

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council  
and Public Hearing on FY 1986-87 Budget Amendment No. 2

October 27, 1986

8:00 PM

AGENDA

- 8:00 CALL TO ORDER: Mayor Del Giudice  
ROLL CALL: Councilmember Bradley  
Councilmember d'Eustachio  
Councilmember Haney  
Councilmember Iddings  
Councilmember Levy  
Councilmember Sharp  
Councilmember Williams
- 8:02 PLEDGE
- 8:05 ADOPTION OF MINUTES OF SEPTEMBER 29, 1986 REGULAR COUNCIL MEETING
- 8:10 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS
- 8:20 ADDITIONAL AGENDA ITEMS
- 8:30 CITIZENS' COMMENTS (those not directed at items on Council Agenda)
- 9:00 ADMINISTRATIVE REPORTS
- 9:05 (1) Second Reading of ordinance authorizing City staff to move forward with demolition of 6801 Westmoreland Avenue  
Citizens comments  
Council action
- 9:15 (2) Ordinance awarding design contract for Forest Park improvements  
Citizens comments  
Council action
- 9:30 (3) First Reading of an ordinance establishing permit parking area on Piney Branch Road (7301 to 7432, inclusive)  
Citizens comments  
First Reading
- 9:45 (4) PUBLIC HEARING and 2nd Reading of an ordinance on FY 1986-87 Budget Amendment No. 2, transferring funds for payment of deferred employee merit and longevity pay  
Citizens comments  
Council action
- 9:55 (5) Second Reading of ordinance adjusting employee pay periods  
Citizens comments  
Council action
- 10:05 (6) First Reading of an ordinance re Employee Grievance Process  
Citizens comments  
First Reading
- 10:20 (7) First Reading of an ordinance establishing Personnel Procedures  
Citizens comments  
First Reading
- 10:30 (8) Second Reading of Rent Stabilization Ordinance, establishing percentage figure for annual rent increases  
Citizens comments  
Council action
- 11:30 (9) Resolution appointing members to COLTA  
Citizens comments  
Council action

ADJOURN

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REMINDERS: Monday, November 3 -- Council Worksession  
Monday, November 10 -- Regular Council Meeting

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
and  
Public Hearing on FY 1986-87 Budget Amendment No. 2  
October 27, 1986

CITY OFFICIALS PRESENT:

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

The Mayor and City Council convened at 8:14 P.M. on October 27, 1986 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Councilmember Sharp moved approval of the Minutes of the September 29, 1986 Regular Council Meeting, duly seconded by Councilmember Iddings; motion carried with Councilmember Bradley Abstaining, balance of Council voting Aye.

Mr. Wilson suggested deferral of original agenda items 6 and 7 pertaining to personnel matters until the November 3 worksession, in light of late receipt of the draft ordinances and insufficient time for adequate review. Councilmember d'Eustachio moved temporarily tabling those items as suggested, duly seconded, carried unanimously.

CITIZENS' COMMENTS (not directed at items for Council action)

Daryl Stevens, 6800 Westmoreland Avenue: inquired concerning the liability of the City and/or the homeowner in relation to water/sewer system maintenance; he asked whether WSSC is responsible for the meter in residential systems, whether the City was aware of any plans to either reline or replace water utilities in the Westmoreland area. He referred to lead pipe being used throughout much of that area and asked if the City might consider low interest loans to homeowners for the purpose of pipe replacements. The Mayor responded that he had recently asked that staff ascertain from WSSC whether they currently have plans for such replacement. Mr. Wilson commented some response on that should be received before the end of the week since inquiry was made about 10 days ago; he said an initial response given Mr. Robbins by WSSC was in the negative, however, further inquiry was being made because, based on street markings and the amount of activity in the area, it would appear something is planned by WSSC. Councilmember d'Eustachio commented on the use of low-interest housing rehab loans being flexible and urged anyone knowing that they will have to replace water pipes from the meter into their house to contact Daniel Neal and look into the possibility of acquiring such a loan for the purpose; he said he, too, would speak with Mr. Neal about it. Mr. Stevens inquired whether it would be possible to obtain an opinion from the City Attorney concerning the responsibility for the piping from the meter to the residence -- said he had been told by a lawyer that WSSC does have a responsibility for that and that they simply demonstrate non-concern and try to abdicate responsibility when questioned by homeowners. Councilmember Bradley commented she had asked that the storm drains on Maple Avenue at Maplewood be scheduled for discussion and suggested that that could be combined with the current issue, both being WSSC related, and addressed at the November 3 worksession with staff giving an informational briefing on both at that time; the Mayor responded that the agenda for that meeting was already quite lengthy with major issues to be considered. Ms. Bradley remarked that the WSSC issues involved safety hazards and she felt it important that a few minutes be spent discussing them and furnishing some direction to staff, whether or not any action were taken by the Council; the Mayor responded that several staff members were already working on the questions and it would be more productive to have their reports prior to engaging in discussion. Mr. Stevens commented he felt that when the gasoline explosions occurred in the Westmoreland area a few years ago, the entire sewer system in that area was impacted, which was all the more reason a thorough inspection should be done by WSSC. Councilmember Iddings suggested that the county be contacted concerning the lead pipe, pointing out that they had taken the lead in controlling use of lead-based solder in new construction and had the knowledge and resources to be of assistance. In response to query, Mr. Stevens

stated the water in his home had been tested and the mineral content, etc., was said to be negligible; however, he said there was some problem in the system because whenever there was a fire in the area, he got infiltration of sediment and muddy water; said WSSC claimed it was alright to drink but advised against doing laundry in it. Councilmember Bradley remarked she experienced the same thing in her neighborhood. In response to query from her, the Mayor stated he hoped the issue at hand could be scheduled for a worksession toward the end of the month; concerning the storm drains, he noted that no response had yet been received from WSSC to the City's request for funding; however, said it might be sensible to schedule both issues for discussion at the same time.

Wayne Upton, 7600 Maple Avenue: related attending the D.C. Summit Conference on Drug Abuse the prior week; spoke briefly concerning Unfoldment, an organization involved in fighting drug abuse; commented that the problems are not limited to the district, and distributed brochures. The Mayor said copies of the material would be passed on to the City's Youth Worker, Calvin Avant, and the Police Department.

**ITEMS FOR COUNCIL ACTION:**

Original agenda item #1 was temporarily deferred pending arrival at the meeting of Code Enforcement Supervisor Clayton.

**1. Ordinance awarding design contract for Forest Park Improvements.**

The Mayor noted that inasmuch as the ordinance involved an item for which funds were allocated in the budget, it would require one reading only. Councilmember d'Eustachio moved adoption, duly seconded. Councilmember Iddings noted a disparity of about \$1,500 between the winning bid and the other 2 bid respondents; commented that the other 2 parks recently designed were in excess of \$3,000; inquired whether there were exceptions in this bid that would allow the contractor to come back and ask for more money to complete the job. Councilmember d'Eustachio pointed out that there was a major difference between the renovation job to be done on this park and the work done on Jackson/Boyd and Eastridge Parks, which were basically starting from scratch; he said the contractor to whom the bid was being awarded had a substantial reputation. In response to query from Councilmember Bradley, Mr. Wilson stated the manner in which figures were stated by the two losing bidders was a matter of their choice, not a requirement of the RFP. The ordinance was adopted by roll call vote recorded as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Iddings, Levy and Sharp; NAY: None; ABSTAINED: None; ABSENT: Councilmember Williams.

