase. Upon receipt of the affidavit, the Commission shall review the justification presented by the landlord and determine whether the rent increase was reasonable based on the landlord's presentation. In the event the Commission shall determine that the increase in rent was justified, the Commission shall by letter notify landlord and tenant of its approval. In the event the Commission shall determine that the landlord was not justified in increasing rent above 10%, the Commission shall notify the landlord and tenant of its finding. Should the landlord or tenant disagree with the findings of the Commission, the landlord or tenant may note an appeal ~~to the Mayor and Council, which Notice of Appeal must be filed in writing within ten (10) days of the date of the notification of the approval or denial of the rent increase.~~

The substitution of the word "proposes" for "imposes," as proposed by Councilmember Ramsey, was approved by unanimous consent of the Council.

\* / NOTE: (----) denotes deletions.  
ALL CAPS denotes additions.



SECTION 5, WHENEVER A TENANT BELIEVES THAT THE LANDLORD HAS FAILED TO COMPLY WITH ANY PROVISION(S) OF THIS ORDINANCE, THE TENANT SHALL PROVIDE THE LANDLORD AND THE COMMISSION, SIMULTANEOUSLY, WITH WRITTEN NOTICE OF THE ALLEGED NONCOMPLIANCE. THE TENANT AND LANDLORD SHOULD THEREAFTER ATTEMPT TO MUTUALLY CORRECT THE SITUATION. IF, AFTER (7) DAYS THE TENANT IS NOT SATISFIED WITH THESE MUTUAL EFFORTS, OR IF THE LANDLORD REFUSES TO PARTICIPATE IN ANY SUCH MUTUAL EFFORTS, THE TENANT MAY REPORT SUCH CIRCUMSTANCE TO THE COMMISSION IN WRITING. THE TENANT SHALL SIMULTANEOUSLY SEND A COPY OF THIS REPORT TO THE LANDLORD. SUCH COMPLAINT SHALL BE FILED WITH THE COMMISSION WITHIN (~~one-hundred-and-twenty-(120)~~) 30 DAYS OF THE TENANT'S RECEIPT OF THE ORIGINAL WRITTEN NOTICE OF RENT INCREASE WHICH IS THE BASIS OF THE ALLEGED NONCOMPLIANCE. \*/

Upon motion by Mayor Abbott, duly seconded by Councilmember Ramsey, the May 19 version of this new section was introduced. It was subsequently amended as indicated above upon motion by Councilman Ricks, seconded by Councilmember Weisman, with all Councilmembers voting in the affirmative except Councilmember Ramsey, who felt that the shorter time period would effectively set up a statue of limitations and thus deprive any tardy tenants of relief. Thomas Gagliardo stated his support for the original time allotted for filing.

SECTION 6. NO LANDLORD MAY TAKE RETALIATORY ACTION AGAINST ANY TENANT WHO EXERCISES ANY RIGHTS CONFERRED BY THIS ORDINANCE, OR AGAINST ANY TENANT WHO ASSISTS ANOTHER TENANT IN EXERCISING SUCH RIGHTS. FOR THE PURPOSES OF THIS SECTION, "RETALIATORY ACTION" INCLUDES EVICTION, THREAT OF EVICTION, HARASSMENT, REDUCTION IN SERVICES, UNREASONABLE RENT INCREASES OR ANY OTHER FORM OF THREAT OR COERSION. \*/

Upon motion by Mayor Abbott, duly seconded by Councilmember Ricks, the above new Section 6 was adopted by unanimous vote of the Council. During the discussion, Mr. Parrish spoke of the eviction of his sons at 7667 Maple Avenue, and the possibility that it had been a retaliatory move because of statements he had made at earlier Council meetings. There was a lengthy dialogue among the Mayor, Councilmembers, the Corporation Counsel, Mr. Michael Meade, and Robert Moore explaining the nature of evictions. It was the concensus of opinion that, although this section of the Ordinance may not carry legal force, it is likely to serve as a deterrent to landlords who may use evictions indiscriminately.

\*/ NOTE: (----) denotes deletions.  
ALL CAPS denotes additions.

Cont. p. 9



-7- Special meeting  
Rent Stabilization Ordinance  
May 19, 1980

SECTION 14. (12) (a) The Mayor and Council declares that an emergency exists and that this Ordinance is necessary for the immediate protection of public health, safety and welfare. Therefore, this Ordinance shall take effect immediately upon its adoption, AND SHALL CONTINUE IN EFFECT UNTIL JULY 31, 1981; AND

(b) THE AUTHORITY OF THE COMMISSION SHALL REMAIN IN EFFECT UNTIL ALL CASES BEFORE IT SHALL HAVE BEEN ADJUDICATED. \*/

The above section was adopted unanimously by the Council upon motion by Mayor Abbott, duly seconded and amended (by the addition of subsection (b)) by Councilmember Ramsey. Councilmember Garcia qualified his Aye vote by saying that he approved the amendments, but not necessarily the entire section.

Upon motion by Councilmember Saloma, duly seconded, the meeting adjourned at 12:03 AM, to reconvene at a Special Meeting for final action at 8:00 PM, Tuesday, June 3, 1980.

