

CITY OF TAKOMA PARK, MARYLAND

Public Hearing and Special Session
Proposed Use Of Federal Revenue Sharing

June 1, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Assistant City Administrator Habada
Councilmember Haney	Deputy City Clerk Jewell
Councilmember Iddings	
Councilmember Levy	
Councilmember Sharp	
Councilmember Bradley (Excused)	

The Mayor and Council convened at 8:20 P.M., Monday, June 1, 1987 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Councilmember Levy stated that Councilmember Bradley expressed regrets that she was unable to make this deliberation; and asked that her right be reserved to make comments at the next public city council meeting.

CITIZENS COMMENTS (not directed at items on agenda)

BrInt Dillingham, 7018 Carroll Avenue questioned if there had been any follow-up about the question regarding possible missing revenue from apartment buildings. City Administrator Wilson responded that there has been no new information on this.

ITEMS FOR COUNCIL ACTION

PUBLIC HEARING

1. Proposed Use of Federal Revenue Sharing Funds. Assistant City Administrator Habada explained that federal revenue sharing funds is monies from previous years that was not spent; the bad news is that the City will not receive any such funds this year. Ms. Habada indicated that \$45,000 is from previous allocations which were underruns from previous years' projects, and proposed to be used for street improvements, specifically Carroll Avenue. Councilmember d'Eustachio questioned whether there was any flexibility on how Council decides to spend these funds. Ms. Habada responded that if the Council decides otherwise, public hearings would have to be held with consideration of public testimony. Mr. Wilson indicated that a budget amendment can be made; the only difference between a normal amendment made during the course of a year on any item is with federal funds, a public hearing would have to be conducted as it relates to the reappropriation of those funds. Mr. d'Eustachio pointed out his concern as to what the benefit the City receives from locking itself into Carroll Avenue; by changing it to read "for street repair" does not preclude the City in any way from repairing Carroll Avenue, though we obviously need to. By leaving the language in, it locks the City into spending \$500 to advertise for a public hearing should the Council decide to use this money to re-pave another street. Councilmember Iddings spoke in support of Mr. d'Eustachio's arguments. He stated that it was important that the Council not limit itself to Carroll Avenue particularly since the State is planning to repair Carroll Avenue and there may be some significant cost savings involved in allowing the State to repair the road and the County to reimburse the State for these costs. Councilmember Sharp expressed his concern that if the Council does take this approach, we may not fix Carroll Avenue or spend the money on street repairs at all. Mr. Sharp stated that his concern all along has been that the Council is not "earmarking" enough money and there is no good process for this.

Hearing no public comment on the proposed use of federal sharing funds, the public hearing was duly closed and the Mayor and Council convened to the Special Session.

SPECIAL SESSION

1. Second Reading - City Budget Ordinance (Including Special Revenue Budget.
The Chair noted that at the first reading last week, there was one amendment to the budget of consequence. The bottom line should now read \$6,213,000,284. Councilmember Iddings moved adoption of the ordinance, duly seconded by Councilmember d'Eustachio. Councilmember d'Eustachio moved that the language reference to Carroll Avenue be deleted and changed to read "Street Improvements", rather than "Carroll Avenue"; this was duly seconded by Councilmember Iddings. The amendment carried by majority vote; four AYES; one NAY.

Ed Hutmire, 21 Columbia Avenue, questioned what the amendment was that was made at the May 26 council meeting. Mayor Del Giudice responded that an amendment was made to add \$4,000 to the Newsletter Budget of \$26,000; increased to \$30,000 which added an increase of \$4,000 to Government Administration and in the final line. Mr. Hutmire also questioned where the Capital Budget was reflected. Ms. Habada responded that it was reflected in non-departmental and debt service. Debt service was increased and non-departmental was increased to reflect the capital purchases.

Patrick Hyde, 7307 Flower Avenue stated that he has received phone calls in the last week; callers were questioning whether COLTA was adequately funded presently. He commented on his own experiences that although a lot of improvement needs to take place, there has been admirable commitment of resources to COLTA in the last two years. Mr. Hyde felt that by bringing on Mr. Lloyd Johnson and others has tremendously increased the efficiency of COLTA's operations.

Tom Gagliardo, commented that he had requested on several occasions whether the budget would require a tax rate increase or a real tax increase. He questioned that given the budget presently before the Council for final approval, what is the change in the tax situation for the citizens of Takoma Park. Mayor Del Giudice pointed out the Tax Ordinance is the next item; the tax rate will be \$1.82.5 which includes a \$0.28.1 cent assessment for fire service and a \$0.04 cent assessment for WSSC storm drain and water management. The City's tax rate would remain the same at \$1.50.4. Mr. Gagliardo further questioned what was the constant yield tax rate. City Administrator Wilson responded that it is \$1.70.

Mr. Gagliardo also questioned whether there is any proposal to freeze or cut Police Department Sargeant wages. Mayor Del Giudice responded that there is no such proposal; a number of officers (and some of sargeant rank) in the Police Department will be red-circled under the proposed pay plan. Mr. Gagliardo went on to comment on the Council's schedule of meetings that didn't coincide with what is published in the Newsletter. He further expressed concern that the City's budget and taxes are going up; it's not staying the same nor going down.

Mary Pennifield, 7305 Takoma Avenue commented that senior citizens over 65 should not be faced with tax increases. They live on fixed incomes and double taxation is a very burdensome expense. Seniors pay City and County taxes to assessments on their homes. Because of a 30% increase in her City tax last year, she would like to see Takoma Park disincorporated. Ms. Pennifield stated that she feels Montgomery County could handle the business of this City thereby eliminating double taxation; she invited comments from the Mayor and Council on this proposal. Councilmember d'Eustachio commented that Montgomery County is proposing a very substantial increase in real and tax rate and if the City were unincorporated, the impact of a City increase would be substantially larger. Councilmember d'Eustachio commented that Montgomery County is proposing a very substantial increase, not only a real increase, but an increase in tax rate as well. He noted that a very large portion of tax increase that Ms. Pennifield would see next year would be a county tax increase, not a City increase. Mr. d'Eustachio also noted that if the City were unincorporated, the impact of that increase would probably be substantially larger. Mr. d'Eustachio further commented that he has been working on proposing an ordinance that would piggyback on the existing state tax relief program that would allow individuals currently receiving rebates in state property taxes, to receive a similar rebate or at least a freeze in the increase in property taxes. He noted that this idea hasn't been brought to the Council yet but this is a legitimate point that there are individuals on fixed incomes whose incomes don't increase with inflation or raises in their property taxes. Ms. Pennifield agreed, noting that taxes are based on what people make. She also thanked City Administrator James Wilson for trying to cut down quite a bit; she has read articles about what Mr. Wilson has done.

Councilmember Levy commented that she appreciates the problems of being in retirement or semi-retirement and wages staying the same. She stated that the Council has talked about a proposal to limit taxes for senior citizens in the last budget session. This was given to the charge of the Revenue Committee to suggest proposals along this line. Ms. Levy noted that she has not yet seen a report from the Committee. Mayor Del Giudice clarified that the Revenue Advisory Committee was not given this responsibility; however Mr. d'Eustachio and he did suggest that a piggy-back proposal be seriously looked at--although not to be pursued for this year. Mayor Del Giudice did agree with Ms. Pennifield's basic point and noted that maybe this would be looked at next year.

The Budget Ordinance, as amended carried by all present voting "AYE".

ORDINANCE #1987-25
(attached)

2. City's Tax Rate. Councilmember Iddings moved adoption of the Tax Rate Ordinance, duly seconded by Councilmember d'Eustachio. Mr. Iddings stated that as commented earlier, the City tax rate is set at \$1.82.5 per \$100.00 of assessed valuation, including 28.1 cents per \$100.00 assessed valuation for fire service reimbursement to Montgomery County and 4 cents for storm water management to be paid to WSSC.

The Chair noted a comment (unidentified by transcriber) that "the tax rate is too high"; this comment was seconded by an unidentified source. Upon roll call, the Ordinance carried by unanimous vote of all councilmembers present.

Sam Abbott, 7416 Holly Avenue commented that what disturbs him on any level of government in Maryland is the situation where assessments come under the State, the tax rate or the City. He stated that his concern is that the County tax is going up increasingly; these are funds that have to be shelled out by homeowners. He also noted that he would like to see a comparison--a figure of what the taxes are going to cost for someone having a house at \$50,000 assessed at \$75 and \$1000.

ORDINANCE #1987-26
(attached)

3. Ordinance to Purchase Burlap Squares (Budget Item - Single Reading Ordinance). Upon motion made by Councilmember Sharp, duly seconded by Councilmember Haney, the Ordinance to purchase 2,000 burlap squares from Kane Bag and Supply for \$3,740.00 was adopted by unanimous vote.

ORDINANCE #1987-27
(attached)

Upon motion made by Councilmember Sharp and duly seconded by Councilmember d'Eustachio, the Special Session was adjourned at 9:28 P.M. The Mayor noted that the Council will be meeting in worksession immediately following.

Special Session
Item 1

Introduced by: Mayor Del Giudice

Adopted: June 1, 1987

ORDINANCE NO. 1987-25

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

SECTION 1. THAT in accordance with Sec. 1.14 of the Charter of Takoma Park, Maryland, the budget for Fiscal Year 1987-88 is hereby approved and adopted for the year beginning July 1, 1987, said budget providing estimated revenues of SIX MILLION, TWO HUNDRED FORTY-SEVENTY THOUSAND, SEVEN HUNDRED FIFTY-TWO DOLLARS (\$6,247,752), and an expenditure appropriation as follows:

Public Works	\$ 1,584,281
Police Department	1,488,996
Non-Departmental	1,467,333
Government Administration	658,738
Library	295,053
Housing	257,574
Recreation	229,731
Debt Service	186,578
General Fund Transfer to Special Revenue Fund	45,000

\$ 6,213,284

Including a General Contingency Account in the amount of ONE HUNDRED TWENTY-THREE THOUSAND, FOUR HUNDRED AND EIGHT DOLLARS (\$123,408); THIRTY FOUR THOUSAND, FOUR HUNDRED SIXTY EIGHT DOLLARS (\$34,468) in Unappropriated Surplus; and a Capital Improvement Reserve Fund in the amount of SIXTY TWO THOUSAND, FOUR HUNDRED SEVENTY-EIGHT DOLLARS (\$62,478) as designated Unappropriated Reserve.

SECTION 2. THAT a Special Revenue Fund is authorized for receipt of and expenditure of Federally or State-funded community development projects with Revenues of SIX HUNDRED TWENTY-EIGHT THOUSAND, SEVEN DOLLARS (\$628,007), and an Expenditure Appropriation of SIX HUNDRED TWENTY EIGHT THOUSAND, SEVEN DOLLARS (\$628,007); AND

SECTION 3. THAT the City Administrator is hereby authorized to compute salaries for all City employees as related to various departments and disburse accordingly; to pay all rentals on the first of each month and bills monthly, discounting such bills as possible; AND

SECTION 4. THAT all capital outlay items be expressly authorized by the Council with the exception of professional services costing less than one thousand dollars (\$1,000) and items costing less than two thousand five hundred dollars (\$2,500), funds for which shall be properly authorized.

SECTION 5. THAT Federal Revenue Sharing Funds of \$45,000 will be earmarked for the following Capital Projects:

Street Improvements/Carroll Avenue \$45,000

Special Session

Item 2

Introduced by:

1st Reading: 5/26/87

2nd Reading: 6/1/87

ORDINANCE NO. 1987- 26

WHEREAS, the City Council is charged by Sec. 1.9 of the City Charter to establish a tax rate on or before the last day of June in each year.

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

SECTION 1. THAT Sec. 11A-2 and 11A-3, Chapter 11A, "Taxation, of the Code of Takoma Park, Maryland, 1972 as amended, be further amended to read as follows:

SEC. 11A-2. Annual tax levy on real and personal property.

(a) Effective July 1, 1987, all real and personal property which is subject to taxation by the City of Takoma Park shall be subject to a tax on the assessed value of such real and personal property, as such value is determined by the State Department of Assessments and Taxation, at the rate of \$1.825 per \$100.00 assessed valuation, including an equivalent of 28.1 cents per \$100.00 assessed valuation for fire service reimbursement to Montgomery County and 4 cents for storm water management to be distributed to Washington Suburban Sanitary Commission (WSSC).

Adopted June 1, _____, 1987

Item 4

ORDINANCE #1987-27

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

- SECTION 1. THAT bids for 2,000 burlap squares, 10 oz.
weight, 80" x 80", unhemmed, were solicited
from three (3) suppliers; AND
- SECTION 2. THAT only one bid was received from Kane
Bag and Supply located in Baltimore, Md.;
AND
- SECTION 3. THAT the bid received from Kane was \$1.87
per sheet for a total of \$3,740.00; AND
- SECTION 4. THAT the bid from Kane for 2,000 burlaps
squares is hereby accepted; AND
- SECTION 5. THAT funds for this purchase are to be charged
to Account No. 879 - Public Works Sanitation
Supplies.

Adopted June 1, 1987

Special Council Meeting Summary
June 1, 1987

A Public Hearing was held on the proposed use of Federal Revenue Sharing Funds.

The following Ordinances were adopted:

- #1987-25 - FY 1988 City Budget Ordinance, including Special Revenue Budget (providing estimated revenues of \$6,247,752)
- #1987-26 - FY 1988 Tax Rate Ordinance (at the rate of \$1.825 per \$100.00 assessed valuation)
- #1987-27 - Ordinance approving the purchase of Burlap Squares for the Public Works Department

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
June 8, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Asst. City Administrator Habada
Councilmember d'Eustachio	Div. of Ec. & Comm. Dev. Dir. Neal
Councilmember Haney	Dir. of Housing Services Weiss
Councilmember Iddings	Public Works Director Robbins
Councilmember Sharp	Deputy City Clerk Jewell
Councilmember Williams	

ABSENT: Councilmember Levy

The Mayor and City Council convened at 8:14 P.M. on Monday, June 8, 1987 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made by Councilmember Sharp, duly seconded by Councilmember Iddings, to table approval of the Minutes of the 4/15/87 Public Hearing until the June 29 Regular Meeting to allow adequate time for examination of same. The motion carried by unanimous vote. Mr. Iddings noted that what appeared to have been provided was a 26-page transcript of the 4/15/87 meeting, rather than a condensed summary; he commented he was uncertain how feasible such an arrangement would be, since it would be overwhelming for anyone to try to locate specific events in such a document.

The Mayor commented that 4 new Code Enforcement Officers would be sworn in at a later point in the meeting, and encouraged all present to remain and welcome them. He related that in May, several City residents had been appointed to serve with Suburban Maryland Fair Housing, including Diane Pierce, who was elected Treasurer, and Lou D'Ovidio and Gregory Hamilton, who were appointed to the Board of Directors. He extended congratulations to those individuals.

Mayor Del Giudice presented a Resolution of Appreciation prepared for Attorneys Mark Hessel and Mary Bottum, members of Corporation Counsel's staff; he moved its passage, duly seconded. The resolution was passed by unanimous vote.

RESOLUTION #1987-42
(attached)

The Mayor reminded that there would be no meeting(s) of the Mayor and Council the following week, that many of the elected and appointed officials would be in Ocean City attending the MML Annual Convention. He noted there would be a Public Hearing and Special Session on June 22, and that the hearing would be concerning abandonment of a portion of Sheridan Avenue, with the next Regular Meeting to be convened on June 29.

ADDITIONAL AGENDA ITEMS:

Appointment of individuals to fill COLTA vacancies

CITIZENS' COMMENTS: (not directed at items on Council Agenda)
Lloyd Johnson, Chair of COLTA: stated he was appearing on behalf of a number of members of COLTA; reaffirmed and reiterated favorable comments concerning services provided the City by Attorney Mary Bottum, and the invaluable assistance she had rendered to COLTA. Mr. Johnson related that at the prior week's COLTA meeting, due to 2 landlord vacancies on the Commission and illness of Pat Hyde, the other landlord representative, there was not a quorum, thus, no action could be taken and 5 cases scheduled for hearing had to be postponed. He noted that of those 5 cases, 2 were retaliatory evictions, one of which was scheduled to go to court on Wednesday, June 10, and it was too late for COLTA to do anything on behalf of the tenant. He noted he was not being critical of the Mayor and Council, but felt the problem needed to be stated for the public record to avoid misinterpretation of the situation. Mr. Johnson continued, outlining what he felt to be a problem in the relationship between COLTA and the Department of Housing Services. He said landlords and tenants alike had been coming to the Commission during the past 6-12 months in a far

more sophisticated manner than previously, thus the demands on COLTA had grown to proceed in a responsible way so that they could withstand judicial scrutiny (he pointed out that body presently had 2 cases before the Circuit Court); he noted that what COLTA expects from Housing had increased and tensions had grown. He said Housing had responded in a reactive way, rather than seeking the initiative, and related a couple of examples, including one concerning the need for an inspection subsequent to a panel hearing and prior to COLTA rendering an opinion. He said COLTA's needs are changing and there were issues that would have to be addressed. Mr. Johnson emphasized he was not being critical in any way, but hoped a vehicle could be established to address the Commission's present and expanding needs.

Councilmember Haney referred to a conversation with Mr. Johnson the prior week; said he had spoken with several members of Council, and it was hoped a meeting could be scheduled in the very near future at which members of the Commission, as well as Housing staff, could examine with the elected officials their roles and how they interface in conducting the business at hand. Councilmember Williams commented that the confusion and tensions outlined by Mr. Johnson had been an ongoing problem, and that there was a real need for such a meeting so that definite guidelines and procedures could be set forth by the Mayor and Council and any confusion about roles could be cleared up. He said when the process was not working well, it was the tenants, such as those who would be going to court on June 10 without benefit of being heard by COLTA, who end up getting hurt. Mr. Johnson noted that Housing staff had provided whatever help they could to those persons going to court.

Councilmember Sharp commented that one of the ordinances on the agenda would assist in addressing some of the existing problems; he remarked that when the Commission had heard retaliatory eviction cases prior to hearing in court, most of those had been settled in favor of the tenant. Councilmember Bradley remarked on the ongoing nature of some of the problems between COLTA and DHS, and said much of the conflict appeared to be of an institutional nature which had simply not been resolved. She said while she would be glad to assist in any way possible, she would like to see the City Administrator sit down with those parties involved and try to come up with some recommendations prior to the elected officials participating as a body. She remarked that conflict over inspections was a part of the history of COLTA/DHS, and certainly needed some attention and clarification. Councilmember Iddings pointed out it was necessary that everyone recognize that DHS was still in a state of flux -- had not had sufficient personnel to do even routine inspections -- the Department Head was still relatively new to the job and all of the Code Enforcement Officers had resigned. He said he felt there were issues that had to be kept in perspective, and that there had to be some patience with the significant institutional change process occurring presently.

James Rosenthal, City Employee: asked why so many longterm (10-12-year tenure) employees, particularly with the Police Department, had left City employment during the past 6-8 months -- he said no one had even questioned the situation, and that when grievances were filed with the City, no response was received. He pointed out that any agenda item pertaining specifically to employees was consistently placed at the end of the agenda, as a result of which citizen supporters could not remain to express their views due to the late hour, and employees were exhausted by having to wait to speak after having worked all day. Mr. Rosenthal noted having received no response to grievances filed by him months back concerning reclassification, and which he said had been promised by the Mayor; he noted the reclassification plan was now approaching adoption and employees who had filed complaints had yet to receive any written response. He inquired whether such employees would again be forced to hire attorneys to represent them. The Mayor responded that a response was written to Sgt. Rosenthal; he noted that Sgt. Rosenthal's grievance did not go through proper channels according to the ordinance, however, that the response did -- said it went through Mr. Wilson to Chief Fisher, and that discussion had also occurred with Chief Fisher, including reclassification of Police Sergeants. He noted that subject was also dis-

cussed during budget hearings, as well as classification of Police Private positions. Mayor Del Giudice emphasized that a response did go forward through proper channels, and he was uncertain why Sgt. Rosenthal did not personally receive same. He noted that two ordinances affecting employees were on the present agenda for First Reading, and as was customary, would be placed earlier on the agenda when scheduled for Second Reading.

Brint Dillingham, 7018 Carroll Avenue: said that while he had admittedly been critical at times in the past, and probably would be in future, of various City programs, including things concerning the legal department, he wished to clearly echo the praise in the City's resolution for Mary Bottum. He said he had only recently learned his retaliatory eviction case that had been in Circuit Court for some time was decided in his favor; he related that Mary Bottum represented the City in the case and Tom Gagliardo was his personal representative -- said a major part of that victory could be attributed to Mary Bottum's excellent work.

ITEMS FOR COUNCIL ACTION:

In order to accommodate prospective COLTA appointees who were present, Councilmember Haney moved to place the additional agenda item as item #1 for consideration by the Council; the motion carried with one negative vote, balance of Council voting in the affirmative.

1. Resolutions Effecting Appointments to Fill Vacancies on COLTA.

The Mayor asked that the tenure of the appointee be left open-ended, so that might be set by himself, based on other considerations for which information was not presently at hand. Councilmember Bradley moved appointment of Mr. Louis Guthrie of Myrtle Avenue to fill a tenant seat vacancy, duly seconded by Councilmember Haney. Following brief favorable commentary by Council concerning Mr. Guthrie's qualifications to serve, Mr. Haney noted Mr. Guthrie was current President of the Hillwood Manor Tenants' Association. The resolution was passed by unanimous vote.

RESOLUTION #1987-43
(attached)

The Mayor noted that recent legislation provided that landlord representatives not residing within the City were eligible for appointment to COLTA, provided that they had an ownership or management interest in the City, and it was found necessary to make such appointments. He remarked that while Nancy J. Ricks, proposed for appointment as a landlord representative, had resided in the City for 20+ years until very recently, she did not now reside in Takoma Park, but did own property in the City. Mr. Haney noted that in pre-Council discussion, it had been stated by himself and several other Councilmembers that they had made repeated efforts to recruit City resident landlords to serve on COLTA, but to no avail -- as well as advertisements being published in the City Newsletter and Montgomery and Prince George's Journals. He said he felt an honest and solid effort had been made to recruit resident landlords or property managers. Mr. Haney moved appointment of Nancy J. Ricks to serve as a landlord representative on COLTA, with her term of tenure to be determined by the Mayor; the motion was duly seconded by Councilmember Bradley. It was again noted that Ms. Ricks does own property in the City and the difficulty encountered in finding persons willing to serve as landlord representatives. Mr. Sharp remarked that the landlord vacancies had been longstanding -- amounting to 6 months or more, and noted another vacancy would be occurring at the end of June. Ms. Bradley expressed support for Ms. Ricks' appointment, particularly based on her longtime City residency, as well as her familiarity with and knowledge of Housing issues. The resolution was passed by unanimous vote.

RESOLUTION #1987-44
(attached)

2. Second Reading of an Ordinance Amending City Code Section-6.80.2. Councilmember Sharp moved adoption of the ordinance, duly seconded by Councilmember Haney. The Mayor noted that substantive changes

effected in the draft ordinance during worksession had been indicated in the draft by double underline, and the sense of the Council was that those amendments should be formally made at a Regular session. Councilmember Sharp moved adoption of the said amendments to Sec. 6-80.2(d)(e)(4) and Sec. 6-80.15(a), duly seconded by Councilmember Haney. The Mayor pointed out that the amendment to 6-80.2(d)(e)(4) was for purposes of clarification to ensure that a record of the hearing before the full Commission would be based on the record already created before the hearing panel so that it was not, in fact, a hearing de novo; he said it amounted more to an appeal -- the hearing would be before the 3-member panel, the record would be made there, and if there was a dissent, the matter would go to the full Commission for consideration and disposition as an appeal, rather than holding a new hearing. He said the intent was to make sure the record was created by the panel. He said the other substantive amendment to Sec. 6-80.15(a) was to increase the fine from \$250 to \$400 for disobedience of a Commission Order. The question was called, the amendments were passed by unanimous vote.

Councilmember Sharp pointed out an editorial amendment on page 2 of the proposed ordinance to "Sec. 6-80.2(i)(j), (3)" and the line following thereafter and below, noting that the entire phrase was the numerical designation and title of a section heading, and should read as follows: Sec. 6-80.2(i)(j) Commission ef on Landlord-Tenant Affairs hearings. The amendment was accepted as editorial.

