

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Public Hearing on Expenditure of Federal Revenue Sharing Funds
April 11, 1988

CITY OFFICIALS PRESENT:

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

The Mayor and City Council convened at 8:15 P.M. on Monday, April 11, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a moment of silence was observed in honor and commemoration of city resident Clayton Forshee, who had passed away on the weekend. The Mayor noted that Mr. Forshee served the city as a member of its Council for over 20 years.

The Minutes of the March 14 and March 28, 1988 Meetings were presented for approval; Councilmember Sharp moved approval, collectively, as written, duly seconded by Councilmember d'Eustachio. City Administrator Wilson noted that the attachment to the March 14 Minutes concerning the Senior Executive Pay Plan Amendment should reflect the fact that the amendment was retroactive to January 1, 1988 (the date line had been left blank). The Minutes were approved, as written, by unanimous vote.

ADDITIONAL AGENDA ITEMS:

Tenant Awareness Program Resolution (Wilson)

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

Wayne Upton, 7600 Maple Avenue: referred to upcoming changes in Ride-On service in the city which were discussed at length in earlier meetings; he said when the changes go into effect on May 1, he and others on Maple Avenue would be adversely affected insofar as going to and from Langley Park, particularly when carrying heavy grocery bags, because they would have a long walk from where they would leave the bus. In addition, he inquired what happened with the request to extend hours of service from the Metro station until midnight. Councilmember Hamilton explained that the resolution requesting the extension of hours of service was a budget request that the County Council would have to consider, and Ride-On had submitted the request to them. Concerning the problem of shopping, he noted the 13 Shuttle would run from Maple Avenue to the Takoma Metro station and back; to get to Langley Park, one would catch the #18 at the Metro or would catch the #17 on Maple, and coming back from Langley Park, one would get on the #17 and get off right in front of their building, as was now the case. Mr. Hamilton said he would be distributing detailed maps to people in Ward 4 so they could more accurately understand the route changes, and said the new schedules should be forthcoming in about 2 weeks.

The Mayor asked that Mr. Upton in future provide Deputy City Clerk Jewell with his materials for distribution in advance, to expedite progress of the meeting. Mr. Upton referred to the Drug Conference that would be held in latter April by the Council of Governments and inquired whether an agenda had been received, and whether the public would be welcome. The Mayor and Councilmember Hamilton both noted they would be attending, that the forum would be primarily for elected officials, law enforcement officials, etc., and that an agenda had not yet been received. Mr. Upton disseminated copies of a D.C. Government brochure concerning Crack; he commented on recent increased violence in Los Angeles that had been attributed to use of Crack. He reminded of the City's upcoming Drug Awareness Program on April 21 at 7:30 p.m. in the Municipal Building; Councilmember Hamilton commented perhaps a resolution would be forthcoming from that meeting that could be forwarded to COG. Mr. Upton remarked that a recent Washington Post

article had stated that the D.C. suburbs had the highest suburban drug traffic in the country.

David Weiss: commented he was a relatively new resident of the city, had moved here in November 1987, was a single parent of a 13-year old son and had a very modest income. He said he had been evicted from his low-income rental unit in Virginia, which had been bought by a Maryland developer, renovated, and the rents raised beyond being affordable for most former tenants. He said a small percentage of the units were designated Section 8 units, the majority of the tenants were evicted and their lives devastated. Mr. Weiss said he had been one of the tenant association leaders, and he elaborated upon the severe effects of the eviction process, particularly upon the children and the elderly, but also noted that one young woman in her late 20's, in her despair, had taken her own life. He said the social taboo of speaking about the tragedies that occur as a result of people being forcibly put out of their homes should be broken, and the Montgomery County Council and other responsible parties should be reminded that evictions kill, maim and weaken. He said mass evictions for purposes of private and public economic gain were America's method of Apartheid. He said housing for the poor and the prevention of homelessness were the moral issues of the 1980's and 1990's, and equated with the Civil Rights issues of the 1960's. In Takoma Park, he said the eviction process and its deleterious effects were already commencing due to the threat of the impending enforcement of the phaseout law, and no relocation efforts were being made by anyone. Additionally, he said the relocation assistance the county was offering was an outrage, was not as compassionate as they would like people to believe, and did not even meet the county's own standards for other similar situations. He asked that the Churches, leaders of the community, and elected officials dedicate themselves to obtaining a realistic and equitable relocation plan for those tenants impacted by the threat of enforcement, or the actual enforcement itself, of the phaseout law.

ITEMS FOR COUNCIL ACTION:

1. Resolution Endorsing Folk Festival Fundraiser.

The Mayor moved passage of the resolution, duly seconded by Councilmember Douglas. A member of the Folk Festival Committee spoke, remarking she hoped this would be the only benefit concert they would have to do, because the reason for the fundraiser was the inclement weather at the last festival that cut attendance to such an extent that proceeds were non-existent and the festival could not even meet expenses. She said it was hoped the concert would be wildly successful, and urged all to buy tickets and attend. She noted that the Folk Festival this year would be on September 18, a week later than it was usually held. For the record, the Mayor noted that the City might be hosting a group of American citizens that weekend who had returned from the Soviet Union where they participated in the Peace Walk Movement, and perhaps they could be entertained by the Folk Festival during their visit. The resolution was passed by unanimous vote.

RESOLUTION #1988-23
(attached)

2. Public Hearing on Expenditure of Federal Revenue Sharing Funds.

City Administrator Wilson noted that \$50,000 of FY-1988 capital funds was allocated for the Carroll Avenue Project, with \$45,000 of that amount slated to be expenditure of Federal Revenue Sharing Funds. He pointed out that the 2 years for expenditure was expiring and the funds were running out because they had been cut off last year -- this would be the last year to use them. He said if the elected body felt it desirable that those funds be expended elsewhere, staff had two alternative recommendations, i.e., an engineering study to develop a quantitative listing of the city's streets, curbs, gutters and sidewalks, and their condition; or, budget funding for the Accounting and Personnel Division's computer system. He noted that in order to meet federal requirements, once a specific use for the funds was decided upon, the City would need to conduct a Public Hearing on that specific use, hopefully prior to the end of the present Fiscal Year. The Mayor noted that in the current budget the funds had been designated for use for street repairs and had been so advertised; staff's recommendation was that the specific use be the repair of Carroll Avenue. Council-

member Leary inquired whether this was the project which had been under discussion recently and for which WSSC and the state would be paying. Councilmember d'Eustachio pointed out that the City would be paying for the project up front, and if there were reimbursement, that would not take place for a couple of years. Mr. Leary inquired whether it would, then, be appropriate to use revenue sharing funds for a purpose for which the City expected eventual reimbursement. Mr. Wilson commented that while one might construe in that event that the City had formulated a rather elaborate way of laundering the funds, it was not an ironclad certainty that the City would get the money back. Responding to Councilmember Martin, Mr. Wilson affirmed that \$45,000 was all that remained of federal RSF; however, the City had unappropriated reserve or contingency funds that could fund the project -- however, they had not been budgeted to do so. Also responding to Ms. Martin, Mr. Wilson said that RSF initially were a bone thrown to cities during the Nixon era when the federal government was making drastic reductions in the dollars that were being funneled to local governments, particularly in the areas of water, sewers, etc. He said the federal government set up a formula based on a variety of factors, and made direct distributions of funds to local jurisdictions based on the formula. He said after 10-12 years of diminishing distributions after an impressive initial start, the honeymoon was over, and the funds were cut off last year. He said the only uses omitted for these funds were for education, health and other social type programs; suggested uses included infrastructure, developmental kinds of activities, with a particular focus on moderate to lower income areas of the community; however, he said, in general, use of the funds was fairly flexible. Concerning the infrastructure engineering study that was mentioned as an alternate use, Mr. Wilson said the current need was not only to look at the city's streets, but to quantify the cost of reconstructing them and set priorities among the streets. He noted that an engineering report on the streets done in 1982 did not deal with the matter of dollars and cents, and that would be needed. While CDBG funds had been expended over the years to repair streets, curbs, gutters and sidewalks, through a process of citizen review and committee selection, what the city needed was an overall infrastructure plan in order to eventually get to the business of borrowing money through general obligation bonds for the purpose of addressing the entire infrastructure over a period of time. The Mayor pointed out that the 1982 engineering study, to his knowledge, did not prioritize needed infrastructure work.

Councilmember d'Eustachio moved that the \$45,000 in Revenue Sharing Funds be allocated for use in effecting repairs to Carroll Avenue, duly seconded by Councilmember Douglas. The motion carried by unanimous vote.

3. Carroll Avenue Repairs.

The Mayor noted receipt of a status update report from Daniel Neal, Director of Economic & Community Development, and the presence at the meeting of the City's Engineer, Henry Guilford. Mr. Neal summarized the results of a meeting between himself, Mr. Snyder of State Highway Administration, and Mr. Guilford, noting that Mr. Snyder had given his verbal approval of the project and permission to proceed, saw no problem in reimbursing the City at the time the state would normally be doing the project, which would be in FY-1989. Mr. Neal said he had requested written confirmation from Mr. Snyder concerning the reimbursement, but had not yet received a written response. He said, based on Mr. Snyder's statements at the meeting, he saw no risk in authorizing WSSC to proceed with their portion of the work. He said he would hope to be bringing a proposed contract award ordinance before the elected body within two weeks. The Mayor remarked that at the worksession on the subject, the question was raised about inclusion of a section of Carroll Avenue that was beyond the city's jurisdictional line, based on expectation of reimbursement from the state for the work. Mr. Neal said he had been assured by Mr. Snyder that the state would reimburse the City for that stretch of the road, amounting to about 300 ft., that extended from the City line to Longbranch Creek, if they wished to go ahead and include it in the project. Otherwise, the state would probably not be actually doing the work until sometime in 1990, despite Del. Franchot asking that the project be moved up timewise.

Mr. Guilford commented that while the 300 ft. stretch of road in question was in need of repair, it would not have any significant impact if it were not done concurrently with the other work being proposed; those other areas were in far greater need of repair. He commented briefly on options for letting the contract. Councilmember d'Eustachio inquired whether the option of bring the work in under the cooperative purchase portion of the procurement guidelines had been explored; Ms. Habada responded that Corporation Counsel Silber had opined the guidelines would apply to this sort of work. Mr. Guilford said he was confident the City would get the best price from Concrete General, but did not know whether it was required that additional bids be solicited. Responding to Councilmember Hamilton, Mr. Guilford estimated that to do the approximately 300 ft. strip of road beyond the city line, i.e., mill the surface, remove existing asphalt, seal cracks, lay new asphalt as well as new curbs and gutters, would cost approximately \$30,000 -- about \$80-\$90/linear foot. Councilmember Sharp commented he felt the work should be contracted in whatever way would be least expensive to the City and consistent with its laws; he said if the City funded the work on the short strip outside the city line, that would not be without cost to the City because it would not be earning interest on the money, and he would not favor including that portion in the work to be done. The Mayor noted that sidewalk repairs had not been included in the proposed work and inquired how much those would cost; Mr. Guilford responded that to put in new sidewalks from Flower Avenue to the city line on Carroll would cost about \$35,000. Councilmember d'Eustachio commented in favor of doing the sidewalk work at a later time after completion of the street work, pointing out that it would not save any money to do those concurrently with the street work and they would cost no more to do later. Councilmember Douglas pointed out, however, that a better price might be gotten on the sidewalk work if it were done at the same time because Concrete General would already be in the area doing work; Mr. Guilford affirmed that was correct. Mr. Sharp pointed out that if a systematic addressing of city infrastructure were going to occur, then having someone in the area doing that work areawide should give the City that same economic benefit; Councilmember Leary concurred with Mr. Sharp's opinion, pointing out that there were many areas in the city requiring attention and it did not seem appropriate to do areas at random simply because there happened to be a concrete company working in an area. Councilmember Elrich concurred with Messrs. Sharp and Douglas, favored doing only the proposed roadwork at present. Responding to inquiry from Councilmember Martin, Mr. Guilford estimated that to do the work on the 300 ft. strip of roadway outside the city line would take about a week whether it was done by Concrete General or by the state at a later time. In the course of ensuing dialogue, the Mayor pointed out that the state would be coming in later and repaving Carroll from Old Town all the way to Piney Branch Road, so doing the small strip now would not avoid later inconvenience insofar as having work occurring on that road, lanes closed off, etc. Responding to query from Councilmember Hamilton concerning traffic handling during the road work, Mr. Guilford said he would be coordinating with the contractor, but anticipated that while there might be short periods that the road was closed and traffic detoured, in general, he expected that while traffic might be one-lane and slowed down, there would be flagmen and the traffic could be kept moving. Councilmember Douglas moved adoption of the 8-point plan outlined in Mr. Neal's memorandum dated 4/8/88, limiting the work to be done from Flower Avenue to the furthest point of Garland Avenue (where Carroll meets Garland, i.e., the city's line). The motion was duly seconded by several members of the Council and carried by unanimous vote. Mr. Neal commented he would be bringing the proposed ordinance to authorize a contract with Concrete General before the Council two weeks hence; the Mayor noted the City Administrator would be forwarding written authorization to WSSC to proceed with their portion of the work.

4. Resolution Concerning Gypsy Moth Spraying.

Councilmember Leary moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Mr. Leary remarked on the debt of gratitude owed the small group of citizens who had organized a remarkable effort to deal with the serious Gypsy Moth situation facing the city. It was noted that adequate monies had been raised to cover spraying of all areas of the city that were seriously affected. Mr. Leary noted that some insurance protection under the City's policy

would be afforded the volunteers who had undertaken the effort and he again thanked them. He said he hoped that next year, the City would be able to arrange in advance to provide the necessary leadership on the effort that would again be needed to deal with the situation.

Dave Lanar, a resident of Holly Avenue and active in the Gypsy Moth effort, commented that about \$31,885 had been raised, which would fund spraying approximately 886 acres -- pretty much all of the city. Councilmember Martin commented that flyers had not been distributed in her neighborhood; Mr. Lanar responded that at the present time, it would be up to residents of any area that had not been covered to ensure that was done, if they so desired. Councilmember Douglas remarked he would like to thank Lee Feltsine and Larry Hotis who had taken the time to distribute flyers in the S.S. Carroll neighborhood after it was discovered that area had not received the information. Mr. Douglas said people in that neighborhood felt this situation was something the City should be dealing with, and he would be inclined to agree. The Mayor remarked on the need to allocate funds in the budget for such projects. In response to query from the Mayor, Mr. Lanar said the group had not yet incorporated, but planned to do so before next year's Gypsy Moth season and would become a non-profit organization. The resolution was passed by unanimous vote. It was noted there was a blank space in the second "Whereas" clause requiring insertion of information. Mr. Lanar noted the need for a letter from the City Administrator giving permission for spraying of city parks, which he said was required by the FAA. It was pointed out that Park & Planning in both counties should be contacted for permission inasmuch as park land would likely be included in the spraying.

RESOLUTION #1988-24
(attached)

5. Second Reading of an Ordinance Amending the Rent Guidelines.

Councilmember Sharp moved adoption of the ordinance which was accepted for First Reading in February, duly seconded by Councilmember Elrich. The Mayor noted that among other things, the ordinance would reduce the number of units required for applicability, would remove the present exemption for certain types of properties such as those managed by public authorities, etc. Councilmember Sharp, Chair of the Housing Committee, commented that he did not anticipate, given the amount of modification to be made to the legislation, that final adoption would occur at the present meeting; the Mayor concurred, but hoped significant progress would be made. Councilmember Leary commented that at the last worksession discussion, there had been strong sentiment for exempting accessory apartments, and perhaps single units, from being subject to the provisions of the ordinance.

George Leventhal, 710 Erie Avenue: spoke in favor of the ordinance, saying he felt it would provide security and protection to tenants of units not currently covered by the law, would ensure proper maintenance. He clarified that he supported the ordinance being applicable to accessory apartments and 4 units or less.

Ginja Carter, Neighborhoods Together, Inc.: asked for clarification of which version of the legislation was under consideration; it was noted that under the law as presently written, federal government housing and HOC projects were exempt, as well as 4-unit or less buildings.

Mark Winston, Commissioner, Montgomery County Housing Opportunity Comm.: remarked he was accompanied by Mr. Bernie Tatro, Executive Director of HOC, and was present to express the opposition of HOC to that part of the proposed ordinance that would modify the City's Rent Guidelines and delete the current exemption of HOC from being subject to compliance. He said HOC was a public corporation established by state and local law to build, manage and finance housing for people of low and moderate income. He related some background history and the composition of the commission, and related that HOC currently owned 2,415 units of assisted housing, 625 of which were scattered units purchased under the county's moderate priced dwelling unit program. He related that since 1979, the commission had issued over \$837,000,000 in tax exempt bonds, the proceeds of which had produced 7,962 multi-family rental units and had financed 5,135 single-family mortgages. In addition, he said, HOC administers the county's federal rental assis-

tance program involving 2,645 Section 8 certificates and vouchers. He said many of the multi-family rental developments that HOC owned and managed were administered under federal regulations; with the exception of those, he said, HOC tried to serve a broad economic mix in their other developments in the belief that that balance was desirable for both social and economic reasons. He pointed out that the federal government had virtually abandoned its commitment to subsidizing housing for low-income families, and the commission had been forced to provide funds through other means for those families. He explained that HOC set rents at a percentage of family income; as income rose or fell, rents were adjusted accordingly -- in effect, upper income families helped to subsidize rents of low income families -- referred to as cross-subsidization within a particular development. He said that compliance with Takoma Park's Rent Stabilization Law, while not impossible, was impractical, for HOC's purposes. He said the whole mission of HOC was to serve the low and moderate income people of the community and to provide affordable housing for them, and spoke concerning the problems HOC had faced in the last 7-8 years, caused primarily by cuts in funding and commitment by the federal government. He said the deletion of the exemption for HOC from the City's law would make it difficult for them to serve the needs of the community's low income families, and HOC did not need to be reminded of their objective of serving the needs of those people for affordable housing. Mr. Winston said he had attached a summary of the impact of the proposed ordinance on the commission's ability to perform their function to other documentation submitted to the Council, and spoke concerning HOC's cross-subsidization concept, how it worked, and how HOC feared the City's law would impact upon it. He remarked that in order for cross-subsidization to work, every dollar that the situation would permit was needed, and HOC feared that the reductions that would be imposed by the City's law could do serious damage to the process.

Councilmember Sharp pointed out to Mr. Winston that there was provision in the Rent Stabilization Ordinance for permission to increase rents in excess of 4% (or the prevailing increase ceiling level) through a COLTA hearing process. In the course of ensuing dialogue, Mr. Winston reiterated the primary goal of HOC, and said that they would try to bring people into units at the lowest possible rent for their own purposes -- not because Takoma Park or Rockville or any other jurisdiction had rent stabilization legislation in place; he said they would try to get the lowest figure possible for the largest number of people and would have to also consider what the economic dictates were of the transaction. He pointed out that HOC was not a profit-making agency -- their whole objective was apparently the same as the intent of the ordinance. He commented he frankly had some difficulty in understanding the reason for the proposed repeal of the exemption as it would apply to HOC, inasmuch as no one had a keener interest in keeping rents down than did HOC. Mr. Sharp expressed concern that in an HOC-owned building in the City, if it were not subject to rent stabilization, rents on units to upper-income persons could be raised to levels such that those persons would vacate their units in favor of ones renting for less in other buildings, and ultimately, the economic diversity of the building would be adversely affected. Mr. Winston commented he did not feel that was a problem about which HOC was concerned, nor did he think the City Council should be worried about it; he commented that HOC had a broad range of experience in dealing with the broad range of incomes to which they market their developments, and the scenario depicted by Mr. Sharp had simply not presented a problem. Councilmember d'Eustachio inquired what percentage of HOC's units were located in Takoma Park; Mr. Winston responded he did not know; Mr. Tatro said it would be some portion of the 2,645 units under the Section 8 program which were distributed throughout the county -- probably between 5-10% of those units. Also responding to Mr. d'Eustachio, Mr. Tatro said that none of the more expensive units which were a factor in cross-subsidization were located in Takoma Park -- any HOC units in the City were low-income units. In the course of ensuing discussion, Mr. Tatro clarified that cross-subsidization occurred within a given development, some developments had had to be subsidized initially to some extent from outside funds, but one development was not expected to cross-subsidize another -- HOC, once a development was in place, expected that project to function internally and had to examine ways to ensure that was the case. Mr. d'Eustachio commented that given the

relatively small number of HOC units in the City and the fact that most, if not all, of those were low-income units, it would not appear that the City's law would have any significant impact on HOC and its function. Mr. Winston commented that he felt that leaving the ordinance as presently written -- with HOC being an exempt entity -- would also have a negligible effect on the community. Mr. d'Eustachio said that HOC's subsidized rents on units were high, and that those rents were used as comparables by other landlords and tend to escalate rents in other buildings; if HOC were subject to rent stabilization, that situation would not be occurring. Councilmember Elrich commented that he had no problem with what percentage figure HOC required subsidized people to pay for their units, but did have a problem with the total rent value HOC placed on particular units; in addition, he said he had a concern about the building HOC might conceivably purchase in Takoma Park inasmuch as he felt an injustice could occur in connection with those tenants who were not low low-income, but who were below the median income for the county, and who might find their rents raised to a level that was untenable for them. He said he feared what could happen was that the diversity would be affected and the building could end up being almost all federally subsidized Section 8 units. Mr. Winston said he did not foresee that in view of what HOC hoped to accomplish; he said HOC's whole purpose would be to have diversity in the building, as had been the case in all their more recent developments; he said they had found that necessary in order to make the buildings function financially, and that it was most desirable from a social standpoint. Mr. Elrich commented he did not see what harm would be done HOC in relation to the scattered Section 8 units if those units were subject to rent stabilization and were subsidized up to a lesser total dollar amount, which would amount to dollars saved. Mr. Winston said the focus of his commentary had been on the non-Section 8 situation, however, what Mr. Elrich was addressing would essentially be regulating the landlords and potentially reducing the extent of the federal commitment to paying for Section 8 rents -- which would be an ironic way of saving federal budget dollars as an outgrowth of the ordinance -- and might be desirable in the short view. He said his discussion, however, was primarily concerned with the non-Section 8 situation, and the one in particular.

Councilmember Douglas inquired what the harm would be to HOC if the rents they subsidized were at a somewhat lower level under rent stabilization; Mr. Tatro responded there would essentially be little or no harm, other than the fact that the subsidized rents were allegedly slightly higher than the market rate for units subject to rent stabilization. Mr. Douglas said while he understood HOC's concept of cross-subsidization, he did not see how it differed from allowing a private individual to do the same thing -- and the City did not allow private individuals or corporations to do that under the Rent Stabilization Law. Mr. Winston commented that HOC was serving a public purpose and the other entities mentioned were not -- they would have a greater need to recover additional dollars than HOC because their costs would be greater and they would have a greater need for a return on their investment. He said if there were no difference between the two situations, there would be no point to the existence of the commission. Mr. Douglas commented it appeared that the implication was that HOC felt that the rents of persons whose income exceeded a certain level should not be subject to rent stabilization, or the stabilization guidelines should be higher for those with higher incomes, and cross-subsidization as outlined by HOC could then occur within large apartment complexes in the city. Mr. Tatro said that was a good idea, by the way, and the Council might want to think about it as a sort of MPDU concept, where a portion of the units in a development would have to be below the median level and the market rate units would help to support those, which would generate some low-income units in the city housing stock. Mr. Douglas concurred that might be good social policy, and the Council might want to consider it at some point in time. Responding to Mr. Douglas, Mr. Tatro reiterated that the reason HOC was different from other entities that control or manage housing and were subject to the City's rent stabilization was that they serve a public purpose that the others do not. Responding to Councilmember Leary, Mr. Winston stated he could not make a blanket statement to the effect that HOC would have no problem with Section 8 units being subject to rent stabilization; it was noted during discussion, that on the Section 8 units, it was the

tenant who actually signed the lease. Mr. Leary pointed out that rent stabilization would affect only the total rent amount that was paid for a Section 8 unit -- not the percentage that HOC required the tenant to pay. Councilmember Hamilton commented that one of his concerns was that landlords would only set Section 8 certificates for 3-bedroom apartments because they could get a higher subsidized rent for those units, and accordingly, set the rents on their 2-bedroom units at a higher level because of the elevated rents on the 3-bedroom apartments. Additionally, he said Mr. Hurowitz had stated he would have no problem honoring the City's Rent Stabilization Guidelines if HOC bought 7611 Maple Avenue. Mr. Tatro said what the situation boiled down to was a question of whether the City wanted HOC to help fewer low-income people, because that would be what it would amount to if HOC were subject to the City's Rent Stabilization Guidelines. Responding to further inquiry from Mr. Hamilton, Mr. Winston stated HOC would probably have to raise rents in any building they should purchase in the City, however, that was really an unknown because it would depend upon the particulars involved in any specific building. Councilmember Leary commented he was satisfied that any Section 8 units in the city would not be adversely affected by adopting the ordinance as it presently read -- i.e., deleting HOC's exemption from being subject to rent stabilization; he said he did, however, share with HOC a concern about how the law would affect HOC-owned buildings, if such were to exist in Takoma Park. He said he did think HOC's approach, cross-subsidization, was a sensible way to try to stimulate a greater supply of moderate-income housing, and he would not want the City's laws to prevent that from occurring. He said if, or when, that should become a problem, he certainly would favor efforts to relieve the problem.

The Mayor commented that the elected body had started considering the legislation at hand long before there was any question of HOC purchasing 7611 Maple Avenue. He said it was primarily in connection with concern about rents on Section 8 units that the legislation first arose, particularly in the use of those units as comparables for purposes of raising rents on other apartments. He said an additional concern was the incentive in the market today for private landlords to get more and more Section 8 units in their buildings when those units were not subject to rent stabilization. He remarked that the elected body did not want the City to become one where there was expensive rental housing and very low income rental housing, with little or nothing in between -- and the concern was that that could easily happen with the lack of any rent control on Section 8 units. Mayor Del Giudice said he could more readily understand HOC's apparent concern if it were the County Council enacting such a law, however, if the City were to do so, it would give HOC a basis of comparison between the two situations if they were to purchase a building in the City, inasmuch as they would then have one that was subject to strict rent control and others that were not. He said there was a basic feeling on the City Council that if rent stabilization were going to exist, it should treat all those in similar circumstances in the same way. He said that while the City was one of the few jurisdictions that has rent control, comments had been made that it was also one of the few places that one could find affordable units in large apartment buildings. Mr. Winston reiterated that aside from the Section 8 units, he would hope that HOC might be treated differently in regard to any development they might acquire in the city, inasmuch as they were indeed different from private owners of rental properties.

Julie Matthews, tenant of 7611 Maple Avenue: said HOC intended to purchase the building in which she resides and she was very concerned that due to her high income level she might not be able to retain her apartment under HOC's ownership. She said she was desperately concerned about cross-subsidization because she pays taxes through which housing is subsidized for low-income people, and she did not want to be taxed twice for that purpose. She said while she understood and believed in HOC's purpose, she had grave reservations about their taking over the building, and also believed that the tenants could operate the building for low- and moderate-income families in a reasonable manner. She urged that the Council adopt the proposed legislation.

Councilmember Douglas noted receipt of a letter from Richard Prairio

on March 11; he said Mr. Prairio was unable to attend the meeting, but had asked that his comments be made a part of the record.

Councilmember Hamilton moved that amended Sections 2 and 3 (page 2, para. 4 and 5) of the proposed ordinance be deleted, duly seconded by Councilmember Elrich. The amendment was passed by unanimous vote.

Brint Dillingham: said he favored extending the protections of the ordinance to as many people as possible; inquired whether HOC had stated how many tenants in the City were affected by their agency. Mr. Leary responded they had stated approximately 10% of 2,600 units were Section 8 in Takoma Park.

Councilmember Leary moved to amend the proposed ordinance by the addition of another subsection to the appropriate section which would exempt any accessory apartment, as defined in Section 59-G-2.00 of the Montgomery County Code. The motion, for purposes of discussion, was duly seconded by Councilmember d'Eustachio. Mr. d'Eustachio pointed out that if Mr. Leary's intent was to exempt accessory apartments throughout the city, then the reference to the Montgomery County Code would be in conflict, inasmuch as it made reference to certain zoning that didn't exist in Prince George's County. In addition, he pointed out there were some units in Prince George's that could be considered double accessories, inasmuch as they were owner-occupied but contained two other units as well. Mr. Leary responded that his intent was to cover accessory apartments throughout the city, including those in Prince George's, the double accessories as well, if they were in conformance with zoning regulations.