**ORDINANCE #1986-40**  
(attached)

Councilmember d'Eustachio encouraged that citizens and/or citizens' organizations give input into the design of the park. Mr. Wilson noted that another park in that general area would shortly be coming up for attention.

Councilmember Levy asked that the agenda item concerning permit parking on Piney Branch Road be deferred to a later point in the meeting to allow for arrival of citizens who would be presenting a petition.

**2. Public Hearing and Second Reading of an ordinance on FY 1986-87 Budget Amendment No. 2, transferring funds for payment of deferred employee merit and longevity pay.**

Councilmember Iddings moved adoption of the ordinance, duly seconded by Councilmember d'Eustachio. Councilmember Bradley expressed reluctance to vote on the item inasmuch as the meeting was about an hour and a half ahead of its announced schedule and people might later appear wishing to speak on the issue; the Mayor said if it was the consensus of Council, the item could be deferred until a later point in the meeting. Councilmember d'Eustachio stated his inclination would be to proceed; if persons appeared wishing to speak, their comments could be heard, and any decision made could also be reversed if desirable. The Mayor commented that times indicated on agenda are not by any means ironclad -- are suggested and anticipated only. Councilmember Bradley moved to temporarily table the item, duly seconded by Councilmember d'Eustachio; motion carried unanimously.

It was noted that Mr. Clayton had arrived and the first item on the origi-

nal agenda item could now be addressed.

3. Second Reading of ordinance authorizing City staff to move forward with demolition of 6801 Westmoreland Avenue.

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded. It was noted that neither the property owners nor anyone representing them were present; however, as noted by the Mayor, they were advised at the last meeting on the subject that it would be scheduled for the current meeting, thus, they could be considered to be duly notified. It was noted they had not been notified in writing, however, based on a letter received from the Executive Director of Spanish Speaking Community of Maryland, Inc., and written on their behalf, they were aware of the item being on the agenda. The Mayor inquired of Mr. Clayton whether the items noted in his prior report as requiring repair remained in the same condition, to which the response was affirmative. Mr. Clayton, responding to Councilmember d'Eustachio, stated that the last time he inspected the property was on October 11. Mr. d'Eustachio asked that Mr. Clayton be directed by the City Administrator to reinspect the property so that Council could have a current inspection report verifying that conditions on the property remain status quo. Mr. Wilson suggested that the original check list be pulled and it be ascertained exactly what has been corrected and what remains to be done. Councilmember Bradley expressed concern that those findings be incorporated into the language of the ordinance to avoid any potential problems for the City. Councilmember d'Eustachio suggested amending the ordinance to incorporate the findings of Mr. Clayton's October 11 inspection as well as, by reference, the inspection to be done after October 14, so that it would be clear that conditions on the property continue to constitute a nuisance and present safety hazards to the community. The Mayor suggested the insertion of an additional clause in the ordinance stating that City staff did conduct an inspection of the premises on October 11, 1986; a copy of the report of said inspection being attached and incorporated by reference; Councilmember d'Eustachio so moved, duly seconded. The motion to amend carried by unanimous vote.

In response to query concerning the basement windows of the structure at the time of his October 11 inspection, Mr. Clayton stated the windows needed to be replaced -- the openings were covered by plywood with brick and cinderblock propped against it -- were not properly secured. He said children could easily gain entry. He said the basement door was missing, the opening covered only by a piece of plywood with a 2 x 4 propped against it -- again, entry could easily be gained by children by removal of that temporary arrangement; said he would imagine it would be quite tempting for children to get into a building such as this one which has been sitting unoccupied for some time. In response to query, he said the interior walls of the structure were unfinished, plumbing and electrical wiring have been roughed-in (there is no "live" electrical wiring).

The Mayor suggested that the Council might wish to amend the ordinance by insertion of an additional "Therefore" clause indicating its specific findings as to the present condition of the premises. He suggested the following language: "Therefore, as a result of testimony and evidence submitted, including the inspection and report of Mr. Clayton, that the Mayor and Council do hereby find that the condition of the premises at 6801 Westmoreland Avenue remain a nuisance and a menace to the community, particularly in that those premises remain open to entry and to danger to those who might do so, especially the youth of the community." Councilmember d'Eustachio moved to amend the ordinance as stated, duly seconded by Councilmember Haney.

Miriam Goldberg, 6713 Westmoreland Avenue: related she lives next door to the property in question; said the MacDonalds were present on the property on October 11 just prior to the inspection and that was the last time they have been there, nor have there apparently been any workmen on the site -- said there are no visible signs of any additional work having been done. She said to the best of her knowledge, the conditions cited by Mr. Clayton remain as they were at the time of his October 11 inspection. Concerning Mr. Clayton's statement that the wiring was not active, she said she had assumed it was because electricity was being used for work on the site. Mr. Clayton stated that what he had observed was roughed-in wiring in the structure -- did not observe any sort of appliances in use and said there was no furnace or hot water heater, so had assumed there was not electricity available at present.

Arthur Karpas, 6916 Westmoreland Avenue, Pres. of WACO: suggested that the inspection to be done after October 14 might be referred to in the ordinance and the report attached as an Exhibit. He inquired concerning the letter referred to earlier and the Mayor related that it was from a community organization, written on behalf of the MacDonalds and indicating that a Second Reading of the ordinance on October 27 might not afford the MacDonalds sufficient time and seeking the City's further assistance to and cooperation with the MacDonalds in resolving the problem. The Mayor commented his perception of the sense of the Council was that while they felt it was necessary to move ahead with the ordinance, they hoped the matter could be resolved in as reasonable a fashion as possible. He pointed out that, under the Code, demolition of the building would not be the sole option available. Mr. Karpas referred to a suggestion he made at an earlier point in time that perhaps the MacDonalds should consider selling the property and recouping any amount they had invested; Councilmember d'Eustachio commented he had made that suggestion to them directly at the last meeting on the subject, however, they had not appeared receptive to the idea. Mr. Karpas commented he had knowledge of a party interested in purchasing the property, with him acting as an intermediary. Councilmember d'Eustachio stated he had tried to make contact with some people he formerly knew who were associated with the spanish speaking organization that wrote on behalf of the MacDonalds, in the hope that through that organization the MacDonalds could be favorably influenced. In response to query from Mr. Karpas, the Mayor stated that once adoption of the ordinance had occurred, it would then be incumbent on staff to actively seek alternatives to demolition. Councilmember Iddings remarked that if that was intended, then the ordinance should be amended to give staff direction so stating because, as presently written, it directs staff to take action toward demolition of the building. He said he had concerns that the specifics to which reference was being made could easily be remedied by procuring some 3/4" plywood and securely nailing it over the windows and door(s) as is typically done after a fire; he said his own real concern about the property was the fact that it is a blighting influence on a neighborhood that doesn't need that sort of influence -- even if it were properly secured, it would still be such an unwanted influence -- would affect property values and pose a threat to the safety of the neighborhood. Councilmember d'Eustachio remarked that if the building were properly and adequately secured, the City would then be in a bad position as far as being able to proceed with condemnation; he concurred with Councilmember Iddings that the real goal was to abate the blight on the neighborhood. The Mayor referred to the amendment moved earlier to insert language setting forth the continuing nuisance and menace posed by the property in its present condition and called the question; the amendment passed by unanimous vote.

Councilmember d'Eustachio moved to further amend the ordinance by correcting the designation "Folio 6300" to read "Folio 461" in the second Whereas clause, which it properly should be; and to insert in Section 3. language immediately following ... "move forward with demolition of the building"... to read ...or other appropriate action to abate the nuisances found to be in that building... The motion was duly seconded.

