

Special Session of the Mayor and Council
on
Ride-On Bus Proposal
February 8, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember d'Eustachio	Deputy City Clerk Jewell
Councilmember Douglas	Cable Coordinator Smith
Councilmember Elrich	Div. of Ec. & Comm. Dev. Dir. Neal
Councilmember Hamilton	Housing Services Director Weiss
Councilmember Leary	Housing Services Intern Hart
Councilmember Martin	Corporation Counsel Silber
Councilmember Sharp	

The Mayor and City Council convened in Special Session at 7:38 P.M. on Monday, February 8, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of addressing the county's Ride-On Bus Proposal. Following the pledge, the Mayor noted addition of an item to the agenda, i.e., consideration of a Special Exception for an accessory apartment at 7303 Cedar Avenue, after which the elected body would adjourn and reconvene in worksession.

1. Resolution Reaffirming Support for Ride-On Small Bus Demonstration Project.

Councilmember Leary briefly summarized the resolution. He related that subsequent to the Council addressing the issue at the January 25 meeting, another meeting was held with Department of Transportation officials and citizens who had concerns about routing proposals related to the project. He said he felt that meeting had been useful and educational, and based on its outcome, the Transportation Planning & Zoning Committee had put forth the resolution reaffirming the Council's support for the project, resolving to establish a monitoring system to ensure effective as possible use of the bus system, and urging that the county make as much use as possible of the newer, quieter, cleaner diesel buses on the new Route 17 on Philadelphia Avenue. He moved passage of the resolution, duly seconded by Councilmember Douglas.

Wayne Upton, 7600 Maple Avenue: expressed strong opposition to the resolution, primarily because it did not address the issue of speed humps between Carroll and Philadelphia Avenue. He said the speed humps are a primary cause of the noise generated, and the smaller buses would still have to go over 6 of them on Lower Maple Avenue. He opined that the resolution should either address the speed humps or else be voted down or deferred, and he would expect his Council representative to speak out on the matter.

Herman Williams, 7600 Maple Avenue: spoke against the resolution. He said while a major portion of the ridership was comprised of tenants, they had received no notification concerning proposed changes and related meetings, either prior to the January 25 meeting or the current meeting, nor had UMAAC, whose membership is made up of people from the apartment buildings all along Maple Avenue. He said they had been denied the opportunity for input into the issue, related that after a prior meeting he had left his and another UMAAC member's names and telephone numbers with a member of the Traffic Committee, asking that one of them be contacted if there were any new developments and that did not occur. He said he was only notified after the Mayor and Council had reached an agreement on the issue, without any input from the tenant population who ride the bus.

Mayor Del Giudice pointed out there had been 3 articles in the January issue of the Newsletter concerning the proposal; they included the proposed route changes, which had been reviewed at a December 1987 meeting of the Mayor and Council. He said the articles also noted that the elected body would meet and discuss the proposed route changes in January, which did occur, and at that meeting it was agreed to defer a decision on the routing for a 2 week period with a public meeting to be conducted in the interim by the Transportation Planning

& Zoning Committee -- which also occurred. Mr. Williams reiterated having asked to be contacted by telephone, that it would not cost much to do so, and that it had not been done.

Naomi Turner, 7667 Maple Avenue, Liaison for UMAAC: said she would be speaking particularly on behalf of the senior citizens residing in Dr. Jackson's building on Maple Avenue. She presented and read verbatim a letter from 24 year resident of Takoma Park, Jane Austin, who said that to discontinue the bus service on Maple Avenue would seriously handicap senior citizens and others who have no means of getting around other than public transportation and urged that the elected body not allow that to happen. Ms. Turner related that her daughter attends night school after working through the day, arrives home at 10:30 P.M., and said changes in the bus system would endanger her safety. She said 4 tenants had been attacked and robbed near the Metro Station since Christmas. She urged that the elected body delay any decision on the issue to allow time for a meeting that would allow input from the tenants using the bus service.

Councilmember Douglas remarked that comments being made revealed that there was an apparent misconception about what was going to occur; he noted bus service was not going to be discontinued on Maple Avenue, that it would continue the entire length of Maple Avenue -- all the way up to the Metro Station and back, both day and evening. In response to query from Ms. Turner, he stated the service hours would be the same as they are currently. Councilmember Leary pointed out that the only difference between the present bus service to and from Metro and that which would be furnished under the demonstration project was that the bus service would be much more frequent. It was noted, however, that there would be changes in the route numbers -- the present Route 17 would be called Route 13. Councilmember Hamilton pointed out that the new route running from Upper Maple Avenue to Silver Spring would be designated Route 17. He said he would vote in support of the resolution, but with reservations; he said due to county budget restraints, when the RFP for the service was sent out, extension of bus service hours was not examined. He said he would like, within the next few months, to see the monitoring group that would be set up examine the question of service during late night hours. Concerning the speed humps, he pointed out they have nothing to do with the Ride-On system -- they were installed under a City policy and are not related to the Ride-On issue. Mr. Hamilton said he hoped at some point, Ride-On could be convinced to call the Route 13 shuttle buses the Maple Avenue shuttle, which would eliminate a lot of confusion for riders. He said he had some concerns about the lesser capacity of the smaller buses -- room for 21 seats and 5 standing versus the larger bus capacity of 31 seats and 15 standing. He said if any problem arose from people being left standing because of buses being filled to capacity, he would hope the City would address that immediately with Ride-On.

Ada Bennett, 212 Philadelphia Avenue: said she had lived at her current address for 41 years, was disappointed to learn there would be more bus traffic on Philadelphia Avenue. She said she takes her life in her hands to get out of her driveway during rush hours; the traffic is terrific, doors and windows in her house rattle because of it.

Referring to the scenario mentioned by Councilmember Hamilton, Councilmember Elrich inquired whether there was a mechanism in the project itself to allow during the course of the project for adjustments to be made. Councilmember Leary stated he felt there was; he said the county had stated that if there were evidence of insufficient capacity to adequately handle ridership, they would add diesel buses to make up for any capacity lacking. He said he would personally immediately recommend that be done if such a situation occurred. Mr. Elrich pointed out there was apparently no written guarantee, with which Mr. Leary concurred, pointing out that there was some potential risk inherent in the experiment along with the potential benefit. He said, however, he felt all who had attended the followup meeting with county officials were impressed with their skill, intelligence, candor, good will, and he felt there was a good opportunity in working with them during the course of the project to generally improve the City's

relations with the County Department of Transportation. Councilmember Douglas commented he felt the lines of communication between the City and the county on the issue had been very good and risk had been minimized as much as possible, and reminded of the monitoring committee that would be set up to continue to work with the county and address any issues that should arise. Councilmember Hamilton remarked that the Vice President of the Edinburgh Tenants' Association had attended the meeting on the issue the prior week, and that he had also announced that upcoming meeting at the 1/26/88 meeting concerning the accessory apartment phaseout issue. He expressed environmental concerns about the diesel buses and said many people felt the same, thought their use should be eliminated, and that the project might be a way of commencing to get rid of them. Responding to former Councilmember Herman Williams, Councilmember Leary stated that as soon as definite route and schedule information was received, it would be disseminated as widely as possible to residents. He said Ride-On had additionally volunteered to bring one of the gasoline-powered buses to the City for display to citizens. He said he would support Mr. Hamilton's suggestion concerning designation of Route 13 as the Maple Avenue Shuttle. The Mayor commented that the route and schedule information would probably be published in the April Newsletter providing it had been received from the county.

Hamilton

The resolution was passed by unanimous vote.

RESOLUTION #1988-8
(attached)

2. Pending Special Exception for Accessory Apartment at 7303 Cedar Avenue.

The Mayor noted recent inspection of the premises by the Code Enforcement Supervisor and his report which had been distributed. He pointed out there were 3 minor violations noted in the unit. Housing Services Director Weiss stated those were not required to be abated until March 18, 1988. She said they were very minor and no problem with their correction was anticipated. As an additional bit of information, she stated the size of the property lot was 8,150 square feet. Councilmember Douglas moved that the City convey a position of support for the Special Exception to the county, duly seconded by Councilmember d'Eustachio. The motion carried by unanimous vote.

3. Nomination of City Representative to Silver Spring Sector Plan Review Update Committee.

Councilmember Leary noted that nominations for appointment to the Silver Spring Sector Plan Review Update Committee presently being formed had to be received by the county by February 15. He moved submission of the name of Councilmember Marc Elrich to serve as the City's representative on that group, and briefly summarized his qualifications. Councilmember Douglas duly seconded the motion, which carried by unanimous vote.

