

C I T Y O F T A K O M A P A R K, M A R Y L A N D

Special Meeting of the Mayor and Council for
Public Hearing on Rent Stabilization Ordinance
September 17, 1986
8:00 PM

AGENDA

CALL TO ORDER: Mayor Del Giudice
ROLL CALL: Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
Councilmember Williams

ITEMS FOR COUNCIL CONSIDERATION

- (1) Public Hearing on Proposed Revisions (if any) to Rent Stabilization Ordinance
- (2) Second Reading of Ordinance appropriating funds for Commercial Revitalization Project for Takoma/Langley Park Business & Professional Association

ADJOURN

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and Council and
Public Hearing on Rent Stabilization Ordinance
September 17, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember Bradley	Housing Director Austin
Councilmember d'Eustachio	
Councilmember Haney	
Councilmember Iddings	
Councilmember Levy	
Councilmember Sharp	
Councilmember Williams	

The Mayor and City Council convened at 8:02 P.M. on September 17, 1986 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of conducting a Public Hearing on the City's Rent Stabilization Ordinance and Special Meeting.

(1) Public Hearing on Proposed Revisions (if any) to Rent Stabilization Ordinance.

Mayor Del Giudice noted that in conformance with the City Code, COLTA would present their recommendation(s) to the Council on the subject. He commented that there were representatives of that body present and asked that Mr. Seekins present those recommendations.

Dennis Seekins, COLTA member: stated that the Commission had voted overwhelmingly to retain the current 5% rent increase cap. Councilmember Haney inquired whether discussion had occurred concerning economic considerations, etc. Mr. Seekins stated there was not a lot of discussion -- a little about having a zero increase, a little about abolishing the cap altogether; however, the general consensus was to try to be realistic and that, all things considered, 5% was probably a realistic guideline. Councilmember Bradley pointed out that in prior years, the COLTA Chair furnished the consumer price index and other figures that would affect considerations; Mr. Seekins stated numbers were not discussed at all.

Reggie Abrams, 7600 Maple Ave., Pres. of Upper Maple Avenue Advisory Council: stated that UMAAC's recommendation was that a 0% rent increase be imposed for FY 1987, based on the current consumer price index, tenant incomes, cost of living increases, utility costs, and reductions in services. He read verbatim that group's memorandum dated 9/17/86, a copy of which is attached hereto. Councilmember Sharp posed several brief questions concerning the statistics contained in the memorandum, to which Mr. Abrams responded. In response to query concerning para. 1, pg. 2, relative to no rent increases if there are existing violations in the building -- Mr. Abrams clarified that what was intended was that there be no rent increases if there were major violations, e.g., a leaking roof, inoperable heating system, damaged parking lot, etc.; individual rent increases would not be permitted if there were outstanding code violations in the individual's unit (until 60 days after correction of the deficiency); additionally, it was clarified that in the next paragraph on that same page, what was intended was that the \$400 maximum fine be imposed for major violations. Councilmember Williams emphasized that it should not be permitted for notices of rent increases to be given until after abatement of violations. He pointed out that on August 29, at the Park Ritchie, notice was sent out to all tenants that there would be a rent increase the 1st of November; he said it was well-known that on August 29, there were outstanding code violations in that building; said, however, that what was done was legal under the City's law, as presently written. Housing Director Austin confirmed that was correct. Mr. Williams commented that the process by which the suffering falls on the tenant continues, that it is unfair, and is allowed to happen by a loophole in the law which was not foreseen until it was used. He reiterated that rent increase notices should not be disseminated until after code violations are abated. Mr. Abrams said rent on vacant units is being increased by 10, 15 and 20%, rather than 5%. The Mayor noted that the law, as presently written, makes an exception on vacant units so long as the landlord has not already imposed the annual 5% increase on that unit, i.e., 2 increases in a 12-month period are not legally permissible. He said the way the law has been interpreted is that if a 5% yearly increase has not been imposed and the unit becomes vacant,

then an increase exceeding 5% can be made; he said he understood that was not Council's intent when the provision was enacted. Councilmember Iddings commented that Council's intent was clear, but the mechanisms to enforce the intent have never been available -- prior to Licensing being instituted, Housing never kept track of what rents actually were, and presumably a new tenant moving in would not be aware they were getting a substantial rent increase that was not allowed under City law. Councilmember Williams commented that in the last few years, rents on apartments which became vacant had quadrupled -- ones previously renting for \$250 were now running around \$800, and that has happened because of the vacant apartment rent increase process. He said this problem had been discussed before and he did not understand why it could not be clearly and concisely stated in the law that vacant apartments could receive no more of a rent increase than those that have been continuously occupied, or else to require that application be made to COLTA for permission for any increase exceeding the limit. Councilmember Bradley expressed thanks to Mr. Abrams and UMAAC for providing the statistics contained in their memorandum; said she had hoped that COLTA, in developing its recommendations, would have used those figures. She pointed out that the City ordinance did require COLTA and City staff to deal with such numbers and make very clear what principles and what numbers are used in developing their recommendations. She said she would wish to see UMAAC's statistics verified and/or expanded upon by staff, and thought COLTA might have to reconsider or explain further figures that they used or should have used.

Councilmember Iddings referred to the next to last paragraph on page 1 of UMAAC's memorandum; he commented that one of the arguments often heard is that when you try to control the marketplace in rental marketing, the result is what is being seen in the Maple Avenue Corridor, i.e., reductions in services, deferred maintenance, reductions in level of maintenance, etc. Mr. Abrams inquired whether it was not the duty and responsibility of the Housing Department to monitor such things. Mr. Iddings pointed out that those things happen because they are in the economic interest of landlords if they want to maintain the same level of return on their investment as what they have had. In the course of ensuing dialogue, Councilmember Sharp pointed out that while there are levels of return on investment established for the utility companies, none such has been established for landlords of rental properties.

UMAAC Memorandum 9/17/86
(attached)

Mary Grice, Pres. of 7611 Maple Ave. Tenants' Assn.: said a rent increase of any amount would be most unfair, particularly in her building; commented that in her building, the expression "you get what you pay for" was certainly not true. She referred to the struggle tenants in that building went through earlier in the year; said the landlord raised rents on vacant units to an amount considered to be comparable to others in the area on August 1, 1985 and on July 1, 1986 by an amount exceeding 5%. She related that in February 1986, the owners were granted a 15% increase on occupied units -- said tenants had had no salary increase; people's budgets were stretched beyond the limit, many are being forced to leave the City. She said tenants realize that building owners are businessmen who want to make a profit on their investment, but did not think tenants had to be scalped in the process; said slavery still exists where rents are concerned, the form is just a little bit more subtle. She said if the City approved a rent increase of any sort, it would be responsible for keeping the tenants in the fields and the building owners in the big house.

Sally Ramsey, Essex House: said she had called Housing many times to complain about the air conditioning and the elevator in her building; said every weekend, for four consecutive weekends, the elevator was out of service and she had to walk up 10 flights of steps to reach her apartment. She commented on the hazard the lack of an operable elevator presents to the sick and elderly in the building, particularly in the event of an emergency. She said there had been an ongoing problem for the past eight years with the air conditioning in the building and when complaints are made, tenants are told that one of the units is down; related that at the end of summer 1985, tenants were advised they would be without water for several days while a new air conditioning unit was installed -- the new unit has yet to materialize, because if it had, tenants would not have been without air conditioning 31 days this summer (not including the months of

August and September). She said her rent would be increased next month from \$588 to \$617, despite leaking faucets, leaking air conditioning, and a raised area in the hallway floor that presents a safety hazard. She said she had no keys to her unit because management borrowed them, lost them, and has failed to give her replacements. She stated for the last 8 years, there has been a big bucket to catch leaking water in the corridor leading outdoors to the back where trashcans are located, in the first floor corridor the carpet stays soaking wet due to water leaking from somewhere and management claims it is uncontrollable. She stated she had lived in the building for 20 years, did not think it fair that when she asks for a replacement key for her apartment she is told management is very busy, yet when she goes to pay her rent there is plenty of time to accept it. She said 3 days out of the week, there is no lighting on the parking lot; no building security, e.g., there is no lock on the front or back doors of the building -- the only security in effect is during the day to protect people in the office. She said the thing that made her angry was to have the rent increase when there are numerous existing code violations; urged that no rent increase be allowed until violations are corrected.

Ben Cliff, Hillwood Manor Apartments: said a letter was hand-delivered to COLTA on September 16 which was signed by 69 individuals, approximately 70% of the tenants, stating their position. He said he was speaking only for himself. In response to query from the Mayor, Mr. Austin stated the petition received concerned a rent increase in excess of the 5% guideline and was submitted as evidence for the hearing. Mr. Cliff said he had nothing to add to what was stated in the letter; said he did not oppose a 5% increase, but presumed that anything exceeding that would have to be justified and approved by COLTA.

Norman Ellis, Hillwood Manor Apartments: spoke concerning the issue raised earlier of a fair return for the investor; said he did not think an apartment complex could be compared to utilities in terms of ownership because utility companies do not undergo complete changes in ownership. He said Hillwood Manor Apartments is under new ownership and they state they cannot do the things needing to be done because they have a \$2,000,000 mortgage. He said that same new owner is telling tenants that the cash flow at the apartment complex has been negative for the past several years, and is asking COLTA to approve what he terms to be a fair return on his investment at the expense of the tenants to make up for his bad investment. He said if the cash flow has been negative and the owner can't maintain the property for that reason in addition to the large mortgage, it would appear he has made a bad investment, and it should not be up to the tenants to bail him out. Councilmember Sharp commented that when he served on COLTA it was of concern to him that there was no established way to determine what a fair return on investment was in terms of rent increases; he solicited Mr. Ellis' suggestions on that issue. Mr. Ellis suggested that COLTA follow the procedures used by public utilities, i.e., examine costs, determine whether those reported are legitimate, make suggestions for how costs might be decreased, and then make a determination what a fair return on investment would be. Mr. Sharp pointed out the return for utilities is 11%; Mr. Ellis stated he felt that to be an agreeable amount. Mr. Ellis stated he did not feel an automatic 5% annual increase should be permitted because costs do not automatically increase by that amount; he said while that had been a good figure in recent years, inflation has slowed down and that figure should be reexamined; automatic inflation should not be allowed. Councilmember Bradley remarked she understood the District of Columbia has a formula by which they work out the figure for rate of return on investment for rental properties, thought their figure was 12%; hoped staff would ascertain the details and brief Council on that process. She thanked Mr. Ellis for his input and expressed support for his comments concerning examination of cost figures and requiring proper supporting documentation for those figures.