Councilmember Iddings pointed out that the next ordinance on the agenda, "Rent Guidelines," would amend what was now being amended, and that there had not been coordination of the two. He moved to delete consideration of Sec. 6-80.17(g) from consideration in the ordinance at hand, duly seconded. COLTA Chairman Lloyd Johnson asked that, if there were a choice to be made, Council go with the language in the ordinance now under discussion on that section, particularly inasmuch as Corporation Counsel had advised COLTA that there were court cases that could be affected otherwise. The Mayor clarified that what Mr. Iddings wished to do was to consolidate the discussion of the Rent Guidelines part of the Code and address it at a later point -- by first taking that section out of the ordinance at hand. Mr. Iddings concurred and said he felt it would facilitate the process and generate less confusion to do so. Mr. Johnson reiterated his request that Council stay with the language of that section in the ordinance now up for adoption. Ms. Bradley commented she would support Mr. Johnson's request in part because the language of that section was what was discussed at worksession, that there was a consensus that it was what COLTA needed and that Council would move forward with its adoption at the current meeting. The motion to amend failed with Councilmember Iddings voting Aye, Councilmember Haney Abstaining due to having missed the discussion, balance of Council voting Nay. The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Iddings, Sharp and Williams; NAY: None; ABSENT: Councilmember Levy.

ORDINANCE #1987-27a
(attached)

3. First Reading of an Ordinance Amending City Code Sec. 6-80.17. "Rent Guidelines."

The Mayor noted that the amendments proposed to the subject Code section were based on a memorandum from COLTA Chair Johnson which was discussed at a worksession. Councilmember Bradley moved acceptance of the ordinance for First Reading, duly seconded by Councilmember Haney. The Mayor noted that the circumstances concerning this legislation as put forward by Corporation Counsel to COLTA had been outlined earlier by Mr. Johnson, and remarked that the material was put together very quickly and the sense of the Council at worksession was that staff would provide a first draft for the current meeting, with subsequent discussion and consideration to occur at the next worksession. Councilmember Sharp commented it was his understanding that the substance of the proposed ordinance had come from the Commission; said he did not know to what extent staff had adjusted it, but he felt a serious effort should be made to adopt the ordinance within the current month,

or no later than the first week in July. The Mayor asked that COLTA members present at the meeting take a copy of the draft ordinance and review it along with their own drafted material and see if there were any additional suggestions or changes they would wish to make. Councilmember Bradley commented that the legislation was beginning to put substance to what many on the Council had wanted to see over the years, e.g., a more specific and systematic approach to obtaining information about rents, information about how to determine allowable rent increases, and forms and paperwork providing a mechanism for same. She concurred with the need to hold a worksession discussion at the earliest possible date, however, said she would like to see a Newsletter article published on the matter to inform interested parties concerning the document. The Mayor noted that a part of the pressure to deal with the legislation was being precipitated by a need perceived by Corporation Counsel, however, said if that need did not persist, the City may have the luxury of more time, but even if that were not the case, some steps could be taken to notify interested parties about the legislation being considered -- nor would a more thorough analysis be precluded in coming months, once the legislation was adopted. Councilmember Sharp concurred that the ordinance should be as good as possible, which could probably not be done in a short period of time, and that there should be widespread publicity about it; however, said he did believe there was good reason to adopt it by the first week of July even in an imperfect form. He noted the two individuals appointed earlier in the evening to sit on COLTA had backgrounds that would suit them to participate in perfecting the legislation, and said he hoped they would do so enthusiastically.

Ginja Carter of Neighborhoods Together, Inc., raised questions concerning what seemed to be contradictory language in section (3) (middle of page 8 of the draft ordinance), concerning whether or not the Commission would consider a landlord's request prior to his affidavit having been properly completed. It was noted that clarifying language could be proposed and considered at the worksession, and that under the ordinance just previously adopted, affidavits would become petitions. Councilmember Iddings noted that the legislation incorporates a number of forms as a matter of law and inquired what the rationale was for that practice -- said they would appear to be administrative documents and should perhaps appear in a related set of administrative procedures rather than in the ordinance. He said he felt it generated a lot of confusion to incorporate forms into ordinances, particularly in trying to read through and follow the legislation. The ordinance was accepted for First Reading by unanimous vote; the Mayor noted it would be considered at the June 22 worksession.

ORDINANCE #1987-
(attached)

4. First Reading of an Ordinance Concerning Construction of Hayward Avenue Roadway.

City Administrator Wilson noted that while this item had been listed as an ordinance, Corporation Counsel had advised it would be appropriate to reduce its status to that of a resolution, which would authorize execution of the contract, with a copy of the contract attached as reference. In response to an unidentified member of the audience, clarification was given that the resolution would authorize extension of the roadway to allow an individual to construct a driveway -- that it was not the building of a thoroughfare. It was noted that the contract would provide that should there be any damage to Hayward Avenue as a result of construction of the driveway, the individual would be responsible for restoring the roadway back to its original condition. Public Works Director Robbins briefly summarized the provisions of the contract. Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember Iddings. The resolution was passed by unanimous vote.

RESOLUTION #1987-45
(attached)

5. Appointment of New Personnel to Code Enforcement Positions in Department of Housing Services.

Mayor Del Giudice welcomed Chris Scheer, Steve Borkowsky, Don Serif, and Mike Rainey, and related the credentials and qualifications of each. The Mayor administered the Oath to the new Code Enforcement Officers collectively.

Councilmember Williams expressed his pleasure concerning the new staffing for DHS and the experience and qualifications two of the new people have in the fire service. The Mayor congratulated all on their appointments and wished them, as well as the Director of DHS, good luck. Mr. Wilson noted the new people would be starting with the City as Code Enforcers, with their titles to be expanded upon later, as necessary.

6. First Reading of an Ordinance Abandoning a Portion of Sheridan Avenue (the paper street).

Councilmember Iddings moved acceptance for First Reading, duly seconded by Councilmember Bradley. Mr. Iddings noted that a Public Hearing on the ordinance would be conducted on June 22, 1987. For the record, it was noted that the purpose of this legislation was to allow Park & Planning to begin construction of the Sheridan/Hancock Neighborhood Park. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1987-
(attached)

Councilmember Haney moved that original agenda items #9 and #10 be addressed directly following original item #6, as a courtesy to City employees present for the reading of those two items; the motion was duly seconded by Councilmember Sharp, carried unanimously.

7. Resolution Disposing of Various City Department Vehicles.

Mr. Iddings noted that these vehicles were no longer in use, the resolution would allow their removal from City inventory records and insurance coverage. Councilmember Sharp moved passage, duly seconded by Councilmember Haney. The resolution was passed by unanimous vote.

RESOLUTION #1987-46
(attached)

6. First Reading of an Ordinance Authorizing Implementation of Commercial Facade Regulations in the Erie/Flower and Flower/Piney Branch Commercial Districts - Providing for Revision of Commercial Facade Regulations in TOT and Takoma Junction Commercial District.

Councilmember Bradley moved acceptance for First Reading, duly seconded by Councilmember Iddings. Economic & Community Development Division Director Neal explained that this legislation was part of a larger package that would allow the City to work with the county to clean up some of the facades in the commercial districts in Ward 5. He noted the presence of Chuck Beard of Montgomery County Government at the meeting. Mr. Neal noted that the project utilizes inducements to commercial property owners to comply with the legislation; he commented that the ordinance was a new approach to commercial facade regulation in the City, pointing out that it allowed for adoption of regulations by the City Administrator without formalizing them into the law -- an approach Corporation Counsel had recommended that the City pursue. In the draft provided of the ordinance, Mr. Neal recommended that on page 2, Sec.(3)(C), following the language "...in block A of..." the designation Gilbert & Woods be inserted prior to "...Subdivision on the south." On page 3, Sec. (4)(D), he asked that the word "block" in line 2 be changed to section. Mr. Neal stated that the intent was that the ordinance at hand supersede the two other existing ordinances in effect in Takoma Old Town and Takoma Junction with regulations promulgated by the City Administrator which would be substantially the same -- the new ones would be modeled on those that went before, without any significant substantive changes that would create problems; he noted the new approach would simplify and facilitate enforcement.

Councilmember Bradley spoke in support of acceptance for First Reading, and moving forward with the legislation without delay, so that the project in Ward 5 which had been awaited for many years could proceed. Ms. Bradley reminded that in Takoma Old Town, the facades of some of the multi-family dwellings underwent improvement; she inquired whether that was also the intent in this project. Mr. Neal responded that the intent was to cover commercial property and lots only. Ms. Bradley commented that the ordinance was somewhat confusing concerning that inasmuch as a precedent had been set in TOT, and Sec. (1)(A) at the top of page 2 would appear to include some multi-family buildings. Mr. Neal pointed out that Sec. 6A-401.(a), Basic Authority, (page 1), clarified and specifically stated to whom the regulations would apply. He commented that in Old Town, the rental properties were interpreted to be commercial properties, and that would be an aspect that would be examined in the regulations. Mr. Neal related that the City would be receiving \$34,000 in funding from the county for the Erie/Flower area involving 9 commercial facades, which would fund the hiring of an architect to coordinate and manage the project, and the purchase of facade easements. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1987-
(attached)

Mr. Iddings noted the need for coordination between the new ordinance and regulations and the existing ordinances for TOT and Takoma Junction, i.e., repeal of the previous legislation, so that there would not be conflict. He asked that the information be provided on June 22 when the ordinance at hand comes up for Second Reading.

9. First Reading of an Ordinance Amending the Personnel Classification System.

Councilmember Iddings moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio. The Mayor noted that the ordinance adds 2 new positions to the Classification System -- the Police Records Clerk at a grade 4, and a Master Mechanic at grade 9 -- and reallocates Police Private from grade 6 to grade 7.

Police Sgt. Jack Goetz: noted he had been employed by the City for the past 20 years; commented that, as a Sergeant and based on his current position in life, he felt embarrassed and humiliated at how the law enforcement personnel had been treated under the reclassification program. He said the entire police department had been downgraded, with the ones taking the worst beating being the police Sergeants; said it was his understanding that this was predicated primarily on education. Sgt. Goetz commented that police personnel had had conversations with a number of knowledgeable persons in the field, including a research analyst in law enforcement, all of whom said they did not see how law enforcement personnel could be lumped in with administrative and other types of personnel in a classification plan. He said he had worked the last 20 years to reach his position, now has children in college, and now his salary was being frozen for the foreseeable future, which would amount to money being taken from him. The Mayor pointed out that the payscale ordinance would be discussed next on the agenda, at which time Sgt. Goetz's concerns about pay would be more appropriately expressed. Sgt. Goetz pointed out the two issues are intertwined, and spoke concerning the responsibilities, stresses and events that police officers experience that are unique to their type of work and could not be accurately compared with other jobs. He noted the City's growth during the last 20 years, the increase in businesses coming into the City, part of which he said was attributable to the quality of law enforcement and protection provided in Takoma Park. He asked that the Mayor and Council reconsider the reclassification, the way it was to be implemented, and re-examine law enforcement in the context of the plan. Sgt. Goetz related examples of some of the more stressful events police encounter and deal with, and remarked he did not see how those could be adequately described in a job description.

The Mayor commented that he could appreciate the frustration expressed by the Police Sergeants, but expressed concern that there did not seem

to be interaction and understanding in the situation. He said the same sort of problem was encountered concerning classification of Police Privates; the Police Chief was asked to furnish the job specs for that position, as well as a comparison with other area police departments; he said the comparison was not done, but specs for the position with Greenbelt and other local agencies were furnished, and it was noted by the City Administrator that the specifications of all those other departments required that a Police Private, or someone trying to become a Police Private, have 2 years of general work experience. The City then added that requirement clause to the job specifications and the position could then be reclassified from a grade 6 to a grade 7. He said no one had really examined the specifications for Police Sergeant or compared them with those of other jurisdictions to see what could be done about the situation. He said he believed that if the Chief sat down with the Sergeants, and thereafter the Chief sat down with the City Administrator, and sincere efforts were made, that ways of improving the job specifications could be found. He said the fact was that such groundwork had to be done in order to upgrade the job specifications, so that upgraded classification of the position could be considered. The Mayor said it was unfair, however, to think that personnel other than police did not work at risk to life and limb; he spoke concerning risks that those employed in such jobs as construction and manual labor face in the performance of their jobs.

Councilmember d'Eustachio referred to the philosophical question of whether police officers could be rated in a plan along with other personnel, and said he had ultimately supported that that could be accomplished because he felt that the final purpose of so doing was to determine a rate of pay. He said that in the final analysis the issue was really the rate of pay, which is based on grade classification determined by job descriptions. For that reason, he said he would support the Mayor's comments concerning the probable need to re-examine the Sergeants' situation, but felt that any flaw was probably not in the system itself, but in the way the system had been worked. Sgt. Goetz agreed that he did not think the problem was the system itself; said the City had needed a classification system for years, but that the implementation process was the basis of the problem. Sgt. Goetz spoke concerning the personal lack of time to accomplish all the research and work necessary to do the departmental comparisons and upgrade the job descriptions, as well as the fact that Sergeants were not eligible for union representation to look after their interests.

Councilmember Bradley commented that the problem was a very complex one, however, did not think it was fair for police personnel to look at other jobs and think that those particular jobs were not monetarily worth what a policeman does; she noted that regardless of the line of work, people tend to rationalize that certain aspects or requirements of their job should indicate a higher rate of pay than for someone else's. She said on the one hand, she empathized with the Police Sergeants, but on the other hand, what the City was trying to do was put a number on the job classification which could be tied into a payscale. She, too, urged that the Sergeants rework and upgrade their job descriptions. The Mayor noted that if that were done in accordance with the ordinance, assistance would be rendered during the process by those responsible for so doing, prior to the issue coming back to the Council for reconsideration. Councilmember Sharp expressed support for the classification plan and the entire process, which he said supports and provides for corrections. He said he agreed that certain elements, such as danger, may not have been sufficiently emphasized in police officers' job descriptions, but that those elements were not totally excluded.

Sgt. Goetz remarked that he and other Sergeants had tried working through the chain of command with their complaints to no avail, which was why they were again before the Council. Mr. d'Eustachio commented he felt it was entirely appropriate that members of the Police Department come before the elected body, whether or not it appeared to subvert anyone's authority. He suggested that, in order to comply with going through the chain of command, the Sergeants submit the necessary documentation in accordance with that requirement, and, if

no response were forthcoming within a period of time, e.g., 2 weeks, that they come before the Council and provide them with a copy of what had been submitted and advise them that no response had been received. He said he felt that would be the appropriate way to proceed and would be interested to see how it progressed; if it were found that the matter did not flow through the system as it should, then Council needed to know that. Councilmember Iddings commented that while he did not have any easy answer, he did feel the Chief was ultimately responsible for job descriptions that set up a career path, fit together, and accurately describe the work being performed. He spoke concerning the fact that most of the Sergeants who were frozen in pay were in longevity steps which had been melded into the pay plan back in 1982, and said that there was a consensus among most of the Council that the way longevity had been made a part of the pay plan was not a good thing. He said if one looked at the lower steps for Sergeants in the pay plan, they did not appear out of line, but that the problem appeared to be for those who were in longevity steps. He said what had been discussed in worksession for those who would not be receiving pay increases due to their being in longevity steps was perhaps giving a bonus this year to make up for the lack of an increase -- to, in effect, hold the individual harmless while the payscale caught up with his/her salary level. He said that by and large he was pleased with how well the factoring system worked; said there were areas that needed to be tweaked, but that trying to systemize something that grew like Topsy and previously had no system to it was not a simple undertaking, and he felt the outcome spoke well for the Council and for the pay plan, despite not being free of all problems. He said there had been an effort to convince the Chief to modify the Sergeants job descriptions, however, he would not agree to do so; however, said he felt the major problem had been created by the inclusion of longevity steps in the pay plan.

Sgt. Goetz spoke concerning the loss by the City of valuable, experienced police officers, attributable in large part to the reclassification and pay plan. Councilmember Haney reiterated suggestions to facilitate an appeal on the part of the Sergeants, e.g., getting Sergeant position descriptions from other jurisdictions and making a comparison between those and Takoma Park's to see where Takoma Park's job descriptions could be polished and expanded upon. Councilmember Sharp commented he did not think it accurate to say people were leaving City employ due to the pay plan; he said perhaps that was true in some instances, but said he had tried to find out the reasons people had resigned and it did not seem possible to pinpoint one particular cause -- it seemed to be individual reasons. Following additional discussion, Councilmember Bradley remarked that while she did not want to be overly blunt, that if upgrading the Sergeants' job descriptions meant money in the pockets of those affected individuals, then they should find the time to do the necessary work, because they, better than anyone, know what they do on the job and what is required to do it well. Councilmember Williams empathized with the plight of the Sergeants, but concurred with Ms. Bradley's comments concerning the need for those impacted to do the necessary groundwork for an appeal. The Mayor commented, in contrast to remarks by Ms. Bradley that she was not greatly concerned about educational requirements for Sergeants, that in light of the fact a police Lieutenant was required to hold a B.A., he would like to see the requirement that a Sergeant have at least an Associate Degree, or equivalent coursework. He pointed out that Montgomery County required that a police Private hold an Associate's Degree.

The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1987-
(attached)

10. First Reading FY-1988 Pay Scale Ordinance.

Councilmember Iddings moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio. Following brief discussion of Sec. 8B-125.(a), (page 6), Asst. City Administrator Habada recommended that the phrase "for each grade of increase" be deleted from that section, noting that could appropriately be done at the worksession on

June 22. Additionally, she noted an editorial amendment to Sec. 2.(a), (page 3), "...Grades 11 through 17,..." should read "...Grades 14 through 17,..." Responding to questions raised by Ms. Bradley concerning Sec. 8B-124.(b)(3), (page 5), Ms. Habada explained that the language contained in that subsection was from the Code as presently written. Ms. Bradley commented she did not like that section as written, and that there were several issues in connection with various types of leave, including maternity leave, that need to be addressed. The Mayor inquired whether there was language in the ordinance providing for the earlier mentioned 3% hold harmless bonus for employees who would not otherwise receive a pay increase; Ms. Habada responded in the negative; it was noted a resolution addressing that would be presented at a later date, and that budget funds would have to be transferred by amendment to cover the necessary amount.

Police Officer Jagoe: commented that from step G onward in the pay scale grid, it appeared that the longer one remained in City employ (and the more experience one gained), the less raise one was given percentage-wise. He recommended that, at least, step G and above be changed to annual increases. Ms. Habada responded that philosophical-ly the intent behind the approach was to encourage promotion rather than people staying in one grade and going all the way to the end of the scale, as has often been the case in the past. Officer Jagoe commented that in a police department the size of Takoma Park's, promotions are bound to be somewhat limited and once someone makes rank, it could take dynamite to get them out of a position, particularly with the 30-year retirement plan. The Mayor commented he had discussed the retirement plan with the Chief and the Captain, and it was hoped there were ways something could be done about that, however, state legislation would probably be required -- perhaps working with other jurisdictions who have a similar problem. Councilmember d'Eustachio pointed out, not to denigrate the value of and need for longterm employees, that an officer just out of the academy is learning more and gaining more value to the City at a considerably greater rate than someone who has been an officer for a long time; he said that was true regardless of the position one holds, and that was the basis for having a higher percentage increase in the earlier years of employment. He said, in essence, making the higher steps annual rather than biennial increases would decrease upward mobility within the department because longterm employees would be given that much more of an incentive to stay on. Mr. d'Eustachio stated that the career plan on which the pay plan was based was a 15-20 year plan. The Mayor noted, however, that there was the presumption that there would be promotion, which would take time, but every time a promotion is received, it stretches out the 15-year plan; he pointed out that, for instance, an individual could be promoted from Corporal (step G) to Sergeant (step C) and then get increases beyond that; he noted that there is a bias toward promotion built into the system. Officer Jagoe commented that there are a number of police departments that are used as stepping stones where officers stay only long enough to get some experience and then move on; he said he hoped that wouldn't happen in Takoma Park because the City and its citizens would lose a great deal. Councilmember Bradley remarked that part of the dilemma the City faces in relation to its employees is its limited size and tax base, particularly in regard to maintaining a full-service police department. Officer Jagoe commented on the morale factor of a 15-year plan for those looking for a career from which they would hope to retire, as well as the lack of incentive for those who have reached step K in the plan. Responding to questions raised, Officer Jagoe stated that many Sergeants with Montgomery County earn \$45,000; Park & Planning Police Sergeants, with their new contract, will be topping out at \$50,000 per year within the next two years.

Police Cpl. Creamer: said she thought that notice should be taken of the number of police officers leaving the department, that there should be some concern. She said there had never before been such a turnover of police officers in the department, yet no one seemed to be concerned. Cpl. Creamer said she was partly responsible for trying to find officers to fill the vacancies created and that someone should be asking those leaving why they are leaving -- she said pay was a problem, but was not the only issue. Speaking for herself, she said

what she wanted was pay comparable to that officers get for a comparable time in service in other law enforcement agencies in the area. Responding to query from Cpl. Creamer, the Mayor stated that there was still an eighth Sergeant position vacant, however, the Council hoped the Chief would decide to abolish that position and add an additional Corporal position; however, it was unknown what the Chief's decision would be. Brief dialogue ensued concerning the lack of anything in the Code to cover the situation wherein an employee is assigned to perform the duties of a higher grade position; it was noted there was an ongoing need to address that situation. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1987-
(attached)

11. Re-enactment of Resolutions Amending Charter Sections.

The Mayor noted that a number of the Resolutions had previously been enacted, however, appropriate advertisements did not get out for publication due to staff illness, thus, the need for re-enactment and the required publication of advertisements. Councilmember Iddings moved passage of the resolutions, duly seconded by Councilmember Haney. Councilmember Bradley asked that the Resolutions be addressed individually; she moved passage of the Resolution to Amend Charter Sec. 1.7(b) and (f), duly seconded by Councilmember Haney. Councilmember Iddings noted that this was an amendment to the Powers Section of the Charter, which had been rewritten many times -- he said he felt the Council should proceed with the rewrite of that ordinance because it would articulate specific powers which should be articulated within the Charter, and would articulate more clearly what powers the Council does and does not have. Mr. Wilson noted that a very large and voluminous study was done identifying all areas subject to control by a variety of departments that needed adjustment in the Charter to accommodate a law that was passed about a year ago, and he said that was the incentive to get these changes made. Councilmember Sharp commented in favor of proceeding; Councilmember Iddings remarked that he felt it caused a lot of confusion for all concerned for the Council to conduct business in a sloppy, haphazard and disorganized way, particularly in trying to tie together bits and pieces of legislation that were not approached and handled in an organized fashion. He said he felt the Powers Section that had been in the hands of the Council for nearly two years was better, and that was what they should be considering and acting upon. Dialogue ensued, in the course of which Mr. Wilson stated the legal requirements for effecting a Charter Amendment. Deputy City Clerk Jewell pointed out that a worksession directive issued on May 11 had instructed that Corporation Counsel review the City's Charter Amendment again and incorporate language that would include the City Administrator; she said that had somehow slipped through the cracks, but she had the prior Friday sent Ms. Silber a reminder that was to be accomplished. Ms. Bradley remarked that the benefit to moving ahead with the resolution at hand was that it would be accomplishing what the City had requested permission from the state to do, i.e., increase fines for violations of the law; she asked whether there were City departments pressuring for the increases currently, or any other internal reason to proceed without delay. The Mayor responded that the resolution under consideration was the result of a request he had made some time ago that Corporation Counsel review the Code and give him a compilation of provisions pertaining to fines and how the Council could go about raising and setting fines; he said he was not aware of any internal reason that this had to be done immediately rather than 2-3 weeks hence. Mr. Wilson concurred that there was no reason the matter could not wait to be addressed in conjunction with the Powers Section as a whole. Councilmember Iddings moved to table the resolution, duly seconded by Councilmember Haney; the motion carried by unanimous vote.

The Mayor explained that the next resolution, on collecting fines, in effect, deleted Sec. 1.12 of the Charter and reserved it for a future date. Councilmember Sharp moved to table all of the resolutions, duly seconded by Councilmember Iddings. The motion carried by unanimous vote. [Included were resolutions changing the deadline for filing absentee ballot applications, Sec. 1.3(u)(2)(i), and changing the

amount of campaign contributions reported, Sec. 1.3(w)]. Councilmember Bradley asked that all of the resolutions be publicized in the Newsletter, brought to the attention of the public, prior to being presented for Council action. The Mayor assured that would be done and that they would be scheduled for worksessions and addressed in July.