The Mayor reminded that the Montgomery County Commission on the Future of Montgomery County would be meeting upstairs in the Municipal Building on February 9 at 7:30 P.M.

Upon motion, duly seconded, the Special Session adjourned at 8:10 P.M.

Introduced by: Councilmember Leary

RESOLUTION NO. 1988-

WHEREAS, the Takoma Park City Council unanimously passed Resolution #1988-5 on January 25, 1988, endorsing a two-year "Small Bus Demonstration Project" proposed by the Montgomery County Department of Transportation; AND

WHEREAS, the City Council's Planning, Transportation, and Zoning Committee met on January 27, 1988, with Department of Transportation officials and interested citizens to reexamine the proposed routing changes for the Demonstration Project; AND

WHEREAS, the Department of Transportation's proposed new routes appear to be the most effective scheme for implementing the Small Bus Demonstration Project.

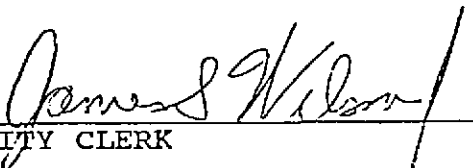
NOW, THEREFORE BE IT RESOLVED THAT the City Council of Takoma Park reaffirms its support of the small bus demonstration project and urges that the County Department of Transportation make every effort to begin implementation of the project by May 1, 1988; AND

BE IT FURTHER RESOLVED THAT the Takoma Park City Council remains concerned about the excessive levels of noise and air pollution on Philadelphia Avenue and, therefore, strongly urges the Department of Transportation to make every effort to use the quieter and cleaner new diesel buses on the new Ride-On Route 17; AND

BE IT FURTHER RESOLVED THAT the City Council urges the Montgomery County Department of Transportation to develop a formal process for working closely with the City Council and interested Takoma Park citizens to monitor and evaluate the project on a regular and continuing basis to ensure its continued effectiveness.

Dated: February 8, 1988

ATTEST:


CITY CLERK

Date: February 9, 1988

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

February 16, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Deputy City Clerk Jewell
Councilmember Douglas	Cable Coordinator Smith
Councilmember Elrich	Ec. & Comm. Dev. Dir. Neal
Councilmember Hamilton	Housing Services Intern Hart
Councilmember Leary	Corporation Counsel Silber
Councilmember Martin	
Councilmember Sharp	

The Mayor Pro Tem and City Council convened in Regular Session at 8:04 P.M. on Tuesday, February 16, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Mayor Pro Tem d'Eustachio announced that Mayor Del Giudice was teaching class and would arrive in about 15 minutes.

Councilmember Martin reported that the State has ensured her that because of the large gypsy moth population in Takoma Park, the entire City will be included in the State control pest management program this Spring. Ms. Martin said that further information would be forthcoming in the March Newsletter.

Mayor Pro Tem d'Eustachio announced that earlier this evening he took great pleasure in dedicating the Municipal Art Gallery to the memory of Richard Dempsey, a long time Takoma Park resident and artist of international reknown.

The Minutes of 1/25/88 and 2/8/88 meetings were presented for approval. Councilmember Douglas moved adoption; duly seconded by Councilmember Hamilton. Mike Davidson, 7513 Maple Avenue brought to the attention of the Council some corrections to statements he made in the the January 25 and February 8 Minutes; he asked that they be corrected. These were accepted as editorial changes and the Minutes, collectively, with the indicated changes were approved by unanimous vote.

CITIZENS COMMENTS

(those not directed at items on the Council Agenda)

1. Wayne Upton, 7600 Maple Avenue distributed to the Mayor and Council, an article appearing in today's Montgomery Journal regarding the Post Office. Mr. Upton said that the article indicates that the Post Office is still located on Maple Avenue although it moved several months ago. He pointed out that the new location on New Hampshire Avenue is very difficult for senior citizens and others who do not drive. Mr. Upton questioned whether space could be leased in the Takoma Old Town business district for a new Post Office so it would be centrally located. Mayor Pro Tem d'Eustachio responded that the City's Post Office is "caught" in the same capital spending freeze as all other Post Offices in the Country. Mr. d'Eustachio said that until the freeze is lifted, not much can be done; however, the City is working with their Congressional Delegation, local and state representatives, and Delegate Franchot to reverse this. Councilmember Douglas pointed out that although there are good

potential sites that the Post Office could be re-located to, until the monetary freeze is lifted, it will not do much good. He added that it would be a good idea for the citizens to write to their Congressional Delegation as well.

Mr. Upton then addressed the issue of late night bus service on Route 17. He said that along the Maple Avenue corridor there are people coming from work who need late night service to provide a safe trip and on bad weather nights. He questioned what the City Council's position is on this. Councilmember Douglas pointed out that the changing of the bus hours is exclusively a budget problem on the County level; and although the City Council is sympathetic and interested in having the Ride On Service extended, it's a matter of convincing the County that this is a high enough budget priority that they allocate the funds to run the buses longer. Mr. Douglas reminded Mr. Upton that this is a County-wide problem because the County doesn't want to extend late night service in one part of the County and not in another part. Councilmember Hamilton informed Mr. Upton that he is in the process of working on a resolution putting forth the City's position on supporting late night hours for the Route 17 bus and he hopes to put this Resolution before the Council on February 29.

2. Mike Davidson, 7513 Maple Avenue, speaking on behalf of the Edinburgh Tenants Association stated that the Association does support H.O.M.E. (Habitants Opposing Mass Eviction), along with a number of other groups. Mr. Davidson then addressed the issue regarding the Edinburgh Apartments. He said there was some dispute as to whether or not their landlord said that he would close the building if he did not get a 20% rent increase and a dispute over whether or not any improprieties had taken place in terms of the way COLTA handled their case. He reminded the Council that the Tenants Association had asked that Lloyd Johnson be removed from the Commission. Mr. Davidson said that he had a tape from the COLTA hearing that he wanted to play for the Mayor and Council to prove these disputes. Councilmember Hamilton questioned whether the Edinburgh's case was still pending, and suggested to Mr. Davidson that he might be jeopardizing the case by playing the tape. Corporation Counsel responded that the case was still pending and was set for an additional hearing on March 9th. Mr. Davidson responded that he would indeed risk jeopardizing the case by playing the tape; he said that the tape is an excerpt from the hearing and has no bearing on the case pending. Following the playing of this tape, Mr. Davidson questioned when the Mayor and Council were going to deal with the issue of removing Mr. Johnson from COLTA. Councilmember Sharp responded that this requires malfeasance and should be handled in an Executive Session. Mr. Sharp also pointed out that one could not tell from the tape excerpts whether the case was handled properly or not; one would have to look at the full ranges of how the hearing was conducted. Councilmember Hamilton pointed out that the excerpt played by Mr. Davidson was in fact from two separate hearings; one from the defective tenancy hearing that took place a year ago and the other from a more recent hearing that took place a couple of months ago. Councilmember Leary commented that he had asked the Director of Housing Services for a written report on the various situations Mr. Davidson described and charges he had made. Mr. Leary stated that Housing Services Director Weiss just distributed a draft of that report to him and once he has had a chance to discuss it with her, he will place this matter back on the agenda.

potential sites that the Post Office could be re-located to, until the monetary freeze is lifted, it will not do much good. He added that it would be a good idea for the citizens to write to their Congressional Delegation as well.

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Councilmember d'Eustachio called for further citizen's comments before the Council addressed the regular agenda.

3. Nancy Nickell, 6710 Westmoreland Avenue stated that she has lived in Takoma Park for over 11 years. Ms. Nickell then proceeded to read from a statement regarding Council Agenda #2. Mayor Pro Tem d'Eustachio pointed out to Ms. Nickell that this was not appropriate for this particular segment of the agenda and asked that Ms. Nickell hold her comments for the time allotted on the Council's agenda for the accessory apartments matter. Mr. d'Eustachio pointed out there were a couple of brief items on the agenda preceding this matter that could be handled quickly and then have the meeting turned over to the accessory apartments matter. Ms. Nickell ignored Mr. d'Eustachio's request and proceeded to continue to read from her statement.

Due to the ensuing disruption of the order of business by citizens, the Mayor and Council moved for a 10 minute recess at 8:50 P.M.

The Mayor and Council reconvened the meeting at 9:00 P.M., following a 10 minute recess; with Mayor Del Giudice presiding. Mayor Del Giudice moved to the second item on the evening's agenda concerning the Council position on the accessory apartments phase back law. Councilmember d'Eustachio moved the Resolution's acceptance, duly seconded by Councilmember Sharp.