Following brief discussion with Housing Services Director Weiss concerning differences between zoning regulations and accessory apartments in the two counties and fair and equal application of the law, Councilmember Douglas moved that the ordinance and the motion on the floor be referred back to the committee for further work; the motion was duly seconded and carried unanimously. The Mayor noted the subject would be taken up at the next worksession.

ORDINANCE #1988-
(attached)

6. Resolution Concerning Tenant Awareness Program.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Economic & Community Development Director Neal asked that the following changes be effected: 1) that on page 1, line 3, of the Guidelines, under "Program Description," "corporations" be changed to read organizations; 2) on page 5, line 1, the first phrase in the first sentence which read "Upon submission of the required information," be deleted. For the sake of consistency, Mr. d'Eustachio suggested that "the applicant's corporate officers" be replaced with the applicant's representatives. In addition, Mr. Neal suggested the addition at the bottom of page 5, just before Part 3, "Program Information," of a separate one-sentence paragraph which would read, All applications and case files are deemed to be confidential. He explained that the files could contain personal financial information, and that, possibly, certain information in them could be misused in situations where a building was going to be sold. Councilmember Douglas moved that Mr. Neal's suggestions be considered amendments to the resolution; the motion was duly seconded by Councilmember Hamilton. The amendments were passed by unanimous vote.

Following brief discussion with Mr. Neal concerning page 1 of the Guidelines and the deposit of funds into the revolving fund and subsequent use of those funds, Mr. Douglas moved that the language "may be used to make additional loans," be amended to read will be used; the motion was duly seconded by Councilmember Hamilton and carried by unanimous vote.

Responding to inquiry from Councilmember Martin about a section the county had asked him to delete, Mr. Neal explained that initially, as a result of very productive and helpful consultations with the Housing Committee, he had included language that would allow the making of loans to non-profit housing development organizations in

the city to enable them to administer programs of low- or moderate-income housing development ownership. He said the problem was that that would be considered administrative money versus money used for acquiring buildings. He said the county flat out would not allow that use. He noted that administrative money was essentially a grant rather than a loan, inasmuch as it was not tied to a building and probably would not be repaid. Mr. Neal pointed out that under federal law, only 20% of grant money could be spent for administration, and the county had already maxxed out on that amount, so HUD would not allow them to commit additional monies to administration. He explained that training courses for tenants, if related to the particular purchase of a building, would not be considered administrative, but property acquisition expenses. However, if an educational program for tenants were conducted, with no particular building acquisition in mind, then it would be considered as administrative expense. Mr. Neal remarked there would likely be a series of educational events for tenants in the city.

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

RESOLUTION #1988-25
(attached)

Responding to Councilmember Hamilton, Mr. Neal stated program applications would be available from his office by the end of the week.

Ginja Carter, Neighborhoods Together, Inc., commented her organization had applied for funding from the county, but had been turned down; she said she was glad the City had gotten funding.

Mayor Del Giudice reminded that the first budget-related Public Hearing would convene the following evening at 7:30 p.m., at which time proposed budgets for Administration and Housing Services would be addressed.

Upon motion, duly seconded, the meeting adjourned at 11:07 p.m., to reconvene in Regular Session at 8:00 p.m. on April 25, 1988.

CITY OF TAKOMA PARK, MARYLAND

Council Meeting Summary
April 11, 1988

The following Resolutions were passed:

- #1988-23 - Endorsing the April 16 Folk Festival Fundraiser
- #1988-24 - Authorizing City Administrator to Co-sign Contract with East Coast Helicopter Company (for gypsy moth spraying)
- #1988-25 - Adopting Tenant Awareness Program Description and Guidelines

The following Ordinance was accepted for First Reading:

- Rent Guidelines Amendment

FOR COPIES OF ANY OF THE ABOVE LEGISLATION, PLEASE CONTACT THE
DEPUTY CITY CLERK, PAULA S. JEWELL, 270-1700

D R A F T

RESOLUTION #1988 - 23

A RESOLUTION ENDORSING THE TAKOMA PARK FOLK FESTIVAL
FUNDRAISER CONCERT

WHEREAS, the Takoma Park Folk Festival Committee is sponsoring a benefit concert on Saturday, April 16, 1988 at 8:00 p.m. at the auditorium of Montgomery Blair High School (corner of Wayne Ave and Dale Drive, Silver Spring) to raise funds for the fall 1988 Folk Festival and for the local youth groups the non-profit festival benefits.

WHEREAS, the Folk Festival, now in its tenth year, has an important role in the community and has become closely identified with the spirit of Takoma Park.

WHEREAS, the Folk Festival Committee has been so strapped for funds since rain diminished crowds and profits from food sales at the 1987 festival that, for the first time, there was no money left over to donate to the designated youth groups.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the City of Takoma Park, Maryland, do hereby endorse the Takoma Park Folk Festival Fundraiser on April 16 at Montgomery Blair High School. We encourage residents to participate in the fundraiser concert and otherwise show their continuing support for the Takoma Park Folk Festival.

Dated this 11th day of April, 1988.

DRAFT

Introduced by: Councilmember Martin

Adopted: April 11, 1988

RESOLUTION NO. 1988-24

- WHEREAS, several citizen groups and citizens have voluntarily initiated a second spraying for gypsy moths in Takoma Park, AND
- WHEREAS, a second spraying is considered a prudent and necessary follow-up to the proposed and scheduled State spraying for Gypsy Moths on _____, AND
- WHEREAS, these volunteers have contacted the East Coast Helicopter Company which will perform the second spraying, AND
- WHEREAS, a contract has been drawn to execute the second spraying, AND
- WHEREAS, the Citizen Associations have asked that the City co-sponsor the 2nd spraying program,
- NOW THEREFORE BE IT RESOLVED THAT, the City Administrator is authorized to cosign this contract along with the designated representative of the volunteers.

INTRODUCED BY: Councilmember Hamilton
DRAFTED BY: D. Neal

ADOPTED: 4/11/88

RESOLUTION NO. 1988-25

WHEREAS, the City of Takoma Park has received a Community Development Block Grant (CDBG) in the amount of \$25,000.00 to establish a Tenant Awareness Program (TAP) to assist Takoma Park tenants with efforts to organize and acquire their buildings; AND

WHEREAS, it is necessary to adopt program guidelines and eligibility criteria to ensure the smooth and equitable functioning of the TAP; AND

WHEREAS, the Takoma Park Division of Economic and Community Development (DECD), which is charged with implementing this program, has developed program guidelines and eligibility criteria for the TAP in consultation with the Mayor and Council; AND

WHEREAS, the guidelines and eligibility criteria that have been developed have been reviewed and approved by the Montgomery County Department of Housing and Community Development in accordance with the City's CDBG contract with Montgomery County;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and City Council hereby adopt for the City of Takoma Park the Tenant Awareness Program "Program Description and Guidelines," which are attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED THAT the Division of Economic and Community Development is hereby authorized to implement the TAP as expeditiously as possible and in accordance with the City's FY 1987-88 Annual Budget.

ADOPTED THIS 11th DAY OF April, 1988.

wp,disk #7
tap.res

Rev. 22 April 1988

CITY OF TAKOMA PARK
DIVISION OF ECONOMIC & COMMUNITY DEVELOPMENT

TENANT AWARENESS PROGRAM (TAP)

PROGRAM DESCRIPTION AND GUIDELINES

I. PROGRAM DESCRIPTION

The Tenant Awareness Program (TAP) is designed to provide certain bona fide tenant organizations and not-for-profit housing development organizations in the City of Takoma Park with the skills and resources necessary to promote and/or sponsor the purchase of multi-family residential properties by tenants. There are two fundamental premises underlying the program. First, it is accepted that home-ownership is a desirable goal for many low- and moderate-income tenants. Second, in order to make achievement of this goal a realistic possibility, tenants, tenant organizations, and not-for-profit housing development corporations generally need financial support to pay for educational and "soft cost" expenses (e.g., training courses, legal fees, survey fees, building inspections, title report fees, financial consulting fees, etc.) necessary to structure a viable and successful tenant-sponsored purchase. The TAP does not cover financing of the purchase itself.

Under the TAP, eligible organizations may borrow up to \$10,000.00 to cover eligible property acquisition expenses or the expenses of promoting a program of limited equity cooperative development. These funds are made available on a short-term line of credit basis. That is, the eligible organization is able to borrow up to \$10,000.00 but actually borrows only what is needed to effect a tenant-sponsored purchase or a program of cooperative development. The maximum amount of the loan is determined by the size of the subject property. Funds are made available for reimbursement or direct payment of eligible and approved expenses only; no funds are distributed directly to the participating organization except for properly documented reimbursements. Approved loan proceeds are held in escrow in the TAP revolving fund until disbursement. Repayment of the total amount borrowed is deferred until settlement of the assisted purchase, at which time all credit extended to the organization is due and payable. The loan made to the organization bears no interest. The loan repayments are deposited into the existing Housing Rehabilitation Revolving Fund and will be used to make additional loans under the TAP. In this way, the program is self-perpetuating.

It is recognized that tenant-sponsored purchases are sometimes difficult to bring about. It is also the case that tenant organizations generally lack the means to repay money they may need to borrow in the event such a purchase opportunity arises. Therefore, TAP loans are potentially forgivable. Should the borrowing organization fail to effect a tenant-sponsored purchase, despite its best efforts, the loan is forgiven. Thus, organizations attempting to arrange a tenant-sponsored purchase are able to pursue their goal with little or no risk.

The TAP is administered by the Takoma Park Division of Economic and Community Development (DECD). The program is funded with a \$25,000.00 Community Development Block Grant made available through the Montgomery County Department of Housing and Community Development (DHCD). The TAP eligibility criteria and administrative guidelines are established by resolution of the Takoma Park Mayor and Council subject to compliance with applicable federal guidelines.

II. PROGRAM GUIDELINES/ELIGIBILITY CRITERIA

A. WHO MAY PARTICIPATE

In order to be eligible to participate in the TAP an organization must meet the following eligibility criteria:

1. The participating organization must be either an incorporated tenant association or an incorporated not-for-profit housing development corporation.
2. The participating organization must be seeking to effect a specific tenant-sponsored building purchase. The purchase can be structured as either a cooperative or a condominium conversion. (Priority shall be given to those prospective tenant-sponsored building purchases that would result in the creation of limited equity cooperatives.)
3. A minimum of fifty-one percent (51%) of the tenants residing in any subject property must sign a petition evidencing their interest in acquiring the subject property.
4. The subject property must be in the City of Takoma Park.
5. The participating organization must be based in the City of Takoma Park.
6. The current owner(s) of the subject property must indicate in writing a willingness to sell the property or the property must be for sale on the open

market. The availability of the property under the Takoma Park Tenant Opportunity To Purchase law satisfies this criterion.

7. The participating organization must be willing to provide DECD with all appropriate documentation necessary to establish eligibility and justify disbursements.
8. Though it is intended that the participating organization will act with some independence in developing its acquisition strategy, it must consult with DECD prior to final approval of assistance. Subsequent to this consultation, the participating organization must submit a proposed acquisition plan and budget. The acquisition plan shall recognize that the TAP does not provide purchase money.
9. The participating organization must consent that no fewer than fifty-one percent (51%) of the residents in the proposed acquisition project will, after acquisition, meet HUD-approved low- to moderate-income guidelines. The participating organization must agree to verify this.

B. ELIGIBLE EXPENSES

The following is a list of eligible expenses under the TAP. This list is not all-inclusive. DECD will determine the eligibility of expenses not listed here on the basis of applicable federal guidelines and the necessity of the expense given the particular circumstances of acquisition projects.

1. Legal fees.
2. Real estate commissions and brokers' fees.
3. Appropriate consulting fees for acquisition-related financial, property inspection, engineering, educational, or managerial services.
4. Survey and title search fees.
5. Administrative expenses associated with tenant purchase (e.g., postage, duplication, paper, etc.).
6. Processing fees associated with applications for interim or permanent financing.
7. Training and tenant education relating to tenant-sponsored building purchases.
8. Costs related to the development of appropriate grant applications.

C. TERMS OF THE LOAN

Loans made to participating organizations under the TAP are made on a line of credit basis. The loans bear no interest and repayment is deferred (i.e., the loan is not due and payable) until settlement on the property being acquired. In the event that the participating organization fails to effect a tenant-sponsored building purchase, despite its best efforts, the loan will be forgiven. The amount of the loan is based upon the size of the building the participating organization is seeking to acquire or other applicable program criteria. The minimum loan is \$1,000.00. Maximum loan amounts are as follows:

<u>Subject Property</u> _____	<u>Maximum Loan Amount</u>
2-4 units	\$ 2,500.00
5-20 units	\$ 7,000.00
21-99 units	\$10,000.00

Special waivers of the applicable maximum loan amount may be granted by the TAP Loan Approval Committee under extraordinary circumstances, if, in the judgement of the Committee, the waiver is warranted.

D. HOW DOES IT WORK?

In order to receive funds under the TAP, an organization must submit to DECD the following:

1. A DECD-approved application form.
2. Evidence of incorporation or, in certain instances, copies of a bona fide partnership agreement.
3. A list of corporate officers and corporate By-laws.
4. A petition signed by at least fifty-one percent (51%) of the residents of the property the organization seeks to acquire that indicates that a majority of the building's tenants are interested in the possibility of a tenant-sponsored acquisition.
5. Satisfactory evidence that the subject property is for sale or that the current owner is willing to negotiate the sale of the property.
6. Evidence that 51% of the building purchasers are of low or moderate income or a written pledge from the purchasers that 51% of the units in the subject property will be made available to low- and/or moderate-income households.

The applicant's representatives shall meet with DECD staff to develop an acquisition plan and budget. The applicant will be required to approve this plan and budget and submit them to DECD.

The application package and acquisition plan and budget are then presented to the TAP Loan Approval Committee. The TAP Loan Approval Committee comprises the following:

- 1) Director, DECD;
- 2) Director, Department of Housing Services;
- 3) One Mayoral Appointee with expertise in multi-family housing development (preferably, the development of limited equity cooperatives); and
- 4) Community Development Coordinator.

The application package and acquisition plan and budget will also be reviewed by the City Administrator or his designee for the purpose of ensuring that adequate TAP funds are available for proposed loans. All applications and case files are deemed to be confidential.

The TAP Loan Approval Committee will review applications in accordance with loan approval guidelines developed by the Committee. The TAP Loan Approval Committee will render a final decision within fourteen (14) days of the date it receives the information necessary to render a decision on the loan request. DECD will notify the applicant of the decision in writing and arrange for the settlement of approved loans.

DECD will be responsible for monitoring the progress of the acquisition project, processing payment and reimbursement requests, and managing the TAP Revolving Fund. All requests for payment or reimbursement will be routed through the City of Takoma Park Accounting Division for payment. Representatives of the participating organization will be required to attend periodic progress meetings with DECD staff and to submit periodic project status reports.

The Director of the Division of Economic and Community Development shall be authorized to waive these guidelines should circumstances warrant. In the event that any of these guidelines are waived by the Director of DECD, the Mayor, Council and City Administrator shall be so notified within seven (7) days of the date the waiver is granted. This notification shall state what part(s) of the guidelines were waived, for whom they were waived, and the reason(s) for the waiver.

The TAP will remain in operation for as long as funds and adequate DECD administrative staff are available.

III. PROGRAM INFORMATION

Additional information about the Takoma Park Tenant Awareness Program is available from:

Daniel J. Neal, Director
Division of Economic and
Community Development
7500 Maple Avenue
Takoma Park, Maryland 20912

Tel.: 301-270-1700

THESE GUIDELINES WERE APPROVED BY THE TAKOMA PARK MAYOR AND
COUNCIL PURSUANT TO ADOPTION OF RESOLUTION NO. 1988-25 ON 11
APRIL 1988.

D. Neal: d#09

TAPGDLNS

CITY OF TAKOMA PARK, MARYLAND

Public Hearing on FY-1988-89 Proposed Budgets
for
Administration and Department of Housing Services
April 12, 1988

CITY OFFICIALS PRESENT:

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

The Mayor and City Council convened at 7:35 P.M. on Tuesday, April 12, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of conducting a Public Hearing on proposed budgets for Administration and Housing Services Departments for the upcoming fiscal year.

GOVERNMENT ADMINISTRATION:

Mayor Pro-Tem d'Eustachio called the meeting to order, and asked that City Administrator Wilson give a brief overview of the Administration portion of the proposed budget. Mr. Wilson noted the Mayor would be a bit late for the meeting due to obligations at his other employment. He pointed out that the current meeting was the first of a series, to be followed by two additional public hearings and 3 worksessions, with closure of the process to hopefully occur by May 31. He commented that the proposed budget was based on a premise of there being little or no additional revenues available in the coming year, so there would be few, if any, add-ons to prior budgets; staff had been asked to prepare a zero-growth budget, with any variations in line items to be absorbed within the limits of that budget. He said they were asked to also prepare a prioritized supplemental budget for any items they would like to see added to their basic budget. Line item operational budgets were reviewed with department heads, he said, and recommendations were made concerning additions. Supplemental budgets were reviewed, and those would require the use of about \$75,000 reserve, which he said was not the best of ideas, but would be required in order to add even a modicum of what had been requested by the departments. Mr. Wilson said one of the reasons for the approach used was that he did not wish to recommend an increase in the property tax rate; he said there was apparently a tailing-off of the assessable base's rate of increase over the past 5-6 years, and he felt the City had come to a point where it had maximized the use/dependency on property tax within the budget. Mr. Wilson said in examining the supplemental budgets, he had used a number of criteria to evaluate program proposals, e.g., potential for expanding revenue base, potential elimination of wasteful practices, innovation and creativity with a potential for reduction in operating costs, improved level of service delivery, and potential improved organizational climate which would create a sense of employee commitment and participation. Mr. Wilson noted the detailed budget summary, and pointed out that about 50% of the revenues come from property tax.

Mr. Wilson noted slight increases and some decreases in the various departmental budgets within Administration. He pointed out that in Government Administration, it was proposed that the vacant Clerk Typist III position be eliminated, reducing staff by one position, and that transcription of Council Meeting Minutes, which was the basic focus of that position, be accomplished on a contractual basis. He noted it was proposed that the budget be adjusted to accommodate maintenance of the 15 City-owned computers located within various City departments; maintenance of that equipment would be dealt with in the Administration budget, regardless of its physical location, with the costs later adjusted department-wise, as needed; a new line item had been created for computer supplies, which was obviously needed. An increase in contract expenditures was requested, in order to

provide the aforementioned Minutes transcription, as well as other consultant services, e.g., personnel manual preparation, personnel classification followup, performance bonus system development. In addition, he said, an approximate \$5,000 increase was anticipated in cost for auditing services; a \$5,000 increase was projected in legal costs as well.

Councilmember Leary noted absence of any explanation of non-departmental line items and pointed out that appeared to be the one area where there were significant differences between the last budget and the proposed one. Following brief discussion, Ms. Habada pointed out that all account narratives were not yet completed, and those would be provided prior to being addressed. Additionally, Mr. Leary said he would like to see justification for recommendations made concerning various items in supplemental budgets. Mr. Wilson commented he had based his recommendations on the criteria mentioned earlier, as well as on department heads' priorities and their justifications and rationales included in the narratives submitted as a part of their supplemental budgets.

Councilmember Hamilton commented he would like to propose the addition of \$5,750 to line item 503, Mayor & Council Contingency Fund, with \$5,000 to be allocated for use in instituting an annual 4th of July picnic for City employees and their families, and \$750 to be used for Certificates of Appreciation for deserving employees and for residents who serve on committees and commissions set up by the Mayor and Council. Councilmember Sharp inquired from where Mr. Hamilton proposed to get the additional funds; Mr. Hamilton responded that while he would not want to take it from reserves, perhaps a portion of the police rebate received could be so used, or Council could keep the proposal in mind as the budget is examined to see whether there were funds that could be so designated. Councilmember Leary commented it was his assumption that, barring significant changes in the base budget, when the supplemental budget was considered, there would be about \$200,000 for allocation (primarily revenue from the police rebate); he said it appeared to him that what Mr. Hamilton had suggested would appropriately be considered as a part of the supplemental budget. Mr. Wilson pointed out that none of the revenues included in the proposed budget were based on assumption or anticipation, only those that were either already accounted for or were based on past performance had been included, so any new revenues would not have been proposed for allocation.

Councilmember Douglas referred to the contractual arrangement for Minutes transcription mentioned earlier, and inquired whether that was included in line item 510. Mr. Wilson affirmed that was correct. Councilmember Sharp pointed out that the two lines did not appear that much different, i.e., last year's expenditure vs. what was proposed; he inquired whether the position had been vacant for most of the year. Mr. Wilson affirmed that the position had been vacant all year. Brief discussion ensued concerning another clerical Administration position which, if the individual currently occupying the position were transferred to the Division of Economic & Community Development, would still remain as an Administration position, with a position being added to E. & C.D. Concerning auditing services, Mr. Wilson stated that the bid process would be upcoming, this was the last year of the 3-year contract.

Robert Mandel: inquired concerning the meaning of column headings indicated by Apr. C/A and Apr. M & C, and which were blank; it was explained those were for later reflection of budget amounts approved by the City Administrator and the Mayor and Council.

Newsletter:

Newsletter Editor Reid Baron spoke, explaining that last year, his budget had been increased to \$30,000, which allowed for production of eight 8-page issues, four 12-page issues of the publication. He said he had initially proposed a \$33,000 budget for FY 1988-89, to accommodate increases in paper costs, and to enable some reimbursement to photographer Wayne Botts, who had done a lot of work gratis for the paper. Speaking with Mr. Wilson, however, he said it was envisioned that a Desktop Publishing system could be in place by mid-year, which

would reduce production costs and allow for all issues to be 12 pages; based on that, they had come up with a proposed budget of \$31,000. Councilmember Leary inquired what changes, if any, Mr. Baron felt were warranted in the production of the City Newsletter, given the appearance on the scene of the Takoma Voice. Mr. Baron responded that given the existence of the other paper, there were a variety of options the City could consider, however, he felt those would appropriately be discussed by the Council, or assigned to a committee for recommendations. Mr. Leary said he felt some serious reconsideration of the role of the City's Newsletter should be undertaken, given the appearance on the scene of the apparently highly-successful other publication. Councilmember d'Eustachio commented there was a resolution mandating review of the Newsletter by a committee appointed to do so, and he thought the time was approaching for that to occur. He said, however, he would hesitate to make radical changes in the City's publication without waiting awhile to see what happened over a period of time with the other publication. Councilmember Douglas asked that Mr. Baron provide the elected body with a statement of the goals and purpose of his department, in addition to the other budget information he had supplied. Mr. d'Eustachio pointed out that the purpose and goal of the Newsletter was essentially a policy decision and, traditionally, had been under the purview of the Council; he noted that some time ago, there had been a lot of dissension about a former Newsletter Editor allegedly making policy decisions. Mr. Douglas amended his comment, saying that he felt a clear statement was needed to accompany the budget setting forth the purpose for which the money was being appropriated. Mr. Baron, responding to inquiry, said that the City already owned the basic components of the Desktop Publishing system; it was primarily a question of getting everything coordinated and operational. Discussion ensued concerning technical aspects of producing the publication, e.g., inputting of text into the computer, preparing artwork, etc. Councilmember Hamilton raised questions about the quality of laser print on newsprint stock and asked if Mr. Baron could get some samples for the Council to examine; Mr. Baron pointed out that the Takoma Voice was being produced on such a system. Mr. Hamilton inquired whether Mr. Baron foresaw ending the present production process one month and picking up the next month with the Desktop Publishing issue, or whether there would be some transition period that would allow for input from citizens about their reaction. Mr. Baron said he could certainly provide for a transition, perhaps include a couple of the new style pages in an issue and see what citizens thought about it, prior to converting completely. Councilmember d'Eustachio commented on the technological advances that had allowed laser printing on newsprint stock to improve so much in such a relatively short period of time.

Councilmember Leary reiterated his concern that a statement of goals and purpose of the Newsletter be developed for inclusion in the budget. Councilmember d'Eustachio said it appeared to him that either one of the former Newsletter Committees could be reactivated, which should be put on a meeting agenda, or the matter could be put on an agenda for discussion by the Council. Councilmember Douglas offered to draft such a statement, and the Council could decide where to go from that point; Councilmember Sharp commented he would favor that. In addition, he said he would suggest the rescission of the resolutions establishing the two Newsletter committees. Consensus was that Mr. Douglas would proceed with the draft he had offered to accomplish.

Responding to inquiry from Councilmember Sharp concerning the budget for telephone service, Mr. Wilson commented the City's relatively new phone system had been very efficient and a continued savings in that service was anticipated.

Accounting:

Concerning Accounting automation, Ms. Habada pointed out that the automation line item was for the payroll service; the computer automation for the department would be a capital request. Some money would be spent in both the present and the next fiscal year; the current status was that there would be a bid conference on April 22, with the opening date for the first round of the bids on May 2. Responding to Mr. Sharp, she said the approximately 9% increase in the payroll automation was attributable to inflationary increases, as well as changes in the City's master list when employees are added or

deleted. Responding to Mr. d'Eustachio concerning the auditing services, she said FY 1988 was the expiration of the current contract, the bid process was underway and the opening date was toward the end of April; she said she anticipated the current contractor would be bidding, however, they would be examined closely because they had approached the City about renegotiating for an additional year and the prices they proposed were rather staggering, which was why a decision was made to put it out to bid and make it for a 5-year rather than a 3-year contract, noting that once a bid was accepted the firm would be locked into the prices they had agreed upon. She said the figure projected in the proposed budget for auditing was estimated.

Legal Expense:

Councilmember d'Eustachio noted that \$70,000 had been budgeted for legal expenses for the current year, and an estimated \$38,000 overrun was anticipated -- a rather staggering amount. He pointed out that only a \$5,000 increase over last year's amount was recommended in the proposed budget. Mr. Wilson pointed out that approximately \$108,000 of last year's expense was directly attributable to litigation expense early last summer; he said one problem he perceived was lack of separation of routine legal support from litigation expenses. Mr. d'Eustachio suggested that litigation be made a separate line item, which Mr. Wilson concurred could be done, pointing out there was a need not only to allocate money amounts to those line items, but for the elected body also to make specific policy decisions concerning litigation. Consensus was that the City Administrator would provide a revised proposal for legal expenses, separating out routine legal support from litigation costs. He said a summary of past experience would also be provided, which might be helpful.

Concerning Codification, Councilmember Sharp remarked he was uncertain how that process worked, but that he had received no codifications for the past 9 months or so, and didn't know whether that was not being done or whether there was a breakdown in the distribution system. Additionally, he said some time ago, the former Council had examined the codification list and found there were about 75 people, many of whom appeared extraneous, designated to receive copies of Code updates, and that, of course, elevated the associated cost. He said he would ask that that situation again be looked into.

Responding to inquiry from Councilmember Douglas, Corporation Counsel Silber stated that if the \$75,000 proposed appropriation for legal expenses were viewed as a base amount, with the understanding that should litigation arise during the year there would be need for appropriation of additional amounts, then the figure was probably realistic, but not if that were envisioned to be the absolute total for the year. She said while there was some impending litigation involving the City, many of the cases were handled by insurance; a large area of legal expense was COLTA-related. Brief dialogue ensued concerning Ms. Silber's contractual arrangements, which she said were currently under negotiation, her contract having expired in December and having been on a month-to-month extension basis since. Councilmember Hamilton inquired concerning the actual amount spent for codification to date in the current fiscal year; Mr. Wilson said he would get that figure for the Council. In addition, Mr. Hamilton asked that Ms. Silber's monthly statement reflect a running deduction from the \$75,000 base amount so the Council could easily see where they stood concerning legal expenses; she said that would pose no problem. Councilmember Elrich inquired concerning COLTA-related legal expenses and approximately how much the City gained from successful litigation in such cases. Ms. Silber responded that her firm had brought in a lot of money for the City in past years as a result of forfeiture cases, however, her office was no longer handling those -- the police department, as a part of its drug program, was using federal authorities for forfeiture collections -- so while the money should still be coming in, it would not be through her office. Mr. Sharp commented it would be useful if the success rate of that approach could be monitored. In terms of housing-related cases that actually went to court, Ms. Silber said there was probably not much money to be made from those in the long run when all the associated costs were considered; the gains from those were more in the area of public policy considerations and getting Code compliance rather than revenue creation. Concerning the average cost of handling a COLTA appeal, Ms. Silber said she would

provide that to the Council at a later time; however, she said the most expensive one to date had been the case in which the City's Rent Stabilization Ordinance was challenged, and generally the rent stabilization cases were more costly because they were more complicated -- rulings were often appealed, and the litigation was often more protracted. Discussion ensued concerning Municipal Infractions; Ms. Silber noted that almost all of those citations now involved enforcement of housing-related activities. Mr. Sharp remarked Ms. Silber had earlier raised the question of some state law changes in relation to Municipal Infractions; he said perhaps that should be brought up during the summer when the Council was discussing legislative initiatives for the next year, and perhaps MML's interest could be solicited. Ms. Silber said she had talked to city attorneys in both counties and there was interest in the subject, however, Takoma Park's interest was on a more sophisticated level than that of other municipalities.