Naomi Turner, 7667 Maple Avenue, Pres. of Parkview Towers Tenants' Assn.: commented that what was being heard was the same old thing that has been coming up repeatedly for the last 6 years; said she would support zero rent increase; particularly no increases when there are any outstanding code violations in a building. She said while she could not speak for all the buildings along Maple Avenue, she could for her own -- said she had been after management for a long time to put better lighting in the parking lot of her building (which is very poorly lit), and related that she and her daughter were almost attacked in that lot the prior night coming home --

were only saved by people on the first floor hearing them yelling. She said rents have continued to increase and the tenants have gotten nothing for their money; pointed out she is retired on disability and her income had not increased in the past 3 years; said it was time that COLTA and the Mayor and Council examine the situation from the tenants' point of view for a change. She said when she moved into Parkview there were 6 maintenance men and now there are only 2. Councilmember Haney inquired whether Ms. Turner was aware of whether tenants in her building have been filing complaints with COLTA, using the process to address deficiencies. She said she had encouraged tenants to do so, but they are afraid that if they speak out or complain, they will be put out of their apartments. She said tenants in her building have been "milked" for 5 years and had gotten nothing in return; the owner is now putting on a coat of paint because he wants a rent increase. Councilmember Haney raised the question of whether an educational program would help alleviate tenants fears about speaking out on legitimate complaints; Ms. Turner said she thought it would only be a certain percentage of people who would speak out, others were too afraid.

Dennis Seekins, 8217 Roanoke Avenue, Landlord Representative on COLTA: said he was speaking only for himself; said he felt rent control should be abolished, something should be done to straighten out conditions in the half a dozen or so bad buildings which have been having problems for a number of years. He commented the point had been made that despite any legislation passed, nothing changes -- COLTA and rent stabilization came into being about 5 years ago. He said he felt code enforcement was the key; buildings with a lot of code violations do not deserve a rent increase, should have a rent reduction. Concerning the City deciding what return on investment a landlord should get, said he did not think that could be done -- too many variables come into the picture. He referred to the situation in D.C. -- said they are losing the good landlords, buildings are going out of business, going bankrupt; he reiterated that the answer is strict enforcement of the code.

Marsena Clark, Pres. of Sherwood Tenants' Assn.: said she had lived in the City 2 years; in those 2 years, her building had had 1 rent increase, which she said she felt was very unfair because the building had been without an elevator for as much as 2 months at a time. She said some of the landlords do not live in the area and do not know the conditions of the buildings; said it was time the buck stopped being passed on problems; commented a lot of people were afraid to speak up about conditions because they would be put out of their apartments; said resident managers often harass tenants. She said if landlords were allowed to keep on raising rents every year, people on fixed incomes would not be able to exist; in some families, there is only one working parent. She said the tenants at Sherwood Apartments support a zero rent increase; if something were not done to address the existing problems, there would be a lot of violence taking place. She said the owner of the Sherwood lives in Maine, did not think he had ever been down here to see the building; the management has changed 3 times -- tenants are not even aware it has changed until something major happens, and then they are told that there is a new management company. She said something had better be done about the problems or there would be bloodshed in Takoma Park, and if the Mayor and Council sat back and allowed this to happen, the blood would be on their hands; she said tenants are getting very angry, would commit crimes, if necessary, to get money for their rents. Councilmember Sharp noted that absentee landlords had been mentioned several times; said Council was in the process of considering Tenants' Right of First Refusal legislation and part of the goal therein was to get rid of absentee landlords. He inquired what Ms. Clark's reaction would be to that legislation, particularly if tied in with other efforts, as was being done, such as encouraging and supporting Neighborhoods Together in their tenant organizing project to help tenants buy their buildings and own them as cooperatives so that they would have control over their living habitat. Ms. Clark stated she thought that legislation would be just fine because in buildings owned by absentee landlords and run by management companies, the only thing those management companies were interested in was that they get their money; the only thing the absentee landlord is interested in is that he gets his money from the management company. She said the legislation should be adopted, would help those living in the City, it would benefit the City if more tenants owned their buildings because they would see that they are properly maintained.

Claudette Thompson, Pres. of Edinburgh Tenants' Assn.: expressed support

for a zero rent increase; said services have been reduced in the Edinburgh since 1981; numerous municipal infractions have been issued; the landlord has routinely increased rents by 5% annually without maintaining the building; the history of the elevators breaking down goes all the way back to 1981. She said the owner of the building (about whose identity there is some question at present) has been playing cat and mouse with the Housing Department and getting away with it; that individual now wants a 10% rent increase to renovate the building. She said she thought it was time to deal with the Dracula type landlords who want to suck up everything and give nothing in return to the tenants. She said there have been changes in management companies in the building, but, despite claims to the contrary, the same individual has owned the building since 1981 and is just playing games about names as far as ownership. She said tenants have been complaining all year about the elevator, and it just dropped a few days ago with someone in it -- even after that, only minor repairs to it were made, nothing major -- and management cited how much it would cost to rebuild the elevator, which seemed to be pitting the worth of someone's life against the cost of an elevator. She said there is a repeating pattern of landlords doing renovations to correct code violations, getting a loan for the purpose, increasing the rent more than 5%, raking in the money from tenants for the next 5-6 years without doing anything to maintain the building, and then the cycle begins all over again. In response to query from Councilmember Iddings, Ms. Thompson stated that the landlord is requesting permission for a 10% rent increase through COLTA. Mr. Iddings related he had spoken with the people in the county who are giving that landlord the 4.5% loan and they said they computed his pro forma, i.e., cash flow/return should be met by a 5% rent increase; so, obviously, he has taken what the county gave and is asking for more. Ms. Thompson stated the landlord had told her that the county advised him to ask for a 10% rent increase. The Mayor pointed out that the case was pending for hearing before COLTA, and any public discussion involving evidence in the case was therefore inappropriate at the present time because it could jeopardize the case, particularly inasmuch as there were COLTA members present in the audience.

Ginia Carter, Neighborhoods Together: thanked Councilmember Sharp for his acknowledgment of N.T.I.'s tenant organizing project; said obviously tenants are more involved now than they have been for a long time, however, things are getting worse rather than better. Concerning the Edinburgh, she said it was very discouraging to see events there repeat what occurred at Parkview; said while the players might change, the scenario was the same. She said what was happening in the process was that good landlords were being limited in rent increases which would allow them to upgrade their buildings even more, bad landlords are being rewarded by being permitted rent increases in excess of the 5%. She commented that 7710 Maple Avenue, to her knowledge, had never had a COLTA case or any outstanding code violations; she wondered what management company and principles were used in that building and whether the same situation could be accomplished in other buildings. Mr. Austin commented that any violations ever noted in that building were corrected without delay. Ms. Carter remarked that building was always beautifully kept up. She commented favorably on the Right of First Refusal legislation, not only for the purpose of allowing tenants an opportunity to buy their buildings, but because even if they did not, they would be aware of a change in ownership and know who the new owner was going to be; additionally, she said a requirement should be built into the law that tenants be notified of any change in management. Concerning rent increases on vacant units, she said now that Housing has all the basic information computerized, it should be a simple matter to generate a form indicating current rents that landlords or management must complete and return to Housing in conjunction with Licensing. She commented that in Housing, management was getting worse and worse, code enforcement is not occurring and some areas of the code are not adequately specific in stating what is required. The Mayor raised the question of whether, if any rent increase were permitted, landlords paying the utility costs for the building and those who do not pay those costs, in which case they are paid by the tenants, should be treated separately under the law; Ms. Carter responded in the affirmative. She emphasized that no rent increases should be allowed in buildings where there are existing fire, health or safety hazards, and that provision should be strictly enforced.

Greg Hamilton, Pres., Park Ritchie Tenants' Assn.: expressed support for a zero rent increase; pointed out there are about 300-350 landlords in the City -- said they did not show up last year for hearings on the subject and

were not present at the current hearing. He said COLTA's recommendation last year was that the rent increase cap be lowered from 5% to 3.3%, however, the Mayor and Council at that time voted to retain the 5% figure. He asked that the Mayor and Council in making their decision this year remember that tenants comprise 60% of the City's population. Concerning vacant units, he said there are a lot of instances, including the Park Ritchie, where the landlords have raised rents despite outstanding code violations; said in the last month, 5 tenants have moved into units in the Park Ritchie which have serious deficiencies. He said the ordinance governing smoke detectors should require that defective or inoperable ones be replaced by the landlord within 48 hours -- they are often allowed 30-45 days on inspection reports. Councilmember Iddings commented that the Fire Marshal should be informed of that immediately. Mr. Hamilton stated that the Rent Stabilization law as presently written is discriminatory -- should be amended to cover all tenants in the City, regardless of the size of the building, whether one unit or fifty or more. Additionally, he asked that when notice of the permissible increase this year, if any, goes out to landlords, a notice of outstanding violations in their building(s) be sent along with that and a statement included that the landlord may not levy any rent increase until those deficiencies are corrected. Dialogue ensued about how the City would know if the landlord chose to increase rents anyway. Mr. Hamilton said existing landlords (versus new owners) should not be able to come to COLTA and get permission to increase rent so that violations can be corrected. Additionally, he commented that a landlord should not be allowed a rent increase if he owes the City taxes, nor if he has not paid the City his licensing fee (said the Park Ritchie owner had not filed for his City license, but had filed for a rent increase). Ginja Carter suggested that in cases where the landlord was denied a rent increase, the building be posted so tenants would be aware.

