

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council

TUESDAY, October 14, 1986

8:00 PM

AGENDA

- 8:00 CALL TO ORDER: Mayor Del Giudice  
8:02 ROLL CALL: Councilmember Bradley  
Councilmember d'Eustachio  
Councilmember Haney  
Councilmember Iddings  
Councilmember Levy  
Councilmember Sharp  
Councilmember Williams
- 8:05 PLEDGE
- 8:07 ADOPTION OF MINUTES OF 9/15/86 REGULAR COUNCIL MEETING & 9/17/86 PUBLIC HEARING ON RENT STABILIZATION
- 8:10 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS  
8:15 ADDITIONAL AGENDA ITEMS  
8:20 CITIZENS' COMMENTS (those not directed at items on Council Agenda)
- 8:40 ADMINISTRATIVE REPORTS  
8:45 (1) Resolution establishing location of Sibyl Pusti Memorial  
Citizens comments  
Council action
- 8:50 (2) Resolution of support calling upon U.S. and U.S.S.R. to address emigration of Soviet Jews during during the up-coming joint summit meeting  
Citizens comments  
Council action
- 8:55 (3) Second Reading of ordinance establishing vehicle weight limits for Maple Avenue and Flower Avenue Bridges (at Sligo Creek)  
Citizens comments  
Council action
- 9:00 (4) First Reading of Rental Housing Legislation pertaining to rent increases  
Citizens comments  
First Reading
- 9:15 (5) First Reading of Rent Stabilization Ordinance  
Citizens comments  
First Reading
- 9:45 (6) First Reading of Condemnation Ordinance for 6801 Westmoreland Avenue  
Citizens comments  
First Reading
- 10:00 (7) First Reading of FY 1986-87 Budget Amendment #2 (Public Hearing 10/27)  
Citizens comments  
First Reading
- 10:10 (8) Second Reading of an ordinance addressing Employees Longevity Pay  
Citizens comments  
Council action
- 10:20 (9) First Reading of an ordinance addressing Employee Classification Plan  
Citizens comments  
First Reading
- 10:50 (10) First Reading of ordinance re Employee Class/Personnel Grievance Process  
Citizens comments  
First Reading
- 11:00 (11) Resolution pertaining to transfer of Mont. Co. Cable Television Franchise  
Citizens comments  
Council action

ADJOURN

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REMINDER: Wednesday, October 15, 7:30 PM -- Special Session on Proposed Collective Bargaining Ordinance  
Monday, October 20, 7:30 PM -- Council Worksession  
Wednesday, October 22, 8:00 PM -- Public Hearing - Collective Bargaining Ord.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

October 14, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Asst. City Administrator Habada
Councilmember d'Eustachio	Interim Cable Coordinator Smith
Councilmember Haney	Code Enforcement Supervisor Clayton
Councilmember Iddings	Housing Coordinator Oliver
Councilmember Levy	
Councilmember Sharp	
Councilmember Williams	

The Mayor and Council convened at 8:08 P.M. on Tuesday, October 14, 1986 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of meetings/hearings held September 15 and 17, 1986 were presented for approval and adoption. Councilmember Haney moved adoption as written, collectively, duly seconded by Councilmember Iddings, motion carried.

Mayor Del Giudice referred to the recent MML Legislative Conference attended by himself and Councilmember Bradley, at which Maryland cities met to set an agenda for the upcoming legislative session; said 4 bills were agreed upon as priority items, i.e., Tort Liability Reform which would cap liabilities on cities; formation of an Inter-Government Cooperation Commission within the state; a State Revenue Sharing Program which would hopefully provide local governments with a share of state revenues; and a bill that would require the state to provide notice to local jurisdictions when a state-supported group home is being placed in a community. Additionally, he commented favorably on the recent paving by the Park & Planning Commission of Sligo Creek Parkway in the Prince George's County section of the City (at the City's request), thus completing paving of that roadway through Takoma Park. In conclusion, he noted the length of the agenda and asked that all present keep their comments concise and to the point so that all might have an opportunity to speak and all items be addressed. He noted withdrawal of several items from the originally published agenda, including items 2, 10 and 11.

Councilmember Bradley extended an invitation to all interested to a party at her home (8112 Flower Avenue) on Sunday, October 19, from 3-5 P.M. She said the "One City, One County" group had invited all the candidates for state delegate, county council and county executive for Montgomery and Prince George's Counties to meet informally at that time with interested citizens; she pointed out all City residents, regardless of the county in which they reside or own property, would be affected by unification and urged all to attend.

Councilmember Iddings related, concerning the planning process in which the Siegler Property Committee is engaged, that a concern is how to address the immediate problems caused by years of neglect both to the vegetation on the property and the carriage house. He said the committee, through various contacts, has been able to raise \$5,000 to meet emergency needs to deal with the aforementioned problems -- a \$1,000 grant from Historic Takoma, \$1,500 from the House & Garden Tour, and \$2,500 from the Horticultural Club. He said he was pleased that support, as initially anticipated, had been forthcoming from the community.

ITEMS FOR COUNCIL ACTION:

1. Resolution establishing location of Sibyl Pusti Memorial.

Councilmember Bradley referred to the passing away late last year of longtime City employee and resident, City Clerk Sibyl Pusti, and the committee that was subsequently formed, primarily comprised of fellow City employees, for the purpose of developing recommendations for a suitable memorial to Ms. Pusti. She said recommendations included development of a special area on the Library grounds for 1 or 2 benches and additional plantings, hopefully a large tree along with some shrubs and flowers. She noted there were additional recommendations, such as establishment of a lounge in the Municipal Building for employees, an issue close to Sibyl's heart, which were not being addressed in the current resolution. She said the committee would be committing funds, as well as raising funds, for the project, in addition to an amount of up to \$1,200 to be furnished by the City

to get the project underway; she moved passage of the resolution, duly seconded by Councilmember Iddings; carried unanimously.

RESOLUTION #1986-65  
(attached)

Councilmember Bradley stated that at least one large tree and some other plantings would be ordered so they could be planted in the fall, as well as two benches which take several months for delivery; a formal dedication would take place sometime in the spring. She expressed thanks to Rino Aldrighetti for his assistance in drafting the resolution, which the Mayor echoed.

2. Resolution in support of the Fast For Life.

Councilmember Levy introduced the resolution, stating it was supported by the Pilgrim Community of the Takoma Park Presbyterian Church and the Takoma Park Peace Task Force. Having read the document, she moved its passage, duly seconded by Councilmember Bradley; carried with Councilmember Haney Abstaining, balance of Council voting Aye. Mr. Haney commented that he questioned the sincerity of neither those who presented the resolution, nor those who were fasting, but was abstaining from the vote for personal reasons. Councilmember Bradley voiced support for the resolution; said it had been awhile since something of this nature was addressed.

RESOLUTION #1986-66  
(attached)

Joan Jacobs, 7428 Carroll Avenue: on behalf of the Peace Task Force, she urged that Council vote in favor of the resolution; said she felt it to be very important, and that it embodied the spirit of resolutions passed by prior Councils. She commented the persons fasting are very courageous; they are at a point in their fast that they need a concrete sign of support for their effort -- thought the City's resolution would be very encouraging to them. She said recent revelations of duplicity in the federal government concerning the level of involvement in sponsoring an illegal war make it appropriate for the City to make a statement on the issue.

Betty Hoover, representing CASA of Maryland: stated her organization strongly supports the resolution; related her observations from a month spent in Nicaragua, as well as a recent visit to El Salvador. She said those at CASA abhor the policies of the present administration; military policies there have killed over 100,000 civilians since 1979. She urged support for the resolution.

George Taylor, Pastor, Takoma Park Presbyterian Church, speaking on behalf of the Pilgrim Community who initiated the resolution: urged support for the resolution; said some members of the church had visited those fasting on the steps of the Capitol and talked with them; he briefly described the history of those involved, their fast, and reasons for it.

The Mayor noted that the National Day of Observance, October 17, was intended for others to join in the movement by participating in a one day fast.

Rudy Arredondo, 7105 Woodland Avenue, Pres. of League of Latin American Citizens in Montgomery County, State Director for LULAC: commended the Mayor and Council for considering the resolution and expressed his own support; urged that members of the Montgomery County Council be presented with a copy and encouraged to pass a similar resolution.

Councilmember Levy thanked all who had attended to speak in support of the resolution; said to her knowledge, no other city or municipality had passed such a resolution to date. She said plans are for a delegation to go to the Capitol steps on Friday, October 17, and present the resolution; invited interested persons to participate.

3. Second reading of ordinance establishing vehicle weight limits for Maple Avenue and Flower Avenue Bridges (at Sligo Creek).

Mr. Wilson noted the previously expressed need to identify any problems that would be generated by imposing the weight limits, particularly regarding fire department emergency equipment, hospital vehicles, and the Ride-On bus. He referred to Public Works Director Robbins' memorandum dated 30

September stating that while no problems would be presented for the Ride-On buses, the same was not true for fire department equipment -- thus, an exception had been added in the ordinance exempting emergency vehicles. Councilmember Bradley moved acceptance of Sec. 1(b) as an amendment to the ordinance, duly seconded by Councilmember Haney, carried unanimously. Adoption of the ordinance, as amended, was moved by Councilmember Bradley, duly seconded by Councilmember Haney. Councilmember Sharp raised questions concerning the ninety days jail penalty and enforcement, as well as any possible conflict with state law; the Mayor echoed those concerns; Mr. Wilson noted the need to ensure those concerns had been addressed. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, Haney, Levy, Sharp and Williams; NAY: None; ABSENT: Councilmembers d'Eustachio and Iddings.

ORDINANCE #1986-37  
(attached)

4. First Reading of Rental Housing Legislation pertaining to rent increases.

Councilmember Sharp moved acceptance for first reading; he remarked that, having talked to citizens, he would be prepared to offer possible amendments to the legislation at the second reading. Councilmember Levy seconded the motion. Mr. Sharp remarked that questions had arisen whether this proposed ordinance did not cover issues already addressed in the Code; he explained the differences and improvements that would be effected by the changes. He noted that the language, as written, provides that if there is an outstanding code violation in one unit of a multi-unit building, the landlord would be prohibited from raising rent in that particular unit, but not others in which no violations exist; said he wanted to know that provision was clearly understood. He said if there were common areas violations, or serious violations, then no rent increases at all should be allowed in the building until those are corrected. He briefly addressed other sections of the proposed legislation, and pointed out that vacancy decontrol of units, which has served as a loophole allowing landlords to circumvent rent control, is removed entirely. In response to query from the Mayor, Mr. Sharp suggested that the date to be supplied in Sec. 3(c)(1) be the first of the month immediately following adoption, e.g., if the ordinance were adopted in October, the date to be filled in that blank would be November 1, 1986; concerning the date to be chosen (from 4 alternatives provided) in the last sentence of the section, he suggested use of 30 days so as to impress upon landlords the need to correct Code violations or other deficiencies quickly. Councilmember Bradley expressed support for the proposed ordinance in that it clarifies the intent of various portions of the original legislation, however, questioned how this legislation ties in with Licensing and whether there is any duplication of effort between the two. Councilmember Haney expressed partial concurrence with Ms. Bradley's remarks, however, noted there were dramatic examples of buildings with serious violations which had not been addressed through the Licensing procedure; he expressed support for the ordinance.

Charles Becker, 7106 Maple Avenue, Apt. 2: inquired whether the ordinance would apply to rental properties having 5 or less rental units; said his understanding of the section concerning waiver was that a building having a violation which had not been previously cited would not be prevented from raising rent -- wondered whether that applied to a major violation; said he did not understand the waiver itself -- did it allow a landlord to raise rent despite being in violation and, if so, thought any time limit on the waiver would seem immaterial because once the rent has been raised, you are dealing with a fait accompli -- said if the waiver was as he perceived, then it would totally emasculate the intent of the ordinance. Mr. Sharp responded that buildings with fewer than 5 units were exempt under the ordinance; he pointed out that if there were a minor violation in a unit which the tenant had not reported until getting notice of a rent increase, that was not fair play -- did not think the landlord should be held responsible in that sort of situation; on the other hand, if it were a serious violation, it should be taken seriously, but still the landlord must have notice of it before he can be expected to remedy it. Concerning COLTA being allowed to grant a waiver allowing a landlord to raise rent despite existing violations, Mr. Sharp pointed out that there was precedence for rolling back rents -- did not think that provision emasculates the ordinance. Mr. Becker commented he would hope the ordinance would be made appli-

cable to buildings having fewer than 5 rental units -- said a tenant should not be penalized because he lives in a small building. He said if the ordinance requires an outstanding violation to have been cited, that penalizes the tenant for not acting in the capacity of a Housing/Code Inspector or policeman -- while some tenants may carry out that role, the vast majority will not simply for fear of being told to vacate -- he urged that not be a requirement, particularly in the case of serious violations. In conclusion, he reiterated opposition to the waiver provision on the grounds that it weakened the ordinance; said it was a bit idealistic to expect rent rollbacks to occur. Councilmember Bradley expressed concurrence with remarks concerning how proactive a tenant must be versus the City, which was one reason annual inspections were initiated -- said those inspections were supposed to be tied into Licensing once that legislation was passed; she reiterated questions about how this legislation, annual inspections and Licensing would tie into one another. The Mayor pointed out that Licensing, occurring at one particular time in the year, made it impractical to try to perform and have current inspections only at that one time; said he envisioned a dovetail situation, i.e., if a landlord came in with a notice/request for a rent increase the files in Housing would be checked to see if an annual inspection had been performed and/or if there were outstanding code violations. That situation would provide an opportune time for a reinspection to be done. If no annual inspection had been done in the preceding year, then one would be done at that time.