An unidentified citizen then addressed the Council, and asked the Mayor and Council to table this Resolution and take up a proposal some citizens had proposed. However, the motion had already been made and duly seconded to take up the Resolution as introduced by Councilmember d'Eustachio and was formerly on the floor.

Mayor Del Giudice commented that the Resolution currently before the Council for their consideration was available in multiple copies for interested citizens. Amid ensuing disruptions, the Mayor called for a moment of quiet so the Resolution could be read and proceeded to do so when the audience quieted down.

Councilmember Elrich moved a series of amendments as follows: the first amendment to #6 on page 2 of the Resolution, deleting the phrase, "two, or" and putting a period after "three" so that the clause would read: NOTE [brackets] shows language proposed to be deleted.

6. The maximum number of units per dwelling in an R-60 zone shall be [two, or] three. [if the dwelling is owner occupied;]

The amendment was duly seconded by Councilmember Hamilton but failed by a 5 to 2 vote.

Mr. Elrich moved a second amendment to #7, page 2, to add a period after the word "zone" and delete the language following it to read:

7. A Special Exception for a non-conforming, two unit, non-owner occupied dwelling in an R-60 zone. [shall be granted to the legal owner of the dwelling as on March 23, 1988 only, and no subsequent owners shall be granted such a non-owner occupied Special Exception;]

This amendment was duly seconded by Mr. Hamilton but failed by a 5 to 2 vote.

Mr. Elrich moved two other amendments as follows: Number 8, page 3 of the Resolution, to delete the phrases "shall be three, or" and "if the dwelling is owner occupied" and to delete #9 in its entirety as follows:

8. The maximum number of units per dwelling in an R-40 zone in which two units are permitted under current zoning law, [shall be three, or] four [if the dwelling is owner occupied];

9. [motion to delete in its entirety]

Mr. Hamilton seconded both amendments, however the amendments failed.

Councilmember Sharp made a motion to amend the fifth WHEREAS clause on page one of the Resolution, to strike the word "either" and the words "or landlords" and have the clause read as follows:

WHEREAS, Many of those tenants who now face eviction rented their units in the good faith expectation of ongoing occupancy, and were mis-led or not informed by their landlords as to the non-conforming nature of their apartments, nor did Montgomery County or the City of Takoma Park inform [either] tenants [or landlords] of the impending phase-out deadline, AND

The motion to amend was duly seconded and carried unanimously.

Mr. Sharp then made a motion to add a last Further Resolved clause: "that the Mayor and Council do hereby request that the Montgomery County Council, as part of its consideration of changes to the Phase-back law, which are designed to encourage the creation of affordable housing hold at least one of its hearings in the City of Takoma Park to receive the views of interested citizens." The motion to amend by adding this clause, was duly seconded and carried unanimously.

The Resolution, as amended, was passed by a 4 to 3 vote.

RESOLUTION #1988-9
(attached)

Upon motion, duly seconded, the meeting adjourned at 9:15 P.M., to reconvene in regular session at 8:00 P.M. on February 29, 1988.

Minutes were taken and prepared by Paula S. Jewell, Deputy City Clerk.

Regular Meeting of the Mayor and Council
February 29, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember d'Eustachio	Deputy City Clerk Jewell
Councilmember Douglas	Cable Coordinator Smith
Councilmember Elrich	Div. of Ec. & Comm. Dev. Dir. Neal
Councilmember Hamilton	Housing Services Director Weiss
Councilmember Leary	Library Director Arnold-Robbins
Councilmember Martin	Police Chief Fisher
Councilmember Sharp	Public Works Director Robbins
	Recreation Director Ziegler
	Newsletter Editor Baron

The Mayor and City Council convened at 8:01 P.M. on Monday, February 29, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a moment of silence was observed in commemoration of Montgomery County Police Chief Bernard Crook and lifelong Takoma Park resident Lee Jordan, both of whom recently passed away. Mr. Jordan was a pillar of the community and founder of the Boys' and Girls' Club.

The Minutes of the February 16, 1988 Regular Council Meeting were presented for approval. Councilmember Douglas moved that those Minutes be tabled until the March 14, 1988 meeting pending the addition of significant portions related to the debate which occurred concerning the multi-family housing resolution; the motion was duly seconded by Councilmember Sharp, and carried by unanimous vote.

The Mayor introduced and welcomed Mr. Ed Weaver, Special Assistant to Governor William Donald Shaeffer and Secretary of State Winfield Kelly, and explained that various staff members were visiting municipalities for the purpose of discussing various problems and ways that the state could lend assistance. Mr. Weaver explained that in January-February 1987, Governor Shaeffer established an Intergovernmental Affairs Office, now located within the Office of the Secretary of State, and the purpose and mission of that office was to visit all 154 state municipalities, 23 counties, and the City of Baltimore, and ascertain any problems those local governments were experiencing in dealing with state agencies.

Councilmember d'Eustachio described a situation he had encountered at work concerning trying to contact the Motor Vehicle Administration about a missing motor vehicle title and being totally unable, over an extended period of time, to get through due to the lines being constantly busy. Mr. Weaver concurred that there were problems with that department; he said he would look into the situation and be in contact with Mr. d'Eustachio within the next few days. Councilmember Sharp inquired whether there had been any change in Governor Shaeffer's support for Commercial Development Management Authorities; Mr. Weaver stated that the Governor still supported that concept and would make it known if his position altered. The Mayor noted that a number of senior City Staff members were present, and encouraged that they speak individually with Mr. Weaver concerning any problems they may have encountered in dealing with state agencies. He also remarked that Delegate Sheila Hixson chaired the Intergovernmental Relations Committee of the House of Delegates, and she and Secretary of State Kelly had been deeply involved in working with the Maryland Municipal League and through the Governor's Office to address problems that arise. Mr. Weaver commented that a meeting was held every Thursday morning with MML and the Association of Counties. Mayor Del Giudice commented that an ongoing City problem was that of lying within two counties; he remarked he would be interested in discussing that matter with the Governor, particularly inasmuch as he had previously held the office of Mayor of a city and could likely empathize with problems generated by being divided by a county line. He asked that Mr. Weaver relay Takoma Park's problem in that regard to Governor Shaeffer, and convey that a discussion and any assistance that could be rendered would be appreciated.

Councilmember Elrich remarked that he had been working with the State Housing Department, and said he would wish to compliment the Governor on the reorganization of that department and the way it appeared to be functioning. He said he had found the staff to be very efficient, dedicated, and helpful in formulating solutions to housing problems. Mr. Elrich commented that, as a member of the Maryland Low Income Housing Coalition, he had been somewhat disappointed at the level of funding allocated for some programs, but hoped that would be reconsidered and improved next year, given the level of the housing crisis.

Councilmember Douglas commented on the City's traffic problems, particularly in regard to state roads such as Route 410, and noted there was need for ongoing good working relations with the state Traffic Engineer to ensure proper and adequate control over traffic through the City on those roads. Additionally, he noted infrastructure problems, such as on Carroll Avenue, around and beyond Washington Adventist Hospital. He remarked on the poor condition of that road, and said while he understood it was to be repaved by the state, they continued to postpone the job, despite its continually deteriorating condition. He asked that Mr. Weaver discuss the situation with Public Works Director Robbins and lend whatever assistance was possible in getting the needed work underway. The Mayor concurred that Carroll Avenue was a serious problem, stating the City had received complaints from hospital personnel, as well as ambulance drivers who expressed concern about driving over that particular road in its present condition with sick and injured patients. Councilmember Martin commented on problems in her ward regarding traffic on New Hampshire Avenue, particularly entry onto that roadway from residential neighborhoods, and the perceived need for additional traffic signals.

Councilmember Hamilton commented on the City's present lack of a post office, other than a temporary facility located some distance away on New Hampshire Avenue, which was difficult, if not impossible, for a majority of senior citizens to get to. He noted that mail delivery service had deteriorated also -- mail was being delivered at 4:30-5 p.m. The Mayor suggested that perhaps the Governor could work with Senators and Congressional delegates regarding the postal problems; he related that the City had communicated with those representatives and apparently they would be addressing the reduction in postal services and cancellations in the postal capital budget.

Mr. Weaver presented the Mayor with a Maryland Manual and memento; Mayor Del Giudice thanked him for his time and visit.