\*/ NOTE: (-----) denotes deletions.  
ALL CAPS denotes additions.

APPROVED \_\_\_\_\_

Sam A. Abbott  
Mayor

ATTEST \_\_\_\_\_

Herbert W. Gilsdorf  
City Administrator



THE CITY OF TAKOMA PARK, MARYLAND

Meeting of the Mayor and City Council

and

Public Hearings on the Following:

Fiscal Year 1981 Budgets for Recreation, Administration and Police Departments

Fiscal Year 1981 Proposed Use of Federal Revenue Sharing Funds

FY-81 Tax Levy Which Will Exceed Constant Yield Tax Rate

May 27, 1980

AGENDA

CALL TO ORDER: Mayor Abbott

ROLL CALL: Councilmember Garcia  
Councilmember Holland  
Councilmember Patrick  
Councilmember Ramsey  
Councilmember Ricks  
Councilmember Saloma  
Councilmember Weisman

PLEDGE

READING AND APPROVAL OF THE MINUTES

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

1. Introduction of Chief Roger McGary, Takoma Park Volunteer Fire Dept., Inc., and brief visual presentation of Department's programs
2. Briefing on proposed FY-81 Departmental Budgets which are the subject of Public Hearing; briefing on proposed use of Revenue Sharing Funds for FY-81, and proposed Tax Rate (City Administrator Gilsdorf)
3. Public Hearing on FY-81 Budgets for Recreation, Administration and Police Depts.
4. Public Hearing on Proposed Use of Federal Revenue Sharing Funds, FY-81
5. Public Hearing on FY-81 proposed Tax Levy which will exceed the State-imposed Constant Yield Tax Rate of \$1.20 per \$100 assessed valuation
6. Other remarks by citizens

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications
2. Administrative Reports and Recommendations for Council Action
  - (1) Announcements:
    - Special Meeting of the Mayor and Council 8:00 PM, Tuesday, June 3, for final consideration and adoption of Rent Stabilization Ordinance
    - Budget adoption, next regular Council meeting, June 9, 1980
  - (2) Proposed ordinance appropriating funds for purchase of Showmobile Trailer/Truck from Park & Planning Commission

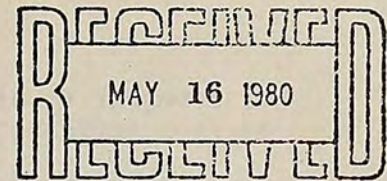
SPECIAL REPORTS

NEW BUSINESS

ADJOURNMENT



CITY OF TAKOMA PARK



TAKOMA PARK, MD.

MEMORANDUM

TO: Mayor Sammie Abbott  
FROM: Robert Moore  
RE: RENT STABILIZATION

I submit the attached suggestions for changes in the proposed rent stabilization ordinance.

The change in Section 2 is for clarification, reflecting testimony.

The changes in Section 3 are to deal with alternate members and terms. These items are not at present covered.

I remain concerned that the present quorum provision lends itself to potential paralysis because one interest group could simply not attend a meeting and thereby totally block any business from being conducted. In my judgment this would be a legitimate tactic - it is done in legislative bodies as a normal manner of protecting interests - and could not subject absent members to dismissal. In fact, there exists no provision in the ordinance for dismissing members for "cause" or otherwise. At the work session Councilman Holland expressed concern that a meeting could be stacked by lack of proper notification. I believe the added notification requirement (Section 3 (d) obviates this concern. With proper notice, and with the realization that business would be transacted, all interest groups would have incentive to attend, to attempt to convince Commission members on the issue being acted upon. I believe this is more practical and less cumbersome.

The new Section 3 (e) simply deals with alternate members, and when they vote.

I agree with testimony that "imposes" should be changed to "proposes" in Section 4.

Section 4 deals with the procedure for a landlord to initiate a request for a rent increase in excess of 10%. I have added a new Section 5 which deals with procedure for a tenant to follow in bringing a complaint, which I believe should be made clear. In my judgment the requirement to notify the landlord will not work to the tenant's detriment since the tenant has direct access to the Commission thereafter if the problem is not satisfied. It also may provide a means to solve some complaints before the Commission stage.



The new Section 6 prohibits retaliatory actions. In my judgment the existence alone of this prohibition would deter most potential acts of this nature.

I propose deleting present Section 6 (a) and the word "also" from present 6 (b). This becomes Section 8 and is simply the one paragraph relating the Commission's duty to rental increases only. There was testimony on this point.

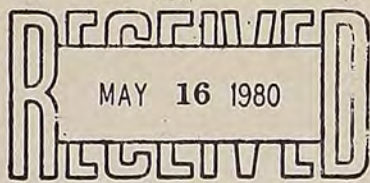
I express no opinion on the deletion of Section 9 (2) and (3). I do believe Section 9 (6) should be deleted (\$600 per month exclusion).