John Walker, 11356 Empire Lane, Rockville, owner/manager of a 6-unit rental building, 7523 Maple Avenue: stated he had owned and managed his building since 1981; had put over \$50,000 into capital improvements on the property; enumerated the work done in the past year and said the only way he could have afforded the work was because he had another job and because he was able to increase rent on the units. As an aside, he related he was a member of the Real Estate Investors of Metropolitan Washington, an association of small investors, as well as a member of an association of larger property owners called the Northern Virginia Apartment Association. He presented a written statement; said he felt it important to be a responsible landlord, and that was the charge of both organizations to which he belongs. He said he understood there were some very real problems with some rental buildings in the City, but thought the ordinances were taking the wrong approach; commented in opposition to the removal of vacancy decontrol, which he said would remove stimulation of capital improvements; said the proposed changes would generate additional burdens for City staff. He suggested a further meeting for in-depth discussion of the impact of the ordinance not only on staff but on the management of apartment buildings. He said the imposition of a lot of requirements, addition of a lot of unknowns, on apartment managers makes their function very difficult; said, in the long run, not only landlords, but tenants as well, would lose. In response to query from Councilmember Levy, Mr. Walker stated his current charge for a 2-bedroom apartment was \$475 -- those units have new kitchens, wall-to-wall carpeting, air conditioning, etc. He commented in favor of inspections in connection with Licensing, which gives the landlord the opportunity and impetus to correct violations -- did not think any additional burden should be imposed which would impact both staff and landlords.

Councilmember Sharp commented there appeared to be some conception of a double inspection requirement; said that was not his intent at all -- his conception was that when a proposed rent increase came in, City staff would search the files; if an annual inspection had not been performed, this could trigger so doing, however, it was not intended that unnecessary double inspections be done. He commented that, in listening to landlords, he did not hear any suggestions as to how to accomplish what was wanted by the City in regard to vacancy decontrol and the threat it poses to the whole concept of rent control because of the possibility of 60-day no cause evictions -- said that was the driving force for wanting to deal with vacancy decontrol. Mr. Walker expressed a willingness to meet and discuss that issue in depth when there was more time available to do so.

Michael Davidson, Edinburgh House Tenants' Assn., member of UMAAC: related he was a former commissioner on COLTA; said one thing very pertinent to inspections and Licensing is how information is kept and stored at COLTA. He said that information is faulty and incomplete; procedures for keeping information in the Housing Department need to be changed immediately, including keeping file cabinets locked other than during business hours and

keeping logs on files for accountability purposes. He pointed out that, under Section 1 of the subject ordinance (last sentence), just because a landlord has paid licensing fees does not necessarily mean he has a valid license. In relation to Section 3, he said that rent increases in excess of the ceiling, under the law as presently written, have to go before COLTA (not the Director of Housing [or a designee]), and that should remain the case. In that same section, where unpaid licensing fees are mentioned, wording should be inserted to the effect ... "whether or not the landlord actually has a valid license"...; in addition, he asked that the last sentence of Section 3 be stricken because the granting of a waiver undermines the process as well as the ordinance. He addressed the need to stagger the Licensing process throughout the year, rather than having it fall at one particular time, and tie in the annual inspections with that process, as well as elevator and fire department inspections.

Councilmember Sharp reiterated his earlier position concerning the waiver provision; he stated that Section 3 does not give the Director of Housing Services any discretionary power concerning rent increases in excess of the ceiling, but sets up a bookkeeping system wherein if a notice comes in that the landlord intends to raise rents less than the statutory limit, the Director or his/her designee will simply check the City records to see whether there is any specified condition existing that would preclude the rent increase and, if not, then the authorization is sent out. He said that the law, as currently written, does not provide control over landlords raising rents (up to 5%) even if there are outstanding code violations, an outstanding COLTA order which has not been obeyed, etc.

Wayne Upton, 7600 Maple Avenue: said he hoped the changes being offered by Mr. Sharp were a step in the right direction; noted there was an article in the current date's Montgomery Journal written by Greg Hamilton and entitled "Takoma Park Tenants Need Help;" he distributed copies of the article.

Michael Jackson, owner of Maple View Apartments, 7710 Maple Avenue: stated he had owned his building for the last 8 years; did not think Council comprehends the ramifications of the legislation they are getting into; he raised questions concerning vacancy decontrol; said "major" violation had not been defined and there is a need to do so, otherwise opinions of what is major could vary. He stated he felt the law as currently written was quite adequate to deal with all the problems; said the turnover rate in his building is low -- if there is a high turnover rate in a building, that is an indication of problems and those are the buildings that need to be addressed through stringent enforcement of the law that already exists. In responding, Councilmember Sharp commented that the Housing Article contains a definition of "serious" which he relied upon to fulfill the definitional need noted.

Alex Kontos: said he had resided in the City for about 18 years, was no longer a resident, but still owns properties. He said he believed, as others had already expressed, that the laws already existing were adequate to do the job -- what was being proposed would only create more problems for the City as well as for the landlords. He urged that the laws be kept as currently written; said he felt tenants were adequately protected and the landlords have to have a fair shake to be able to maintain their properties so as not to create a slum and also to be able to make ends meet. Councilmember Levy commented that the proposed legislation should not even concern landlords who properly maintain their properties -- that it only pertains to those who do not keep their property up; said she did not understand all the concern, that what is proposed is for the purpose of addressing issues that are not currently addressed in the law and should not be any burden to those landlords who are complying with the existing laws. Mr. Kontos reiterated that the existing laws are adequate, if properly enforced, to force landlords into compliance; what is proposed would penalize those landlords who do maintain their property through added administrative burdens. He noted that additional paperwork would cost the City more due to additional personnel needed to accomplish it. Ms. Levy rebutted Mr. Kontos' comments, stating she favored the ordinance and felt it might carry more weight in a court of law.

Marty Ellman, D.C. resident, owner of several rental properties in the City: stated he had owned property in Takoma Park for about 6 years; said he had always maintained his properties in the best possible condition. He noted that most of the housing stock in the City was built in the 1940's-

1950's and is very difficult and expensive to maintain. He said he did not think some Councilmembers are cognizant, when speaking of code violations, that a crack in a plaster ceiling can constitute a violation -- not posing any health or safety hazard, but nonetheless in violation of the BOCA Code. He commented that peeling exterior paint was likewise a violation, and, if noted in November, could not realistically be corrected until spring -- which might not be considered to be "in a timely fashion." He said to penalize a landlord for many of the minor violations cited in the BOCA Code would be both impractical and unfair. He pointed out that the City's Licensing law is probably one of the strongest on the books anywhere in the country -- a license can be denied to a landlord who has outstanding code violations, tenants can place their rent in escrow totally denying the landlord any income from the building -- said that seemed to be the strongest possible action to enforce the City's laws, and did not understand why it is not being done with the buildings cited on Maple Avenue as being violators of the code. He said he was frankly amazed that with the abundance of laws on the books today, the City after 5 years or more of rent control, still has the kinds of problems being discussed. He said a landlord has to be economically able to make the kinds of improvements needed to bring housing stock to its optimum state; related buying 7908 Flower Avenue, a building having longstanding, numerous and major violations, and spending \$50,000 on 5 units in that very small building in order to correct every single violation -- said it was reinspected last month and certified to have no violations. He said, in the process of doing all that, he had to raise rents to cover his costs and, were Mr. Sharp's provisions to be enacted, he would not have been able to raise rents to cover his costs; therefore, he would have had no incentive to make any improvements to the building. He commented on the renovations to 7611 Maple Avenue; said the owners had spent a fortune on improvements to that building. He said enacting provisions such as those proposed would do nothing but scare away owners such as himself who want to improve/upgrade properties. Mr. Sharp stated it was not the case that it would not be possible to raise the rents; the owner would do the same as the landlord of 7611 Maple did, i.e., go to COLTA -- he said the elimination of vacancy decontrol would not prohibit anyone from petitioning COLTA for permission to increase rent. He said while some may consider that a burdensome procedure, it is not prohibitive. Mr. Ellman questioned the capability of the Housing Department, given its current level of staffing, to carry out any additional burdensome procedures in a timely fashion. Councilmember Bradley commented on the need for information relating to how the proposed legislation would be integrated into Licensing procedures and elaborated thereon; she also noted the need to "beef up" enforcement procedures. Discussion ensued concerning COLTA orders and their enforcement (or lack thereof), the appeal process and its effect on rent control.

Naomi Turner, 7667 Maple Avenue, Pres. of Parkview Towers Tenants' Assn.:

said she was aware of only two buildings on Maple Avenue that had never experienced significant problems with code violations -- Dr. Jackson's building and 7611 Maple (since it went under new ownership). She said people were expressing concern about how they would be able to raise rents; said the landlords are getting a fee and asked where that money is going -- said they are not putting it back into the buildings. She said the problems are on both sides -- there are tenants who have no respect for property and make no attempt to see that their apartments are maintained, either by themselves or management. She said the existing problems could not be laid entirely at the feet of either the landlord or the tenants -- it reverts back to code inspections and the ongoing lack of enough code enforcement officers to handle the volume of problems. She said the City should hire at least five additional code enforcement officers to be able to adequately handle the existing problems which have been unabated since 1979 when discussions first began.

Councilmember Williams spoke concerning the responsibility in the situation of the Mayor and Councilmembers; he commented he did not feel Housing has adequate staff to address all the present problems; he noted the current meeting was the first at which he had heard expressions of concern from landlords about overtaxing City staff in dealing with problems -- he said if staff cannot handle the workload, they should come to the City Administrator, to the Mayor and Council, and make it known that we do not have enough people to accomplish the job; then funds can be appropriated to get the necessary personnel. He commented concerning the history of rent control and conditions prior to its enactment.

The Mayor noted the length of the agenda, the fact that the legislation at hand was for first reading only and would be open to discussion a couple of more times prior to second reading, as well as the fact there were people waiting to address other issues on the agenda.

Tom Gaqliardo: commented that when the proposed ordinance was discussed the previous week in worksession, public comment and discussion was not permitted; said the current turnout of attendees was the largest in the history of the present administration and people should be allowed, under a democratic system, to express their views; he opined that the published agenda was too long to be practical. He said he would summarize his own viewpoint and proposals and submit written recommendations in order to conserve time so that others might speak.

Following comments by Councilmember Bradley and Mayor Del Giudice concerning how the issues should best be addressed by speakers, commentary continued.

Vincent Abell, owner of 7667 Maple Avenue: spoke in favor of retaining the law as currently written; said maintenance problems are ongoing and under the proposed ordinance would be considered code violations; he equated the situation with the City not being able to levy a tax increase on citizens if there were a cracked sidewalk or street pothole in the city -- reiterated that maintenance is ongoing every day, the law has to be kept practical and enforceable. He said the law, as currently written, addresses major defects affecting health, safety and welfare; said Licensing had not been given an adequate chance to be utilized and enforced, nor have municipal infractions been properly and actively utilized; said the City already has the necessary vehicles, but needs to utilize them. Concerning vacancy decontrol, he suggested rather than eliminating it that a specific provision be inserted in the existing law that if a unit were vacated due to issuance of a 60-day no cause notice, the rent on that particular unit would not be decontrolled; said that would control the abuse about which concern had been voiced. He said while the City admittedly has problems with a few bad landlords, it was not fair to cast aside and penalize those who maintain their property.