Sarah Hansard, 6705 Westmoreland Avenue: inquired whether, if someone were to purchase the property, the situation could still remain the same 6 months hence; if so, wondered whether it would not be better to demolish the building and then sell the property.

Councilmember d'Eustachio commented he would wish staff to explore the various options; however, would argue strongly that if purchase of the property should occur, the purchaser should be given a deadline for completion of the renovation and be required to post a performance bond. He noted, as had others, that the ongoing problems with the property had existed for four years. Mr. Karpas remarked that what the neighborhood would most desire would be an attractive home on the property occupied by a community-minded family, however, did not know the answer to how that could best be achieved. He said the neighborhood had no wish to punish the MacDonalds, did not want them to suffer a financial loss on the property, despite feeling they certainly had been punished by the MacDonalds. He said the community would not wish to see a capped foundation on the property from which the house had been demolished either.

In discussing the amendments proposed earlier by Councilmember d'Eustachio, Councilmember Bradley commented that what she was hearing from the discus-

sion was that people strongly wanted to see the property improved, but through a process short of demolition; she said she would not feel at all comfortable leaving the final determination of whether or not the structure should be demolished to staff -- said that decision should be made by the elected officials -- if the ordinance so stipulated, then she could support it. Councilmember d'Eustachio stated he would support the ordinance with the proposed amendments, but would make the stipulation to the City Administrator that the Council would reserve the right to pass on the final disposition of the property. Upon request, Councilmember d'Eustachio restated the language of his motion. The Mayor noted that prior to demolition occurring, a bid proposal would have to be prepared and sent out, and a contract approved and awarded. Following brief dialogue concerning insertion in the ordinance of a deadline for action to be taken concerning the property, the question was called on Councilmember d'Eustachio's proposed amendments, which passed by unanimous vote. Councilmember Bradley moved insertion of language in Section 3. which would require the demolition to proceed as of January 1, 1987 lacking progress on other remedies to the situation. The Mayor suggested that staff simply report back to the Mayor and Council with a recommended plan of action before a specific date, e.g., 30-45 days hence. Councilmember d'Eustachio concurred, suggesting 30 days from the date of enactment of the ordinance. Councilmember Bradley noted that course was substantially different from inclusion of a deadline in the ordinance. Councilmember d'Eustachio commented that if it were the sense of the Council that they did not wish to be locked into demolition, then setting a deadline for same would appear to be counter-productive; said he would like to have an assessment from staff within a reasonable period of time which could be presented to the community for input, and then the City could proceed. Upon request, Ms. Bradley repeated her motion, which was then duly seconded by Councilmember Levy. Councilmember Haney commented in opposition to specifying a deadline in the ordinance on the basis that it tended to more firmly lock the City into the demolition process possibly precluding other alternatives that might occur at the last minute.

Daryl Stevens commented that the process had been long and drawn out, Council had not demonstrated any lack of compassion for the MacDonalds nor had the community, but had been pushed to the wall by the situation. He said he did not think it inappropriate to set a time limit as suggested by Councilmember Bradley, because it would provide incentive for any and all interested parties to demonstrate some real effort to alleviate the situation, at which time, as pointed out earlier, the process could be altered by Council. He said, aside from the property not being properly secured, it presented a health risk in that it harbors rodents, was overgrown with weeds including ragweed, had standing water harboring mosquito larvae, etc. He urged that the amendment be passed. Sarah Hansard concurred with and supported Mr. Stevens' comments. In response to query from Mr. Karpas, it was noted that, should the City proceed with the demolition process on January 1, it would take 60-65 days thereafter for bid requests to be prepared and sent out and a contract for demolition awarded. Councilmember Iddings remarked that deadlines had been set and reset time and again and the property still remained a blight on the neighborhood; did not concur with the January deadline; said he felt what would generate constructive action on the part of the owners would be commencement of the process to demolish the house. He said he would vote against both the amendment on the floor and the ordinance. Following brief comment by the Mayor, the question was called on the amendment, which failed, with Councilmembers Bradley and Levy voting Aye; balance of Council voting Nay.

Arthur Karpas inquired at what point the City would be obligated to follow through on a contract to demolish if RFP's were sent out and a contract awarded; the response was that that would be dependent upon the conditions set forth in the contract.

James Welu, 7330 Piney Branch Road: suggested the City seriously consider the alternative of condemning the property, buying it from the owners at its appraised value, contracting to have it rehabilitated and reselling it -- said he hated to see a house that was basically structurally sound torn down. The Mayor responded that had been discussed in worksession, however, adoption of the ordinance would be required for the City to proceed with any alternatives.

The ordinance, as amended, was adopted by roll call vote as follows: AYE:

Councilmembers Bradley, d'Eustachio, Haney, Levy and Sharp; NAY:  
Councilmember Iddings; ABSTAINED: None; ABSENT: Councilmember Williams.

ORDINANCE #1986-39  
(attached)

Councilmember Iddings asked that the record reflect that his vote was based upon the fact he felt the ordinance needed to have been stronger, in that it should have gone directly to demolition -- not that he opposed the efforts to clean the property up.

4. First Reading of an ordinance establishing permit parking on Piney Branch Road (7301 to 7432, inclusive).

Councilmember Levy summarized the history of the issue, relating that during her campaign last fall, literally 80% of the residents on Piney Branch brought the serious problems on that roadway to her attention, particularly insofar as being unable to get in and out of their driveways in both the morning and evening hours, their cars being struck and, in a couple of cases, demolished. She said meetings were held during the summer and some suggestions formulated for State Highway Administration, particularly for Mr. Snyder with whom the group met. The proposals were submitted and some were examined and either rejected or discouraged, no response has been received to date on one despite repeated requests. Thus, she said, the residents are left with the same complaints and problems without any redress from SHA. She said the police had been cooperative, furnished statistics on accidents between June-December 1985, and acknowledged numerous accidents both near and at the intersection of Piney Branch and Philadelphia; said a count of parking tickets issued between 9/22/86 and 10/16/86 in the area indicated approximately 50 citations. She said one officer working radar there one night related to her having pulled over one vehicle after another, and said he could have remained there for a couple of days without having a lax time, indicating the prevalence of speeding on that road. She stated the group was asking that the permit parking ordinance be adopted, which would afford residents a choice of whether or not to park their vehicles in front of their homes; she moved acceptance for first reading, duly seconded by Councilmember Bradley.

Councilmember Iddings pointed out that there was a specific process that had been set up to initiate permit parking and said that procedure should be adhered to as was past practice; he said the ordinance was not timely until the required process had been completed, including presentation of the petition, surveys to be accomplished by the Police Department concerning available off-street parking and other factors, and a Public Hearing followed by first and second readings of the legislation. He said he would feel uncomfortable making an exception inasmuch as other neighborhoods were required to go through the prescribed process. Mr. Welu noted he had a number of signed petitions requesting permit parking to present; Councilmember Levy pointed out that at least 20 citizens had attended and participated at the worksession discussion on the subject, which might be considered a Public Hearing, and said residents had been informed of all meetings at which the issue would come up. The Mayor opined that the ordinance would require two readings as well as a duly advertised Public Hearing, and said he thought additional staff input was required prior to proceeding. He said, however, he did not think acceptance for first reading had to be delayed.

For the record, Mr. Welu stated that 32 households had been contacted and supported the proposed permit parking, 3 were in opposition, and 15 remained to be contacted.