I am opposed to the destabilization of vacant units as proposed by Councilman Ramsey. The case of the long-term resident who had been given preferentially lower rent over a period of years on a dwelling unit due to loyalty and appreciation, as testified to by Mr. Michael Meade, would seem to be dealt with by Section 2 which specifically refers to "unusual factors". A phrase could be added as follows: "...such as abnormally low rent afforded a long-term tenant who vacates the unit subsequent to March 10, 1980." In my judgment, an exemption should not be enacted to cover all vacated apartments when it appears this is the sole concern. Considering the transitory nature of tenants, most apartments vacated will not be of this category. I believe the necessity for exceeding 10% in that instance may be legitimate, but I believe the Commission structure can and should consider such instances on a case by case basis rather than legislating a general exemption.

I suggest the Corporation Counsel be consulted as to his opinion of the merits of the March 31, 1981, expiration date proposed.

Finally, I believe the ordinance should be passed by the Council. In addition to protecting tenants from unwarranted rent increases, the Commission provides the basis for a constructive forum, heretofore unknown in this City, where landlords and tenants can articulate their concerns. Already landlords have come forth for the first time to identify themselves and to explain their problems and interests. I believe the existence of the Commission would encourage tenants to participate in the running of the City. I believe it would represent a positive and clear commitment by this Council to seriously elicit the views and skills of the citizens.





TAKOMA PARK, MD.

RENT STABILIZATION ORDINANCEATTACHMENT:  
MAY 19, 1980 MEETING

March 10, 1980

Rev. April 21, 1980

WHEREAS, it is the desire of the Mayor and Council of the City of Takoma Park, Maryland, to adopt economic policies reasonably deemed necessary in order to maintain and promote adequate protection of the health, safety and welfare of the Citizens of the City of Takoma Park, Maryland, through the exercise of its police powers by the enactment of this ordinance permitting fair and reasonable compensation to the landlords for the use of their property by tenants, including adjustments in rent in order to meet rising operating expenses, while preventing excessive, unjust, unreasonable and oppressive rent increases; AND

WHEREAS, it has been found there exists a public emergency in the housing of a considerable number of tenants in the City; that there is often unequal bargaining power between landlords and tenants particularly in the area of rental amounts and rental increases; that the conversion of rental units to subsidized housing further reduced the adequacy of the supply of rental housing; that the problems associated with housing in the City, including rental amounts, has not resolved itself satisfactorily through self-regulation and voluntary restraint; that in the absence of the regulation of rents, excessive rent increases will seriously impair the health, safety and welfare of a large segment of the population of the City substantially hampering the efforts of the Mayor and Council to effectively protect and promote the health, safety and welfare of the citizens of the City, as well as the general purposes of planning; that action by the Mayor and Council of the City of Takoma Park, Maryland, is imperative in order to protect the health, safety and welfare of the citizenry; AND

WHEREAS, it has been determined by the Mayor and Council of the City of Takoma Park, Maryland, to adopt an ordinance to establish rent stabilization and such regulations and controls as are necessary, and in order to prevent excessive, unjust, unreasonable and oppressive rent increases; to forestall profiteering, speculation and other disruptive practices tending to impair the public health, safety and general welfare; to provide for complaint, investigation, hearing, determination, enforcement and appellate procedures; to fix penalties for violations thereof and to establish responsibilities and duties thereof.

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

SECTION 1. The Mayor and Council finds that a public emergency exists in the housing of a considerable number of tenants in the City; that there is often unequal bargaining power between landlords and tenants, particularly in the area of rental amounts and rental increases; that the conversion of rental units to subsidized housing further reduced the adequacy of the supply of rental housing; that the problems associated with housing in the City, including rental amounts, has not resolved itself satisfactorily through self-regulation and voluntary restraint; that in the absence of the regulation of rents, excessive rent increases will seriously impair the health, safety and welfare of a large segment of the population of the City, substantially hampering the efforts of the Mayor and Council to effectively protect and promote the health, safety and welfare of the citizens of the City, as well as the general purposes of planning; that action by the Mayor and Council of the City of Takoma Park, Maryland, is imperative in order to protect the health, safety and welfare of the citizenry.

SECTION 2. ~~Rent for any particular dwelling unit in a multiple-family dwelling facility may be increased in an amount not to exceed 10% of the base rent charged on March 10, 1980, unless unusual factors justify otherwise.~~

Landlords are encouraged to hold any rent increases to the lowest level possible. In any event, rent for a particular dwelling unit may be increased in an amount not to exceed, in any twelve-month period, ten percent (10%) of the base rent charged for that particular dwelling unit on March 10, 1980.

OVER



SECTION 3. Takoma Park Commission on Landlord Tenant Affairs.

- (a) There is hereby established the Takoma Park Commission on Landlord Tenant Affairs, hereinafter referred to as the Commission. The Commission shall consist of nine (9) residents of Takoma Park to be appointed by the Mayor, subject to the approval of the City Council. Three (3) of said members shall be landlords or shall represent

landlords; and three (3) members shall be tenants or represent tenants; and three (3) members of the public-at-large who are neither tenants nor landlords. In addition, there shall be appointed one (1) alternate member from each group. The terms of the members of the Commission shall be for three (3) years, except that the initial terms of members of the Commission for each of the three aforementioned groups shall be for one, two and three years, as prescribed by the Mayor at the time of appointment, so as to provide for the vacating of the terms of one-third of the members of the Commission in each group annually. The term of each alternate shall be three (3) years. Each member of the Commission shall continue to serve until his successor has been appointed.