Dan Schneider, representing Gates-Hudson, owners of 7611 Maple Avenue: concurred with prior statements that the City's existing laws allow bringing to bear very heavy pressures on landlords not complying with the law; said he would rather see those laws appropriately applied than enactment of additional laws. He, too, commented on the additional burden that would be imposed on City staff by the proposed ordinance; said perhaps if a version of what is proposed were enacted, a stipulation should be made that if no response were received by the landlord from Housing within a specified time, the lack of response would be interpreted by the landlord as approval. He said, in his reading of the proposed ordinance, it applied to all landlords -- did not single out only bad landlords -- would cost everyone time and money, and he was opposed to that. He expressed concurrence with Mr. Abell's suggestion concerning distinguishing between apartments vacated voluntarily and those vacated as a result of a 60-day no cause notice or an eviction that might be construed as retaliatory, and not eliminating vacancy decontrol.

Larry Ravitz, owner of 111 Lee Avenue: said he felt the proposed ordinance would make it more difficult and complicated to comply with the landlord-tenant laws, for both City staff and landlords; said he did not understand how rent control in relation to vacant apartments was being circumvented if the City was properly monitoring information provided by Licensing. He said he thought it would be found that most of the problems with the system boil down to the fact that the Housing Department is not being administered -- code violations are existing, there are not enough code inspectors, and the existing laws are not being enforced. He said elimination of vacancy decontrol would impact the landlord's budget, would work against correction of code violations; emphasized that what is needed is stringent enforcement of the already existing laws. He commented concerning the substantial additional burden that would be imposed on Housing staff by enactment of the proposed ordinance; said they are already doing very little of what they are supposed to be doing under existing laws, thus, he found it very distressing to be discussing enacting additional laws when the existing ones have not been properly enforced. He suggested that in the proposed ordinance where reference is made to outstanding code violations, language



to the effect ... "that have not been corrected within (x) days of notification" ... should be added.

Juanita Nunn, 7777 Maple Avenue: remarked she was overwhelmed by the presence of so many good landlords; said perhaps they could get together and arrange to purchase 7777 Maple Avenue; said they were all "holier than thou," want to knock the proposed ordinance down, want a 50% rent increase (said rents in the City had gone up 50% since 1980). She invited the good landlords present to do a walkthrough of the common areas at her address; said if the majority of landlords were good, rent stabilization would not be needed.

Dennis Seekins, 8217 Roanoke Avenue: said the law that is already on the books provides, under vacancy decontrol, that rent on a vacant unit cannot be raised more than what is average for a comparable unit in the same building. He said while Mr. Sharp was advising people to go to COLTA, he had personally heard Mr. Sharp state at the last COLTA meeting that half the rent increase cases are decided by a coin toss, had heard him say that the process is terrible, and yet he was continuing to tell people to go to COLTA. He said landlords are not the only problem; related a COLTA case wherein documents submitted to the commission by the tenant were original documents, admittedly removed from Housing Services files by the tenant. Mr. Seekins posed questions concerning vacancy decontrol; said he did not think all the ramifications had been carefully thought out. Mr. Sharp responded that he had heard enough from tenants to convince him that the law as currently written was being interpreted to mean that rent on a vacant apartment could be raised to whatever level was desired by the landlord, with no particular controls imposed; he responded concerning the effect of the proposed law on a hypothetical vacant unit situation described by Mr. Seekins.

Bill Luxemburg, owner of 8308 Flower Avenue: said he considered himself a good landlord because in 18 years he had had no code violations; said he had been trying to get approval for a rent increase, had been waiting 6 months with no response. He asked that Council not create any extra red tape; said there are adequate laws already on the books; if someone is not in compliance, they should not be issued a license. He said he had brought up, time and again, the code violations at 8310, next door to his property, and nothing had been done about it; said what is needed is better enforcement of the existing laws.

Leslie Agro, 7813 Carroll Avenue, Pres. of Neighborhoods Together, Inc.: explained that the organization she represents is a coalition of homeowners and tenants who are appalled; said she saw and recognized many responsible landlords sitting in the audience, however, had heard one speak who has only a temporary license and who categorized himself as a good landlord. She said she would really like for those who care about rental housing in the City to accompany her on a tour; said a video tape on rental housing in Takoma Park is in the production process; felt both the good and bad landlords in the City should be publicized, and that will be done with the aforementioned video tape. She said NTI's position is that there is a need to move ahead and make the Housing Department more efficient and more effective; said that department is in a crisis, is without a director, and has a system that is only half put together, all sorts of problems needing to be solved; however, she said new legislation is also needed to help City tenants who have been suffering for so long -- said if the system had been working, there would not be landlords coming into the City, buying properties and claiming they need more money to rehabilitate those properties, because there would not be a need to rehabilitate. She referred to the City's Housing Taskforce, chaired by Councilmember Bradley, which is in the process of addressing problems; said there is only one landlord member of that group, and invited others to join and to address their problems and concerns to that body.

Councilmember Sharp moved acceptance of the ordinance for first reading.

Judy (unintelligible), Briggs Chaney Road, Silver Spring: said over the years of owning property in Takoma Park and having lived in the City for 20 years of her life, she had seen it change a lot; said she thought the City had progressed tremendously and would like to see that continue, however, felt good landlords were continually lumped in with the bad and thought that was most unfortunate. She said enforcement of the Code needs to be

addressed -- enforcement is not occurring -- said she currently has a temporary license because there has not been a code inspector available to do an inspection; said there are too few inspectors for the workload and what is being proposed will add to that workload. She inquired what the timeframe and procedure would be for a rent increase under the proposed legislation; Councilmember Sharp responded that it seemed to be a perception that the legislation should set forth administrative aspects which he did not support, but had hoped those would follow in response to legitimate issues raised. The speaker elaborated on the additional work that would be generated for the limited staff, and said those things and their impact really have to be taken into consideration prior to passing legislation.

Tom Gagliardo, Maplewood Avenue: complimented Councilmember Sharp for taking the time to prepare the proposed ordinance; said he had reviewed it line by line and prepared a detailed set of proposed amendments, which he submitted. He commented he perceived from what had been said that the current system does not work for landlords or for tenants, and encumbering a system would not benefit anyone. He remarked he had been appalled at the excessive rent increases that had been granted some landlords by COLTA, e.g., 25% to Gates-Hudson. He said the goal and principle of his amendments was to avoid gentrification, displacement of people. He said he would propose that rent increase proposals go before either the Director of Housing or a Rent Commissioner (which could be a volunteer position, as is service on COLTA; there could also be Deputy Rent Commissioners). This would be only for purposes of initial screening to facilitate the process and allow prompt addressing of those cases that should clearly be approved or denied; he elaborated on that proposal. Concerning the waiver provision, he said he would suggest providing for an appeal which would extend to both landlord and any tenant in the building to which a proposed increase applies, which would only be fair. He said any rent increase imposed during a waiver period should be rebated to the affected tenants if the requirements to be fulfilled by the landlord during the waiver period are not fulfilled at the end of that period. He said he had always maintained that the ordinance, as written, does impose control on vacant units -- did not agree that the entire section should be deleted, but did concur there had been considerable difference of opinion on the matter; pointed out he had supplied new language which would clarify the situation. In conclusion, he said that having heard what landlords had to say, he had questions about the role of the Licensing ordinance in relation to the one at hand, and whether that should not be examined. He again complimented Mr. Sharp on his work, and said he hoped Council would enact the ordinance in some form.

The ordinance was accepted for first reading by unanimous vote.

ORDINANCE #1986-  
(attached)

5. First Reading of Rent Stabilization Ordinance.

Juanita Nunn, Acting Chair of COLTA: related that COLTA had met subsequent to their September 3 meeting (at which the vote was to continue the 5% cap on rent increases), however, a quorum was not present so no amendment could be made to the prior recommendation. Councilmember Haney moved that in Section 1(c)(2) of the proposed ordinance, four percent (4%) be inserted as the rent increase cap. For purposes of discussion, Councilmember Iddings seconded the motion. Councilmember Williams commented that a written report and recommendation had been previously received from UMAAC, an organization comprised of tenants residing in buildings on Maple Avenue between Sligo Creek and Philadelphia Avenue, proposing that the rent increase cap be pegged at zero percent; said he had also heard mention at the last worksession of two and a half percent; said it appeared that in the factoring process, a key item -- the tenants' ability to pay and/or economic status -- is always omitted. He said that over the years tenants have always paid more in increases than would be indicated by the consumer price index and that the budgetary strain had become intolerable -- 4% would provide no relief whatsoever; said he did not know where that figure came from, but he would not support it.

Tom Gagliardo: said regardless of the permissible increase that is decided upon, it was known by all that a landlord could petition and obtain an increase far in excess of the cap; said it was not at all clear on what basis COLTA was either approving or denying rent increases, nor was he

certain that the same criteria was being applied equally to all landlords. He said that, as a matter of principle, what should be sought was a system that was simple, fair, and predictable; judging by testimony from both landlords and tenants, the current one is anything but predictable, and the results it has produced has angered both landlords and tenants. He said he felt it incumbent upon the Council to determine for COLTA's reference and use, the fair market value of apartments in the City (i.e., what others of comparable size, equipment, etc., are renting for); said he was convinced that apartments on Maple Avenue, although badly maintained for the most part, have the highest rents in the City -- there's something wrong -- and those landlords should not be allowed any percent increase if they're already charging more than is reasonably necessary to maintain the building and obtain a reasonable rate of return on their investment. Additionally, he stated the Council should determine what constitutes a reasonable rate of return on investment for landlords, and that any landlord's request for a rent increase be measured by 1) whether the building is being maintained in accordance with the Code, 2) whether the landlord is enjoying a reasonable and adequate rate of return, and 3) whether the rents are in line with the market.

Alex Kontos: said the discussion seemed to have gone around in circles, ranging from 0% to 50-60% increases; said a landlord must get a return on his investment, otherwise he could not maintain his property; said his insurance had increased from \$1900 to \$3100 in the past year. He said while a recommendation for a 0% increase had been received, he could not believe the Council would do anything that unfair -- said that would make the City into a slum area.

Lorraine Byley, property manager with Kettrick Management: said she had delivered a memorandum to the Mayor and Council addressing her and her firm's position on the issue at hand. She said she had not heard mention by anyone that City Licensing fees had increased 33%, nor had she heard mention of the fact that on vacant units, there is sometimes loss of two months' rent on that unit while it undergoes renovation at the cost of \$2,000.

Brint Dillingham, 7018 Carroll Avenue: expressed support for a 0% increase; spoke at length concerning background of the various recommendations put forth, including those put forth by COLTA in prior years under James Arisman's guidance and using his formulae. He said in all the discussions that have occurred, one factor missing has been consideration of people's income in the area. He noted federal government as being the major employer in the area; said their pay raises dating from 1979 to date add up to an uncompounded accumulated 32.43%, rent increases from the same date add up to 55% (10% for 4 years, 5% for 3 more years), utility increase and decrease figures for those years (from Tony Austin's report) indicate an overall 38.9% increase; thus, he said rent increases in the City have exceeded federal pay increases by over 52%, and the utility increase percentage by over 41%; he continued at length citing federal pay increases vs. City rent increases, and utility increases/decreases vs. rent increases, pointing out that over the last 3 years rent increases have been almost 9 times what utility increases have been, and that for retirees, the rent increases have been twice as much as the COLA increases received on their retirement income. He said there had been an historic progression of people falling further and further behind when their rent increases are compared with their pay increases.

Dennis Seekins, 8217 Roanoke Avenue: pointed out numbers can be manipulated in any way desired; said if the rent increase cap were set at 0%, there would be a squeeze factor -- the good landlords would be hurt. He said he had been asked informally a few weeks ago by some members of UMAAC to get the good landlords together so the situation could be worked out; said he had carefully checked the records to ensure that those he contacted could be categorized as good landlords, and would personally vouch for the fact that at least 50% of those present could be considered as such -- would be the kind of landlord it was desirable to have in the City. He commented in favor of retaining the 5% increase cap as recommended by COLTA.

Kevin Johnson-Kiconas, 8510 Flower Avenue: said there had been a lot of talk about internal administrative problems; hoped that would not be allowed to get in the way of any legislative action the Council needs to take -- whatever legislative action the Council takes, it is then up to staff to

ensure it is carried through. He related that in some western states, some landlords who have no code violations and who put 25% of their income from a building back into maintaining that building, can automatically take a 5% (or [x] percent) rent increase. If a landlord had violations, he said the rent increase the landlord could justify was based on the percent amount he had put back into the building and was on an escalating scale -- the greater the rent increase he wanted to impose, the more he was required to put back into his building to correct violations. He pointed out strict monitoring was required and any increase granted could be withdrawn for failure to correct violations, but said that system rewarded those landlords who were trying to bring their buildings up to code. The Mayor asked that Mr. Johnson-Kiconas provide the City with some written information on that system, where it had been used, etc., so it could be looked into further.