12. First Reading of an Ordinance - Fiscal Year 1987 Budget Amendment #5.

Councilmember d'Eustachio moved acceptance for First Reading, duly seconded by Councilmember Haney. Councilmember Sharp commented that the budget amendment was necessitated by problems with legal expenses; said he felt there was a real and pressing need in the near future for the Council to make some clear decisions about what legal staff would and would not do, otherwise the City would go broke. He said he felt a real sense of urgency about the situation. Several members of the Council expressed concurrence. The Mayor commented that one factor that couldn't be overlooked was Corporation Counsel's ongoing participation in collective bargaining sessions. He pointed out this was the first time that many City officials had been involved in such an experience -- the only staff member having past experience was the City Administrator. He said Ms. Silber had been actively participating in those negotiations, thus the legal budget for both the prior and current month would be quite high. Ms. Bradley pointed out that the union negotiations had not been going on all year, that there would always be projects going on, but the point was that there needed to be some control over expenditures for legal services. She said she contended that a lot of research and advance work could be done by qualified staff, versus having it all done by Corporation Counsel's office. Following lengthy discussion, Mr. Sharp remarked that, while he knew Mr. Wilson did not agree, he did not think Corporation Counsel, at \$75/hr., should be sitting in every day on the collective bargaining negotiations. Mr. Wilson explained that a bargaining consultant would have cost an equivalent amount, plus the agreement would still have required legal review. He said he thought some money would be saved in closing costs because Corporation Counsel would not have to be brought up to speed for the review of the agreement, having sat in on the negotiations. Concerning budgetary control, Mr. Wilson pointed out that those areas where funds had been assigned, i.e., parceled out to departments, covered the projected funding for routine legal costs; however, it was the extraordinary and unanticipated items that arise and require a budget amendment for the transfer of funds to cover their associated costs. He concurred with the need to bring some control mechanism to the Mayor and Council along with the projected legal cost of special projects and the necessary budget amendment -- in advance of such projects commencing, rather than after they were off and running. He said, for instance, he would have no idea of the final numbers involved in legal fees for Mary Bottum's services in connection with the Park Ritchie Case until the final bills are presented, since that scenario was developed and handled primarily through Housing and COLTA. He noted that if and when possible, cost and time estimates needed to be developed in advance and some controls implemented. Mr. Wilson remarked he thought the collective bargaining agreement would be finalized by the end of June; said it was most important that the initial contract be the best possible because it would be the cornerstone for many years -- all that would occur in subsequent years would be amendments to the contract. He commented that the negotiations involved in the initial contract had been an intensive, if costly, learning process.

Councilmember Sharp commented he understood what Mr. Wilson was saying, however, understood from feedback he had received that Ms. Silber's presence was not necessary currently at the negotiating table from a legal standpoint -- that her participation was not now pertaining to legal matters, but rather that she was taking part in the negotiations. He said he felt Mr. Wilson to be capable of handling the negotiations along with others present for that purpose, and any documents requiring legal review prior to signing of an agreement could be forwarded to Ms. Silber for examination. Councilmember Bradley remarked that there were other Councilmembers who had agreed with Mr. Sharp's position in previous discussions. Councilmember

d'Eustachio commented that he was always in favor of conservatism when it came to spending money, however, given the point reached in the negotiations, he would have to question the wisdom of effecting any changes in the makeup of the bargaining team -- feared such a move might be strategically pennywise and pound foolish.

In response to questions raised by Councilmember d'Eustachio regarding two Capital Budget items on page 2 of the ordinance, Ms. Habada explained sufficient funds remained in the current year's budget to purchase the two vehicles; the 3/4-ton van included in the FY-88 budget would be deleted and a leaf collection machine inserted in its place. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1987-
(attached)

Upon motion, duly seconded, the meeting adjourned at 11:54 P.M., to reconvene in Regular Session at 8:00 P.M. on June 29, 1987.

Introduced by: Mayor Del Giudice

RESOLUTION #1987-42

A RESOLUTION EXPRESSING APPRECIATION FOR THE LEGAL SERVICES OF ATTORNEYS MARK HESSEL AND MARY BOTTUM OF THE CITY'S CORPORATION COUNSEL

WHEREAS, Having served successful employment tenures with the Law Offices of Susan Silber, the City's Corporation Counsel, Attorney Mark Hessel is moving on towards greater achievements and Attorney Mary Bottum is relocating to Pennsylvania; AND

WHEREAS, Ms. Bottum has provided excellent professional legal services to the Takoma Park Housing Rehabilitation Program over the past year, assisting in the settlement of a number of important rehabilitation cases; and thereby contributing to important community development activities benefitting the City's low and moderate income residents; AND

WHEREAS, Mr. Hessel and Ms. Bottum have provided invaluable legal assistance for a wide variety of City matters as well as departments, more particularly working with COLTA and the Housing Department, assistance in interpretations of the City Code, the work on fees and fine, these are just to name a few; AND

WHEREAS, Mr. Hessel and Ms. Bottum have each provided the Takoma Park Division of Economic and Community Development with legal assistance and advice on a broad range of issues in a timely and professional way that has proven most helpful to the Division's staff members; AND

WHEREAS, in their diverse work on behalf of the City of Takoma Park, Ms. Bottum and Mr. Hessel have exemplified the highest ideals of legal service in the public interest.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of Takoma Park, Maryland do hereby take recognition of the accomplishments of Attorneys Mark Hessel and Mary Bottum and express gratitude for their valued efforts on behalf of the City and its citizens; AND

BE IT FURTHER RESOLVED, Attorney Mark Hessel and Attorney Mary Bottum are wished the best of success in each of their respective endeavors.

Dated: June 8, 1987

Introduced By:

1st Reading: June 8, 1987
2nd Reading:

ORDINANCE #1987-

An Ordinance proposing changes to the Takoma Park
Code Section 6-80.17 - Rent Guidelines

(a) The City Council shall conduct an annual review of the rent stabilization provisions of this Article before or during the month of July each year and may establish a new rent stabilization figure for inclusion in the appropriate provisions of this Article. The City Council decision regarding this figure will consider, among other factors, the annual recommendation of the Commission and any staff recommendations as to the allowable percentage increase for rent stabilization purposes. Such recommendation shall take into account the Washington-area Consumer Price Index (all items), the Washington-area Consumer Price Index figure for fuel and utilities and the Washington-area Consumer Price Index figures for rents. Such recommendations shall indicate clearly how increases or decreases in such figures were factored together.

(b) The Commission shall study and report periodically to the Mayor and Council on any federal, state or county rent stabilization regulations, on rent increases and on rent inequities that they may find to exist in the city. The Commission shall be provided no later than February 15 of each year a preliminary analysis and preliminary recommendation for consideration prepared by the Department of Housing Services regarding the continuation of rent stabilization and the rent stabilization level provided for in the Subsection (a) of this section. The Commission shall prepare and transmit to the City Council during the month of March recommendations on whether rent stabilization should not be continued and, if continued, at what figure. This and other information shall be provided so that the City Council may make appropriate and informed decisions with respect to rent stabilization in the City of Takoma Park.

(c) 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 October 31, 1986, by more than four percent (4%), unless the landlord has first obtained a determination for the Commission on Landlord - Tenant Affairs that a rent in excess of four percent (4%) more than the lawful rent chargeable on October 31, 1986, is justified in accordance with this section of this Article.

(d) It shall be unlawful for any landlord or anyone acting on behalf of a landlord to increase the rent for any dwelling unit more than once in any twelve-month period.

(e) It shall be unlawful for any landlord or anyone acting on behalf of a landlord to increase the rent for any dwelling unit

without having first given the tenant(s) living therein at least sixty (60) but not more than ninety (90) days' written notice of the increase. Such notice shall contain the following:

- (1) The name and address of both the landlord and the tenant;
- (2) The rent being charged as of the date of the notice and the rent proposed to be charged; and
- (3) The following statement with the correct figures filled in:

(A) If the rent increase is within the limit prescribed in Section 6-80.17(c):

"1. YOUR RENT WILL BE INCREASED% TO \$.....ON....., 198....."

"The Takoma Park Code provides that the rent for your apartment may not be raised by more than.....percent (.....%) than the lawful rent chargeable on....., 198..... The lawful rent chargeable for this apartment on....., 198.... was \$..... Accordingly, the rent for this apartment may not be raised \$....., for a total rent of \$..... per month, without the approval of the Commission on Landlord - Tenant Affairs."

"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 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."

"3. If you have any reason to believe the law has been violated in any way, you have the right to file a complaint with the Takoma Park Commission on Landlord - Tenant Affairs, 7500 Maple Avenue, Takoma Park, Maryland 20912."

(B) If the rent increase exceeds the limit prescribed in Section 6-80.17(c):

"1. The Takoma Park Code provides that the rent for your apartment may not be raised by more than percent (.....%) than the lawful rent chargeable on....., 198....., without the approval of the Takoma Park Commission on Landlord - Tenant Affairs (COLTA). A rent increase of% is being proposed for your apartment. If this increase is approved, your current rent of \$..... would be raised to \$..... on....., 198....."

"This increase will not become effective unless and until it is approved by the Takoma Park Commission on Landlord - Tenant Affairs

(COLTA), because it exceeds the limit on rent increases which can be made without the prior approval of the Commission on Landlord - Tenant Affairs. If approved by the Commission on Landlord - Tenant Affairs, the increase will be retroactive to the date specified in this notice, which is, 198....."

"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) days before the effective date of the rent increase called for in this notice."

"3. If you have any reason to believe the law has been violated in any way, you have the right to file a complaint with the Takoma Park Commission on Landlord - Tenant Affairs, 7500 Maple Avenue, Takoma Park, Maryland 20912."

(f) Whenever a tenant notifies the Director of Housing Services or other representative of the city, in writing, that he or she has received a notice of rent increase which would violate this Article or that a landlord or anyone acting on behalf of a landlord is collecting or seeking to collect rent in excess of the limits prescribed by this Article, the Director of Housing Services or other representative of the city shall notify the Corporation Counsel or such facts. Upon such notification, the Corporation Counsel or his or her designee shall bring an action in a court of competent jurisdiction for an injunction prohibiting any rent increase in violation of this Article or any attempt to charge or collect such a rent increase. The court shall issue an injunction when it is shown, by a preponderance of the evidence, that a landlord or anyone acting on behalf of a landlord has proposed a rent increase which would violate this Article, has failed to meet the preconditions for a rent increase as provided in the Article or has collected or attempted to collect rent in excess of the limits provided in this Article. In the event that an injunction is issued, the court shall award attorney's fees and costs to the city.

(g) Proposed increases of more than four percent (4%) in excess of the rent stabilization amount established pursuant to Sec. 6-80.17(a) & (b).

(1) Whenever a landlord proposes a rent increase of more than four (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; the amount permitted by the ceiling percentage established under Sec. 6-80.17(a)(b), he shall complete the following affidavit form provided by the Commission setting forth the justification for the increase:

CASE NO: _____

CITY OF TAKOMA PARK, MARYLAND
COMMISSION ON LANDLORD-TENANT AFFAIRS
AFFIDAVIT

Takoma Park Landlords Must Submit This Form To The City Administrator's Office Whenever A Rent Increase Greater Than _____ Percent Is Proposed.

The Rent Stabilization Ordinance 2587/2598 requires that landlords provide documentation to justify rent increases of _____ or greater to controlled units. The documentation must include actual income and expense data for the 12 months immediately preceding the effective date of the proposed increase(s). This form is intended to assist you in meeting these requirements. It will also assist us in expediting the mandated financial review."

Rent Facility Name: _____ Registration No. _____

Address: _____

Apt. No.	Apt. Address	Apt. Size	Old Rent	New Rent	Rent Change	Date of Notice Of Rent Increase	Effective Date Of Rent Increase	Effective Date Of Last Rent Increase
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*If additional space is needed, please use reverse side provide additional sheets.

JUSTIFICATION FOR RENT INCREASES IN EXCESS OF VOLUNTARY RENT GUIDELINES <check one or more boxes> RENT STABILIZATION CEILING:

- 1. Operating expense increases are greater than increases in total income.
- 2. Need to increase cash flow levels (not to exceed best of 2 prior years of experience)
- 3. Other capital improvements, change in level of service.

Please provide supporting documentation

EXPLANATION OF FINANCIAL DATA TO BE INCLUDED UNDER EACH LINE ITEM DATA IS BASED ON:	LINE ITEM	YEAR _____ Actual Income & Expense
_____ Calendar Year	L	
_____ Fiscal Year which runs from _____ to _____ (month) (month)	I N E	% Of Line
	INCOME	TOTAL 5

Should reflect all apartment rental that could have been collected	1	Apartment rentals (incl. employee's apts.)
Difference between line 3 and line 4	2	Less vacancies and rent loss
Rental income from apartments which was actually collected	3	Total rents collected
All other income (e.g., parking, laundry income, income from commercial space, etc.)	4	Other income
Total of lines 3 and 4	5	TOTAL INCOME
		<u>EXPENSES</u>
Cost of oil used for heating purposes, if applicable	6	UTILITIES: Oil
Cost of gas for cooking, air conditioning, hot water, heating etc.	7	Gas
Cost of electricity for tenant and public areas, heating, etc.	8	Electricity
Cost of water and sewer service	9	Water and Sewer
Total of lines 4 through 9	10	Sub-Total
Management fee, admin. salaries, advertising, legal, dues, telephone, office expenses	11	Administrative Expenses
Janitorial supplies, building services, security, ground maint., general repairs, re-decorating	12	Operating and maintenance expenses
Amount paid to personnel not accounted for in lines 11 & 12 (incl. market value of apts.)	13	Payroll (not included above)
Local and state real estate taxes	14	TAXES AND INSURANCE: Real Estate Tax

License fees & permits, other taxes associated with operations	15	Other taxes
One year charges for fire, liability and other insurance premiums	16	Insurance
Total of line 14 through 16	17	Sub-total
Improvements with a use- ful life in excess of three years	18	Capital Improvements:
Line Item not shown else- where	19	Other:
Total of line 10, lines 11 through 13 and lines 17 through 19	20	TOTAL EXPENSES
Line 5 minus line 20	21	Net income before debt service
Principal and interest payments on outstanding mortgages	22	Debt service
Amount deposited to reserve accounts	23	Reserves
Line 21 minus sum of lines 22 and 23	24	Cash Flow

UTILITIES PROVIDED:

	Common Areas Only	Apartment Only	Common Areas & Apartments	
Heat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>NOTE:</u> Please attach copy of rent increase notice.
Electricity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Heating Fuel:	<input type="checkbox"/> Oil	<input type="checkbox"/> Gas	<input type="checkbox"/> Electricity	<input type="checkbox"/> Other

(2) In the event that the Commission shall determine that an increase in rent is justified, the Commission shall, by letter, provide notice of its approval to:

(A) The landlord;

(B) Affected tenants (those whose rent levels will be raised);

(C) Interested tenants (those who, by written or oral communication with the Department of Housing Services or the Commission, have requested that they be apprised of decision making steps by the Commission). Facts represented in the affidavit shall be documented by verified copies of bills, receipts, and other financial records.

(3) The Commission's order of approval shall not become effective for a rental unit or units if, prior to the proposed date of rental increase(s): consider a Landlord's request until the affidavit has been properly completed. Failure to provide complete documentation will not be cause to delay consideration of a Landlord's request. However, incomplete documentation may be cause for denial of a rent increase.

(A) Serious outstanding code violations affecting health, safety or welfare are found to exist; or

(B) Information demonstrates that the basis for the Commission's order has changed substantially or no longer exists.

(4) Notices to the landlord and tenants of Commission decision making shall set forth this provision of this Article:

In determining the "reasonableness" of the landlord's request, the Commission shall issue an Order with findings regarding the effect of the request on:

(a) tenant interests, including the tenant's interest in locating and keeping affordable, high quality living quarters; and

(b) landlord interests, including the landlord's interest in gaining a reasonable return on investment, not to exceed 10% of the value of the property per year; and

(c) public interests, including the public interest in maintaining a stable, safe community and the public interest in guarding the quality of rental housing stock.

(5) In the event that the Commission shall determine that the landlord is not justified in increasing the rent above the

stabilization ceiling, five percent (5%); the Commission shall notify the landlord and affected or interested tenants of its finding.

(6) Stricken in its entirety and replaced with the following language:

Any person aggrieved by a final order of the Commission may appeal to Circuit Court of the appropriate county within thirty (30) calendar days of service of the Commission's final order. An additional three (3) days will be allowed if service is by first class mail. the date and manner of service shall be made a matter of record at the time it is effected. The appeal will be heard on the record as compiled by the Commission. The Commission's order shall be upheld if supported by substantial evidence in the record.

(h) The Commission may, in its discretion, conduct a fact-finding hearing to compile additional information prior to determining whether or not a rent increase in excess of the limit set forth above shall be permitted.

(i) Notice of the hearing shall be given as provided in Section 6-80.2(g). The hearing shall be open to the public and shall be conducted in accordance with the provisions of Section 6-80.2(h).

(j) Any violation of Subsections (c), (d), (e) or (f) of this section of this Article shall be a municipal infraction, the penalties for which shall be as follows:

(1) Imposition or attempts to impose a rent increase in excess of the limit provided in Section 6-80.17(c) without the approval of the Commission on Landlord - Tenant Affairs; fifty dollars (\$50.) per dwelling unit.

(2) Imposition or attempts to impose more than one (1) rent increase in a twelve-month period: fifty dollars (\$50.) per dwelling unit.

(3) Imposition or attempts to impose any rent increase without substantial compliance with the notice provisions of Section 6-80.17(e): fifty dollars (\$50.00 per dwelling unit).

(k) In the event that a landlord or anyone acting on behalf of a landlord brings an action for unpaid rent or for eviction based on failure to pay rent which is unlawful under this Article, proof by a preponderance of the evidence that the landlord or anyone acting on behalf of the landlord has not complied with any provision of this Article shall act as a bar to recovery by the landlord or any person acting on the landlord's behalf of any rent or portion of rent due which is unlawful under this Article. When such proof has been made, the court shall dismiss the action against the tenant and award to the tenant his or her costs and attorney's fees incurred in defending the landlord's action, including any wages or other income lost for time spent in court in the defense of the action.

(1) If, during the pendency of a notice called for in Section 6-80.17(e), the limit on rent increases provided for in Sections 6-80.17(a) and (c) is lowered by the City Council, a landlord shall be entitled to charge rent only up to the limit as lowered by the City Council, at the proposed effective date of the increase. The landlord may charge rent in excess of the limit as lowered by the City Council only after complying with the requirements of Section 6-80.17(g). In all cases, a finding that a rent increase to the amount called for in the notice is justified under this Article, the Commission on Landlord - Tenant Affairs shall make its order permitting such an increase retroactive to the proposed effective date specified in the notice for such increase, provided that such increase and effective date are otherwise lawful.

(m) This section is applicable to all dwelling units located in the city, except the following:

(1) Any establishments which have as their primary purpose the providing of diagnosis, cure, mitigation and treatment of illnesses for residents.

(2) Dwelling units held by a person, corporation, partnership, or other entity that owns or holds interests in fewer than five (5) rental dwelling units within the City; provided however, that Section 6-80.17(d) shall nevertheless apply to such dwelling units.

(3) One-family dwellings, semidetached dwellings, and townhouses not located within a centrally managed multifamily housing community offering services substantially similar to those offered to apartment dwellers.

(4) Dwelling units which are part of federal government assisted multifamily housing projects and which require accountability of rent returns to the federal government or to dwelling units which are part of multifamily housing projects owned and operated by the Montgomery County Housing Opportunities Commission.

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

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

(o) This section does not apply to furnished apartments which are now being rented for transient occupancy.

Adopted this ____ day of _____, 1987.

Introduced By:

1st Reading: 5/11/87
2nd Reading: 6/8/87

ORDINANCE 1987- 27A

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

SECTION ONE: AMENDMENTS TO THE CODE. The following subsections of Section 6-80 of the Takoma Park, Maryland Code (1972), are amended to read as follows:

Sec. 6-80.2 Commission of On Landlord-Tenant Affairs

Sec. 6-80.2(d)(e)(1). Three-member panels

(1) When found warranted by the size of the caseload or length of required hearings. The Chairperson of the Commission following a majority vote of those Commissioners present, is hereby authorized to designate three (3) members of the Commission, one (1) of whom shall be a tenant member, one (1) of whom shall be a landlord member and one (1) of whom shall be a general public member, to sit as a panel to conduct a hearing on any complaint or appeal petition pending before the Commission. The Chairperson shall designate one (1) panel member to serve as the panel's presiding officer. Depending upon the extent to which panels are used. The Chairperson of the Commission will endeavor to rotate panel membership from time to time among members of the Commission.

Sec. 6-80.2(d)(e)(4).

Stricken in its entirety and replaced with the following:

The opinion and order of a hearing panel shall be final and binding upon the parties, unless a member of the hearing panel dissents from the opinion and order. Should a member of a hearing panel dissent from the panel's opinion and order, the matter shall be referred to the full Commission for consideration and disposition on the record created before the hearing panel.

Sec. 6-80.2(h)(g) Commission On Landlord-Tenant Affairs

In adjudicating complaints filed under this Article and pursuant to the Landlord - Tenant Coordinator's initial determination, the Commission ~~may~~ shall initiate a fact-finding hearing to compile additional information necessary in making a determination of the merits of a case. Notice of the hearing and its time and place shall be given to the complainant(s) and respondent(s) who may be affected by the complaint. Such notice shall be prepared and transmitted in such form and process as the Commission shall prescribe, inclusive of posting said notice in a commons area at the facility in question as well as in at least two (2) public locations not on said property so as to notify all interested other parties. Request for postponement and subsequent rescheduling by either party shall be submitted in writing within three (3) working days of the hearing, and is subject to the approval of the Chairperson of the Commission or the presiding officer of the Commission Panel.

Sec. 6-80.2(i)(h)

The hearing shall be open to the public. In conducting hearings, the Commission shall have the power to summon subpoena all witnesses. ~~Summons~~ must be signed by the Chairperson of the Commission and to ~~shall~~ require the attendance of named persons and the production of relevant documents and records. Any party to the hearing may request the issuance of a summons subpoena, which shall be in a form prescribed by the Commission. The Commission also may request from the landlord such additional information and documents as it considers relevant. Any party to a hearing, at the party's option, may appear in person before the Commission in person, or may appear by a duly authorized representative and may have the assistance of an attorney.

Sec. 6-80.2(i)(j), (3)

(1) Commission of on Landlord-Tenant Affairs hearings.

* * * * *

(3) The Commission may admit and consider give probative effect to evidence which ...affairs. It shall give effect ... law. It may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

Sec. 6-80.3(b)

Strike out the words "Office of Landlord-Tenant Affairs" and replace with Department of Housing Services.

Sec. 6-80.4(a)

Strike out the words "Office of Landlord-Tenant Affairs" and replace with Commission.

Sec. 6-80.9 Tenant complaints of defective tenancy.

If any affected tenant has ... the affected tenant may file with the City Office of Landlord-Tenant Affairs Commission, a complaint...

Sec. 6-80.10 Landlord complaints of defective tenancy.

If any landlord has reason to believe that a defective tenancy has been created or permitted to exist by a tenant, has given the tenant written notice of the complaint alleging ..., the landlord may file with the Commission on Landlord Tenant Affairs a complaint in writing, which shall state the name...

Sec. 6-80.11 Filing of complaints other than defective tenancy.

If any affected tenant or landlord has reason to believe that a violation of any provision of this ordinance exists which does not create a defective tenancy, he or she may file a complaint with the Commission on Landlord Tenant Affairs in writing, giving the particulars of the alleged violation. [rest of section is stricken out].

Sec. 6-80.14(b) and (c)

(b) Where the Commission or Commission panel finds that a landlord has caused a defective tenancy, all affected tenants may be entitled to one (1) or more or all or part of the following remedies as ordered by the Commission or Commission panel:

* * * * *

(c) Where the Commission or Commission panel finds that a tenant has caused a defective tenancy, the landlord may be entitled to one (1) or more of all or part of the following remedies as ordered by the Commission or Commission panel:

* * * * *

Sec. 6-80.15(a), (b)

Sec. 6-80.15 Failure to comply with order or summons
subpoena; other remedies

(a) Any person who fails to comply with any Commission order or issued pursuant to this Article shall be subject to a municipal infraction for which the fine is four hundred dollars (\$400.00). Any person who fails to comply with a summons subpoena issued pursuant to this Article shall be subject to a municipal infraction for which the fine is one hundred dollars (\$100.00).

(b) Where a person, rather than comply with the Commission order, chooses to cease the conduction or operation of a rental facility, . . . [remainder of this section to remain unchanged].

Sec. 6-80.16, (a), (b), (c), (d), (e), (f)

Sec. 6-80.16 Appeals

Any person aggrieved by a final action order of the Commission rendered under this Article may appeal to the Circuit Court of the appropriate county a court of competent jurisdiction within thirty (30) calendar days of receipt of notification of service or posting of the Commission's final order. Receipt shall be presumed to have occurred following the passage of four (4) working days from the date of posting for delivery by first class mail. An additional three (3) days will be allowed if service is by first class mail. The date and manner of such posting service shall be made a matter of record at the time it is effected. When the total of the thirty day appeal period and additional days allotted for postal delivery has passed, any subsequent appeal shall be deemed to be untimely. The appeal will be heard on the record as compiled by the Commission. The Commission's order shall be upheld if supported by substantial evidence in the record. The standard shall be:

(a) [all stricken out]

(b) [all stricken out]

(c) [all stricken out]

(d) [all stricken out]

(e) [all stricken out]

(f) [all stricken out]

Sec. 6-80.17 Rent guidelines.