Councilmember Hamilton pointed out that the City had the right to set up a cable commission now that the city had been wired for cable; he said there were a few landlords who were denying access to cable for tenants. He said part of the cable commission would be very similar to COLTA, and asked whether cases involving that commission and also their written opinions would come through her office. Ms. Silber pointed out her office did not write COLTA opinions, only came in contact with those if there was a problem related to them. She said she had suggested a legislative change that would require litigants to file an administrative appeal that would notify the City what the issues were prior to going to court on a case. She said it probably would be a good idea for her office to review the cable commission's opinions until such time as a track record had been established, some parameters had been set, and concerns about legal sufficiencies had been addressed. Mr. Hamilton referred to the earlier Park Ritchie litigation; said he would like to know the total amount expended by the City, and into what account the \$20,000 went which the City got back. Mr. Wilson responded that all such funds received go into the General Funds Account. Councilmember Douglas suggested that the new line item be inserted in the budget for litigation, but that it be left blank, with amounts appropriated as issues arose and a description provided at that time.

It was pointed out by Councilmember Martin that there was a \$10,000 line item in the DHS proposed budget for legal expense; Ms. Silber said that was in no way connected with her office, that amount funded an independent individual whose services DHS utilized.

Cable TV:

Cable Coordinator Smith related that programming time vs. bulletin board (or text) time had been increased somewhat over earlier figures of 80% bulletin board time, 20% programming time; Takoma Park's Channel 54 was spending approximately \$28/hr. for programming, while the county channel was spending in the area of \$735/hr. He pointed out that the City receives revenue based on the number of cable subscribers, which would amount to \$6,600 the current year, and was projected to be \$22,600 next year, based on the anticipated increase once high-rise apartments were wired and tenants could receive the service. He said it should be known by the beginning of the next fiscal year how accurate that estimate was, because conversion would be completed and there should be a fairly accurate reflection of what the penetration rate was going to be. Councilmember d'Eustachio asked that Mr. Smith provide the Council, prior to its next worksession, with the current penetration rate for those areas of the city that were already wired for cable; Mr. Smith said he would do so. Mr. Smith said under the new management, the quality and consistency of quality of the cable system had vastly improved, the number of complaints received by his office had dropped off greatly, and he felt very optimistic about the anticipated penetration rate. He said he had been conferring with the cable company's marketing division and would be assisting them and participating in the marketing effort in the city.

Councilmember Sharp commented that Channel 54's picture quality and sound appeared inferior to other channels to him; he said he did not know whether that was attributable to tape quality or the channel itself. Mr. Smith explained that the channel was using an upstream

link not originally intended for video transmission, but for data. He said it was a temporary arrangement, construction on the government loop within the next year would include a dedicated channel for the City's transmission and that should clear up remaining technical problems.

During ensuing discussion, Ms. Habada, responding to inquiry, stated her projection of \$10,000 cable revenue in the proposed budget was based on prior receipts and incremental increases; she said she hoped her projection would prove to be overly conservative. Mr. Wilson referred to the past history of cable in the community and said he had concerns that people might be negatively affected by their previous experiences with it, which could adversely affect the penetration rate. Councilmember Sharp commented he felt the anticipated penetration rate to be irrelevant to the discussion of how much money should be spent on the cable TV channel -- if the City did not spend a dime on it, they would still get however much revenue from it was due them based on the number of subscribers. Responding to inquiry, Mr. Smith stated the city had now been 100% wired for cable, but the service had not yet been marketed. He explained that from the county's point of view, the fee the City receives, although not earmarked or restricted in any way, was intended for administering the franchise; he concurred, however, that if the City had no station or cable office, it would still receive the fee. Councilmember Leary inquired how many municipalities in the county operated a cable channel comparable to Takoma Park's; Mr. Smith responded that there were 3 municipal channels, i.e., Rockville, MML, and Takoma Park. He noted that the MML channel included all municipalities other than Takoma Park and Rockville, and said that Rockville did virtually nothing in the way of programming other than City Council Meetings. Responding to inquiry from Councilmember Leary concerning what Mr. Smith envisioned should be done with the City's cable channel over the next 5 years, Mr. Smith said that in order to achieve the goal of having a self-supporting community access channel in addition to providing municipal programming, more resources would have to be invested, particularly so as to free him to devote more time to administration and the finding of additional funding sources. He said it would be most important over the next 5 years to develop a sound financial base for the cable station and, without some additional level of support staff, that did not appear possible.

Responding to questions posed by Councilmember Hamilton about tape costs, Mr. Smith explained that the \$2,500 proposed would be used primarily for replenishment of tape stock and to replace tape that had become worn or damaged and had to be discarded. Concerning lack of any equipment maintenance contract, he explained that the City had an informal agreement with Montgomery Community Television that they would handle equipment maintenance; he said he had been trying to get them into a written agreement for some time, had been discussing the matter with the county cable office earlier in the day. He said he would be looking into other options for maintenance if he did not soon get a satisfactory response from MCT. He explained there was a portion of a pool of money earmarked for Takoma Park's use for maintenance, but which was administered by the county, and that money was going directly to MCT; he said he would have to research how the City could regain control over that money.

Mr. Smith explained that \$40,000 had been included as a county budget request from the cable equipment fund for Takoma Park, and if that were approved, it would purchase 2 new field production packages, which would allow the cameras used to videotape Council Meetings to be reserved exclusively for that use. He said he would want to point out that while there might not be cash revenues from the community in relation to the cable channel, there had been donations of services and goods; he pointed out there were 3 board members and 2 community volunteers present at the meeting, and that a citizen volunteer was now running the training program. He said he felt the community had lived up to their part of the bargain as regarded the City's cable channel. Responding to questions raised by Councilmember Martin, Mr. Smith reiterated the need for additional staff for the cable operation; he said while he had tried to rely on volunteers for such tasks as tape playback, their initial dedication soon expired because it was boring and there was no incentive for them, so he ended up having his

time taken up with things that could be more productively and efficiently accomplished by a support staff person. Councilmember Elrich commented he would want to see a concrete plan for the cable operation to move more in the direction of self-sufficiency, rather than a continuing reliance on public funds.

Noreen Wells, 7315 Cedar Avenue, Vice-Chair of the Takoma Park Cable Board, spoke; referring to earlier comments about Rockville's channel, she explained they had made a choice to be strictly a municipal channel with no community outreach; however, Takoma Park had an entirely different setup, by law, so a different burden was placed on the City's cable office and on the City itself in terms of how the facility was utilized. Concerning funding, she said a fundraising committee had been formed and they were now looking at both the private and public sectors to see what the options were for bringing in supplementary funds. Councilmember Sharp remarked that this was the third year the Council had heard that; he said it was not intended as a criticism of anyone present, and certainly not of Ms. Wells, however, he said that after awhile one had to question whether there was really the impetus or will for those involved with the cable channel to raise funds for its operation.

Ms. Wells summarized a prepared statement from Michael Messinger, Chair of the Cable Board, and provided a copy of same for the record. The statement made note of the fact that a substantial hindrance to fundraising in the past had been the poor performance of the cable system and resulting dissatisfaction among the citizenry with the system; based on the replacement of the original system with the older but more reliable and stable type of transmission, it was hoped that more active community outreach and fundraising could be initiated. In addition, the onerous task of one person doing all that was required to keep the channel operational was cited, and a request was made for a part-time support staff person to facilitate the work process and allow some progress to be made in the cable office and the channel's operation. The Mayor said that while the cable channel had certainly shown a remarkable amount of achievement in light of the difficulties and obstacles it had faced, what he would now like to see would be a plan committed to paper concerning the organizations and foundations that could be approached as sources of funding, and specific plans to do so. Ms. Wells commented that the Cable Board presently viewed as one of its main functions the fundraising effort; she said she, personally, as well as others, would be actively participating in that activity, and would provide the elected body with a written groundwork plan within a month to six weeks. Mr. Smith pointed out that a lot of such initial planning had already been accomplished, including resource lists, fundraising and underwriting guidelines, etc.

Steve Myleski, a member of the Board of Directors for Cable TV, spoke; he pointed out the board was comprised of a number of new members, as of January, and said he felt there was a new spirit to the group, coincident with the new equipment and new installation throughout the county. He said he and Ms. Wells had been meeting regularly, working on plans for the cable channel to become more self-sustaining through active fundraising and seeking of outside revenue sources. In the meantime, he said he would ask the Council's support for provision of funding in the budget for an additional staff person for the cable office; he said in the few months he had been working with Mr. Smith the need for such support staff had become apparent to him. In addition, he pointed out there would be two board vacancies upcoming, and the board would be submitting names of candidates to the Mayor and Council for consideration in filling the vacancies.

Adele Abrams, 311 Elm Avenue, a community producer of "Takoma Tempo" and former Chair of the Cable Board, spoke in favor of an additional support staff person for the cable office, pointing out the need for adequate oversight of the City's extensive and expensive cable equipment. She referred to the fundraising manual she had prepared earlier, and offered to provide the elected body copies for review, commenting she felt it would be of considerable assistance to community producers in approaching business people for underwriting. She pointed out her own show was self-sustaining, brought in over \$1,000 a year, and said that with the addition of more equipment which had been requested, community producers would have improved access and it would

be an incentive for them to seek sponsors for their shows. Ms. Abrams commented she had had occasion to become more familiar with the county's cable facilities, however, had found them to be all but inaccessible to downcounty residents, and said Takoma Park was in a unique position to provide access to community groups, including teenagers, who might not otherwise have such an opportunity.

Dan Robinson, 120 Grant Avenue, related he had been involved with the cable station for about a year; had produced one show, and was looking forward to producing another in cooperation with Mike Messinger and Bruce Moyer entitled "Speak Out." He said it would be a talk show, and they would be using the studio at Columbia Union College; the first in the series would be about the Gypsy Moth Program, Chief Fisher would later be appearing to talk about the Drug Program. Mr. Robinson spoke in favor of a support staff person for the cable office; he said had there been an additional person in that office, it would have facilitated and expedited the learning process for him during the past year. Concerning fundraising, he said the programming was crucial to its success.

Carol O'Brien related she had been a cable volunteer for over a year and a half and was a member of the Cable Board; she said there was such tremendous potential in cable TV, but that Mr. Smith was overworked because there was far more in that office than any one person could handle. She commented in support of a support staff person for that office.

Economic & Community Development:

The Mayor noted that one question to be addressed concerning Economic & Community Development would be whether it should remain a division of Administration or be made a separate department in its own right. Director of the division, Daniel Neal, explained that Economic & Community Development was funded out of the Special Revenue Fund. He referred to an Orientation Workshop conducted earlier among the Mayor and Council and Senior Staff members, at which priorities and needs as viewed by the elected officials were discussed; he said information provided at that gathering had provided the foundation for his budget proposal. He pointed out he had provided several budget options, each of which was flexible, and had tried to follow the City Administrator's directions asking for a zero growth budget, however, the fact that CDBG funds were being cut did not allow for him to do that completely -- a \$20,000 transfer would be needed from the General Fund into the Special Revenue Fund to adequately fund the activities of the division. Mr. Neal briefly summarized the present personnel composition of the division and their general duties; he pointed out he had tried to depict in his budget options 2 and 3 what could be provided for additional dollars -- with option 2 being the larger, more costly option that would cost in the neighborhood of \$185,000 as opposed to \$70,000, and would entail 3 additional staff persons.

Mr. Neal spoke concerning new programs, e.g., the Tenant Awareness Program, and anticipated changes in existing programs, such as Housing Rehabilitation, under which the City was considering applying for self-administration status, which would allow them to do all of their processing internally; he elaborated on upcoming new and interesting state-developed programs, such as the Housing Development Partnership Program, which he felt could benefit the City but which would require additional staffing for participation. Mr. Neal spoke at length concerning the proposed two additional professional staff positions and the need for additional staff to handle such things as traffic management and planning, which he foresaw as a growing issue, planning and zoning issues, including the production of a Master Plan for Open Space, and the subject of annexation and related issues. He said the proposed additional clerical staff position would be tied to the additional professional staff positions, and could probably be downgraded to a Clerk-Typist I position, which would save some money. Mr. Neal commented on the great strides his division had made through computers, pointing out that almost all the paperwork on the Housing Rehab Program had been fed in, all contracts had been put into word processing, which eliminated the vast majority of retyping. He continued on, to compare budget option 3, noting that the major difference between it and option 2 was that it required one less Planner. He touched briefly on the proposed transfer mentioned earlier of the

Administrative Clerk position held by Inas Ross from Government Administration to DECD, said he would appreciate that, and that it would make management of the administrative office a lot easier and more efficient, and would enhance production in his division.

Mr. Neal commented that one area in which he would seek direction from the elected body would be that of commercial revitalization; he pointed out that while some of those projects were winding down, others were gearing up and getting underway. He pointed out there were areas about which there had been discussions -- the Maple Avenue corridor (facade work), the Route 410/New Hampshire Avenue intersection; he said he did not know what sort of priority the elected body would set on those areas, but there were possibilities for putting resources into them, if so desired. In closing, Mr. Neal said he would particularly want to thank and commend the members of his staff for their efforts, especially Economic & Community Development Coordinator Schwartz for her assistance in putting together the budget proposal and for putting the Housing Rehab Program into such fine shape.

Responding to Mr. Neal's latter comments, the Mayor said he felt the question of commercial revitalization had to remain a high priority. He said at the aforementioned workshop, the second highest priority set was to increase the revenue base, and there were very few ways to do that. He said annexation, while a possibility, had many gray areas; however, felt it was incumbent upon the City to proceed with revitalization of any areas within its jurisdiction; he pointed out the Master Plan contained some rather elaborate suggestions for the commercial quadrant at New Hampshire/Rt. 410, and that many of the commercially-zoned areas there were very much under-utilized. He said he saw that particular intersection as a resource that had not been tapped, and discussions should occur about its possibilities.

Councilmember Leary commented on Mr. Neal's precise and articulate presentation concerning the number of important involvements of the division, and the need for ongoing and increasing involvement; he said he would, with no hesitation, support funding for at least the minimum level of an independent department, as proposed. He said he would feel that to be, by far, the number one priority for supplemental funding in the proposed budget, not only because of all the things Mr. Neal had explained could and should be done by such a department, but because it would be reasonable and sensible to move in that direction while the City has a public servant of such a high caliber as Mr. Neal heading the department. Councilmember Douglas suggested that, given the lateness of the hour, sufficient time to discuss Mr. Neal's proposal in depth be allocated during a worksession; he said he would, however, wish to hear any citizens' comments on the subject. The Mayor concurred on the need for more in-depth discussion of the various options proposed, however, said he would like to get a sense of the Council's feeling about reorganization of the City government to the extent that would make the present division a separate department. Councilmember d'Eustachio commented he thought that question would require considerable time and discussion to reach a consensus, particularly inasmuch as 5 members of the Council did not go through last year's discussion of that exact same question, which had also included a variety of other options. He said he would not be willing to voice an opinion on the question without further discussion; was not sure such a straw vote could be meaningful without such discussion. The Mayor said while he would be willing to defer the question, it was his feeling that the decision should be made this year; he said regardless of the question of additional resources, it would be necessary to resolve the issue. Councilmember Elrich said that the division did more than a division ordinarily would, was essentially being asked to function as a department, and that it would seem to him that it reasonably ought to be made a separate department. Councilmember Douglas commented that while he had a great deal of sympathy for the proposal, there were a number of options to consider, and whatever decision was made would have a longterm effect.

Steve Quick, 7112 Maple Avenue: said, as a citizen, he would wish to commend Mr. Neal's division for their accomplishments; he said in the area of traffic planning, Mr. Neal and his staff had been an invaluable resource. He said he had no firm opinion as to whether the division should be a separate department, but felt it should be recog-

nized that its activity, probably more than any other, would be the one that would define the character of the community as it develops. He pointed out that the most serious issues confronting the community had to do with traffic, development, etc., and those would become more acute with time. He said it would be a mistake to either undervalue or underfund the activity of Mr. Neal's division. Addressing a question posed by Mr. Quick, Mr. Neal explained that he had not envisioned hiring a Traffic Engineer in the proposed Planner II position, inasmuch as an expert in the traffic field would likely cost the City considerably more than an entry level planner; however, he would hope to fill the position with an individual who could not only provide coordination in the study of issues, but could research how other cities with similar problems had addressed them, and could coordinate the efforts of the Transportation Committee. Mr. Quick commented that seemed a very reasonable approach to him, but would urge that a budget line item be inserted that would provide limited funds for specific expert consultant services when there was a clear need, such as in the Silver Spring Traffic Study. Additionally, he urged that anyone hired to fill the Planner II position described by Mr. Neal have as their major background Transportation and Traffic Planning.

Tim Smith, 7016 Sycamore Avenue, former Chair of Traffic Committee: voiced support for a City staff position that would coordinate efforts in terms of city traffic management; he said lack of such a person in the past had been very frustrating for those who had participated in the Traffic Committee. He said he felt the City was behind in that area and that it was high time substantial resources be committed; the Silver Spring development issue had made the problem clear, and the situation would be exacerbated as development there, as well as in Prince George's County, proceeds. He said unless the City takes steps to begin to deal with what was coming, it would be too far behind to do anything effective. He said he strongly supported Mr. Neal's proposal in that regard.

Bill Eckert, 7106 Woodland Avenue: said he would support Mr. Smith's comments. He said while the City had long had a Traffic Committee, had long recognized that traffic was a problem, no significant progress seemed to be made with the problem. He said it was time to establish the fact that the problem had to be addressed as development occurs. He urged that traffic management and planning be addressed as a priority item in the budget.

Councilmember Sharp inquired whether the facilities study Mr. Neal was coordinating would be presented soon; Mr. Neal responded the text was being worked on at present, it would probably be ready for presentation by the end of the month. Mr. Sharp commented the question arose in connection with the budget and the question of additional staff and where there was available space for them to work. Mr. Neal commented he would want to address the space issue in context with the facilities study when it was complete, however, said that what that would likely reveal, based on results of the surveys that had been put out to departments, would be a substantial deficit in workspace. He said he would personally like for his staff to have a more unified work situation; at present, he could accommodate one additional staff person. The Mayor inquired whether recommendations would be made by Mr. Neal and the others on the committee concerning better utilization of existing space; Mr. Neal responded in the affirmative.

Abby Mandel, 7003 Woodland Avenue: said the elected officials and City staff had delusions of grandeur if they thought the little town of Takoma Park, with a population of 16,000 people, could afford all the things being discussed. She said if the Housing Department had been doing what they should, they would have been planning for available and affordable housing for people who would need it at the end of the 10-year period prior to phaseback of the non-complying multi-family dwelling units. She said what was being talked about were the grandiose plans that were taught to planners in graduate school, but she didn't think the city could afford them. She said the City government should hire no more people than the existing building could accommodate, and use of the upstairs meeting room that was discussed last year would be breaking faith with the citizens, because the citizens were sold on building the present building by the idea that the up-

stairs would allow for classroom space, social space, and they did not want it turned into office space.

Councilmember Elrich inquired whether Mr. Neal could later state what could be accomplished if there were some expansion above option 1, but not up to the level of option 3, of his proposal; Mr. Neal confirmed he would be prepared to do so, could give estimates of what could be done with varying combinations. He said he would be providing additional documentation that would clarify what could be accomplished with each additional staff position; he commented concerning the difficulty in quantifying output of new staff positions in relation to various activities. Concerning traffic planning, Councilmember Elrich said that while he sympathized with the concerns of residents in relation to probable traffic impact from impending development in Silver Spring and Prince George's Plaza, he also was a realist and would not want to lead people to think that because the City hired a person with background in traffic planning and management, it could have any great effect on the situation, inasmuch as the major arterials through Takoma Park were state and county roads. Mr. Neal concurred that he really did not know that there were solutions to the problems, but said his thinking was that it could be examined whether there were small tactical solutions and larger strategic solutions that could be employed by the City in addressing the situation.

Councilmember Hamilton inquired whether one of the proposed planners would be capable of putting together the city infrastructure survey that the elected body had previously discussed, without need for an outside consultant. The Mayor remarked that an engineer would probably be required to do the survey, set priorities, and furnish cost estimates, however, the planner could probably help administer it; he said it appeared a planner would be the most desirable for the position envisioned, with an engineer hired as a consultant on that particular project. Councilmember Douglas commented he felt it was clear the City did not need to hire an in-house traffic engineer, nor did he think there were any magic solutions to be had. He said he did feel there was a need for in-house expertise to help in dealing with a complex, inter-related set of problems, e.g., traffic, development, land use, zoning, etc. He pointed out there were a number of City committees addressing a number of different issues, and said those groups only function well when they have adequate staff support to assist them. He said his hope would be that sufficient resources be committed to ensure the City could avoid being overrun and could make the best of situations that were not of its own making.

Councilmember Martin commented she felt there was a definite need for a City staff member who would be responsible for dealing with traffic problems; she said there were many, particularly on New Hampshire Avenue in her ward. She said she perceived a real need for additional staff in Mr. Neal's division, particularly in light of the revitalization and growth going on in the area.

Responding to Mrs. Mandel's earlier comments, Mr. Neal explained that the City did not automatically receive Block Grant monies; it had been his division that had applied for them, lobbied and gotten them, and spent them on projects to benefit the city. Without the work done by his division, he said the City would not have gotten those huge sums of money. He referred, as well, to the other monies that come into the City's coffers through the active efforts of his division, including Program Open Space, Housing Rehab, etc. Mr. Neal said he regretted not having quantified to date the increase in tax revenues in Old Town as a result of the \$1,000,000+ investment made there. He said he felt that exercise would reveal that the redevelopment there had paid off in a very substantial way for the City in terms of revenue.

HOUSING SERVICES:

Attention was directed to the Department of Housing Service's proposed budget; Director Susan Weiss summarized the mission of her department. Concerning revenue, Ms. Weiss commented that while the City Administrator projected \$119,000 in license and inspection fees next fiscal year, she anticipated it would be somewhat more; she said she suspected at least another 45 unregistered rental properties would be found. She said she expected a very substantial increase in fees from Municipal Infraction citations, and anticipated about \$500 in COLTA fines.

Should the elected body decide that supplemental budget programs were appropriate, she said the City might get additional monies from the counties for zoning enforcement efforts, about \$100,000 if a grant procurement officer were approved, and COLTA fines would likely increase from \$500 to \$5,000 if a rents administrator were approved. Ms. Weiss related that the proposed base budget was essentially the same as last year's, and pointed out this would be the first year she was able to provide the elected body with a proposed budget based on her administration of the department, using her own previous year's figures. Ms. Weiss pointed out she was recommending the elimination of on-call services, and that the department would be getting a CDBG-funded Code Enforcement Officer for the purpose of performing additional inspections and enforcement for those properties that create the greatest housing inspection and enforcement problems. Responding to inquiry, she said the funding would be through Montgomery County, however, she did not think the efforts would be restricted to that county. Several members of the Council opined that the efforts of that individual would have to be restricted to Montgomery County. She explained that the reason she was recommending elimination of the on-call service for emergencies was because it had been misused; people were calling the on-duty Code Enforcement Officer with problems such as roaches in their apartment, leaky faucets, etc., and exaggerating or distorting problems in order to get an emergency response to a situation that could easily wait until the next business day without in any way endangering the health, safety or welfare of anyone. She said continuation of the service would be substantially more expensive than had been provided for in the proposed budget; Code Enforcement Officers would have to be compensated for the time they spend on-call, because their mobility is limited during that time; she pointed out they were currently paid (overtime -- with a 2-hour minimum) only for time spent responding to calls received. She said what the total for continuation would amount to would be paying one Code Enforcement Officer 24 hours a day, 7 days a week -- which would be extraordinarily expensive. She said what had been done heretofore was not, in her opinion, in accordance with the Fair Labor Standards Act. As an alternative to that service, she said she would suggest a message service that would put callers in touch with valid emergency service agencies, such as the police department, the Red Cross, etc.

Councilmember Hamilton cited examples he was aware of where he felt the emergency on-call service had been an invaluable resource for tenants, and said he would have a problem with eliminating it. Ms. Weiss said she felt it to be a fairly rare instance in which management of apartment buildings did not respond to pressing needs, other situations were often a judgment call as to whether they were truly of an emergency nature. She said while she could not say that there was no merit to an on-call service, there was also a budgetary need to weigh the expense of it. In the course of ensuing discussion, Councilmember d'Eustachio commented he was not convinced the on-call time would truly have to be paid as outlined by Ms. Weiss; he said there would be a lot of arguments pro and con the service and how it is paid, but said he also wondered whether, during discussion of the police department budget, an examination might be made of providing some sort of incentive to that department to allow their dispatchers to receive and screen emergency off-hours housing calls. He said he thought perhaps that might be a viable alternative to total elimination of such service. Ms. Weiss commented that inasmuch as the police department had already agreed to provide after-hours accompaniment to housing personnel responding on calls, it might not be any more costly for a police officer to respond to apparently valid calls and ascertain the severity of the situation. Responding to further inquiry from the Mayor, Ms. Weiss stated what the cost would amount to would be paying a Code Enforcement Officer to be on-call during night-time and weekend hours -- not during regular business hours. The Mayor commented that his feeling was that a solution should be found without eliminating the service; he said, as Mr. Hamilton had pointed out, that one thing provided, in addition to exerting influence on those responsible to address the situation, was documentation. He said in legal practice he had encountered landlord-tenant situations many times wherein it was very helpful to have documentation of what had occurred, particularly of the sort that could be provided by a Code Enforcement Officer of the City who had responded in an emergency situation. Dialogue followed in which Ms. Weiss cited an instance in

which a tenant had appeared before the elected body a month or so prior at a Council Meeting and stated that his unit had been flooded; she said she had confronted him a little while thereafter and he admitted that there was not a flood, per se, but a leak, and that he had so stated the situation in order to have a Code Enforcement Officer respond and document the incident. Ms. Weiss said responding to incidents such as that required the paying of overtime. The Mayor suggested that perhaps the staffing alternative of split shifts should be examined; Councilmember Sharp commented that even given the provisions of the Fair Labor Standards Act, he felt sure appropriate staffing arrangements could be made by addressing the problem through the work contracts with specific employees. Mr. Sharp raised questions about how much of the responsibility in housing/landlord-tenant problems and situations should actually fall within the purview of local government, and whether more of them should not be private responses by or between the involved parties. Councilmember Martin inquired about the level of services provided by other neighboring jurisdictions; Ms. Weiss said she knew Montgomery County did not provide any sort of service after regular business hours, because she had called their Housing Services number and gotten no response. She said she would check into other jurisdictions' services and report back to the elected body at the worksession. Councilmember Hamilton pointed out that the services provided by the City were authorized by its law; he said he saw no good reason why a Code Enforcement Officer could not regularly work Tuesday through Saturday, which would provide some additional coverage without paying overtime. Ms. Weiss said while she would not recommend that, adjustments could be made in the Code to permit it.