The term of any member or alternate member shall expire in the event that member changes status as a landlord, a tenant or a member at large, or in the event that member ceases to reside within the boundaries of the City of Takoma Park.

- (b) The Commission shall study and report periodically to the Mayor and Council, on any Federal, state or county rent stabilization regulations, on rent increases, and on rent inequities that they may find to exist in the City. The Commission shall prepare and transmit to the City Council during the month of January of each year recommendations on whether or not rent guidelines should or should not be continued, and if they should be continued, what they should be, so that the City Council may be in a position to make informed decisions with respect to the continuation of rental guidelines in the City of Takoma Park.
- (c) The Commission shall provide such other information as may be requested by the Mayor and City Council.
- (d) The Commission shall elect one of its members as Chairman and another of its members as Vice-Chairman, each to serve at the pleasure of the Commission, and such other officers as it shall determine. The Commission shall meet on call by the Chairman as frequently as required to perform its duties. ~~Six members of the Commission, two (2) from each interest group shall constitute a quorum for the transaction of business, and a majority vote of those present, with not less than six (6) present, at any meeting shall be sufficient for any official action taken by the Commission.~~ A majority of the members of the Commission shall constitute a quorum for the transaction of business, and a majority of those present, but not less than four (4), at any meeting shall be sufficient for any official action taken by the Commission. At the request of a majority of the members, a regular or emergency meeting of the Commission shall be convened. Written notice shall be given to each and every Commission member and alternate member at least three (3) days prior to any regular meeting. Notice of an emergency meeting may be in writing or by telephone, but must be communicated to all of the members and alternates no later than twenty-four (24) hours in advance of such emergency meeting.
- (e) When a member is absent, the alternate member who represents the same interest group shall participate in the Commission proceeding in place of the absent member. Such alternate members may exercise the voting privilege only when acting for an absent member of the interest group which said alternate member represents.



~~(e)~~ (f) The City Administrator shall provide housekeeping, secretarial and staff services to the Commission.

~~(f)~~ (g) The Commission shall within thirty (30) days following each quarter of the calendar year report to the Mayor and City Council on the number of complaints filed during such quarter, the nature thereof and the disposition made thereof; and shall make this information public as soon as practicable. This report shall include the titles of all court cases arising under this Section.

SECTION 4. Whenever a landlord ~~imposes~~ proposes a rent increase of more than 10%, the landlord shall provide an affidavit on a form provided by the Commission setting forth the justification for the increase. Upon receipt of the affidavit, the Commission shall review the justification presented by the landlord and determine whether the rent increase was reasonable based on the landlord's presentation. In the event the Commission shall determine that the increase in rent was justified, the Commission shall by letter notify landlord and tenant of its approval. In the event the Commission shall determine that the landlord was not justified in increasing rent above 10%, the Commission shall notify the landlord and tenant of its finding. Should the landlord or tenant disagree with the findings of the Commission, the landlord or tenant may note an appeal to the Mayor and Council, which Notice of Appeal must be filed in writing within ten (10) days of the date of the notification of the approval or denial of the rent increase.

SECTION 5. Whenever a tenant believes that the landlord has failed to comply with any provision(s) of this Ordinance, the tenant shall provide the landlord and the Commission, simultaneously, with written notice of the alleged noncompliance. The tenant and landlord should thereafter attempt to mutually correct the situation. If, after seven (7) days the tenant is not satisfied with these mutual efforts, or if the landlord refuses to participate in any such mutual efforts, the tenant may report such circumstance to the Commission in writing. The tenant shall simultaneously send a copy of this report to the landlord. Such complaint shall be filed with the Commission within one hundred and twenty (120) days of the tenant's receipt of the original written notice of rent increase which is the basis of the alleged noncompliance.

SECTION 6. No landlord may take retaliatory action against any tenant who exercises any rights conferred by this Ordinance, or against any tenant who assists another tenant in exercising such rights. For the purposes of this Section, "retaliatory action" includes eviction, threat of eviction, harassment, reduction in services, unreasonable rent increases or any other form of threat or coercion.

SECTION ~~5.~~ 7. No landlord may charge an increase in rent unless written notice is given to the tenant affected thereby at least sixty (60) days prior to the effective date of such rent increase. No tenant shall receive more than one (1) rent increase per annum. For rental facilities of twelve or more dwelling units, notice of such increase shall be given simultaneously to the Commission.

SECTION ~~6.~~ 8 ~~(a) The Commission shall be responsible for the investigation of all complaints filed with respect to rental housing and in this regard shall have authority to require landlords who are subject to such complaints to reveal as provided by law all matters pertaining to the operation of rental facilities.~~

(b) The Commission shall ~~also~~ monitor all actual and proposed rent increases. In cases where the Commission believes the rental increases are more than 10%, it shall investigate to determine the reasons for the rent increase without the need of a formal complaint, and with the full authority to investigate as if a complaint were filed.

OVER



SECTION ~~7~~

9.