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

(1) Whenever a landlord proposes a rent increase of more than four percent (4%), the landlord shall provide an affidavit file a petition on a form provided by the Commission setting forth the justification for the increase. Upon receipt of the affidavit petition, 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.

[delete subsection (g)(6)]

Sec. 6-80.19 Tenants' rights.

(a) Tenants shall have the right to self-organization; to form, join, meet ... to engage in other concerned activities for the purpose of ...activities.

SECTION TWO: That all strikeovers shall denote deletions, all underlines shall denote additions, and double underlines indicate amendments by the Council.

SECTION THREE: This ordinance shall become effective upon enactment.

Adopted this 8th day of June, 1987.

Introduced By:

RESOLUTION #1987-45

WHEREAS, Ron Royster, the owner of certain property located in the City of Takoma Park, Maryland, wishes to construct certain road improvements over public highways, as specified on plans submitted to the Mayor and Council; AND

WHEREAS, the City of Takoma Park is willing to permit Ron Royster access and construction on Hayward Avenue, pursuant to plans previously submitted and upon conditions of approval; AND

WHEREAS, the City is willing to enter into a Construction On Public Access Indemnity Agreement with Mr. Royster, stipulating that in the event of damages to Hayward Avenue, Mr. Royster will restore it to equal or better condition at his own cost and expense; AND

WHEREAS, the City wishes to be protected and indemnified against any and all harm as a result of lawsuits or actions arising in whole or in part out of Royster's construction.

NOW THEREFORE, BE IT RESOLVED, that the language of the Indemnity Agreement reflects that Ron Royster will agree to place into escrow a security deposit in sufficient amount to cover any damages which might be incurred as a result of his construction on Hayward Avenue and to prove to the satisfaction of the City that he holds sufficient insurance to cover any liability which might be incurred as a result of such construction; AND

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize the City Administrator, on behalf of the City of Takoma Park, to enter into the Construction On Public Access Indemnity Agreement with Ron Royster.

June 8, 1987

Item #4

Introduced By:

1st Reading: 6/8/8

2nd Reading:

ORDINANCE #1987-__

- WHEREAS, the Maryland National Capital Park and Planning Commission has requested that the City of Takoma Park abandon parts of the right-of-way of paper street Sheridan Avenue, between Hancock Avenue and Carroll Avenue in Takoma Park to construct a park; AND
- WHEREAS, that a public hearing was held on June __, 1987, pursuant to City of Takoma Park Ordinance No. 1987-13, adopted on April 27, 1987 for the abandonment of street rights-of-way; AND
- WHEREAS, based upon the facts presented at that hearing, it does not appear that segment of Sheridan Avenue is necessary for current public use or anticipated future public use; AND
- WHEREAS, after due investigation and consideration it has been determined that the nature and extent of the public use and public interest to be served warrants the vacation of the portion of Sheridan Avenue described in this ordinance.
- NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Takoma Park hereby abandon that the portion of Sheridan Avenue between Hancock Avenue and Carroll Avenue that lies between S.S. Carroll Subdivision, Block 9, Lots 15, 16, 17, 18, and S.S. Carroll Subdivision, Block 7, Lots part 26, part 27, part 28, and Lot 14, more particularly described and located on the plat attached hereto; AND
- BE IT FURTHER RESOLVED, that abandonment herein provided is made upon the express condition that within six months after the passage of this Ordinance, the Maryland National Capital Park and Planning Commission shall file, or cause to be filed for recording in the Circuit Court for Montgomery County, a certified copy of this ordinance and the plat showing the abandoned right-of-way.

Adopted this ___ day of June, 1987.

Introduced by: Iddings

RESOLUTION NO. 1987- 46

WHEREAS, the Acting Public Works Director has reported that a number of vehicles have mechanical or safety problems that are not cost effective to repair and requests permission to dispose of these vehicles; AND

NOW THEREFORE BE IT RESOLVED THAT authorization is hereby given to dispose of the following City vehicles and to remove them from City insurance policies and from fixed assets records:

Police vehicles

-- Car 9 - 79 Plymouth - Serial No. HL41L8F192640
-- Car 4 - 79 Plymouth - Serial No. HL41L9B242582
-- Car 12 - 78 Plymouth - Serial No. HL41L8F192639
-- Car 6 - 77 Plymouth - Serial No. HL41L9B242583
-- Car 403 - 75 Ford - Serial No. 5U65A135568

Public Works vehicles

74 Chevrolet - Serial No. CCQ144B159135
73 Ford - Serial No. F26YSCS04371
67 Mack - Serial No. ME41081198
64 GMC - Serial No. 1A6011N5154H

Housing Services vehicles

73 Ford - Serial No. 3T10X156966
77 Ford - Serial No. 7X10Y1B137
78 Plymouth - Serial No. HL29C8B283817
78 Plymouth - Serial No. HL29C8B343953

Recreation vehicle

71 Ford - Serial No. 1A40F211836

Adopted this 8th day of June, 1987

Item # 6

Introduced: June 8, 1987

Enacted: _____

Effective: _____

ORDINANCE NO. 1987-
Short Title: Commercial Facade Regulations Ordinance
Draft No. 2 - 4 June 1987

AN ORDINANCE TO:

- (a) Authorize the City Administrator to adopt regulations to maintain and improve the facades of buildings near the intersections of Flower and Erie Avenues and Flower and Piney Branch Avenues and in Takoma Old Town and Takoma Junction business districts.
- (b) Establish procedures for adopting the necessary regulations; and
- (c) Require that the regulations be published and made available to the public.

THE ORDINANCE amends the Code of the City of Takoma Park by adding article 4 to Chapter 6A, "Land Use and Development".

SECTION 1. AMENDMENTS TO THE CODE.

Article 4, consisting of sections 6A-401 through 6A-403, are added to Chapter 6A of the Code of the City of Takoma Park to read as follows:

Section 6A-401. AUTHORITY TO REGULATE FACADES

(a) Basic authority. The City Administrator is authorized to adopt regulations to regulate the appearance of facades and other parts of commercial buildings and commercially zoned lots. This power is limited to the purposes specified in this section.

(b) Area to be regulated. The regulations adopted under this section apply in the following areas.

(1) Erie/Flower Shopping Areas.

(A) The lots on the west side of Flower Avenue between Kennebec Avenue on the north and Erie Avenue on the south.

(B) The lots on both sides of Erie Avenue between Flower Avenue on the east and lots 10 and 25 in block 53 of B.F. Gilbert's Subdivision on the west.

(2) Flower/Piney Shopping Area.

(A) The lots on the west side of Flower Avenue between Piney Branch Road on the north and lot 18 in block 58 of B.F. Gilbert's Subdivision on the south.

(B) The lots on the south side of Piney Branch Road between Flower Avenue on the east and lot 39 in block 58 of B.F. Gilbert's Subdivision on the west.

(3) Takoma Old Town Shopping Area.

(A) The lots on both sides of Carroll Avenue between the District of Columbia line on the west and Park Avenue on the east.

(B) The lots on the southeast side of Laurel Avenue.

(C) The lots on the west side of Westmoreland Avenue between Carroll Avenue on the north and lot 40 in block A of Subdivision on the south.

(D) The lots on the south side of Columbia Avenue between Carroll Avenue on the west and Pine Avenue on the east.

(4) Takoma Junction Shopping Area.

(A) The lots on both sides of Carroll Avenue between Philadelphia Avenue on the west and Lee Avenue on the east.

(B) The lots on both sides of Ethan Allen Avenue between Carroll Avenue on the west and Sycamore Avenue on the east.

(C) The lots on the southwest side of Lee Avenue between Carroll Avenue on the south and lot 24 of section 3 of General S.S. Carroll's Addition to Takoma Park on the north.

(D) The lots on both sides of Grant Avenue between Carroll Avenue on the south and lot 5 of block 1 and lot 17 of section 3 of S.S. Carroll's Addition to Takoma Park on the north.

(E) The lots on the west side of Sycamore Avenue between Ethan Allen Avenue on the north and Columbia Avenue on the south.

(F) The lots on the north side of Columbia Avenue between Sycamore Avenue on the west and Poplar Avenue on the east.

(c) Purpose of regulations. The purposes of these regulations are to:

(1) Provide a stable, healthy business environment serving the needs of a broad community;

(2) Create neighborhood business districts with enhanced economic viability, attractiveness, and convenience for the residents of the surrounding neighborhood and the broader community;

(3) Promote and enhance the existing architectural character and historic richness of the shopping areas;

(4) Protect and enhance property values in the community; and

(5) Promote the public welfare, generally.

Section 6A-402. PROCEDURES FOR ADOPTING REGULATIONS.

The City Administrator must use the following procedures when adopting regulations under Section 6A-401.

(a) Publication of notice of proposed regulations. The City Administrator must publish a notice of proposed regulations in the Takoma Park Newsletter. If the newsletter is not published, the City Administrator must

publish the notice in a publication that is widely distributed in the City.

(b) Rules for submitting comments. The newsletter or other publication must contain a deadline and a procedure for submitting written comments on the proposed regulations. The deadline must be at least 21 days after the proposed regulations are published.

(c) Review of comments. The City Administrator must review all of the written comments that are submitted before adopting the proposed regulations. The City Administrator may adopt the regulations as proposed or with amendments.

Section 6A-403. PUBLICATION OF REGULATIONS.

Regulations adopted by the City Administrator under Section 6A-401 must be published in a format that is available to the public. The City Clerk must keep at least one copy of these regulations in the administrative offices of the City and must submit one copy to the Takoma Park Library.

Section 6A-403. REGULATIONS ADOPTED TO SUPERSEDE PRIOR REGULATIONS.

Regulations adopted by the City Administrator under Section 6A-401 shall replace and supersede all other such regulations previously adopted by City of Takoma Park whether by regulation, ordinance or resolution.

SECTION 2. SEVERABILITY.

If a court holds that part of these regulations is invalid, that invalidity does not affect the other parts of the ordinance.

SECTION 3. EFFECTIVE DATE.

This ordinance becomes effective immediately after it is adopted by the Mayor and Council.

ORDINANCE NO. 1987-

An ordinance to amend the Personnel Classification System.

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

SECTION 1. New Position classes and change in GRADE. The grade structure adopted by Ordinance No. 1986-53, Section 2, is amended to add and regrade the following positions:

<u>GRADE</u>	<u>JOB CLASSES</u>
GRADE 1 :	
GRADE 2 :	Custodian
GRADE 3 :	Laborer; Clerk Typist I;
GRADE 4 :	Account Clerk I; Library Shelver ; Communications Dispatcher; Assistant Driver; <u>Police Records Clerk</u> ;
GRADE 5 :	Recreation Aide; Tool Library Attendant; Equipment Operator I;
GRADE 6 :	Account Clerk II; Secretary; Personnel Clerk; Library Assistant; Recreation Specialist; ((Police Private!)); Driver Foreman; Equipment Operator II;
GRADE 7 :	Administrative Clerk I; Playground Coordinator; Equipment Operator III; Code Enforcement Officer I; <u>Police Private</u> ;
GRADE 8 :	Administrative Clerk II; Executive Secretary; Gym Supervisor; Police Private First Class; Tree Maintenance Foreman; Building Mechanic; Mechanic; Community Development Coordinator;
GRADE 9 :	Account Supervisor; Administrative Supervisor; Deputy City Clerk; Police Affairs Specialist; Police Corporal; Parks Foreman; Street Foreman; Housing Coordinator; <u>Master Mechanic</u> ;
GRADE 10 :	Librarian; Police Sergeant; Sanitation Supervisor; Street Supervisor;
GRADE 11 :	Youth Outreach Worker; Recreation Supervisor; Code Enforcement Supervisor
GRADE 12 :	Assistant Library Director; Police Lieutenant; Cable TV Coordinator; Shop Supervisor;
GRADE 13 :	
GRADE 14 :	Police Captain (Deputy Chief); Assistant Public Works Director; Director of Economic & Community Development;
GRADE 15 :	Library Director; Recreation Director; Director of Housing Services
GRADE 16 :	Assistant City Administrator;
GRADE 17 :	Police Chief; Public Works Director

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective July 1, 1987.

NOTE: ((double brackets)) indicate matter to be deleted from existing code language.

Underlining indicates new matter to be added to existing code language.

Introduced: June 8, 1987

Enacted:

Effective:

ORDINANCE NO. 1987-

Short Title: Pay scale for employees.

AN ORDINANCE TO:

(a) establish a new City employee Pay Plan tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended; and

(b) provide for implementation of the Pay Plan, including periodic pay increases and promotions, subject to the limitations in Article 2 of this chapter regarding City employees who are represented by a certified employee organization.

THIS ORDINANCE amends the Code of the City of Takoma Park by enacting new Sections 8B-124 and 8B-125 effective July 1, 1987.

NOTE: In this ordinance [[double brackets]] indicate that existing language is being deleted from the Code.

Underlining indicates new language being added to the Code.

SECTION 1. PAY SCALE PLAN.

Subsections 2(a), (b), (c), and (d) of Ordinance No. 1986-23, known as the Pay Scale Plan for the City of Takoma Park is

repealed except as provided in Section 2(c) below. The following provisions are adopted as the new Pay Scale Plan for the City. This Pay Scale Plan will become effective July 1, 1987, and will remain in effect until amended or repealed by the City Council. The City Council has the power to amend or repeal this Pay Plan and related laws, by ordinance, at any time.

(a) City Administrator. The pay scale for the City Administrator is as follows:

STEP:	A	B	C	D	E	F	G
	35,439	36,765	38,141	39,569	41,052	42,590	44,187
	H	I	J	K			
	45,844	47,567	49,352	51,227			

(b) Recreation attendant. The pay scale for recreation attendants is as follows:

STEP:	A	B	C	D	E	F	G
	9,757	10,107	10,510	10,846	11,236	11,643	12,063
	H	I	J	K			
	12,501	12,953	13,425	13,935			

(c) Crossing guard. The pay scale for crossing guards is as follows:

STEP:	A	B	C
	3,206	3,463	3,740

(d) All other employees. The pay scale for all other employees is as shown on the 36 percent scale: (See next page).

SECTION 2. IMPLEMENTATION OF PAY SCALE PLAN.

(a) General rule for new grade and step. Effective July 1, 1987, all employees except the City Administrator, recreation attendants, crossing guards and Senior Management staff in Grades 11 through 17, will be paid under the Pay Scale Plan for:

(1) the grade that their job classifications have been allocated to under Ordinance 1986-23; and

(2) the step that exceeds their salary on June 30, 1987, by the smallest amount.

(b) Special rule for employees whose salaries exceed the limit for their grade.

(1) If an employee's salary exceeds the maximum salary for the employee's grade, then the employee's salary will not change until:

(A) the highest step for the employee's grade exceeds the employee's salary (the employee will be placed in the highest step, in the grade);

(B) July 1, 1990 (the employee will be placed in

the highest step in the grade);

(C) the employee is promoted; or

(D) the employee is demoted.

(c) Special rule for employees who are represented by a certified employee organization.

All employees represented by a certified employee organization will be paid according to the terms of the collective bargaining agreement effective July 1, 1987, or as soon thereafter, when it is adopted pursuant to the provisions in Article 2 of this Chapter.

Until such adoption, all such employees will continue to be paid according to the pay plan effective June 30, 1987.

SECTION 3. AMENDMENTS TO THE CODE.

Sections 8B-124 and 8B-125 were repealed effective June 30, 1987 by Ordinance No. 1986-38. Effective July 1, 1987, Sections 8B-124 and 8B-125 are re-enacted as follows:

Section 8B-124. Determination of pay increases.

(a) Date of pay increases. Pay increases associated with promotions take effect on the date of the promotion. Except as provided in subsection (b), pay increases associated with the cost of living adjustments and merit increases take effect on July 1. The Mayor and Council may defer the effective date of increases by ordinance.

(b) Merit increases.

(1) If an employee receives a merit increase, the employee's step is increased by one letter. A step in the pay scale does not by definition equate with an employee's number of years of service.

(2) The Mayor and Council determine whether the City will give merit increases in any year. If the City will give merit increases, each employee must still qualify for an increase by demonstrating that his or her work performance meets acceptable standards and by waiting the required amount of time between step increases.

(3) If the employee took leave without pay for more than ten regularly scheduled work days during the prior fiscal year, any merit increase that the employee is entitled to will be postponed for a corresponding period of time.

(4) If an employee is in step F or higher, the employee must wait two years before becoming eligible for another merit increase. Employees in steps A, B, C, D, or E must wait just one year. An employee in step K is not eligible for any merit increases.

(c) Cost of living adjustments. A cost of living adjustment is a percentage increase applied to the entire pay scale.

(3) The Mayor and Council determine whether the City will give a cost of living adjustment in any year and the size of the adjustment.

Section 8B-125. Salary rates for reallocations, promotions, and demotions.

(a) Promotions and upward reallocations. If an employee is promoted or is an incumbent of a position that is reallocated to a class in a higher grade, the employee's new pay step will be the first step in the new grade that is at least 5.25% higher for each grade of increase than the employee's current step.

(b) Downward allocations. If an employee is an incumbent of a position that is reallocated to a class in a lower grade, then the employee's new step will be the lowest step that exceeds the employee's current salary. If no step in the new grade exceeds the employee's current salary, the employee's salary will not change until:

(1) the highest step in the new grade exceeds the employee's salary (the employee will be placed in the highest step in the grade);

(2) two years pass (the employee will be placed in the highest step in the new grade);

(3) the employee is promoted; or

(4) the employee is demoted.

(c) Demotions. When an employee is demoted, the City Administrator shall determine the employee's step in the new grade. The City Administrator shall base his decision on the

	A	B	C	D	E	F	G	H	I	J	K	
GRADE	STARTING PAY	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL	
	Percentage Increase	4.25%	4%	3.75%	3.5%	3.25%	3%	2.75%	2.5%	2.25%	2.10%	
1	Annual	12,500.00	13,031.25	13,552.50	14,060.72	14,552.34	15,025.31	15,476.58	15,902.19	16,299.74	16,666.49	17,016.48
	Weekly	240.38	250.60	260.63	270.40	279.36	288.96	297.63	305.81	313.46	320.51	327.24
	Hourly	6.01	6.27	6.52	6.76	7.00	7.22	7.44	7.65	7.84	8.01	8.18
2	Annual	13,437.00	14,008.97	14,568.39	15,114.71	15,643.72	16,152.14	16,636.71	17,094.22	17,521.57	17,915.31	18,282.04
	Weekly	258.40	269.39	280.18	290.67	300.34	310.62	319.94	328.74	336.95	344.53	351.77
	Hourly	6.46	6.73	7.00	7.27	7.52	7.77	8.00	8.22	8.42	8.61	8.79
3	Annual	14,445.00	15,058.91	15,661.27	16,248.57	16,817.26	17,363.83	17,884.74	18,376.57	18,835.98	19,259.79	19,664.25
	Weekly	277.79	289.59	301.19	312.47	323.41	333.92	343.94	353.40	362.23	370.38	378.16
	Hourly	6.94	7.24	7.53	7.81	8.08	8.35	8.60	8.83	9.06	9.26	9.45
4	Annual	15,259.00	16,188.38	16,836.54	17,467.91	18,079.29	18,666.86	19,226.87	19,755.61	20,249.50	20,705.11	21,139.92
	Weekly	298.53	311.23	323.78	335.92	347.58	358.98	369.75	379.92	389.41	398.18	406.54
	Hourly	7.47	7.78	8.09	8.40	8.69	8.97	9.24	9.50	9.74	9.95	10.16
5	Annual	16,693.00	17,402.45	18,098.55	18,777.25	19,434.45	20,066.07	20,668.05	21,236.42	21,767.33	22,257.09	22,724.49
	Weekly	321.02	334.66	348.05	361.10	373.74	385.89	397.46	408.39	418.60	428.02	437.01
	Hourly	8.03	8.37	8.70	9.03	9.34	9.65	9.94	10.21	10.47	10.70	10.93
6	Annual	17,945.00	18,707.66	19,455.97	20,185.57	20,892.06	21,571.05	22,218.18	22,829.18	23,399.91	23,926.41	24,428.86
	Weekly	345.10	359.76	374.15	388.18	401.77	414.83	427.27	439.02	450.00	460.12	469.79
	Hourly	8.63	8.99	9.35	9.70	10.04	10.37	10.68	10.98	11.25	11.50	11.74
7	Annual	19,291.00	20,110.87	20,915.30	21,699.62	22,459.11	23,189.03	23,884.70	24,541.53	25,155.07	25,721.06	26,261.20
	Weekly	370.98	386.75	402.22	417.30	431.91	445.94	459.32	471.95	483.75	494.64	505.02
	Hourly	9.27	9.67	10.06	10.43	10.80	11.15	11.48	11.80	12.09	12.37	12.63
8	Annual	20,738.00	21,619.37	22,484.14	23,327.29	24,143.75	24,928.42	25,676.27	26,382.37	27,041.93	27,650.37	28,231.03
	Weekly	398.81	415.76	432.39	448.60	464.30	479.39	493.77	507.35	520.04	531.74	542.90
	Hourly	9.97	10.39	10.81	11.22	11.61	11.98	12.34	12.68	13.00	13.29	13.57
9	Annual	22,293.00	23,240.45	24,170.07	25,076.45	25,954.12	26,797.63	27,601.56	28,360.60	29,069.62	29,723.68	30,347.88
	Weekly	428.71	446.93	464.81	482.24	499.12	515.34	530.80	545.40	559.03	571.61	583.61
	Hourly	10.72	11.17	11.62	12.06	12.48	12.88	13.27	13.64	13.98	14.29	14.59
10	Annual	23,965.00	24,983.51	25,982.85	26,957.21	27,900.71	28,807.48	29,671.71	30,487.68	31,249.87	31,952.99	32,624.00
	Weekly	460.87	480.45	499.67	518.41	536.55	553.99	570.61	586.30	600.96	614.48	627.38
	Hourly	11.52	12.01	12.49	12.96	13.41	13.85	14.27	14.66	15.02	15.36	15.68
11	Annual	25,763.00	26,857.93	27,932.24	28,979.70	29,993.99	30,968.30	31,897.86	32,775.05	33,594.43	34,350.30	35,071.66
	Weekly	495.44	516.50	537.16	557.30	576.81	595.55	613.42	630.29	646.05	660.58	674.46
	Hourly	12.39	12.91	13.43	13.93	14.42	14.89	15.34	15.76	16.15	16.51	16.86
12	Annual	27,695.00	28,872.04	30,026.92	31,152.93	32,243.28	33,291.19	34,289.92	35,232.89	36,113.71	36,926.27	37,701.72
	Weekly	532.60	555.23	577.44	599.09	620.06	640.22	659.42	677.56	694.49	710.12	725.03
	Hourly	13.32	13.88	14.44	14.98	15.50	16.01	16.49	16.94	17.36	17.75	18.13
13	Annual	29,772.00	31,037.31	32,278.30	33,489.26	34,661.38	35,787.87	36,861.51	37,875.20	38,822.08	39,695.58	40,529.18
	Weekly	572.54	596.87	620.75	644.02	666.57	688.23	708.88	728.37	746.58	763.38	779.41
	Hourly	14.31	14.92	15.52	16.10	16.66	17.21	17.72	18.21	18.66	19.08	19.49

Introduced by: d'Eustachio

1st Reading: June 8, 1987
2nd Reading:

ORDINANCE NO. 1987-

FY 1987 BUDGET AMENDMENT NO. 5

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

SECTION 1. THAT the City Administrator be hereby authorized to transfer \$52,000 to the FY 1986-87 Budget from Prior Years Unappropriated Surplus for legal expenses; AND

SECTION 2. THAT the FY 1987 Budget be amended as follows:

REVENUE AMENDMENTS

- A. Increase appropriations of Account 474, Miscellaneous-Other, by \$4,398.
- B. Special Revenue Budget: A revenue line item 3006.000, Enhanced Traffic Safety Enforcement Grant (ETSE), is created with an appropriation of \$1,800.