Kaye Achari, Edinburgh House, 7513 Maple Avenue, Secy. of Tenants' Assn.: said a poll was taken of tenants in her building and the majority supported a zero rent increase because they did not feel an increase could be justified.

Brint Dillingham, 7018 Carroll Avenue: referred to Sec. 6-80.17, Rent Guidelines, of the City Code and quoted therefrom concerning the annual review of the program, from whom recommendations shall be received, and statistical figures to be considered in formulating those recommendations as well as how those figures were factored together. He pointed out that Mr. Abrams and UMAAC's report provided ample evidence on all the figures mentioned, dramatic evidence in support of holding the rent increase cap at zero percent. Concerning economic needs of landlords and fair return on investment, he said the Landlord/Tenant law provides a partial answer to questions raised in that whatever increase is permitted under Rent Stabilization, the landlord can go to COLTA and present justification for exceeding the allowable increase; however, nowhere is it provided that tenants can go to COLTA and plead their case on economic grounds -- therefore, the landlord has an advantage there. He commented the public hearings on rent stabilization are the tenants' one opportunity to address City government on economic factors related to rent increases; said the rent increase cap should be set at zero, landlords can then come to COLTA with their request and justification for an increase; said he felt the tenants had produced ample evidence supporting a zero increase; pointed out that tenants have little or no control over the return they get for high rents paid in terms of conveniences/niceties in their units. Concerning vacancy decontrol in relation to Licensing, he inquired whether any pertinent information had been gained from the Licensing application forms disseminated by the City and returned by landlords. Mr. Austin responded that information on vacant units and rents was provided by those forms, however, an analysis will have to be done to make use of that data and there was, at present, no projected date for completion of that work. Councilmember Iddings commented that if a zero rent increase were adopted for the current year, there would be a number of landlords going to COLTA to apply for increases, thus the need for being able to provide COLTA with some guidance concerning what could be considered a fair return on investment for landlords. He said he would not find it acceptable to adopt a zero increase, and then find landlords being allowed 10-15% increases by COLTA because they were able to present justification for so doing; he emphasized the importance of providing very clear information to COLTA on what figures they should look at and what to disregard in documentation provided them by landlords. Mr. Dillingham reiterated that recognition of the landlord's economic needs, which no one

would dispute or wish to ignore, was built into the COLTA process, more emphasis on, and recognition of, tenants' rights and problems is needed.

Valerie Nelson: yielded her time to Thomas Fusco.

Thomas Fusco, Birchwood Apartments Tenants' Assn.: said he perceived some confusion about relating rate of return on investment to allowable rent increases; he said the two are separate issues, that a landlord could have zero rent increase and still have a very favorable rate of return on his investment; said what needs to be done is to follow what is clearly stated in the City ordinance -- it specifies all the data that is to be considered when setting the rent increase cap. Additionally, he opined that two landlords owning identical buildings can have varying rates of return on their investment, depending upon level of efficiency in their management, and tenants should not be penalized for mismanagement of the building -- which makes it doubly important that the criteria set forth in the ordinance be examined and the rent increase ceiling based thereon. He commented on those specific figures to be examined, i.e., utilities, D.C.'s rate of return, etc., in relation to fair return on investment to landlords in the City; he commented on how fair rate of return is addressed in international trade matters, his field of employment, under the Department of Commerce. He said that when rate of return on investment is being considered by COLTA or any other body, tax matters should also be considered because while there might be a negative cash flow, that could, in some instances, present other advantages (which could be altered by tax reforms). In addition to examining the economic issues, he said the social issues need to be considered, e.g., people living on fixed incomes and on low to moderate incomes. Councilmember Bradley inquired whether D.C. or any other jurisdiction was known to have a formula that would allow a staff member to do initial reviews, make at least initial decisions or recommendations on information presented by a landlord seeking a rent increase; said with such a process, COLTA could, perhaps, be an appeal body; she suggested that approach would be something that could later be discussed at greater length. Mr. Fusco commented that would certainly be worth examining and ascertaining how well it has worked in D.C., where the Mayor had remarked that sort of function is done by a Rent Administrator and staff. Councilmember Iddings commented that a lot of analysts are predicting that as a result of tax reform legislation, a significant amount of pressure will be placed on rents, resulting in 20-25% (and greater) rent increases in unregulated areas, the argument being that present tax laws provide a subsidy to rents because of the scenario mentioned by Mr. Fusco of negative cash flow being used to shelter additional income (which can be worth a lot of money because of the structure of the tax brackets). He said that if Council adopted measures concerning fair rate of return on investment, that could lead to having to condone significant rent increases due to tax law changes, which he said he would not want to happen. Mr. Fusco remarked that the subsidy to rents referred to by Mr. Iddings was not in actuality as stated, but was a subsidy to landlords. The Mayor commented that in D.C.'s formula, equity value in a property plays a large role in the rate of return computation.

Lydia Savage, Hillwood Manor Apartments: asked that the City not approve the rent increase requested by the management company of her building; said she works for a university in D.C. and this is the third year employees there have received no salary increases -- said she was trying very hard to decide what to give up in order to be able to live on her income; said quality of life in Takoma Park has been declining for her because of rent increases (5% last year, 10% proposed this year). She said she liked living in Maryland and in the City, but if the trend continues, would have to move elsewhere. The Mayor thanked Ms. Savage for attending and participating, however, reminded that the landlord has a case pending for hearing before COLTA and encouraged her to attend that hearing and present her testimony.

Rochelle Harris: explained she was speaking in place of James Tucker, who had signed up to speak. She urged that all present who were not already registered to vote, do so without delay, and when they go to the polls remember what they have heard at this hearing, i.e., which officials were supportive of tenants' rights and which were not, those who appeared interested and concerned and those who did not. She said elected officials could be voted out just as easily as they were voted in; tenants have rights, as well as landlords, and what the tenants want is fair and equitable treatment -- hoped the Mayor and Council would ensure that is what they receive. In response to query from Councilmember Haney concerning her

address which she had not stated in identifying herself to speak, Ms. Harris stated she had no response.

Marc Elrich, 8110 Roanoke Avenue: stated he was a homeowner, not a tenant; however, supported what had been said. He said if code enforcement had been strict and buildings were known to be sound, then automatic rent increases could perhaps be discussed, but given conditions in the City right now and the sense that a lot of buildings are in a state of decline, no automatic increase would make sense at this point in time. He said this stance would probably generate a lot of appeals from landlords, and the questions raised about rate of return and criteria to be examined would have to be addressed; thought it would be necessary to examine tax returns in relation to investments in that process. Additionally, he stated he could not support rent increases to new landlords who buy buildings with outstanding code violations; said that encourages landlords to depreciate a building and then sell it because they know the new landlord can go before COLTA and justify increasing the rents; if it were known that rents could not be raised, it would cut the profit to the landlord selling because the new owner would not be willing to pay as much for a building where he knew there were repairs to be made which he would have to finance. Concerning what he considered to be a fair rate of return on investment for landlords in the City, Mr. Elrich stated he felt a percentage similar to that they would receive from a savings account/savings & loan, taking into account the housing climate in the area where there is little risk factor. In the course of dialogue concerning the rate of return for an investor who finances the major portion of his building mortgage, Councilmember Bradley related having been told by a tenant that the monthly mortgage payment on her building (containing approximately 30 units) was \$848 -- a pretty nice return on investment for the owner.

Anthony Austin, Director of Housing Services: said one thing that would have to be assessed in considering a zero percent rent increase would be the dramatic impact that would have on available staff resources, particularly in light of the number of staff, workload and current problems facing the Housing Department. He said the City's Landlord/Tenant law was excellent, however, had not been strictly adhered to in past practice; had it been enforced the way it was written, the City and department would be in a better situation than it is currently. He pointed out the City has minimal Housing staff, half of which is designated for code inspections. He said that department has been playing catch-up, trying to deal with all the code problems created through 20 years of lack of enforcement, and asked that the Mayor and Council consider all these factors when examining the feasibility of a zero percent rent increase. He pointed out that the issues of reduction of services and code violations, as related to the lease or contractual relationship, are dealt with through defective tenancy, e.g., if an elevator is not working for a month, there are legal avenues through which a tenant can get a rent rebate for lack of that service. He said that should have no relationship to a rental guideline proposed; remarked he realized these were not popular points of the law, but they needed to be pointed out. He commented that at the 1983 and 1984 hearings on rental guidelines, a precedent was established by the former Housing Director that COLTA would make the recommendation concerning the rent increase cap, probably because the then Chairperson of the Commission, James Arisman, was very active and articulate with economic factors; thus, Housing became very lax about participating in formulating the recommendation -- essentially, sat back and let COLTA do all the work. He said that under the Code, it is the responsibility of the department to furnish all available necessary information concerning economic factors to the Commission for them to utilize in coming up with their recommendation. He, too, commented that tax reforms would seriously impact rents; referred to a recent article in the Outlook section of the Washington Post on the subject, and said that possible impact would have to be examined by the City prior to making a decision on rent increases. In conclusion, he reiterated that his major concern regarding imposing a zero rent increase was that the City's Housing Services Department did not have sufficient resources to enforce legislation of that nature, and asked that serious consideration be given that fact in making any decision. The Mayor inquired of Mr. Austin whether, based on his experience, he felt a need for the Mayor and Council to provide guidance to COLTA on the rate of return on investment for landlords; Mr. Austin suggested the question be put before COLTA for their recommendation. Councilmember d'Eustachio commented the question of rate of return was incredibly complex, involved so many factors; he questioned

whether the City has the resources and expertise available to make a fair determination; Mr. Austin opined it did. Councilmember Bradley inquired whether Mr. Austin could suggest any ways of requiring better, more efficient management techniques of landlords. Mr. Austin commented the level of management sophistication in the City was obvious, said the building owners felt they could ignore the problems, make use of no cause evictions; he said he thought the key to addressing the issue was through the licensing program, reporting requirements. He noted that at present the only way Housing had to investigate excessive rent increases was on a complaint basis, said the City does not have the resources to go out and initiate that sort of complaint. In response to query about the information gathered through the licensing program, he reiterated that the information was in hand but required implementation of a computer data base to put it into a useful format. Ms. Bradley related being told that some of the landlords in the City who have kept their properties up are currently becoming discouraged with the system and leaving -- she inquired whether Mr. Austin could verify that, which he did -- he said there was a lot of that occurring. Ms. Bradley asked what percentage of City landlords Mr. Austin would estimate were "bad" landlords; he responded 3-5% -- just enough to keep Housing very busy because many own large buildings.