The Mayor inquired whether Ms. Weiss anticipated that her legal services budget item would remain associated with someone outside Corporation Counsel's office; Ms. Weiss responded in the affirmative. Responding to inquiry from Councilmember Leary, Ms. Weiss explained that on pg. 74 of the proposed budget, the \$177,442 reflected in the FY87-88 Budgeted column in the Salaries line item was not accurate, inasmuch as some funds had been transferred out of that account for other purposes. In addition, she said the \$168,000 FY 87-88 Estimated Actual would not be accurate either, because there were some vacancies that had not been filled, and, in order to accommodate needs, some funds had been transferred into "Temporary Assistance." She confirmed that the reason for the lesser amount requested for Overtime was attributable to her proposal to eliminate the on-call service. She said the \$2,500 reflected as FY 87-88 Estimated Actual in Overtime was not her estimate; she would estimate closer to \$3,500-\$4,000 total for the year. While that figure might seem odd in light of the earlier discussion, she said the reason she cited expense was that it was her opinion that staff had not in the past been properly reimbursed for their time while on-call. Responding to inquiry, she stated the beeper carried by the individual on-call basically covered the Baltimore-Washington area.

During discussion concerning the 4 authorized Code Enforcement Officer positions, 3 of which are actively filled, Councilmember Douglas referred to the problem the department seems to have in keeping all the positions filled. Ms. Weiss said one reason there was a problem keeping the positions filled was that a different caliber of person was being hired -- people with experience, and more qualified than their predecessors. As a result, she said they do a better job, records are more accurate, the City's position in court is more defensible; however, those people are often courted by other employers who are willing to pay them more than the City does. She said she had not included a suggestion in the budget proposal concerning market rate increases for such employees, because that would require a Code change and would have to be negotiated under the union contract; however, she said she did think there was a need to explore the concept further. She said she had been recruiting, trying to fill the one vacancy for several months; she said it was difficult to find people who were well-qualified and yet willing to accept the salary the City pays in that position. Responding to the Mayor, Ms. Weiss said the required educational background for the position was high school; the Mayor commented perhaps the job experience required was not sufficiently or accurately reflected in the position description, and, if that were the case, perhaps the salary level could be increased through modifi-

cation of the job description. Ms. Weiss said that generally the people hired did not substantially exceed the minimum requirements for the position. Mr. Wilson pointed out that with the present job description and entry level salary, the four positions were filled with very good candidates out of a very competitive field; he said he thought the focus should be more on why the turnover had occurred than on the threshold of measurement for the positions.

Discussion followed concerning whether 4 senior Code Enforcement Officers were needed, or whether perhaps the 4th could be a junior apprentice-type. Ms. Weiss pointed out that the department was behind in annual inspections due to the lack of the 4th person; the Mayor commented he was not convinced the Code provision mandating annual inspections of each and every rental unit was either realistic or warranted. Councilmember Elrich remarked he was not sure it was an unrealistic expectation, that up until last year the department had been budgeted so low that it was an impossibility to accomplish all the inspections; however, if a total of 4 officers had been retained throughout the year, perhaps it could have been done. Ms. Weiss said that, barring extensive amounts of their time being preempted by other issues and duties, it was likely that 4 Code Enforcement Officers could complete the annual inspections in a timely fashion. Councilmember Sharp related that the Housing Committee had come to a consensus that it would be reasonable to work at drawing up some guidelines that might obviate the need for annual inspections, and to his knowledge, they were probably working on that; he said there was agreement on that committee that it was probably unrealistic, as the Mayor had remarked, to try to inspect all units on an annual basis. Ms. Weiss confirmed the committee was working on that project; she said she had always expressed support for going to something other than an annual inspection cycle, once one complete cycle had been completed so as to know what the existing conditions were. She remarked that the wonderful software package the department had gotten, and the survey being done with state funds, would help them to determine where the best and worst areas were and which were the worst and best properties. She said once all that information was in place, she would recommend that the City go with a less than annual inspection cycle for those properties with which they had few or no problems, and that the CDBG-funded person be designated to do more than one inspection a year on those properties that really caused problems. She confirmed that she expected by October 1988, Housing would have inspected every known rental property in the city, thus, probably by that time or somewhat later, the City could move away from the annual inspection cycle. In the course of discussion, Ms. Weiss stated that she did not anticipate the CDBG-funded person evolving into a permanent position; once the funding expired, the position would not be retained. The Mayor, noting the late hour, said he would ensure that a sufficient period of time was allocated at the worksession for Ms. Weiss to address the supplemental portion of her budget proposal.

Upon motion, duly seconded, the Public Hearing adjourned at 11:40 p.m.

CITY OF TAKOMA PARK, MARYLAND

Public Hearing on FY-1988-89 Proposed Budgets
for
Public Works, Library, and Recreation Departments
April 20, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Cable Coordinator Smith
Councilmember Elrich	Public Works Director Robbins
Councilmember Hamilton	Library Director Arnold-Robbins
Councilmember Leary	Recreation Director Ziegler
Councilmember Martin	
Councilmember Sharp	

The Mayor and City Council convened at 7:30 P.M. on Wednesday, April 20, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of conducting a Public Hearing on proposed budgets for the Public Works, Library and Recreation Departments for the upcoming fiscal year. The meeting was called to order by the Mayor.

LIBRARY:

Library Director Arnold-Robbins read her memorandum which noted that current State Law prevented municipal libraries from receiving state, and some federal, funding available to county libraries. She asked that prior to next year's general assembly, the Mayor and Council examine the possibility of introducing legislation which would modify the law to enable the City library to receive state and federal funds designated for libraries. She had attached copies of pertinent portions of the Annotated Code of Maryland to her memorandum for informational purposes and possible referral to Corporation Counsel. The Mayor suggested it would also be helpful to bring the matter to the attention of the state delegates representing Takoma Park in Annapolis and seek their support and assistance. Ms. Robbins summarized her proposed operating budget, which she noted was a zero growth budget as had been requested. She pointed out increases had been possible in some line items due to reductions in salaries and fringe benefits because of some staff changes effected. She explained, however, that any increases reflected were attributable to either projected or actual increases in cost, or restoration to their prior level of reductions that had been effected in the current fiscal year's budget. She enumerated those line items, including Adult Books, Children's Books, Records & Tapes, Supplies, Extra Clerical (substitute help at the circulation desk, hourly rate raised from \$6.61 to \$7.50, but number of hours reduced somewhat), Periodicals, and Programs & Outreach.

Councilmember Martin inquired whether compact disks were purchased under line item 949 for Records. Ms. Arnold-Robbins explained that cassette tapes were purchased under that line item, as well as records, but few CD's to date because of their prohibitive cost; however, she hoped they would begin to come down in cost and more could be bought eventually. Responding to Councilmember Hamilton, she explained that she felt the amount proposed for line item 935, Contingency Fund, was probably adequate, inasmuch as monies raised through book sales were credited to that account; she said the account had started out last year with \$225 and the \$1451 Estimated Actual reflected additional book sale and other monies that had been deposited to the account. In response to inquiry from Councilmember d'Eustachio, Mr. Wilson explained that the reduction in the line item for telephone service reflected the anticipated savings in cost for that item due to the new telephone system. He pointed out that line item reflected a reduction in all departmental budgets, with the exception of one.

Diane Jenkins, 7600 Maple Avenue: said within the past year, she had accompanied her daughter to the library to research for an assignment in Black History and was very disappointed to find the City's library did not have sufficient material on that subject. She said she would hope that the elected body, as well as Ms. Arnold-Robbins, would take note of that and try to rectify the situation.

Councilmember Leary noted that was a part of Ms. Arnold-Robbins' supplemental budget request -- to strengthen the supply of material in that category. Ms. Arnold-Robbins affirmed that was the case, commenting that the library never had enough material to meet the demand in that category, particularly during Black History Week or during heavy periods of demand.

Jill Raymond: said she had been part of a citizens' library committee that commenced meeting in 1984; they had begun as a planning committee. She said they had composed a statement concerning the library's proposed budget, which she read verbatim and provided a copy for the record. It noted that the committee had been formed by resolution of the elected body, had formulated a 5-year plan for the library which was presented to the Mayor and Council in 1985, and had continued to meet since that time to support the goals and objectives outlined in the plan. She remarked the library has strong citizen support and community usage, and made note of various funding the facility receives, including an in lieu of services rebate from Montgomery County, a CDBG grant, and related the uses to which those monies were put, which she said corresponded to the 5-year plan for the library. She said insistence on a low growth or no growth budget for the library had prevented progress in some areas of the plan, despite efforts on the part of the committee and other interested citizens. She said the library had not had any increase in budget for a number of years, and strongly urged that that trend be altered. She spoke concerning the needs of the facility, and asked that the Michaels Associates Plan for renovation and improved space utilization in the library be seriously reconsidered by the Council.

Robert Mandel, 7003 Woodland Avenue: commented that the format of the proposed budget was a great departure from what had been provided in prior years, and trying to read it was a bewildering experience for citizens. Councilmember Leary remarked that ordinary citizens were not the only ones who found it so. Brief dialogue followed concerning the layout of the budget material, and the location of that pertaining to the Library. Mr. Mandel commented he would hope that next year the material could be put together in a more readable fashion, noting that a number of pages were upside down. The Mayor suggested that in preparing the budget next year, a different color paper be used for the supplemental, and perhaps the capital, budgets in order to differentiate them from the operating budget. Mr. Mandel commented that, if the expense were not prohibitive, it would be even more helpful to make each department's budget a different color.

Councilmember Douglas inquired of Ms. Raymond whether the Library Committee had had any success in looking at outside sources of supplementary funding for the Library, or for particular projects for that facility. Ms. Raymond responded that the committee had not been assigned the task of pursuing fundraising avenues; she said, however, she did think the Director and her staff had examined some of those outside sources of funds, and mention was made of them both in her report and the committee's. She said that traditionally, a library's operation is funded through tax revenues, and the committee was in agreement with that concept. Councilmember Leary commented that, while he would not wish to put anyone on the spot, he would also like to hear suggestions from those speaking in favor of supplemental budget items about where budget cuts could be made to allow for the increases and/or from where additional revenues could be gotten to fund the increases.

The Mayor noted that the Library, and all other departments, would be given an opportunity to confer further with the elected body about their proposed budgets at worksession.

RECREATION:

Recreation Director Ziegler said she hoped to be able to convince the elected body that an increase was needed in her department's budget, which currently amounted to only about 4% of the total budget. She pointed out the \$1,500 requested for Gym Floor Maintenance was the norm; that proper upkeep required professional attention at least once, sometimes twice, a year. Ms. Ziegler related the 4th of July Committee had been asked what amount would be required to make the

City's 1989 celebration outstanding, inasmuch as it would be the 100th birthday for the event. She said they had asked for \$10,000 -- \$5,000 for five bands and \$5,000 for additional fireworks. She pointed out that the majority of other area communities spend \$10,000-\$15,000 for fireworks annually, so the request was not unreasonable. In addition, she said her department would need an additional \$6,000 to cover the expense of additional guests, extra entertainment, and expenses incurred by a subcommittee, if the elected body decided to support the upgrading of the celebration for 1989.

Councilmember Hamilton inquired whether funds were included for doing the floor this year in the \$27,000 allocated to get the Gym back open and in useable condition; Ms. Ziegler responded in the affirmative. Councilmember d'Eustachio commented that the last time he was at the fire station, it appeared to him the chances were slim for the renovation being completed by July 1; Ms. Ziegler affirmed that was the case. She said MOSHA had visited the facility twice, were checking into pipe covering, ceiling tile, etc., and if asbestos were found, the whole ceiling might have to be torn out. She said it was her hope that the money allocated could be carried over to the next fiscal year.

Councilmember Martin commented that postage accounts in the budget did not appear to reflect the recent increase in the postage rate; Mr. Wilson said those should be increased by 13.41% over last year's amount, and perhaps some had been missed. Brief dialogue ensued concerning phone system costs; Mr. Wilson pointed out one reason savings were anticipated was because it had been possible to incorporate one of the discount long distance services for use with the system for all but one of the City departments.

Councilmember Hamilton inquired concerning line item 925, Youth Worker, as to whether the \$4,000 reflected as the FY 87-88 Estimated Actual was accurate; Ms. Ziegler responded that figure did not reflect expenses that had not yet been added, that the final total would be close to the \$5,000 allocated. Responding to Councilmember d'Eustachio, she explained that the basic difference between 910, Special Activities, and 920, Special Programs, was that one was primarily classes, such as woodcarving, art, aerobics, etc., and the other was recreational programs such as the Hallowe'en Party, the Egg Hunt, concerts, etc. She pointed out that fees taken in for classes were deposited directly into the General Fund; the \$7,000 requested was the estimated amount it would cost to pay instructors and other expenses of conducting the classes; and noted they were essentially self-supporting.

The Mayor spoke in favor of Ms. Ziegler's proposal for increased funding for the 1989 4th of July Celebration. He commented he had recently received a collection of historical City-related material from a resident, and among it was a flyer distributed at the City's 50th 4th of July parade, which he said was a rather magnificent piece that recounted the entire history of the City's celebration of the holiday. He pointed out that the 100th celebration would happen only one time, and despite difficulties that might be presented, he said he felt the Recreation Department should be provided the necessary funds to make it a memorable occasion. He said he felt the \$10,000 was a reasonable request, and he hoped the committee would also be able to raise substantial additional funds from both the business community and private citizens. Responding to inquiry, the Mayor explained that the community of Takoma Park came into being in 1883, however, did not incorporate until 1890 -- the first 4th of July parade preceded the incorporation of the city. He pointed out the parade could be considered a prelude to the 100th anniversary of the City's incorporation, which would occur the following spring, and noted it was one of the oldest continuing parades in the area. Brief discussion followed in which it was noted there was a \$13,000 differential between the City Administrator's recommendation in the supplemental budget for the 4th of July and Ms. Ziegler's requested amount.

Councilmember Martin inquired concerning the total amount generally raised by the committee for the 4th of July. Ms. Ziegler explained that they raise the funds that pay entirely for the parade, fireworks, prizes, etc. Her departmental budget funds only such things as the No

Parking signs, flares used by the Police Department, refreshments for dignitaries, invitations for dignitaries, the City float, and anything connected directly with the City. She said the committee raised about \$10,000 last year, and that was the average -- about \$5,000 of that went for fireworks, the rest for the various other expenses. Councilmember Elrich pointed out the need for prioritization of items and inquired to which Ms. Ziegler would assign higher priority if a choice had to be made between funding an additional Youth Worker and increasing funds for the 4th of July celebration. Ms. Ziegler responded that would be a difficult choice to make, inasmuch as the two were such different issues -- she felt the Youth Worker to be very important to benefit the children, but noted, as had the Mayor, that the celebration would be a once-in-a-lifetime event, would not recur. She said she hoped various groups, other than the committee, would be able to do some fundraising for the 4th of July to supplement funding.

Lamont Weich, 7426 Carroll Avenue: said the children were the future of the country and the community, and spoke strongly in favor of the additional Youth Worker to work with girls, pointing out that there was little in the way of programs offered at present for those who did not participate in varsity sports, particularly girls. He said the choice should not, in his opinion, be difficult if it came down to choosing between children and things.

Robert Mandel: said he would want to voice emphatic agreement with the previous speaker, and with Councilmember Elrich; said taking care of our youth and our children must be a foremost priority. He said one Centennial celebration had taken place not too long ago, and that should suffice. He said providing guidance and recreation for the young was important to the entire community in dealing with today's problems in society, and that should take priority.

Dorothy Cichello, 7320 Piney Branch Road: spoke in support of Recreation's proposed budget; she said the Parks and Recreation always seemed to be the lowest-funded budgets, but what they provided was the most visible to the community. She said she felt there was a need for a female Outreach Worker to provide services to the girls of the community, and supported that proposal. Additionally, she said she felt the department was understaffed for the massive amount of activity handled there, and supported the addition of one staff person, pointing out that department served many necessary functions other than recreational services. She spoke in support of the proposed additional funds for the 4th of July celebration. Ms. Cichello also spoke in favor of increasing funding for the Parks Division, saying there was need for an increase in staff to do more maintenance in order to prevent the City's parks from becoming a disaster area. She said in most communities, parks and recreation were combined, and a change in the City's situation in that regard should be seriously considered.

Karen Mitchell, 7600 Maple Avenue: related she was the mother of 4 teenagers -- 2 boys and 2 girls. She said the girls had benefitted greatly from the services of Calvin Avant, the male Outreach Worker. She said one of her daughters had had to join a church in N.E. D.C. in order to find a teen club that offered some of the same services that her brother participates in in Takoma Park; she said it was not fair not to offer the same program for the girls in the city, and that those services were invaluable in combatting the drug problems to which all the young people are exposed. She said the city's children are just as important, if not more so, as other issues addressed in the budget, and she would think they would be made a #1 priority.

Judith Heatwole, 7802 Kennewick Avenue: stated she was representing the Takoma Park Recreation Council inasmuch as Ed Hutmire, the President, was out of town on business. She said the council wished to express support for the department's proposed supplemental budget, and pointed out that department's budget comprised only a little over 3.5% of the City's budget. She said that with those limited funds, the department did more for the citizens of the community than did other surrounding agencies. She asked that serious consideration be given to the hiring of a female Outreach Worker so that the girls of the community could have the same opportunities as the boys now had, pointing out they, too, had needs that could be met by such a person.

She commented in favor of the other supplemental items, noting that proper maintenance of the Gym floor was necessary to keep it from deteriorating as it had in the past. Speaking as a private citizen, Ms. Heatwole referred to the long, hard hours Ms. Ziegler works, and said she could not be replaced by three 8-hour workers. Concerning the 4th of July parade, she said she had heard comments from people that they no longer attend because of the lack of bands participating -- she said she understood the reason for that was because the City could not afford to pay them. She commented that she had a 13-year old son who was too old for a majority of the recreation programs; she said she perceived a need for provision of some sort of program for those in the 13-16 age group, and hoped that would be examined.

Diane Jenkins: referred to the outstanding work done with the male youth in the City by Calvin Avant, and said such a person was also needed to work with the girls. She said her 14-year old daughter would like to participate in Calvin's program, but could not do so unless accompanied by either herself or some other adult female. She urged that funds be allocated in the budget to hire a female Outreach Worker.

Lisa Walker, 7600 Maple Avenue: said she was speaking on behalf of herself and her friends, that Calvin had advised the girls to attend the hearing and express their feelings. She said the boys, under Calvin's supervision, attended basketball games, took trips, etc., and the girls were not included. She said she did not think the situation was fair.

Tom Guins, 1200 Kingwood Drive: as President of the 4th of July Committee, expressed support for and reinforced Ms. Ziegler's request for \$10,000 in additional funding for the 1989 parade and fireworks. He said he felt the committee's sources for supplemental fundraising had about been tapped to the limit. As President of his neighborhood association, he expressed serious concern about what was occurring in the parks; he said healthy azaleas were being torn out and removed, other shrubs were being chopped to the ground, the gardens were being destroyed. He said he did not understand what was happening, but felt perhaps it had reached a point where it would be better to separate that function from Public Works and put it under the Recreation Department so that the parks could be properly maintained. As a private citizen, he said he felt the Recreation budget was where the city makes its investment in its youth -- the federal and state governments were both disinvesting in that resource, were buying guns instead of education. He said he thought the City could offset that by investing more in youth and providing more activities for them, particularly the Youth Outreach Program; he said he supported providing whatever assets were necessary to improve and increase that program. Responding to the question posed earlier by Councilmember Elrich, he said he would fund the Outreach Worker rather than providing additional funds for the 4th of July, if a choice had to be made between the two.

Michelle Curtsy, 6701 Conley Avenue: said the girls weren't allowed or welcomed to join in the boys' programs and games, and it was unfair not to provide something for the girls.

Unidentified young female, 7500 block of Maple Avenue: echoed comments of other young female speakers; said the boys have a gym program on Friday nights, and one of the recreation workers tries to provide a space for the girls to play if they come, but what they need is some female leadership in the Recreation Department to work with the girls.

Michelle Curtsy: said she would like to play football, basketball, other sports that the boys play, but had no opportunity. She said all there was for the girls to do on weekends was to sit in the house and watch television; the boys went on many trips with Calvin, but the girls were not generally included. She said the girls were not given equal opportunities and treatment due to lack of a female to work with them in a program. She said she had gone to a program at Longbranch concerning drugs and thought the same sort of thing should be presented in Takoma Park.

Angela Irby, 117 Lee Avenue: said she had gone to a rap session about drugs, but was the only girl there. She said boys were not the only

ones exposed to drug use -- a lot of her friends were smoking -- 14 and 15 years old. She said it was not only the sports programs the girls didn't get a chance to participate in, but also programs where they could sit down and rap, talk to each other, about problems like drugs. She said while some of the girls sit home and watch TV, others hang on the streets and experiment with drugs. She said most of their boyfriends hustle, and they offer the girls drugs to try. She said the girls need programs where the issues could be discussed and information exchanged.

The Mayor thanked all the young people who had attended to speak, and said he felt their testimony had had an impact and that they had made their point. Councilmember Douglas echoed the Mayor's comments, and said he thought Calvin should be commended for the work he's done with the youth and for influencing the young people to attend and speak out. Councilmember Hamilton commented on the anticipated reopening of the Municipal Gym and the snags that had been encountered, delaying the opening. He said once that facility was open, it would provide a place for the girls to play basketball. He said there was a pressing need for the Council to make a decision to do whatever was necessary to get the Gym open as soon as possible. Councilmember Martin commented she had supported funding the female Youth Worker, but she felt the young girls who had attended and spoken had convinced the male portion of the Council much better than she would have been able; she thanked them for coming.

PUBLIC WORKS:

Public Works Director Robbins noted that while proposed amounts for the majority of accounts had not changed significantly, those related to utilities had increased somewhat. Due to pressures of the reorganization plan, he said he did not feel confident sufficient time was devoted to budget preparation and was not completely comfortable with all the figures submitted, thus, adjustments had been made to some figures and he had prepared memoranda concerning those.

Regarding salaries for the Office Division, he related that while he had originally submitted a reorganization plan, based on discussions with Mr. Selig, that had been tabled and a different direction was being taken. Inasmuch as salaries would be directly related to the impending plan, he said he would not address that item. The Mayor related that discussions had taken place involving senior staff members, Councilmember Hamilton, and Mr. Selig, and Mr. Selig would be providing a plan based on those meetings. Councilmember Leary remarked he would hope any plan presented would keep in mind the comments expressed at the hearing held on the subject. Mr. Wilson related that sentiments expressed at that hearing were used as the criteria for what is being formulated. Mr. Robbins pointed out there were some instances in which part-time laborers were proposed as an addition, and which he did not consider to be a part of the reorganization plan, so would point those out.

Mr. Robbins related line item 812, Association Dues, reflected a significant increase due to the fact that those dues had previously covered only one person; it was now proposed to have a departmental membership so people could be sent to training sessions and get group discounts. He pointed out the most significant increases in line items were in those covering uniform rental and laundry. Under Government Buildings, line item 830, Salaries, he explained the reason for the approximately \$37,000 increase over the FY 87-88 Estimated Actual was that there were vacancies that were not filled during the year -- the monies that would have been paid out in those positions were they filled was used in the Repair Shop budget. Based on stipulations in the union contract, he noted it was required that short sleeve shirts and jackets be provided employees, so an additional increase had been necessary in the Uniform Rental and Laundry account. Responding to questions raised about accomplishing work when some positions were left unfilled, Mr. Robbins explained that employees were reassigned part of the time in order to get the bare essentials accomplished. Councilmember d'Eustachio pointed out that Carlos had had split management responsibility for both building maintenance and the repair shop, and had done an excellent job; he said, however, in light of past difficulties with the repair shop, he would not want that facility to be shorted management-wise. Mr. Robbins pointed out

that Carlos had recently been assigned full-time to the repair shop, and he was anticipating filling the building mechanic's slot. Councilmember Martin raised questions about the City's portion of the cost of utilities for the Municipal Gym when it reopens. It was noted that decisions would have to be made concerning where in the budget that would appropriately be inserted, were the City liable for some of those costs.

Addressing the budget for the Repair Shop, Mr. Robbins pointed out that, again, Uniform Rental and Laundry reflected a significant increase; he explained that the company previously utilized could not provide adequate service, a number of employees had been taking their uniforms home to launder. He said they had had to change companies, the new company's rates were considerably higher, but their service was better. At the present point in time, he said it was unknown just how many people would be using the service, so he had planned for the worst case scenario, it was possible the total expenditure for the year would come in under the figure requested. He noted that line item 858 for gas and diesel fuel reflected an increase, explaining he could not afford to have the tanks topped off at the end of the last fiscal year, so that had to be done in the current fiscal year, which cost an additional \$10,000 -- a significant part of the cost in that account was tax, and the process had been initiated to become exempt from that tax. He said the question of tax on diesel fuel was unresolved; there was legislation pending which would exempt local governments from paying federal and state tax on that fuel, however, COG did not feel it very likely that would be passed in the near future. Responding to inquiry about the decreased cost in Outside Labor & Parts, he said the City's purchases of newer vehicles for its fleet had made a significant difference in both down time and maintenance costs for the vehicles. He said he would not recommend making further cuts to the requested amount for that account inasmuch as the tendency was to postpone doing all but the absolute necessities if money for maintenance was restricted too much. Responding to inquiry from Councilmember Martin, Mr. Robbins stated that the mechanics were regularly being sent to Chrysler schools which occur at dealerships; each mechanic had been sent to roughly 4 different schools on the various components. In response to questions raised by Councilmember Sharp about who was responsible for ensuring warranty transfer in the case of used vehicle purchases, Mr. Robbins stated that it was the responsibility of the individual department heads to see that that was accomplished.

Addressing the Parks Division, Mr. Robbins said he anticipated Uniform Rental and Laundry to be lower than originally requested -- \$2,205, rather than \$2,615. He pointed out that monies for wood chips/mulch for the parks had not been included under Supplies, inasmuch as it had been learned from other jurisdictions that they get that material gratis from tree service firms, and he would be looking into doing likewise. Responding to Councilmember Douglas, he said water costs for Eastridge and Jackson/Boyd parks, which have water meters, had not been budgeted for because there was as yet no established basis for projecting cost. Councilmember Leary inquired whether Mr. Robbins considered that the City's parks were being adequately maintained. Mr. Robbins responded that the parks were receiving minimum maintenance, primarily what was done was for the purpose of keeping the parks safe; creative sorts of things were not being done. He stated that the funding proposed in his supplemental budget would not be adequate to care for the gardens and parks as they really ought to be; to properly maintain the gardens, at least 3 full-time people should be dedicated solely to pruning, weeding, fertilizing, etc., of them. In the past, he said, one full-time person had been assigned, in addition to whatever amount of work fair labor could be gotten through the county's program -- occasionally, it had been possible to assign two full-time employees, but that still did not allow maintaining the gardens the way they should be. Responding to inquiry, he stated the division had four people, including the foreman -- one laborer had gone on permanent disability due to glaucoma, so there were currently only three people in the division. He said in order to maintain the garden well, he would anticipate needing a Supervisor for the division, someone with some horticultural background and knowledge, and two additional laborers; those currently doing the work were hard workers, but simply did not have a lot of the necessary knowledge.

about plant life. The Mayor inquired whether installation of sprinkler systems in those parks not having them would help in addressing the problems with the parks; Mr. Robbins affirmed that would be a great help. He agreed he would look into costs and provide the elected body with that information. Responding to Councilmember Leary, he said work fair employees were used in both the Parks and the Streets Divisions, noting that they were essentially free labor for the city -- generally were not the best workers, but there were exceptions.

Councilmember d'Eustachio inquired whether it was usual practice to leave a position, such as the one mentioned earlier in which the individual had gone out on disability, unfilled until such time as all leave was exhausted and the person actually retired, or whether there were other approaches such as transferring funds to fill a position so that the work force was not short. Mr. Wilson responded that while there was still a tendency to follow the course of leaving a position unfilled until a retirement, disability or otherwise, was finalized, that need not be the case. He commented that, unfortunately, the case being referred to was a throwback to the practice which had originally established the City's unfunded liability. He said what had been attempted in the last few years was to anticipate such things as retirements or people who might be going out on disability, so that the situation of money being spent with no work being done did not occur. He said when a request was initiated, what he tried to do was find ways of either supplementing the budget or transferring funds around. Brief discussion ensued concerning unfunded liability. Ms. Habada explained that the unfunded liability line item was used, when possible, to help address such situations; however, available funds in that account had been expended to cover a Police Department situation, so they were not currently available.