EXPENDITURE AMENDMENTS

- A. Transfer \$66,000 from the following accounts to Account 570 for legal expenses:
 - (1) \$27,000 from Account 991, General Contingency
 - (2) \$2,000 from Account 994, Hospitalization
 - (3) \$2,000 from Account 980, Fire Service
 - (4) \$2,000 from Account 966, Principal Payment - Refuse Truck
 - (5) \$15,000 from Account 900, Recreation - Salaries
 - (6) \$3,000 from Account 830, Government Buildings Division - Salaries
 - (7) \$2,000 from Account 850, Repair Shop Division Salaries
 - (8) \$5,000 from Account 875, Sanitation Division - Salaries
 - (9) \$8,000 from Account 885, Streets Division - Salaries
- B. Transfer \$11,500 from Account 858, Gas, oil, grease to Account 995, Capital Expenditures for the purchase of a 3/4 ton van.

- C. Transfer \$15,000 from the following budget accounts to Account 995, Capital Expenditures for the purchase of a four wheel drive pick-up truck:
- (1) \$1,500 from Account 858, Repair Shop - Gas, Oil & Grease
 - (2) \$6,000 from Account 856, Parks - Salaries
 - (3) \$3,000 from Account 877, Sanitation Division - Fringe Benefits
 - (4) \$2,000 from Account 887, Streets Division - Fringe Benefits
 - (5) \$1,000 from Account 802, P.W. Office - Fringe Benefits
 - (6) \$1,000 from Account 852, Repair Shop - Fringe Benefits
 - (7) \$ 500 from Account 867m Parks - Fringe Benefits
 - (8) \$ 500 from Account 855, Repair Shop - Tires & Batteries
- D. Transfer \$1,200 from Account 860, Repair Shop - Consumable Items to Account 800.1 Public Works - Office, Temporary Assistance to fund temporary office personnel for the remainder of the fiscal year.
- E. Special Revenue Budget: An expenditure line item 3700.000, Enhanced Traffic Safety Enforcement Program (ETSE) is created with an appropriation of \$1,800.

CAPITAL BUDGET

- A. Add the purchase of a 3/4 ton van to the Capital Budget as an authorized and approved Capital budget expenditure item.
- B. Add the purchase of a four-wheel drive pickup truck, for use by the Parks Division, to the Capital Budget as an authorized and approved Capital budget expenditure item.

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

Adopted this _____ day of _____, 1987.

Upon motion by _____, duly seconded by _____ the ordinance was adopted by roll call vote as follows:

AYE:
 NAY:
 ABSTAIN:
 ABSENT:

CITY OF TAKOMA PARK, MARYLAND

Monday, June 8, 1987

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
8:03 Adoption of Minutes from April 15, 1987 Public Hearing
8:05 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS
8:10 ADDITIONAL AGENDA ITEMS
8:20 CITIZENS' COMMENTS (those not directed at items on Council Agenda)

ADMINISTRATIVE REPORTS

- 8:30 (1) 2nd Reading - Ordinance amending Code Section 6-80.2 - COLTA
Citizens Comments
Council Action
- 8:50 (2) 1st Reading-Ordinance Amendments to Sec. 6-80.17 (Rent Guidelines)
Citizens Comments
Council Action
- 9:05 (3) 1st Reading - Ordinance: "Construction of Hayward Avenue Roadway
Citizens Comments
Council Action
- 9:15 (4) 1st Reading of an Ordinance: "Abandonment of a portion of
Sheridan Avenue, the paper street"
Citizens Comments
Council Action
- 9:25 (5) Resolution disposing of various City Department vehicles
Citizens Comments
Council Action
- 9:35 (6) 1st Reading - Ordinance Authorizing Implementation of Commercial
Facade Regulations in the Erie/Flower and Flower/Piney Branch
Commercial Districts / Providing for Revision of Commercial
Facade Regulations in TOT and Takoma Junction Commercial District
Citizens Comments
Council Action
- 9:50 (7) Re-enactment of Resolutions Amending Charter Sections -
● To Adjust Penalties for Violating Laws (Sec. 1.7(b), (f))
● On Collecting Fines (Sec. 1.12)
● Changing Deadline for Filing Absentee Ballot Applications
(Sec. 1.3(u)(2)(1))
● Changing Amount of Campaign Contributions Reported (Sec. 1.3(w))
Citizens Comments
Council Action
- 10:00 (8) 1st Reading of an Ordinance - Fiscal Year 1987 Budget Amendment #5
Citizens Comments
Council Action
- 10:05 (9) 1st Reading - Ordinance Amending Personnel Classification System
Citizens Comments
Council Action
- 10:15 (10) 1st Reading - FY 1988 Pay Scale Ordinance
Citizens Comments
Council Action
- 10:30 ADJOURN

* * * * *

- REMINDERS: June 15-18 - Maryland Municipal League Convention
June 22, 1987, 8:00 PM - Public Hearing - Abandonment of
Sheridan Avenue, the paper street
June 29, 1987, 8:00 PM - Public Hearing - FY'87 Budget
Amendment #5

CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and Council
and
Public Hearing On Budget Amendment #5
June 29, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Haney	Deputy City Clerk Jewell
Councilmember Iddings	Housing Services Director Weiss
Councilmember Levy	Public Works Director Robbins
Councilmember Sharp	Corporation Counsel Silber
Councilmember Williams	

ABSENT: Councilmember Bradley

The Mayor and City Council convened at 8:25 P.M. on Monday, June 29, 1987 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Councilmember Williams related having received a telephone call from Councilmember Bradley earlier in the day advising that she had delivered a baby boy, Benjamin. On behalf of all, the Mayor extended congratulations and best wishes to Ms. Bradley, her family, and the new baby.

Following the pledge, the Minutes of April 15 and April 23 Public Hearings were presented for approval. Councilmember Iddings moved, duly seconded by Councilmember Sharp, to table the April 23 Minutes to allow for further review and notation of a number of needed corrections; the motion carried by unanimous vote. Councilmember Haney moved approval of the April 15 Minutes, duly seconded by Councilmember d'Eustachio; the motion carried unanimously.

The Mayor presented a resolution encouraging Prince George's County to adopt pending legislation that would allow them to reimburse to municipalities tax paid under the new energy tax bill by businesses and corporations in the county; he noted most of the officials had heard about this legislation at the recent MML Annual Convention in Ocean City. He moved its passage, duly seconded by Councilmember Sharp; the resolution was passed by unanimous vote. The Mayor noted the resolution would be forwarded to the County Council, which would soon be commencing deliberations on the bill.

RESOLUTION #1987-47
(attached)

The Mayor extended apologies to those present for the tardiness in convening, however, noted he and the Council had been meeting since about 6:15 for the purpose of interviewing candidates to fill vacancies on the Cable Board and COLTA.

ADDITIONAL AGENDA ITEMS:

Resolution re CDBG Committee Appointments
Two single reading ordinances re vehicles

CITIZENS' COMMENTS: (directed at items not on Council agenda)

Bill Leary, 7301 Takoma Ave., Co-Pres. of North Takoma Citizens' Assn.: on behalf of the association, read a statement opposing County Executive Kramer's proposal concerning Silver Spring development. He noted the employment levels proposed would be 90% higher than those currently existing. Mr. Leary expressed serious concerns about the level of traffic that would be generated and which could not possibly be handled by the existing road network -- which he said was recognized by everyone, including the Park & Planning Commission. Quoting directly from a recent Park & Planning staff report, he noted that with the increase of jobs by 15,000 in Silver Spring, vehicular traffic in both the central business district and surrounding areas would be at the worst level of service, on the average, for any policy area in the entire county -- worse than Bethesda or Rockville. Mr. Leary pointed out that Mr. Kramer proposed to divert through traffic around the business district by creating a ring road that would include Fenton Street, as well as steering commuters onto University Boulevard and

then onto Piney Branch Road. Mr. Leary stated that commuters would inevitably seek out ways to avoid the mess by pouring into the streets of Takoma Park; the inevitable pressures created would result in the conversion of every state road in the city into a highway. He said he felt Mr. Kramer's proposal to be the most serious threat to the quality of life in Takoma Park since the North Central Freeway Proposal. For that reason, Mr. Leary stated that the North Takoma Citizens' Association had voted unanimously to oppose the County Executive's proposed increase in employment ceiling for the Silver Spring Central Business District. He noted the County Council's crucial vote on Mr. Kramer's proposal would be taken before the end of September, following public hearings scheduled for the week of September 14. He cited what citizens could do to help, i.e., go on record opposing the County Executive's plan to increase the employment ceiling by 15,000 jobs for Silver Spring and the traffic congestion that would result therefrom; additionally, he said the County Council should be urged to hold the September public hearings in Silver Spring; citizens should lobby members of the County Council -- particularly Councilmembers Crenca, Adams, Leggett and Gudis, who would be most likely supportive; City staff should be directed to commence planning in earnest how to prevent the proposed disaster. Mr. Leary noted citizens could make a modest but crucial contribution to a traffic study which the allied citizens' associations of Silver Spring were hoping to commission; he urged that citizens do so, and elaborated on the rationale for such a study, pointing out that it would be imperative for those living in Takoma Park to stand united on this issue with their neighbors in Silver Spring in order to have any chance of winning. Mr. Leary commented that, having been involved in many issues in Takoma Park over the years, he felt this issue was of such proportions as to transcend any normal political divisions; said he felt it was a battle that could be won, but only if all worked together.

The Mayor noted 2 meetings had been held on this topic the prior week -- one under the auspices of Neighborhoods Together, the other jointly sponsored by Old Takoma and North Takoma Citizens' Associations. He said following discussions with individuals at those meetings; he had agreed to bring forth a discussion of the issue at the July 6 worksession. The Mayor said he thought it was apparent that prior to Council President Crenca obtaining a delay of the issue, very few people had been advised of its real impact. He said no one in the City had, until the current day, even received a copy of the County Executive's proposed road plan which seems very unclear, but has tremendous potential impact. He concurred with Mr. Leary that this was an extremely serious situation that could impact on the entire community, including those who live in the Prince George's section. The Mayor noted the July 6 worksession discussion would include whether or not the City should put money into the traffic study for which Silver Spring citizens were contracting.

ITEMS FOR COUNCIL ACTION:

1. Public Hearing on Budget Amendment #5 and Second Reading of Ordinance.

Brint Dillingham, 7018 Carroll Avenue: noted a number of fund transfers pertained to the legal budget and were discussed at a prior meeting where comments were made about the amount of expenditures. He inquired about the expenditure amount for the year to date. Ms. Habada responded that, as of the end of May, the total was \$208,000; Mr. Wilson noted that by the end of the fiscal year, the total could be \$210,000-\$220,000.

Councilmember Iddings moved adoption of the ordinance, duly seconded by Councilmember Levy. Mr. Wilson noted the need to amend the ordinance by the addition of sections F., G., and H. to the Expenditure portion of Section 2. Councilmember Haney so moved, duly seconded by Councilmember d'Eustachio. The amendment was passed by unanimous vote. The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy, Sharp, and Williams; NAY: None; ABSENT: Councilmember Bradley.

ORDINANCE #1987-29
(attached)

Mr. Wilson asked that the two single reading ordinances pertaining to vehicles to be purchased out of current fiscal year funds be addressed next.

2. Two Single Reading Ordinances Pertaining to Purchase of Vehicles.

Councilmember Iddings commented he found it striking that the bids totalled the exact amount allocated in the budget for purchase of the vehicles; he inquired concerning the bid process and how the purchase price happened to exactly equate with the amount budgeted. Public Works Director Robbins responded that bids were solicited from nine different vendors, however, it was not a sealed bid process due to the short time frame and the fact the City would be buying off the lot due to pressing necessity. Additionally, he said the amount of the purchase was not the exact amount budgeted, that there was a typographical error in figures requiring correction, inasmuch as the figures reflected were not the figures he had supplied. It was noted that the ordinance stated that a sealed bid process had been undergone. Mr. Iddings asked that the ordinance be corrected to reflect the process actually undergone and the correct figures prior to adoption; he so moved, noting that the way the ordinances were written would appear very suspicious on the record to anyone viewing it at a later time and not knowing the circumstances. Mr. Sharp duly seconded the motion. The Mayor noted that the ordinances would be corrected by staff and presented at a later point in the meeting. (See pg. 12, item #10.)

3. Second Reading and Adoption of an Ordinance Concerning Abandonment of a Portion of Sheridan Avenue (the paper street).

Councilmember Iddings moved adoption of the ordinance, duly seconded by Councilmember Haney. For the record, Mr. Iddings stated that the purpose of the abandonment was to provide clear title to Park & Planning so they could commence construction of Sheridan/Hancock Neighborhood Park, scheduled for sometime the coming Fall. The Mayor noted a public hearing was held on the ordinance the prior week. Councilmember Haney noted that a process for abandoning paper streets does exist in the City, and said he was aware of at least one situation where citizens might want to look further into the process. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Haney, Iddings, Levy, Sharp, and Williams; NAY: None; TEMPORARILY ABSENT: Councilmember d'Eustachio; ABSENT: Councilmember Bradley.

ORDINANCE #1987-30
(attached)

4. Second Reading of Personnel Reclassification Ordinance.

Councilmember Iddings moved adoption, duly seconded by Councilmember Haney. Councilmember Sharp noted the ordinance reflected 17 grades, remarking there had been some prior discussion of dropping the last four grades. Mr. Wilson commented that what Mr. Sharp referred to was an implementive matter, that the ordinance at hand did not relate to what might be referred to as a Senior Executive Service. For the record, the Mayor noted that the ordinance created the position of Police Records Clerk, moved the Police Private from grade 6 to grade 7 level, and created a Master Mechanic position at a grade 9 level.

Police Sgt. Goetz: related that, based on discussion at a prior meeting, the police Sergeants will be filing a formal grievance concerning their grade classification, however, that it will take some time to prepare material to file the appeal. He commented that the Sergeants had done some research, had talked to personnel at Greenbelt, Hyattsville, Rockville and would also be talking to Laurel and M-NCP&P Police. He said what had been learned to date seemed to substantiate that police could not easily be classified along with other personnel in a classification plan. Sgt. Goetz related that Dr. Sheldon Greenberg at the National Police Executive Forum which collects information and data from throughout the U.S. would be reviewing the data and assisting in preparation of the Sergeants' appeal, and noted that he had advised that the situation was not unique to Takoma Park, that there was a lack of understanding of police officers' jobs throughout the country. Sgt. Goetz remarked that the Sergeants' objective would be to share the knowledge they gain with City officials and, hopefully, build greater understanding. The Mayor respond-

ed that he was glad to hear that the Sergeants were going forward with what had been recommended to them. Councilmember d'Eustachio commented he would think the knowledge to be gained could be very useful to the City as a whole; said he would be interested to see the information forthcoming. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy, Sharp, and Williams; NAY: None; ABSENT: Councilmember Bradley.

ORDINANCE #1987-31
(attached)

5. Second Reading of Pay Scale Ordinance.

Councilmember Iddings moved adoption of the ordinance, duly seconded by Councilmember d'Eustachio. The Mayor commented that one of the periods in the last year and a half that he considered most instructive was when he, along with Councilmembers Levy, Haney and Iddings, and various staff members served with employee representatives on a committee to look into a dispute concerning past pay practices of the City. He said he felt a great deal was learned during that process about the City's old pay scale, including the fact that it was very inequitable. He noted there were differences between grades and steps that were not equitable or even across the scale. The Mayor stated the new scale was a vast improvement over the old, that the new had a built-in incentive and inducement to promotion versus encouragement in the old to merely stay in grade and go across the scale. He summarized the new scale and its provisions, and said it would provide the City with the opportunity in the future to consider cost-of-living increases for employees. He said the City in the past had gotten itself into a bind by the requirement of giving merit increases of such magnitude that it sometimes could not meet that mandate and also give a cost-of-living increase. He noted a significant problem had been caused by the City at one point deciding to not give the annual step increase, which by one interpretation of the Code, was a mandate, and instead giving a cost-of-living increase. Councilmember Iddings concurred with the Mayor's remarks; he said it had been the sense of the Council for a long time that one of the things they would wish to accomplish would be to bring a sense of order and rationality to the City's personnel structure and policies, procurement policies, and to make the City more businesslike in the way that it conducts business. He said the reclassification process and revised pay plan fulfill a lot of what Councilmembers in 1981-82 had articulated that they wished to do during their time on the Council. Mr. Iddings said he felt the new pay plan was a significant piece of legislation, and that it cleaned up what was really an indefensible and inequitable system that had been allowed to grow up over a period of time without sufficient oversight to what was occurring. In terms of longrange operation of the City, he said he felt this legislation was really a cornerstone. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy, Sharp, and Williams; NAY: None; ABSENT: Councilmember Bradley.

ORDINANCE #1987-32
(attached)

6. Second Reading of an Ordinance Awarding a Demolition Contract for 6801 Westmoreland Avenue.

Mr. Wilson referred to an update report from Housing Services Director Weiss, and asked that Ms. Weiss summarize that document, particularly the conclusions. Ms. Weiss noted that exterior maintenance of the structure had remained in compliance with the Property Maintenance Code; she said additional construction work had occurred, though not as much as the City would have liked or expected, primarily due to the property owner not paying the contractor in a timely fashion. She said the City assisted the contractor in getting the payment due him and construction had now resumed. She said the outstanding items revealed by an inspection the prior week and requiring accomplishment prior to an occupancy permit being issued by the county were kitchen and bathroom flooring, some electrical and plumbing work. Ms. Weiss said providing the MacDonalds continue to pay the contractor, the work should be completed within three weeks, and urged that the Mayor and Council postpone awarding of the demolition contract for two Council

Meetings; said she hoped it would not be necessary to award the contract at all.

Councilmember d'Eustachio referred to concerns earlier on about construction specifics such as fire stops being properly installed in walls, whether stairs from the basement to the first floor met certain requirements, and other construction questions, including the structural strength of some of the interior flooring supports. He inquired whether the City had satisfied itself that these basic construction needs had been met. Ms. Weiss responded in the affirmative, stating that the contractor was directed to those areas where there were inconsistencies between the construction and the Code requirements, and there were several notations in both the current report and the prior month's where work was taken out and redone properly. Responding to further query from Mr. d'Eustachio, Ms. Weiss stated the county had been relatively cooperative about seeing that inspectors responded as required and were thorough in their inspections.

Arthur Karpas, 6916 Westmoreland Avenue, representing WACO: commented that once again a delay in completion of the work was being faced; he said at a meeting about 3 months prior, Mr. MacDonald had presented proof of having a loan in an amount sufficient to complete the work and it was required that something similar to being put in escrow was done with those funds to ensure that they would be used only for the necessary construction on the house. In light of that, Mr. Karpas said he found it somewhat confusing that there had been a problem with disbursement of funds and asked whether any details were known about that. The Mayor responded that to his remembrance what was required was that Mr. MacDonald bring in proof of deposit of the money from a bank, but not an escrow account -- he said perhaps that should have been required. Ms. Weiss stated that Mr. MacDonald had shown proof of having the funds to complete the work and that there was no question in her mind that he did have the necessary money. She said the problem had been lack of the money being paid to the contractor in a timely fashion. Councilmember Williams inquired whether any reason was apparent for the delay; Ms. Weiss said she learned indirectly, through the contractor, that Mr. MacDonald, after the fact, felt the work was not worth as much as he had thought earlier. Councilmember d'Eustachio moved that the Council accept staff's recommendation to postpone action on the demolition contract award for a period of four weeks, duly seconded by Councilmember Williams. The motion carried by unanimous vote.

Councilmember Iddings noted that at least the property owner was seeing to it that the yard was kept cleaned up; Mr. Karpas conceded that the neighbors could no longer claim the property was a nuisance, only that it was not occupiable.

7. Second Reading of an Ordinance Amending City Code Sec. 6-80.17. Rent Guidelines.

Reference was made to memoranda from DHS and from COLTA concerning the proposed changes; it was noted that at the meeting at which COLTA discussed the issue, a quorum was not present, thus the points mentioned were not formal opinions of the Commission, but talking points based on the discussion that occurred. It was noted that COLTA Chair Lloyd Johnson had been present earlier, but had departed; also, that Patrick Hyde, former COLTA member and one of the authors of the original legislation, was present. Ms. Weiss stated that the revisions suggested in her memorandum dated June 26 were the result of the Council worksession and also discussions with a couple of members of the Commission and Corporation Counsel; she summarized those proposed amendments, noting that the affidavit form would not be included as a part of the ordinance, however, an in-depth description of the information it must contain would be therein. Ms. Weiss noted that, while it was not covered in her memorandum, there was an additional amendment that should be made on page 3 of the ordinance, i.e., deletion of the word "repeated" in Sec. 6-80.17(1)(d)(ii) -- thus, the landlord would not have to have repeated failures of compliance in order for the cost of going to court to not be permissible (under expenses not included). Ms. Weiss pointed out the penalty had been returned from \$400 to \$50; she said that was done not because it was not felt that a

higher penalty was in order, but because there have been some delays in getting other ordinances passed so that more appropriate penalties could be charged. She said an amendment would be presented at a later date to increase the amount. In response to Councilmember Sharp, Corporation Counsel Silber stated that increasing penalty amounts had to do with pending Charter Amendments; she noted that the Charter as presently written contained contradictory and non-specific provisions concerning penalties. She said while it would not be improper to increase the amount at present, it would probably be more orderly to address all the increases subsequent to the Charter Amendment becoming effective because then the higher amounts would not be arguable. Councilmember d'Eustachio pointed out an editorial amendment to the second page of suggested changes under Sec. 6-80.17(d)(ii); he noted that "...depreciation or other 'loss' items..." should read "depreciation or other expense items..." [recognized by the federal government, but not recognized by the Takoma Park Municipal Code.] Councilmember Sharp commented that a suggestion made in the memo submitted by Lloyd Johnson pertaining to inclusion of delinquency in paying license fees was omitted from Ms. Weiss' memo and inquired if that was intentional. Ms. Weiss responded, stating that the omission was intentional in that it appeared that the intent of the Code was to exclude from the process those properties having serious violations -- not that she would not wish to have an extra tool to get license fees paid on time -- but it did not seem to be necessary, appropriate or consistent with the ordinance. The Mayor noted that the Rent Stabilization Ordinance adopted earlier was linked to Licensing requirements; he asked whether that ordinance was plugged into the one at hand in any way. Ms. Weiss responded in the negative, but said it probably should be at the time the one under consideration was adopted as permanent legislation. She said there was so much change going on in Licensing and that program was in such a state of flux at present that she would not recommend it presently, but that all the Licenses should be intact by March.

Councilmember Sharp remarked he would be interested in hearing Patrick Hyde's comments concerning the Licensing Ordinance, inasmuch as he was one of the authors and could perhaps address how it was envisioned that legislation would tie into the others. Mr. Hyde related that he recalled when the legislation was written, a provision was put in that noncompliance with a COLTA Order was grounds for revocation of a license -- he said the thinking was that any time there was a chance to use something as an incentive for compliance, that advantage should be taken. He said, in principle, he thought Mr. Johnson's suggestion was good. Ms. Silber stated that the Mayor's recollection was correct that any rent increase, even at the permissible stabilization level, was denied if the Licensing fee had not been paid. She said the ordinance at hand did not deal with the Rent Stabilization process, but with the hardship exception to that process. The Mayor noted that his concern was that no landlord be granted an increase under any circumstances if his License fee had not been paid, and that was what he wished to ensure within the legislation. Ms. Silber remarked that if that statement was contained elsewhere in legislation and was assumed to be the case, it might not be necessary to restate it in the ordinance under consideration.

Referring back to the question of penalty amounts and the need for Charter Amendments to be accomplished, Councilmember Williams inquired how far along that process was. The Mayor responded that those amendments would be taken up in July, a public hearing held, and appropriate advertisements published, and by mid-September it should be possible to start considering changes/increases to penalty amounts. He noted that was barring any challenge to the proposed Charter Amendments. Ms. Silber reiterated that it would be possible to legislate the penalty amount at \$400 now and simply reenact it later if necessary. Councilmember Iddings commented on legislation pertaining to Housing matters being in a constant state of flux, such that it was difficult, if not impossible, to recall what had or had not been enacted; he said such a piecemeal approach was frankly not an appropriate way to conduct legislative business. Councilmember Sharp expressed concurrence with Mr. Iddings' remarks. The Mayor remarked that many present shared Mr. Iddings' expressed perceptions and frustrations, however, he did note that many individuals had been working

very hard to put something together in a very short period of time relative to the legislation at hand. He commented this was major legislation and was not an easy area in which to legislate.