Larry Ravitz, landlord of 111 Lee Avenue: said it should be kept in mind that Takoma Park has the second most stringent rent controls in all the D.C. metropolitan area; said nationally rent increases are at approximately 6%, as borne out by National Bureau of Labor & Statistics figures. He pointed out that what the City has is rent stabilization, not rent control with the intent of pinching the landlord for all possible. He pointed out the statement in Tony Austin's memorandum that local figures are not reliable, and the suggestion that national figures be utilized to determine escalation -- said 5% would be the ideal current rent increase cap. He pointed out that information disseminated by the Montgomery County Landlord-Tenant Bureau indicates that for the last three years, the Silver Spring/Takoma Park area has had the lowest rents in the entire county. He said if a 4% increase cap were imposed (versus the 12% D.C. allows on a vacant unit), the City's rent stabilization would then be the most stringent in the entire area, and he would regret ever having come to the City and becoming involved in the renovation project he has undertaken. He said other prospective good landlords with interest in fixing up buildings would also be discouraged from buying property in the City. He said some of the very pro-tenant people had remarked to him in confidence that 5% was not an unreasonable rent increase in a well-maintained building; said all the problems relate back to code enforcement and seeing that Housing has sufficient staff to do its job. He noted the issue of people on fixed incomes who could not afford rent increases was an entirely separate issue that would need to be addressed. He emphasized that if the City were made the most rent-controlled community in the area, buildings would not be maintained; it would be contrary to the best interest of the homeowners who will have to live next to the dilapidated rental buildings.

Unidentified female tenant from 116 Lee Avenue: inquired how many people could afford to pay increased rent when they did not receive any increase in wages; she said so far the rent in her building was the same as last year, had not gone up; said the building is very well kept, she is happy with it, hoped the rent would remain status quo because tenants could not afford to pay more rent. She said she felt landlords were getting an adequate income because most of the buildings are filled to capacity.

Dr. Jackson: said he had owned property for the past 8 years in the City; remarked he appreciated the opportunity of addressing the Council, but felt whatever was said was futile, thought situations were prejudged. He referred to an earlier speaker's comments concerning incentive for landlords who put money back into their buildings; said if that individual's formula were used in relation to 7710 Maple Avenue, just the current year alone, if a 5% increase were allowed on the total rent income from the building that figure would total about \$30,000; said \$200,000 had spent on a building that was seemingly well-maintained -- asked how that kind of money could be recouped with a 0% rent increase. He said the building was bought with a 5% interest rate which was now 11%. Concerning gentrification, he invited all those interested to accompany him to southeast D.C. to see what planned slums are; said if that is what is wanted in Takoma Park, it's where it's headed if a 0% rent increase is imposed. He said he was neither a good landlord nor a bad landlord, but an owner of a building who intends to maintain his building so that in the next 5 years it will look just as it does now, only wanted to make a reasonable return on his investment. He said there are some marginal landlords who have put a certain amount of money in their buildings and who have no positive cash flow -- the only way they have been able to maintain the buildings is through what they get written off on their taxes; said with the new tax laws, those people will be wiped out, and a lot of the small buildings will be on the market. He

said Council should consider that prior to enacting the ordinance.

Councilmember Sharp pointed out that the proposal on the table was for a 4% rent increase cap -- not 0% -- and that it would be more helpful for people to address that figure.

Unidentified male speaker: said people invest in real estate for business purposes, are not in it for the heart of the matter; said generally people are aware they will not have a positive cash flow prior to entering into a particular business situation, however, they do so for a reason -- all landlords will use the property they own, at some time or another, as a security to obtain loans, to take out deeds of trust, to engage in other business endeavors -- or they will eventually sell the property. He said, at the same time, they use it as a tax shelter. He said what had happened was that the money hungry landlords had already gotten out of the City; related that what happened in his building was that his landlord bought the building (a 46-unit building) for \$1,000, has 7 deeds of trust out on the property, the building has deteriorated; he said his landlord is hoping to rehab the building and sell it to a new owner -- that is how he hopes to make money on it -- if things don't work out, he will be stuck with that building. He said the real culprits are the landlords who have sucked the money out of the buildings, allowed them to deteriorate, and unloaded them.

Wolfgang Mueller, new landlord in Takoma Park: stated he had only owned property in the City for a few months; was also in the real estate business; said he respected what the Council was trying to do to stabilize and maintain reasonable rents for residents of the community and supported that effort. He pointed out it is also very important for the Council to maintain property values in the area, and investment properties are valued according to their income stream -- if the income stream is destroyed, the property value is destroyed. He said stability is very important for the business/economic environment; said if the 5% rent increase cap were maintained, at least some stability would be maintained and investors would not be discouraged.

Harold Wilson, tenant at 111 Lee Avenue: commended Councilmember Sharp for having the courage of his convictions; said he supports rent control, works in private industry and did not often get wage increases; said the issue was not about people but about property, it causes people a lot of pain and problems. He said while landlords are not without fault, it was often the fault of the occupants when buildings deteriorate because they do not take care of them as they should their homes. He expressed support for the 4% rent increase cap.

Leslie Agro, Neighborhoods Together, Inc.: said she was present at the direction of the Board of her organization, subsequent to their 10/9/86 Board Meeting, to relate that they had voted, after a very arduous discussion, in favor of a 2% rent increase cap.

Vincent Abell, Parkview Towers, 7667 Maple Avenue: noted that the ordinance addresses rent stabilization -- not rent control, and that it was passed for the purpose of preventing tenant displacement, not for the purpose of controlling rents. He said COLTA has had an increased case load, is already having emergency hearings; said the reason is that the 5% increase level is not enough to keep up with operating expenses on a building; said, also, as pointed out earlier, the new tax laws will adversely affect values of properties and lessen the return on rental property, and those losses will have to be made up from somewhere. He noted the 12% increase required by the City to maintain its operating budget; said capital improvements will be needed in a lot of buildings due to their age and a 5% rent increase would not fund those. He said his insurance premiums had gone up 94% this year (a little over \$8,000); said costs over which landlords have no control are going up more than 5%; he said he would be submitting pertinent documentation reflecting the real world.

In response to Mr. Abell's comments, Councilmember Iddings remarked that one of the marks of good management was the setting up of a sinking fund to provide in advance for replacement of major items when needed. He said it would not be good management to have to take capital expenses out of operating expenses and income immediately, and that should be discouraged. Mr. Abell reiterated rising costs, including the City's Licensing fee, which he said amounted to about \$1,000.

Greg Hamilton, 7600 Maple Avenue, #807: said it was not the landlord's fault, nor was he blaming the Mayor and Council, but his rent is \$570/mo. and technically should still be \$420 -- said the City's laws and the Housing Department had allowed his landlord to raise his rent for the last 4 years. He said the landlord had followed the procedures and was permitted the rent increases, which was the City's fault. He said the tenants are owed, they comprise 60% of the City's population; said he understood the issue was political, however, it impacts people's lives; people will have to move if their new landlord comes in and gives them a 10% rent increase, when there are still 78 pages of outstanding code violations. He said, under Lilienfield, tenants in his building are getting a 5% rent increase effective November 1, despite the aforementioned code violations and \$27,000 in outstanding fines on the building, which the City has still not taken to court. He said it was not the landlord he had been fighting for the last year and a half, but the City; said the Housing Department has not done their job, but they must have leadership and responsibility. He said the politics had to be put aside, that what is being dealt with is people's lives.

For the record, Councilmember Sharp pointed out that the Park Ritchie is in bankruptcy; the City is currently in the position of not being able to enforce fines against that building. Concerning the November 1 5% rent increase at the Park Ritchie, Councilmember Williams commented he had meant to ask Housing about the inspection they did there the prior week, that the increase could not occur unless the building were found by Housing to be free of violations. Following brief dialogue between Mr. Williams and the Mayor, a brief discussion ensued concerning whether it was appropriate to insert the 4% rent increase cap figure, as a proposed amendment moved earlier by Councilmember Haney, prior to its acceptance for first reading. The amendment passed with Councilmembers d'Eustachio, Haney, Iddings and Sharp voting Aye; Councilmembers Bradley, Levy and Williams voting Nay. The ordinance, as amended, was moved for acceptance for first reading by Councilmember Iddings, duly seconded. The ordinance, as amended, was accepted for first reading by a 4-3 vote (as reflected in the vote on the amendment). The Mayor thanked all for their attendance and input; noted the issue would be addressed further at an additional worksession and further Council Meeting(s).

ORDINANCE #1986-  
(attached)

6. First Reading of Condemnation Ordinance for 6801 Westmoreland Avenue.

Mr. Wilson noted receipt of Code Enforcement Supervisor Clayton's 10/14/86 memorandum concerning his reinspection of the subject property. Mr. Clayton related talking with Mr. MacDonald, the property owner, on October 3, at which time he indicated his continuing interest in renovating the subject property so that it would be habitable for him and his family; he had in his possession cancelled checks totalling \$18,500 and receipts, apparently for work done to date. Mr. Clayton said he went to the property on October 7 and walked through with Mr. MacDonald, at which time it was agreed he would return for a reinspection on October 11; he summarized the information contained in his 10/14/86 memo concerning the inspection done on October 11. In response to query from the Mayor, he stated that, in his opinion, the premises were not currently inhabitable. In response to query from Councilmember Haney, Mr. Clayton explained that the term "rough-in" electrical wiring meant that the electrical cable was in place, but no outlets, switches, etc. had been installed and wired, thus there are a lot of exposed wires waiting to be hooked up; he pointed out the same was true of the plumbing -- that pipes were in, but fixtures not installed and hooked up -- no dry wall installed. Councilmember Bradley noted that was usual practice, however, while awaiting inspection by the county inspectors. Mr. Clayton stated, in response to query from Councilmember Iddings, that no indication was given that the MacDonalds were awaiting county inspectors, but said Mr. MacDonald did indicate he was awaiting additional funding in order to complete the required work. Concerning whether the property remains a nuisance to the community, Mr. Clayton stated the basement door was not, in his opinion, secure -- there was plywood over it secured by a 2' x 4' -- ground level (basement) windows were not in place but were secured also by plywood -- said in terms of the building being safe and habitable, it was not. Thus, he said, on that basis he would have to consider that the building remains a nuisance in its current condition.

Councilmember d'Eustachio moved acceptance for first reading, duly seconded by Councilmember Haney. The Mayor inquired whether the statute referred to in the ordinance allowed for any option by the City other than demolition, such as proceeding with the renovation and placing a lien against the property. Mr. Wilson read aloud Sec. 6-66, which does provide for either repair or removal, with cost of either to be assessed against the property and become a lien thereon collectible in the same manner as delinquent City taxes. The Mayor stated that, while he concurred with the need to move forward, he would encourage that City staff investigate the feasibility of pursuing the option to demolition provided in the Code; he said obviously it would have to be ascertained what the existing encumbrances are on the property, such as mortgages or significant trusts. Councilmember d'Eustachio commented that the significant point of the current discussion should be whether or not the nuisances that the Council found to exist on the property upwards of 3 months ago were still unabated. The Mayor noted the presence of the property owner, Mr. MacDonald and inquired whether he would wish to address the Council.

Arthur MacDonald, owner of 6801 Westmoreland Avenue: stated he had applied to Colonial Mortgage in August for an additional loan to complete the work on the house; produced a cancelled check paying for an appraisal related to the loan. Additionally, he presented a copy of a letter from the contractor, Mr. Wheeler of Wheeler Enterprises, addressed to City Administrator Wilson, which Mr. Wilson read aloud. The document essentially stated that the contractor was awaiting Mr. MacDonald's obtaining of additional funding so that his firm could move ahead with completion of the project; it requested that the Council grant Mr. MacDonald a reasonable amount of time to produce the needed funds, and pointed out that the City would benefit by having the house restored to an acceptable dwelling and his firm would benefit by being allowed to finish the job and receive payment for the completed work. Mr. MacDonald's daughter, Irene, spoke briefly, inquiring why the house at 6801 Westmoreland was the sole issue when there is a house on Eastern Avenue in the City with the whole ceiling blown out. Councilmember d'Eustachio responded that that property was addressed at the last Council Meeting and a discussion is underway about doing the same thing with that property, i.e., initiating the condemnation process. Another daughter of the MacDonalds, Janet, translated comments from her mother which stated basically that she did not find it fair for the neighbors to be against them while they are doing their best to fix up the property so that they can again occupy it; they don't have the money to complete the work until the loan is approved; did not understand why the neighbors were so angry when they have done all in their power to fix the property so that complaints would not be made.