Mayor Del Giudice administered the Oath to new Code Enforcement Supervisor Richard McMin, Code Enforcement Officers Bradley Laning, Idrys Abdullah, and Darlene Morning, and presented them with their badges. He commented briefly on the work history and credentials of each and welcomed them to their employment with the Department of Housing Services.

Councilmember Elrich responded briefly to an article in the current issue of the Newsletter, which he said he felt presented some distortions in his views on the multi-family illegal units phaseout issue. He said at no time had he suggested any zoning changes or that single-family neighborhoods be converted to multi-family, or that any new conversions be permitted in residential neighborhoods. Mr. Elrich said he took no personal satisfaction in the demonstration that occurred the prior week, nor did he feel it took place at an appropriate time and place. He said he would not choose to join with those who felt that civil disobedience was an outrage against the body politic. Mr. Elrich said he would want it clearly understood that he had not been involved in the planning or organization of the demonstration, nor had he been involved in the general planning or tactics of HOME. Additionally, Mr. Elrich said he had never referred to homeowners as greedy, capitalist elitists -- had never held the view that those whose viewpoint or position differed from his own should be so categorized. In closing, Mr. Elrich pointed out that, prior to allegedly trying to strike the author of the aforementioned Newsletter article, Sam Abbott had attempted to strike him. He said he did not approve or encourage that sort of action, and did not participate in it himself.

ADDITIONAL AGENDA ITEMS:

Resolution of Condolence to family of Lee Jordan (Mayor)

CITIZENS' COMMENTS: (not directed at items for Council Action)

Ellen Marsh, 7405 Maple Avenue: inquired concerning the meaning of the cartoon in the current issue of the Newsletter, and whether it related to a City-sponsored event. The Mayor responded that it was not in connection with any event sponsored by the City, and asked that Newsletter Editor Reid Baron respond. Mr. Baron said that while the cartoon did not intend to make light of the issue, it was whimsical in tone, and that, to his knowledge, there was no planned event on March 23 as the basis of the cartoon.

Brint Dillingham, 7018 Carroll Avenue: stated he was a member of HOME (Habitants Opposing Mass Eviction). He referred to a small item in the Newsletter referring tenants who would be facing eviction due to the phaseout to the Department of Housing Services for information and assistance, and inquired what was being offered through that department. He asked what the City's role would be when the county tries to enforce the law, i.e., whether the City would cooperate with the county. He asked that the City take a position analogous to that concerning the Sanctuary Law, wherein the City refused to cooperate with the federal government in any action that would result in deportation of refugees. He said the City should take an active role in refusing to cooperate with the county in expelling citizens from their homes.

The Mayor commented that the elected body as a whole had not formally discussed the role of the City in this issue, however, said he felt there were a number of things the City could and should do, such as compiling a list of available apartment units within the community. He said he felt it would be important that the City commit resources and work with the county to assist those who would be in need of housing. He said while the City now had the power to enforce zoning laws, whether or not it would exercise that power and assist the county in the situation at hand had not yet been addressed. He said he felt one of the unfortunate aspects of the whole situation was that there were tenants and landlords alike who were confused by the lack of accurate information. He said there were some tenants who thought they were facing eviction, when in fact they were not, due to their units being either grandfathered or exempted units, which would not be affected. The Mayor said he and some Councilmembers had tentatively discussed putting together a program that would allow some tenants to become homeowners -- the City perhaps floating a bond that would produce revenue which could be used to help some current tenants purchase properties that they now live in. He said he anticipated that would be discussed in the upcoming month and as the budget process began.

Housing Services Director Weiss explained that her department could assist tenants by clarifying for them whether or not they were living in units that would be affected by the phaseout; could advise them of their rights under county and local law with respect to the phaseout if they are living in units that would be affected. Concerning local law, she said it would be particularly important if a tenant was not offered a year lease (contrary to City law, which requires that be done), unless the landlord specifically stated a reason for not doing so. Ms. Weiss said the item in the Newsletter was intentionally vague because it was anticipated the elected body would be making decisions on the issue, and her department had wanted to collect names and addresses of tenants having questions so they could be contacted and offered information and assistance as it became available. She pointed out that on page 8 of the Newsletter, there was information concerning meetings that had been set up for landlords and tenants, bringing in resource people from the state and county, as well as City resource people, to provide information that would be helpful for them in dealing with the situation; she elaborated briefly on what some of the assistance programs offered.

Mr. Dillingham reiterated his request that the City not actively assist the county with their enforcement efforts, pointing out that

the county had, in essence, ignored any proposals from either the City or the tenants on the issue, and said he did not feel it was incumbent on the City to help the county in any way, whether it was by providing information on the units and their location, or by actively helping with evictions. He said that while the county had said they would assist tenants, they had also clearly pointed out that those put out of their units would be number 500+ on the list in terms of eligibility for available units through the county. He urged that in any meetings held by the City, all aspects of tenants' rights and the law, including how they could legally resist eviction and hold onto their units as long as possible and all legal avenues open to them, be presented -- that the information given be comprehensive. In closing, and in response to Mr. Elrich's earlier commentary and other comments voiced since the last meeting, Mr. Dillingham quoted a statement made by Harold Ickes in the early days of the Land Use Movement: "Particularly abhorrent to me is the mob of broadcloth-coated gentlemen that with a calm demeanor that barely disguises suppressed fears and controlled hysteria carries out cold-blooded and relentlessly its sinister purpose in the name of law and order."

Councilmember Elrich pointed out that there were explicit mechanisms in the county law wherein they could have delegated enforcement responsibility to the City, but they had not done so at any point; thus, he said he would not expect the City to take that on at the current point in time. Additionally, he said he would not want to take a City Code Enforcement Officer away from his assigned task of getting City housing stock inspected and into compliance in order to assist the county with enforcement of their law and carrying out their responsibility. He said he would have no problem with providing tenants with whatever assistance was possible in the situation. The Mayor remarked he anticipated those issues would be addressed at the next worksession as formal discussions commenced.

Perry Roberts, 7427 Carroll Avenue: said while mention was being made of helping tenants to buy buildings in which they now reside and allowing all to remain in residence in those buildings, that would not be legally possible as he read the law. The Mayor pointed out that it would be a legal question of the mechanism used to purchase the property. Additionally, Mr. Roberts said he did not feel the City should spend any money to aid the county and help them enforce their law; he said it was the county's job and they should be left to do it on their own. He said assisting the county with enforcement of this law would be in violation of the Sanctuary Law because aliens would be among those losing their homes in the city.

The Mayor commented that apparently the county was aware of 88 properties in violation, so did not require assistance from the City in locating them, and it was his understanding that those would be the properties in which the county would be enforcing the law. He said he did not anticipate that the county would be requesting information from the City about those properties.

Wayne Upton, 7600 Maple Avenue: expressed support for Albert Gore as a Presidential candidate, and distributed copies of a pertinent article from The New Republic magazine, encouraging those present to cast their vote in his favor on March 8. He referred to the February 16 Council Meeting and remarked that while he was sympathetic to the plight of tenants, he was turned off by the tactics employed by HOME at the meeting, inasmuch as they were disruptive and denied citizens the opportunity to express their views on the resolution concerning the phaseout of illegal multi-family housing units. Additionally, he commented the resolution was passed by a 4-3 vote and wondered whether the close vote would adversely affect its impact on the county. The Mayor said that in his cover letter to the County Executive which accompanied the resolution, he pointed out that there was a nearly unanimous sentiment among City Councilmembers for a one-year moratorium on enforcing the phaseout; however, that obviously did not affect the county's decision. Mr. Upton inquired concerning the status of the Unification Bill; the Mayor stated the issue was close to being dead at present. He related that the Prince George's County Bi-County Committee had voted at its last meeting to report the bill

unfavorably before the full county delegation, and they would probably take action on the report within the week. He said it was possible that the Chairman of the delegation would request the County Executives to establish a task force, however, the fact remained that the report on the bill was unfavorable. Concerning the land swap proposal, the Mayor said there had been no progress on that -- County Executive Kramer recently stated he was not interested in that proposition. Responding to Mr. Upton, the Mayor said he had met with both County Executives, individually, on a number of different issues. In one of those meetings, County Executive Glendenning had reiterated his position that Unification was unnecessary.