Councilmember Sharp raised questions about the poor quality of maintenance in Takoma Old Town, e.g., the grass median strip, the paint on the clock, the welcome signs; he said proper maintenance of that area really needed to be addressed. The Mayor commented on the serious need for maintenance of the greenspace, noting the area at the parking lot near the bank and a number of the trees in the area; he asked whether those items were a part of the Parks budget, and what sort of plan and program was provided for handling those things. Mr. Robbins explained that the Parks Division handled the turf areas, weeding, etc.; equipment in Old Town was handled by the Streets Division. He said one thing he anticipated doing in a number of garden and planting areas was using a special matting that prevents the growth of weeds, which would eliminate the need for weeding and improve appearance. The Mayor remarked on the appearance of some of the gardens around the Municipal Building, particularly the one going around the exterior of the Council Chamber; he said there was grass growing in the azalea beds, and despite the Parks Division being understaffed, some priority should be given to upkeep and appearance of areas around the Municipal Building. Councilmember Martin commented about the muddy condition of the ground and some azaleas that appeared to be partially uprooted outside the Police Department side entrance; Mr. Robbins explained that an area there had to be excavated recently due to a leak in the footers of the building and restoration had not yet been completed.

Mr. Robbins noted two laborer positions had been deleted from the Sanitation Division, and that division was going to require reorganization, however, that situation was presently in limbo. He said the uniform situation in that division was as previously discussed. He related that, based on recent information received, he anticipated refuse disposal fees for the coming year to amount to \$216,000 (rather than the \$199,000 originally projected), due to planned increases by the counties -- a \$4/ton increase by Montgomery County, \$3/ton by Prince George's County; he said he understood Prince George's was proposing an increase because Montgomery was, and they did not wish to become the dumping ground for the area because of substantially lower tipping fees. The Mayor pointed out that the recycling report recently received recommended that the City hire a consultant to do a study of the pickup process and procedures; he inquired whether Mr. Robbins' proposed budget included an allocation for that project. Mr. Robbins responded in the negative. Councilmember Martin commented that the Recycling Committee thought the City could get a new recycling con-

tract in by September; she inquired what sort of decrease in tipping fees could be anticipated if that were done. Mr. Robbins responded that would depend upon the level of participation; at present, there was about 40% participation in the newspaper recycling, if that could be doubled, it would amount to about 500 tons. He said the 40% figure was a high level compared to that in Montgomery County; making recycling mandatory increased the participation rate considerably in the city. The Mayor suggested that if a recycling contract were renegotiated, it might be worthwhile to include a requirement for a quarterly survey of addresses where residents are complying with the recycling mandate, so that those that did not appear to be participating could be addressed in some way by the City. Councilmember d'Eustachio commented he had thought in instances where refuse crews noticed residents not complying, the City had been sending letters to those addresses; Mr. Robbins said that had not been done, that the only way refuse workers would know if newspapers were included with trash would be to go through the containers. He affirmed that provision was made in the law that the City would notify those not complying, however, such had not been done. The Mayor commented he felt the key to compliance would be to get the recycling company to provide the City with an indication of those addresses not complying. Mr. Robbins suggested the use of radios, with Silver Spring Recycling radioing in to Public Works the addresses of those not participating, and said the company was agreeable to such an arrangement. Councilmember Martin said she would have problems with sending out letters accusing people of something of which they may not be guilty; she pointed out some people may put their papers out only sporadically, rather than on a weekly basis. In addition, she said perhaps newspaper carriers could provide lists of the addresses to which they deliver, so it would be known whether or not those thought to be non-complying are newspaper subscribers. The Mayor pointed out the letters need not be accusatory, but could simply point out the existing law.

Councilmember Douglas noted there are currently 2 pickups weekly for kitchen garbage and inquired whether the second pickup was generally light; Mr. Robbins confirmed that it was, however, said to accurately project whether or not one pickup per week would be sufficient, a survey of the amount of trash generated per household would have to be done. He pointed out that once a truck was filled, the trip to the landfill was 25 miles one way, amounting to 2.5 hours on the road. He concurred there was some possibility, however, that one pickup would suffice, and affirmed he was supportive of the taskforce's recommendation for reassessment of the refuse system for efficiency, recycling, etc. The Mayor remarked it would seem to him that if the City instituted a recycling program for bottles and cans, then it could more easily move toward a single weekly refuse pickup; Mr. Robbins concurred. He said, however, he felt there was need for an overall evaluation of the system and equipment prior to such a change. He briefly described new systems using increased mechanization and requiring fewer people; the Mayor commented he did not see a need for that in order to institute recycling and still be able to cut the number of refuse pickups. Mr. Robbins stated that he felt the City's current pickup system and routes, without some modification, precluded taking on the additional task of recycling. The Mayor reiterated that what he envisioned was replacing the second weekly refuse pickup with a recyclable pickup, and inquired, if that were done, whether present personnel would be adequate to accomplish that; Mr. Robbins responded in the affirmative, providing the trucks can handle the capacity of the load in a single trip. In relation to the portion of the discussion wherein Mr. Robbins described the more advanced pickup equipment available and the savings in personnel costs that could be effected by implementing use of that technology, Councilmember Elrich remarked on not only the initial cost of the machinery, but its maintenance cost and the people it would replace, and said he would rather be paying people to work than paying to maintain sophisticated machinery.

Addressing the Streets Division, Mr. Robbins pointed out an additional increase in the initial amount proposed for uniforms was projected, for the same reasons set forth previously. He noted, as well, an increase in line item 895, subcontract work, to \$6,150, explaining that contract was with a private firm for maintenance on the lighting in Takoma Old Town, Takoma Junction, and at the intersection of Flower and Piney Branch. He said PEPCO would not maintain those lighting.

Public Works submits recommendations concerning which streets they deemed most in need of repair work; however, those had not been given any priority above and beyond the requests submitted by neighborhood associations for CDBG-funded work. He said he had seen instances in which streets were repaired, while there were others he deemed to be more in need of attention. Concerning the allocation the City had a few years ago for planting trees, he explained that trees had been planted on the majority of the planting strips where that was feasible; most of those areas in the city were too narrow for such planting because trees there would ultimately break up the sidewalks as they grew. He said, in his opinion, there was not need for that line item at the present time.

Councilmember Leary inquired how many of the budget's manhours were allocated to leaf pickup and snow removal annually. Mr. Robbins pointed out that snow removal was a variable, however, said the average would be an entire month of an entire crew devoted to contending with snow removal and icy conditions. He said leaf collection had taken the longest ever this year -- 3-1/2 months -- to do two areawide collections; generally, it had previously taken 2 to 2-1/2 months. Mr. Leary commented it seemed to him that Streets and Parks were similar in that they both had enormous responsibilities to fulfill, without adequate staff to do everything that ought to be done, nor would they likely ever have a sufficient amount of personnel to do so; however, he pointed out that relatively few of the tasks were absolute essentials that had to be done, so he said he felt that made it imperative that a specific prioritized work plan be formulated for the divisions. Given the discussions the elected body had had concerning planning for doing infrastructure repair and maintenance, and the related floating of a bond issue, Councilmember Sharp said he had anticipated seeing some provision for that in the proposed budget, and that was not the case. The Mayor commented that floating a bond issue would probably take a significant amount of preliminary work; he said Mr. Wilson's budget statement indicated he envisioned that topic being dealt with, however, no appropriation had been included in the proposed budget. He said he felt the elected body would have to make a decision as to what the City could afford and make some provision in the budget to initiate the program. He said he would like to see funds available by January 1 so that some infrastructure work could commence in the spring. Mr. Wilson stated that the City could float the bond and could get the money; however, he emphasized, there had to be a prioritized plan with criteria applied uniformly to every street the City owns, and with dollar amounts assigned. He said he had proposed an allocation in his budget last year to formulate such a plan, however, those funds had been allocated for actual repair work rather than the proposed survey. The Mayor commented he concurred with what the City Administrator was saying, but felt that the process should be accelerated so that the infrastructure survey and plan was done without delay and a bond issue floated to allow for some of the needed work to be begun next spring. Councilmember Elrich said that while he agreed with what was being said, prior to taking any action, he would like to see what the City could actually expect from the county in the way of possible increased rebates because that could make a difference between a shortfall in the proposed budget and having an overage that allowed the funding of some additional projects. He said knowledge of what the City could expect would influence his thinking in weighing the supplemental budget requests, and he would want more specifics about the amounts of money that would have to be set aside and for how many years if the City floated a bond issue. In addition, he said he felt there was a real need to press the county for increased rebates in areas other than police for services they were not providing, such as the Youth Worker, and for some of the things the Housing Services Department was doing. Councilmember Leary remarked there was also a need to take a hard look at things that could be cut in the proposed budget, and said he would be making some proposals along those lines before the process was finished. He said he did not see a pressing need for the costly street survey that had been discussed, that there was the one previously accomplished, and anywhere one looked there was street work needing to be done; he said it would ultimately come down to a political judgment -- doing one street in each ward, in effect. He said anyone could go down the existing list of streets and find those having a high priority of need without spending \$30,000-\$40,000. The Mayor commented that no bond

fixtures; the firm with whom the City was contracting also maintains lighting in Montgomery County, and the City would be piggybacking on that contract. Councilmember Elrich inquired whether the proposed budget was based on doing as little as possible to streets and sidewalks out of City funds, with the hope that there would be Block Grant funding for those repairs; Mr. Robbins affirmed that was the case. Responding to Councilmember d'Eustachio, he explained that the amount budgeted for streetlight installation was not for a single streetlight, but for several individual lights. Mr. Robbins affirmed that maintenance of Old Town would be a part of the Streets budget. Responding to inquiry from Councilmember Douglas concerning what sorts of things were anticipated to be accomplished there, Mr. Robbins explained that the problems lie not in the cost of materials, but in the cost of labor to get things accomplished; he said that the Streets Division has one supervisor and six workers. There are 2 crews and they do such things as street painting, tree maintenance, signing, some concrete work, pothole repair, etc. He said what it amounted to was that there were just not enough people to do all the things needing to be done. Mr. Douglas remarked that one of the visual detractions in Old Town was the amount of litter that collected there, and perhaps some of the work fair people could address that problem. Mr. Robbins said that could be done, but it was necessary to assign a full-time employee along with them to supervise and oversee what was done. Mr. Douglas commented on a need to specifically allocate a given amount of time/resources in the Public Works budget to maintenance of public areas in Old Town, Takoma Junction, etc. The Mayor remarked that he found it incredible that the City has 7 people working full-time in the Streets Division, and yet the public areas can reflect the level of neglect that is apparent; he inquired whether there was a work plan for the division designating specific jobs to be done and hours allocated for them. He said it was not at all obvious where the significant amount of money spent to fund that division was being spent. Councilmember Leary pointed out that what was being presented was the same as was the case for the Parks Division, i.e., that the bare minimum level of maintenance was being done; however, he noted that the personnel level was twice that of Parks, and asked whether there was twice as much work to be done in the Streets Division; Mr. Robbins responded in the affirmative. The Mayor inquired whether absenteeism contributed significantly to the problem in getting the work done in Public Works; Mr. Robbins said it did, and that new controls and abuse policies had been implemented, which would hopefully reduce the level of absenteeism. He said while it might appear that Public Works was not doing the amount of work they should, he believed in reality they were doing what could be done, given that there was room for improvement in almost any situation. Mr. Robbins related that there were 30 miles of city roadway to be maintained, deadwood and trees to be taken care of on city property, leaf collections to be accomplished. The Mayor reiterated the need for provision of a specific work plan, including goals, with the knowledge and understanding that adjustments would have to be made if there were major storms and resulting damage to contend with. Mr. Robbins stated he would have such a plan ready for the elected body the following week. Councilmember Douglas asked whether Mr. Robbins could give a rough estimate of what would be required to keep Old Town at a reasonable level of maintenance; Mr. Robbins estimated that 5 man-hours a week would accomplish that.

Councilmember Elrich noted the request in the supplemental budget for allocation of funds for the infrastructure study; he inquired whether, short of that being done, Mr. Robbins had a good idea of areas seriously requiring attention in the way of curb, street and gutter repairs; Mr. Robbins responded in the affirmative. Mr. Elrich said while there were concerns about the appearance of Old Town, there were a lot more serious infrastructure problems scattered around the city, and only a portion of those were addressed through Block Grant monies. Mr. Robbins estimated that at least 30% of the City's infrastructure, which amounted to about \$17,000,000 total worth of infrastructure, was in serious need of repair and the cost to do so would be in the neighborhood of \$5,000,000-\$6,000,000. Responding to inquiry from Mr. Douglas, he said he did not think problems had significantly worsened since the roads study done 6 years previously, due to repairs made with CDBG funds. Councilmember Martin inquired how the decision was made which streets to repair. Mr. Robbins explained that each year

company would issue a bond without a specific plan and he did not feel what the City now had was adequate for acceptance by a bond company. Mr. Leary said he was not sure that was true, it was not what officials were told when they met with bond counselors. He said he did not agree with Mr. Elrich that a decision needed to be made concerning how much to spend on a bond and for how many years, and then the amount needed to be allocated to a specific number of high-priority projects. He said he felt once some decisions were made, Mr. Robbins, working with other City staff, could come up with a perfectly workable plan, keeping in mind political ramifications that would be set forth; he reiterated he did not see a need to pay a consultant \$30,000 to do something that staff was capable of doing. It was noted in the course of ensuing discussion that \$6,000 was paid for the previously accomplished streets survey which, however, was not prioritized or costed out.

Ms. Habada explained that Prince George's County had not finalized their plans for a street survey by a California-based engineering firm, however, they would probably do the P. G. portion of the City for a lesser total amount than had been anticipated, which would leave the Montgomery portion for the City to have done. She said the previously done survey would probably at least provide them a starting point. She pointed out there were two ways to accomplish what needed to be done; political decisions could be made about what needed doing and bank loans could be negotiated, in which case, she said, Mr. Leary's approach would probably be workable. She said if the elected body wanted to spend \$100,000-\$150,000 a year in addition to CDEG funds, then that could probably be arranged without a specific plan. However, if the approach was to try to deal with the problems on a large, overall scale, requiring larger dollar amounts such as \$500,000-\$1,000,000, more planning would be required. A bond rating would be needed if the City went to the bond market, unless the City went through the state infrastructure program, where there was a little more leeway. She said bond companies would not consider involvement without more sophisticated and specific planning for them to evaluate.

The Mayor said he would like to see the elected body move toward floating a major bond issue to address the existing problems, which would involve longterm payments, and in light of the amounts involved, the \$20,000 for a professional street survey and prioritized plan would be a relatively small amount. He said he would favor that approach over doing the work piecemeal and subjecting it to a process of political decision-making insofar as priorities. Councilmember Sharp commented there were worthwhile arguments to be made for both approaches; he said it had been pointed out at some point in discussions that Henry Guilford, the City Engineer, could probably point out with no problem where \$500,000 could be most effectively spent in the city, which was probably correct; however, that would not be the approach to be taken if the decision were to float a bond issue. He said he did think there was a need to discuss the issue in more depth. The Mayor said time would have to be allocated at a worksession to do so in the very near future.

Councilmember d'Eustachio asked that staff provide the elected body with figures reflecting principal and interest payments annually, assuming current market conditions and rates, for a 20-year bond on amounts of \$2,000,000, \$1,500,000, and \$1,000,000, so they would have some idea of what they would be looking at. He said he would suspect that the City would never be able to meet the payments on a \$2,000,000 bond. Mr. Wilson suggested that a 10-year bond be looked at; he said the money market in the last ten years had not allowed anyone to do 20-year bonds, that it was a bad scene. Mr. d'Eustachio said that what he would want was an idea of what the Council would be locking their successors into, should a decision be made to float a bond.

Herb Kaufman, 214 Tulip Avenue: said he would be brief inasmuch as what he wanted to address would be discussed in relation to the supplemental budget. He said he wanted to remind the elected body that the Gypsy Moth problem faced by the City could not be forgotten, funds would need to be appropriated to address the problem. Brief discussion ensued concerning the anticipated time the City would be facing the infestation; it was noted there was no real basis for projecting a

timeframe, however, the state was interested in examining the effect of the two sprayings the City would have. There was some chance the double spraying would lower the moth population to a level below that the state required for spraying next year, however, the City might want to spray a second year as a safeguard measure. Mr. Robbins pointed out that the moth population would decline after spraying, would become sickly, however, there would be a later resurgence. He said there was a narrow timeframe within which the spray would be maximally effective, and if the state spraying did not exactly coincide with that, the effects of the insecticide could be lost.

Responding to inquiry from Councilmember Douglas about his memorandum concerning a scheduled meeting with department heads about a spending freeze, Mr. Wilson said the meeting was cancelled, however, those department heads were well aware of the situation and what was expected of them. He said, based on the latest financial statement which had just come out, there was no indication that the freeze should be lifted.

Upon motion, duly seconded, the meeting adjourned. The Mayor noted the next Public Hearing on the proposed budget would convene at 7:30 p.m. on April 26, 1988.

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
April 25, 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	Housing Services Director Weiss
Councilmember Hamilton	Newsletter Editor Baron
Councilmember Leary	
Councilmember Martin	
Councilmember Sharp	

The Mayor and City Council convened at 8:05 P.M. on Monday, April 25, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of the April 11, 1988 Public Hearing were presented for approval. Councilmember d'Eustachio pointed out that on page 4 of those minutes, he was incorrectly listed as being the seconder of the motion to pass the Gypsy Moth Resolution; Councilmember Douglas remarked he believed he had seconded that motion. Councilmember Sharp noted that on page 5, the name of the Executive Director of HOC had been spelled phonetically (Tatro), which he was certain was incorrect; staff was directed to ascertain the correct spelling for the permanent record (Tetrault). Mr. Sharp commented, however, that the minutes were very well done. Councilmember Leary remarked he was deeply impressed by the timeliness, fullness and discretion of the minutes, that they were exceedingly accurate not only in the details, but in the nuances as well. He said he felt the individual responsible ought to be commended. Councilmember Sharp moved approval of the minutes, as corrected, duly seconded by Councilmember d'Eustachio; the motion carried by unanimous vote.

The Mayor related that Ride-On would be conducting forums at the Municipal Building on the upcoming Thursday and Saturday concerning the new bus service that would commence in Takoma Park on May 1; he noted information would be provided about routes and schedules, and there would be a ribbon-cutting ceremony on Sunday to dedicate the new buses that would be put into service on the new routes. He commented that this had been an instance in which the City and the county had been able to work together constructively for an improvement in service.

Mayor Del Giudice noted that COG would be holding its first regional Summit Meeting on the Problem of Drugs in the Metropolitan D. C. Area on Wednesday; he noted Councilmember Hamilton, as Chair of the Community Services Committee, had recently conducted a public forum in the city on the drug problem. He said Police Chief Fisher and Captain Wortman, who would attend the COG meeting with Mr. Hamilton, were also present at the public forum to participate and receive community input.

Councilmember Martin related having been called by a constituent who wished to know whether or not the heavy infestation of caterpillars on her property were Gypsy Moth larva; she said, having examined them, they were not, and she would like the public to know that if they find caterpillars on their property that are an inch or longer at the present time of year, they are not Gypsy Moth larva, but tent caterpillars, which have heavily infested the area. She said the spraying that would be done for Gypsy Moths would not affect the tent caterpillars, and property owners troubled by them should buy the appropriate insecticide to spray; she noted the tent caterpillars appeared to be particularly attracted to flowering trees. Responding to query from Councilmember Hamilton, she said information concerning the Gypsy Moth spraying would appear in the Newsletter; there would be a 1-800 number people could call to ascertain when their neighborhood would be sprayed. The spraying would occur in the early morning, would cease when the helicopters observed people leaving for work, children going to school, etc., and would resume after such activities had ceased. She said the second spraying would occur 7-10 days after the first.

Mayor Del Giudice referred to the legislation passed some time ago in

the city, creating the Takoma-Langley Commercial Development Management Authority, and which specified that he would appoint an individual to represent the City on the CDMA. He related that the CDMA would be holding its first meeting on 4/27/88, and he had appointed Economic & Community Development Director Daniel Neal as the City's representative; he noted that Councilmember Martin, in whose Ward Takoma-Langley Crossroads was located, would also serve as an ex officio member.

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

Mary D'Ovidio, 7324 Piney Branch Road: reminded that the annual House and Garden Tour would be occurring on Sunday, May 1, from 1 to 5 P.M. She provided a brochure, said the tour would be offering a number of homes that had not previously been available for viewing, a living history group would be reenacting the time period when B. F. Gilbert was selling properties, and public transportation would be provided. She said the committee was very pleased with what was being offered this year, and commented that proceeds from the tour are reinvested in projects beneficial to the city. She encouraged that the elected officials attend and support the event, noting that their tickets would be a gift from the tour. Councilmember Sharp commented that the committee had done a commendable job in decorating the display case out in front. Ms. D'Ovidio remarked that a number of people on the tour committee deserved thanks for that accomplishment.

Mike Davidson, 7513 Maple Avenue: suggested that for safety purposes, a curbside guard rail be erected in front of the fabric store on University Boulevard in the Takoma-Langley shopping area. He explained there was a bus stop there and often 20-30 people are standing waiting for the bus, with no protection in the event a vehicle should jump the curb. He referred to an accident in the District some time ago in which an entire family was killed when a vehicle came over the curb. Councilmember d'Eustachio commented that installation of such a safeguard would be a state responsibility, however, perhaps the City could write a letter pointing out the hazard and asking that such installation be effected. The Mayor commented that despite the area being outside the corporate limits of the city, the subject could be broached with State Highway, and also perhaps such a guard rail could be incorporated into plans for the area a private developer was going through with the Prince George's Park & Planning Commission. Mr. Davidson asked that there be no delay in the City doing what it could in the situation, and that posts for the guard rail be set very deep into the concrete so that it would present a substantial barrier. Councilmember Martin remarked she felt very concerned observing the numbers of people that get off the bus and cross University Boulevard on foot in heavy traffic rather than walking down and crossing at the traffic light. Mr. Davidson referred to very serious questions and charges he had raised several months ago before the elected body in regard to COLTA; he said he had been present at meetings several times in the 3-month interim and nothing had been done. He said he had not forgotten the subject and was again asking what was going to be done. The Mayor responded that when Mr. Davidson had first raised his questions about the propriety of some of the actions of some of the members of COLTA, particularly the currently sitting Chair of that body, he had made two specific suggestions, i.e., that Mr. Davidson petition and request that the individual remove himself from sitting on the particular case. He said, to his knowledge, that had not been done, and he did not feel the elected body should properly indulge in interjecting politics into such matters. In addition, he said, he had suggested that Mr. Davidson put his additional complaints in writing and address them to himself and the Council so that a decision could be made as to whether they were matters the elected body could deliberate upon without interjecting themselves into ongoing COLTA cases, which would be totally inappropriate. He said there was a need to distinguish between complaints that involved ongoing cases and those that concerned more general matters, and until something in writing was received from Mr. Davidson, a response could not be forthcoming. Mr. Davidson said that the commission had issued an opinion on the subject case; he said, for the record, that he came before the elected body before the proceedings got underway, and that while his requests were not made in writing, he expected elected officials to be responsive to citizens' requests when they are a part of the official re-

cord. Concerning the earlier oral statements made by Mr. Davidson in the course of meetings, Councilmember Sharp said he did not believe those contained any basis for a COLTA member to be accused of misconduct. Mr. Davidson said he would like to see a definition formulated for inappropriate behavior at COLTA hearings, would also like to see a policy or guideline drafted outlining Housing Services reinspection policies on apartment units. Mr. Sharp commented that subject was being considered by Housing Services, based on some proposals by the Housing Committee, and should be brought forth at some future point in time.

Mr. Davidson painted a hypothetical scenario concerning a block of basically identical properties, all purchased for \$40,000 some years ago and currently assessed at \$80,000, and inquired of Councilmember d'Eustachio, whom he said he understood was somewhat knowledgeable concerning economics, what the effect would be on the value of the other houses on the block of selling one of the properties for \$150,000. Taken literally, Mr. d'Eustachio said the effect, given the figures Mr. Davidson had supplied, would be devaluation of the house because houses in the State of Maryland are assessed at 45% of market value; however, that could not be used as a hard and fast rule and some common sense would have to be injected, because the assessment process tended to be quite random. He said if one house in an area sold for a certain price on the market, then other similar ones in the same location tend to go for around the same price, if and when they go on the market. Mr. Davidson said the reason he had raised the question was that he was disturbed about his Councilmember's representation in a political action group. He said he realized people had a right to belong to any group they wished, as long as they did not hold office and it benefitted them. He said if a significant number of large old houses are put on the market in Takoma Park as a result of the phaseback law, real estate prices would inevitably be driven up over a period of time. He said he thought Councilmember Leary had had ample opportunity to express his position and his constituents' position on the phaseback law, and said he took exception to recent newspaper articles about Mr. Leary furthering his cause. He said Mr. Leary owns a piece of property in the city and stands to gain financially, as does any other city property owner, if property values increase. Mr. Davidson commented that Mr. Leary represented the ward in which he resides, said he did not consider him to be either a racist or an elitist, and inquired whether the Save Takoma Committee was an open group. Mr. Leary responded he would assume it was, that he was not a member so did not know for certain. He said he did, however, agree with that group's point of view on the particular issue, believed it very strongly, and would continue to do what he could, hopefully in a responsible way, to advocate his strongly-held point of view on the issue. Responding to inquiry from Mr. Davidson, he stated he had been living in the city, at his present address for 13-14 years. Mr. Davidson said that Mr. Leary stood to benefit from what he was doing, and that as his Council representative, he did not want to see him making any more statements on behalf of the aforesaid committee and, furthermore, if the group's meetings were open he would like to be invited to attend and would like to know when the next one would occur so that he could come and bring a couple of tenants with him for the purpose of raising his perspective. He said he would not point out what the Code of Ethics states about financial interests, holding an office and the misuse of office for prestige, however, he said he would write a letter to that effect. Councilmember Leary stated he had paid \$40,000 for his home and it had since increased 4-5 times over that original value, and he did not frankly like that aspect any more than did Mr. Davidson. He said he bought the house because he liked it and the community and had every intention of remaining in it for the rest of his life; it was not bought as, nor did he regard it as, an investment. He said the only effect of the escalation in property values, brought about primarily by proximity to Metro, was that his property taxes had escalated, which he did not like. He stated firmly that his position on the phaseback issue had nothing to do with any imagined financial gain.

Lou D'Ovidio, 7324 Piney Branch Road: said he was concerned about conditions and appearances in Takoma Old Town, had talked some with Councilmembers Douglas and Sharp about it. He referred to a program under the county's jurisdiction through which a special tax is levied

on commercial businesses in a given area to pay for such things as street repairs, cleanup of trash and debris, etc., in those specific areas by the county in order to enhance the commercial districts. He suggested that the City look into levying such a tax on businesses in commercial areas to pay for the needed services that the City cannot afford to provide adequately so that the appearance of such areas in the city could be improved upon. He pointed out that information on the county's program could be found in Volume II of the county budget on pages 24-20 and 24-21, copies of which he provided. The Mayor advised Mr. D'Ovidio that the tax rate would be addressed at the public hearing on the proposed budget to be conducted the following evening, should Mr. D'Ovidio wish to attend and raise the question of a special tax in commercial areas in the city. Councilmember Douglas commented that Mr. D'Ovidio's concerns were shared by himself and others on the Council, and that the Director of Public Works was slated to provide the elected body at a budget worksession with a work plan and an estimate of the amount of resources he was intending to allocate to maintaining commercial areas such as Old Town. Councilmember Elrich commented he was basically sympathetic to what Mr. D'Ovidio was proposing, but wondered whether the City would have authority to establish such a separate taxing district; he inquired whether Mr. D'Ovidio had talked with any business owners in TOT to ascertain what their response would be to such a proposal. Mr. D'Ovidio responded in the negative, said he thought that would take some time, however, were he a business owner, it would be important to him to be located in a clean, inviting atmosphere which would be attractive to customers. He said he thought the urban tax districts in the county, such as Silver Spring, pay about \$.70/\$100, and a tax levied by the City would probably not come anywhere near that figure. Councilmember Sharp remarked that a verbal estimate from Mr. Robbins of the work time involved to keep Old Town in fairly decent shape had not been any very significant amount. Councilmember Douglas remarked on the fact that public input on such matters was very helpful so that Public Works could plan to accomplish the things that people are most concerned about.