Councilmember d'Eustachio referred to the MacDonald's appearance before the Council last January when the statement was made that when the pending court case was settled in April (which it was), the money would be available to proceed with renovations; said when the MacDonald were questioned as to whether they had the necessary funds 3 months ago, they responded in the affirmative. He said he felt the Council had made a good faith effort to allow the family to accomplish what was needed; said he had personally given a family member his card and advised him to call him if problems arose -- said he had specifically told him not to wait and come to him at the end of the allotted period of time and tell him that they were having problems completing the work -- to let him know along the way if problems came up. He said throughout the process, where deadlines have been set, the property owners have agreed to those time limits and then when the deadline has passed, appeared to ask for another chance and more time. Janet said she was not very familiar with what had occurred along the way, but said the lawsuit settlement was \$20,000 for personal damages and that sum had been used to accomplish the work done to date on the house; the application was now pending with Colonial Mortgage for a loan to complete the work. Translating for her mother, she said an additional \$15,000 was needed to finish the work; the amount already invested was too substantial for the City to be contemplating demolishing the structure. Councilmember d'Eustachio pointed out that another option open to the MacDonalds would be to put the house on the market before the City can take any action; he noted it would be two weeks after the current meeting that the ordinance would be adopted, and then it would take additional time for a contract to be put out on demolition -- which meant there would probably be at least two months' lag between the present meeting and the soonest time that the City could commence demolition -- he urged selling the house and recouping

the money invested. Following additional lengthy comment from Mrs. MacDonald, translated by her daughter, the Mayor reiterated Mr. d'Eustachio's assurance that the City's timetable would afford the owners at least two months to consider and take some action which would alter the prescribed course of events. In response to query from Councilmember Williams, the MacDonald's daughter, Irene, stated her brother had been in contact with Colonial Mortgage concerning the status of the loan application, however, she had been unable to reach her brother to ascertain what he had learned. The Mayor remarked that as soon as anything was known about the status of the loan, that information should be communicated to City staff without delay.

Susan Stevens, 6800 Westmoreland Avenue: pointed out the MacDonalds are not homeless, the house in which they reside was purchased with their initial insurance settlement; she said she felt what they want is two houses and, given the lack of rapport between them and their neighbors at 6801 Westmoreland, thought it unlikely that they would really want to move back into the community; thought it more likely the house would become a rental property. She said the property was not routinely maintained -- grass was mowed for the second time this season recently only because an inspection was coming up; said for a long time after the accident, neighbors went out of their way to lend and offer assistance to the family.

In response to comments made by Ms. Stevens, Mr. MacDonald stated he had applied for rehab funds twice to the City, but was turned down -- the first time because settlement from the lawsuit was pending.

Arthur Karpas, 6916 Westmoreland Avenue: said the details of the situation and related comments had been heard time and again; said he would not wish to see the MacDonalds suffer any economic losses in connection with the issue, but said the neighborhood feels strongly that they have taken a great deal of abuse; he urged that the City proceed with the condemnation process on schedule, moving toward final resolution of the longterm situation.

In response to query from Councilmember Bradley, Code Enforcement Supervisor Clayton stated that, in his opinion, approximately 20-25% of the total work needing to be done on the house had been completed. Councilmember Bradley commented to the effect that there was a need to allow, in the demolition process, for improvements to be effected, even up to the eleventh hour, which might alter the outcome of the process. Councilmember Iddings commented that when the MacDonalds presented their proposed work schedule to the Council in July, he had noted the continuing delays in making repairs to the structure; said the building had been a constant blight adversely affecting a fragile neighborhood. He said the importance of doing the work in a timely fashion was impressed on the owners, and a proviso had been that the City would monitor that that was done; he said the instances in which demolition had been avoided had been when situations had proceeded expeditiously with the requirements of the Code. He expressed support for acceptance of the ordinance for first reading, and proceeding thereafter by the prescribed timetable; said while he did not wish to see the house torn down, it appeared the situation had retrogressed rather than progressing since July. The ordinance was accepted for first reading with Councilmember Levy Absent, balance of Council voting Aye.

ORDINANCE #1986-  
(attached)

Tom Gagliardo, as a citizen wishing to hear the proposals affecting City employees, requested that the remainder of the agenda be tabled, and those items addressed forthwith. It was noted the next item was related to those issues, would authorize the transfer of funds to pay employees. Mr. Gagliardo suggested the items, as printed on the agenda, could more specifically reflect their intent and purpose, with which a number of officials concurred.

7. First Reading of FY 1986-87 Budget Amendment #2.

In response to query, Asst. City Administrator Habada stated the existing blanks would be filled in at the second reading, following completion of calculations related to merit and longevity pay and following completion of evaluations of employees of all departments. She pointed out the need for the Mayor and Council to realize that no monies were included in the



ordinance to cover increases for department heads, because evaluations had not yet been done on those employees. She noted that in order for retroactive merit and longevity to be paid out on October 31 as planned, second reading of the ordinance would have to be scheduled for the next Council Meeting on October 27. Councilmember Iddings moved acceptance for first reading with the blank in Section 3 to be filled in with "July 1, 1986." The motion was duly seconded by Councilmember Sharp. Ms. Habada noted that under Revenues, item B., the total amount that would need to be appropriated would be more than anticipated in order to include fringe benefits and also increases for department heads. She commented a format was being put together to evaluate department heads and others and would be presented to the Mayor and Council for their use, if they so choose. Councilmember Iddings noted that merit and longevity increases for employees were deferred July 1, 1986, until October to afford the Mayor and Council an opportunity to implement some much needed reform in the City's personnel administration. He explained that the ordinance, if adopted, would allow payment of increases, as appropriate, retroactive to July 1 and effective for the remainder of the fiscal year. The ordinance was accepted for first reading with Councilmember Levy Absent, balance of Council voting Aye.

ORDINANCE #1986-  
(attached)

8. Second Reading of an ordinance addressing Employees Longevity Pay.

Attorney Silber noted that subsequent to first reading, Sec. 2-68 (pgs. 3-4) of the draft ordinance had been changed to be more generous to employees based on the practice of the City rather than the language of the Code. She explained that the accepted practice had been uncovered by examining all employee pay cards in the context of the work of the joint pay dispute resolution committee; said the assumption was that the practice of the City should be perpetuated in FY 1986-87 rather than the best reading of the Code provision as it currently stands. Additionally, she pointed out the sunset provision (page 5, Section 4.) which she said was brand new and makes it explicit that the ordinance is effective only through June 30, 1987, thus affecting only the current fiscal year. Councilmember d'Eustachio noted the relationship between the budget amendment passed earlier and the ordinance at hand. Attorney Mark Hessel gave a brief explanation of the new language in Sec. 2-68(a)(1) and (2) (pg. 4) and its intent; he said it clarified the apparent practice of the City for approximately the last 20 years as far as the committee could discern. Councilmember Iddings moved adoption of the amendments to Sec. 2-68(a)(1) and (2) as indicated in the draft ordinance, duly seconded by Councilmember Haney. Councilmember Sharp inquired whether he was correct in his understanding that what was contained in this legislation was a part of the entire negotiations going on, would be a part of the point system being developed. Mr. Hessel stated the legislation was consistent with the principle upon which the point system is based, however, was not discussed with the employee compensation advisory committee in its present context -- was not a product of negotiations. Mr. Sharp expressed concern that nothing be done that would adversely impact the thrust of the ongoing negotiations; he said while he would guess that what was proposed would be acceptable to employees, he would want some assurance. The Mayor pointed out that there was a need to establish some clarity for staff purposes regarding how merit and longevity should be paid for the current fiscal year. Attorney Silber noted some employees might not find what was proposed to be acceptable; some employees were at present meeting among themselves to discuss the matter; she said another option would be to again table payments until the rules were clear and the committee had had an opportunity to make recommendations; or alternatively, to insert a sunset date correlating with the report back from the committee rather than the end of the fiscal year on June 30. She pointed out that the reason the ordinance was again on the table for second reading was that the committee had not met its October 10 deadline, an October 1 deadline was established for making payments, thus the intent of the lawyers was to put forth language that would keep good faith with the prior commitments. Mr. Sharp said he took the sunset provision of the ordinance very seriously, felt some of the promotion practices, longevity practices, etc., were very much in need of attention, and if the ordinance at hand were passed, he would not want anyone to think that Council found the current practices to be acceptable. The question was called on the amendment addressing promotion practice; the motion to amend carried with Councilmember Bradley Abstain-

ing, Councilmembers Levy and Williams Absent, balance of Council voting Aye. Councilmember Iddings moved to amend the ordinance by acceptance of the sunset date provided in Section 4., duly seconded by Councilmember d'Eustachio; carried with Councilmember Bradley Abstaining, Councilmembers Levy and Williams Absent, balance of Council voting Aye.

Attorney Tom DeCaro spoke, stating that initially some employees were concerned about the ordinance and its provisions, but, having discussed it, have no problem with it given that it contains the sunset date. He said the concern was there because the legislation wasn't a product of the committee and it took awhile to digest.

Councilmember d'Eustachio moved adoption of the ordinance, as amended; duly seconded by Councilmember Haney. Councilmember Bradley inquired whether, if someone got a promotion on June 1, they would then get any pay raise given that year on July 1; response was affirmative. She commented that there had been discussions some time ago concerning making pay raises effective on employment anniversary dates versus the first of the fiscal year -- perhaps grandfathering present employees and doing as mentioned with new employees. The Mayor pointed out that the ordinance was for the purpose of setting forth current practice, was not intended to address some of the concerns related to possible changes and improvements in the system -- it was hoped those would be addressed in the near future and resolved because the proposed ordinance does contain a sunset provision. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings and Sharp, NAY: None; ABSTAINED: Councilmember Bradley; ABSENT: Councilmembers Levy and Williams.

ORDINANCE #1986-38  
(attached)

9. First Reading of an ordinance addressing Employee Classification Plan.

Councilmember Iddings pointed out that the ordinance addresses the work done by a group of employees who were trained in factoring jobs under the direction of Selig Associates. He said every job in the City was put through the factoring process whereby points were assigned in certain categories to each, and then each was placed in a specific class; the result of the process was the proposed reclassification. For purposes of discussion, Councilmember Sharp moved acceptance of the ordinance for first reading, with the change that the grades be numbered beginning with 1 rather than 6 and consecutively thereafter; duly seconded by Councilmember Haney. Mr. Wilson commented he had initially thought this would be incorporated with the grievance procedure and related matters, which would allow for the resolution of any conflicts that might arise in respect to the classification plan; however, he pointed out that legislation was withdrawn from the agenda earlier, thus, was not up for consideration. Councilmember d'Eustachio remarked that despite the grievance procedure having been withdrawn, given the number of employees present, he would wish to hear any comments on that as well as the classification plan, in that the two were an integral part of each other and, hopefully, would be adopted at the sametime.

Police Sgt. Jack Goetz: referred to a memorandum he had submitted; said he did not believe a police agency could appropriately be factored with other jobs in the City -- a number of pertinent factors would be omitted, e.g., stress, civil liability, etc. He pointed out that the union interested in representing some City employees had stated that there were a lot of different needs within a police agency as their reason for suggesting that the police department be a separate unit insofar as union representation. He said that 90% of the police department was downgraded in the reclassification, which raised a lot of questions in those employees' minds about the whole process. Councilmember d'Eustachio questioned whether Sgt. Goetz's point was that factoring could not be applied to a police department or whether he meant that Takoma Park Police Department was not factored appropriately. Sgt. Goetz stated that there was no argument about the need for reclassification; however, did not think the same factors could be used for the police as for other City jobs -- the process would be too general. Councilmember d'Eustachio commented that while he could understand there might be a need for additional factors to apply to police, that would not call into question the whole concept of factoring. Sgt. Goetz concurred that having two systems of factoring -- one for police and one for other

City employees -- would probably be the answer. Sgt. Goetz pointed out that law enforcement work was rated as the third most dangerous occupation in the U.S.; said stress was an additional factor and police, as reflected in numerous studies, rate at the top as far as alcoholism, suicide and divorce.