The Mayor commented that a report from a City staff member indicated the City's Code was apparently in conflict with State Code concerning the distance requirement for parking adjacent to a driveway (state requires 10' vs. 5' City requirement); he inquired of Attorney Silber whether the state requirement would supersede the City's. Ms. Silber responded she would furnish an opinion on that issue within a few days. Mr. Wilson suggested that perhaps the City Code should be amended to conform with the state law. The Mayor noted that repainting yellow curbing on Piney Branch had been discussed at a worksession and staff was directed to do so, which would make restricted parking areas more obvious. Mr. Welu commented that restricting parking to 10' from driveways in conformance with the state law would be more practical on busy roadways such as Piney Branch. Councilmem-

ber Iddings inquired whether any response had been received from SHA concerning instituting permit parking on Piney Branch, to which Ms. Levy responded in the affirmative. She said they had advised that the subject was not addressed in the State Code, and expressed support for the City moving ahead with the process. Ms. Silber commented that from the State Code, there was arguable power within the City to control permit parking on state highways -- was not certain whether there were some more obscure pertinent regulations, however, would look into that; she said she felt it was within the City's power to proceed.

Councilmember Williams arrived for the meeting (9:55 P.M.).

Lou D'Ovidio, 7324 Piney Branch Road: pointed out that permit parking had been initiated on Takoma Avenue, which is a state road, without any participation from SHA. Also, he said, restricted parking areas had been painted by the City on Takoma Avenue. Concerning the permit parking area being proposed, he said he would not oppose that since the majority of residents appear to want it, however, said he thought some adjustments could be made so as not to impact areas where there are no homes -- he said right now there are some no parking zones across from his home and that should remain status quo to prevent inconveniencing residents of those houses (the no parking, as mentioned earlier by Councilmember Iddings, was initiated there to allow residents with high retaining walls adequate visibility to exit their driveways). He said he would hope there would be some areas without restricted parking retained. Councilmember Levy commented that the yellow lines painted on Takoma Avenue at its intersection with Baltimore Avenue are often ignored, people don't seem to abide by them. Mr. D'Ovidio remarked that was attributable to enforcement, or lack thereof.

Councilmember Bradley questioned whether, if permit parking were instituted, there would be fewer cars parked on the street during rush hours. Councilmember Levy responded that the intent was to ensure there would be vacant spaces to facilitate residents getting in and out of their driveways; also the spaces would then be available when residents or their visitors wished to park there -- was essentially for the convenience of the residents. Mr. D'Ovidio commented that viewing the area on a weekend would give a fairly accurate picture of how many cars would be parked if permit parking were instituted -- said on the west side there would probably be few, if any, and somewhat less than at present on the east. Councilmember Iddings commented on the need to recognize what permit parking would and would not do -- said it would not make Piney Branch safer -- it will remain dangerous, however, it might afford a little better visibility. He said it should be kept in mind that there are problems on that roadway that are beyond the capability of permit parking to deal with. He said the need for enforcement of parking and speed control would not in any way be lessened, nor would the need for safety improvements at the intersections of both Eastern and Philadelphia Avenues.

Mary Vorhees, 7400 Piney Branch Road: said she did not think any of the residents requesting the permit parking thought it would solve all the inherent problems on that road, however, said it would be most helpful to be able to leave her house and still be able to return and be able to park somewhere reasonably close to her house on the street so she would not have to blindly try to get out of her driveway.

Lorraine DeMarco, new resident: commented that she formerly resided in Buffalo; suggested it might be helpful if parking were permitted in sections on alternate sides of the road and/or restricted during rush hours. The Mayor explained that Piney Branch had initially been a 4-lane highway, parking was introduced to cut down the number of lanes and try to affect speeding; said since inception of the metro system, the problem of commuters occupying the on-street parking had occurred.

Sandy Littlejohn, 7320 Piney Branch Road: said she realized permit parking would not solve all the problems, but would allow people to get in and out of their driveways more safely.

The Mayor noted that in Section 2.(a) of the ordinance, "7302" should read 7432. Councilmember Bradley noted the likelihood of displaced commuters parking in other neighborhoods, possibly creating problems; she said that should probably be anticipated and discussed at the next meeting at which the Piney Branch permit parking is addressed. The ordinance was accepted



for first reading with Councilmember Iddings voting Nay, balance of Council voting Aye.

ORDINANCE #1986-  
(attached)

2. Public Hearing and Second Reading of an ordinance on FY 1986-87 Budget Amendment No. 2, transferring funds for payment of deferred employee merit and longevity pay (continued).

It was noted the item had been temporarily tabled at an earlier point in the meeting, after having been moved for adoption and seconded. Councilmember d'Eustachio moved to reopen consideration of the item, duly seconded by Councilmember Iddings; motion carried unanimously. Asst. City Administrator Habada summarized the purpose of the ordinance, pointing out that it did not include provision for salary increases for either department heads or the City Administrator. In response to query from Councilmember Iddings, Ms. Habada stated that if the ordinance were adopted, employees would receive retroactive (to July 1, 1986) merit and longevity pay on October 31. Mr. Wilson noted that pay would be through October 31 -- 1/3 of the fiscal year. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Sharp and Williams; NAY: None; ABSTAINED: None; ABSENT: Councilmembers Bradley and Levy.

ORDINANCE #1986-41  
(attached)

5. Second Reading of an ordinance adjusting employee pay periods.

Councilmember Iddings moved adoption, duly seconded by Councilmember Sharp. Asst. City Administrator Habada briefly summarized the purpose of the ordinance. Councilmember Sharp inquired, based upon the wording in Sec. 2-66.(b), what the impact would be if employees were paid more than one week, e.g., 8 days, after the end of a pay period. Attorney Silber responded that no penalty was stated, however, the language requires the City to pay according to a specific plan and it would be violating its own law if it did otherwise; she said it was appropriate that a pay plan be very specific on the City, which was not to say that if there were some sort of emergency situation, that might not be an equitable excuse for doing otherwise. Mr. Wilson commented that an emergency plan had been developed, as it was previously indicated would be done, for employees experiencing a real problem with accommodating the pay adjustment; he said 8 or 9 requests were received and will be addressed. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Sharp and Williams; NAY: None; ABSTAINED: None; ABSENT: Councilmembers Bradley and Levy.

ORDINANCE #1986-42  
(attached)

6. Second Reading of Rent Stabilization Ordinance, establishing percentage figure for annual rent increases.

Councilmember Haney moved adoption of the ordinance, with the 4% rate previously recommended to be inserted appropriately, duly seconded by Councilmember Iddings. Councilmember Williams commented he had no idea upon what the 4% figure was based, particularly in light of UMAAC's recommendation being 0% and their report stating the figures and statistics upon which they based that recommendation. Councilmember Haney acknowledged having recommended the 4% figure; said he had considered all the information presented to the Council over the past two months, a substantive amount from both landlords and tenants. He said he particularly took note of cost figures included in a memo to the Mayor and Council from Kattrick Management -- said those figures reflected levels of cost increases above and beyond the cost-of-living or consumer price index -- including significant increases in insurance costs, county and City property tax increases, and service contract increases in the range of 6-8% during the past year. He said he did not believe the 4% rate was out of line with all other jurisdictions in the metropolitan area, nor was it unfair to either landlords or tenants.

Councilmember Williams commented he felt more consideration could have been given to tenants' financial status; said 50% or more of a tenant's income goes toward rent. He said he did not so much oppose the rent increase as the fact that so many buildings have continuing code violations and are

still allowed increases -- referred to a recent incident at 7513 Maple Avenue in which raw sewage flooded into the lobby.