Wayne Upton, 7600 Maple Avenue: related having felt threatened while walking on his way home the prior evening by a loose dog on Sherman Avenue that was barking at him, and having to detour to another street to avoid the animal. He inquired to whom he should complain concerning such a situation. Mr. Upton was advised loose dogs were under the county's jurisdiction, that they were responsible for enforcing the leash law. The Mayor noted that in cases where there was risk of physical injury, or someone had been bitten, the City Police would respond, if called. Councilmember d'Eustachio commented that it was his experience that Prince George's County was considerably more responsive on animal problems than was Montgomery County. Mr. Upton referred to an article published the prior week, authored by Suzanne Rhodenbaugh, and which he said referred to Takoma Park as the playground of the rich and fanatical. He said Ms. Rhodenbaugh now lives in Connecticut and was perhaps reading about Takoma Park in the New York Times, which sometimes did not present a balanced view; he said she had perhaps read about the February 16 confrontation with H.O.M.E. at a Council Meeting when that group prevented citizens from speaking out about amendments being voted on. He disseminated copies of a reply to Ms. Rhodenbaugh's article, authored by John E. Kenyon and published in the Montgomery Journal.

ITEMS FOR COUNCIL ACTION:

1. Resolution Recognizing National Secretaries Week For All City Staff in Clerical Positions.

The Mayor moved passage of the resolution, duly seconded by Councilmember Hamilton; the resolution was passed by unanimous vote.

RESOLUTION #1988-26
(attached)

2. Resolution of Endorsement for International Peace Walk Proposal.

Councilmember Elrich moved passage of the resolution, duly seconded by Councilmember d'Eustachio. The Mayor related that the Great Peace Walk, which had visited Takoma Park some time ago, had given rise to a whole new movement in which the City would again be involved, noting that its purpose was to bring the Russian and American people together

in Peace Marches across each country.

Patti de Michael, National Field Organizer for International Peace Walk: thanked the elected body and the people of Takoma Park for all the help and support they had given the movement through the years; said the Peace Walk would be in the city again on June 19 and were looking forward to it. She introduced Susan Thomas, Chair of the Takoma Park group, who was also present.

The Mayor noted that the Soviet faction who would be walking across the U. S. would be departing from D. C. on June 19, their route would bring them through Takoma Park in the late afternoon, and all would have an opportunity to greet them and participate in festivities. The resolution was passed by unanimous vote.

RESOLUTION #1988-27
(attached)

For the record, the Mayor thanked Ms. Thomas for composing the resolution.

3. Single Reading Ordinance Approving Repair of Carroll Avenue.

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Douglas. Ms. Habada supplied the information necessary to fill blanks in the document, i.e., after the last "Whereas," the name Victor Enterprises was to be entered, with D & F Construction Company and NZI Construction Company deleted because they declined to bid. Bid amounts were: \$74,855, Victor Enterprises; \$77,035, Concrete Development Corporation; \$65,070.50, Romualdo Brothers Concrete Contractors, Inc. In Section 1, she noted the contract award figure of \$65,070.50 should be inserted, and the name of the low bidder, Romualdo Brothers Concrete Contractors, Inc. Responding to inquiry from Councilmember Martin, Ms. Habada explained that the portion of the roadway this contract would cover would be from Flower Avenue to Central Avenue, and then from the first Garland Avenue, past the second Garland Avenue, to the state maintenance line. She explained that WSSC had declined to pick up the City's work because they were overloaded and could not handle another job. Councilmember Martin inquired whether reimbursement from the state would include curb and gutter work; the Mayor said he felt that it would inasmuch as their intended maintenance included those items. 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 #1988-11
(attached)

4. First Reading of an Ordinance Authorizing Installation of a Speed Hump on Valleyview Avenue.

Councilmember Douglas moved adoption, duly seconded by Councilmember Hamilton. For the record, Mr. Douglas briefly reviewed the worksession discussion of the subject, relating that residents of Valleyview had petitioned for two speed humps; review of the situation revealed that one speed hump would be a more appropriate installation, with which the Council agreed, however, the possibility was also discussed of rerouting the street so that it ran one-way the other direction as either an alternative or supplement to the speed hump. He said it was intended that the residents meet with the citizens' association and discuss that option prior to adoption of the ordinance at Second Reading. Councilmember Sharp noted that the intention was to pay for the speed hump out of general city funds and inquired what the rationale was for doing that versus assessing the benefitting residents to pay for the installation. Mr. Douglas responded it was his understanding that was the standard policy for paying for all speed humps in the city -- a practice probably adopted by a prior Mayor and Council. In the course of the ensuing brief discussion, Councilmember d'Eustachio pointed out there were numerous instances wherein City funds pay for items that do not directly benefit all taxpayers, e.g., the Youth Worker, education, etc., and that basically everyone benefits from having traffic move through city streets at a moderate speed. Councilmember Hamilton commented he had recently observed that in Cottage City, Do Not Enter signs specifying certain rush hour times

of effectiveness had been erected on side streets to discourage commuters from using them as cut-throughs; he said it appeared to work well. Councilmember Elrich commented he felt Mr. Sharp's question concerning funding of speed humps to be a legitimate one. Councilmember Leary remarked he supported Mr. d'Eustachio's point of view, that the existing general policy was one that had been reaffirmed repeatedly and, like most public policies, it did primarily benefit an identifiable group of people in the population.

Referring to Councilmember Hamilton's comment about the Do Not Enter signs and their effectiveness, Councilmember d'Eustachio related that such traffic controls had been considered in the City, however, the Police Department had advised that they would present an enforcement problem if erected by the City. Violation of the signage would be considered a moving violation, in which case a state citation is issued to violators; so in order to properly enforce the signs, it would be necessary to first persuade the state to erect them. Otherwise, should the City do so on its own, any case that went to court would not likely hold up and could render the City liable to further legal actions. The Mayor asked that the City Clerk contact the Clerks of a number of other municipalities that have erected such signage, e.g., Cottage City, Chevy Chase, and ascertain what local measures they have enacted, if any, to cover the signage and make it enforceable. He commented that former Councilmember Iddings had always maintained that speed humps should not be used to divert traffic, but as a speed control only; he said if the tendency was toward using those installations as a traffic diversion, it might be a misuse and perhaps other alternatives should be investigated.

Councilmember Elrich pointed out that while restriction of traffic on residential side streets might appear attractive to the residents, it had been learned through experience in other jurisdictions that imposition of such restrictions could ultimately render the major arteries, such as Route 410 through the city, virtually impassable and impossible to get across. Mr. Douglas commented that the Valleyview speed humps had been requested primarily for the purpose of slowing speeds on that street, not discouraging traffic; he said traffic counts done on the street were actually quite low, the volume was not great. The ordinance was accepted for First Reading by unanimous vote, with the Mayor noting it would be on the agenda for Second Reading at the May 16 meeting.

ORDINANCE #1988-
(attached)

5. Resolution Accepting Recycling Taskforce Report.

Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Sharp. The Mayor noted that the resolution, in addition to accepting the taskforce's report, directed staff to commence preparation of a Request for Proposals for curbside collection of newspapers and other recyclable materials such as glass and cans, said RFP to be approved by the elected body prior to issuance. Councilmember Leary commented he felt the citizens involved in the taskforce should be commended for the impressive job they had done, and which was accomplished in a very timely manner. He said he would vote in favor of the resolution, however, had some concerns about the taskforce's recommendation, specifically, whether the City should consider the not inconsiderable financial commitment required to set up a new program which apparently would duplicate an effort the county would be making within the next couple of years. Councilmember Martin commented on having read recent newspaper mention of plans for Prince George's County and the City to enter into joint recycling efforts. The Mayor explained that the City had sent a letter on the subject to County Executive Glendening, however, there were no firm plans at present. He said, however, he was convinced that the success of such efforts on the part of municipalities would depend upon mutual cooperation and the ability of the counties and the state to build recycling centers, because without those centers, the program would not succeed. Councilmember Douglas remarked he would like to echo Mr. Leary's commendation of the taskforce and the outstanding job they had done; he said, however, it should be kept in mind that perhaps the City could work with the counties on the effort as they also develop and firm up their programs. He pointed out the major reason for the

recycling was that it would save the City money that would otherwise have to be spent for solid waste disposal, and it really should not be of great importance whether the recyclable materials were picked up by City, county, or contractors' trucks, so long as they did a good job of collecting it. Councilmember d'Eustachio commented he had strong reservations about either county providing very good service for the City, or about the planning and success of such programs as they would initiate. He said the City had made an informed decision to handle its own trash pickup, and could not now expect that either county would start providing that service for Takoma Park. He said he felt recycling was an economic issue, what had to be decided was when and how the City would proceed, rather than waiting for either county to come along and do it for the City. Councilmember Sharp commented he felt there was an additional aspect to recycling that had not been mentioned, i.e., that the trash did not have to be dumped into the ground and could be made into something else, which was a socially responsible way of addressing the situation. He said he felt the socially responsible aspect would have to be emphasized in order to gain compliance from residents, otherwise, if based solely on the economic factor, some would decide they would rather pay higher taxes than have to sort their trash. He concurred with Mr. d'Eustachio's remarks concerning reliance on the counties, and said he thought the City could probably get an initial program underway within a year that might even be somewhat more successful in helping to pay for itself than the taskforce had estimated, and perhaps ways of reducing startup costs could be examined. Councilmember Hamilton echoed commendations of the work the committee had performed, and the relatively short time period in which they had accomplished it. He pointed out that 60% of the City's population was comprised of tenants in apartment buildings, and said it would be necessary to examine ways to interest and involve those residents, as well as the building owners, in recycling. Councilmember Elrich reiterated commendations to the committee, and said he would concur with Councilmembers d'Eustachio's and Sharp's sentiments on the recycling issue. He said that, given the City's experience with Montgomery County concerning rebates, it might not be greatly beneficial to enter into any sort of agreement, and if they were to provide the service to the City, it was doubtful they would do so gratis. He said it might actually be more, rather than less, expensive to rely on the counties for recycling pickups, and that there was a longterm potential for revenues from the program, which the City should not relinquish. Councilmember Douglas remarked that he had not intended to suggest that the City wait to see what the counties would do, only that options not be discarded along the way. The Mayor commented it was his feeling that the City would probably do a better job of handling its own recycling than the counties would do for them, in part because it would be dealing with a finite community and the task would not be as large as that the county would have to undertake. He said, however, it would have to be done in cooperation with the counties; one of the counties, and hopefully both, would be talking with the state about getting money to build recycling centers, which will make the program more reasonable and economical. He said perhaps the City would even have the luxury of working with both of the counties, but one way or the other, there would have to be an involvement. He asked that staff provide the elected body with a timetable for the RFP and an expected startup date, noting that the taskforce's report suggested a fall 1988 startup date; he suggested that anticipated dates the state might be setting up money funds under the new Recycling Act would also be helpful. He said it was his hope that a program could be commenced as soon as was practicable.

Kit Gage, Chair of the Recycling Taskforce: said she thought Prince George's County was considering using some model cities to demonstrate what could be done with recycling, and while the City had contacted them and asked to be considered, the response had been that it would not be feasible because the City was in both Montgomery and Prince George's Counties. She said the committee felt there were such drastic changes occurring countrywide in relation to recycling that it was very difficult to make projections about the short and long term savings that could be effected, however, she said she felt it important that a program be initiated quickly in order to take advantage of resources that might not later be available. She said the mini-survey the committee had done indicated that city residents were eager to participate in recycling. Referring to the concern regarding the

tenants that had been raised by Councilmember Hamilton, she said education about recycling was a crucial factor to its success, and that was why the committee had recommended staff to coordinate the program, particularly during its startup phase. She said that the committee, from everything they had been able to learn, had no impression that either of the counties were considering collecting Takoma Park's recyclable materials, however, were apparently open to allowing the City to deposit their collected materials at the county collection facilities when they were opened 2-3 years hence. She said if the City had built up a record prior to that time of the amounts of material they collect, then it might be able to negotiate a reasonable contract with the counties for the money they would get from them for the materials deposited.

Councilmember Martin commented she was very much in favor of recycling, however, based on inquiries she had made of some of her constituents, she had reservations about the amount of recyclable materials that were actually contained in residents' trash. Ms. Gage responded that while the City had not surveyed its waste stream, the county had, and the committee's figures were based on the county's results. She commented briefly on the relative difficulty of recycling plastic items and the small economic return from doing so, versus glass and cans. Councilmember Leary reiterated that he felt it should be ascertained from Montgomery County what they might or might not do in terms of collecting recyclables from homes in Takoma Park under their program.

An unidentified citizen commented that he had recently learned that San Jose, California, was working with Waste Management Corporation of America on the problem of bottles and cans. He said he had viewed a film clip put out by that firm that showed a trash can and separate basins for cans and bottles at each curbside, and they were advertising to help neighborhoods throughout the country. The Mayor responded that what the City envisioned was such a curbside collection of cans and glass; he said he did not know if Takoma Park would end up contracting with the aforementioned firm, but that he was aware they were becoming well-known in the field.

Cable Coordinator Smith referred to a program one of the community producers was making concerning recycling, which he said included efforts the City was making. He pointed out that as plans proceed, the City's cable TV facilities would be available as an information and education tool.

The resolution was passed by unanimous vote.

RESOLUTION #1988-28
(attached)

6. Resolution Favoring Tenant Purchase of 7611 Maple Avenue.

Passage of the resolution was moved by Councilmember Elrich, duly seconded by Councilmember Hamilton. Mr. Elrich commented that he and Mr. Hamilton had been working with the tenants, it was recognized by all involved that it would be in the best interests of both the tenants and the City for the building to pass into tenant ownership, and it appeared appropriate to give Montgomery County HOC, the contract purchaser of the building, some indication of the tenants' intentions, which the resolution would do. Councilmember Hamilton commended the tenants for not only their interest in owning their own building, but their courage in exercising their option under the Right of First Refusal legislation and taking their lives into their own hands. The Mayor commented that Mr. Elrich had examined the pertinent figures and the situation looked very promising for the tenants getting the financing they would need to purchase the property. The resolution was passed by unanimous vote of those present (Councilmember Martin temporarily absent). It was directed by the Mayor that the City Administrator's office forward the resolution to the county without delay, within the week, and also a final copy to the tenants of the building.

RESOLUTION #1988-29
(attached)

other than solely financial reasons; the economic factors affecting them were usually very different from those affecting large commercial landlords. He pointed out that by making owners of accessory apartments subject to the same complex legislation as commercial apartment owners, they would probably be driven out of owning their units, which was the primary reason he had argued in favor of exempting accessory apartments from being subject to rent stabilization. Mr. Davidson responded that Mr. d'Eustachio's argument did not hold water because an accessory apartment landlord was not obligated to raise the rent 4% per year; he could raise it 2%, not at all, or could even adjust it downward if he so chose. The Mayor remarked that arguments, like beauty, were in the eyes of the beholder, and there was an apparent division in Mr. d'Eustachio's and Mr. Davidson's opinions. Councilmember Sharp said it was his belief that landlords were more likely to raise rents up to the allowable limit when they were subject to rent stabilization, because they realized if a need were to arise necessitating a rent increase, they could only raise it by the allowable percentage without having to go through COLTA. He said he felt that generated more of a drive for landlords to raise the rent by the permissible amount annually. Concerning the 4-unit limit being removed from exemption, he said there had never been any pressure brought to bear to change that, and he felt there was a reason for that. Overall, he said he doubted those buildings had been hit with large rental increases; he related having recently visited an individual in one such building and being told by the tenant that their rent, over the last 4 years, had gone up a total of 2-3%. He said he felt it was likely in those cases that the landlords were not commercial landlords who were making very strict economic calculations. Councilmember Elrich referred to one such landlord in his ward who had gone well beyond the limits and had recently raised rents on vacant units 20-25%, claiming that due to the number of units he owned he was not subject to the City's rent stabilization guidelines; he said he did not think one could generalize about landlords. Councilmember Douglas commented, for those present who might find the discussion confusing, that what was under consideration was making all rental units, with the exception of accessory apartments, subject to the City's rent stabilization. Councilmember Leary commented that he would be voting in support of exempting accessory apartments, primarily because he felt that would support retention of such units and encourage the expansion of that sort of rental housing. For the record, the Mayor noted that the point of debate was whether or not to continue to exclude accessory apartments, which had never been subject to rent stabilization, from becoming subject to compliance.

Cary Hoagland, 7117 Willow Avenue: inquired whether it might not be feasible and a good idea to do a study of accessory apartments and the percentages of rent increases that had occurred in them during the last 5 years, so that it would be more obvious whether they should be included under rent stabilization.

Councilmember d'Eustachio commented that while he would concur that Ms. Hoagland's suggestion that those figures be examined was a good one, and he suspected that would be done, he would not favor again tabling the ordinance at hand because that would delay affording a measure of protection to tenants residing in buildings whose landlords own 2, 3, and 4 units by making those units subject to rent stabilization. He pointed out that accessory apartments were required to register with the City, and while it might not be necessary that the owners state what rents they charge, they would probably be willing to furnish that information, if asked. Councilmember Douglas remarked he concurred with Mr. d'Eustachio's comments. Ms. Hoagland inquired by what guidelines or laws accessory apartments were currently governed, if any; the response was that they were not currently subject to any regarding rent, within the bounds of the lease. Following additional discussion, the Mayor noted it should be quite obvious that accessory apartments were excluded only so long as the owner did not own additional units in the city. The amendment was passed with Councilmembers Elrich and Hamilton voting Nay, balance of Council voting Aye.

Councilmember Douglas moved passage of Housing Services' suggested amendment on page 2, under number 2:, concerning subsections N.(1)(a), (b) and (c), and (2)(a), and regarding comparables. Ms. Weiss pointed out a typo requiring correction in subsection N.(1)(c), i.e., "vacancy"

7. Second Reading of Rent Guidelines Amendment Ordinance.

Inasmuch as the ordinance had been previously definitely tabled, the Mayor noted that a motion was needed to bring it back onto the table; Councilmember Douglas so moved, duly seconded by Councilmember Hamilton. Mr. Douglas pointed out that the draft provided for the present meeting indicated the First Reading date of 2/29/88 and Amendments date of 4/11/88; however, he said it contained an underlined section M.(2) addressing accessory apartments which was not, in fact, one of the amendments that had been adopted. The Mayor remarked that that amendment, having been moved and seconded, was under discussion when the ordinance was tabled; additionally, he pointed out that the ordinance to amend had itself been moved and seconded for adoption at the 4/11/88 meeting, so what was now on the floor was the motion to amend by the addition of section M.(2). The amendment was defeated with those present voting in the negative, no affirmative votes, no abstentions. Councilmember Douglas moved to amend by the insertion in the appropriate place of the language found in the Department of Housing Service's suggested amendments, section 1, the second alternative, which would read "...Section M.(2) Any accessory apartment...;" [accompanying definition for accessory apartment to be added appropriately]. The motion to amend was duly seconded by Councilmember d'Eustachio. For purposes of clarification, the Mayor noted that the intent of the amendment was to exempt accessory apartments from rent stabilization. Mr. Douglas explained that those apartments would be defined as a second or third dwelling unit either in or added to an existing single-family, owner-occupied dwelling in a single-family zone in either county, or any separate accessory structure on the same lot as the owner-occupied one-family dwelling in the R-55 (Prince George's County) or R-60 (Montgomery County) zone. He noted the accessory apartment had to be used as a complete, independent living facility with provisions within the apartment for cooking, eating, sanitation, and sleeping, and the apartment must also be an accessory use to the one-family dwelling. He said the difference in zoning laws in the two counties necessitated the approach taken, and an effort was being made by the City to have similar coverage in both counties. Councilmember Leary pointed out that in Montgomery County, given current zoning laws, an owner could have only one accessory apartment, which he presumed was the meaning and effect of the language proposed; the Mayor affirmed that was correct. Housing Director Weiss pointed out there might exist a few "built as" instances in the Montgomery County side of the city where there was more than one accessory apartment that was not subject to the Special Exception process. The Mayor explained that Mr. Leary's point was that the City recognized the county's control and authority over zoning, and the ordinance did not give any right to create accessory apartments under City law. Councilmember Elrich commented he did not concur with the exemption of accessory apartments from rent stabilization; he said he would have agreed with such units being in a similar category as single-family homes, i.e., that vacant units would be free of compliance with the guidelines. He said, however, he felt as long as tenants were living in the units, they should be protected from excessive rent increases, should have some sort of certainty about what their rents would be, should have protection equal to that afforded other tenants in the city, and the units should be subject to rent stabilization.

Responding to questions raised by Mike Davidson concerning the proposed deletion of certain sections of the legislation, the Mayor explained that the City had experienced problems with Section 8 units being used as comparables for purpose of adjusting rents upward when vacancies occur, and the proposed amendment in the draft would avoid that situation. Mr. Davidson commented that while everyone purported to empathize with tenants and support their rights, an effort was supposedly being made to make accessory apartments more liveable for the occupants; he said he thought the final vote would be very revealing as to where people really stood on the issue.

Councilmember d'Eustachio commented that the City had been presented with extensive evidence and had been told repeatedly regarding units subject to the Phaseback Law, that those units were below market. He said if that was indeed the case, it would not appear beneficial to tenants to make them subject to rent stabilization -- which would raise rents on them and bring them up to the market level. He said it was his feeling that the landlords of those units were landlords for

should read vacant. Responding to query from Councilmember Sharp, Ms. Weiss explained that the effect of the change in N.(1)(a) from the current Code would be to allow vacant one-family dwellings to raise the rent to the market level; she said the intent was to clarify that if there were no comparable, the rent could be raised by the amount set by the annual stabilization ceiling. Councilmember d'Eustachio duly seconded the motion for passage of the amendment. For purposes of clarification for those present or viewing on cable TV, Mr. Douglas explained that the purpose of the amendment under discussion was to clarify how rents would be set on vacant units.

Mr. Davidson commented he felt there needed to be some clarification of who would be monitoring the situation and enforcing the legislation. He related what had occurred in his building, stating that rents for vacant units were increased by 20%, which was even higher than had the Section 8 units in the building been used as comparables. He said the landlord went to the Montgomery County standard and saw that he could get \$460/mo. rent for a unit, and he got it. He inquired how the City would monitor whether or not landlords were complying with the legislation. Councilmember d'Eustachio pointed out that one thing the legislation would do would be to clarify what could be considered comparable -- that the Montgomery County standard would not qualify as a comparable. Ms. Weiss said there were 2 ways the legislation could be enforced, i.e., Housing requires landlords to report their rents each year and, as resources permit, those rents are reviewed; and when tenants observe violations, they can either report them to DHS and request enforcement or they can go through the complaint process which goes before COLTA in a hearing. Responding to inquiry from Ms. Hoagland, Ms. Weiss explained that if Housing confirms that a landlord has raised rent in excess of the permissible level, Municipal Infraction citations can be issued. She explained that DHS had begun recording rents the past October, so they did not yet have a year's figures to review. The question was called; the amendment was passed by unanimous vote.

Councilmember Douglas moved passage of Housing Services' suggested amendment on pages 3 and 4 of their memorandum, which would effectively delineate the existing version of 2: with a subsection (a), and would add subparagraphs (b), (c), and (d). Councilmember Hamilton duly seconded the motion. In subparagraph (d), Mr. Douglas asked that, as an editorial amendment, a comma be inserted after the word "City" in the third line so as to clearly distinguish the modifying clause. For purposes of clarification concerning annual rent increases and the 23-month question, Mr. Sharp explained that if a landlord took a legal rent increase on a unit on January 1 and the tenant occupied the unit for 10 months and then moved out, the landlord would have to rerent the unit at the same rent level as had existed since he took the increase on January 1, but should write the new lease in such a way that a rent increase would be scheduled to commence on January 1 of the next year; in effect, the new tenant's one-year lease would be at one level for 2 months and then at an increased level for the remaining 10 months of the lease, if the landlord imposed the permissible legal increase. Additionally, referring to (d) concerning any unit that has in the past been exempt from rent stabilization guidelines, he said that while he recognized that the language was put in with the hope of keeping the City free from being subjected to litigation, he feared it might actually leave the City open to suit. He said he was not convinced it should be put in the Code. Lengthy discussion ensued, with numerous suggestions offered concerning ways in which the section could be worded for clarification purposes. Ms. Hoagland suggested that an editorial amendment be effected which would substitute the term fewer wherever the word "less" had been used in the section. The Mayor suggested a brief temporary tabling of the discussion so that appropriate language incorporating some of the suggestions could be composed. Mr. Davidson pointed out that the Edinburgh tenants had originally brought to the attention of the elected body that landlords were circumventing rent control by the use of Section 8 units as comparables; he said HOC had voluntarily agreed to follow the local rent guidelines, even though they had not been pressed to do so and were supposedly exempt from so doing. The Mayor remarked they had said the same thing when they were at a meeting recently in the City, however, he said the elected body had brought to their attention that it did not appear that they were voluntarily adhering to those guide-

lines; he said a letter was received from HOC subsequent to the afore-said meeting again stating that they voluntarily live within the City's rent stabilization guidelines and encouraged landlords to do likewise. Mr. Davidson remarked that he had to depart the meeting shortly, however, would very much like to see cross-references in the legislation to violations and Municipal Infractions, etc., that would facilitate tenants finding needed information in the Code. The Mayor pointed out that the third subparagraph under 2: addressed that to some extent, however, said it was recognized that there was a need for the Housing Services Department to further delineate what was and was not a serious code violation for the purposes of public education, so there would be no question. He affirmed that in order for serious violations to have an effect under City legislation and be considered outstanding, they had to have been cited. Councilmember Hamilton remarked that the Housing Committee was currently working on what Mr. Davidson had mentioned and hoped to be able within the next couple of weeks to address all the serious code violations.

Councilmember Elrich moved to amend the section which had been moved by the insertion of language which would read: Any unit which may be or may have been exempt from rent stabilization guidelines for any reason, other than exemptions granted to owners owning fewer than 5 units, shall not be used as a comparable unit for the purposes of raising rents of vacant units. The motion was duly seconded by Councilmember Douglas. Responding to inquiry from Ms. Hoagland, the Mayor said he would not estimate that there was a high percentage of Section 8 units in properties owned by landlords having 2, 3, or 4 units. For purposes of clarification, Mr. Douglas inquired whether Mr. Elrich's language would be substituted for that currently in subsection (d) on page 4; the Mayor affirmed that was correct, noting that Mr. Elrich's language was an amendment to an amendment. The amendment to the amendment moved by Mr. Elrich was passed by unanimous vote. The original amendment moved by Mr. Douglas which would add subparagraphs (b), (c), and (d), as amended, to subsection 2: was passed by unanimous vote.

Referring to page 2 of Housing Services' suggested amendments, the second set of amendments already passed, Councilmember d'Eustachio moved to amend subsection 2:N(1), following "...the rent of any vacant rental unit shall be established using one of the following methods, as applicable..." by the insertion in subsection (c) of language to read: provided such landlord owns no more than one (1) rental unit. He noted that this would bring under rent stabilization those individuals who own multiple single-family houses in the city. The motion was duly seconded by Councilmember Douglas and others. For purposes of clarification, Mr. d'Eustachio explained that if an individual lived in a house with an accessory apartment, the accessory apartment was not subject to rent stabilization; however, if the same individual also owned a single-family house, that one single-family house would be fully subject to rent stabilization provisions, because the owner owned two rental units. The amendment was passed by unanimous vote. For purposes of clarification, the Mayor noted that what Mr. d'Eustachio's amendment accomplished was that the owner of a single-family rental house who also owned an accessory apartment, should a vacancy occur in the rental house, would be subject to rent stabilization and could raise the rent on the house only the amount permissible under the guidelines, rather than being able to go to the market for a rent level.

The ordinance, as amended, was adopted by roll call vote as follows:
 AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, and Sharp.

ORDINANCE #1988-12
 (attached)

Councilmember Douglas commented he felt thanks were due Ms. Weiss for the documentation she had provided, which had facilitated the work of the Council.

8. Resolution Requesting That Prince George's County Hire a Gypsy Moth Coordinator.

Councilmember Martin moved passage of the resolution, duly seconded by

Councilmember Hamilton. Ms. Martin related that she had been in contact with residents in University Park and other areas in Prince George's, and felt it was important that residents in that county have assistance similar to that the City had received from Montgomery County. She said she would wish to change the wording of the 4th "Whereas" clause of the resolution so as to avoid any possibility of its being interpreted as critical. She said she would want to amend that portion to read: "Whereas, the Montgomery County Gypsy Moth Program will not provide certain other services to the Prince George's portion of the city which are seen as critical in its fight to save its trees,..." The motion to amend was duly seconded by Councilmember Sharp and passed by unanimous vote. Mr. Sharp noted the need to correct the spelling of County Executive Glendening's first name in the resolution before forwarding it to him, i.e., Farris. The resolution was passed by unanimous vote.