- (a) In the event the Commission determines that a fact-finding hearing is necessary to compile additional information prior to making a determination of the merits of a rent increase of more than 10%, the Commission may conduct such hearing. Notice of the hearing and its time and place shall be given to the landlord whose rent increases are more than 10%, all tenants who are or may be affected by the rent increases, any known resident tenant association or organization, and any person who filed with the Commission a comment relative to the landlord's justification of the rent increase. Such notice shall be prepared and transmitted in such form and such process as the Commission shall prescribe.
- (b) The hearing shall be open to the public. In conducting hearings, the Commission shall have the power to summon all witnesses. Summonses must be signed by the Chairman or Vice-Chairman of the Commission and shall require the attendance of named persons and the production of relevant documents and records. Failure to comply with a summons shall constitute a violation of this Ordinance and shall be referred to the Corporation Counsel's Office in order to obtain an appropriate order from the Circuit Court for either Montgomery or Prince George's County to insure compliance with the summons. Any party to the hearing may request the issuance of a summons. The Commission shall include in the hearing record testimony of the professional staff members of the City and such other witnesses as may be relevant to the issues posed in the hearing. The Commission may also request from the landlord such additional information and documents as it considers relevant. Any party to a hearing, at the party's option, may appear in person before the Commission, or may appear by a duly authorized representative and may have the assistance of an attorney. The parties may present testimony and evidence which shall be given under oath or by affirmation. The parties may also cross-examine any witness presenting testimony at a public hearing. A verbatim record of the hearing shall be made. The record shall be open to inspection by any person and, upon request by any party to the proceeding, the Commission shall furnish such party a copy of the hearing record at such charges as are necessary to meet costs. The Commission's decision shall become the final decision unless appealed to the Mayor and Council.

SECTION ~~8~~

10.

Any person aggrieved by the Mayor and Council's action may appeal to the Circuit Court for Montgomery County or Prince George's County in accordance with the Maryland Rules of Procedure for review of such action and may further appeal to the appellate courts a decision by the Circuit Court.

SECTION ~~9~~

11.

This ordinance is applicable to all dwelling units located in the City, except the following:

- (1) any establishments which have as their primary purpose the providing of diagnosis, cure, mitigation, and treatment of illnesses for residents;
- (2) dwelling units owned by a person who owns fewer than five (5) rental dwelling units within the City;
- (3) one-family dwellings, semi-detached dwellings, and townhouses not located within a centrally managed multi-family housing community offering services substantially similar to those offered to apartment dwellers;
- (4) dwelling units which are part of federal government assisted multi-family housing projects and which require accountability of rent returns to the federal government or to dwelling units which are part of multi-family housing projects owned and operated by the Montgomery County Housing Opportunities Commission;



(5) dwelling units whose rents fall within the Section Eight market guidelines which are occupied by tenants participating in the federal government's Section Eight Housing Assistance Payments Program and whose owners receive housing assistance payments on behalf of those eligible tenants;

~~(6) dwelling units vacated after March 10, 1980;~~

~~(7) dwelling units having a monthly rent in excess of \$600.00 per month as of March 31, 1979.~~

SECTION ~~10.~~  
12. (a) The Commission is authorized to adopt such regulations as may be necessary to administer this Ordinance properly.

(b) In the enforcement of any of the provisions of this Ordinance, necessary proceedings, including proceedings for the production of documents, may be instituted by the Corporation Counsel's Office after referral by the Commission. The Corporation Counsel, after a matter has been referred by the Commission, may institute appropriate legal action, or refer the matter back to the Commission for such additional information or action necessary to take appropriate legal action. Nothing herein shall limit the authority of the Corporation Counsel to initiate prosecution or bring actions in law or equity for violation of any local law, ordinance or regulation, whether or not the Commission has made a formal referral.

(c) Any landlord who violates any provision of this Ordinance shall be liable for payment to the City of Takoma Park, Maryland, of a civil penalty, recoverable in a civil action in the Circuit Court of Montgomery County or Prince George's County, in an amount not to exceed \$500.00 for each such violation.

SECTION ~~11.~~  
13. The provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provisions, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the Ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

SECTION ~~12.~~  
14. The Mayor and Council declares that an emergency exists and that this Ordinance is necessary for the immediate protection of public health, safety and welfare. Therefore, this Ordinance shall take effect immediately upon its adoption.



THE CITY OF TAKOMA PARK, MARYLAND

Meeting of the Mayor and City Council  
and

Hearings on the Following:

- Fiscal Year 1981 Budgets for Recreation, Administration and Police Departments
- Fiscal Year 1981 Proposed Use of Federal Revenue Sharing Funds
- FY-81 Tax Levy Which Will Exceed Constant Yield Tax Rate

May 27, 1980

City Officials Present:

- |                       |                                     |
|-----------------------|-------------------------------------|
| Mayor Abbott          | City Administrator Gilsdorf         |
| Councilmember Garcia  | Asst. City Administrator Shaffer    |
| Councilmember Holland | City Clerk Pusti                    |
| Councilmember Patrick | Police Lt. Carter                   |
| Councilmember Ramsey  | Detective Sergeant Duvall           |
| Councilmember Ricks   | Public Works Director Robbins       |
| Councilmember Saloma  | Recreation Director Ziegler         |
| Councilmember Weisman | Recreation Supervisor Pendry        |
|                       | Asst. Corporation Counsel Culpepper |