Carrie Hoagland, Willow Avenue: said she believed with all her heart that the phaseout issue was far from over; she said that 10 years ago, the phaseout law was a patchwork, arbitrary attempt to solve problems that existed at that time, however, was now a narrowly discriminatory economic blackjack aimed at innocent citizens. She said what had been problems in 1978 had since been turned into the pride of the community and had attracted a number of useful and thoughtful people. Ms. Hoagland urged that people look at the large, overall picture and work together to avoid taking steps that could destroy a potential community of good will. She said good will had been stretched to its limits and could be destroyed, that while there was a need to satisfy the reasonable wishes of old time residents, there was also a need to preserve lives, homes, and good feeling. She said there was a consensus in the community that the effects of enforcing the law would be cruel and unfair, people would be penalized for a situation that was not their fault. She encouraged that citizens and officials work together to find a better solution, and that the necessary time to do so be granted.

ITEMS FOR COUNCIL ACTION:

1. Resolution of Condolence to Family of Lee Jordan.

The Mayor read the resolution commemorating Mr. Jordan and his many achievements, and moved its passage, duly seconded by Councilmember Sharp. The resolution was passed by unanimous vote.

RESOLUTION #1988-10
(attached)

2. Update Report on Takoma Junction Facade Improvement Program.

Economic & Community Development Director Daniel Neal gave the report, stating that 8 facade renovations had been completed, including rears of properties; 12 facades remained to be done. He said streetscape delays caused some lack of confidence in participating in the program on the part of business owners, but that construction was now nearing completion. Mr. Neal reminded that the program was based on two segments -- financial assistance and enforcement of a law requiring the meeting of certain facade standards. He related that the law went into effect in 1985 and property owners were notified at that time if they were not in compliance with the standards of the ordinance; the compliance deadline was 18 months thereafter, which would have made compliance technically mandatory by January 8, 1987. However, working in a spirit of cooperation with the property owners, it was recognized that it would be counter-productive for the City to issue citations for non-compliance, particularly inasmuch as the City had experienced delays in the streetscape construction. Consensus at a recent meeting of the Takoma Junction Committee, however, was that the situation should now be brought to closure but with allowance of enough time made for property owners to take advantage of the financial assistance available to them for renovating and improving their facades; Mr. Neal pointed out that the monies set aside for facade assistance would be expiring. It was agreed at the aforementioned meeting that enforcement of the ordinance should commence September 1, 1988, and in order for eligible property owners to take advantage of the available financial assistance, they would be required to have work under contract for their properties by June 30, 1988.

Councilmember Hamilton reminded that he had inquired on previous occasions about the status of the Upper Maple Avenue commercial area and facade renovations. Mr. Neal responded that monies had never yet

been set aside for such work in that area, however, agreed there was a need there as well as in the area on Route 410 near New Hampshire Avenue. He said he felt both of those small business areas could benefit from facade improvements, and remarked that he had asked for staff in his budget proposal to address those areas, but that either Block Grant Funds or other monies would also be needed. Mr. Neal commented that such improvement programs were very cost effective and were good leveraging programs for investment in the commercial areas; he said they had proven successful wherever they had been tried.

Councilmember Douglas commented he felt it important that the community at large recognize what was occurring in Takoma Junction and that the City was not simply being lax about enforcing the facade ordinance there, but that it was taking time for everything to coalesce due to some mitigating circumstances. Addressing Mr. Neal, Mr. Douglas said he understood that an application had been submitted to rezone 8 Grant Avenue; he asked that Park & Planning be contacted to ascertain if that was true and that they be asked to ensure that the City has a chance to review the situation and give input prior to any action being taken.

Responding to Councilmember Martin, Mr. Neal stated that the streetscape work should be completed in Takoma Junction within 4 weeks.

3. Resolution of Council Action on Zoning Application #G-586 (Montgomery County). 8426 Piney Branch Road.

Mr. Neal referred to the staff report furnished on the subject, noting that the application was to change the zoning of the property from R-60 residential single-family detached to C-2 general commercial. He said he had reviewed the Silver Spring East Sector Plan and could find absolutely no justification for the requested zoning change. He said his recommendation would be that the elected body express the City's opposition to the Planning Board and the Hearing Examiner who would hear the request. Mr. Neal said he had discussed the case with Montgomery County Planning staff, and they concurred with his assessment that the property was unsuitable for commercial development in accordance with the Master Plan. Responding to the Mayor, Mr. Neal said he had not examined the question of suggesting rezoning the property for some higher density residential use, but thought the property owner would likely do so if his current request was denied. Councilmember Douglas moved passage of the resolution opposing the proposed rezoning of the subject property to C-2, duly seconded by Councilmember d'Eustachio. For the record, the Mayor noted receipt of a letter from the Between the Creeks Neighborhood Association expressing opposition to the proposed rezoning of the property to C-2; he said the President of that association, Mr. Wise, had hand-delivered the communication earlier in the evening. Mr. Neal noted that notification letters had been mailed to adjacent property owners residing within the City, and Park & Planning would also be doing a similar mailing. The resolution was passed by unanimous vote.

RESOLUTION #1988-11
(attached)

4. Resolution in Support of Extending Ride-On Hours of Service.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Councilmember Douglas suggested for purposes of clarification that in the last line of the second resolve clause, following the parenthetical statement and before the semicolon, the wording similar to the current service on Route 12 be inserted; he so moved, duly seconded by Councilmember d'Eustachio. Responding to inquiry from Councilmember Leary concerning the Route 12 schedule, Councilmember Martin stated that buses run on that route at 11:02 p.m., 11:32 p.m. and 12:02 a.m.; thus, the amendment would effectively be asking that service on Route 17 be extended from the present 10:49 p.m. to midnight. The amendment was passed by unanimous vote. Brief favorable commentary on the resolution and the extended service was made by Councilmembers Martin, Hamilton, Elrich and Douglas.

Wayne Upton inquired whether the extended service would include Saturday and Sunday; it was pointed out that the resolution requested that Ride-On in the City be operated coincidentally with the Metro-rail, so that the last train into the City would be serviced by Ride-On all 7 days. Mr. Upton pointed out that the last train from Metro Center was at 12:06 a.m., which would put it into Takoma Station at approximately 12:20 a.m. -- after the last bus. Mr. Douglas reiterated that the resolution asked that the county operate Ride-On coincident with the Metrorail, which should address the problem. Responding to Mr. Upton, the Mayor stated that the City did not have funds available to provide additional bus service, however, county staff had indicated a willingness to press for any needed expansion in service. He said what might be considered was performing a survey in conjunction with the county to ascertain level of interest in further expansion of services; he said it would have to be demonstrated that there was a market and real interest in such additional service.

The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1988-12
(attached)

5. Resolution Supporting Modernization of Takoma Park Intermediate and Community School.

Passage of the resolution was moved by Councilmember d'Eustachio, duly seconded by Councilmember Hamilton. The Mayor noted that the resolution had grown out of an informal meeting he had had with the Principal of the school; he noted that the Co-Presidents of the P.T.A. were in attendance at the present meeting and invited their comment.

Nancy Evans, Co-Pres. of Intermediate School P.T.A.: expressed support for the resolution, but asked that the handicapped accessibility issue be highlighted so that it would not be overlooked or minimized. The Mayor said that issue could and would be emphasized in the transmittal letter to the county.

The resolution was passed by unanimous vote.

RESOLUTION #1988-13
(attached)

6. Second Reading of Ordinance Amending Personnel Classification Ordinance.

Adoption was moved by Councilmember Sharp, duly seconded by Councilmember Douglas. The Mayor noted that the ordinance upgrades the Housing Coordinator position from a Grade 9 to a Grade 11, based on the job description having been rewritten to include additional responsibilities, necessary education and expertise to adequately perform the job, with subsequent refactoring of the position. Housing Services Director Weiss commented that the position had been inaccurately compared with that of an Administrative Supervisor, and with the corrections effected, the actual position was more accurately reflected. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin and Sharp; NAY: None; ABSTAINED: None.

ORDINANCE #1988-4
(attached)

7. Single Reading Ordinance Awarding Contract for Architectural Services for Erie/Flower Facade Improvement Program.

Mr. Neal pointed out that the highest rated of the 5 bids received in response to the RFP issued 12/27/87 for architectural services was that submitted by Price and Partners for a base price of \$3,940, and his recommendation was that the contract be awarded to that firm. Responding to query from Councilmember Martin, Mr. Neal stated the work would be funded by Block Grant monies; he commented that an additional \$34,000 in Block Grant Funds had been received from Montgomery County, with \$7,000 of that amount set aside for design and administration, the other \$27,000 earmarked for facade easements. Ms. Martin inquired whether the property owners had the right to reject

the architects' design if they did not like it; Mr. Neal responded in the affirmative. He said no particular design was forced on the property owners; the most important thing was to get an architect who was cost-sensitive, because most of the businesses were small and limited in resources. He said while the design standards were regulated by City law, the individual property owner had some control over his own facade within the confines of the standards. Mr. Neal stated that the contract, if awarded, would expire in September 1988, and it was anticipated that streetscape construction would commence within the next few weeks. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin and Sharp; NAY: None; ABSTAINED: None.