RESOLUTION #1988-30
(attached)

9. Resolution Approving Special Dues Contribution to Headquarters of Maryland Municipal League.

Councilmember Hamilton moved passage of the resolution, duly seconded. The Mayor noted the need to decide whether the funds should be charged to Mayor & Council Expense or to Association Dues in the budget; he opined that it should probably appropriately come from the Association Dues account. Responding to former Councilmember Iddings, the Mayor explained that MML had purchased and were renovating a building in Annapolis which would be their new headquarters; he noted they intended to continue to own and operate their existing piece of property and rent it out, which would, hopefully, subsidize the purchase and renovation of the new building. He said they had requested each member municipality to contribute a one-time payment to help defray costs, and associate members had also been asked to make contributions. Mr. Iddings said while the new purchase was probably a substantial improvement over the existing headquarters of the organization, he had felt the old one to be adequate for MML's purposes and did not think the new one was a necessity for accomplishing the goals of the league. In some ways, he said he thought the new building would be less convenient than the existing headquarters. When the subject of the new building came up a couple of years ago when he was sitting on the Council, he said there had been an indication the league would be able to handle the cost, however, that was apparently not the case; he said he would personally be disturbed about making the contribution, however small the amount, for something that was really not necessary and would not result in improved services or an improved voice for municipalities in the state -- there were a lot of other things on which the money could be spent constructively. Responding to Councilmember Leary, who had inquired what he thought the effect would be if Takoma Park declined to make the contribution, Mr. Iddings said that elected officials from the City probably would not get rooms at the Carousel at the MML Convention in Ocean City -- the Mayor pointed out those from the City wouldn't be staying at that hotel anyway. Following additional brief dialogue, the resolution passed with Councilmembers Elrich, Leary, and d'Eustachio Abstaining, balance of Council voting Aye.

RESOLUTION #1988-31
(attached)

10. Resolution Endorsing Establishment of a Montgomery Affordable Housing Fund.

Councilmember Leary related having spoken with County Councilmember Adams' staff, and noted there was some dispute between the County Executive and County Council about the proposal -- Mr. Kramer was not enthusiastic about it, and Mr. Adams had thought that an expression of support from Takoma Park's officials might help in getting the legislation passed. He said the County Council would be voting on the matter as a part of the Housing Budget appropriation the following week, so if the resolution were passed, it would need to be forwarded without delay; he moved its passage, duly seconded by Councilmember Hamilton. Mr. Hamilton moved to amend the resolution to include a proposal that Takoma Park get some portion of the funds if the money were approved in the budget. Brief discussion ensued, with Mr. Leary

commenting that while he had originally considered inclusion of a similar request in his resolution, he had been reconsidered doing so based on knowledgeable advice given him.

Cary Hoagland: said her primary purpose for attending the current meeting had been to make a statement about the Council's endorsement of the resolution acknowledging the shortage of affordable housing in the county and endorsing the establishment of the fund. She said she would particularly want to thank Mr. Leary for the work he had done, and said she appreciated the wisdom of all the Councilmembers in the comments they had made; she urged passage of the resolution.

Councilmember Hamilton moved that an additional "Furthermore" clause which would state that the Mayor and Council of Takoma Park urge Montgomery County to establish guidelines for the fund so that the funds would be targeted at areas with low and moderate income populations; the motion was duly seconded by Councilmember d'Eustachio. Councilmember Douglas commented in favor of the resolution as originally written. The amendment was passed with Councilmember Douglas voting Nay, Councilmember Leary Abstaining, balance of Council voting Aye. The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1988-32
(attached)

Upon motion, duly seconded, the meeting adjourned at 11:25 p.m., to reconvene in Regular Session at 8:00 p.m. on May 16, 1988.

Introduced by: Mayor Del Giudice.
Drafted by: Paula S. Jewell

RESOLUTION #1988-26

A RESOLUTION RECOGNIZING NATIONAL SECRETARIES WEEK
FOR ALL CITY STAFF IN CLERICAL POSITIONS
APRIL 25 - 29, 1988

WHEREAS, the responsibility of providing day-to-day clerical services in America has been delegated to persons occupying positions such as secretaries, clerks, aides, assistants, and police dispatchers; AND

WHEREAS, persons in such positions are entrusted with the responsibilities of providing typing, word processing, photocopying, records management, telephone and in-person communications and other support functions for their employers, sometimes having to keep up with modern technologies in order to perform these duties; AND

WHEREAS, the City of Takoma, a Municipal Government, employs over 19 support personnel to help in carrying out the goals and objectives of municipal government; AND

WHEREAS, the Mayor and Council wish to join in with Administrators, as well as Department and Division Directors in recognizing the dedication and service rendered by clerical support staff.

NOW THEREFORE BE IT RESOLVED, THAT the Mayor and Council of Takoma Park, Maryland hereby formally recognize the value of this municipal government's secretaries, clerks, aides, assistants, and police dispatchers, and express deep appreciation for the services that they provide; AND

BE IT FURTHER RESOLVED, THAT all Administrators, Department and Division Directors are encouraged to acknowledge these individuals and their efforts during National Secretaries Week, April 25 - 29, 1988.

DATED this 25th day of April, 1988

Introduced by: Councilmember Elrich

RESOLUTION #1988-27

TO ENDORSE THE 1988 AMERICAN-SOVIET PEACE WALK

WHEREAS, Takoma Park is a Nuclear Free Zone; AND

WHEREAS, Takoma Park was the last stop for the Great Peace March, 1986; AND

WHEREAS, Takoma Park facilitated the orientation and reorientation for the participants of the 1987 Soviet-American Walk; AND

WHEREAS, the purpose of the American-Soviet Walk is to draw attention to the need to end the arms race and provide a positive model for the international and cross-cultural exchange; AND

NOW, THEREFORE, BE IT RESOLVED BY THE TAKOMA PARK CITY COUNCIL, THAT the Takoma Park City Council endorses the 1988 American-Soviet Peace Walk; AND

BE IT FURTHER RESOLVED, THAT the staff of Takoma Park will help facilitate the community's involvement in the 1988 American-Soviet Walk; AND

BE IT FURTHER RESOLVED, THAT THE Takoma Park City Council encourages the people of Takoma Park to take part in the 1988 American-Soviet Walk as it travels through our community; AND

BE IT FURTHER RESOLVED, THAT a copy of this Resolution be sent to United States Senators and the Maryland Congressional Delegation and State of Maryland Delegates and Senators representing Takoma Park in the Montgomery and Prince George's County legislative districts; AND

BE IT FURTHER RESOLVED, THAT a copy of this Resolution be spread among the permanent records of the City of Takoma Park.

Dated this 25th day of April, 1988.

WP:RESOL.PW-klm

Drafted by: D. Neal

Single Reading: 4/25/88

Introduced by: Mayor Del Giudice

Date Adopted: 4/25/88

ORDINANCE #1988-11

WHEREAS the City's FY 1987-88 Annual Budget provides funds for the reconstruction of certain portions of Carroll Avenue between Flower and the City limit; AND

WHEREAS, the Maryland State Highway Administration (MSHA) has agreed in writing to reimburse the City for 100% of the cost of making these necessary repairs to Carroll Avenue; AND

WHEREAS, plans and specifications have been developed by the City's consulting engineer for this road repair work, which consists of milling, patching and resurfacing the road and removing and replacing curbs and gutters; AND

WHEREAS, bids for this work have been solicited by the City from appropriate construction companies, the following responsive and responsible bids having been received as of the bid deadline of 12:00 noon, April 25, 1988:

<u>Company</u>	<u>Bid Received</u>
Victor Enterprises	\$74,855.00
Concrete Development Corporation	\$77,035.00
Ronaldo Brothers Concrete Contractors, Inc.	\$65,070.50

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

Section 1. THAT a contract in the amount of \$65,070.50 for the specified Carroll Avenue repairs is hereby awarded to the lowest responsive and responsible bidder, Ronaldo Brothers Concrete Contractors, Inc.

SECTION 2. THAT the City Administrator is hereby authorized to execute any and all contract documents necessary to proceed with this work and to pay all bills for said work with funds from the appropriate budget account.

SECTION 3. THAT the City Administrator or his designee is hereby directed to seek full reimbursement for the cost of said work from the Maryland State Highway Administration in accordance with the City's reimbursement agreement with MSHA.

Adopted this 25th day of April, 1988, by Roll Call Vote as follows:

AYE: d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, Sharp

NAY: None

ABSTAINED: None

ABSENT: None

Introduced By:

1st Reading: 4/25/88

2nd Reading:

ORDINANCE #1988-____

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

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of new subsection (o) to Section 1, as set forth below:

Section 1. That speed hump installations, as defined defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Md., 1972, as amended, be installed at the following locations:

- (o) Valleyview Avenue, between Maple and Willow Avenues there will be one speed hump installed between No. 5 and No. 9.

SECTION 2. THAT funds to cover this work be appropriated from the street repair materials, Account #889.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____,
1988, BY ROLL CALL VOTE AS FOLLOWS:

AYE:

NAY:

ABSTAINED:

ABSENT:

RESOLUTION 1988-28

WHEREAS, the Mayor and City Council did establish a Recycling Taskforce by Resolution No. 1987-76 as amended, whose purpose was "to formulate a City proposal and implementation plan on recycling"; AND

WHEREAS, the City Council did make seventeen appointments to the Taskforce as follows:

Walter Mulbry	Laurie McGilvroy
Laura Delaney	Ann Odean Wagner
Rita Marth	Richard O'Connor
Marta Vogel	Joseph Giuliano, Jr.
Katherine Gage	Daryl Braithwaite
Diane Curran	Ferdinand Hoefner
Holly Mines	Robert Beaudoin
Patrick Dwyer	

Arjun Makhijani (non-voting member)
Sharon Kass (non-voting member)

WHEREAS, the Taskforce proceeded with its work on January 13, 1988 and completed its preliminary report by April 15th under the leadership of Kit Gage; AND

WHEREAS, the Taskforce report was presented to Mayor and Council in worksession on April 18th for acceptance and discussion of implementation recommendations.

NOW THERE BE IT RESOLVED that the Mayor and Council accept the April, 1988 report submitted by the Taskforce and offer appreciation for the amount of time members put into research and the written report issued by the Taskforce.

BE IT FURTHER RESOLVED that the Mayor and Council do direct City staff to begin preparation of a Request for Proposals for curbside collection of newspapers and other recyclable materials, to be approved by Mayor and Council prior to issuance.

Dated this 25th day of April, 1988

Introduced by: Councilmember Elrich

RESOLUTION #1988-29

SUPPORTING TENANT PURCHASE OF 7611 MAPLE AVENUE

WHEREAS the Tenants' Association of 7611 Maple Avenue has stated its interest in purchasing their building using our City's Tenant Opportunity to Purchase legislation; AND

WHEREAS the City has created a Tenant Assistance Program to support and encourage tenant efforts to become owners of their buildings; AND

WHEREAS the Tenants Association has expressed its intention to work with the Mutual Housing Association of the Takoma park Silver Spring Area to create a limited-equity cooperative; AND

WHEREAS among the Association's objectives is the preservation of the City's low and moderate income housing stock, consistent with the policies pursued by the current contract purchaser, the Montgomery County Housing Opportunities Commission (HOC), and the City of Takoma Park.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, THAT the City expresses its support of the Tenants Association for its efforts to purchase 7611 Maple Avenue and directs the Housing Services Department and the Division of Economic and Community Development to provide assistance as appropriate; AND

BE IT FURTHER RESOLVED THAT the City Council encourages the Montgomery County HOC to assist the Tenants Association with the purchase of their building through the provision of financing that will make such a purchase possible.

Adopted this 25th day of April, 1988.

Introduced by: Councilmember Hamilton

1st Reading: 2/29/88

2nd Reading: 4/25/88

ORDINANCE #1988-12

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 housing; AND

SECTION 3. THAT because the City has already recognized that rental housing problems exist in dwellings containing fewer 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 fewer; AND

SECTION 4. THAT tenants residing in units owned by persons who own 4 or fewer units are not protected under the City's Rent Stabilization Laws and Reporting Laws; AND

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

SECTION 6. NOW THEREFORE BE IT HEREBY ORDAINED THAT Takoma Park Code Sections 6-76 and 6-80.17(m), (n) and (o) is hereby amended as follows:

Sec. 6-76.

(a) Accessory Apartment, a second or third dwelling unit either in or added to an existing owner-occupied, one-family dwelling located in a single-family zone (R-60 if in Montgomery, R-55 if in Prince George's County), or in a separate accessory structure on the same lot as the owner-occupied, one-family dwelling in a single-family zone. The accessory apartment must be used as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation and sleeping. The accessory apartment must also be an accessory use to the one-family dwelling.

(b) all remaining definitions re-lettered to follow
Sec. 6-80.17

(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.

(2) Any accessory apartment.

(n)

(1) The rent for any vacant rental unit shall be established using one of the following methods as applicable:

(A) For buildings containing comparable rental units, where "comparable" is defined on the basis of square footage, amenities, and whether the rental unit is an efficiency or has one (1), two (2), three (3), or more bedrooms, rent for a vacant rental unit in the same building; or,

(B) Rent for a vacant rental unit may be increased by a rate up to the rate specified by the annual stabilization ceiling; or,

(C) The rent for any vacant one family dwelling, as defined in Section 6-18 of this Municipal Code, may be determined by the landlord provided such landlord owns no more than one (1) rental unit in the City.

(2) The foregoing paragraph is subject to the following qualifiers:

(A) The rent for any unit that becomes vacant as a result of a termination of the tenancy by the landlord without cause may only be determined using the method specified in part (B) of the above paragraph (1).

(B) Rent for any dwelling unit, vacant as well as occupied may not be increased more than once in a twelve (12) month period (per Sec. 6-80.17(d)(1) of this Article).

(C) No increases are permitted when serious outstanding code violations exist (per Sec. 6.80.17(d)(2) of this Article).

(D) Any unit which may be or may have been exempt from the rent stabilization guidelines, for any reason other than exemptions granted to persons owning fewer than five (5) rental units, shall not be used as a comparable rental unit for the purpose of raising rents of vacant units.

(o) [Deleted in its entirety]

SECTION 7. THAT this Ordinance becomes effective upon adoption.

Adopted this 25th day of April, 1988, by Roll Call Vote as follows:

AYE: d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, Sharp

NAY: None

ABSTAINED: None

ABSENT: None

(b) all remaining definitions re-lettered to follow

Sec. 6-80.17

(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.

(2) Any accessory apartment.

(n)

(1) The rent for any vacant rental unit shall be established using one of the following methods as applicable:

(A) For buildings containing comparable rental units, where "comparable" is defined on the basis of square footage, amenities, and whether the rental unit is an efficiency or has one (1), two (2), three (3), or more bedrooms, rent for a vacant rental unit in the same building; or,

(B) Rent for a vacant rental unit may be increased by a rate up to the rate specified by the annual stabilization ceiling; or,

(C) The rent for any vacant one family dwelling, as defined in Section 6-18 of this Municipal Code, may be determined by the landlord provided such landlord owns no more than one (1) rental unit in the City.

(2) The foregoing paragraph is subject to the following qualifiers:

(A) The rent for any unit that becomes vacant as a result of a termination of the tenancy by the landlord without cause may only be determined using the method specified in part (B) of the above paragraph (1).

(B) Rent for any dwelling unit, vacant as well as occupied may not be increased more than once in a twelve (12) month period (per Sec. 6-80.17(d)(1) of this Article).

(C) No increases are permitted when serious outstanding code violations exist (per Sec. 6.80.17(d)(2) of this Article).

(D) Any unit which may be or may have been exempt from the rent stabilization guidelines, for any reason other than exemptions granted to persons owning fewer than five (5) rental units, shall not be used as a comparable rental unit for the purpose of raising rents of vacant units.

Introduced by: Councilmember Martin

RESOLUTION # 1988 -30

Resolution Requesting a Gypsy Moth Program
Be Started in Prince George's County

WHEREAS, Takoma Park is a bi-county municipality and depends upon services from both Montgomery County and Prince George's County governments, for each respective area; AND

WHEREAS, the entire City of Takoma Park is heavily infested with gypsy moths and will be for many years, which seriously threatens our valued urban forest; AND

WHEREAS, the entire City has benefitted in its fight against the gypsy moth from the help and information received from the Montgomery County's Gypsy Moth Integrated Pest Management Coordinator; the City has received from the Montgomery County gypsy moth coordinator such services as educational presentations about the gypsy moth at City sponsored public meetings, advising the City on how to conduct an egg mass survey within the City and helping to train the survey volunteers, training City public work's staff about the gypsy moth, and advising the City as to the various control methods that can be used by the citizens in their fight to save their trees; AND

WHEREAS, the Montgomery County Gypsy Moth Program coordinator cannot provide certain other services to the Prince George's portion of the City which are seen as critical in the City's fight to save its trees; these services include selling sticky barriers and burlap at below cost to the Montgomery County residents, and talking with people who are considering not participating in the State of Maryland's gypsy moth suppression control program, thereby eliminating many of these objectors by answering question about the spraying and the type of insecticide used, to clearing up misconceptions about the spray program such as whether the citizen has to pay for the spraying; AND

WHEREAS, the gypsy moth infestations is spreading rapidly throughout Prince George's County and all these areas will need specialized help in fighting this infestation effectively.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of Takoma Park hereby ask that Prince George's County Executive Parris Glendening set up a Gypsy Moth Integrated Pest Management Program and that a full-time entomologist be hired to coordinate the program to assist citizens and communities in combatting gypsy moth infestation which is becoming an increasing threat to the aesthetics and financial value of the homes, neighborhoods and open spaces of Prince George's County, Maryland.

Dated this 25th day of April, 1988.

DRAFTED by: Paula Jewell

Introduced By: Mayor Del Giudice

RESOLUTION #1988- 31

WHEREAS the Maryland Municipal League (MML) represents 146 municipal governments throughout Maryland strengthening the role and capacity of municipal government through policy, research, legislation, technical assistance, training, information and counseling; AND

WHEREAS, past Board of Directors recognized that MML would need space to better accomodate the organization and to better serve the members; AND

WHEREAS, in December 1987, MML adopted a funding plan for the construction of the League's new headquarters in Annapolis; AND

WHEREAS, the MML has requested voluntary donations from the member municipalities, including Takoma Park to help fund the new office building.

NOW THEREFORE, BE IT RESOLVED, THAT the Mayor and Council of Takoma Park, MD hereby authorize the City Administrator to process a check in the amount of \$2,476.15, made payable to the "Maryland Municipal League Bulding Fund"; AND

BE IT FURTHER RESOLVED THAT funds to cover this donation be appropriated from _____, account #_____.

Dated: April 25, 1988

Introduced by: Councilmember Leary

RESOLUTION #1988-32

WHEREAS, there is a shortage of affordable housing in Montgomery County; AND

WHEREAS, County Councilmembers William Hanna and Bruce Adams have urged the establishment of a Montgomery Affordable Housing Fund to provide a dependable new source of revenue for affordable housing in future years; AND

WHEREAS, the proposed Montgomery Affordable Housing Fund would finance the rehabilitation of existing rental housing as well as stimulating the construction of new affordable housing.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and City Council of Takoma Park urge the Montgomery County Council to establish the Montgomery Affordable Housing Fund and authorize adequate funding beginning in fiscal year 1989; AND

BE IT FURTHER RESOLVED THAT the Mayor and City Council urge the Montgomery County Council to establish guidelines for the fund so that would be targeted at areas with low and moderate income populations.

Dated this 25th day of April, 1988.

CITY OF TAKOMA PARK, MARYLAND

Public Hearing on FY-1988-89 Proposed Budget
for
Police Department, Non-Departmental Budget,
Special Revenue Budget and Capitol Improvements Program,
Debt Service Budget, and Constant Yield Tax Rate
April 26, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Cable Coordinator Smith
Councilmember Elrich	Ec. & Comm. Dev. Director Neal
Councilmember Hamilton	Library Director Arnold-Robbins
Councilmember Leary	Police Chief Fisher
Councilmember Martin	Police Captain Wortman
Councilmember Sharp	Recreation Director Ziegler

The Mayor and City Council convened at 7:30 P.M. on Tuesday, April 26, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of conducting a Public Hearing on specific categories of the proposed budget for the upcoming fiscal year. Mayor Pro Tem d'Eustachio called the meeting to order, explaining that Mayor Del Giudice would be arriving a bit late as he was teaching a class. He noted the sizeable turnout for the hearing.

POLICE DEPARTMENT:

Chief Fisher spoke, stating that with the operations budget proposed, it would be possible to maintain the current staffing level with no increase in personnel, and maintain and increase in certain areas (based on savings effected through employee salaries), such as equipment, by about \$22,000. Concerning maintaining overall efficiency of the department, the Chief pointed out that there had been a 19% increase in the crime rate in the City during the period January-March 1988 over that same period in 1987, which was a matter of concern. Additionally, he said he had serious concerns about the expenditure of time, effort and energy that was required to recruit personnel to fill vacancies within the department. He said the job market in the D.C. metropolitan area had probably the lowest unemployment rate in the country, and the market from which the police department seeks personnel is comprised primarily of people currently holding jobs; the hiring of competent employees was becoming increasingly difficult each year. He pointed out that of the 22 major open air drug trafficking centers in the metropolitan area as recently identified in the Washington Post, 2 of those were immediately adjacent to Takoma Park, i.e., Langley Park and Quebec Terrace; while there was no open air drug market currently visible in the City, there was an impact from those in the neighboring areas, and particularly, an increase in calls for assistance in cases where drugs had been ingested or otherwise used. Chief Fisher pointed out those calls generally required the response of 3, 4 and 5 officers to adequately and safely handle them. In addition, he noted an increase in court costs, related to officers having to go to court in both counties; he explained that amounted not only to overtime for hours spent in court, but also to a shortage of officers on the street in some instances, both of which have an impact. He said the department had been receiving increased requests from citizens for additional traffic enforcement, particularly for speeding; numerous calls are received concerning drugs in the community, and all of those are responded to; many calls are still received concerning abandoned vehicles and have to be responded to. He said one area in which the department had enjoyed a modicum of success, and which it was hoped could soon be tripled, was the area of drug seizures, and money forfeitures as a result of those. He said there was currently about \$13,000 in the drug escrow account, as a result of successful investigations; that amount was a result of about the last 8 months, and the figure increases periodically. Responding to inquiry, he said the money had to be held for about a year before it could be used. Chief Fisher referred to a decision on the part of state mental facilities to release as many patients as possible back into the community, which he said had also had an impact on the department

in terms of increased calls and needs to respond. Additionally, he said there had been an increase in child abuse cases, impacting on the availability of manpower.

Mayor Pro Tem d'Eustachio summarized for those present the procedure the elected body had chosen for dealing with the proposed budget. He noted all operating budgets had been prepared on a zero growth basis, with supplemental budgets also prepared. The elected body was addressing the basic operating budgets in the course of the public hearings, with the intention of addressing the supplemental proposals after the operating budgets had been examined. He noted there would be little leeway or room for additions in the upcoming fiscal year.

Councilmember Leary referred to an article in a recent issue of the Takoma Voice in which a former City Councilmember suggested that one way in which the City could effect savings in the Police Department budget would be to procure detective services from the county rather than maintaining its own detective bureau; he asked that Chief Fisher comment on that suggestion. Chief Fisher pointed out the county reimburses the City through rebate for one detective; he said he felt the detective bureau had been very effective in its overall closure rate in major cases, particularly in the last year, and that the accessibility for citizens, immediate availability, response of trained investigators, clearly made the bureau an asset contributing to the overall professionalism and efficiency of a full-service police department. He said the relinquishing to the county of provision of that service would clearly greatly reduce the value of the City's department. In the long run, he said, such a move would probably not save the City any substantial amount of money.

Responding to inquiry from Councilmember Douglas concerning the department's Goals and Objectives as outlined, the Chief commented that the federal grant received would assist the department in achieving their goal of increasing drug enforcement by 100%; he said there had currently been a 72% increase in drug arrests. He commented that all the learned academicians and experts in the field, including leaders in law enforcement, were not certain about the best way to handle the drug problem in the U.S., however, he said he and many others in law enforcement, were coming to realize and accept that arrests alone were not adequate to impact upon the problem. He said there was a need also to impact upon the demand, and the best way to do that appeared to be through educational programs at the earliest possible age level, and that was why an increase in such programs was included as a part of his budget proposal. Concerning the stated goal of increasing the total number of arrests, Chief Fisher said what was intended was that the total arrest rate for serious crimes such as burglaries, thefts, etc., be increased, which would increase the closure rate on cases reported. Concerning the goal of increasing traffic enforcement, Chief Fisher noted that had not been a goal in last year's budget, however, the ETSE grant would soon be expiring and additional monies would probably not be forthcoming for such enforcement, however, the department recognized that traffic management was a priority in the minds of most residents and would be continuing to emphasize enforcement. Responding to Mr. d'Eustachio, the Chief explained that getting officers qualified and certified to use the department's 2 new radar units had been about a six-month process. He said one of the units had been purchased under the grant, the other with City funds; subsequently, one officer was sent to school to supplement the manufacturer's training and in order to qualify as an instructor so he could, in turn, train the other departmental personnel. As a result of those efforts, the Chief said that increased enforcement was now occurring using the radar units. He said use of the units was based both on conditions set forth in the grant and on complaints received from citizens of various streets and neighborhoods, as well as the officer's own initiative as to areas deemed to be in need of increased enforcement based on observation. He affirmed that the grant would be expiring, said the department would reapply, however, it was not likely it would be renewed.

Councilmember Sharp inquired concerning the Police Department's interaction, coordination with other City departments. The Chief explained there was currently no formal process by which his depart-

ment met with others to discuss matters of mutual concern, however, there was an informal cooperation network which he said had worked exceedingly well to date.

**(Transcriber's note: tape recording abruptly terminates, picks up again with the following citizen comment.)

Barry Widas, Pres. of Between the Creeks Neighborhood Assn.: said there was a very real concern in his neighborhood about drug situations, which were becoming increasingly complex in the way transactions were occurring. He said he felt increased police presence was required on the streets, both undercover, and uniformed officers walking beats during high-risk times, however, he said he doubted that sort of protection could be afforded in light of the existing vacancies in the police department and the trouble they were having filling those slots. He noted Chief Fisher had pointed out in his budget documents that once criminal elements learned of those problems and realized enforcement was, of necessity, lax, the city would become a haven for crime. He related that police representatives had attended a recent meeting of his neighborhood association, had emphasized that it was most beneficial for officers to actually get out of their vehicles and talk to people; one of the Montgomery County officers was spanish-speaking and had been very effective in the Flower-Piney Branch area. He pointed out, however, that to get good officers like that obviously cost money, and Chief Fisher had a problem attracting such people due to the salary levels of the department. He said Takoma Park was at the bottom of the list salary-wise in terms of its neighboring jurisdictions. He said he strongly supported the Chief's wish to fill the existing vacancies and to have as many officers on the street as possible, and at as many times of the day as was possible. He said many of his neighbors felt fearful on the street in the Flower-Piney Branch area, and while they tried to work with and cooperate with the county police in their efforts, nothing could beat having an adequate and visible police element active in the area. Concerning the Gypsy Moth Program for the coming fiscal year, he suggested the most progressive approach would be to include some sort of assessment for that purpose on the City's property tax bills, so that absentee landlords and property owners would share in the cost rather than placing the entire burden on resident property owners.

James Melton: said he was a neighbor of the previous speaker, but did not live in Takoma Park. He affirmed Mr. Widas' comments about the impact of crime, particularly along Flower Avenue. He said he would certainly support Chief Fisher's proposals for budget increases; he said there was a whole new group of people in the area, they were adults and many of them were dangerous. He said there was a real problem, and unless controlled, it would spread.

Anne Edwards, Pres. of Piney Branch P.T.A.: said she was present on behalf of Mr. Hatchell who could not attend due to a prior commitment. She said they wished to express support for the Police Department's proposed budget, that the department had been extremely valuable and helpful to the school with the programs they present and their support and outreach to the children.