Alida Deguara: said the City is actually run by volunteers, congratulated the Mayor and Council on their dedication, being willing to sit in meetings night after night, and commented on the very small salary they receive. She said she felt certain there were many individuals among the tenants who would be willing to work with Housing and COLTA on a volunteer basis to deal with the additional workload if the zero rent increase were implemented. She said the tenants should make use of all the resources available to them, including their Council representatives and active lobbying; related she had lived in Takoma Park 9 years, in 3 different places, experiencing problems in each -- said the problems recur again and again and have never been resolved, need to be viewed in a different perspective. She said housing is a major problem in the country today, noted the number of people living on the streets and said that while some thought they were there because they were alcoholics, drug addicts or had mental problems, lack of affordable and decent housing could drive people to such illnesses. She spoke at length on the history of the terms "landlord" and "tenant," said some people refer to Maryland as "the big plantation" because the mentality in the area has not changed with the times; said no cause evictions instill and maintain fear in tenants. She urged that tenant organizing not be restricted to the City, but include the county, because many of the tenants who are afraid to speak out at meetings in the City would attend if the meetings were in Silver Spring or elsewhere. She inquired concerning the requirements for putting rental law questions to a referendum vote and said she thought that should be done; in conclusion, urged that a 0% rent increase be adopted this year.

Joe Anne Hamer, 7620 Maple Avenue: supported a 0% rent increase; she suggested that, rather than the elected officials individually taking breaks during meetings, a 15-20 minute recess be taken by everyone.

Tom Bagliardo: said he felt there were a lot of reasons landlords were selling buildings, but a primary one was the dramatic decrease in interest rates which facilitate a seller's side of the market and allow the seller to demand a greater price for his property. He said he did feel it worth investigating why if there were a high percentage of landlords selling in the City; said he would not wish to see Council's decision concerning the rent increase cap create larger problems than already exist, empathized with the difficulty of making such a critical decision. Based on his experience representing tenants' interests, he said he felt vacancy decontrol, while not the law, was the fact in Takoma Park; said if there was confusion about the law, then the law should be changed. He referred to 20-25% rent increases at Sylvan Terrace approved by COLTA; said he did not feel that complied with the law, did not impel the market in the right direction, and generated fast track gentrification. He said he felt sure there were landlords who, because of low interest rates and because Takoma Park had become a very desirable neighborhood, were interested in evicting longterm, reliable, decent people from their units so they could demand and get rents 25-30% higher than what was currently being paid. The Mayor pointed out there was a link between vacancy decontrol and 60-day no cause evictions -- said the former provides an incentive for the latter; said while the no cause evictions were state law, if the City at least did away

with vacancy decontrol, some of the incentive would be removed; Mr. Gagliardo concurred. Mr. Gagliardo stated he felt Council had to make a decision whether a rent increase, whether zero or some other figure, would be based on rate of return on investment or on operating costs -- said he favored rate of return because if operating costs were the basis, poor managers were rewarded (their costs are higher). He noted that provision had been made in the law that if there were code violations, there could not be rent increases, however, said there were unforeseen gaps in that provision. He suggested that if serious code violations were found, an immediate notice be given along with the notice of violations, telling the landlord that a rent increase could not be had, copies be sent to the tenants, and that the rent increase not only be deferred until such time as the code violations are corrected, but an additional (x) number of months, which would then become the penalty to the landlord rather than the municipal infraction fine which poses all sorts of problems in collection. He said that approach would provide automatic enforcement. Concerning the limited staffing in Housing, Mr. Gagliardo remarked that procedures could be streamlined and offered suggestions; he commented that if there were a need for data input and programming to effectively utilize information on the computer, that should be addressed because without that needed information, the discussion of a permissible rent increase became academic. Concerning vacancy decontrol, he said when the law was written, what was intended by comparability was that rent on a vacant unit could be increased to that of another lawfully charged comparable unit in the same building; he reiterated that if the law were not clear, it should be rewritten. He pointed out that regarding the rent increase cap, COLTA had traditionally recommended either the status quo or a greater level; said the concept of rolling back rents should be discussed, specifically where there has been a decontrol violation or some other unlawful increase; said those landlords should be brought back to the lawful limit. He commented that D.C. has an anti-speculation law -- did not know the details of the legislation, but said the City might want to consider some sort of recapture tax at time of sale, with the monies going to General Funds or earmarked for establishing a low-interest loan fund for building rehabilitation -- said that would have to be a lengthy discussion, should be scheduled for a later date. He recommended against getting into examination of tax information of landlords in setting a rate of return on investment; said that could become a burdensome administrative nightmare; commented that determining that rate would properly be a question to be addressed by economists.

Larry Ravitz, landlord of 111 Lee Avenue: said he had purchased his building last April, has a rent increase hearing pending before COLTA which a number of his tenants support. He said one of the reasons he purchased a building in Takoma Park rather than D.C. was the City's rent control laws; said the people here were concerned with upgrading the City and were doing things to encourage landlords to do so. He said he felt the idea of a 0% increase was overly simplistic in that if that increase were taken away from landlords, it would cut down on their funds. He commented there are a lot of extremely bad properties, his was one of those and still has problems he is in the process of correcting. He suggested, alternatively, that the City become much stricter in its code enforcement and still give the landlords some money with which to work -- direct the enforcement at bad landlords, at those who have tenants who are angry at them. Concerning landlords selling buildings they have allowed to run down, he pointed out that the BOCA Code, adopted by the City, prohibits the selling of a building having existing code violations; said he was unaware of that when he bought his building, that there was apparently, in fact, some question about the validity of that provision. He commented that if attracting competent developers to Takoma Park was desirable, the profits had to be made competitive with the surrounding metropolitan area -- if the profit were reduced to zero, good developers would be discouraged from buying buildings in the City. Councilmember Sharp pointed out that zero percent increase would not mean that rents could not be raised at all, but that permission would have to be sought through COLTA; he wondered why that would automatically discourage good landlords. Mr. Ravitz remarked that he was first a builder, and second, a financier; he said for him, and many others, to have to put together the sort of financial statement required would be a very onerous task -- said he spent over 200 hours putting together his case for the 5% increase he is asking for, and that is based on voluntary concessions from the tenants, raising new tenants up to higher levels of comparables and having those new tenants subsidize the lower tenants so that ownership can continue to be profitable. Councilmember

Williams inquired concerning Mr. Ravitz's residence; response was 8369 16th Street in Silver Spring. Also responding, he said in his request that will be coming before COLTA, the rates on units in his building are staggered; he said the request was complex and offered to provide Mr. Williams with a copy. He expressed support for the concept of notifying tenants of code violations in their buildings, along with the notice to the landlord; however, did not support penalizing landlords for not quickly correcting violations -- said that would come directly out of their pocket, and he did not support extending the period after correction of violations before the landlord would be allowed to increase rents. He said if good landlords were not allowed to charge more, all of their efforts to do a better job would be undermined because it is more expensive to run a first class establishment than to run one having all sorts of little things wrong with it. Concerning rate of appreciation of a building, he commented that as the rate that landlords can charge is changed each year, the sale price of the building is drastically affected; said he had been told that if there were no rent control in the City, the value of all apartment buildings would rise by \$4,000-\$5,000.

Councilmember Bradley commented at length concerning luxury upgrading of apartments with accompanying loss of affordable housing, concerns about longterm loss of economic diversity in the community and gentrification. Mr. Ravitz pointed out that if provision were not made for a method of retaining profitability of properties, the result would be apartments where only minimal code violation corrections are done, all the incipient violation problems will not be addressed because of economic hardship on the landlord. He suggested one way of dealing with the situation, as has been done elsewhere, would be to set a certain percentage of units in a building as low income units. In response to query from Ms. Bradley, he stated he did not have plans for any Section 8 units in his building; however, said he did have tenants who have been identified as being hardship cases, did have some under the rental assistance program, and he was considering not taking even the 5% increase on those people. Ms. Bradley commented that while the assumption was being made that rents were the only way to affect a property owner's rate of return on investment, an option for those who really maintain their buildings and lacking a rent increase, could be given tax credits, which would put a portion of the responsibility for maintaining housing on all the citizens of the City. Mr. Ravitz commented on a number of his newer tenants wanting upgraded, luxury apartments, but not wanting, or being willing, to contribute in any way to driving lower income tenants out. In response to query, he stated rate of return on investment, in his opinion, would be a very complex and difficult figure to calculate.