Housing Director Weiss referred to COLTA Chair Lloyd Johnson's memorandum; she said a lot of the items therein need discussion and have been brought up by several Commissioners, but there was not time for their inclusion as part of the current legislation. She said she hoped those points would be examined, considered, and handled in a more convenient manner than the current process. Councilmember Haney commented that a number of the issues appeared to be of an administrative, rather than a legislative, nature. Ms. Weiss noted that one of the items COLTA would apparently wish the Council to make a decision upon was the question of whether COLTA could/should require that a property be inspected within 60 days prior to petition for a rent increase -- she urged that that question be considered only when a cost impact analysis had been presented on the subject. The Mayor commented concerning another suggestion in Mr. Johnson's missive which pertained to the effective date of rent increases; he said based on various events, he would strongly favor that such increases become effective as of the date of COLTA's decision, rather than any sort of retroactive provisions. He commented concerning rent increase provisions in other neighboring jurisdictions and problems related to retroactivity. Councilmember Iddings commented that the original intent was to hold the landlord harmless from delays not of his own making, with the anticipation that there would be delays in connection with hearings. The Mayor remarked there should be a requirement that a hearing be held within 90 days of the filing of a petition and, if not, provision made for a temporary increase with the money put into an escrow account. He said he felt 60-90 days was an adequate time frame for an administrative body to schedule a hearing, do the preliminary necessities, reach and publish a decision in hardship or extraordinary increase cases.

Councilmember d'Eustachio moved adoption of the ordinance (draft #4), including editorial amendments effected, duly seconded by Councilmember Sharp.

Michael Mead, Owner of 25-unit building at Hancock and Lee Avenues: commented he believed that in paragraph 5 of COLTA's memo, they were misquoting the proposed law, which he said did not dictate that an increase would become effective as of the date of filing with the Commission -- he said increases become effective 60 days after due notice of the increase to the tenants. Mr. Mead commented he had had only one COLTA hearing since owning his building -- 5 years ago -- however, had never received a written decision. He noted that many reasons could be fabricated for delaying COLTA hearings, and said it would not be fair to hold up rent increases pending written COLTA decisions if delays occurred because landlords would lose substantial amounts of money. Mr. Mead asked that the ordinance be amended to insert in Sec. 6-80.17(d)(1), the language "...tenant in a dwelling unit..." so that if a tenant moved out the rent could be increased prior to a new tenant moving into the unit; he said he had brought up this proposed amendment before a prior Council and it was discussed and he was told it could perhaps be accomplished at a later point in time. Under item 2 in that same paragraph, he asked that language be inserted to specify that a rent increase could not occur while serious violations exist in the apartment for which the rent was being raised. He pointed out that if an owner had one unit vacant and damaged in a building (even if the damage was deliberately inflicted by a prior tenant), he could not, under literal translation of the law, raise rent on any other unit in the building until that one unit was repaired and brought up to Code. He said he did not believe that was the intent of the Council. The Mayor commented that perhaps an editorial amendment should be effected to Sec. 6-80.17(d)(2) to make it consistent with the law as currently written, which was, in effect as Mr. Mead stated, restricting increases on a particular unit only if there were serious outstanding violations -- or if there were serious outstanding violations in the common areas of the building. Councilmember d'Eustachio, as maker of the original motion, accepted that editorial amendment, as did the seconder of the motion. The Mayor

stated that Sec. 6-80.17(d)(2) would, then, be amended to include at the end of it the following language: "in a particular unit or the common areas of the building in which that unit is located."

Following discussion of Sec. 6-80.17(d) related to maximum possible rental income, Mr. d'Eustachio accepted as an editorial amendment insertion of the word past as a modifier to "cash flow" to clarify that what was meant was past rather than projected future cash flow. During ensuing discussion, the Mayor stated his opinion was that such issues as tax increases, rates of inflation, consumer price index, etc., should be considered and included in setting the permissible annual increase rate rather than as arguments in a petition for an increase in excess of the permissible amount. He noted that the legislation at hand was a policy change -- that an accounting based on an actual preceding 12-month period would now be required to accompany a petition for an extraordinary increase. Mr. Mead suggested that provision be amended to provide for adjustments based on foreseeable increases in operating expenses and actual costs. During ensuing dialogue, Mr. Sharp noted that the legislation at hand was originally intended as a stopgap measure, however, was being argued as though it were something that would be in existence for a long time in the future -- he said he did not think this was something that should be ongoing until March 1988, but only for the next month or two until the problems could be discussed and ironed out in worksessions. With the Mayor's permission, Mr. Mead continued at length with his comments and suggestions on the proposed legislation; he concluded by concurring with remarks made by Mr. Iddings concerning the difficulty of dealing with complex legislation piecemeal. He suggested that even a cut and paste job that reflected both the existing law and the proposed changes would facilitate the process and keep things more in context, both for the Council and for the public.

Pertaining to questions raised earlier by Mr. Mead, the Mayor asked that Ms. Silber address Sec. (ii), subsection (a) (page 2 of draft - top of page), concerning the need to increase cash flow levels; he asked whether the situations cited were intended as examples or as limitations. Ms. Silber responded she believed they were intended as examples of alternative justifications, in which case the Mayor suggested the use of "e.g." to so indicate. Ms. Silber noted she was not the author of that particular section and would wish to consider it further before giving a final opinion.

Patrick Hyde: stated he was in support of the ordinance, however, wished to address a few points. Responding to comments about the complexity of the legislation and the fact it was constantly changing, he pointed out that was a fact of life where complex laws that had grown up over a short period of time were concerned -- as examples, he cited pension laws and mortgage laws. Concerning the proposed changes, Mr. Hyde said they were really rough guidelines -- that he wrote the draft for the proposed amendments in about 4 hours (against his will) in response to a request to COLTA for submission of a piece of emergency legislation. He said the document was never intended to be a hard and fast piece of legislation, and said he strongly believed it should have a sunset clause to allow the committee to continue its work and turn out a more finished and polished piece of legislation. Mr. Hyde noted that the Sylvan Terrace fiasco had raised all sorts of questions about what basis a landlord should have for getting a rent increase -- said COLTA tried to do a good faith job concerning that but clearly there was no basis in the legislation, and that absolutely had to be clarified. He said he had felt the affidavit should be incorporated into the statute, although some had subsequently disputed that approach. He said retroactive rent increases were not acceptable -- the Sylvan Terrace decision was a classic example why. In conclusion, Mr. Hyde said that whoever writes decisions should take into account the decision's impact on all concerned interest groups; said that would demonstrably reflect maturation of the process.

Marc Elrich, 8110 Roanoke Avenue: remarked he thought the proposed changes were good; said Mr. Hyde deserved congratulations for producing something that moves Housing legislation forward. Concerning capital improvements, inquired whether there would be a formal process

for evaluating those versus the depreciation landlords took in the past. He said it should be ensured that depreciation was not taken and the money spent and then the necessity for capital improvements used as justification for a rent increase. He said he had previously had questions concerning the posting of notices, however, Ms. Weiss had stated that could be handled administratively, which would be fine. Additionally, Mr. Elrich stated he had concerns about the registration of partnerships so that it would be known who owned what -- if that were not done administratively, he said he would like to see it included somewhere in the legislation. He spoke in favor of including reference in the legislation to the goal of maintaining affordable housing in the City, which he said was stated in the original legislation.

Brint Dillingham, 7018 Carroll Avenue: concurred with Mr. Elrich's comments concerning adding a statement regarding affordable housing to the legislation; noted there was a statement concerning the interests of the tenant and said that was a start toward equalizing the exception process, but that a lot more needed to be done. Mr. Dillingham echoed comments about the confusion concerning the legislation and about what had and had not been passed previously; he inquired whether it was not true that the rent could not be raised if there were any existing Code violations -- the Mayor responded in the affirmative, citing the section so stating. Mr. Dillingham suggested that under subsection (k) on the last page of the draft, it be clarified, or inserted if that were not the intent already, that failure to comply with the article would bar the landlord (or anyone acting on his behalf) from collecting any rent due or from gaining possession of the premises (through eviction of the tenant); said he felt that should be very specific. Concerning vacancy decontrol, Mr. Dillingham stated that when that section came up for consideration, he hoped the language would revert to that originally written by Mr. Sharp stating that vacant units were subject to the exact same requirements as occupied units for rent increases. In regard to inspections required to be performed in connection with rent increase exceptions requested by landlords, he suggested requiring the landlord to put down some money toward the inspection in order to help relieve the financial burden on the City. Mr. Iddings noted the cost referred to was an opportunity cost and not necessarily a financial cost; i.e., that if the inspectors were busy reinspecting a building to satisfy a COLTA request, they could not be performing the annual inspections they would ordinarily be doing and the workload would not be fulfilled. The Mayor commented it related more to numbers of bodies and/or overtime.

Ms. Silber stated, in responding to the question raised earlier about the cash flow increase, that her interpretation of the language was that it was a standard (taken from the affidavit and written sometime around 1979) and that a landlord could not ask for an increase better than his best two years. She said it would improve the language to add "the" preceding "two prior years." Mr. d'Eustachio commented he would be comfortable with leaving the language as an example rather than specifically pinning a landlord down to the two previous years, in the event the landlord may have taken a financial beating in those two years. The Mayor commented he tended to agree with Mr. d'Eustachio, however, did see a rationale for placing a limit on a cash flow question; he said inasmuch as the legislation was intended as an emergency measure with a sunset provision, he would suggest taking that clause out and working on it; Ms. Silber concurred with that suggestion. She explained that the emergency nature of the situation, as had been referred to throughout the discussion, was the fact that the whole ordinance and framework of rent control, as well as the constitutionality of the statute itself, was being tested in court (Prince George's County Circuit Court) by a landlord appealing a COLTA decision rendered him. She said what was being attempted was to ensure that even if the landlord were successful in his appeal, there would be a framework still standing following the Judge's ruling.

Mr. Elrich provided suggested language to amend subsection (c) on the next to last page of the ordinance which defines the public interest to include the language "...maintaining a stable, ethnically diverse and economically heterogenous community and preserving the quality of

affordable rental housing." Mr. d'Eustachio, maker of the original motion to adopt, and Mr. Sharp, seconder thereof, accepted the amendment as editorial.

Following additional dialogue, discussion reverted to the section under consideration earlier concerning cash flow increase. Ms. Silber commented that after further thought on the matter, it would not be inconsistent to cite insufficient rate of return as a fifth justification for a rent increase in that section, in order to be consistent with other legislation. Councilmember d'Eustachio so moved, duly seconded, carried by unanimous vote. Councilmember Sharp questioned whether the sunset date on the legislation of March 1988 was not too long a period of time; he moved that date be changed to December 31, 1987. The motion failed for lack of a second. The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Iddings, Levy, Sharp, and Williams; NAY: None; TEMPORARILY ABSENT: Councilmember Haney; ABSENT: Councilmember Bradley.

ORDINANCE #1987-33
(attached)

8. Resolution Regarding Council Action on Barricades at Cedar and Holly Avenues.

Councilmember Iddings moved passage of the resolution, duly seconded by Councilmember Levy.

Lou D'Ovidio, 7324 Piney Branch Road: inquired whether the resolution was retroactive for the prior 7 weeks during which the barricades had been in place; said he guessed he had been breaking the law by driving on those streets and pointed out that there were obviously people being impacted by the erection of the barricades and they had not been notified concerning the situation. He said he felt that residents of Eastern Avenue, Piney Branch Road, Philadelphia Avenue, and others impacted by the diversion of traffic, should be notified. Mr. D'Ovidio noted that residents of Cedar and Holly already have speed humps, which he had supported, and which was more than what residents of the other aforementioned streets have; said he felt it was at the very least inconsiderate of the Council to allow the barricades to be placed without notifying people. He related he had called Councilmembers to try to find out upon whose authority the barricades were put up and no one seemed to know, until he called Mr. Iddings who stated he had had them put up; Mr. D'Ovidio commented that seemed an awful lot of power for one person to have. He urged that the resolution be amended to require notification to the public concerning the barricades.

Mayor Del Giudice commented that the initial decision to put the barricades up was made by City staff, and that he reviewed it on June 12 with Public Works Director Robbins and Police Captain Wortman. He noted that the City Code allows the barricading of streets, given emergency situations, upon the authority of the Public Works Director and the Police Chief. The Mayor noted he had placed the item on the agenda at the request of citizens, and that he had told a number of citizens it would be on the agenda. He commented it had been a very frustrating situation, and that it was very difficult to balance the interests of residents of Holly and Cedar against those of residents of other aforementioned streets, and regardless of what was done, someone would be inconvenienced and dissatisfied. He related that one citizen had suggested erecting and enforcing the barricades during rush hour periods only; he said that might be considered as an alternative, however, would be administratively costly. He noted the situation had been generated by the failure of the government of the District of Columbia to take care of its own mess, which forced the City to do something.

Councilmember Iddings related that when he received a number of call at work one morning from residents of Cedar and Holly concerning traffic from Carroll Avenue spilling onto their streets, getting lost and not knowing where to go, he called Mr. Robbins to investigate what was happening and to ask that he take appropriate corrective steps. He said he had told Mr. Robbins that it was D.C.'s problem -- that

they had improperly rerouted traffic, had improperly signed the detours -- in fact, there were no detour signs until one got to Cedar and Carroll -- and he suggested that Mr. Robbins coordinate with D.C. on the matter. He said Mr. Robbins had tried to work with D.C. before the barricades were erected, continued to try to work with them to get them to put up the appropriate signage which would make use of D.C. streets, but the effort had not been fruitful to date and had been a continuing source of frustration. Given the situation, he said he felt staff had acted appropriately in making use of the provisions of the Code.

Councilmember Levy inquired whether neighbors of Mr. D'Ovidio had complained about the additional traffic; she commented the majority of complaints she received were from residents of Holly Avenue. The Mayor noted receipt of a letter from David Wakelynn of Holly Avenue, complaining about the barricades and expressing concern for residents of Piney Branch Road. During brief discussion of when the street work might be completed, Mr. Haney remarked that in the downtown area of D.C. where he works, several block portions of some streets had been completely rebuilt from the roadbed to finished paving within a week, however, it was probably considered a high priority zone.

Brint Dillingham, 7018 Carroll Avenue: inquired concerning what section of the Code authorized the barricading; the Mayor responded that it was a section specifically authorizing the Director of Public Works and the Police Chief to authorize barricading of streets for up to a 72-hour period in emergency situations -- was not a general police power authority -- however, could not offhand cite the specific Code section.

Councilmember Iddings noted receipt of a letter from Sherry McMann of 7105 Cedar Avenue in support of the resolution; he briefly summarized its content. Mr. Iddings inquired of Mr. Robbins concerning the contractor's plans for rebuilding the other side of the street, inasmuch as it appeared the present work might be completed within two weeks; he asked how the rerouting while that work occurred would be handled. Mr. Robbins explained that the contractor would be moving his barricades over, which would allow 2/3 of the road to be accessible while the remaining 1/3 was torn up; he said he would have to check with D.C. again and see if a more thorough detour system could be developed to prevent future problems. He said the 2/3 portion of the road would not accommodate 2 lanes of traffic. The Mayor asked that Mr. Robbins get together with him during the coming week for the purpose of drafting a letter to Mr. Touchstone regarding the situation. Councilmember Haney moved to amend the resolution by the addition of a requirement that residents of Carroll, Eastern, Piney Branch and Philadelphia be notified by letter concerning the barricades; the motion was duly seconded by Councilmember Levy; carried unanimously. The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1987-48
(attached)

9. COLTA Appointments.

The Mayor noted there would be 4 vacancies occurring as of June 30, 1987, relating that the following individuals were being proposed for appointment to fill those vacancies: Diane Jenkins and Eva Phillips (Tenant Representatives), James Arisman (General Public Representative), and Gerald Kurtinitis (Landlord Representative); with terms for all to expire on June 30, 1990. Councilmember Williams moved passage of the resolution effecting the appointments, duly seconded by Councilmember Sharp. For the record, in light of Mr. Kurtinitis being a non-resident, the maker and seconder of the motion acknowledged the difficulty in filling landlord positions on the Commission as necessitating the appointment. Councilmember Iddings commented he was impressed with the amount of work Ms. Jenkins had done in the City during her 7-1/2 years of residency and her excellent qualifications to serve on the Commission, and said he would be happy to vote in

favor of her appointment. The resolution passed by unanimous vote.

RESOLUTION #1987-49
(attached)

10. Single Reading Ordinances re 1/2-ton Van and 3/4-ton Pickup Truck for Public Works Department (addressed earlier as item #2).

Councilmember Iddings noted the ordinances had been rewritten to accurately reflect for the public record the bid solicitation process; he moved adoption of the ordinance authorizing purchase of a 1/2-ton van. Councilmember d'Eustachio noted need for an editorial amendment in Sec. 6 to correct "Dodged, Inc." to "Dodge, Inc." and duly seconded the motion. Mr. Sharp noted the need for correction of other typographical errors as well and asked that the ordinances be reviewed for that purpose. He inquired in relation to the bid process what was meant by "qualified dealers." Mr. Robbins stated what was meant was bonafide Chrysler dealers, and said Chrysler was the only non-nuclear affiliated manufacturer who made the vans and 4-wheel pickup trucks meeting the City's specifications. Mr. Sharp noted that Chrysler had recently purchased an electronics company involved in making weapons for the defense industry, and, in light of that, asked what assurance the City had that Chrysler was still qualified as a non-nuclear manufacturer. Following brief dialogue, the question was called. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy, Sharp and Williams; NAY: None; ABSENT: Councilmember Bradley.

ORDINANCE #1987-34
(attached)

Councilmember Williams moved adoption of the ordinance authorizing the purchase of a 3/4-ton pickup truck, duly seconded by Councilmember Iddings. In response to query from Councilmember Haney, Mr. Robbins stated that bids were solicited from 9 dealerships, only 3 responded with bids. Mr. Haney commented it might be appropriate for the Council to ask the Takoma Park Nuclear Free Committee to review the possible purchase of an electronics company by Chrysler mentioned earlier; he said he would be interested and thought the matter should be investigated to see what the company was involved in.

Councilmember Iddings remarked that concern had previously been expressed that in the purchasing process some products that might meet the criteria for a waiver were being excluded, however, since bids were not sent out, that was an unknown, despite the fact staff was following administrative procedures. He commented perhaps those administrative procedures should be discussed and revised, however, the present was not the time to do so. The Mayor commented that Mr. Sharp had requested that issue be placed on a worksession agenda for discussion, however, it had not yet been done due to other pressing business. Mr. Sharp remarked that the ordinance required that if there were not going to be a widely circulated solicitation of bids, that there be written administrative procedures passed on by the Mayor and Council to be followed; he stated those procedures did not exist, and said the appropriate procedure that should have been followed in the current case was that a general solicitation should have been sent out -- thus, the solicitations that had been accomplished for these vehicles did not comply with the Code and, in his opinion, were an illegal procurement. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy, Sharp and Williams; NAY: None; ABSENT: Councilmember Bradley.

ORDINANCE #1987-35
(attached)

11. Resolution Effecting Appointment to Fill Cable Board Vacancy.

Councilmember Iddings moved that the name of Shirley E. Hendley to fill the vacancy on the board be inserted in the blank provided in the resolution; the motion was duly seconded by Councilmember Haney. It was noted there was need for correction of the spelling of Michael Strait's name in the resolution. Councilmember Iddings remarked that in interviewing the two applicants, it was obvious Mr. Strait was also

very well qualified, and hopefully he could be appointed at some future time when there was an opening. The Mayor noted that many were impressed by both of the candidates, however, a choice had to be made. The resolution was passed by unanimous vote.

RESOLUTION #1987-50
(attached)

12. Resolution to Include City of Takoma Park in the Liability Insurance Pool.

Councilmember d'Eustachio moved passage, duly seconded. Councilmember Iddings noted, for the record, that Mr. Wilson had been asked to serve on the Charter Board of Trustees of the Pool and had accepted; he said he thought that was indicative of the esteem in which he was held by his peers, as well as the work he had done in helping to set up the pool. The resolution was passed by unanimous vote. Mr. Iddings noted this was another important piece of legislation that would save money down the road for the City.

RESOLUTION #1987-51
(attached)

13. First Reading of an Ordinance Awarding Bid for Police Radio Maintenance Contract.

Councilmember Levy moved acceptance for First Reading, duly seconded. Councilmember Iddings asked that information be provided prior to Second Reading concerning what sort of background checks were being done on the contracting firm and its personnel. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1987-
(attached)

14. Resolution Appointing Individuals to Serve on CDBG Committee.

For the record, the Mayor noted there were a number of citizens' associations not represented on the committee; however, said he had spoken with Daniel Neal, who would be putting forth a subsequent resolution to effect additional appointments as more groups came forward with nominees to participate in the process. Following brief discussion concerning meetings of the committee, the resolution was passed by unanimous vote.

RESOLUTION #1987-52
(attached)

Upon motion by Councilmember d'Eustachio, duly seconded, the meeting adjourned at 11:56 P.M., to reconvene in Regular Session at 8:00 P.M. on July 13, 1987.

Introduced by:

1st Reading: June 8, 1987
2nd Reading: June 29, 1987

ORDINANCE NO. 1987- 31

An ordinance to amend the Personnel Classification System.

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

SECTION 1. New Position classes and change in GRADE. The grade structure adopted by Ordinance No. 1986-53, Section 2, is amended to add and regrade the following positions:

- | <u>GRADE</u> | <u>JOB CLASSES</u> |
|--------------|---|
| GRADE 1 : | |
| GRADE 2 : | Custodian |
| GRADE 3 : | Laborer; Clerk Typist I; |
| GRADE 4 : | Account Clerk I; Library Shelver ; Communications Dispatcher; Assistant Driver; <u>Police Records Clerk;</u> |
| GRADE 5 : | Recreation Aide; Tool Library Attendant; Equipment Operator I; |
| GRADE 6 : | Account Clerk II; Secretary; Personnel Clerk; Library Assistant; Recreation Specialist; ((Police Private)); Driver Foreman; Equipment Operator II; |
| GRADE 7 : | Administrative Clerk I; Playground Coordinator; Equipment Operator III; Code Enforcement Officer I; <u>Police Private;</u> |
| GRADE 8 : | Administrative Clerk II; Executive Secretary; Gym Supervisor; Police Private First Class; Tree Maintenance Foreman; Building Mechanic; Mechanic; Community Development Coordinator; |
| GRADE 9 : | Account Supervisor; Administrative Supervisor; Deputy City Clerk; Police Affairs Specialist; Police Corporal; Parks Foreman; Street Foreman; Housing Coordinator; <u>Master Mechanic;</u> |
| GRADE 10 : | Librarian; Police Sergeant; Sanitation Supervisor; Street Supervisor; |
| GRADE 11 : | Youth Outreach Worker; Recreation Supervisor; Code Enforcement Supervisor |
| GRADE 12 : | Assistant Library Director; Police Lieutenant; Cable TV Coordinator; Shop Supervisor; |
| GRADE 13 : | |
| GRADE 14 : | Police Captain (Deputy Chief); Assistant Public Works Director; Director of Economic & Community Development; |
| GRADE 15 : | Library Director; Recreation Director; Director of Housing Services |
| GRADE 16 : | Assistant City Administrator; |
| GRADE 17 : | Police Chief; Public Works Director |

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective July 1, 1987.

NOTE: ((double brackets)) indicate matter to be deleted from existing code language.

Underlining indicates new matter to be added to existing code language.

Introduced By: Mayor DeGiudice

RESOLUTION #1987-48

WHEREAS, continuing construction on Carroll Avenue in Washington, D.C. has subjected Takoma Park residents in this area to unusually large amounts of traffic; AND

WHEREAS, barricades were erected at Cedar and Eastern Avenues, Holly and Eastern Avenues, Tulip and Cedar and at Tulip and Holly Avenues, resulting in an adverse impact on traffic on Eastern Avenue and Piney Branch Road; AND

WHEREAS, following City Staff recommendation that the D.C. traffic Division review their present detour route, it was agreed that the detour would be changed to prevent right hand turns from Carroll Avenue onto Cedar Avenue and 4th Street onto Cedar Avenue and barricades would be installed accordingly.

NOW THEREFORE, BE IT RESOLVED, that the Public Works Department is hereby authorized to install the appropriate detour barricades at the suggested locations; AND

BE IT FURTHER RESOLVED, that following the installation of additional Washington, D.C. barricades, the City barricades will be removed from Holly and Cedar Avenues; AND

BE IT FURTHER RESOLVED, that until such time as the D.C. government through their Traffic Division erects their barricades, Holly and Cedar Avenue will be barricaded in 72 hour periods to prevent thru traffic travel and the Police Department is directed to enforce the traffic changes as a result of placement of the barricades as determined by the City Department of Public Works; AND

BE IT FURTHER RESOLVED, that the City Administrator is hereby directed to notify citizens living on Piney Branch Road, Eastern Avenue, Carroll Avenue and Philadelphia Avenue of this action.