Sgt. Jim Rosenthal: said he had not been given any opportunity to review his class specifications and request changes; said he was shown his job description and told to sign it. Nor was any explanation given for why updated job descriptions were presented for signature, he said; additionally, those descriptions were essentially two years old. He said he understood from informed sources that some job descriptions were not turned in to the factoring committee until after the process was underway, thus, those persons turning them in late may have had knowledge of some of the factors prior to turning in their rewritten job descriptions. He said that while 90% of the police department was downgraded, those job descriptions turned in after the start of the factoring process were upgraded. He pointed out that while the factoring process considered that a police sergeant supervises 5 people, he had 11 paid persons under him for whom he was responsible, as well as 8 volunteers. He pointed out that ongoing education was a requirement for police personnel, while other jobs classed in the same grade did not have that requirement. He conceded that some sort of factoring system is needed, but said he believed the present reclassification to be flawed, and asked that the Council not accept it for first reading until an opportunity had been afforded for the flaws to be worked out and the class and personal grievances heard. He commented that all of the proposals impacting employees were being presented piecemeal; asked that consideration be given to presenting all the issues as a major package rather than piece by piece, dribble by dribble.

Tom Gagliardo: expressed concurrence with Sgt. Rosenthal's and Sgt. Goetz's comments. He referred to a factor analysis done some time ago for the City by the University of Maryland Institute for Government; said under that system, he analyzed his own job, giving himself every benefit of the doubt as well as consciously over-rating himself on certain factors, and could not total higher than a police sergeant -- said that told him that the factors and weights were worth no more than a hoot in a windstorm (his job requires a college degree plus 3 years of law school and he has 12 years of experience, incurs a lot of responsibility and civil liability). He said he felt the citizens of the City are entitled to a full explanation of Mr. Selig's factoring system, including the factors and the weights they were given, as well as the results of the study and reclassification; said a copy of the report, if there is one, should be made public -- summarized in an executive fashion, but in a meaningful way. The public should be told who was upgraded and who was downgraded, and how the City's classifications rate with those of other municipalities. He emphasized that while he did not expect answers immediately, he did expect answers; inquired why grades 16 and 18 were blank, also why a library shelver was a grade 9 and a tool library attendant a grade 10 -- a police private a grade 11 and a code enforcement officer a grade 12. He commented on the danger under which police officers work and said that should be reflected in their pay check; said he could not understand why Recreation Department's classifications were higher than the a Police Sergeant's. He said he did not understand why all of this had not been more publicized to the citizens; suggested it be advertised that a copy of the consultant's report was available at the City Office and/or Library for examination, and no action be taken until time was afforded for citizens' comment and until employees' input had been considered and acted upon. The Mayor thanked Mr. Gagliardo for his input, said the report would be made available as suggested. Councilmember Iddings suggested the salary schedule for employees be made public as well so that citizens know how much employees are being paid and can evaluate and comment on that also.

Sgt. Randy Benavente, Criminal Investigations: related that he was the Chairman of the factoring committee, and really did not know what the committee had done; said reasons were not given to him for changes made in positions; there were several things throughout the process that made him doubtful, yet he was unaware of the overall system. He said questions arose from some police department personnel during the process (similar to those expressed by Sgts. Goetz and Rosenthal), but the committee was told they could only work with certain things. He said he raised the question of fiscal responsibility in connection with civil liability -- was told if

you did not have budgetary control, fiscal responsibility was not a factor. He said, in his view, if an officer drew his weapon, he was incurring fiscal responsibility on behalf of the City, however, the committee was told they could not address that because the police officer had no ultimate responsibility for the budget or for how the incident would reflect on the budget. He stated he did not think any action should be taken on the ordinance at present because the grievances, personal and/or class, were no doubt pending. He stated he was volunteered to serve on the committee, but received no formal training to do so; said while serving thereon, he lacked some of the information regarding factors that was furnished to other committee members. Councilmember Bradley inquired further concerning comments made earlier concerning some job descriptions being turned in after the factoring process had begun. Sgt. Benavente stated that after the second meeting, committee members were told that no notes or paperwork were to leave the committee workplace. He said the Recreation Department had not completed their job descriptions -- were not required to turn them in until the committee had already met 3 or 4 times. During the time the factoring was being done, he said he could recall and could have recited most of the factors and their weights and, it seemed obvious since the proposed ordinance came out, that there was a marked upgrading of personnel in the Recreation Department. Councilmember d'Eustachio remarked that what was apparently being said was that there were flaws in the way the system had been administered, rather than what Sgt. Goetz had said earlier, i.e. -- that a police department could not appropriately be factored using the same factors as those applied to other City jobs. Sgt. Benavente commented that as a result of questions he raised during the process concerning work environment, all working police officers with a few managerial exceptions, were given an additional point on that factor -- said he did not think even that adjustment was sufficient. Councilmember d'Eustachio remarked that what he was trying to discern was whether it was thought the factoring system itself was lacking, or whether an error had been made in not having all job descriptions turned in prior to commencement of the process -- said it would be one thing to make adjustments to the process, but another to have to look at the police department under a completely different system. Sgt. Benavente said he thought both things were true -- that some factors were inappropriately applied to police and that some things could not and were not factored in because the jobs in that department are inherently different from anything else in the City.

Sgt. Goetz spoke concerning the job descriptions being done at the time of Maryland University's project, at which time explanation was given for what was being done and the descriptions were signed off on; however, said he had absolutely no knowledge of the job descriptions' relationship with the reclassification study by Selig -- said he had assumed those were a part of the accreditation the police department is working on. Councilmember Bradley noted that job descriptions could be used for a variety of purposes.

Sgt. Rosenthal stated his allegation was that it was extremely possible the reclassification system was tainted at the current point in time, and said, in his opinion, law enforcement agencies were very difficult to grade in any aspect; he inquired concerning Mr. Selig's expertise in factoring law enforcement agencies; reiterated his request that the ordinance not be acted upon because it would be very difficult to get answers to all the questions raised during the next two weeks. The Mayor inquired whether Sgt. Rosenthal meant by "tainted" the fact that some job descriptions were not turned in prior to the beginning of the factoring process, or whether he meant there was some question about the process itself. Sgt. Rosenthal responded that, if you had job descriptions being turned in during the middle of the factoring process, when the process has already been explained to departmental representatives on the committee, that occurrence very specifically lends itself to being open to being tainted; said he was not accusing anyone of doing so, but the opportunity existed. The Mayor said that Sgt. Rosenthal did not know that, in fact, the representative from the Recreation Department wrote the job descriptions -- Sgt. Rosenthal responded in the negative. Or, the Mayor said, it could be that Belle Ziegler wrote the job descriptions and she never really knew what the factors were -- Sgt. Rosenthal responded that was correct.

Sgt. Rosenthal said the factoring system itself could be flawed in that Mr. Selig might be inexperienced in the style of work required in law enforcement agencies. Mr. Selig stated he had evaluated 13 law enforcement agen-

cies; 3 were done prior to institution of the factoring process 8 years ago; he said in those other agencies done, the same 8 factors were used as were used in the process for Takoma Park. In response to query from Councilmember Haney, Mr. Selig stated the first he heard of job descriptions being turned in after the factoring had begun was when it was mentioned by Sgt. Goetz the other night. He said at that time Mr. Wilson asked that Sgt. Goetz let him know which department it was so the matter could be looked into -- said he personally had only learned at the present meeting which department was involved. He said if Sgt. Benavente, Chair of the committee, had stated that was the sole department that had done so, he would have to assume that was correct; said it would be ludicrous for a detective to make such a statement without having evidence and a reason for so stating. In response to query from Pfc. Barbara Strickland, Mr. Selig stated that all of the law enforcement agencies factored accepted and used his firm's recommendations; he identified those agencies: Garrett County Sheriff's Office, Alleghany County Sheriff's Office, Washington County Sheriff's Office, Frederick Police Department (not factored), Bel Air Police Department, Cecil County Sheriff's Office, Kent County and Queen Anne County (not factored), Caroline County, Ocean City Police Department, and Worcester County Sheriff's Office.

Contrary to what was stated in Mr. Selig's October 3 letter, Pfc. Strickland stated she was never given an opportunity to review her class specifications or request changes thereto. She pointed out the job she is performing is designated for a Corporal; said the classification for a Private First Class, which is her rank, was not at all appropriate for the work she is doing. She said, of course, when people were not afforded an opportunity during the process to raise questions, none were raised; also, despite what was stated in Mr. Selig's letter, changes were made without anyone being afforded an opportunity for dispute. In response to query from the Mayor, Mr. Selig stated, concerning the job descriptions, that when he originally came to the City, he outlined his generally used method, i.e., having each employee respond to a questionnaire outlining his/her job duties and responsibilities, education required, etc., and then writing, from those, a job class description. He said he was told by the City to look at what they already had -- a book containing class specifications for all City positions -- and he was told that the employees had signed off on them already. Thus, he said, his response was that he would not have to do that part of the program and charge the City for it since it was already accomplished. From there, he said he asked that a factoring committee be appointed, but stipulated that if, during the process, certain positions were found where the specifications did not appear to be in line with what Selig had previously seen, they would reserve the right to audit those positions. He said, to the best of his recall, they audited 3 positions during the process and reclassified 2 of those -- said to his knowledge, his firm only reclassified 2 positions out of the entire system -- and while those 2 positions were in the police department, they were not sworn officers -- they were administrative. Pfc. Strickland reiterated that, at the time the job descriptions were signed a couple of years ago, she was told it was to go on file for purposes of verifying that people were aware of what they were supposed to be doing -- not that it would in any way be tied into job evaluation or classification. The Mayor ascertained from Pfc. Strickland that what she was saying was that her job was not accurately described; he pointed out that was a lot different from saying that the factoring system does not work. Councilmember Sharp noted it should make no difference to what use a job description is put if the description is accurate. Pfc. Strickland raised questions about a Parks Foreman being in the same grade as a Police Corporal; said she was told that in the factoring system, whether or not persons had a private office was a consideration and police dispatchers were considered to have a private office, despite that being one of the most public offices in the City. Councilmember Bradley opined that there must be a way, despite comments voiced, of factoring dissimilar jobs, perhaps weighting some more heavily than others with additional points; she said some people had really worked hard and developed certain positions, however, one thing that had to be looked at by a public entity was what the lowest qualifications were a person could have and still come in and fill the basic part of that job if the individual occupying it left the City's employ.

Councilmember Iddings remarked that while he was interested in all the comments he had heard, he had heard nothing that shook his confidence in the whole factoring process; said while mistakes may have been made with

specific job classes, those could be addressed through the grievance procedure. He said he would vote to accept the ordinance for first reading, but would suggest presenting it again along with the grievance procedure and other personnel ordinances for first reading at a later date, so the entire package could be considered as an entity. He noted the next step would be to allocate money to the grades, but emphasized the importance of having the grievance process in place so that any problems with job classes could be addressed and ironed out. Councilmember Bradley pointed out that under the Code, as presently written, there was a Personnel Grievance Board which was used a couple of years ago to settle a couple of disputes; she inquired how what was currently proposed would affect that. The Mayor stated it would enlarge the authority of that board, would slightly enlarge its composition; that board, as the Code is currently written, does not address classification disputes.

The Mayor commented that police officers seemed to feel there is a lack of recognition of the difficulties of their job; said while no one present would dispute that the police have the most hazardous duty in the City, his understanding was that, on three different counts in the process, some consideration was given to that. He elaborated, stating that Mr. Selig had said that no one had ever been rated at a 5 in relation to working conditions in his experience; most police officers were given the highest rating for their significant contact with others in their work, and the same was true under complexity of duties. He said while some may feel their job descriptions do not reflect what they are actually doing and that they should be rewritten and their jobs reclassified, that was why it was so important to get the grievance procedure in place to address those sorts of complaints. He commented that if police dispatchers were rated as having a private office, that was ludicrous, but that was the sort of thing the Personnel Grievance Board should address and iron out. He said he felt it would be inappropriate for the elected body to start tinkering with the process that was set up, wherein City employees did the actual factoring. He said he saw nothing to indicate any problem with the factoring process itself, thought it should be left to the grievance committee to decide whether an individual employee or a class of workers was treated fairly. Councilmember d'Eustachio commented he would not support accepting the ordinance for first reading at present, not because he did not believe in the integrity of a factoring system per se, but because he had unresolved questions about whether or not the police department should be looked at separately from other City departments. Additionally, he said the other related ordinances also need to go through the first and second reading process and the only reason for accepting this one for first reading would be to speed it along in the process -- said he would not support this one at all without a related grievance procedure. Sgt. Holford asked that acceptance for first reading be postponed to afford time for the credentials of other law enforcement agencies factored by Selig Associates to be examined and for them to be questioned; said he did not think they would be found to have circumstances similar to those in the City's police department. Councilmember Iddings stated he did not think the City's police were in a unique situation; said the City does have a longterm history of not dealing with personnel issues until they reach a point where there is a grievance and money has to be thrown at the employees to avoid going through lawsuits; said he wants to avoid that and get to a point where personnel policies are on a sound management principle, and that is not presently the case. He said to delay action at this point is to delay achievement of that goal. Sgt. Holford noted most of those agencies mentioned by Mr. Selig were Sheriff's Departments in western counties, which operate, for the most part, from 9 to 5. Mr. Iddings proposed that the ordinance be accepted for first reading, and that a second first reading be held along with the grievance procedure. The Mayor stated he would probably not put it down for another first reading, but would hold it in abeyance until the grievance procedure had had a first reading. Councilmember Iddings disagreed with that, in that it precluded continuing the discussion at some time other than 2:20 A.M. The question was called, the ordinance was accepted for first reading with Councilmembers Haney, Iddings and Sharp voting Aye, Councilmembers Bradley and d'Eustachio voting Nay, Councilmembers Levy and Williams Absent.