ORDINANCE #1988-5
(attached)

8. Single Reading Ordinance Authorizing Purchase of Police Surveillance Vehicle.

Councilmember d'Eustachio moved that the item be indefinitely tabled, duly seconded by Councilmember Elrich. The motion to table failed (3-3 vote, the Mayor voted in the negative to break the tie). Councilmember Sharp moved that the item be postponed until the end of the present meeting's agenda, duly seconded by Councilmember Douglas; the motion carried unanimously.

9. First Reading of an Ordinance Amending Rent Guidelines, Section 6.80-17(m).

Councilmember Hamilton moved acceptance for First Reading, duly seconded by Councilmember Leary. Councilmember Sharp remarked he was somewhat surprised at the apparent lack of interest in this item on the part of landlords and tenants. He said he had some concern about Sec. (m)(3), concerning an exception to the Rent Guidelines in regard to Section 8 housing units. He said that questions had been raised by the last Council and not yet resolved concerning whether this section allowed a way of avoiding the Rent Stabilization limit if a unit did not remain under Section 8 subsidy.

For clarification purposes, the Mayor pointed out that a draft ordinance distributed earlier in the meeting was the one to be considered, rather than the one that had been disseminated in the packets. He directed that henceforth each draft of ordinances be dated to avoid confusion. He noted the draft to be considered would delete earlier subsections (m)(2) and (m)(3) and would renumber former subsections (m)(4) and (m)(5) to (m)(2) and (m)(3). Additionally, he noted it deleted former subsection (o) of Sec. 6.80-17.

Councilmember Elrich remarked he concurred with concerns expressed by Mr. Sharp about the Section 8 units; and hoped a legal opinion could be gotten on the matter prior to Second Reading of the ordinance. He commented that he did not concur with the federal government subsidizing such units to bring the rent up to market rate because if the units were subject to the Rent Guidelines it would amount to a lesser expenditure of taxpayers' money that could be spent on other things. The Mayor clarified that the question was whether there was any legal impediment to the City subjecting Section 8 units to the Rent Stabilization Guidelines, and inquired whether Housing Director Weiss had knowledge of that situation. Ms. Weiss stated that it was her understanding the City does not have legal authority over federal government housing, but that there were federal laws requiring HOC to adhere to local rent stabilization guidelines, when they do exist, for Section 8 housing. She said it was her opinion that HOC did not want to adhere to all the stabilization laws, but were willing to correct situations when some stabilization laws had been violated. As far as other federal government assisted multi-family housing projects, she said she did not think the City would have any jurisdiction. The Mayor said while he did not think HOC would have much problem adhering to local rent guidelines in buildings owned by them, the problem would probably lie with those tenants who are issued vouchers by the government to assist with their rent, because it would be difficult to track the location of units whose rents are paid for in part by the assistance vouchers. Ms. Weiss commented it was quite complex, inasmuch as

HOC does not organize any of its Section 8 programs other than for those buildings it actually owns -- cases are organized by tenants rather than by buildings, thus, there is not a single HOC administrator working with a given building and comparing situations. She said for those reasons, the only way HOC knows if a building is violating rent stabilization guidelines is if the City brings it to their attention, and they will sometimes take action on such information and in many cases will not. During the course of ensuing discussion, the Mayor opined that if the exemption for Section 8 units in regard to Rent Stabilization Guidelines under City law were deleted, there would at least be an argument, given the federal guidelines, that the landlord must comply with the local law. Councilmember Elrich again suggested that a legal opinion on the issue be sought, however, said he felt that even if the exemption were deleted, provision ought to be made in the Code that if a Section 8 unit became vacant, it would go to the rent level of a comparable non-Section 8 unit in the building. Councilmember d'Eustachio suggested that provision needed to be inserted at some point in the City Code that the rent level on a Section 8 unit, whether the unit was occupied or vacated, could not be used as a comparable unit for determining other rent levels in the building. Ms. Weiss pointed out that Section 8 units were not exempted from other sections of the Housing Code, but that federal policies in some instances supersede the City Code. The Mayor suggested that the question of whether any federal law prohibits the City from subjecting Section 8 housing to the City's Rent Stabilization Law be referred to Corporation Counsel for an opinion; he said he suspected the situation may have to be addressed on two levels, i.e., property owned by a public housing authority and units subsidized through a voucher system. Following additional dialogue, Councilmember Hamilton, responding to inquiry from Councilmember Douglas, explained that his intent in introducing the ordinance was to afford rent stabilization protection to those persons residing in buildings owned by landlords having 4 or less units and who were not currently protected at all in that regard under the law. Mr. Douglas inquired concerning the cost to the City of administering and enforcing the law on the additional units that would be covered under the ordinance. Ms. Weiss stated that while she did not have exact figures at hand, she did not feel it would be very costly for the City or generate any significant increases. Mr. Hamilton pointed out that had such an ordinance been enacted prior to the illegal multi-family units phaseout issue, the City would have been aware of all those units because of the reporting process involved.

Councilmember d'Eustachio pointed out that if tenants were educated and aware concerning their rights under City Law, they could not legally be subjected to multiple rent increases within a year by a landlord, regardless of the size of the building in which they reside. Additionally, he pointed out that all buildings having rental units were required to be licensed under City Law, and submission of rent information could be required as part of that program, if and when the City wished to analyze rents. He said he had concerns about bringing rent stabilization down to the level of single-family rental dwellings, inasmuch as that could seriously affect, and perhaps ultimately eliminate, rental houses in the City. He said he would support the inclusion of all multi-family units and perhaps those instances in which a person owns more than one single-family rental dwelling. Councilmember Martin commented that there were numerous rental housing units in her ward, and that many of those were maintained very poorly -- that the landlords apparently had no concern about the condition of their properties, and she felt the tenants of those dwellings had a right to rent stabilization protection. Additionally, she said the 88 multi-unit dwellings facing phaseout would be converted by the owners to single-family rentals and perhaps those losing their homes could rent those single-family units and would need the protection of rent stabilization. Responding to Councilmember Leary, Ms. Weiss stated that the administrative burden for landlords of being subject to the ordinance would require the filling out of an annual rent reporting form supplied by the City, which, in the case of small buildings, would not be a time-consuming project. Councilmember d'Eustachio reiterated that subjecting the owner of a single-family rental dwelling to rent stabilization, and all the implications of that, appeared

to be a disincentive to owning rental property in the City. Ms. Weiss commented that Housing Services, the Housing Committee, and COLTA had been working toward alternatives to some of the processes that landlords might be subject to to make the owning of rental housing less undesirable. The Mayor pointed out that the discussion occurring should appropriately have occurred at the previous worksession, or the next worksession, rather than expending a substantial amount of time on the subject at the public meeting, which was primarily for the purpose of amending and/or enacting legislation, with brief discussion.

Mike Haney, 7333 New Hampshire Avenue, former Councilmember: said he hoped that when the ordinance was adopted it would be widely publicized, both in the Newsletter and other local newspapers, so that all those who would be affected would be adequately notified.

The Mayor noted that the draft ordinance set the effective date of the legislation as "upon adoption;" he said consideration might be given to making it effective at some date following its adoption to allow for proper advance publicity. Councilmember Hamilton remarked that publicity in advance of the ordinance becoming effective would allow landlords to raise rents to whatever level they chose before becoming subject to the law. Councilmember Douglas inquired what the basis for stabilization of the rents would be; Ms. Weiss responded that the rents would be stabilized at the level at which they were when the ordinance became effective. The Mayor pointed out that if a property containing more than one unit were converted back to a single-family rental dwelling, there would be no existing base rent for that unit. Ms. Weiss responded that would depend upon the individual conversion and, in some instances, the base rent would have to be set by whatever the landlord chose to set as rental for the property. Councilmember d'Eustachio inquired whether the base rent of a house would alter, or could be reset by the landlord, if it were to remain vacant for a period of time. Ms. Weiss responded in the negative, pointing out that in a 6-unit building on Flower Avenue, the landlord had allowed the property to remain vacant for a period but was advised by Housing when he started to rent the units again that they would have to be re-rented at a level consistent with the building never having gone off the market. In the course of ensuing dialogue concerning landlords being allowed to figure in the annual 4% rent increase when setting a base rent on a unit that had been vacant for a period of time, Councilmember Elrich commented that if that was not currently permissible under the City Code, he felt it would be equitable to address the situation so that landlords could do so prior to re-renting a unit.