The Mayor noted the need for provision of an effective date for insertion in the ordinance.

Michael Mead, landlord, 7406, 7408 Hancock Avenue, 108, 110 Lee Avenue: stated he was speaking for the Takoma Park Landlords & Owners Association; he referred to an article from the October 9 Washington Times stating that, based upon a study done, clerical workers will be paid 5.3% more in 1986-87 and received a 6.1% salary increase last year. He related that the Montgomery County Department of Housing issued a report indicating that the average rent in Takoma Park remained the lowest in the county. Councilmember Levy commented she felt that statement to be a bit misleading because it was her understanding that that statistic encompassed all the rental units in the City (including the Prince George's portion). Mr. Mead pointed out that former Housing Director Austin had recommended a 5% rent increase cap; COLTA had recommended the same amount; said Montgomery County's rent guidelines are currently 5.8% -- pointed out that is a guideline which landlords in the county can exceed with impunity, however, it provides some moral persuasion. He commented the City's Registration/Licensing Fee had levied a 33% increase on landlords over the former fee for registration only. He said the figures presented previously based on the Consumer Price Index were somewhat misleading when examination was made of how they had been manipulated; noted the skyrocketing cost of insurance, as well as other costs associated with owning, operating and maintaining rental property. He pointed out that he signs one-year leases with tenants, cannot alter the lease after the fact to include increases he experiences in costs such as licensing, insurance; said landlords feel it is reasonable for them to be able to pass along the increased costs they experience. Councilmember Williams inquired of Mr. Mead what percentage of rent received goes back into operating and maintaining his buildings; Mr. Mead responded he had not taken any money out of the building for his personal use for the past year and a half, thus 100% of the rents had been going back into the buildings; he said the monthly water bill runs about \$700, real estate taxes are about \$2,000 a month, plus gas, electricity, trash removal, maintenance and janitorial services, mortgage payments. In response to query from Councilmember Iddings, he said he has a capital improvements fund, but contributions have decreased drastically in the last year because there has not been money to deposit -- said if he had to put on a new roof or anything major, he would have a real problem.

Reggie Abrams, President of UMAAC: said while he had heard a number of landlords speak concerning their expenses, he had not seen any documentation concerning their profits and losses; said he felt the rent increase figure had been decided upon prior to the public hearing and any input from citizens -- felt the whole process had been unfair -- if it could be explained upon what Council based their decision which appeared to be anti-tenant when 60% of the City's population are renters, then perhaps his perception could be altered. Councilmember Levy pointed out that she, and other Councilmembers, had voted against the 4% figure when Councilmember Haney introduced it, however, the majority voted in favor of it; she said she based her vote on what she had heard from tenants. The Mayor summarized Councilmember Haney's earlier statement concerning the basis for his recommendation of 4% as the rent increase cap; he said he had personally recommended in worksession the 4% figure, based on the average consumer price rent increase index received for the metropolitan area which was reported at 12% for the prior 12-month period; additionally, he said his understanding was that was the current rent increase limit in D. C. -- i.e., 4%. Mr. Abrams commented that if Council decided 4% was to be the figure, that was allright, but said tenants are concerned about the lack of code enforcement and the trouble they are having getting the services for which they are paying; said they would not oppose paying increased rent for additional services, but in the majority of buildings on Maple Avenue, they are not getting the services for which they are now paying. Councilmember Iddings pointed out that Councilmember Sharp's pending proposed ordinance would not allow any rent increase on a unit when there are outstanding code violations in that unit or major outstanding violations in common areas; said there is a need to finish dealing with that legislation and get it on the books as soon as possible because it will provide teeth for the enforcement mechanism. He noted that tenants have a right, under the Landlord/Tenant Ordinance, to file complaints with COLTA for reductions in services and rents can be

rolled back as appropriate. Councilmember Bradley commented she did not feel a professional approach had been found for figuring out a formula dealing with all the variables in order to reach an appropriate figure for the rent increase cap; she said she felt certain there were probably some landlords who should not only get a 0% increase but have rent rollbacks as well, while others should get (x) amount increase. She said the problem is very complex, but she felt the crux of the issue was lack of a formula dealing with all the various criteria; said she perceived that much of tenants' frustration was connected to the lack of enforcement of existing laws, the continuing rent increases despite the continuing code violations. She referred to a comment made by someone during discussions concerning the differences in neighborhoods in the City, which makes it hard to deal with one allowable increase percentage across the board and still be equitable. She said she did not think she could vote in support of 4%; felt a more systematic approach for determining what rents should be was needed, more specific guidelines were needed both for establishing a particular percentage and also in giving directions to COLTA about allowing exceptions to the rent guidelines; she expressed willingness to work toward addressing those issues. The Mayor commented his understanding was that D. C. relies primarily on the Consumer Price Index in setting their rent guidelines; said he would concur with Councilmember Bradley's comments regarding the need to furnish guidance to COLTA and encouraged that Ms. Bradley and the Housing Taskforce afford that issue some serious consideration. He said he felt input had been received on the rent increase cap from just about every available source.

Tom\_Gagliardo: pointed out there had been no mention of the fact that interest rates had gone down considerably and that some landlords have benefitted from refinancing; he said that, in addition to the reasons mentioned by Ms. Bradley, was why a percentage increase would not be workable and a formula should be developed. Concerning the effective date, he said unless it were made retroactive, he did not know what would be done about increases that have occurred while the Council delayed taking timely action -- said the City's law required that Council take action last August -- thus, unless the law were retroactive to last August, the problems would be compounded. Addressed to the Mayor, he commented that he was elected to provide leadership, to see that City agencies and staff perform, to guide the Council. He said he thought it was cheap political opportunism to now say that the Housing Taskforce should accomplish tasks the Council was charged by City law with accomplishing, and which they have failed to do. Councilmember Haney remarked that Councilmember Bradley had first suggested that the Housing Taskforce look at the situation, which the Mayor, in effect, seconded; he said he felt that to be a very sound suggestion. A brief exchange ensued between Mr. Gagliardo, Councilmember Iddings, and the Mayor.

Naomi\_Turner, 7667 Maple Avenue, Pres. of Parkview Towers Tenants' Assn.: spoke concerning the repetitiveness of the process, year after year; however, said the difference was that this year it seemed impossible for an agreement to be reached. She noted there are good and bad landlords, as well as good and bad tenants, and cited instances of each, including some tenant-generated problems in her own building. She said before any figure is decided upon, the figures should be re-examined, and asked that be done.

Suzanne\_McCoy: related that she and her husband own properties on Flower Avenue and also on Chaney Drive; said that having listened to several of the discussions on the subject, she perceived a lot of frustration over trying to reconcile a figure with the quality of life in buildings. She said she lives in D. C. and had examined a number of rental buildings there; did not think that jurisdiction could be used as a model -- did not think their system was working for either landlords or tenants. She said she did not think Takoma Park should go with the 4% figure if it was using D. C.'s guidelines as a basis. Councilmember Levy commented she knew a few tenants in the District and felt that rent control worked very well for some; said the impression you get may be dependent upon with whom you speak.