ORDINANCE #1986-  
(attached)

Mr. Wilson noted that the ordinance dealing with the pay period and pay

date had not been dealt with; suggested that it be addressed at the October 20 worksession in Special Session.

10. Resolution effecting appointments to Montgomery County CDBG CAC.  
Passage of the resolution was moved by Councilmember d'Eustachio, duly seconded, carried unanimously.

RESOLUTION #1986-67  
(attached)

Upon motion, duly seconded, the meeting adjourned at 2:25 A.M., to reconvene in regular session at 8:00 P.M. on October 27, 1986.

Introduced by: Councilmember Bradley  
Prepared by: Rino Aldrighetti

Adopted: 10-14-86

RESOLUTION NO. 1986- 65

WHEREAS, Sibyl Pusti was a resident of Takoma Park for thirty-three years and a City employee for fifteen years; AND

WHEREAS, Sibyl Pusti faithfully served the City of Takoma Park as City Clerk from 1975 to 1985; AND

WHEREAS, Sibyl Pusti was held in the highest regard by her fellow employees and the citizens of Takoma Park; AND

WHEREAS, a mark of this high regard and esteem in which she was held is the recent formation of the Sibyl Pusti Memorial Committee.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Takoma Park commend the citizens and employees of Takoma Park who have formed this committee; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council endorse the Committee's plan to establish the Sibyl Pusti Memorial Garden, to include one tree and two benches, on a site adjacent to the Takoma Park Municipal Library and will be pleased to make such land available for such purposes; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council encourage citizens and employees to participate in the living memorial to a woman who embraced so many of the qualities that made her a help and friend to us all; AND

BE IT FURTHER RESOLVED THAT the City of Takoma Park will loan the Sibyl Pusti Memorial Committee \$1,200 to get this worthy project underway so that a Spring dedication may be held; AND

BE IT FURTHER RESOLVED THAT these monies may be used to match funds to include citizen and employee contributions and will revert to this project on a dollar for dollar basis.

Adopted this 14th day of October, 1986.



COPY

Introduced by: Councilmember Levy

Adopted 10-14-86

RESOLUTION #1986-66.

A RESOLUTION IN SUPPORT OF THE FAST FOR LIFE.

WHEREAS, U.S. war veterans George Mizo, Duncan Murphy, Charles Litsky and S. Brian Wilson have been fasting since early September 1986 in protest of U. S. government policies in Central America; AND

WHEREAS, they have issued the following statement:

"We are so convinced of the immorality and illegality of this new Vietnam ... that we offer our lives in a statement of ultimate protest ... We choose not to be a party to crimes against humanity committed in the name of the American people. When leaders act contrary to conscience, we must act contrary to leaders. We will be praying for a change of the hearts and minds of our own people. We will patiently look for evidence that the North American people refuse to live in the silence of implied consent. We will wait prayerfully for a new commitment to peace, for an escalation of resistance to illegal, immoral, government policies," AND

WHEREAS, Takoma Park has demonstrated its concern for PEACE through the creation of a Nuclear Free Zone and a Sanctuary for Central American refugees.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park, Maryland support the Veteran's Fast For Life and urge the citizens of Takoma Park to reflect on the reasons for the fast and consider participation in the National Day of Observance, October 17, 1986.

Adopted this 14th day of October, 1986.



COPY

Introduced by: Councilmember Bradley

1st Reading: 9-29-86  
2nd Reading: 10-14-86

ORDINANCE NO. 1986- 37

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

SECTION 1. THAT Chapter 13 of the City Code is amended by adding the following article and section:

ARTICLE 10. Bridges.

Section 13-76. Weight Limits for Vehicles.

(a) Maximum Weight. A person must not drive a vehicle over a bridge if the vehicle weighs more than the maximum safe weight for the bridge. The maximum safe weights for bridges are:

<u>Location of Bridge</u>	<u>Maximum Safe Weight</u>
Maple Avenue over Sligo Creek	15 tons
Flower Avenue over Sligo Creek	11 tons

(b) Exception. These restrictions shall not apply to emergency vehicles.

(c) Penalty. A person who violates this section is guilty of a misdemeanor and may be punished by a fine of \$500.00 and ninety (90) days in jail.

SECTION 2. THAT the Director of Public Works is directed to install appropriate signs to notify the public of the weight limits established by this ordinance.

SECTION 3. THAT this ordinance shall become effective upon adoption.

Adopted this 14th day of October, 1986.

ORDINANCE NO. 1986-

WHEREAS, because well-maintained and affordable rental housing is in the interest of all citizens of Takoma Park; AND

WHEREAS, because compliance with the landlord-tenant laws of Takoma Park is an important aspect of maintaining such housing; AND

WHEREAS, because under the present Code there is a possibility of Takoma Park's policy of rent control being circumvented when apartments become vacant.

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

SECTION 1. THAT the Mayor and Council hereby provide that there shall be no increase in rents in Takoma Park if a landlord desiring to impose such an increase has any outstanding code violations, has failed to obey an order of the Commission on Landlord-Tenant Affairs, or has unpaid licensing fees or City taxes; AND

SECTION 2. THAT vacant rental dwellings are subject to the identical requirements for rent increases as are occupied rental dwellings; AND

SECTION 3. THAT Section 6-80.17(c) of Article 7 of the Takoma Park City Code, 1972, as amended, be amended with the addition of subsection (c)(1), as indicated below:

(c)(1) It shall be unlawful for any landlord or anyone acting on behalf of a landlord to charge or collect any rent for any dwelling unit which exceeds the lawful rent chargeable for such unit on 1986 unless the landlord has reported the rent increase to the Director of the Department of Housing Services and received authorization from the Director (or a designee) for the increase to be made. Upon receiving such a request for a rent increase which is less than the prevailing statutory amount requiring review by the Commission on Landlord-Tenant Affairs (see subsection (c)(2), below), the Director shall issue the authorization unless the landlord has any outstanding housing code violations, outstanding orders of the Commission on Landlord-Tenant Affairs with which the landlord is required to comply, unpaid licensing fees, or unpaid City taxes. In such cases the authority for a rent increase shall be denied until such time as the landlord complies with the unfulfilled requirements. A copy of the authorization shall be (1) sent to the landlord; (2) sent to the president of any tenant organization in the rental dwelling registered with the Department of Housing Services; (3) posted in a prominent location in the dwelling. The landlord may seek a temporary waiver of the Director's determination only on the grounds of economic hardship by filing a request, which shall include a date by which the landlord will correct the violations, with the Commission on Landlord-Tenant Affairs. After review, the Commission may grant a waiver which shall in no case exceed (30) (60) (90) (120) days.

SECTION 4. THAT Section 6-80.17(e)(3)(A) shall be changed to read as follows:

"2. HOWEVER, NO RENT INCREASE MAY BE MADE IF there are serious outstanding Housing Code violations in your building which affect the health, safety and/or welfare of the tenants; or the rent for your apartment was increased within twelve (12) months preceding the effective date of the rent increase called for in this notice; or if you did not receive this written notice at least sixty (60) but not more than ninety (90) days before the effective date of the rent increase called for in this notice; or if the landlord has failed to obey an outstanding order of the Commission on Landlord-Tenant Affairs to which the landlord continues to be subject; or if the landlord has failed to pay the licensing fee for the rental dwelling; or if the landlord has failed to pay City taxes for the rental dwelling. ; AND

SECTION 5. THAT Section 6-80.17(n) be deleted

(n) Any vacant apartment unit may be rented at the level of comparable apartment units within a building with "comparable" being defined on the basis of square footage, efficiency, one-bedroom, two-bedroom, three-bedroom-or-more apartments. ; AND

SECTION 6. THAT Section 6-80.17(c) shall be redesignated as (c)(1) and (c)(2), and Section 6-80.17(o) shall be redesignated (n), and all references thereto in the City Code shall reflect these redesignations.

(Strikeover) denotes deletions  
(Underlining) denotes additions

ORDINANCE NO. 1986-

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

SECTION 1. THAT Sections (c), (g), (g)(1) and (g)(5), of Section 6-80.17, "Rent Guidelines," of the Code of Takoma Park, Md., 1972, as amended, be further amended to read as follows:

Sec. 6-80.17. Rent guidelines

[NOTE: Redesignation of (c) to (c)(2) in conjunction with proposed ordinance introduced by Councilmember Sharp.]

(c)(2) It shall be unlawful for the landlord or anyone acting on behalf of a landlord to charge or collect any rent for any dwelling unit which exceeds the lawful rent chargeable for such unit on September 10, 1985 \_\_\_\_\_, by more than five percent (5%) four percent ( 4 %) unless the landlord has first obtained a determination from the Commission on Landlord-Tenant Affairs that a rent in excess of five percent (5%) four percent ( 4 %) than the lawful rent chargeable on September 10, 1985 \_\_\_\_\_ is justified in accordance with this section of this article.

(g) Proposed increases of more than five percent (5%) four percent ( 4 %).

(1) Whenever a landlord proposes a rent increase of more than five percent (5%) four percent ( 4 %), the landlord shall provide an affidavit on a form provided by the Commission setting forth the justification for the increase. Upon receipt of the affidavit, the Commission shall review the justification presented by the landlord and determine whether the rent increase is reasonable based on the landlord's presentation. The Commission shall have the authority to determine how often a landlord may make application each year.

(5) In the event that the Commission shall determine that the landlord is not justified in increasing the rent above five percent (5%) four percent ( 4 %), the Commission shall notify the landlord and affected or interested tenants of its finding.

(Strikeover) denotes deletions.

(Underlining) denotes additions.

Introduced by:

1st Reading: 10-14  
2nd Reading:

ORDINANCE NO. 1986-

WHEREAS, on July 23, 1986, the City Council adopted Ordinance No. 1986-22, which in Section 1 of the above-referenced Ordinance, stated in part that the building located at 6801 Westmoreland Avenue, Takoma Park, Md. "...is in a condition which menaces the lives of persons residing in the neighborhood of the building and does not allow for occupation due to extensive fire damage...", and establishing a date for a hearing to allow the property owners to show cause as to why the building should not be declared a nuisance; AND

WHEREAS, on July 28, 1986, the City Council of Takoma Park, Maryland adopted Ordinance No. 1986-25, declaring the property located at 6801 Westmoreland Avenue, lot 8, block 18, Pine Crest Subdivision, recorded among the land records of Montgomery County in Liber 4355 at Folio 6300, Tax Account #1060145, Takoma Park, Maryland, a nuisance; AND

WHEREAS, Ordinance No. 1986-25 required the owners of the property referenced above, Arthur M. and J. N. MacDonald, to abate the Housing Code violations as cited in Exhibit A of Ordinance No. 1986-22, and to restore the building to a habitable condition or demolish the building and remove all debris on or before October 14, 1986; AND

WHEREAS, the contractor hired by the property owners, Wheeler Enterprises, Hyattsville, Maryland, has contacted the City's Housing Services Department to advise that the property owners have issued a stop work order for the renovations taking place at the property to abate the housing code violations, due to lack of funds; AND

WHEREAS, during an inspection of the property conducted on October 11, 1986, by the City's Code Enforcement Supervisor, it was found that the Housing

Code violations cited as Exhibit A of Ordinance No. 1986-22, have not been abated and that the property remains in a condition which menaces the lives of persons residing in the neighborhood of the building and does not allow for occupation due to extensive fire damage.

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

SECTION 1. THAT Section 6 of Ordinance No. 1986-25, adopted 7-28-86, ordered the property owners, Arthur M. and J.N. MacDonald, to either abate the referenced Housing Code Violations or demolish the building and remove all debris on or before October 14, 1986; AND

SECTION 2. THAT as of October 14, 1986, the property owners, Arthur M. and J. N. MacDonald, owners of record of 6801 Westmoreland Avenue have not abated the Housing Code violations as cited in Exhibit A of Ordinance No. 1986-22, thereby not fulfilling the requirements as stated in Ordinance No. 1986-25; AND

SECTION 4. THEREFORE, THAT in accordance with Article 6, Chapter 6, Section 6-66, Takoma Park Code, 1972, as amended, the Mayor and Council do hereby direct City staff to take appropriate action to move forward with demolition of the building located at 6801 Westmoreland Avenue, with all costs so associated with the demolition to be assessed against the owners of record, Arthur M. and J.N. MacDonald, 1019 Ruatan Street, Silver Spring, Maryland 20903, and that said costs are to become a lien thereon, and collectible in the same manner as delinquent City taxes.