Dated: June 29, 1987

Introduced By: Mayor DelGiudice

RESOLUTION #1987-49

WHEREAS, on June 30, 1987, four terms expire on the City's Commission on Landlord-Tenant Affairs that will need to be filled; two are for tenant representatives; one for landlord representative and one for a general public representative; AND

WHEREAS, Eva Phillips, Melvin Phillips, and Diane Jenkins have applied to serve on the Commission as tenant representative; AND

WHEREAS, Gerald Kurtinitis and David Weiss have applied to serve as landlord representative; AND

WHEREAS, James Arisman has requested re-appointment to serve on the Commission as a general public representative.

NOW THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland does hereby appoint the following persons as presentatives for the vacant seats on the Commission on Landlord-Tenant Affairs:

- (1) Diane Jenkins, Tenant Representative
- (2) Eva Phillips, Tenant Representative
- (3) Gerald Kurtinitis, Landlord Representative
- (4) James Arisman, General Public Representative

Adopted this 29th day of June, 1987.

Introduced by: Mayor DelGiudice

Adopted: June 30, 1987

RESOLUTION NO. 1987 - 50

- WHEREAS, There currently exists one citizen representative vacancy on the City's Cable Television Board that needs to be filled; AND
- WHEREAS, the Cable Board received two applications of interest from Michael J. Straiht and Shirley E. Hendley, residents of the City; AND
- WHEREAS, after due consideration by the Mayor and Council, the following person was selected to fill the existing vacancy.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, does hereby appoint Shirley E. Hendley to fill the vacant seat on the Takoma Park Cable Television Board.

Dated this 29th day of June, 1987

June 25, 1987

RESOLUTION 1987- 51

WHEREAS, the Maryland Municipal League and the Maryland Association of Counties has determined there is sufficient interest among counties and municipalities to establish a pool for primary and excess liability coverage; AND

WHEREAS, local governments in the State of Maryland desire to pool together to provide insurance protection and benefits to themselves and their employees either through purchase of insurance or by self-insuring for insurable risks; AND

WHEREAS, Chapter 638, 1986 Acts of Maryland authorizes public entities, including local governments in Maryland to pool together for the purpose of purchasing Casualty Insurance or Self-Insuring Casualty Risk; AND

NOW THEREFORE BE IT RESOLVED by the City Council of Takoma Park, Maryland that the City Administrator is authorized to execute a local Government Insurance Task Agreement to include the City of Takoma Park in the Liability Insurance Pool for the purpose of minimizing the cost or comprehensive general liability, business automobile liability and physical damage, law enforcement liability, and public official legal liability insurance provided that excess liability coverage is not affected by this action.

ADOPTED this 29th day of June, 1987.

B:Insuran1.wp
mlw

Introduced by:

1st Reading: June 8, 1987
2nd Reading: June 29, 1987

ORDINANCE NO. 1987-29

FY 1987 BUDGET AMENDMENT NO. 5

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

SECTION 1. THAT the City Administrator be hereby authorized to transfer \$52,000 to the FY 1986-87 Budget from Prior Years Unappropriated Surplus for legal expenses; AND

SECTION 2. THAT the FY 1987 Budget be amended as follows:

REVENUE AMENDMENTS

- A. Increase appropriations of Account 474, Miscellaneous-Other, by \$1,223.
- B. Special Revenue Budget: A revenue line item 3006.000, Enhanced Traffic Safety Enforcement Grant (ETSE), is created with an appropriation of \$1,800.

EXPENDITURE AMENDMENTS

- A. Transfer \$66,000 from the following accounts to Account 570 for legal expenses:
 - (1) \$27,000 from Account 991, General Contingency
 - (2) \$2,000 from Account 994, Hospitalization
 - (3) \$2,000 from Account 980, Fire Service
 - (4) \$2,000 from Account 966, Principal Payment - Refuse Truck
 - (5) \$15,000 from Account 900, Recreation - Salaries
 - (6) \$3,000 from Account 830, Government Buildings Division - Salaries
 - (7) \$2,000 from Account 850, Repair Shop Division Salaries
 - (8) \$5,000 from Account 875, Sanitation Division - Salaries
 - (9) \$8,000 from Account 885, Streets Division - Salaries
- B. Transfer \$11,500 from Account 858, Gas, oil, grease to Account 995, Capital Expenditures for the purchase of a 3/4 ton van.

C. Transfer \$15,000 from the following budget accounts to Account 995, Capital Expenditures for the purchase of a four wheel drive pick-up truck:

- (1) \$1,500 from Account 858, Repair Shop - Gas, Oil & Grease
- (2) \$6,000 from Account 865, Parks - Salaries
- (3) \$3,000 from Account 877, Sanitation Division - Fringe Benefits
- (4) \$2,000 from Account 887, Streets Division - Fringe Benefits
- (5) \$1,000 from Account 802, P.W. Office - Fringe Benefits
- (6) \$1,000 from Account 852, Repair Shop - Fringe Benefits
- (7) \$ 500 from Account 867, Parks - Fringe Benefits
- (8) \$ 500 from Account 855, Repair Shop - Tires & Batteries

D. Transfer \$1,200 from Account 860, Repair Shop - Consumable Items to Account 800.1 Public Works - Office, Temporary Assistance to fund temporary office personnel for the remainder of the fiscal year.

E. Special Revenue Budget: An expenditure line item 3700.000, Enhanced Traffic Safety Enforcement Program (ETSE) is created with an appropriation of \$1,800.

CAPITAL BUDGET

- A. Add the purchase of a 3/4 ton van to the Capital Budget as an authorized and approved Capital budget expenditure item.
- B. Add the purchase of a four-wheel drive pickup truck, for use by the Parks Division, to the Capital Budget as an authorized and approved Capital budget expenditure item.

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

Adopted this 29th day of June, 1987.

Upon motion by Iddings, duly seconded by Levy the ordinance was adopted by roll call vote as follows:

AYE: d'Eustachio, Haney, Iddings, Levy, Sharp and Williams
NAY: None
ABSTAIN:
ABSENT: Bradley

Item #1
(Public Hearing)

Introduced by:

Seconded by:

Amendments offered
to Budget Amendment No. 5

EXPENDITURE AMENDMENTS

- F. Transfer \$11,655 from the following accounts to Account 992, Special Multi-Peril Insurance to cover insurance policy costs for FY 87:
- (1) \$5,650 from Account 977, EXCESS Liability
 - (2) \$5,565 from Account 979, Police Professional Liability
 - (3) \$500 from Account 978, Public Officials Liability
- G. Transfer \$2,800 from Account 600 - Police salaries to Account 644, Radio System Maintenance
- H. Transfer \$6,000 from Account 600 - Police salaries to Account 570, Legal Expenses

Introduced By: Councilmember Iddings

1st Reading: 6/8/87

2nd Reading: 6/29/87

ORDINANCE #1987-30

WHEREAS, the Maryland National Capital Park and Planning Commission has requested that the City of Takoma Park abandon parts of the right-of-way of paper street Sheridan Avenue, between Hancock Avenue and Carroll Avenue in Takoma Park to construct a park; AND

WHEREAS, that a public hearing was held on June 22, 1987, pursuant to City of Takoma Park Ordinance No. 1987-13, adopted on April 27, 1987 for the abandonment of street rights-of-way; AND

WHEREAS, based upon the facts presented at that hearing, it does not appear that segment of Sheridan Avenue is necessary for current public use or anticipated future public use; AND

WHEREAS, after due investigation and consideration it has been determined that the nature and extent of the public use and public interest to be served warrants the vacation of the portion of Sheridan Avenue described in this ordinance.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Takoma Park hereby abandon that the portion of Sheridan Avenue between Hancock Avenue and Carroll Avenue that lies between S.S. Carroll Subdivision, Block 9, Lots 15, 16, 17, 18, and S.S. Carroll Subdivision, Block 7, Lots part 26, part 27, part 28, and Lot 14, more particularly described and located on the plat attached hereto; AND

BE IT FURTHER RESOLVED, that abandonment herein provided is made upon the express condition that within six months after the passage of this Ordinance, the Maryland National Capital Park and Planning Commission shall file, or cause to be filed for recording in the Circuit Court for Montgomery County, a certified copy of this ordinance and the plat showing the abandoned right-of-way.

Adopted this 29th day of June, 1987.

AYE: Haney, Iddings, Levy, Sharp, Williams

NAY: None.

ABSENT: d'Eustachio*, Bradley
*(Temporarily)

ATTEST:

City Clerk

Introduced: June 8, 1987

Enacted: June 29, 1987

Effective: July 1, 1987

ORDINANCE NO. 1987-32

Short Title: Pay scale for employees.

AN ORDINANCE TO:

(a) establish a new City employee Pay Plan tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended; and

(b) provide for implementation of the Pay Plan, including periodic pay increases and promotions, subject to the limitations in Article 2 of this chapter regarding City employees who are represented by a certified employee organization.

THIS ORDINANCE amends the Code of the City of Takoma Park by enacting new Sections 8B-124 and 8B-125 effective July 1, 1987.

NOTE: In this ordinance [[double brackets]] indicate that existing language is being deleted from the Code.

Underlining indicates new language being added to the Code.

SECTION 1. PAY SCALE PLAN.

Subsections 2(a), (b), (c), and (d) of Ordinance No. 1986-23, known as the Pay Scale Plan for the City of Takoma Park is repealed except as provided in Section 2(c) below. The following

provisions are adopted as the new Pay Scale Plan for the City. This Pay Scale Plan will become effective July 1, 1987, and will remain in effect until amended or repealed by the City Council. The City Council has the power to amend or repeal this Pay Plan and related laws, by ordinance, at any time.

(a) City Administrator. The pay scale for the City Administrator is as follows:

STEP:	A	B	C	D	E	F	G
	35,439	36,765	38,141	39,569	41,052	42,590	44,187
	H	I	J	K			
	45,844	47,567	49,352	51,227			

(b) Recreation attendant. The pay scale for recreation attendants is as follows:

STEP:	A	B	C	D	E	F	G
	9,757	10,107	10,510	10,846	11,236	11,643	12,063
	H	I	J	K			
	12,501	12,953	13,425	13,935			

(c) Crossing guard. The pay scale for crossing guards is as follows:

			3
STEP:	A	B	C
	3,206	3,463	3,740

(d) All other employees. The pay scale for all other employees is as shown on the 36 percent scale: (See next page).

SECTION 2. IMPLEMENTATION OF PAY SCALE PLAN.

(a) General rule for new grade and step. Effective July 1, 1987, all employees except the City Administrator, recreation attendants, crossing guards and Senior Management staff in Grades 14 through 17, will be paid under the Pay Scale Plan for:

(1) the grade that their job classifications have been allocated to under Ordinance 1986-23; and

(2) the step that exceeds their salary on June 30, 1987, by the smallest amount.

(b) Special rule for employees whose salaries exceed the limit for their grade.

(1) If an employee's salary exceeds the maximum salary for the employee's grade, then the employee's salary will not change until:

(A) the highest step for the employee's grade exceeds the employee's salary (the employee will be placed in the highest step, in the grade);

(B) July 1, 1990 (the employee will be placed in the highest step in the grade);

(C) the employee is promoted; or

(d) All Other Employees

CITY OF TAKOMA PARK - PAY SCALE
FY 1988 - 36 PERCENT SCALE

		A	B	C	D	E	F	G	H	I	J	K
	STARTING											
	PAY	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL
GRADE	Percentage Increase	4.25%	4%	3.75%	3.5%	3.25%	3%	2.75%	2.5%	2.25%	2.10%	
1	Annual	12,500.00	13,031.25	12,552.50	14,060.72	14,552.84	15,025.31	15,476.58	15,902.19	16,299.74	16,666.49	17,016.48
	Weekly	240.38	250.60	260.63	270.40	279.86	288.36	297.63	305.31	313.46	320.51	327.24
	Hourly	6.01	6.27	6.52	6.76	7.00	7.22	7.44	7.65	7.84	8.01	8.18
2	Annual	13,437.00	14,008.07	14,568.39	15,114.71	15,643.72	16,152.14	16,636.71	17,094.22	17,521.57	17,915.31	18,292.04
	Weekly	258.40	269.39	280.18	290.67	300.84	310.52	319.94	328.74	336.95	344.53	351.77
	Hourly	6.46	6.73	7.00	7.27	7.52	7.77	8.00	8.22	8.42	8.61	8.79
3	Annual	14,445.00	15,058.91	15,661.27	16,248.57	16,817.26	17,363.33	17,884.74	18,376.57	18,835.98	19,259.79	19,664.25
	Weekly	277.79	289.59	301.18	312.47	323.41	333.92	343.94	353.40	362.23	370.38	378.16
	Hourly	6.94	7.24	7.53	7.81	8.08	8.35	8.60	8.83	9.06	9.26	9.45
4	Annual	15,259.00	16,188.98	16,836.54	17,467.91	18,079.29	18,666.86	19,226.97	19,755.61	20,249.50	20,705.11	21,139.92
	Weekly	298.63	311.33	323.78	335.92	347.68	358.98	369.75	379.92	389.41	398.18	406.54
	Hourly	7.47	7.78	8.09	8.40	8.69	8.97	9.24	9.50	9.74	9.95	10.16
5	Annual	16,593.00	17,402.45	18,098.55	18,777.25	19,434.45	20,066.07	20,668.05	21,236.42	21,767.33	22,257.09	22,724.49
	Weekly	321.02	334.66	348.05	361.10	373.74	385.89	397.46	408.39	418.60	428.02	437.01
	Hourly	8.03	8.37	8.70	9.03	9.34	9.65	9.94	10.21	10.47	10.70	10.93
6	Annual	17,945.00	18,707.66	19,455.97	20,185.57	20,892.06	21,571.05	22,218.18	22,829.18	23,399.91	23,926.41	24,428.86
	Weekly	345.10	359.76	374.15	388.18	401.77	414.83	427.27	439.02	450.00	460.12	469.79
	Hourly	8.63	8.99	9.35	9.70	10.04	10.37	10.68	10.98	11.25	11.50	11.74
7	Annual	19,291.00	20,110.87	20,915.30	21,699.62	22,459.11	23,189.03	23,884.70	24,541.53	25,155.07	25,721.06	26,261.20
	Weekly	370.98	386.75	402.22	417.30	431.91	445.94	459.32	471.95	483.75	494.64	505.02
	Hourly	9.27	9.67	10.06	10.43	10.80	11.15	11.48	11.80	12.09	12.37	12.63
8	Annual	20,738.00	21,619.37	22,484.14	23,327.29	24,143.75	24,928.42	25,676.27	26,382.37	27,041.93	27,650.37	28,231.03
	Weekly	398.81	415.76	432.39	448.60	464.30	479.39	493.77	507.35	520.04	531.74	542.90
	Hourly	9.97	10.39	10.81	11.22	11.61	11.98	12.34	12.68	13.00	13.29	13.57
9	Annual	22,293.00	23,240.45	24,170.07	25,076.45	25,954.12	26,797.63	27,601.56	28,360.60	29,069.62	29,723.68	30,347.88
	Weekly	428.71	446.93	464.81	482.24	499.12	515.34	530.80	545.40	559.03	571.61	583.61
	Hourly	10.72	11.17	11.62	12.06	12.48	12.88	13.27	13.64	13.98	14.29	14.59
10	Annual	23,965.00	24,983.51	25,982.85	26,957.21	27,900.71	28,807.48	29,671.71	30,487.68	31,249.87	31,952.99	32,624.00
	Weekly	460.87	480.45	499.67	518.41	536.55	553.99	570.61	586.30	600.96	614.48	627.38
	Hourly	11.52	12.01	12.49	12.96	13.41	13.85	14.27	14.66	15.02	15.36	15.68
11	Annual	25,763.00	26,857.93	27,932.24	28,979.70	29,993.99	30,968.80	31,897.86	32,775.05	33,594.43	34,350.30	35,071.66
	Weekly	495.44	516.50	537.15	557.30	576.81	595.55	613.42	630.29	646.05	660.58	674.46
	Hourly	12.39	12.91	13.43	13.93	14.42	14.89	15.34	15.76	16.15	16.51	16.86
12	Annual	27,695.00	28,872.04	30,026.92	31,152.93	32,243.28	33,291.19	34,289.92	35,232.89	36,113.71	36,926.27	37,701.72
	Weekly	532.60	555.23	577.44	599.09	620.06	640.22	659.42	677.56	694.49	710.12	725.03
	Hourly	13.32	13.88	14.44	14.98	15.50	16.01	16.49	16.94	17.36	17.75	18.13
13	Annual	29,772.00	31,037.31	32,278.80	33,489.26	34,661.38	35,787.87	36,861.51	37,875.20	38,822.08	39,695.58	40,529.18
	Weekly	572.54	596.87	620.75	644.02	666.57	688.23	708.88	728.37	746.58	763.38	779.41
	Hourly	14.31	14.92	15.52	16.10	16.66	17.21	17.72	18.21	18.66	19.08	19.49

(D) the employee is demoted.

(c) Special rule for employees who are represented by a certified employee organization.

All employees represented by a certified employee organization will be paid according to the terms of the collective bargaining agreement effective July 1, 1987, or as soon thereafter, when it is adopted pursuant to the provisions in Article 2 of this Chapter.

Until such adoption, all such employees will continue to be paid according to the pay plan effective June 30, 1987.

SECTION 3. AMENDMENTS TO THE CODE.

Sections 8B-124 and 8B-125 were repealed effective June 30, 1987 by Ordinance No. 1986-38. Effective July 1, 1987, Sections 8B-124 and 8B-125 are re-enacted as follows:

Section 8B-124. Determination of pay increases.

(a) Date of pay increases. Pay increases associated with promotions take effect on the date of the promotion. Except as provided in subsection (b), pay increases associated with the cost of living adjustments and merit increases take effect on July 1. The Mayor and Council may defer the effective date of increases by ordinance.

(b) Merit increases.

(1) If an employee receives a merit increase, the

employee's step is increased by one letter. A step in the pay scale does not by definition equate with an employee's number of years of service.

(2) The Mayor and Council determine whether the City will give merit increases in any year. If the City will give merit increases, each employee must still qualify for an increase by demonstrating that his or her work performance meets acceptable standards and by waiting the required amount of time between step increases.

(3) If the employee took leave without pay for more than ten regularly scheduled work days during the prior fiscal year, any merit increase that the employee is entitled to will be postponed for a corresponding period of time.

(4) If an employee is in step F or higher, the employee must wait two years before becoming eligible for another merit increase. Employees in steps A, B, C, D, or E must wait just one year. An employee in step K is not eligible for any merit increases.

(c) Cost of living adjustments. A cost of living adjustment is a percentage increase applied to the entire pay scale.

(3) The Mayor and Council determine whether the City will give a cost of living adjustment in any year and the size of the adjustment.

Section 8B-125. Salary rates for reallocations, promotions, and demotions.

(a) Promotions and upward reallocations. If an employee is promoted or is an incumbent of a position that is reallocated to a class in a higher grade, the employee's new pay step will be the first step in the new grade that is at least 5.25% higher than the employee's current step.

(b) Downward allocations. If an employee is an incumbent of a position that is reallocated to a class in a lower grade, then the employee's new step will be the lowest step that exceeds the employee's current salary. If no step in the new grade exceeds the employee's current salary, the employee's salary will not change until:

(1) the highest step in the new grade exceeds the employee's salary (the employee will be placed in the highest step in the grade);

(2) three years pass (the employee will be placed in the highest step in the new grade);

(3) the employee is promoted; or

(4) the employee is demoted.

(c) Demotions. When an employee is demoted, the City Administrator shall determine the employee's step in the new grade. The City Administrator shall base his decision on the reasons for the demotion and the employee's record of performance with the City.

Introduced by: Mayor Del Giudice

Adopted: June 29, 1987

RESOLUTION 1987 - 47

WHEREAS, the State Legislation which created the energy tax, failed to the exempt municipal governments;
AND

WHEREAS, CB-86-1987, currently pending before the Prince George's County Councils Fiscal Policy and Government Operations Committee, will establish an annual grant to each municipality paying energy tax in the same amount as the tax paid; AND

WHEREAS, It is within the spirit of our United States Constitution and a fair and equitable application of the energy tax that double taxation should be avoided.

NOW, THEREFORE BE IT RESOLVED, that CB-86-1987 provides a mechanism to avoid the double taxation of municipal residents for energy used by municipal facilities; and

NOW, THEREFORE BE IT FURTHER RESOLVED, the Mayor and City Council Of Takoma Park, Maryland, on behalf of Takoma Park, Maryland hereby express their support of CB-87-87 and strongly urge its successful implementation into law.

DATED June 29, 1987

Introduced: 8 June 1987

Enacted: 22 June 1987

Effective: 22 June 1987

ORDINANCE NO. 1987-28
Short Title: Commercial Facade Regulations Ordinance

AN ORDINANCE TO:

- (a) Authorize the City Administrator to adopt regulations to maintain and improve the facades of buildings near the intersections of Flower and Erie Avenues and Flower and Piney Branch Avenues and in Takoma Old Town and Takoma Junction business districts.
- (b) Establish procedures for adopting the necessary regulations; and
- (c) Require that the regulations be published and made available to the public.

THE ORDINANCE amends the Code of the City of Takoma Park by adding article 4 to Chapter 6A, "Land Use and Development".

SECTION 1. AMENDMENTS TO THE CODE.

Article 4, consisting of sections 6A-401 through 6A-403, are added to Chapter 6A of the Code of the City of Takoma Park to read as follows:

Section 6A-401. AUTHORITY TO REGULATE FACADES

(a) Basic authority. The City Administrator is authorized to adopt regulations to regulate the appearance of facades and other parts of commercial buildings and commercially zoned lots. This power is limited to the purposes specified in this section.

(b) Area to be regulated. The regulations adopted under this section apply in the following areas.

- (1) Erie/Flower Shopping Areas.

(A) The lots on the west side of Flower Avenue between Kennebec Avenue on the north and Erie Avenue on the south.

(B) The lots on both sides of Erie Avenue between Flower Avenue on the east and lots 10 and 25 in block 53 of B.F. Gilbert's Subdivision on the west.

(2) Flower/Piney Shopping Area.

(A) The lots on the west side of Flower Avenue between Piney Branch Road on the north and lot 18 in block 58 of B.F. Gilbert's Subdivision on the south.

(B) The lots on the south side of Piney Branch Road between Flower Avenue on the east and lot 39 in block 58 of B.F. Gilbert's Subdivision on the west.

(3) Takoma Old Town Shopping Area.

(A) The lots on both sides of Carroll Avenue between the District of Columbia line on the west and Park Avenue on the east.

(B) The lots on the southeast side of Laurel Avenue.

(C) The lots on the west side of Westmoreland Avenue between Carroll Avenue on the north and lot 40 in block A of the Gilbert and Woods Subdivision on the south.

(D) The lots on the south side of Columbia Avenue between Carroll Avenue on the west and Pine Avenue on the east.

(4) Takoma Junction Shopping Area.

(A) The lots on both sides of Carroll Avenue between Philadelphia Avenue on the west and Lee Avenue on the east.

(B) The lots on both sides of Ethan Allen Avenue between Carroll Avenue on the west and Sycamore Avenue on the east.

(C) The lots on the southwest side of Lee Avenue between Carroll Avenue on the south and lot 24 of section 3 of General S.S. Carroll's Addition to Takoma Park on the north.

(D) The lots on both sides of Grant Avenue between Carroll Avenue on the south and lot 5 of section 1 and lot 17 of section 3 of S.S. Carroll's Addition to Takoma Park on the north.

(E) The lots on the west side of Sycamore Avenue between Ethan Allen Avenue on the north and Columbia Avenue on the south.

(F) The lots on the north side of Columbia Avenue between Sycamore Avenue on the west and Poplar Avenue on the east.

(c) Purpose of regulations. The purposes of these regulations are to:

(1) Provide a stable, healthy business environment serving the needs of a broad community;

(2) Create neighborhood business districts with enhanced economic viability, attractiveness, and convenience for the residents of the surrounding neighborhood and the broader community;

(3) Promote and enhance the existing architectural character and historic richness of the shopping areas;

(4) Protect and enhance property values in the community; and

(5) Promote the public welfare, generally.

Section 6A-402. PROCEDURES FOR ADOPTING REGULATIONS.

The City Administrator must use the following procedures when adopting regulations under Section 6A-401.

(a) Publication of notice of proposed regulations. The City Administrator must publish a notice of proposed regulations in the Takoma Park Newsletter. If the newsletter is not published, the City Administrator must

publish the notice in a publication that is widely distributed in the City.

(b) Rules for submitting comments. The newsletter or other publication must contain a deadline and a procedure for submitting written comments on the proposed regulations. The deadline must be at least 21 days after the proposed regulations are published.