Mayor Del Giudice commented he was very disappointed to learn earlier that a recommendation with all the pertinent figures would not be presented by COLTA as had been past policy. He said he felt the Mayor and Council were lacking some very important information that should be considered in making a determination; noted that without UMAAC's memorandum, the needed information would have been completely absent. He said he felt that not only the statistics contained therein, but whatever other information staff could furnish, needed consideration and recommended the issue be scheduled for a worksession for further discussion. Councilmember Williams commented he would not oppose that, however, did not think the statistics contained in UMAAC's document would change, and said that during the election campaign, it was not the landlords whose votes were sought and who put the elected officials where they are. He noted the majority of speakers had voiced support for a zero rent increase and said he would have no problem supporting that personally; he said it seemed to him the elected officials often took on concerns they had not been asked to assume. He said, as a renter himself, he did not care what people thought the landlord should get -- said he had been taken advantage of for a long time -- rents in Takoma Park are now some of the highest in the area and yet still not high enough for a sufficient profit. He said the elected officials should listen to the people who have spoken and proceed on that basis. Councilmember Bradley commented that she and Mr. Williams probably agreed in concept, however, said there were several reasons she felt no vote should be taken at the current meeting; said more time was needed for consideration and some sort of legislation to be formulated; said statements had been made indicating that staff and COLTA had not had the capacity to implement policies set forth; while she favored the zero increase, she felt it imperative that it be ascertained that the capacity existed in COLTA and Housing to deal with

the cases that would be generated thereby. The Mayor commented he was not completely convinced concerning a zero percent rent increase, but neither was he convinced there was need for 5%; said he felt the issue required further and serious consideration.

(2) Second Reading of Ordinance appropriating funds for Commercial Revitalization Project for Takoma/Langley Park Business & Professional Assn. Councilmember Haney moved adoption, duly seconded by Councilmember Sharp. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Iddings, and Sharp; NAY: None; ABSTAINED: None; ABSENT: Councilmembers Levy and Williams.

ORDINANCE #1986-32
(attached)

Upon motion, duly seconded, the hearing/meeting adjourned at 12:44 A.M., to reconvene in regular session at 8:00 P.M. on September 29, 1986.

9-17-86

RENT STABILIZATION
PUBLIC HEARING

NAME

- ✓ 1 REGGIE ABRAMS
- ✓ 2 Mary Grice
- ✓ 3 Louis L Guthrie
- ✓ 4 ~~Jugita Mason~~ Sallie Ramsey
- ✓ 5 Wm A. Clipp
- ✓ 6 Norman Elliott
- ✓ 7 Naomi Turner
- ✓ 8 Berni Sebrin
- ✓ 9 Marsena CLARK
- ✓ 10 Claudette Thompson
- ✓ 11 Lunga Carter
- ✓ 12 GREGORY Hamilton
- ✓ 13 Kaye Achari
- ✓ 14 Brent Dillingham
- ✓ 15 Valerie Nelson
- ✓ 16 Lydia Saray
- ✓ 17 James Tucker ? Rochelle Harris
- ✓ 18 Marc Elrich
- ✓ 19 Rochelle Harris
- ✓ 20 Anthony Austin
- ✓ 21 Alida Dequora
- 22 Joe Anne Hamer
- 23 Tom Gagliardo
- 24 Larry Ravitz
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UPPER MAPLE AVENUE ADVISORY COUNCIL (UMAAC)

September 17, 1986

MEMORANDUM

TO: Mayor and City Council
Takoma Park, Maryland

FROM: Upper Maple Avenue Advisory
Council (UMAAC)

SUBJECT: Rent Stabilization

It is the recommendation of the Upper Maple Avenue Advisory Council that a 0% rent increase be approved for FY 87. Our recommendation is based on the current consumer price index, tenant income, cost of living increases, utility cost, and reduction in services.

The consumer price index for July 1986 discloses that weekly wages have declined by 0.5% and that there has been a 0.2% decrease in average earnings. Also as reflected in the Bureau of Labor Statistics Reports for July 1986 shows the average revised wages for the month of June had declined by 0.6% while there was a 0.5% increase in inflation.

The Statistical Metropolitan Sampling area reports reveals that the largest employer in the area the Federal Government over the last four years has increased salaries by only 6% while for the same period rent in Takoma Park has increased at least 20%.

Cost of living increased for the coming year for Federal Workers has been recommended to be only 2%. Federal employees will also receive a 14% increase in health insurance while federal employees salaries are 24% lower than their private sector counterparts.

Rising utilities cost has been the basic for increasing rents in the past. However, the utility cost for the period June 1985 through July 1986 have decreased by 1.2%.

There has also been a dramatic increase in the Reduction in Services for tenants in the Maple Avenue Corridor over the last four years. It is impossible to properly maintain a Hi-rise Apartment Building with one or two maintenance personnel. In some cases on Maple Avenue services are practically non-existent, particularly in the areas of security, properly functioning elevators, janitorial services, general grounds upkeep, the repair of pot holes in parking lots, rodents, insects, parking area lighting and extra guard telephone security system. This is in addition to the numerous code violations that exist in Hi-rise buildings through out the Maple Avenue Corridor.

Since the inception of Rent Stabilization the tenants of Takoma Park have always paid more than cost of utilities have increased. After five years of being over priced we are again seeking relief. Because of the high rents and almost total lack of services many good people have left Takoma Park and need less to say others will soon follow. Therefore we are recommending a 0% increase for FY 87 based on the current consumer price index, tenant incomes, cost of living increase, utility cost and the reduction in services.

We are further proposing that once the Rent guidelines have been set for FY 87 that no tenant receive a 60 day notice of rent increase if there are any violations in the particular building. Further ensure that a 60 day notice for an increase in rent be given to a tenant after the violations have been corrected with the effective date for the rent increase to be 60 days from the date of the violation correction date.

It is further recommended that the city of Takoma Park adopt the statewide system in Maryland of imposing the maximum fine of \$400.00 per day/per unit for any Housing Code Violation.

Further, that the landlord cannot ask for a rent increase above the city of Takoma Parks prescribed limits especially if his/her reasons given are to correct Housing Code Violations. No vacant apartments rent shall be increased over the city's prescribed limits with in a 12 month period.

We of the Upper Maple Avenue Advisory Council are of the opinion that tenants should receive notification prior to the sale of their building at least 60-90 days prior to the building going on the open market. However, no tenant or tenant organization should have the power to prevent or hold up the sale of a building for a lengthy period of time.

Reginald M. Abrams
REGINALD M. ABRAMS
President, UMAAC

cc: City Administrator
Director, Dept. of Housing

1st Reading: 9-15-86
2nd Reading: 9-17-86

Upon motion by Councilmember Haney, duly seconded by Councilmember Sharp, the following ordinance was introduced.

ORDINANCE NO. 1986-32

AN ORDINANCE TO APPROVE A GRANT OF \$2,000 TO THE TAKOMA/LANGLEY PARK BUSINESS AND PROFESSIONAL ASSOCIATION AS MATCHING FUNDS.

- WHEREAS, in FY 1986, the Takoma/Langley Park Business and Professional Association (hereinafter referred to as the Association) received \$6,000 in matching funds from the City of Takoma Park and \$12,000 from Prince George's County to match Association monies to fund a Commercial Revitalization Manager for the Association; AND
- WHEREAS, the Association has received a commitment of \$10,000 from Prince George's County as matching funds for project continuation for Fiscal Year 1987; AND
- WHEREAS, the Association has requested that the City of Takoma Park provide \$5,000 to match Prince George's County's shared contribution of \$10,000 and the Association's share of \$10,000 to refund the Commercial Revitalization Manager's position in FY 1987; AND
- WHEREAS, in FY 1987 it is the Association's goal to study the feasibility of establishing a Commercial District Management Authority in the four-quadrant area of Takoma/Langley Park and implement such an authority, if feasible, during FY 1987; AND
- WHEREAS, continuation of project funding for the Commercial Revitalization Manager's position is crucial to development of a CDMA.

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

- SECTION 1. THAT an appropriation of \$2,000 be made to the Takoma/Langley Park Business and Professional Association as matching grant for funding the Commercial Revitalization Manager's position.
- SECTION 2. THAT the appropriation be charged to Budget Account Number 503, Mayor and Council Contingency.
- SECTION 3. THAT the City Council will consider additional funding for this project upon receipt of a project report detailing the accomplishments of the Association and work plan for implementation of a Commercial District Management Authority.

Adopted this 17th day of September, 1986.

YEA: Councilmembers Bradley, d'Eustachio, Haney, Iddings, Sharp

NAY: None

ABSENT: Councilmembers Levy and Williams

CITY OF TAKOMA PARK, MARYLAND

Public Hearing of the Mayor and City Council on the
Proposed Transfer of Montgomery County's Cable Television Contract
September 22, 1986
7:30 PM

AGENDA

CALL TO ORDER: Mayor Del Giudice
ROLL CALL: Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
Councilmember Williams

ITEMS FOR COUNCIL CONSIDERATION

PUBLIC HEARING:
Proposed Transfer of Montgomery County's Cable Television
Contract

WORKSESSION AGENDA

- 8:30 PM (1) Re-hearing of Special Exception for Day Care Center at
8121 Lockney Avenue
- 9:00 PM (2) Discussion of Anton Motors proposal to provide Police
vehicles
- 9:30 PM (3) Discussion of Accessory Apartment application -
7403 Maple Avenue (Co. Hearing: 10/23/86)
- 9:45 PM (4) Discussion of Revised Site Plan for Proposed Hampshire
Place Development (SP-85112; a/k/a/ "The Cohen Property")
- 10:30 PM (5) Discussion of Tenants' Right of First Refusal Ordinance
- 11:30 PM (6) Discussion of four proposed ordinances applicable to
COLTA and the Department of Housing Services (Sharp)
- 12:00 PM (7) Discussion of MML request for City support (\$) of the
State & Local Legal Center

REMINDER: Monday, September 29, 8:00 PM -- Public Hearing on
FY 1987 Budget Amendment No. 1 and Regular Council Meeting

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council
and
Public Hearing on FY 1986-87 Budget Amendment
September 29, 1986
8:00 P.M.