SECTION 5. THAT this ordinance shall become effective upon adoption.

ORDINANCE 1986-

Budget Amendment No. 2

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

SECTION 1. At the time of adoption of the pay plan by Ordinance 1986-23, enacted 6-30-86, the Council deferred the granting of merit and longevity increases to employees to October 1, 1986, or on an earlier date if the City first:

(a) receives its Consultant's report on reclassifying the position and salaries in the pay plan and the Mayor and Council adopt an ordinance amending the pay plan;

(b) completes evaluations of its employees; and

(c) resolves all pending pay disputes.

SECTION 2. The City Council finds that further deferral of merit and longevity increases is not appropriate or necessary.

SECTION 3. Every employee will receive a pay step increase retroactively to July 1, 1986, if the employee:

(a) was found eligible for a pay step increase under Section 2-102 of the City Code because of meritorious service; and

(b) is in step A, B, C, D, E, F, G, H, or I of the employee's pay grade.

SECTION 4. Every employee will receive a longevity step increase if the employee meets the following standards.

(a) An employee who has been in step J for the last two years and has twelve consecutive years of service with the City shall advance to step L-1 on the pay scale in the grade in which they are currently classified.

(b) An employee who has been in step L-1 for the last three years and has fifteen consecutive years of service shall advance to step L-2 on the pay scale in the grade in which they are currently classified.

SECTION 5. THAT the Fiscal Year 1986-87 City Budget be amended as follows:

Revenues

A. To correct a printing error in the FY86-87 budget in Revenue Account number 404, Penalties and Interest; the corrected figure shall be \$14,420 and the Total Taxes-Local shall be \$3,266,699.

B. Appropriate \$ \_\_\_\_\_ from Unappropriated Surplus for purposes of increasing revenues available for the FY86-87 Budget.



EXPENDITURES

- A. Transfer \$ \_\_\_\_\_ from Merit Pay, budget account number 996 to Salaries - City Administrator and Staff, budget account number 510.
- B. Transfer \$ \_\_\_\_\_ from Merit Pay, budget account number 996 to Salaries, Accounting Staff, budget account number 540.
- C. Transfer \$ \_\_\_\_\_ from Merit Pay, budget account number 996 to Salaries, Cable Television Division, budget account number 580.
- D. Transfer \$29,514. \_\_\_\_\_ from Merit Pay, budget account number 996 to Salaries - Civilian & Sworn Personnel, budget account number 600.
- E. Transfer \$ \_\_\_\_\_ from Merit Pay, budget account number 996 to Salaries, Department of Housing Services, budget account number 700.
- F. Transfer \$ \_\_\_\_\_ from Merit Pay, budget account number 996 to Salaries, Public Works - Office, budget account number 800.
- G. Transfer \$ \_\_\_\_\_ from Merit Pay, budget account number 996 to Salaries, Public Works - Government Building Division, budget account number 830.
- H. Transfer \$ \_\_\_\_\_ from Merit Pay, budget account number 996 to Salaries, Public Works - Repair Shop Division, budget account number 850.
- I. Transfer \$ \_\_\_\_\_ from Merit Pay, budget account number 996 to Salaries, Public Works - Parks Division, budget account number 865.
- J. Transfer \$ \_\_\_\_\_ from Merit Pay, budget account number 996 to Salaries, Public Works - Sanitation Division, budget account number 875.
- K. Transfer \$ \_\_\_\_\_ from Merit Pay, budget account number 996 to Salaries, Public Works - Streets Division, budget account number 885.
- L. Transfer \$8,450 \_\_\_\_\_ from Merit Pay, budget account number 996 to Salaries, Recreation Department, budget account number 900.
- M. Transfer \$4,972 \_\_\_\_\_ from Merit Pay, budget account number 996 to Salaries, Library Department, budget account number 930.
- N. Transfer \$13,529 \_\_\_\_\_ from Merit Pay, budget account number 996 to the appropriate City departmental fringe benefit accounts to cover the City's contribution on fringe benefits.

SECTION 6. Effective Date. THAT this ordinance is effective \_\_\_\_\_, 1986.

INTRODUCED: Councilmember d'Eustachio

First Reading: 6-30-86  
ENACTED: 10-14-86

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ORDINANCE NO. 1986 - 38

BE IT ORDAINED by the Council of the City of Takoma Park, Maryland:

Section 1. PURPOSES. Nothing in this ordinance is intended to be a substantive change in the practices of the City or in Section 2-67 of the Code. This ordinance incorporates into Section 2-67 provisions of other ordinances that were adopted without explicitly amending the Code. The purposes of this ordinance are to clarify Section 2-67, to amend Section 2-68 to reflect the City's practice, and to repeal both sections before a new system becomes effective, unless the Council extends these sections.

Section 2. AMENDMENTS TO CODE. Sections 2-67 and 2-68 of the Takoma Park Code (1972), as amended, are further amended to read as follows:

Sec. 2-67. Determination of an employee's pay increase.

(a) Date of pay increases. Except for increases associated with promotions, All all pay increases irrespective of any individual employee's anniversary date shall be implemented on the first day of a new fiscal year. Pay These pay increases may be deferred upon action by the Mayor and Council. Increases associated with promotions become effective when the promotion becomes effective.

(b) Merit increase. A Merit increase is one step in the pay scale. However, a step in the pay scale does not by definition equate with an employee's number of years of service. Pay increases for work performance are not automatically granted. The Mayor and Council make a determination whether the City should give merit increases. In a year in which the City is giving merit increases, ~~An~~ an employee's work must demonstrate that his or her work performance meets acceptable standards before a pay increase for merit is granted., ~~and~~ ~~provided there has been no leave without pay totalling ten (10) regularly scheduled work days during the prior fiscal year.~~ Leave ~~if the employee took leave without pay in excess of ten (10) regularly scheduled work days during the prior fiscal year,~~ this leave shall require that the merit step increase be postponed beyond the time provided in Subsection (a) for a corresponding period of time. If an employee is in step J or higher, the employee does not receive a merit increase, but may receive a longevity increase under Subsection (d) of this section.

(c) Cost of living increase. A If any cost of living increase is granted, a fixed percentage rate, shall first be determined by the Mayor and Council for cost-of-living needs and then applied to the general salary schedule. Only the Mayor and Council shall determine said percentage rate, subject to the recommendation of the City Administrator.

(d) Longevity steps. ~~Longevity step pay increases will be granted if:~~

~~(1) An employee has ten (10), fourteen (14), or eighteen (18) consecutive years in service; and,~~

~~(2) The employee is in step G of the pay grade to which his or her position is assigned.~~

There are two longevity increases.

(1) An Employee receives the first longevity step increase if the employee:

(A) has 12 consecutive years of service with the City;

and

(B) has been in step J for the last two full years.

(2) An employee receives the second longevity increase if the employee:

(A) has 15 consecutive years of service with the City;

and

(B) has been in step L-1 for the last three full years.

Sec. 2-68. Salary rates for reallocations, promotions and demotions.

(a) Upward reallocations and promotions. If an employee is promoted or is an incumbent of a position that is reallocated to a class with a higher assigned salary grade or promoted, the employee's new pay step rate of compensation shall be: granted according to whichever of the following criteria is greater:

~~The pay step in the general salary schedule immediately above the employee's present rate of pay;~~

(1) the same as the pay step in the former grade if the change only increases the employee's grade by one; and

(2) one pay step less than the pay step in the former grade for each additional change in grade, so that the pay step is reduced by one step if the grade increases by two grades, and the pay step is reduced by two steps if the grade increases by three grades.

(b) Individual downward allocations. If an employee is an incumbent of a position that is reallocated to a class with a lower assigned salary grade, the employee's rate of compensation shall remain unchanged from that which he or she is receiving on the effective date of such action, even if his salary is in excess of G step J of the grade to which the employee's position is assigned.

(c) Demotions. When an employee is demoted either voluntarily or involuntarily, the specific pay step within the assigned salary range shall be determined by the City Administrator. In no instance, however, shall the City Administrator establish an employee's salary rate in an amount less than step A of the position to which the employee is

assigned subsequent to his or her demotion.

NOTE: Underscoring denotes material being added to the Code.  
~~Strikes~~ denote material being deleted from the Code.

Section 3. EFFECTIVE DATE. This Ordinance shall be effective upon enactment.

Section 4. EXPIRATION DATE. Unless extended by an ordinance adopted by the Council, Sections 2-67 and 2-68 no longer have any effect and are repealed effective June 30, 1987.

Adopted this 14th day of October, 1986.

ORDINANCE NO. 1986-  
Position Classification Ordinance

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

SECTION 1. PURPOSE. The purpose of this ordinance is to:  
(a) amend the grade structure adopted by Ordinance No. 1986-23; AND  
(b) establish a personnel classification system.

SECTION 2. CHANGES IN THE GRADE STRUCTURE. The grade structure for all employees other than the City Administrator, recreation attendants, and crossing guards is established in Section 2(e) of Ordinance No. 1986-23. The grade structure in Section 2(e) is amended to read as follows:

GRADE            JOB CLASSES

- GRADE 6 :
- GRADE 7 : Custodian
- GRADE 8 : Laborer; Clerk Typist I
- GRADE 9 : Account Clerk I; Library Shelver; Communications Dispatcher; Assistant Driver
- GRADE 10: Recreation Aide; Tool Library Attendant; Equipment Operator I
- GRADE 11: Account Clerk II; Secretary; Personnel Clerk; Library Assistant; Recreation Specialist; Police Private; Driver Foreman; Equipment Operator II
- GRADE 12: Administrative Clerk I; Playground Coordinator; Equipment Operator III; Code Enforcement Officer I
- GRADE 13: Administrative Clerk II; Executive Secretary; Gym Supervisor; Police Private First Class; Tree Maintenance Foreman; Building Mechanic; Mechanic; Community Development Coordinator
- GRADE 14: Account Supervisor; Administrative Supervisor; Deputy City Clerk; Police Affairs Specialist; Police Corporal; Parks Foreman; Street Foreman; Housing Coordinator
- GRADE 15: Librarian; Police Sergeant; Sanitation Supervisor; Street Supervisor
- GRADE 16: Youth Outreach Worker; Recreation Supervisor; Code Enforcement Supervisor
- GRADE 17: Assistant Library Director; Police Lieutenant; Cable TV Coordinator; Shop Supervisor
- GRADE 18:
- GRADE 19: Police Captain (Deputy Chief); Assistant Public Works Director; Director of Economic & Community Development
- GRADE 20: Library Director; Recreation Director; Director of Housing Services
- GRADE 21: Assistant City Administrator
- GRADE 22: Police Chief; Public Works Director

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective \_\_\_\_\_, 1987.

10/14/86

Introduced by: Councilmember Paul d'Eustachio

Adopted: October 14, 1986

RESOLUTION NO. 1986-67

WHEREAS, The City of Takoma Park is an active participant in the Montgomery County Community Development Block Grant (CDBG) program, and is heavily dependent on the CDBG program for funds to meet a variety of economic development needs, and

WHEREAS, Decisions affecting the allocation of County Block Grant funds are strongly influenced by advice presented to the Montgomery County Department of Housing and Community Development, the Montgomery County Executive and the Montgomery County Council by the County CDBG Citizens' Advisory Committee, and

WHEREAS, The City of Takoma Park has traditionally had representation on the County Citizens' Advisory Committee, and the City's representation has traditionally had a positive impact on the its ability to compete successfully for Block Grant funds.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park do hereby appoint Mr. Thomas Allegretti, Chairman of the Takoma Park CDBG Citizens' Advisory Committee to represent it on the Montgomery County CDBG Citizens' Advisory Committee, and

BE IT FURTHER RESOLVED THAT the Mayor and Council of the City of Takoma Park do hereby appoint Mr. Gregory Hamilton, Co-Chair of the Takoma Park CDBG Citizens' Advisory Committee, as its alternate representative on the Montgomery County CDBG Citizens' Advisory Committee, and

BE IT FURTHER RESOLVED THAT formal notification of these appointments be forwarded immediately to the appropriate officials in the Montgomery County Department of Housing and Community Development and to the Montgomery County Executive.

Adopted this 14th day of October, 1986.