Kevin\_Johnson-Kiconas, 8510 Flower Avenue: said while a lot of factors had been mentioned, not much had been said about profit and loss statements, which would be a very important point in the issue. He said those needed to be examined on an individual building basis in context with other factors in order to come up with a formula for rent increases. He asked that

a hasty decision not be made, that the situation be re-examined and perhaps a formula devised which takes into consideration pertinent factors in the City. Councilmember Williams commented that landlords would not long remain in business if they were not making sufficient profit to make it worth their while; he said some of the rental buildings turn over in the neighborhood of \$100,000-\$150,000 a month and he knew full well that amount was not being put back into them each month; said in discussions, the profits had been bypassed and expenditures/losses emphasized. He said he felt certain that if a majority of landlords in the City were allowed a 0% increase in rents, they would not suffer loss of profit. He reiterated that any landlord allowed a 4% increase should be required to have a building free of code violations.

The Mayor reiterated the need for an effective date for the ordinance; said the law could not be applied retroactively unless so indicated and, likewise, if a prospective date were desirable, that should be so indicated. Councilmember Haney moved insertion of November 1, 1986, as the effective date of the ordinance, duly seconded by Councilmember Iddings.

Vincent Abell, owner of 7667 Maple Avenue: suggested February 1, 1987, as the effective date for insertion in the ordinance because he had sent out rent increase notices to some residents commencing as far back as August, (and the first of each month thereafter) with the effective date of the first increases to be November 1. He said at least half the landlords in the City had done likewise and if the ordinance were made effective 11/1/86, those notices would have to be rescinded and reissued -- would create a great deal of confusion and problems. Councilmember Williams noted that the process should have been completed and the ordinance in place by the end of July, thus, those persons who received rent increase notices in August should receive rent rollbacks.

Reggie Abrams, Pres. of UMAAC: said he had received a 5% rent increase notice effective November 1. He said the ordinance should be made retroactive and landlords should send out notices correcting the 5% figure if 4% were the figure adopted for the current year -- that would be only fair. The Mayor commented that if the ordinance were adopted with an effective date of November 1, while there might be a problem with Mr. Abrams' increase and any others effective that date in excess of 4%, it was possible those that became effective prior to 11/1/86 at 5% would have to stand. Councilmember Iddings commented that Housing should send out notices to landlords concerning the guideline amount and its effective date as was done in the past; he said two years ago when the ordinance was adopted late, landlords were forced to roll back their rent increases to the guideline amount (from 10% to 5%). Mr. Gagliardo remarked that the fact that some tenants got rent increases effective August 1, September 1, and October 1 should be considered and something should be done for those people. The Mayor suggested that in order to avoid any ambiguity, the last date of any month should be used in the ordinance in order to affect increases which would occur at the beginning of the subsequent month. The maker of the motion on the floor, Councilmember Haney, withdrew the effective date moved of November 1 and moved to insert October 31, 1986, as the effective date of the ordinance, which was accepted by Councilmember Iddings, seconder of the original motion.

Naomi Turner: remarked that the Franklin Apartments now have a tenants' association; she asked that the Council consider the elderly senior citizens living in that complex who are on fixed incomes. She said despite those residents being subsidized, it takes their entire income to pay their rent and buy food, and they would not be able to afford any rent increase.

In response to query from a member of the audience who explained that a 5% rent increase went into effect in his building on September 1, the Mayor stated that such an increase would remain in effect if the effective date of October 31 were adopted.

Bessie Evans, Pres. of Franklin Apartments Tenants' Assn.: said when she first moved to the Franklin 6 years ago, the apartments were beautiful; she related how the building and living conditions had deteriorated and the lack of response or assistance from management. Despite those factors, she said rents had increased. In ensuing discussion, Councilmember Iddings pointed out that one problem was that the City's rent control ordinance did not apply to Section 8 buildings or individuals having Section 8 certificates. The Mayor suggested that a member of the Housing staff get in contact with Ms. Evans concerning the numerous code violations she had mentioned.

In response to query from landlord Mike Mead, the Mayor stated that 5% rent increase notices sent out earlier that would effectuate increases subsequent to October 31 should be corrected to 4% in order to be in compliance with City law. The motion to amend the ordinance by inserting October 31, 1986, as the effective date was passed with Councilmembers Bradley and Levy voting Nay, balance of Council voting Aye.

Lorraine DeMarco: asked that Council reconsider retaining the 5% increase figure rather than 4%; said a lot of landlords own older buildings which cost a lot to maintain and repair. She said many landlords are trying to update those older properties and it would be almost impossible to do that with the 4% increase.

Brint Dillingham, 7018 Carroll Avenue: said he had stated his reasons at earlier meetings in support of a 0% permissible rent increase for this year. He said even if the existing problems concerning outstanding code violations in buildings were resolved, there would remain the inequity of landlords being able to go to COLTA and gain permission for rent increases in excess of the cap, but tenants being unable to go to COLTA and get rent rollbacks based on economic data. He urged that Council reconsider a 0%, or something lower than 4%, increase, noting that UMAAC and others had also asked for and supported 0% (and other amounts less than 4%), and reiterating justifications for so doing. In response to query from Mr. Dillingham, Councilmember Iddings stated that he opposed the 0% figure because he felt COLTA would be overburdened; he said in anticipation of soon having Councilmember Sharp's legislation in place which would restrict landlords with outstanding code violations in their buildings from raising rents, he felt a permissible increase exceeding 0% would reward those landlords who do an exemplary job of maintaining their properties and would provide an incentive for those who do not to improve their performance. He said he had previously suggested 2.5-3%, however, had revised that upward after seeing what D. C. was doing in their analysis in terms of what they expected the cost-of-living to be -- said he thought the 4% figure basically tracked the cost-of-living. He said he thought the economic issue concerning tenants and rent levels would be one to address, but perhaps at some meeting other than the current one. He commented briefly on the additional housing problems that will be generated by the new tax laws. Mr. Dillingham continued, speaking in favor of a 0% rent increase. Councilmember d'Eustachio commented he did not think it possible, because of all the variables involved, to set up a hard and fast formula for increases; he said it was unfortunate that in the process, some good landlords would suffer and some bad ones would get a bonus, however, said he thought the 4% was about as good, as fair, and as precise a figure as could be formulated. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings and Sharp; NAY: Councilmembers Bradley, Levy and Williams; ABSTAINED: None.

ORDINANCE #1986-43  
(attached)

7. Resolution effecting appointment to COLTA.

The Mayor noted that a Landlord-Alternate position on the commission remains vacant, an individual was being proposed to fill a General Public-Alternate position. Councilmember Sharp moved appointment of Susan Wild as General Public-Alternate, duly seconded by Councilmember Haney. Mr. Sharp noted that Ms. Wild had expressed a great deal of interest in serving, had applied on several occasions. The motion carried by unanimous vote.

RESOLUTION #1986-70  
(attached)

Councilmember d'Eustachio commented he would wish at some point to propose amending the ordinance to give preference for membership on COLTA to landlords who reside in the City, but to delete City residence as an absolute requirement in order to serve. Councilmember Sharp remarked he intended to include that in legislation he would be putting forth.

Upon motion, duly seconded, the meeting adjourned at 11:55 P.M., to reconvene in regular session at 8:00 P.M. on November 10, 1986.

ORDINANCE NO. 1986-40

WHEREAS, funds are budgeted in Takoma Park's adopted FY 1986-87 Budget for the purpose of making improvements to Forest Park; and

WHEREAS, professional landscape and park design services are necessary to implement said improvements; and

WHEREAS, such services have been solicited through a process of competitive bidding and three bids were received by the City; and

WHEREAS, City staff has reviewed the bids on the basis of the specified selection criteria and has recommended that a particular firm be engaged to perform this work,

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

SECTION 1. THAT the Division of Economic and Community Development is authorized to employ the services of LaPierre Associates, Inc., 3299 K. Street, N.W., Washington, D.C. 20007 to provide the schematic design, design development, construction drawings and specifications, construction review and bid review for the improvement of Forest Park as specified in the bid documents for a lump sum fee of TWENTY FIVE HUNDRED DOLLARS (\$2,500.00).