The Mayor and Council of Takoma Park met on May 27 at 8:06 PM, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Md. Following the pledge of allegiance, a motion was made and duly seconded to approve the minutes of May 12, 1980; the motion was approved unanimously by the Council.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Appealed to citizens to be concise when speaking at City meetings, noting the lateness of the hour when meetings have adjourned; that hopefully citizens can continue to be allowed the broadest speaking range, but requested that they use self-control and keep remarks brief. Stated that he and other Councilmembers have been receiving requests from individuals asking for private meetings to explain their points of view; noted that this would be inappropriate and will not be done because the Council would be put in the position of arguing the opposite point of view; the Council will hear the broadest expression of all opinions at public meetings and not private meetings. Requested that anyone unable to attend the June 3rd meeting please submit comments in writing prior to Friday, May 30 and it will be distributed to the Council before the meeting.

Announced that there will be another public hearing on the Master Plan to be held on July 8, in the second floor meeting room of the Municipal Building; that more information will be publicized later in the Newsletter.

The Council will take final action on the Proposed Rent Stabilization Ordinance on TUESDAY, June 3, 8:00 PM, in the Council Chamber.

Announced that the City Administrator will be sending requests to citizen associations asking for their nominations of members to serve on the Community Development Block Grant Citizens Advisory Committee; requested that nominations be made as soon as possible.



Mayor Abbott introduced Mr. Taylor and Mr. Matthews of the Takoma Park Boys and Girls Club; Mr. Taylor and Mr. Matthews stated that the Club is beginning a collection campaign to raise funds to keep the Club operating; that at this time there are approximately 300 members; at this point the group is about \$5,000 in debt; that the members of the Club will be going door-to-door collecting; members will be wearing shirts with the initials TPBAGC AND will have identification cards with their names and the signature of the Club's president, Mr. Lee Jordan; stated that the Club has benefited many youngsters in the City and urged residents to contribute to this worthwhile cause; noted that the Club instructs young people on baseball, basketball and football, and would like to begin a soccer clinic, but they have not been able to find an instructor; that besides sports, the Club also helps the youngsters to grow in many other ways; noted the need for volunteers to help with Club activities and requested that anyone interested to contact them or Mr. Lee Jordan.

Mayor Abbott stated that the Council would hear Administrative Reports first, and then proceed onto the Public Hearings under Citizens' Remarks.

#### ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Announcements:

- Special Meeting of the Mayor and Council 8:00 PM, TUESDAY, June 3, for final consideration and adoption of Rent Stabilization Ordinance
- Budget adoption, next regular Council meeting, June 9, 1980.

2. Ordinance appropriating funds for purchase of Showmobile Trailer/Truck from Park and Planning Commission. The City Administrator stated that the Council had authorized the Director of Recreation and himself to bid on the Showmobile some time ago; that inadvertently, after the bid was accepted, an ordinance was not drawn up; that the Showmobile is in the City's possession and has been put to use once at the Kite Contest; that in the past, the City has had to rent the Showmobile from Park and Planning at a cost of \$75 each time; some Councilmembers noted the possibility of renting the Showmobile to other municipalities when not in use by the City. Upon motion by Councilmember Garcia, duly seconded, the ordinance below was adopted by roll call vote as follows:  
 AYE: Councilmembers Garcia, Holland, Patrick, Ramsey, Ricks, Saloma, Weisman.  
 NAY: None. EXCUSED: None.

#### ORDINANCE #2532

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

SECTION 1. THAT for a number of years the Maryland National Capital Park & Planning Commission has made available to the City its portable outdoor stage for use in summer programs and concerts; AND

SECTION 2. THAT as an economy measure the Commission made the Showmobile/truck package available for purchase to the highest bidder; AND



SECTION 3. THAT the City, having a continuing need for the Showmobile, made a bid of \$4,001 in November 1979, which was subsequently accepted by the Commission; AND

SECTION 4. THAT the purchase of (1) 1966 Wengar Showmobile Trailer complete with lighting and sound equipment and (1) component 1968 International Truck be hereby approved for the total sum of FOUR THOUSAND AND ONE DOLLAR (\$4,001); AND

SECTION 5. FURTHER THAT funds to cover this purchase in the amount of FOUR THOUSAND AND ONE DOLLARS (\$4,001) be appropriated from various Recreation Department Budget Accounts and transferred to that Department's Capital Equipment account.