Councilmember d'Eustachio commented that he perceived two distinctly different types of owners of rental houses, i.e., an individual who owns a number of such properties as investments and someone, perhaps a retired person, who owns one such property, perhaps as a source of additional income and does much of the work and upkeep on the place himself. He said being subject to the City law, for that person owning the one rental property, could impose a substantial and unfair administrative burden. Councilmember Hamilton suggested that if it were senior citizens/retired persons who were the object of Mr. d'Eustachio's concern, perhaps those individuals could be exempted under the ordinance. Mr. d'Eustachio responded that actually he was looking at the situation from a broader perspective, i.e., the person who owns a single rental unit versus those who were in the business of owning a number of such properties as a money-making enterprise, and that would be the basis upon which he would want to make a differentiation. He said he felt the single-unit owners had costs, expenses and problems different from those of multi-unit owners.

The Mayor suggested that, based on the foregoing discussion, the ordinance might require more than worksession discussion, may require a number of amendments; he suggested that the ordinance be accepted for First Reading and that Councilmembers wishing to propose amendments submit them to the Housing Committee for their initial deliberation prior to the worksession and Second Reading. He noted a legal opinion on the issue would be gotten from Corporation Counsel as mentioned earlier. The ordinance was accepted for First Reading with

Councilmember d'Eustachio Abstaining, balance of Council voting Aye.

ORDINANCE #1988-
(attached)

10. First Reading of an Ordinance Amending Executive Pay Plan Ordinance #1987-46.

Councilmember Sharp moved acceptance for First Reading, duly seconded. The Mayor noted the ordinance would provide that for senior staff personnel, cost-of-living adjustments would become effective on the first day of the fiscal year and merit increases would be effected on the employee's anniversary date; he referred to a cover memo from City Administrator Wilson. Referring to that memo, which recommended that this procedure not be effected by ordinance and with which he said the prior Council had agreed, Councilmember Sharp inquired as to the status of the personnel manual for the City. Ms. Habada stated that the personnel manual had been drafted over a year ago, but was dropped after being partially reviewed by department heads due to other crises that arose. She said during budget discussions for the current fiscal year, consensus was to provide funding in the budget for a consultant to work with the employees so that a consensus document could be compiled. She said that funding was included in the current year's budget, however, had now been eaten up with other contractual arrangements, leaving no money to complete the manual at present. Following lengthy discussion involving Ms. Habada, Councilmembers Martin and Sharp concerning confusion related to merit and performance increases, and the City's grade and step structure as compared to that of the federal government, the ordinance was accepted for First Reading with Councilmember d'Eustachio voting Nay, balance of Council voting Aye. Councilmember Sharp remarked that he would formulate some amendments to the ordinance for purposes of clarification prior to the next worksession.

ORDINANCE #1988-
(attached)

8. Single Reading Ordinance Authorizing Purchase of Police Surveillance Vehicle. (tabled earlier)

Councilmember Elrich moved that the item be tabled indefinitely, duly seconded by Councilmember d'Eustachio. The motion failed. Councilmember Sharp moved that the Council convene in Executive Session to discuss the matter, on the grounds that it involved a safety issue for City employees. The motion failed for lack of a second. Following discussion of the Sunshine Law and the possible placing in jeopardy of not only the lives of some personnel but an ongoing criminal investigation, Councilmember Hamilton moved that the Council convene in Executive Session to discuss the issue; the motion was duly seconded by Councilmember Douglas. The motion carried with Councilmember d'Eustachio Abstaining, balance of Council voting Aye.

The meeting adjourned at 11:20 p.m., to reconvene in Regular Session at 8:00 p.m. on March 14, 1988.

Introduced by:
Mayor Del Giudice

1st Reading: 1/25/88
2nd Reading: 2/29/88

ORDINANCE NO. 1988-4

An ordinance to amend the Personnel Classification System

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

SECTION 1. Change in GRADE level for Housing Coordinator.

<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; Police Records Clerk;
GRADE 5	: Recreation Aide; Tool Library Attendant; Equipment Operator I;
GRADE 6	: Account Clerk II; Secretary; Personnel Clerk; Library Assistant; Recreation Specialist; Driver Foreman; Equipment Operator II; Clerk Typist II;
GRADE 7	: Administrative Clerk I; Playground Coordinator; Equipment Operator III; Code Enforcement Officer I; Police Private; Clerk Typist III;
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;] Master Mechanic; Housing Rehabilitation Construction Coordinator;
GRADE 10	: Librarian; Police Sergeant; Sanitation Supervisor; Street Supervisor;

GRADE 11 : Youth Outreach Worker; Recreation Supervisor;
Code Enforcement Supervisor; Housing Coordinator;

GRADE 12 : Assistant Library Director; Police Lieutenant;
Cable TV Coordinator;

EXECUTIVE 1: Assistant Public Works Director; Director of
Economic & Community Development;

EXECUTIVE 2: Library Director; Recreation Director; Housing
Services Director; Police Captain (Deputy Chief);

EXECUTIVE 3: Assistant City Administrator;

EXECUTIVE 4: Police Chief; Public Works Director;

SECTION 2. EFFECTIVE DATE. This Ordinance shall become
effective upon enactment.

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

[] indicates matter to be deleted from existing code
language

Introduced By: Councilmember Hamilton

1st Reading:
2nd Reading:

ORDINANCE #1988- __

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

SECTION 1. THAT because well-maintained, safe and affordable rental housing is in the best interest of all citizens of Takoma Park, Maryland; AND

SECTION 2. THAT because compliance with the landlord-tenant laws of Takoma Park is an important aspect of maintaining such housing; AND

SECTION 3. THAT because the City has already recognized that rental housing problems exist in dwellings containing less than 5 units, and that the City has a responsibility for preventing and minimizing such problems, as exemplified by the adoption of health and safety standards (BOCA) and the legislation of enforcement of such in all rental units, including those containing 4 units or less; AND

SECTION 4. THAT tenants residing in four or less units are also not protected under the City's Rent Stabilization and Reporting Laws guidelines and one year lease requirements; AND

SECTION 5. THAT the Mayor and Council hereby wish to extend the same protections by way of the City's housing laws to include those tenants who reside in dwellings that have 4 or less units as have been extended to those units that have 5 or more units.

SECTION 6. NOW THEREFORE BE IT HEREBY ORDAINED THAT Takoma Park Code Section 6-80.17(m)(2) is hereby amended as follows:

(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 owned by a person who owns 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} (2) 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} (3) 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} (4) 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) Remains as is.

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

SECTION 7. THAT this Ordinance becomes effective upon adoption.

NOTE: - Strikeovers (~~Strikeovers~~) shall denote language deleted and underlining shall denote material to be changed or added.

Adopted this _____ day of _____, 1988 by Roll Call Vote as follows:

AYE:
NAY:
ABSTAINED:
ABSENT:

Introduced:
2nd Reading:
Effective:

ORDINANCE NO. 1988-

Short Title: An ordinance to amend the Executive Pay Plan

AN ORDINANCE TO:

- (a) Provide for implementation of pay increases for executive employees on said employee(s) anniversary date(s) of hire.

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

SECTION 1. PAY SCALE PLAN

Positions listed in Ordinance No. 1986-53, as amended, designated as Executive 1 shall be compensated at the level of Executive 1; those listed in Executive 2 shall be compensated at the level of Executive 2; those listed as being in Executive 3 shall be compensated at the level of Executive 3, and those listed in Executive 4 shall be compensated at the level of Executive 4.

SECTION 2. IMPLEMENTATION OF PAY SCALE PLAN

- (a) Effective July 1, 1987, Senior Management staff in Grades Executive 1 through Executive 4 will be paid in accordance with the pay scale for:
 - (1) the grades that their job classifications have been allocated;
 - (2) with the exact amount to be determined by the City Administrator with the provision that none of the executives will receive a salary decrease as a result of the initial implementation of this pay plan.

SECTION 3. GUIDANCE FOR PLACING EXECUTIVE STAFF IN THE PAY SYSTEM.

- (a) 1st Quartile - Hiring Bracket:

Individuals are generally hired within this

quartile with the exact place to be determined by the City Administrator based on the experience and subject matter knowledge of the appointee. Subsequent merit increases should continue within the quartile with the amount depending upon the results of performance evaluation(s). Further guidance to the City Administrator for differentiating between amounts will be given in the Personnel Regulations.