SECTION 2. THAT the City Administrator is authorized to execute the necessary agreement and any related documents necessary to employ LaPierre Associates, Inc. for said work.

SECTION 3. THAT funds in the amount of TWENTY FIVE HUNDRED DOLLARS (\$2,500.00) be allocated from Budget Account No. 3500.702 of the Special Revenue Fund to pay for said services.

Adopted this 27th day of October, 1986.

ORDINANCE NO. 1986-39

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 461, 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 3. THAT an inspection of the premises was conducted by a member of City staff on October 11, 1986; a copy of the report of said inspection is attached hereto as Exhibit A, and by reference incorporated herein; AND

SECTION 4. THEREFORE, as a result of testimony and evidence submitted, including the inspection and report of Code Enforcement Supervisor Clayton, that the Mayor and Council do hereby find that the condition of the premises at 6801 Westmoreland Avenue remain a nuisance and a menace to the community, particularly in that those premises remain open to entry and to danger to those who might do so, especially the youth of the community.

SECTION 5. 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 or other appropriate action to abate the nuisances found to be in that 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 6. THAT this ordinance shall become effective upon adoption.

Adopted this 27th day of October, 1986.

## City of Takoma Park, Maryland

DEPARTMENT OF HOUSING SERVICES  
270-59007500 MAPLE AVENUE  
TAKOMA PARK, MD. 20912

14 October 1986

MEMORANDUM FOR THE RECORD

TO: James S. Wilson  
City Administrator

FM: Condie M. Clayton  
Code Enforcement Supervisor

SUBJ: Reinspection of 6801 Westmoreland Avenue

Interviewed Mr. and Mrs. Arthur MacDonald of 1019 Ruatan Street, Silver Spring, Maryland on Saturday October 11, 1986 at 12:00 p.m. Also present at the meeting were two (2) of their children.

The MacDonalds were advised of my purpose for being there and given a letter under the signature of Ms. Beverly K. Habada, Assistant City Administrator of Takoma Park. The communique informed them of the upcoming Mayor and Council hearing concerning their property located at 6801 Westmoreland Avenue. Additionally, Mr. MacDonald was advised of the importance of the hearing, and that he ought to bring copies of the work done on his premises. He was further instructed to produce copies of his blue prints, work schedules, and projected time frame for completion of all the work being done.

Reinspection of the premises disclosed the following:

Basement: The electrical system which suffered extensive damage has been replaced by rough in electrical wiring. Electrical services had been and continue to be discontinued at the time of the inspection.

The heating facilities and equipment along with the water supply devices were missing at the time of the inspection.

The stairway leading from the basement to the first floor level has been replaced. The windows in the basement are still damaged and in need of repair/replacement.



The main level supporting structural member (wood girder has been replaced or repaired where needed. The flooring (joist and deck) on the main level between the hallway cold air return vent which runs toward the rear of the house has been repaired/replaced. The floor covering is still needed.

The side walls of the premises were either repaired or replaced. The structure did not have any fire stops in place. The interior walls were replaced; however, the dry wall was not in place.

The entrance and exit doors need to be replaced.

The wood deck has been replaced/repared with new wood and paper. The attic has been repaired.

It appears that most of the rough in electrical, carpentry and plumbing work has been completed. There is no insulation, floor covering or dry wall in place.

Black and white photographs were taken and will be ready on Friday, October 17, 1986.

Mr. MacDonald exhibited five cancelled checks drawn on Chevy Chase Savings and Loan, Inc., check #111 for \$12,000.00 dated 6/28/86,  
check #132 for \$4,000.00 dated 7/25/86,  
check #133 for \$1,000.00 dated 7/25/86,  
check #149 for \$800.00 dated 8/8/86 and  
check #150 for \$700.00 dated 8/8/86 for  
a total of \$18,500.00.

Also produced was a business card in the name of Sylvia A Schurr/  
Loan Officer of Colonial Mortgage Service Company Associates, Inc. of  
4710 Auth Place Suite 730, Beltway Plaza 36, Plaza South Suitland,  
Maryland 20746. Several attempts were made to contact Ms. Schurr with  
negative results.

On Monday 13, 1986 the undersigned contacted the residence of  
Sylvia Schurr and spoke with a party who identified himself as the son  
of Sylvia Schurr and stated that he would give a message to his mother  
to call me.

Investigation will continue.

*Condie M. Clayton*  
Condie M. Clayton  
Code Enforcement Supervisor

Introduced by:

1st reading: 10-27-86

2nd reading:

ORDINANCE 1986-

AN ORDINANCE FOR THE PURPOSE OF ESTABLISHING A PERMIT PARKING AREA ON PINEY BRANCH ROAD.

WHEREAS, the Mayor and Council have found that the health, safety and welfare of certain groups of residents of the City are adversely affected by conditions created by virtue of the existence of major public facilities and programs and, in recognition of this, amended the City Code to permit the establishment of parking permit areas in residential sections of the City where such conditions are extant; AND

WHEREAS, pursuant to the provisions set forth in Sec. 13-63.1 of the Code of Takoma Park, 1972, as amended, citizens have petitioned the Mayor and Council to establish a parking area in the general vicinity of Piney Branch Road between Eastern and Philadelphia Avenues, citing the existing use of accessible roadway parking space by nonresident commuters to the Takoma Park Metro station as well as the intolerable levels of pollution and noise created by said nonresidents; AND

WHEREAS, the City Administrator, following a survey of the subject area, has determined that all criteria set forth in Sec. 13-63.1 of the City Code have been met and has recommended to the Mayor and Council that Parking Permit Area #\_\_be established.

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

SECTION 1. THAT Parking Permit Area #\_\_be hereby established, said area to encompass that residential section lying on Piney Branch Road between Takoma Avenue and Philadelphia Avenue inclusive of the areas bounded by house numbers 7301 through 7432 both odd & even, with parking restrictions applicable to Piney Branch Road enumerated in Section 2 of this ordinance; AND

SECTION 2. THAT, except where otherwise designated, parking on the following street shall be restricted between the hours of 8.00 AM to 5.00 PM, Monday through Friday, to vehicles displaying a valid parking permit issued by the City:

(a) Piney Branch Road, between Takoma and Philadelphia Avenues, both the northeast and southwest sides of the road inclusive of the areas bounded by house numbers 7301 through 7432 both odd and even.

SECTION 3. THAT the Police and Public Works Departments are hereby directed to work with the City Administrator to fully implement the directives of this ordinance at the earliest possible date; AND

SECTION 4. THAT permits will be sold annually at a cost of \$ 8.00 per year each by the Police Department. Such funds collected by the Police Department shall be deposited with the Office of the City Treasurer daily, along with a listing of the corresponding serial numbers of permits; AND

SECTION 5. THAT all ordinances in conflict with the provisions of this ordinance are hereby repealed; AND

SECTION 6. THAT the penalty for violation of Section 2 of this ordinance shall be as stated in Sec. 13.63.1(i) of the Code of Takoma Park, Md., 1972, as amended; AND

SECTION 7. FURTHER THAT this ordinance shall become effective \_\_\_\_\_, 1986.

ADOPTED BY THE MAYOR AND COUNCIL \_\_\_\_\_, 1986.