AGENDA

- (8:00) CALL TO ORDER: Mayor Del Giudice
(8:05) ROLL CALL: Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
Councilmember Williams
- (8:10) PLEDGE
- (8:15) MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS
Government Finance Officers Association Recognition of City and
Staff Accomplishments
- (8:25) ADDITIONAL AGENDA ITEMS
- (8:30) CITIZENS' COMMENTS (those not directed at items on Council Agenda)
- (8:55) ADMINISTRATIVE REPORTS
- (9:00) PUBLIC HEARING and Second Reading of ordinance amending FY 1986-87
City Budget to appropriate matching funds in the amount of \$5,000 for
Neighborhoods Together, Inc. Tenant Organizing Project
Citizens comments
Council action
- ITEMS FOR COUNCIL ACTION:
- (9:10) (1) Second Reading of an ordinance appropriating funds and
awarding contract for Consultant Space Plan Proposal for
Municipal Building
Citizens comments
Council action
- (9:15) (2) Second Reading of Ordinance instituting No Parking on South
side of First Avenue
Citizens comments
Council action
- (9:20) (3) Second Reading of Ordinance establishing weight limit (11 tons)
for Flower Avenue Bridge
Citizens comments
Council action
- (9:25) (4) First Reading of an Ordinance establishing weight limit (15 tons)
for Maple Avenue Bridge
Citizens comments
Council action

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Public Hearing on FY 1986-87 Budget Amendment
September 29, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Haney	
Councilmember Iddings	
Councilmember Levy	
Councilmember Sharp	
Councilmember Williams	

ABSENT: Councilmember Bradley

The Mayor and Council convened at 8:06 P.M. on September 29, 1986 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Councilmember Iddings noted Councilmember Bradley had been present, had to leave to attend to a problem in her ward, however, would return when that was resolved.

Mayor Del Giudice commented that the City had been working for some time to become certified concerning its financial affairs. Assistant City Administrator Habada introduced City accounting employees Linda McKenzie, Joyce Nelson, Betty Robinson, and Joseph Bohan, as well as Sheila Conley and Paul LeFlech of Peat, Marwick & Mitchell, the City's auditors. She commented the auditors had really put the City on the road to obtaining the Certificate of Conformance from the Government Finance Officers Association. Councilmember Iddings commented it was noteworthy for the Accounting Department to achieve such a goal in a short amount of time. It was noted this was the first time the City applied for the certificate; Mr. Wilson commented that not even the Accounting Department had thought they would be a recipient the first time they applied. The Mayor noted the certificate was for excellence in financial reporting -- the highest award presented by the Government Finance Officers Association; he echoed Mr. Iddings' comments and said both the City employees and the auditors deserve many thanks for all their efforts.

City Administrator Wilson commented that no specific effort could be carried out unless some individual takes the lead and ensures that all the necessary factors are accomplished. He said that in addition to the general plaque for the City, an award for financial reporting achievement was received from GFOA for Linda McKenzie, the Accounting Supervisor; he noted this award was presented to individuals who have been instrumental in their governmental unit in achieving a certificate of achievement for excellence in financial reporting; he presented Ms. McKenzie with her certificate and expressed congratulations.

The Mayor noted that following adjournment of the regular meeting and public hearing, a worksession would convene for the purpose of further discussion of the Tenants' Right of First Refusal legislation, as well as a number of other items.

CITIZENS' COMMENTS:

Allison Raphael, Co-Chair of the Board, Children's Community School of Takoma Park and Silver Spring: asked whether the Mayor and Council would consider giving her organization's day care and after school program a grant; explained the day care center was started by the same people who started the Takoma Park/Silver Spring Food Co-Op, has been in operation for 4 years, and is located in the same building as Neighborhoods Together. She said the day care center had always had a large population of children subsidized through Social Services Department, and pointed out that program had experienced a lot of changes this year, in part due to the fact the county has started another program called the Working Parent Assistance Program -- previous monies have not been forthcoming from the state subsidy program and, for that reason, subsidized children have not been enrolled and the day center is severely under-enrolled with closure threatened. She said she had been very actively seeking funding to see the center through the crisis and avoid closure. She said if even short-term funding could be found, there was some chance funding would again be forthcoming from Social Services in November. Mayor Del Giudice stated he would not foreclose the

idea of the City coming up with some assistance, however, it might be difficult to do and more particulars would be required, including the specific amount that would be needed. He asked that written information be submitted for distribution and inclusion on Council's agenda for a worksession. In response to query, Ms. Raphael stated she had spoken with both county and state officials and no emergency funds would be forthcoming from those sources to see the center through the crisis period; primarily because those two bodies are not structured in a way that would permit it. Councilmember Haney suggested specific information which he asked be included in Ms. Raphael's written request. Councilmember d'Eustachio voiced a similar request, particularly concerning financial details. The Mayor additionally suggested that the Folk Festival Committee be approached to see if they had any remaining funds available which might be directed to assisting the day care center in their period of need.

Alice Trembour, 7304 Birch Avenue: said she had attended the last meeting of the Thomas Sieglar Development Advisory Committee and understood from the committee Chair, Councilmember Iddings, that the charge of the group was to present the Mayor and Council with a single recommendation for development of that property; she inquired whether that was correct. Councilmember Iddings stated that what he had said was that he wanted to present the consensus of the committee -- thought the membership would reach consensus on a plan to present to the Council. Ms. Trembour questioned whether it was the intent of Council when they set up the committee that only a single option would be presented to them. Councilmember Levy commented she had understood that the committee would present several options for discussion at a public briefing on the issue; Ms. Trembour concurred that would happen, but thereafter, when the committee made its presentation to the Council, apparently only one specific plan would be recommended. Councilmember d'Eustachio commented that if 12 City residents could sit down and come up with a single plan which all endorsed, he would feel that to be an ideal solution; said that, however, did not preclude them from coming up with several options. Councilmember Haney commented that if the committee were going to be holding a public briefing, listening to input on the issue, prior to making their recommendation(s) to the Council, it would seem pointless for the Council to, essentially, repeat the process and relive the events of a couple of years ago; said (as had Mr. d'Eustachio) that if there were a majority and a minority viewpoint on the committee, then both should be presented to Council. Following brief dialogue, Councilmember Levy remarked it was her feeling that the committee probably would not reach a consensus due to dissension within the group, in which case a majority and a minority opinion should be presented as well as the minutes of the public briefing, so as to provide Council with a broader understanding of the issues addressed. Councilmember Iddings expressed confidence that there would be a consensus of the committee; said there are people of good will on the committee and they are working increasingly in a cooperative spirit despite some basic differences -- there is not the initial divisiveness that formerly existed. He said his goal was that a consensus be reached by the committee rather than bringing something to the Council that they would have to work on for a lengthy period; said he hoped the compromises reached would respect the wishes of the neighborhood, respect the historic nature of the property, and respect the wishes of the Tot Lot Committee. Ms. Trembour commented she and her group felt Mr. Iddings was doing an excellent job as Chair of the committee, was very fair in his treatment of all involved.

Pat Saumweber, 519 Philadelphia Avenue, Pres. of North Takoma Citizens' Assn.: urged that Council lend financial support to the day care center spoken of earlier; emphasized the importance of day care in the community and remarked on the difficulty those facilities have in getting funding. She referred to a resolution adopted in June by her organization which related to an attempt by Montgomery College to acquire some property in the neighborhood; said the college had asked NTCA to submit an opinion, which they are now about to do, and asked the support of the City. In response to query from Mr. Wilson, she said the resolution would be forwarded to the college at once; when support has been gathered from other bodies, a copy of the resolution will be forwarded, along with a cover letter, to the county council.

Lou D'Ovidio, 7324 Piney Branch Road: referred to the recent incident wherein the Williams' home on Buffalo Avenue was destroyed by fire, and the

assistance rendered by the City. He referred to assistance rendered by the Berez family to the Williams and asked that the City acknowledge and commend those outstanding neighbor efforts to help. The Mayor, for the record, thanked City Administrator Wilson also for all his time and efforts expended in helping the Williams family. Thanks were also extended to Councilmember Iddings and others who made efforts on behalf of the family.

Naomi Turner, 7667 Maple Ave., Pres., Parkview Towers Tenants' Assn.: said, for the record, she wished to make it clear that Councilmember Williams did not initiate the rent increase protest efforts that had recently occurred in the City -- UMAAC did so -- and it would not have happened if the Mayor and Council had listened to the tenants. She said UMAAC wanted people to know that the elected officials do not hear what the tenants are saying; said the people of Ward 4 had a right to make their opinions known, were not going behind anyone's back to do so, and were deserving of some consideration.

Larry Dzieza, 7209 Holly Avenue: spoke concerning lack of enforcement of the parking laws in relation to contractors parking on the sidewalks on Holly Avenue; related there are 2 construction sites on that street and he had called the Police Department on 5 separate occasions requesting enforcement and was advised that the police have authority to exercise discretion in allowing those vehicles to park on the sidewalks. He elaborated on the hazards presented by such parking and asked that the Council either direct the police to enforce the law, or alternatively, if it is felt such parking should be allowed, establish a permit procedure which would allow input by citizens and afford some control if the situation were going to be long term such as those mentioned. Councilmember Levy inquired whether the situation had not improved since her contacting both Chief Fisher and Public Works Director Robbins; Mr. Dzieza responded in the negative. The Mayor commented on the need for officials to meet with Chief Fisher to discuss a number of parking issues, including policy. In ensuing dialogue, it was noted that it was the responsibility of the contractor to replace any sidewalk that was damaged in the course of his work. Following additional discussion, Mr. Dzieza reiterated he felt a 3 month period of vehicles parked obstructing the sidewalk without being cited was more than just an exercise of discretion on the part of the police, and he felt the law should be enforced.

Sally Ramsey, Essex House, speaking for tenants' association and UMAAC: said the Mayor and Council were furnished with a list of all UMAAC officers, including their addresses; all correspondence had been sent to that organization's secretary, Juanita Nunn, at a P.O. box number. She asked that all correspondence be sent in a timely manner. She requested her organization be furnished a copy of the information the Department of Housing was to furnish to the Mayor and Council regarding rent stabilization -- asked that it be sent to Mrs. Nunn. She asked that a definite date be given for when the Mayor and Council would be discussing the rent stabilization issue, and reminded the elected officials that they got where they are through the votes of their constituents. She said the constituents of Ward 4 are tired of the hostile, abusive and rude displays directed at their Councilmember; said the podium is not the place to display personal animosities and differences of opinion, and demanded an immediate cease to such actions. The Mayor stated that the report from Housing, produced by Mr. Austin and referred to, had been received and would be available in the City Offices within a few days, or could be mailed upon request. He said it would likely be discussed at the next worksession and put on the agenda of the next regular Council meeting for action.