(c) Review of comments. The City Administrator must review all of the written comments that are submitted before adopting the proposed regulations. The City Administrator may adopt the regulations as proposed or with amendments.

Section 6A-403. PUBLICATION OF REGULATIONS.

Regulations adopted by the City Administrator under Section 6A-401 must be published in a format that is available to the public. The City Clerk must keep at least one copy of these regulations in the administrative offices of the City and must submit one copy to the Takoma Park Library.

Section 6A-403. REGULATIONS ADOPTED TO SUPERSEDE PRIOR REGULATIONS.

Regulations adopted by the City Administrator under Section 6A-401 shall replace and supersede all other such regulations previously adopted by the City of Takoma Park whether by regulation, ordinance or resolution.

SECTION 2. SEVERABILITY.

If a court holds that part of these regulations is invalid, that invalidity does not affect the other parts of the ordinance.

SECTION 3. EFFECTIVE DATE.

This ordinance becomes effective immediately after it is adopted by the Mayor and Council.

Introduced: June 8, 1987

Enacted: June 29, 1987

Effective: July 1, 1987

ORDINANCE NO. 1987-32

Short Title: Pay scale for employees.

AN ORDINANCE TO:

(a) establish a new City employee Pay Plan tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended; and

(b) provide for implementation of the Pay Plan, including periodic pay increases and promotions, subject to the limitations in Article 2 of this chapter regarding City employees who are represented by a certified employee organization.

THIS ORDINANCE amends the Code of the City of Takoma Park by enacting new Sections 8B-124 and 8B-125 effective July 1, 1987.

NOTE: In this ordinance [[double brackets]] indicate that existing language is being deleted from the Code.

Underlining indicates new language being added to the Code.

SECTION 1. PAY SCALE PLAN.

Subsections 2(a), (b), (c), and (d) of Ordinance No. 1986-23, known as the Pay Scale Plan for the City of Takoma Park is repealed except as provided in Section 2(c) below. The following

provisions are adopted as the new Pay Scale Plan for the City. This Pay Scale Plan will become effective July 1, 1987, and will remain in effect until amended or repealed by the City Council. The City Council has the power to amend or repeal this Pay Plan and related laws, by ordinance, at any time.

(a) City Administrator. The pay scale for the City Administrator is as follows:

STEP:	A	B	C	D	E	F	G
	35,439	36,765	38,141	39,569	41,052	42,590	44,187
	H	I	J	K			
	45,844	47,567	49,352	51,227			

(b) Recreation attendant. The pay scale for recreation attendants is as follows:

STEP:	A	B	C	D	E	F	G
	9,757	10,107	10,510	10,846	11,236	11,643	12,063
	H	I	J	K			
	12,501	12,953	13,425	13,935			

(c) Crossing guard. The pay scale for crossing guards is as follows:

STEP:	A	B	C
	3,206	3,463	3,740

(d) All other employees. The pay scale for all other employees is as shown on the 36 percent scale: (See next page).

SECTION 2. IMPLEMENTATION OF PAY SCALE PLAN.

(a) General rule for new grade and step. Effective July 1, 1987, all employees except the City Administrator, recreation attendants, crossing guards and Senior Management staff in Grades 14 through 17, will be paid under the Pay Scale Plan for:

(1) the grade that their job classifications have been allocated to under Ordinance 1986-23; and

(2) the step that exceeds their salary on June 30, 1987, by the smallest amount.

(b) Special rule for employees whose salaries exceed the limit for their grade.

(1) If an employee's salary exceeds the maximum salary for the employee's grade, then the employee's salary will not change until:

(A) the highest step for the employee's grade exceeds the employee's salary (the employee will be placed in the highest step, in the grade);

(B) July 1, 1990 (the employee will be placed in the highest step in the grade);

(C) the employee is promoted; or

(J) All Other Employees

CITY OF TAKOMA PARK - PAY SCALE
FY 1988 - 36 PERCENT SCALE

	A	B	C	D	E	F	G	H	I	J	K	
	STARTING PAY	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL	
GRADE	Percentage Increase	4.25%	4%	3.75%	3.5%	3.25%	3%	2.75%	2.5%	2.25%	2.10%	
1	Annual	12,500.00	13,031.25	13,352.50	14,060.72	14,552.34	15,025.31	15,476.59	15,902.19	16,299.74	16,566.49	17,016.48
	Weekly	240.38	250.60	260.53	270.40	279.36	288.36	297.63	305.81	313.46	320.51	327.24
	Hourly	6.01	6.27	6.52	6.76	7.00	7.22	7.44	7.65	7.84	8.01	8.18
2	Annual	13,437.00	14,008.07	14,568.39	15,114.71	15,643.72	16,152.14	16,636.71	17,094.22	17,521.57	17,915.91	18,292.04
	Weekly	258.40	269.39	280.18	290.57	300.34	310.52	319.34	328.74	336.95	344.53	351.77
	Hourly	6.46	6.73	7.00	7.27	7.52	7.77	8.00	8.22	8.42	8.61	8.79
3	Annual	14,445.00	15,058.91	15,661.27	16,248.57	16,817.26	17,363.33	17,884.74	18,376.57	18,835.98	19,259.79	19,664.25
	Weekly	277.79	289.59	301.18	312.47	322.41	333.92	343.94	353.40	362.23	370.38	378.16
	Hourly	6.94	7.24	7.53	7.81	8.08	8.35	8.60	8.83	9.06	9.26	9.45
4	Annual	15,259.00	16,188.98	16,836.54	17,467.91	18,079.29	18,666.36	19,226.37	19,755.61	20,249.50	20,705.11	21,139.92
	Weekly	298.63	311.33	323.78	335.92	347.68	358.98	369.75	379.92	389.41	398.18	406.54
	Hourly	7.47	7.78	8.09	8.40	8.69	8.97	9.24	9.50	9.74	9.95	10.16
5	Annual	16,593.00	17,402.45	18,098.55	18,777.25	19,434.45	20,066.07	20,668.05	21,236.42	21,767.33	22,257.09	22,724.49
	Weekly	321.02	334.66	348.05	361.10	373.74	385.39	397.46	408.39	418.60	428.02	437.01
	Hourly	8.03	8.37	8.70	9.03	9.34	9.65	9.94	10.21	10.47	10.70	10.93
6	Annual	17,945.00	18,707.66	19,455.97	20,185.57	20,892.06	21,571.05	22,218.18	22,829.18	23,399.91	23,926.41	24,428.86
	Weekly	345.10	359.76	374.15	388.18	401.77	414.83	427.27	439.02	450.00	460.12	469.79
	Hourly	8.63	8.99	9.35	9.70	10.04	10.37	10.68	10.98	11.25	11.50	11.74
7	Annual	19,291.00	20,110.87	20,915.30	21,699.62	22,459.11	23,189.03	23,884.70	24,541.53	25,155.07	25,721.06	26,261.20
	Weekly	370.98	386.75	402.22	417.30	431.91	445.94	459.32	471.95	483.75	494.54	505.02
	Hourly	9.27	9.67	10.06	10.43	10.80	11.15	11.48	11.80	12.09	12.37	12.63
8	Annual	20,738.00	21,619.37	22,484.14	23,327.29	24,143.75	24,928.42	25,676.27	26,382.37	27,041.93	27,550.37	28,231.03
	Weekly	398.81	415.76	432.39	448.60	464.30	479.39	493.77	507.35	520.04	531.74	542.90
	Hourly	9.97	10.39	10.81	11.22	11.61	11.98	12.34	12.68	13.00	13.29	13.57
9	Annual	22,293.00	23,240.45	24,170.07	25,076.45	25,954.12	26,797.63	27,601.56	28,360.60	29,069.62	29,723.68	30,347.88
	Weekly	428.71	446.93	464.81	482.24	499.12	515.34	530.80	545.40	559.03	571.61	583.61
	Hourly	10.72	11.17	11.62	12.06	12.48	12.88	13.27	13.64	13.98	14.29	14.59
10	Annual	23,965.00	24,983.51	25,982.85	26,957.21	27,900.71	28,807.48	29,671.71	30,487.68	31,249.87	31,952.99	32,624.00
	Weekly	460.87	480.45	499.67	518.41	536.55	553.99	570.61	586.30	600.96	614.48	627.38
	Hourly	11.52	12.01	12.49	12.96	13.41	13.85	14.27	14.66	15.02	15.36	15.68
11	Annual	25,763.00	26,857.93	27,932.24	28,979.70	29,993.99	30,968.30	31,897.86	32,775.05	33,594.43	34,350.30	35,071.66
	Weekly	495.44	516.50	537.16	557.30	576.81	595.55	613.42	630.29	646.05	660.58	674.46
	Hourly	12.39	12.91	13.43	13.93	14.42	14.89	15.34	15.76	16.15	16.51	16.86
12	Annual	27,695.00	28,872.04	30,026.92	31,152.93	32,243.29	33,291.19	34,289.92	35,232.89	36,113.71	36,926.27	37,701.72
	Weekly	532.60	555.23	577.44	599.09	620.06	640.22	659.42	677.56	694.49	710.12	725.03
	Hourly	13.32	13.88	14.44	14.98	15.50	16.01	16.49	16.94	17.36	17.75	18.13
13	Annual	29,772.00	31,037.31	32,278.30	33,489.26	34,661.38	35,787.87	36,861.51	37,875.20	38,822.08	39,695.58	40,529.18
	Weekly	572.54	596.87	620.75	644.02	666.57	688.23	708.98	728.37	746.58	763.38	779.41
	Hourly	14.31	14.92	15.52	16.10	16.66	17.21	17.72	18.21	18.66	19.08	19.49

(D) the employee is demoted.

(c) Special rule for employees who are represented by a certified employee organization.

All employees represented by a certified employee organization will be paid according to the terms of the collective bargaining agreement effective July 1, 1987, or as soon thereafter, when it is adopted pursuant to the provisions in Article 2 of this Chapter.

Until such adoption, all such employees will continue to be paid according to the pay plan effective June 30, 1987.

SECTION 3. AMENDMENTS TO THE CODE.

Sections 8B-124 and 8B-125 were repealed effective June 30, 1987 by Ordinance No. 1986-38. Effective July 1, 1987, Sections 8B-124 and 8B-125 are re-enacted as follows:

Section 8B-124. Determination of pay increases.

(a) Date of pay increases. Pay increases associated with promotions take effect on the date of the promotion. Except as provided in subsection (b), pay increases associated with the cost of living adjustments and merit increases take effect on July 1. The Mayor and Council may defer the effective date of increases by ordinance.

(b) Merit increases.

(1) If an employee receives a merit increase, the

Introduced By:

1st Reading: June 8, 1987
2nd Reading: June 29, 1987

ORDINANCE #1987-33

An Ordinance proposing changes to the Takoma Park
Code Sections 6-76 - Definitions and 6-80 .17 - Rent Guidelines

6-76

(o) Stabilization Ceiling shall mean the maximum amount of rent for a dwelling unit that a landlord is permitted, by law, to charge.

(p) Tenant shall mean any person who occupies a dwelling unit for living or dwelling purposes with the landlord's consent.

6-80.17

(g) Proposed increases of more than four percent (4%) in excess of the rent stabilization amount established in Sec. 6-80.17(c)

(1) Whenever a landlord proposes a rent increase of more than four (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. the amount permitted by the stabilization ceiling established in Sec. 6-80.17(c), the landlord shall file a petition on the following affidavit form provided by the Commission. The affidavit shall include:

- (a) Justification for the rent increase in excess of the stabilization ceiling:
 - (i) Operating expense increases are greater than increases in the total income.
 - (ii) Need to increase cash flow levels (not to exceed best of two (2) prior years of experience.)
 - (iii) Capital improvements
 - (iv) Change in the level of service
- (b) Information defining the beginning and end dates of the fiscal year or calendar year during which the actual income and expenses, recorded on the affidavit took place.
- (c) The method of accounting used: cash basis or accrual basis.
- (d) Cash Flow shall be defined as the remainder resultant when subtracting expenses from the sum of the maximum

possible rental income which can be derived from the rental dwelling plus the maximum amount of all other income which can be derived from the dwelling.

(i) The following may be included as expenses:

- utilities,
- administrative expenses,
- operating and maintenance expenses.
- payroll,
- taxes and insurance payments.
- uncollected rents,
- debt service payments,
- amounts deposited to reserves, and
- a pro-rata share of capital improvements which have a useful life in excess of three (3) years.

(ii) The following are not to be included as expenses:

- finances resultant from non-compliance with Housing Code violations or COLTA orders;
- damages paid to tenants as ordered by COLTA or the courts;
- depreciation or other loss items recognized by the Federal government but not recognized by the Takoma Park Municipal Code;
- late fees or service penalties imposed by utility companies, lenders, or other entities providing goods or services to the landlord or the dwelling;
- membership fees in organizations established to influence legislation and regulations;
- mortgage principal payments;
- contributions to lobbying efforts;
- contributions for legal fees in the prosecution of class action cases;
- political contributions to candidates for office;
- maintenance expenses for which the landlord has been reimbursed by any security deposit, insurance settlement, judgment for damages, agreed upon payments, or any other method;
- attorney's fees charged for services connected with counseling or litigation related to actions brought by the City due to the landlord's repeated failure to comply with applicable housing regulations; and
- any expenses for which the tenant has lawfully paid directly.

(2) in the event that the Commission shall determine that an increase in rent is justified, the Commission shall, by letter, provide notice of its approval to:

(A) The landlord;

(B) Affected tenants (those whose rent levels will

be raised:-

(6) interested tenants (those who, by written or oral communication with the Department of Housing Services or the Commission, have requested that they be apprised of decision making steps by the Commission): Facts represented in the affidavit shall be documented by verified copies of bills, receipts, and other financial records so that the Commission, should it find substantiation of the affidavit necessary, will have documents needed to substantiate the affidavit.

(3) The Commission's order of approval shall not become effective for a rental unit or units if, prior to the proposed date of rental increase(s): consider a Landlord's request until the affidavit, including supporting documentation as required by Sec. 6-80.17(g) (2)(c), has been submitted to the City Administrator's Office.

(A) Serious outstanding code violations affecting health, safety or welfare are found to exist; or

(B) information demonstrates that the basis for the Commission's order has changed substantially or no longer exists:-

(4) Notices to the landlord and tenants of Commission decision making shall set forth this provision of this Article: In determining the whether to grant, modify, or deny the landlord's request, the Commission shall issue an Order with findings regarding the effect of the request on:

(a) tenant interests, including tenants' interest in locating and keeping affordable, high quality living quarters; and

(b) landlord interests, including the landlord's interest in gaining a reasonable return on investment. In no event shall the return on the investment exceed 12% of the landlord's equity per year. The landlord shall have the option to substantiate need for the rent increase on basis that the failure to grant an increase beyond the stabilization ceiling would result in a negative cash flow.

(c) public interests, including the public interest in maintaining a stable, safe community and the public interest in guarding the quality of rental housing stock.

(5) In the event that the Commission shall determine that the landlord is not justified in increasing the rent above the stabilization ceiling, five percent (5%); the Commission shall notify

the landlord and affected or interested tenants of its finding.

(6) Stricken in its entirety and replaced with the following language:

Any person aggrieved by a final order of the Commission may appeal to Circuit Court of the appropriate county within thirty (30) calendar days of service of the Commission's final order. An additional three (3) days will be allowed if service is by first class mail. the date and manner of service shall be made a matter of record at the time it is effected. The appeal will be heard on the record as compiled by the Commission. The Commission's order shall be upheld if supported by substantial evidence in the record.

(h) The Commission may, in its discretion, shall conduct a fact-finding hearing to compile additional information prior to determining whether or not a rent increase in excess of the limit stabilization ceiling set forth above shall be permitted.

(i) Notice of the hearing shall be given as provided in Section 6-80.2(g). The hearing shall be open to the public and shall be conducted in accordance with the provisions of Section 6-80.2(h).

(j) Any violation of Subsections (c), (d), (e) or (f) of this section of this Article shall be a municipal infraction, the penalties for which shall be as follows:

(1) Imposition or attempts to impose a rent increase in excess of the limit stabilization ceiling provided in Section 6-80.17(c) without the approval of the Commission on Landlord - Tenant Affairs; ~~fifty dollars <\$50>~~ four hundred dollars (\$400) per dwelling unit.

(2) Imposition or attempts to impose more than one (1) rent increase in a twelve-month period: ~~fifty dollars <\$50>~~ four hundred dollars (\$400) per dwelling unit.

(3) Imposition or attempts to impose any rent increase without substantial compliance with the notice provisions of Section 6-80.17(e): ~~fifty dollars <\$50>~~ four hundred dollars (\$400) per dwelling unit.

(k) In the event that a landlord or anyone acting on behalf of a landlord brings an action for unpaid rent or for eviction based on failure to pay rent which is unlawful under this Article, proof by a preponderance of the evidence that the landlord or anyone acting on behalf of the landlord has not complied with any provision of this Article shall act as a bar to recovery by the landlord or any person acting on the landlord's behalf of any rent or portion of rent due which is unlawful under this Article. When such proof has been made, the court shall dismiss the action against the tenant and award to the tenant his or her costs and attorney's fees incurred in defending the landlord's action, including any wages or other income lost for time spent in court in the defense of the action.

(1) If, during the pendency of a notice called for in Section 6-80.17(e), the ~~limit on rent increases~~ stabilization ceiling provided for in Sections 6-80.17(a) and (c) is lowered by the City Council, a landlord shall be entitled to charge rent only up to the ~~limit~~ stabilization ceiling as lowered by the City Council, at the proposed effective date of the increase. The landlord may charge rent in excess of the ~~limit~~ stabilization ceiling as lowered by the City Council only after complying with the requirements of Section 6-80.17(g). In all cases, a finding that a rent increase to the amount called for in the notice is justified under this Article, the Commission on Landlord - Tenant Affairs shall make its order permitting such an increase retroactive to the proposed effective date specified in the notice for such increase, provided that such increase and effective date are otherwise lawful.

Adopted this 29th day of June, 1987.

Introduced by: Mayor Del Giudice

Adopted: June 29, 1987

RESOLUTION 1987 - 47

WHEREAS, the State Legislation which created the energy tax, failed to the exempt municipal governments;
AND

WHEREAS, CB-86-1987, currently pending before the Prince George's County Councils Fiscal Policy and Government Operations Committee, will establish an annual grant to each municipality paying energy tax in the same amount as the tax paid; AND

WHEREAS, it is within the spirit of our United States Constitution and a fair and equitable application of the energy tax that double taxation should be avoided.

NOW, THEREFORE BE IT RESOLVED, that CB-86-1987 provides a mechanism to avoid the double taxation of municipal residents for energy used by municipal facilities; and

NOW, THEREFORE BE IT FURTHER RESOLVED, the Mayor and City Council Of Takoma Park, Maryland, on behalf of Takoma Park, Maryland hereby express their support of CB-8 -87 and strongly urge its successful implementation into law.

DATED June 29, 1987

Introduced: June 8, 1987

Enacted: June 29, 1987

Effective: June 29, 1987 - *Not yet codified
(copy 9/2/87)*

ORDINANCE #1987-33

Short Title: Rent Guidelines

An Ordinance proposing changes to the Takoma Park
Code Sections 6-76 - Definitions and 6-80.17 - Rent Guidelines

6-76

(o) Stabilization Ceiling shall mean the maximum amount of rent for a dwelling unit that a landlord is permitted, by law, to charge.

(p) Tenant shall mean any person who occupies a dwelling unit for living or dwelling purposes with the landlord's consent.

6-80.17

(d) It shall be unlawful for any landlord or anyone acting on behalf of a landlord to:

- (1) increase the rent for any dwelling unit more than once within a twelve month period; or
- (2) increase rent while serious Housing Code violations exist in the particular unit or the common areas of that particular unit.

6-80.17

(g) Proposed increases of more than four percent (4%) in excess of the rent stabilization amount established in Sec. 6-80.17(c)

(1) Whenever a landlord proposes a rent increase of more than four (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; the amount permitted by the stabilization ceiling established in Sec. 6-80.17(c), the landlord shall file a petition on the affidavit form provided by the Commission. The affidavit shall include:

- (a) Justification for the rent increase in excess of the stabilization ceiling:

- (i) Operating expense increases are greater than increases in the total income,
 - (ii) Need to increase cash flow levels,
 - (iii) Capital improvements,
 - (iv) Change in the level of service, and/or
 - (v) Inadequate rate of return.
- (b) Information defining the beginning and end dates of the fiscal year or calendar year during which the actual income and expenses, recorded on the affidavit took place.
- (c) The method of accounting used: cash basis or accrual basis.
- (d) An accounting for cash flow where past cash flow is defined as the remainder resultant when subtracting expenses from the sum of the maximum possible rental income which can be derived from the rental dwelling plus the maximum amount of all other income which can be derived from the dwelling.
- (i) The following may be included as expenses:
 - utilities,
 - administrative expenses,
 - operating and maintenance expenses,
 - payroll,
 - taxes and insurance payments,
 - uncollected rents and vacancy losses,
 - debt service payments,
 - amounts deposited to reserves, and
 - a pro-rata share, using straight-line depreciation, of capital improvements which have a useful life in excess of three (3) years.
 - (ii) The following are not to be included as expenses:
 - finances resultant from non-compliance with Housing Code violations or COLTA orders;
 - damages paid to tenants as ordered by COLTA or the courts;
 - depreciation or other expense items recognized by the Federal government but not recognized by the Takoma Park Municipal Code;
 - late fees or service penalties imposed by utility companies, lenders, or other entities providing goods or services to the landlord or the dwelling;
 - membership fees in organizations established to influence legislation and regulations;
 - mortgage principal payments;
 - contributions to lobbying efforts;
 - contributions for legal fees in the prosecution

- of class action cases;
- political contributions to candidates for office;
- maintenance expenses for which the landlord has been reimbursed by any security deposit, insurance settlement, judgment for damages, agreed upon payments, or any other method;
- attorney's fees charged for services connected with counseling or litigation related to actions brought by the City due to the landlord's failure to comply with applicable housing regulations; and
- any expenses for which the tenant has lawfully paid directly.

(e) All relevant tax assessment information.

(f) All relevant documents on any encumbrances on the property.

(2) In the event that the Commission shall determine that an increase in rent is justified, the Commission shall, by letter, provide notice of its approval to:

(A) The landlord;

(B) Affected tenants (those whose rent levels will be raised);

(C) Interested tenants (those who, by written or oral communication with the Department of Housing Services or the Commission, have requested that they be apprized of decision making steps by the Commission). Facts represented in the affidavit shall be documented by true copies of bills, receipts, and other financial records so that the Commission, should it find substantiation of the affidavit necessary, will have documents needed to substantiate the affidavit.

(3) The Commission's order of approval shall not become effective for a rental unit or units if, prior to the proposed date of rental increase(s): consider a Landlord's request:

(A) until the affidavit, including supporting documentation as required by Sec.6-80.17(q) (2)(c), has been submitted to the COLTA Coordinator; or

(B) when serious outstanding code violations affecting health, safety or welfare are found to exist; or

(B) information demonstrates that the basis for the Commission's order has changed substantially or no longer exists.

Notices to the landlord and tenants of Commission decision making shall set forth this provision of this Article.

In determining whether to grant, modify, or deny the landlord's request, the Commission shall issue an Order with findings regarding the effect of the request on:

(a) tenant interests, including tenants' interest in locating and keeping affordable, high quality living quarters; and

(b) landlord interests, including the landlord's interest in gaining a reasonable rate of return no event shall the rate of return exceed 12% of the landlord's equity per year. The rate of return shall be determined by dividing the cash flow by the landlord's equity. The landlord's equity shall be defined as the tax assessed value less any encumbrances on the property.

The landlord shall have the option to substantiate need for the rent increase on the basis that the failure to grant an increase beyond the stabilization ceiling would result in a negative cash flow.

(c) public interests, including the public interest in maintaining a stable, ethnically diverse and economically heterogenous community and in preserving the quality of affordable housing.

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

(6) Stricken in its entirety and replaced with the following lanaguage:

Any person aggrieved by a final order of the Commission may appeal to Circuit Court of the appropriate county within thirty (30) calendar days of service of the Commission's final order. An additional three (3) days will be allowed if service is by first class mail. The date and manner of service shall be made a matter of record at the time it is effected. The appeal will be heard on the record as compiled by the Commission. The Commission's order shall be upheld if supported by substantial evidence in the record.

(h) The Commission may, in its discretion, shall conduct a fact-finding hearing to compile additional information prior to determining whether or not a rent increase in excess of the limit stabilization ceiling set forth above shall be permitted.

(i) Notice of the hearing shall be given as provided in Section 6-80.2(g). The hearing shall be open to the public and shall be conducted in accordance with the provisions of Section 6-80.2(h).