#### CITIZENS' REMARKS

I. Briefing on proposed FY-81 Departmental Budgets which are the subject of Public Hearing; briefing on proposed Revenue Sharing Funds for FY-81, and proposed Tax Rate. The City Administrator stated that at the meeting of May 12, the Council and citizens made comments during the public hearing on the proposed budgets of the Library, Code Enforcement and Public Works Departments; stated that the Police Department budget increase is mainly because of salary increases and expendable supplies; Government Administration will increase from \$278,649 to \$286,876; Miscellaneous Accounts proposed increase will be from \$329,188 to \$352,352 and will cover the payment for the Municipal Building, retirement, health and life insurance for employees and also insurance coverage for City; the Recreation Department's proposed increase will be from \$97,079 to \$100,134. The staff proposal for Revenue Sharing Funds includes some suggestions made by citizens at the previous public hearing; the following are the proposals and the amount of funding suggested: Treasurer's Department-Implementation of Data Processing System, \$10,000; this would enable the Treasurer's Office to issue monthly budget statements with much more ease, possible expansion to the payroll department, benefit for management of information; noted that the quarterly statement prepared by the Department now is a time-consuming process, in which the employees must put aside their regular work to prepare the statement; that the data processing system would be handled through a Columbia Union College terminal; the College would help organize the system for the City. Councilmembers noted that the system may be of great help to the City, especially management of information; that it would relieve some of the workload on employees. Mayor Abbott suggested that the finances had been well managed for many years, noting that the \$10,000 involved might be more wisely spent elsewhere.

The City Administrator stated that RSF are proposed to purchase two replacement vehicles for the Police Department and also a paper shredder; that RSF are used yearly to purchase replacement vehicles on a regular cycle; that the paper shredder is a requirement of State law and will be used to shred confidential documents on a daily basis. Public Works Department-Enlargement of Storage Area, Vehicle Paint Spraying Booth, Contractural Engineering Services, and Typewriter, \$8,370; the enlargement of storage area would also



include space for the Showmobile; vehicle paint spraying booth is a requirement by MOSHA and also would save City money in repainting vehicles; Public Works Department is frequently called upon to conduct engineering services for street work, situations such as structural safety determination of Fire House, etc., and an engineer must be contracted for these services. Recreation Department-Gym Floor Refinishing, File Cabinet/Safe, \$1,500. Library Department-Typewriter, \$330. Landlord-Tenant Program, \$21,000; the City Administrator stated that the \$21,000 would cover Montgomery County OLTA's new increased fee if the City decides to continue contracting with them, but the money could also be used to fund a City operated landlord-tenant program. Contingency, \$24,800; the City Administrator stated that these monies are proposed for use in funding demographic studies of the City for redistricting of wards, which must be done; for a street inventory to determine what repairs need to be done on what streets and when they should take place, and also to fund a City-wide traffic engineering study; noted that Revenue Sharing Funds are under the control of the Mayor and Council, and an ordinance must be passed prior to use of any of these funds; also that RSF are used to fund purchases instead of on-going programs because of the unstability of funding.

II. Public Hearing on Proposed Use of Revenue Sharing Funds, FY-81. Mayor Abbott asked what monetary difference it would make if Corporate Personal Property tax was not instituted and also how much extra revenue the City can expect from the proposed 10¢ tax increase; the City Administrator stated that Corporate Personal Property tax would make up for the reductions in revenue from the State and Counties, and also Montgomery County Revenue Authority; that the 10¢ property tax increase would bring the City approximately \$120,000 more in revenue.

1. Karl Kessler, owner, Barcelona Nut Shop: stated that he would like to see Revenue Sharing Funds being used for extra revenue, instead of instituting Corporate Personal Property tax; that businessmen are already paying this type of tax through the State and would receive two taxes this year, Corporate Personal Property and also an increase in property tax. It was noted by the Mayor and some Councilmembers that the City is the only jurisdiction in State that has not instituted Corporate Personal Property tax, which has been in use/existance for about 20-years.

2. Lou D'Ovidio, 7324 Piney Branch Road: stated that he would like to see RSF being used for the City's Centennial in 1983, such as a published document listing information about the City's first hundred years; suggested that \$3,000 to \$4,000 go to Historic Takoma for such a project; stated that he would support use of RSF in business community if the community had shown some support for the City in the past, noting the upgrading of storefronts, etc.

3. Ron Wylie, 7618 Glenside Court: asked if the City is evaluating the OLTA program; the City Administrator stated that OLTA prepares a quarterly report for the City listing number of tenant/landlord disputes, number of disputes settled and complaints received; Mr. Wylie questioned when the City must decide whether or not it will continue with OLTA and was told that the City will receive its first billing from OLTA in July, but will have some time in which to decide after that.

4. Carl Iddings, 7416 Carroll Avenue: stated his support for the City-wide



traffic study included in the Contingency item; regarding the Data Processing, stated his reservations about the proposed figure, noting that the City could possibly have problems and the system could end up costing the City much more than expected; Mayor Abbott requested that Mr. Iddings present his ideas and questions in writing so that the Council could consider them more thoroughly.

III. Public Hearing on FY-81 proposed Tax Levy which will exceed the State-imposed Constant Yield Tax Rate of \$1.20 per \$100 assessed valuation. The City Administrator explained the Constant Yield Tax Rate as follows: the State specifies a tax rate which would yield the same amount of revenue received the previous year, based on the current year's assessments. Mayor Abbott noted that all Councilmembers have received comments on holding the budget down and keeping the tax rate the same. There were no citizen comments during this portion of the meeting.