(b) 2nd Quartile - Performance Step:

Individuals are granted raises into this area for average and above average performance after they have learned to perform their functions thoroughly and have proven their ability to manage their units.

(c) 3rd Quartile - Performance and Longevity Step:

Individuals are placed in this step normally after they have acquired many years of experience in managing their units and have received ratings of average and above consistently. Most executives will not ever be awarded pay greater than the maximum allowed for this quartile.

(d) 4th Quartile - Superior Performance

Individuals normally are awarded pay in this quartile only if they perform clearly in a superior manner and/or if they have been recognized by a national professional organization as one of the leaders in the field.

SECTION 4. EXECUTIVE PAY SCALE

[36% PAY PLAN]

Executive 1:	1st Quartile	=	28,005	-	32,460
	2nd Quartile	=	32,461	-	35,150
	3rd Quartile	=	32,151	-	37,839
	4th Quartile	=	37,840	-	40,528
Executive 2:	1st Quartile	=	30,005	-	34,885
	2nd Quartile	=	34,886	-	37,765
	3rd Quartile	=	37,766	-	40,645
	4th Quartile	=	40,646	-	43,525

Executive 3: 1st Quartile = 32,986 - 37,500
2nd Quartile = 37,501 - 40,598
3rd Quartile = 40,600 - 43,694
4th Quartile = 43,700 - 46,790

Executive 4: 1st Quartile = 35,760 - 40,315
2nd Quartile = 40,320 - 43,640
3rd Quartile = 43,641 - 46,970
4th Quartile = 46,975 - 50,300

SECTION 5. COST OF LIVING ADJUSTMENTS

- (a) A cost of living adjustment is a percentage applied to Executive quartiles.
- (b) The Mayor and Council determine whether the City will give a cost of living adjustment in any year and the size of the adjustment.
- (c) A cost of living adjustment shall be effective on the first day of a new fiscal year.

SECTION 6. DATE OF PAY INCREASES

- (a) Notwithstanding provisions of Article 8B, Section 8B-124(a) of the City Code, the effective date for executive employee merit increases shall be on said employee(s) anniversary date of hire.

Adopted this _____ day of _____, 1988 to take effect upon enactment.

NOTE: Brackets [] indicate deleted language.
Underlining indicates new language being added.

RESOLUTION OF CONDOLENCE

WHEREAS, life came to a close for Lee Andrew Jordan, 79, on February 23, 1988, ending a lifetime devoted to the service of his fellowmen; AND

WHEREAS, "Mr. Lee" has, through his untiring dedication, love and foresight for the youth of the community, and for all mankind, earned the respect and affection of the people of Takoma Park; AND

WHEREAS, the stature he attained in this community by his exemplary life and monumental accomplishments was recognized during his lifetime; AND

WHEREAS, Coach Lee was a charter member and one of the founders of the Takoma Park Boys Club in 1937 and gave freely of his time, effort and financial support and instilled in our youth the meaning of true sportsmanship, and was a leader and dedicated member of the Parker Memorial Baptist Church since 1924, and was a charter member of the Takoma Park Recreation Council, the first Takoma Park citizen to serve on the Montgomery County Recreation Board and served many other civic and service organizations during his lifetime; AND

WHEREAS, "Mr. Lee" was Grand Marshal of the City's July 4th parade when the theme was "Your Community - Get Involved" AND

WHEREAS, he received numerous physical fitness leadership awards: The Maryland Junior Chamber of Commerce Award, the United States Chamber of Commerce Award, the Montgomery County Recreation Board Service Award, the State of Maryland Governor's Commission on Physical Fitness Award, the Record's John Brawner Award, and was bestowed the honor of having the Takoma Park Junior High School athletic field named in his honor; AND

WHEREAS, Lee Jordan was known far and wide for his willingness to be of help to youngsters and adults in all walks of life, of all races, religions and creeds, and was a conscientious friend and guidance counselor to innumerable individuals; AND

WHEREAS, his passing will be sorely felt by the members of his family, and his many, many friends and associates.

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Council of Takoma Park, by this Resolution recognize the influence of Lee A. Jordan upon the community and recognizes further that his death is a distinct loss to the City; AND

BE IT FURTHER RESOLVED THAT this Resolution be spread upon the Minutes of the Council and a copy be presented to the Jordan Family.

Adopted this 29th day of February, 1988.

ATTEST:

Stephen J. Del Giudice
Mayor

James S. Wilson, Jr.
City Clerk

Introduced By: Mayor Del Giudice
Drafted By: D. Neal

Resolution No. 1988- 11

WHEREAS, Mr. Ernest R. Sines has applied to Montgomery County for the rezoning of Lots 8, 9 and 10 of James H. Cissel's Addition to Silver Spring (located at 8426 Piney Branch Road) from R-60 to C-2; AND

WHEREAS, this property is adjacent to the City of Takoma Park and the application has therefore been referred to the City for review and comment; AND

WHEREAS, the application has been reviewed by City staff, which has recommended DENIAL of the application on the basis of analysis contained in the pertinent staff report dated 26 February 1988; AND

WHEREAS, the Mayor and Council have taken into consideration public comments received on the subject application;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Mayor and Council hereby express their opposition to the subject rezoning application and urge the Montgomery County Planning Board and Hearing Examiner to DENY the subject application.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate Montgomery County authorities.

ADOPTED THIS 29th DAY OF February 1988.

Introduced by: Councilmember Hamilton

RESOLUTION #1988-12

A RESOLUTION IN SUPPORT OF EXTENDING RIDE ON SERVICE
HOURS ON THE NEW TAKOMA SHUTTLE (OLD ROUTE 17)

WHEREAS, in January 1988, the Montgomery County Department of Transportation held a public forum to present a proposal for utilization of small buses on several Takoma Park routes; AND

WHEREAS, at this forum, many riders inquired about the possibility of extending the hours of service between Maple Avenue apartments and the Takoma Metro station; AND

WHEREAS, on February 8, 1988, the Mayor and Council unanimously passed Resolution #1988-8, which re-affirmed the Council's support of the Ride-On Bus Demonstration Project; AND

WHEREAS, Ride-On Route 17 which travels along the Maple Avenue corridor, has the greatest ridership of the entire Montgomery County Ride-On system, and residents who use this route work 2nd and 3rd shift jobs and must walk to and from the Metro Station along this Route, late at night and sometimes in adverse weather conditions.

NOW THEREFORE BE IT HEREBY RESOLVED, THAT the Mayor and Council are deeply concerned about the safety and welfare of its citizens and wish to promote crime prevention along the Maple Avenue corridor route; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council strongly urge the Transportation and Environment Committee to support a small increase in the operating budget for Ride-On in the coming fiscal year in order to provide for expansion of late night service on the new Takoma Shuttle (old Route 17) similar to the current service on Route 12; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council strongly urge the County Council, during their budget process, to give serious consideration to expanding late night service on the Takoma Shuttle to coincide with the closing of the Takoma Metro's hours of operation; AND

BE IT FURTHER RESOLVED, THAT a copy of this Resolution be forwarded to members of the Montgomery County Council and to the Honorable Sidney Kramer, County Executive.

Dated this 29th day of February, 1988.

Introduced by: Mayor Del Guidice

RESOLUTION #1988-13

Resolution Supporting Modernization of Takoma Park
Intermediate and Community School

WHEREAS, Takoma Park Intermediate and Community School is in need of modernization due to its age (built in 1939) and the incomplete non-standard renovation done in 1972; AND

WHEREAS, Takoma Park Intermediate and Community School houses a flagship magnet program during the day and is utilized over 9000 hours by the community at night and on weekends;

WHEREAS, Takoma Park Intermediate and Community School has nine levels and is not accessible to handicapped people; AND

WHEREAS, the County Executive has asked that the modernization be delayed beyond 1994; AND

WHEREAS, the Board of Education has requested Capital Improvement money for FY' 1989 to plan for the modernization of Takoma Park Intermediate and Community School with completion by 1992.

NOW THEREFORE BE IT RESOLVED, THAT the City of Takoma Park supports the recommendation of the Board of Education of Montgomery County for the modernization of Takoma Park Intermediate and Community School to begin in FY'1989; AND

BE IT FURTHER RESOLVED, THAT a copy of this Resolution be sent to members of the Montgomery County Council and to the County Executive.

Dated this 29th day of February, 1988.