ITEMS FOR COUNCIL ACTION:

(1) PUBLIC HEARING and Second Reading of Ordinance amending FY 1986-87 City Budget to appropriate matching funds in the amount of \$5,000 for Neighborhoods Together, Inc. Tenant Organizing Project.

Councilmember Sharp commented he felt this project was an important part of the effort being made by the City to assist tenants; pointed out the City's willingness to award this grant allowed Neighborhoods Together to get a matching grant amount from the Marianists. Mr. Sharp commented that the tenants' ability to buy their buildings under the Tenants' Right of First Refusal legislation would be greatly enhanced by effective tenant organization. Adoption of the ordinance was moved by Councilmember Sharp, duly seconded by Councilmember Haney. The ordinance was adopted by roll call

vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy, Sharp and Williams; NAY: None; ABSENT: Councilmember Bradley.

ORDINANCE #1986-33
(attached)

In connection with the above, adoption of the proposed ordinance authorizing the award of funds to Neighborhoods Together, Inc. was moved by Councilmember Iddings, duly seconded by Councilmember Sharp. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy, Sharp and Williams; NAY: None; ABSENT: Councilmember Bradley.

ORDINANCE #1986-34
(attached)

Leslie Agro, President of Neighborhoods Together, Inc. expressed thanks to the Mayor and Council for recognizing the need for this very important part of their constituency; she said she did not feel the road would be easy because when efforts are made to organize people who have been suppressed and abused, there is a lot of anger to be dealt with; said the challenge is to help people to help themselves -- to help them learn to communicate and constructively face the monumental problems needing to be addressed.

(2) Second Reading of an ordinance appropriating funds and awarding contract for Consultant Space Plan Proposal for Municipal Building. Councilmember Iddings moved adoption, duly seconded by Councilmember d'Eustachio. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy, Sharp and Williams; NAY: None; ABSENT: Councilmember Bradley.

ORDINANCE #1986-35
(attached)

(3) Second Reading of ordinance instituting No Parking on South side of First Avenue. Councilmember d'Eustachio moved adoption, duly seconded by Councilmember Iddings. Mr. d'Eustachio moved to amend the original ordinance by deleting Section 1, inserting in its place Sections 1a and 1b, as set forth in his memorandum dated September 29, 1986, and addressed to the Mayor and Council. He read the amendment, which was duly seconded by Councilmember Sharp. The amendment passed by unanimous vote. Councilmember Iddings moved adoption of the ordinance, as amended, duly seconded by Councilmember Levy. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy, Sharp and Williams; NAY: None; ABSENT: Councilmember Bradley.

ORDINANCE #1986-36
(attached)

(4) Second Reading of ordinance establishing weight limit (11 tons) for Flower Avenue Bridge. Mr. Wilson noted that both this item, and the following agenda item concerning a weight limit for the Maple Avenue Bridge, had been combined and rewritten into a single ordinance generically addressing Bridges in order to simplify codification. The Mayor raised procedural questions concerning whether adoption could proceed because the Maple Avenue Bridge ordinance had not had a first reading. Councilmember Sharp moved to amend the Flower Avenue Bridge ordinance which had a first reading on 9/15/86 to include the Maple Avenue Bridge, duly seconded by Councilmember Haney. Councilmember Iddings referred to questions he had raised at the meeting on 9/15/86 concerning weight of Ride-On buses and whether restricting weight on the Maple Avenue Bridge would impact on delivery trucks to Washington Adventist Hospital -- said he had not yet received answers to those concerns. The Mayor noted fire equipment might have occasion where they would need to use that bridge. In light of questions to be resolved, Councilmember Sharp moved to table the ordinance, duly seconded by Councilmember Iddings, carried unanimously.

Upon motion, duly seconded, the meeting adjourned at 9:25 P.M., to reconvene in regular session at 8:00 P.M. on October 14, 1986.

1st Reading: 9-15-86

2nd Reading: 9-29-86

Upon motion by Councilmember Sharp, duly seconded by Councilmember Haney, the following ordinance was introduced.

ORDINANCE NO. 1986-33

FY 87 BUDGET AMENDMENT NO. 1

AN ORDINANCE TO AMEND THE FISCAL YEAR 1987 BUDGET.

SECTION 1. BE IT ORDAINED AND ENACTED by the City Council of Takoma Park, Md. that the Fiscal Year 1987 Budget be amended as follows:

REVENUE AMENDMENTS

- a. Special Revenue Budget: Appropriate \$56,000 to Special Revenue Fund Account Number 3001.240, Acquisition, to account for receipt of Program Open Space Grant funds for FY 87.
- b. Special Revenue Budget: Appropriate \$90,636 to Special Revenue Fund Account Number 3001.250, Development, for receipt of Program Open Space Grant funds for FY 87 for development of the Jackson/Boyd and Eastridge Parks.
- c. Transfer \$1,787 from Account 991, General Contingency, as a General Fund Transfer to the Special Revenue Budget, Account Number 3003.000.

EXPENDITURE AMENDMENTS

- a. Special Revenue Budget: Appropriate \$56,000 to Special Revenue Fund Account Number 3500.600, Parks Acquisition, for the purchase of the Sister City lot.
- b. Transfer \$5,000 from Budget Account Number 991, General Contingency to Budget Account Number 503, Mayor and Council Contingency, to cover a grant of \$5,000 to Neighborhoods Together, Inc., for a Tenant Organizing Project.
- c. Transfer \$2,000 from Budget Account Number 991, General Contingency, to Budget Account Number 503, Mayor and Council Contingency, to cover a grant to the Takoma/Langley Park Business and Professional Association as matching funds for a Commercial District Management Authority (CDMA) project.
- d. Transfer \$3,200 from Budget Account Number 991, General Contingency, to Budget Account Number 995, Capital Outlay, to cover the purchase of carpeting for the City Administrative offices.
- e. Special Revenue Budget: A Budget line item 3500.703, Jackson/Boyd Park, is created with an appropriation of \$51,611.00.
- f. Special Revenue Budget: A Budget line item 3500.704, Eastridge Park, is created with an appropriation of \$40,812.35.

This Ordinance was declared adopted on this 29th day of September, 1986.

YEA: Councilmembers d'Eustachio, Haney, Iddings, Levy, Sharp and Williams.

NAY: None.

ABSENT: Councilmember Bradley.

ORDINANCE NO. 1986-34

WHEREAS, earlier this year, Neighborhoods Together, Inc. (NTI) approached the City concerning a City-wide Tenants Organizing Project; AND

WHEREAS, Neighborhoods Together, Inc. had received conditional approval for a grant from the Marianist Foundation Sharing Fund to help fund the proposed project if NTI could obtain a matching grant from another agency; AND

WHEREAS, on February 26, 1986, the Mayor and Council adopted Resolution No. 1986-17, committing \$5,000 in matching funds to Neighborhoods Together, Inc., to assist in the City-wide Tenants Organizing Project; AND

WHEREAS, the above-referenced Resolution did commit the funds contingent upon NTI obtaining additional funding from Montgomery and Prince George's Counties for support of their project; AND

WHEREAS, efforts were made to obtain the funding from the Counties, with the efforts being unsuccessful, although NTI has received a grant from the national Campaign for Human Development.

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

SECTION 1. THAT Neighborhoods Together, Inc. has made every attempt, although unsuccessful, to obtain additional funding from Montgomery and Prince George's Counties for the City-wide Tenant Organizing Project; AND

SECTION 2. THAT because a thoughtful effort has been made as required by Resolution No. 1986-17, the Mayor and Council do hereby authorize the City Administrator to execute a Letter of Agreement with Neighborhoods Together, Inc., a copy of which is attached hereto as EXHIBIT A, outlining the requirements of the matching grant as it relates to the tenant organizing project; AND

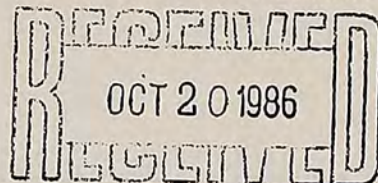
SECTION 3. THAT funds in the amount of FIVE THOUSAND DOLLARS (\$5,000) be released to Neighborhoods Together, Inc., upon the adoption of FY 1987 Budget Amendment No. 1, which would allocate the funding to Budget Account 503, Mayor and Council Contingency.

Adopted this 29th day of September, 1986.

Letter of Agreement

between Neighborhoods Together, Inc.
and the City of Takoma Park
October 21, 1986

CITY OF TAKOMA PARK



TAKOMA PARK, MD.

On Monday, September 29, 1986 the Takoma Park City Council passed Ordinance No. 1986-34, awarding a \$5,000.00 grant to Neighborhoods Together, Inc. for the City Wide Tenant Organizing Project (CWTOP) as outlined below:

The C.W.T.O.P. has four (4) major components:

1. Organizing:

Tenants will be organized within each of the seven city wards. N.T.I. will have at least 2 buildings organized within each city ward within the next year. Also, N.T.I. plans to revitalize the existing tenant associations and to encourage each association to have duly elected representation. One of the requirements for a tenant association to join the city wide tenant coalition will be to have a representative elected at a meeting where 50% of the building's population is present.

2. Education:

(a) Planning is in progress for the first Tenants Right to Know Workshop. N.T.I. plans to have at least 2 workshops within the next year. Also, N.T.I. plans to make workshops and seminars available to tenants which are offered by such groups as the Washington Area Training Center.