IV. Public Hearing on FY-81 Budgets for Recreation, Administration and Police Departments.

#### RECREATION

1. Enid Hodes, 7418 Hancock Avenue: stated that she thought the budget was set up well and that the Recreation Department is an asset to the City; noted that there were not enough adult recreation classes; asked where money for the evening programs comes from; felt that more money is needed for this department. Recreation Director Ziegler stated that money for evening classes comes from the class fees; that the City tries to supplement County recreation and adult education courses and not duplicate them, although the City will begin new classes if enough interest is made known to the department; that the Counties supplement the City's Recreation programs in many ways: funding, supplemental staff; many programs are co-sponsored by the Counties, with additional staff being paid by the Counties, but under supervision of City; the City's Recreation Department is staffed by three full-time persons and ten part-time persons; stated that the Department is also helped by many volunteer people, whose help is greatly appreciated. There was some discussion of car allowances, to which the City Administrator explained that the allowances are for City personnel that use their private vehicles on City business.
2. Ed Hutmire, 21 Columbia Avenue: stated that he was glad to hear the mention of the many volunteer workers who assist the Recreation Department; noted that the Department is a fairly recent addition to the City government, and within its 10 to 15 year development, it has evolved to a very professional department; noted that the Department's programs are the most visible of the City's functions--4th of July parade, Halloween, Christmas, and Easter parties, and many more; noted that the Department's budget is very modest and urged its adoption by the Council; thanked the Council for its past and future support.
3. David Prosten, 7428 Carroll Avenue: regarding employee car allowances, suggested that employees turn in mileage slips instead of straight monthly car allowances, saying that some may need more than provided and others less.
4. Carl Iddings: regarding budget item for equipment maintenance, requested that the amount be increased, noting poor maintenance of some park equipment.



ADMINISTRATION -- The City Administrator stated that Government Administration includes salaries and expenses for Administrative Department, Treasurer's Department, and the Mayor and Council; that there are no new positions included in these departments; that the salary accounts have increased more than the proposed 10% cost-of-living increase because overtime pay has been included for employees (not supervisory or Department Heads) who must work over-time and because of the heavy workload, are unable to take the usual comp-time off. Regarding the accounts for City insurance policies, Mayor Abbott requested information on the number of law suits these policies have covered and also suggested the possibility of the City being self-insured.

1. Rino Aldrighetti, 7213 Central Avenue: requested information on publication of City Newsletter, saying that the costs could probably be decreased if printed in tabloid form, although noting that he is not displeased with the current form. Stated that he would like to see the hourly over-time wage for employees; the City Administrator stated that the wage could be determined from the pay-scale which will be available at the June 9 Council meeting. Mayor Abbott stated that the City will look into printing the Newsletter on newsprint; noted that for the last Newsletter, he had done the layout work, and will continue supervising it at a savings to the City and that Mrs. Ziegler will be responsible for the articles and collection of information, which she has always done on a voluntary basis.

Mayor Abbott requested information on exactly what costs are incurred under the Corporation Counsel Expense item. The City Administrator stated that this amount covers costs associated with the court system, such as filing fees, etc.

#### POLICE DEPARTMENT

1. Mary Pennifield, 7305 Takoma Avenue: presented petitions to the Council with signatures collected in Wards 1 and 2, of residents who oppose the 10¢ property tax increase and also the 10% cost-of-living increase for employees; residents felt employees should accept a lower COL increase; listed the following as suggestions/requests from among the petitioners: employee civilian dispatchers in the Police Department; all employees, with exception of Police Department, should work flexi-time hours--4 days a week, 10 hours per day, should hire residents of the City, improved communications with City offices, and publish job vacancies in the Newsletter. It was later pointed out civilian dispatchers have been used for about 10 years, that flexi-time is also used and that vacancies are often published in the Newsletter.

The Mayor and Council began a lengthy dialogue with Lt. Carter regarding general Police Department policies in which it was noted that a good bit of the police officers' time is spent in court (in both Counties); that it is felt that the current number of officers is adequate; that with the increased use of crime prevention and the crime reduction team, crime figures in the City will decrease; that police officers' starting salary is comparable to the Counties (slightly lower) and local municipalities (the same or above); regarding recruitment of minorities, it was noted that the City is always interested in expanding minority positions; that there have been many problems with other



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Council meeting minutes  
May 27, 1980

jurisdictions recruiting minority police officers away from the City after they are trained; currently there are two officers who speak fluent Spanish, one Black officer, one Black Special officer and four female officers; there are about 3-5 officers who reside in the City; all uniformed officers are sent to the Police Training Academy; there are four civilian dispatchers and twelve crossing guards. Mayor Abbott stated that there must be a more active minority recruitment process; also stated that there should be more "in lieu of" monies being received from Prince George's County for Police and Library services and that some action needs to be taken soon on this; that citizens need to become organized into a lobbying effort to obtain these funds; it was suggested by Councilmember Weisman to try working through the Prince George's Chapter of the Maryland Municipal League for some type of legislation.

Upon motion, duly seconded, the meeting adjourned at 11:36 PM, to reconvene on Monday, June 9, 1980, at 8:00 PM.

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SPECIAL NOTICE: A Special Meeting of the Mayor and Council will be held on Tuesday, June 3, 8:00 PM, for final consideration and adoption of the Rent Stabilization Ordinance.  
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APPROVED \_\_\_\_\_

Sam A. Abbott  
Mayor

ATTEST \_\_\_\_\_

Herbert W. Gilsdorf  
City Administrator