Petition for permit parking area

We, the undersigned residents of Piney Branch Road, do hereby petition the City Administrator of the City of Takoma Park in accordance with Section 13-63.1(b) of the City Code for the institution of a permit parking area for the residential area lying between Takoma Avenue and Philadelphia Avenue on Piney Branch Road.

	NAME (printed)	SIGNATURE	ADDRESS	PHONE
1.				
2.				
3.				
4.				
5.				
6.				
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8.				
9.				
10.				
11.				
12.				
13.				
14.				
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18.				
19.				
20.				

**GENERAL RULES:**

1. A petition must be received indicating that the majority of the residents of an area (one signature per household) wish to establish a parking permit area.
2. Consideration will only be given on an area basis, not single block requests.
3. Area to be considered must be clearly defined as an area with specific boundaries; e.g., a subdivision, or other area defined by limits such as street names, streams, parkland, railroad, etc.
4. At least 25% of the dwelling units in the area must have less than two off-street parking spaces.
5. Curb space occupancy in the area must exceed 50% during proposed restricted hours.
6. Non-residential parkers (or potential for) must occupy at least 50% of existing on-street parking spaces during the hours to be regulated by permit parking.
  - 6A. #5 and #6 are to be determined by on-site surveys; #6 must be demonstrated by on-site observation of arrivals of non-residential parkers.
7. If all the criteria above are met, and the City Administrator has recommended to the Mayor and Council that a parking permit area be designated, then --
  - A. Schedule public hearing
  - B. Advertise (legal ad) in both counties
  - C. Notify applicants, residents in area and civic associations within area of Administrator's findings
  - D. Hold public hearing, with hearing record being held open at Mayor and Council's discretion
  - E. Mayor and Council make decision within 30 days of close of record
  - F. Adopt an ordinance describing the area and streets to be included, establishing parking permit area, stating justification, hours or restriction, etc.
  - G. Written guidelines prepared by City Administrator for implementation of parking permit area for approval by Mayor and Council
  - H. Notify residents of area of decision
    - I. Publish fact of decision in newspapers
    - J. Sign the restricted area
    - K. Issue permits
    - L. Enforce restrictions as stated in the ordinance

ORDINANCE NO. 1986-41

FY 1986-87 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 employee 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 FY 86-87 budget in Revenue Account No. 404, Penalties and Interest; the corrected figure shall be \$14,420 and the Total Taxes-Local shall be \$3,266,699.

Expenditures

- A. Transfer \$4,117.00 from Merit Pay, Budget Account No. 996, to Salaries - City Administrator and Staff, Budget Account No. 510.
- B. Transfer \$3,302.00 from Merit Pay, Budget Account No. 996, to Salaries - Accounting Staff, Budget Account No. 540.
- C. Transfer \$29,514.00 from Merit Pay, Budget Account No. 996, to Salaries - Civilian & Sworn Personnel, Budget Account No. 600.
- D. Transfer \$1,351.00 from Merit Pay, Budget Account No. 996, to Salaries - Dept. of Housing Services, Budget Account No. 700.
- E. Transfer \$1,334.00 from Merit Pay, Budget Account No. 996, to Salaries - Public Works-Office, Budget Account No. 800.
- F. Transfer \$890.00 from Merit Pay, Budget Account No. 996, to Salaries - Public Works-Government Buildings Division, Budget Account No. 830.
- G. Transfer \$3,030.00 from Merit Pay, Budget Account No. 996, to Salaries - Public Works-Repair Shop Division, Budget Account No. 850.
- H. Transfer \$1,083.00 from Merit Pay, Budget Account No. 996, to Salaries - Public Works-Parks Division, Budget Account No. 865.
- I. Transfer \$5,800.00 from Merit Pay, Budget Account No. 996, to Salaries - Public Works-Sanitation Division, Budget Account No. 875.
- J. Transfer \$4,130.00 from Merit Pay, Budget Account No. 996, to Salaries - Public Works-Streets Division, Budget Account No. 885.
- K. Transfer \$6,800.00 from Merit Pay, Budget Account No. 996, to Salaries - Recreation Department, Budget Account No. 900.
- L. Transfer \$3,322.00 from Merit Pay, Budget Account No. 996, to Salaries - Library Department, Budget Account No. 930.
- M. Transfer \$3,327.00 from Merit Pay, Budget Account No. 996, to appropriate City departmental fringe benefits accounts to cover the City's contribution on fringe benefits.
- N. Transfer \$9,607.00 from General Contingency, Budget Account No. 991, to the appropriate City departmental fringe benefits accounts to cover the City's contribution on fringe benefits.
- O. Transfer \$2,361.00 from General Contingency, Budget Account No. 991, to Special Revenue Fund to cover merit pay and fringe benefits costs for the Economic and Community Development Division.

SPECIAL REVENUE FUND

Revenues

- A. Increase General Fund Transfer, Revenue Account No. 3003.000 by \$2,361.00.

Expenditures

- A. Increase General Administration, Expenditure Account No. 3500.100, by \$2,361.00, to cover merit pay and associated fringe benefits costs for the Economic and Community Development Division.

SECTION 6. Effective Date. THAT this ordinance is effective upon enactment.

Adopted this 27th day of October 1986.

1st Reading: 10-22-86

2nd Reading: 10-27-86

INTRODUCED: Councilmember Iddings

ORDINANCE NO. 1986 - 42

Title: Pay Date and Pay Period Ordinance

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

Section 1. PURPOSE. The purposes of this ordinance are to correct inaccuracies in Section 2-66 of the Code and to make the City's pay procedures comply with the requirements of the Fair Labor Standards Act. The ordinance authorizes the City Administrator to change the dates when the City pays employees. However, the City Administrator must not change the <sup>rate</sup> amount of pay an employee receives and must pay the employee as promptly as possible.

Section 2. AMENDMENT TO THE CODE. Section 2-66 of the Takoma Park Code (1972), as amended, is repealed and reenacted to read as follows:

Sec. 2-66. Pay period.

~~(a) All salaried employees, with the exception of the library personnel, shall be paid on a bi-weekly basis.~~

~~(b) All salaried library personnel shall be paid on a monthly basis.~~

~~(c) All full-time hourly personnel shall be paid on a weekly basis.~~

~~(d) All part-time personnel shall be paid in accordance with their respective departmental procedures.~~

(a) Length of a pay period. The pay period for all:

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(1) salaried employees is two weeks;

(2) full-time hourly employees is one week; and

(3) part-time employees is governed by the procedures of their department.

(b) Payment for work done during a pay period. An employee is only paid for work that has already been performed. The City must pay employees for the work done during a pay period as soon as practical after the end of the pay period, but never later than one week after the end of the pay period. The City Administrator may adjust pay dates to implement this section.

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

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

Adopted this 27th day of October 1986.



ORDINANCE NO. 1986-43

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

(c) 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~~ October 31, 1986, 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~~ October 31, 1986 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 new language.

Adopted by the City Council of Takoma Park, Maryland on October 27, 1986.

Introduced by: Councilmember Sharp

Adopted: 10-27-86

RESOLUTION NO. 1986-70

WHEREAS, two vacancies exist on the Commission on Landlord-Tenant Affairs that include one Landlord-Alternate and one General Public-Alternate; AND

WHEREAS, the Mayor and Council have interviewed a number of prospective candidates to fill the vacancies.

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Takoma Park, Maryland, do hereby appoint the following individuals to serve on the Commission of Landlord-Tenant Affairs:

\_\_\_\_\_, Landlord-Alternate

\_\_\_\_\_ Susan Wild \_\_\_\_\_, General Public-Alternate