(b) N.T.I. plans to send out newsletters to tenants as needed to keep them informed. A minimum of 4 newsletters will be produced.

3. Institutional Changes:

Working with the City of Takoma Park, Prince Georges County and Montgomery County, Neighborhoods Together and tenants will work to bring about legislative and policy changes which will strengthen tenants rights and opportunities. In Takoma Park it is hoped that many suggested changes will come out of the Tenants Task Force. (Exchanges which will foster a climate for new housing initiatives such as low equity cooperatives.) The Tenants Right of First Refusal, presently under consideration by the council is an important first step.

4. New Initiatives:

N.T.I. would like to explore using money available as a result of the Governor's Initiatives on Housing. N.T.I. will be attending meetings in fall 1986 to learn the specifics regarding various Maryland programs. N.T.I. foresees working with Takoma Park's Department of Economic Development to bring these resources into our area. Also, N.T.I. intends to facilitate the establishment of non-profit cooperatives.

5. No funds from this grant will be used to implement Objective # 7 of the C.W.T.O.P. implementation plan.

Stephen J. DelGuidice
Mayor Stephen DelGuidice
Mayor of Takoma Park

10/21/86
Date

Leslie Agro
Leslie Agro, President
Neighborhoods Together, Inc.

Oct 17, 1986
Date

NEIGHBORHOODS TOGETHER, INC. (N.T.I.) CITY-WIDE TENANT ORGANIZING PROJECT (C.W.T.O.P.)

TIME FRAME SEPTEMBER 1986 to August 1987

EXHIBIT "A"

Ord. No. 1986-34

page 2

7

Objective VI: Develop Neighborhood Crime Watch for apartment buildings in the seven wards of Takoma Park, the focus being crime prevention, drug prevention

Implementation Tasks:

1. Obtain cooperation of the Takoma Park Police Department
2. Develop a network of block and apartment watches
3. Network with existing programs to establish new resources for more effective prevention projects

Objective VII: Develop strategies for the involvement of religious institutions in N.T.I. and C.W.T.O.P.
At least 1(one) new church/church network will be encouraged to participate in NTIs' CWTOP each Quarter.

Implementation Tasks:

1. Obtain training in church-based organizing
2. Meet with local churches and church networks
3. Evaluate progress

Objective VIII. Establish a committee to investigate the new housing programs available through the State of Maryland, low-equity cooperative housing and any creative approaches to housing needs.

Implementation Tasks:

1. Recruit members to work on the committee
2. Obtain technical assistance where necessary.
3. Determine areas where MD Initiatives and/or cooperatives are feasible.
4. Select one or more sites for implementation.

	1st. Quarter 9/86-11/86	2nd. Quarter 12/86-2/87	3rd. Quarter 3/87-5/87	4th. Quarter 6/87-8/87
1. Obtain cooperation of the Takoma Park Police Department	●			
2. Develop a network of block and apartment watches	● ●	● ● ●	● ● ●	● ● ●
3. Network with existing programs to establish new resources for more effective prevention projects	● ● ●	● ● ●	● ● ●	● ● ●
1. Obtain training in church-based organizing		●		
2. Meet with local churches and church networks		● ● ●	● ● ●	● ● ●
3. Evaluate progress			● ● ●	● ● ●
1. Recruit members to work on the committee	● ● ●	● ● ●	● ● ●	● ● ●
2. Obtain technical assistance where necessary.			● ● ●	● ● ●
3. Determine areas where MD Initiatives and/or cooperatives are feasible.			● ● ●	● ● ●
4. Select one or more sites for implementation.				●

Foot note:

RESOLUTION 1986-17

WHEREAS, the Marianist Foundation have approved disbursement of \$5,000 to Neighborhoods Together, Inc. for a tenant organizing project, contingent upon approval of additional funding for the project from Montgomery County, Prince George's County and the City of Takoma Park; AND

WHEREAS, the City Council of Takoma Park recognize the long history of Neighborhoods Together's organizing accomplishments in this Community, including the successful Block 69 fight to protect Victorian homes in Ward 1 from demolition due to the proposed expansion of Montgomery College; the specific efforts to save the Carroll House on Takoma Avenue; the successful efforts to obtain approval for permit parking around Montgomery Community College; the successful efforts to obtain approval for construction of a new Takoma Elementary School; the successful efforts in 1977 to reduce overcrowding at the Carole Highlands Elementary School; AND

NOW THEREFORE BE IT RESOLVED, that the City Council does commit to contribute \$5,000 to Neighborhoods Together, Inc. for their tenant organizing project.

BE IT FURTHER RESOLVED that this commitment is contingent upon Neighborhoods Together obtaining additional funding from Montgomery and Prince George's County for support of their tenant organizing project.

BE IT FURTHER RESOLVED that the Mayor and Council are committed to assist Neighborhoods Together in approaching the two Counties to request funding from the Counties.

Introduced by: Councilmember Iddings

1st Reading: 9-15-86
2nd Reading: 9-29-86

ORDINANCE NO. 1986-35

WHEREAS, with the approved staff expansion in the offices of City Administration and Department of Housing Services, it has been determined that there is a need for space planning and interior re-design to accommodate the new personnel and necessary equipment; AND

WHEREAS, the City Library has contracted with the reputable firm of Michaels Associates Design Consultants, Inc. for the re-design of the Library; AND

WHEREAS, it has been determined that a cost-savings can be assumed by combining the City Offices re-design with that of the Library; AND

WHEREAS, Michaels Associates Design Consultants, Inc. has conducted a preliminary on-site review of the City Offices and has submitted a proposal for the interior re-design that includes seven phases; AND

WHEREAS, the City Administrator has reviewed the proposal and has recommended it approval to the Mayor and Council.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT in accordance with Section 2-42(a) of the City Code, 1972, as amended

SECTION 1. THAT the proposal from Michaels Associates Design Consultants, Inc., a copy of which is attached hereto as EXHIBIT "A", for professional services for space planning and interior design services for the City Offices, is hereby accepted; AND

SECTION 2. THAT the fee for the seven phases of the proposal will not exceed THREE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$3,500.00), to be appropriated from Account 535, Administration Subcontracts; AND

SECTION 3. THAT the City Administrator is hereby authorized to enter into a contract with Michaels Associates Design Consultants, Inc. to provide the professional services outlined in EXHIBIT "A", provided that the firm file with the City the affidavit required by the City's Nuclear-Free Zone Act.

Attachment: EXHIBIT "A", Michaels Associates Design Consultants, Inc. Proposal.

Adopted this 29th day of September, 1986.



**MICHAELS
ASSOCIATES**

DESIGN CONSULTANTS

5308 Remington Drive Alexandria, VA 22309 703 360-1297

MAY 23 1986

Mr. James S. Wilson, City Administrator
CITY OF TAKOMA PARK
7500 Maple Avenue
Takoma Park, MD 20912

17 May 1986

Dear Mr. Wilson:

Michaels Associates is pleased to submit this proposal for space planning and interior design services for your City Building main level, including the Administrative offices and support areas and Housing offices, an area of approximately 5200 square feet.

It is our understanding that you will be adding approximately four additional staff persons to those areas and that you wish to make as few changes as possible to existing walls and systems, making use of office landscaping and coordinating our work with those of your filing consultant and potential expansion of computers for word processing.

We propose the following phases of work:

- PHASE ONE Visit the site; meet with staff and discuss parameters and programmed goals for the areas involved; distribute questionnaires and equipment inventories for staff involved in reorganization; draft base floorplan based on as-built architectural plans.
- PHASE TWO Receive questionnaires and equipment inventories; prepare preliminary furniture and equipment plan based on those inventories. Owner review.
- PHASE THREE Upon owner review prepare a final floorplan/equipment plan with accompanying visual presentation board of color, materials, and furnishings selections. Prepare preliminary budget.
- PHASE FOUR Upon owner approval, prepare specifications for competitive bidding for construction/demolition, including electrical and lighting plans, and for purchase of new furnishings. Owner review.
- PHASE FIVE Assist owner, if necessary, with analysis of bids and recommend award of contracts.

Proposal for Interior Design Services
City of Takoma Park
17 May 1986

PHASE SIX Check shop drawings and review finish samples, and answer questions of contractors, factories, as required. Send installation plans to all installers, vendors, factories, etc.

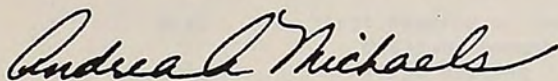
PHASE SEVEN Inspect the completed installation for quality, correct placement, compliance with specifications, and damage.

Our fee for the seven phases, presuming coordinating trips to Takoma Park with the library project, would not exceed \$3,500, billed monthly on the basis of \$55.00 per person-hour, net 30 days. Expenses, such as long distance phone calls and printing, would be reimbursable on a direct net basis. All work would be performed and presented by myself and/or my partner, David Michaels. We could begin work the first week in July.

It was a pleasure meeting you and Beverly; we look forward to the possibility of working with you. Please call us if you have any questions whatsoever. We would be pleased to provide you with references of our clients for whom we've done similar work.

Sincerely,

MICHAELS ASSOCIATES Design Consultants, Inc.



Andrea A. Michaels
President

Introduced by: Councilmember d'Eustachio

1st Reading: 8-11-86

2nd Reading: 9-29-86

ORDINANCE #1986-36

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

- SECTION 1a. THAT parking shall be prohibited on the northwest side of First Avenue from its intersection with Westmoreland Avenue, and continuing in the direction of Allegheny Avenue to the end of the paved portion of the City right of way; AND
- SECTION 1b. THAT parking shall be prohibited on the northwest side of First Avenue from its intersection with Westmoreland Avenue, and continuing in the direction of Eastern Avenue to the end of the paved portion of the City right of way; AND
- SECTION 2. THAT the Director of Public Works is hereby directed to erect the appropriate signing; AND
- SECTION 3. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 4. THAT the penalty for violation of this ordinance shall be as stated in Sec. 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

Adopted this 29th day of September, 1986.