Mrs. Bodwell, Takoma Towers, 7051 Carroll Avenue: explained her apartment building was a senior citizens' facility. She said what she and others from the building would like to request was that a marked police cruiser come and circle the parking lot of the building once each evening.

Chief Fisher commented he would ensure that request was granted, commencing that same evening.

Ray Parris, 7620 Maple Avenue: asked that the elected body support whatever amount Chief Fisher felt was needed in his budget to provide adequate protection and services for the community, regardless of the cost. He explained he had lived in Takoma Park for 11 years, had 20 grandchildren in the area, and would not want to see them become involved in drugs, which he said he was well aware was a serious problem. He remarked that the value of some things could not be measured by cost, and whatever it cost to adequately fund the operation of the police department, a way should be found to do so.

Jay Weinstein, Administrator of Takoma Towers: said he wished to congratulate Chief Fisher and the entire department for the outstanding job they do. He said they come to the building each year and present crime prevention programs for the residents. He said he would want to see those programs continued and would like to see increased police protection in the community. He related an incident that occurred within the last year wherein a woman sitting out in the early evening was attacked and robbed, and said he would like to see the budget increased so that protection could be increased and, hopefully, provide a needed deterrent.

Melvin Seard: said he was not a resident, but worked in the city. He said those in the General Conference of S.D.A. appreciated what Chief Fisher's department had done for response time and visibility in the area; he said they support the City and wanted to continue to do so.

Kurt Rochelle, Manager of Hampshire Motor Inn: said he would want to support Chief Fisher in any way he needed; he said he worked in the area and had seen the drug problem grow daily; he said it was coming in from out of town, and was going across University Boulevard and back again -- that he could sit in his office and watch it. He said the police department should be given all the support they need.

Tom Octebeck, Asst. Mgr., Hampshire Motor Inn: said while he had only worked at the motor inn for a short time, one did not have to work long in Takoma Park to realize the proportions of the drug problem. He said it was a two-fold problem -- those already involved in dealing and using, and the youth of the city who were exposed to the situation. He said he felt the police department budget should be funded to whatever extent they felt was necessary, and that they are doing a fantastic job.

Mayor Pro Tem d'Eustachio pointed out that a suggestion had been made to the elected body at an earlier meeting that a special taxing authority be formed to levy a special assessment, primarily aimed at commercial establishments, that would help to fund such things as special and additional police service the City provides those businesses; he inquired whether Mr. Rochelle thought the business community would support such a plan. Mr. Rochelle said he thought it would be something to consider, and that perhaps it could be brought up with the CDMA in the area for examination and consideration.

Duane Brand, city resident and business owner on Flower Avenue: said he had seen an ever-increasing number of assaults occurring in the area and people who were apparently dealing in drugs; he said he would support all the funding the police department needs, in order to try to keep the drug problem under control.

Sgt. Dennis Bonn, Takoma Park Police: said he would like to expand a bit upon questions that had been raised during Chief Fisher's presentation. Concerning the question of elimination of the detective bureau from the department's jurisdiction, he said the effect would be chaotic -- that the services would have to be turned over to both Prince George's and Montgomery County Police, so the city would be split investigation-wise, and coordination of any case within the city would be extremely complex and difficult. He said it would be a ludicrous situation and would pose an administrative nightmare. Concerning increased arrests, he said that was one of the few weapons law enforcement presently has against drug traffic. He referred to a question posed by Councilmember Sharp concerning the effect of dropping one officer from each 5-man squad; he said what would happen would be that due to leave situations, court, etc., often 2 men would be on the street, and it would be necessary to pull the officer out of community services to supplement the patrol squad. He said there was no way 2 men on the street could respond adequately to the problems that had been cited -- and that was not even mentioning the danger involved of having insufficient manpower to respond to serious calls. Sgt. Bonn referred to questions posed by Councilmember Hamilton concerning who would be paying for holsters for 9 mm. weapons the department was proposing to purchase, and the response that they would be charged to the officers' clothing account(s). He said the officers were intelligent and realistic enough to realize there was not a

bottomless pit of money available to them for equipment -- that there was a limit. He related past instances in which officers had felt a necessity for certain equipment and money was not available, so the officers had paid for the items themselves, e.g., high intensity lights for cruisers, new uniform badges; he pointed out officers had personally donated scanners for departmental use; at the time the new radio system was purchased, officers paid 1/2 the cost for additional portables so that an adequate number could be purchased. He explained that money actually came from a donation of annual leave on the part of those officers, which helped to reduce the City's very significant deficit in relation to unfunded liability. Additionally, Sgt. Bonn pointed out certain officers, including himself, had donated half the time necessary to conduct training schools in order to enable personnel to attend the courses and reduce related overtime costs; he said that was a continuing practice. He said there were tremendous amounts of overtime those in the detective bureau put in but do not claim for pay purposes; he said he was aware of at least 200 overtime hours that Sgt. Creamer had not put in for pay. He said time and time again, police department personnel had proven their willingness to work with the elected body, and said the point to his testimony was that he had what he and the officers felt to be a legitimate request to make concerning the officers' clothing allowance, which currently amounted to a \$504 allocation per officer per year. He said the designation for the account was somewhat deceptive, in that new officers requiring complete outfitting following graduation from the academy generally ran up a bill in the neighborhood of \$1,600 for uniform clothing and necessary equipment, and that entire cost was charged against the individual's clothing allowance, meaning that new officers did not get a clothing allowance until that initial amount was depleted -- a period of several years. Those officers were forced to pay their own cleaning bills, replace damaged clothing at their own expense; he pointed out that cleaning bills for an officer's uniforms alone amount to about \$190/year bare minimum. He said the holsters that would be purchased and would have to be charged to some officers' clothing accounts which already had a significant deficit were going to cost \$92. He stressed that costs related to being a police officer were becoming very prohibitive, many of those had to be paid for out of the officer's own pocket, and emphasized the need to find some way of supplementing, reimbursing personnel for some of those costs. He said some of the equipment items that were routinely charged against the clothing allowance seemed inappropriate, e.g., handcuffs, which it would appear could more properly be charged to an equipment account and issued out as necessary, whistles, templates for diagramming traffic accidents, etc. Councilmember Hamilton inquired whether Sgt. Bonn thought it would be constructive to set up a separate account for initial outfitting of new officers and leave the clothing allowance accounts as they are; Sgt. Bonn responded in the affirmative. For the record, Sgt. Bonn provided copies of proposal documents he had prepared for the Mayor and Council's consideration. Councilmember Sharp commented that the charging of certain items against clothing allowance accounts, which might more appropriately be departmental issue, appeared to him to be a departmental policy, rather than any mandate imposed by the elected body; he said if it were decided, on a departmental level, to make a change in that practice, he did not feel it was anything needing to be brought to the attention of the Mayor and Council. Sgt. Bonn remarked that he had intended proposing an increase of at least \$250/year in clothing allowances, in addition to formulating a better set of conditions regarding what the officer was obliged to pay for out of that allowance. The Mayor commented that, weighing what had been said, it would appear reasonable to consider the creation of an additional line item specifically for police equipment, e.g., whistles, handcuffs, etc., and to add a sufficient amount of money to the clothing account to outfit a given number of new officers per year, e.g., two per year. He said it did appear there were some policy questions involved, and that the Chief, Mr. Wilson, and perhaps the elected body, would need to examine the issues that had been raised, and come up with some answers. Councilmember Sharp suggested that the department come forward with some recommendations for the elected body to examine. In conclusion, Sgt. Bonn spoke concerning the very serious drug problem in the community and the amount of officers' time that is consumed in dealing with those cases; he pointed out drug arrests often require a number of officers on the scene, leaving no one patrolling on the street, due to the personnel

shortage in the department. He said the police department needs all the help the elected body can afford to give them.

Sgt. Jim Rosenthal, Takoma Park Police: explained he has scanners in his cruiser that allow him to monitor both county police departments. He said he had been struck in recent months by hearing the dispatchers requesting permission to hold calls because of lack of sufficient men in service to respond; one he had heard recently was a request to hold a residential burglar alarm because of no one available to respond. He said it seemed odd to him to hear such situations, because in Takoma Park, someone would be freed up to respond to such serious calls. Additionally, he said whenever there was need for a detective on the scene in Takoma Park, they are called and respond, regardless of the hour. He said in Montgomery County, there is one detective working at midnight, and in Prince George's there are two at that hour -- and that is for the entire jurisdiction. He said that was the basic difference in having the full-service municipal police department -- citizens could count on a response and a detective would respond at any hour upon receiving a call to do so. Sgt. Rosenthal referred to his inability to take vacation time due to the personnel shortage in the department, and noted he had made \$10,000 in overtime the last year, also due to the lack of enough people to do the job. He said one major reason the department couldn't keep people was the salaries, that one officer of whom he was aware went with Montgomery County and got an immediate \$2,000 increase in pay. Councilmember Sharp commented he did not think the Council had ever been disinclined to keep salaries at a level that was competitive in the market and if that was what was needed to keep people, then it should be done.

Lt. John Gowin, Takoma Park Police: spoke concerning the shortage of people in the patrol division, noting that while three 5-member squads and two 4-member squads had been mentioned and that was what was supposed to exist, the department had been operating with five 4-member squads for the past 6 months. He noted there were 3 unfilled vacancies, 1 officer on disability, and expanded upon where other officers had been deployed, which had contributed to the existing shortage. He said even when the vacancies were filled, there would still remain the problem of two of the squads having only 4 members, which left them continually short-handed. Councilmember Hamilton inquired whether it was true that even after a new officer was hired it was several months before he was on the street on his own. Lt. Gowin responded in the affirmative, explaining that the minimum would probably be 2 months for an experienced officer coming from some other jurisdiction, because he would have to learn Takoma Park's procedures, reporting system, etc., under the supervision of a field training officer. For a new recruit with no police experience or certification, the process would be considerably longer; following a several month period at the police academy, he would also have to be under the supervision of a field training officer until such time as he was deemed ready to be on his own on the street, generally a 2-3 month period. Responding to the Mayor, he affirmed that the squads would likely function more efficiently and more effectively if all were comprised of 5 members, however, that would not be possible, even if the 3 vacancies were filled, given the current total number of sworn officers in the department to fulfill all the existing functions.

An unidentified police officer speaking from the audience referred to mention made earlier concerning the Hampshire Motor Inn; he noted that the reason drug arrests had been made there was because management cooperated and called the police if they noticed anything out of the ordinary. He said the drug problem had gotten completely out of control in the Langley Park and Quebec Terrace areas because it had been allowed to flourish, people had closed their eyes to what was going on. He said there were Jamaican drug-related crime groups (not to say that all Jamaicans were involved with such groups) within the city, but the police had struck out against them, had made it known their activities would not be tolerated or ignored. Without that, he said, all the drug-related activities, crimes, and problems would spread from neighboring jurisdictions and overrun the city.

Mr. Parris, speaking from the audience, suggested that resident managers of apartments need to screen people renting apartments from them more thoroughly, because some of them were renting apartments in which

to store drugs. A gentleman who had spoken earlier commented that there were brand new and very serious problems that had occurred on Flower Avenue only within the last 3 days; he said that there was a whole new group of people there, very dangerous and armed to the teeth, and they were within the city boundaries of Takoma Park.

Councilmember Douglas inquired of Chief Fisher whether any sort of cooperative strategies for dealing with the problems being discussed had been worked out with the 3 neighboring jurisdictions adjacent to the city, so that the problem did not just get moved back and forth across the boundaries. Captain Wortman explained that a part of the drug grant the department had gotten involved a stipulation that Takoma Park work with D.C., both counties, and the state police. Currently, he said, intelligence information was being exchanged on a regular and reciprocal basis, as well as other cooperative efforts.

Lt. Richard Kendall: said he wished the author of the Takoma Voice article concerning the City's detective bureau had spoken with him prior to writing it, because he might have been able to furnish her some information to which she did not otherwise have access. He explained that he was commander of that division, and that in the past year the 3 detectives under him had worked a total of 581 overtime hours -- of which they requested payment for a total of 235. He said the officers were aware of budgetary restraints, and that was why they did not request payment for the additional hours worked. Concerning drugs, Lt. Kendall said that sometime ago, the word "epidemic" began being used in connection with the drug problem; he said that word, at present, was quite apt -- that the drug problem was impacting upon and affecting all Part I offenses, i.e., armed robberies, thefts, breaking and enterings, increasing the incident rate, and that was despite serious, concentrated efforts being made to combat the problem. He touched briefly on the difficulty young people from modest circumstances have in saying "no" to drugs, given the material temptations and rewards placed in their path, and the obvious ways in which those addicted to drugs get the money they need to satisfy their habit, and said the police observe both of those situations on a daily basis.

Councilmember Hamilton, referring to the overtime hours worked but not put in for pay by some officers, said he felt that people should be paid for the hours worked; he asked that Lt. Kendall comment briefly on the subject of burnout in relation to police officers, and the problem of being short-handed. Lt. Kendall said what the unpaid overtime generally amounted to was the need to tie together loose ends in a case, which had to be done, but often the officer had already put in a large amount of overtime, so did not do so with the extra hours expended. He said burnout was an across-the-board topic of concern, but was not sure there were any easy answers, given the heavy workload that had to be dealt with. He said he felt that had, to some extent, to be dealt with on an individual basis, with the person examining their stress load and situation to see where they could go a little easy on themselves or find some diversion.

During ensuing discussion, Councilmember Sharp commented it might be helpful if it could be shown what amount of overtime hours could be eliminated if there were additional staff, and what amount would remain because it was attributable to such things as court time, etc. The Mayor remarked he would like to know, from the Chief and the officers as well, whether, given a finite amount of money to expend, it would be better to invest that money in additional personnel or in salary increases for existing personnel. He noted that was aside from cost-of-living increases, which would be discussed separately and would pertain to all personnel. He said he realized that was a large and important question, did not expect an immediate response; however, would like some sense of departmental feeling during the later budget worksessions. Councilmember Sharp emphasized he would particularly like to hear some response at that time to his question about the overtime and to what extent it could be decreased if there were additional personnel.

An unidentified officer, speaking from the audience, commented that if starting salaries remained at the present level for officers and with the existing gap between what the City pays and what Montgomery County pays, it was doubtful the existing vacancies would be filled any time

soon. Additionally, concerning burnout, he said worries about finances add to the stress burden. The Mayor commented that an anticipated cost-of-living increase would raise the salary level somewhat for entry level officers, however, would not likely bring it up to the county's level, and the issue of remaining competitive in the market would be something else to look at. Sgt. Bonn commented that, from a supervisory viewpoint, it became more and more difficult to supervise inexperienced people, and harder to get good, experienced officers who were willing to accept the pay offered by the City. He said he personally felt that there was need to increase salaries to retain the qualified and experienced personnel the department has, and to be able to attract others to fill the existing vacancies. He said while maintaining the status quo as far as the number of sworn officers required that all work hard, he thought the present number of qualified people could adequately accomplish the job, given sufficient incentive to remain with the City.

Councilmember Douglas commented he would like for the police department during budget worksessions to elaborate a bit on what they would be doing concerning accreditation in the coming year.

Detective Scott MacAuley, Takoma Park Police: related having arrested two 14-year olds recently who had stolen a number of cars in the City; he said one of them related making \$1,000 a week selling cocaine; they drove a stolen car to the police station to be interviewed, demonstrating the brazenness of some of the juveniles involved in drug traffic. He related other cases in which drug use was a motivating factor, and remarked that the detective bureau was overloaded with cases and understaffed, the investigators are called out of bed in the middle of the night to respond and end up putting in 20-22 hour days because leads grow cold after 24 hours or more.

Captain Wortman referred to some research he had done, the results of which he had routed to Mr. Wilson; he said those figures were very basic and under average, did not take extra things into account, and he hoped the elected body would be open to discussing the situation at worksession and working with the department to try to find a middle-of-the-road solution.

Barry Weitis commented on the need for the citizens of the community to be the eyes and ears of the police, help keep them apprised of what was going on in the neighborhood. He said he was not sure when the Housing Services and Economic & Community Development budgets would be addressed, but would want to comment briefly on those. Regarding Housing Services, he said there had been a very marked improvement in that department in terms of their responsiveness, their job performance, which he said had generated increases in property values, had accomplished the cleaning up of slum areas. He related he had sat on the Montgomery County CDBG Committee for 2 years, and people were very impressed with the job done by Dan Neal in E. & C. D., and he would be in support of whatever Mr. Neal proposed for his division; said he brings a lot of funding into the City. Responding to inquiry from Councilmember Martin, he said, living just about on the city line as he does, he calls whichever police jurisdiction is appropriate if a problem arises, or, if it's something major, he calls both the city and the county. He said he would judge their response times to be about equal, however, said in terms of manpower, that a more generous budget for police allows for increased visibility and enforcement, and more time available for officers to address problems.

Carrie Spicer, Hampshire Gardens: said she appreciates the security her community is provided by the presence of the police in the area. She related an attempted break-in that had occurred at her home the previous year, said she was aware how busy and understaffed the police are, and that they need all the help they can get.

CAPITOL IMPROVEMENTS:

Mr. Wilson noted that of the \$767,566 requested for capitol items, he had recommended a total of \$349,530, with that amount to be funded by \$145,530 in cash and \$204,000 in lease-financing. He said his recommendations had been discussed with the individual department heads, and an explanation of the rationale for the choices made was given. He said in prioritizing requests, he had considered the impact

of the items on efficiency and effectiveness of departmental operation, the impact on employee morale within the department, and the amount of money available to address wants. For instance, regarding Housing's request for additional computers, he said they already had their share of initial computers, which they were currently using efficiently, were improving their use, and had not outstripped the capacity they presently have available. The additional phones, he said, were predicated on a supplemental budget request for additional people and anything he did not approve in the way of supplemental requests were not carried over into his recommendations in the capitol budget; he said the latter had much to do with a number of things not included in his recommendations. Addressing Recreation's capitol requests, he said priority of the Municipal Gym Renovation should be obvious, the office furniture purchase was to replace a piece badly in need of such replacement, and the vehicle purchase would allow for transportation of smaller groups than the van and would supplement the use of that vehicle. The Mayor remarked he would have some questions about that particular proposal. Mr. Wilson noted the Library's major request was for \$103,614 for renovation; he said he was expecting an overall space needs report from staff within the next week or so, which would give an idea of the true priorities in terms of needs, which he said may, again, wind up ahead of renovation needs for the Library. However, he said, he could not really tell for certain until the report was received and examined. It was noted that replacement of the Library doors was included under the General category for capitol items. Mr. Wilson noted the need for provision for handicapped access to the Municipal Building; Ms. Arnold-Robbins pointed out that not only was there that need at the Library, but also the present doors had dry rot in places, there was a fire hazard due to lack of panic bars, the locks and bolts were not really very secure. In addition, she said patrons had complained about the noisiness of the existing doors, they slam loudly, and are not repairable in that regard. Mr. Wilson affirmed that the \$3,000 for computers for Administration was for an additional computer for that office, and noted that the \$20,000 recommended for automation for Finance was for computers, appropriate software, and training for that division; he explained that was part one of a two part program to automate the division's recordkeeping. The Mayor noted the amount was a carryover from the current year's budget of money for that purpose that was not spent; Mr. Wilson pointed out that RFP's had been sent out, a pre-bid conference was held the prior week and there was a good turnout for that. He said he had recommended purchase of the furniture requested for Economic & Community Development, in conjunction with a partial response to the request for a staff increase, and it would, of course, be necessary to have furniture for the person in another part of the office. He said he had recommended the typewriter and dubbing system for the Cable office, which he said he understood could save considerable time and effort for both staff and volunteers; the balance of the items requested were set aside for priority reasons.

Concerning the administrative vehicle for the police department, Mr. Wilson explained it had recently been suggested that two smaller vehicles be acquired, similar to the purchase Housing Services made; he said if the elected body concurred with that, he had no objection to adding a couple of thousand more to the requested amount for that purpose. Councilmember Sharp remarked on the unsuitability of converted police vehicles for administrative use, noting a recent ride he had experienced in one such administrative car. During ensuing discussion, the Mayor noted a number of requests for administrative vehicles; he said it would appear sensible to buy a number at one time and then set priorities concerning their use. Mr. Wilson noted he supported the police department's request for computers, which would allow them to more centrally consolidate their data management requirements under state and federal law, which is currently done manually, and allow for adequate management of data requirements under the police rebate system. He affirmed that training and software was included in the amount proposed. Responding to inquiry from Councilmember Sharp, Chief Fisher explained that the \$10,000 expended on computerization two years earlier was a traffic management grant through the state; the system had a number of limitations, was primarily designed for the purpose of entering traffic accident data. He said the software was highly complex, had not proven to be either extremely useful or useable, however, the computer was now being used

by some personnel for other purposes in addition to its original use, including some word processing. He briefly expanded upon the uses to which the computers proposed for purchase would be put.

Concerning Capitol requests for Public Works, Councilmember Douglas commented he would want to discuss the proposed street sweeper in worksession. It was affirmed that the proposed reroofing of the Public Works building was the project that was delayed earlier. Ms. Habada explained, in response to inquiry, that the \$32,000 amount for dump trucks was for one truck, and that amount was proposed because one had been purchased earlier for approximately that amount. Mr. Wilson explained, also responding to inquiry, that the concrete pad was to support vehicles in the Repair Shop that had to be jacked up; he said the \$15,000 estimate was extravagant, another estimate had been gotten for \$9,000.

It was noted a number of the General Capitol items would be discussed in worksession, including the proposed street survey and the Chambers PA system. In response to inquiry, Mr. Wilson said Mr. Robbins would be able to expand upon his proposal for security measures for the Municipal Building and Library, which the City Administrator had not supported, and any less expensive approaches that might be taken to better secure those buildings. Councilmember Leary remarked he would like to know during the worksession discussions why Program Open Space funds could not be used for park improvements, such as those proposed by Recreation for Jeque Park and Jackson/Boyd. Responding to inquiry, Recreation Director Ziegler said nothing further was known about the Municipal Gym ceiling at present, Mr. Kneessi was supposed to get back to her the following day with further information.

Councilmember Sharp inquired concerning the interest rate on lease-purchase; Ms. Habada said it was 8%. The Mayor said while a decision was made last year to enter into a significant amount of lease-purchasing, he had supported that at the time because the City was playing catchup on a number of Capitol items. He said that form of buying was not a panacea, the City currently is liable for \$108,000 in that sort of purchasing, and before entering into very much more, the question needed to be answered whether or not there was still any pressing need to be catching up in certain areas. He said he was very concerned about the prospect of building up a \$200,000 annual payment to pay for things bought this year; he said that would be a very significant question if the City were going to enter into a bond issue for major building improvements and/or infrastructure repairs. He said he frankly did not think the City could afford to take up additional lease-purchasing in addition to the other things mentioned, and there was a need for priorities to be re-examined; he pointed out if the decision was not to enter into any additional lease-purchasing, then a lot of the items included in the Capitol budget would not be funded. Councilmember d'Eustachio commented that to his remembrance, two years ago, when lease-purchasing was entered into, the Council was advised that it would be a three-year catchup process, which would make the currently proposed budget the third year of the original process. He said he would like to see a diagram of where the City had been and where it would be going over the next 3-5 years, now that it had caught up. He said what he saw proposed this year in the way of lease-purchases did not equate with catchup to him, they appeared to be add-ons -- additional computers, administrative vehicles, new equipment being added, e.g., the 2-way radios in Public Works. He said he was very much concerned with what appeared to be the trend in lease-purchasing, it appeared to be going in the wrong direction. Councilmember Sharp asked that last year's 5-year budget projections be located and disseminated to the Council for comparison purposes prior to the worksession. He said one benefit of lease-purchasing was that it allowed the City not to spend its unobligated balance, upon which 6% interest is paid. However, he said if the proposed items were really needed, it would make more sense to take that money and use it since the City would pay 8% interest on lease-purchases in order to avoid spending money on which it was getting 6%. Councilmember Martin remarked on the number of computers she had noticed were purchased within the past year and wondered where the money for those came from and why more were proposed for purchase. Mr. Wilson said he would have to check to be certain what amount was allocated for that purpose last year, however, believed purchases were made

against the \$25,000 amount originally allocated for overall City computerization.

SPECIAL REVENUE:

Daniel Neal, Director of Economic & Community Development, explained that the Special Revenue budget was created in 1987 to separate out revenues the City receives from federal grants such as CDBG funds, state grants such as Program Open Space funds, and others, such as county Cable TV, etc. He pointed out that the budget showed both from whence the money came and where it would be expended, and noted the majority of the projects were related to his division. He pointed out that line item 3003.000 under Revenues was the amount required to be transferred from the General Fund for the City to fund all the projects within his division, noting there were several options provided, with Budget 1 reflecting the division as currently staffed, at a funding level of \$70,520; the other two options involve additional staffing. As an example of how the process works, he pointed out that Takoma Old Town Festival reflected \$6,000 under Revenue, which he explained was unexpended proceeds from prior years, and the proposed Expenditure for that event for the upcoming fiscal year was \$6,000 (which would be the amount reflected under Revenues). He explained the situation became somewhat more complex when Revenues had to be reflected as coming in under a single contract and were then expended under several others. Responding to Councilmember Elrich, he tracked Program Open Space Revenues through its proposed expenditure for the year, explaining that, for instance, of the money proposed to be spent on Forest Park, \$25,000 would come from POS Development funds, \$20,000 from CDBG Yr. 13 funds, and \$30,000 from CDBG Yr. 14 funds. Councilmember Douglas explained that the purpose of putting considerable sums in the budget under Program Open Space was to ensure that the county was aware the City may need up to that amount during the year and would hold it for the purpose; he said the City would not be committed, so far as the county was concerned, to spending it on the particular projects until specific project plans and applications were submitted. Mr. Neal pointed out that some of the funds were fluctuating, and some adjustments would likely have to be made. He affirmed that Councilmember d'Eustachio was correct in noting that Montgomery County was giving the City only about 10% more for 2/3 of the city than Prince George's was giving for the remaining 1/3 of the city. Discussion ensued concerning the use of Program Open Space money, where it could best be used; it was noted, however, that in order to use those funds, other than in a few instances in which it was used for acquisition of property, matching funds had to be provided. In the course of discussion concerning parks and where money should be expended, Councilmember Elrich suggested that in instances where a decision had not been made by the elected body to spend money on a specific park, the allocation be reflected under the General Development line item until such time as it was decided where it should be expended. Councilmember Douglas pointed out allocations had been made for certain specific parks in the budget, and said reallocating POS monies was not a simple matter. The Mayor pointed out there were some areas in the city, particularly a specific one in Ward 3, that residents had an interest in developing into a park; he said some of those had not even been discussed yet, but such discussions about where POS money could be used should occur at a worksession. He said he felt Mr. Elrich's suggestion was a good one.

Mr. Neal explained that each park listed for an allocation in his proposed budget had prospective matching funding that would not take any money out of the General Fund.

DEBT SERVICE:

Ms. Habada briefly summarized expenditures under debt service for lease financing, noting that of the \$93,862 budgeted for the current fiscal year, only about \$15,000 would actually be expended; a significant portion of the \$108,903 requested for FY 88-89 would be a carryover, approximately \$25,000 would be for new items. She said the lease-financing ran for 3 and 5 year terms. Concerning projected costs of floating a bond issue as raised by Councilmember d'Eustachio at an earlier hearing, she said she had not yet gotten those figures. Concerning the Norton Project, she said no amounts were reflected because no City funds were being expended, however, state monies were channeled through the City for that project. Ms. Habada pointed out

that the upcoming fiscal year (or the next) should probably be the last year for the State Retirement Unfunded Liability payments; however, the fringe benefit rate in relation to the pension fund would be higher for a number of years. Responding to inquiry, she said the upcoming year would be the third year for the Leave/Unfunded Liability payments to employees, there were two more years for that debt to be paid off. She affirmed that there was a \$10,000 request from the police department that would be added into that line item.

Mr. Wilson spoke concerning General Liability Insurance, noting that the transition from former carriers of the City's insurance to the Local Government Insurance Trust had almost been completed. He related that there were 55 municipalities and 12 counties involved in the trust, and summarized the breakdown of the insurance provided. In comparing the budgeted amount and the estimated actual for insurance for FY 87-88, he noted a savings in overall rates of approximately \$11,000. Concerning the substantial increase projected for Excess Liability, he said the figure of \$51,552 was a high-side estimate to ensure that a sufficient amount was allocated, however, he expected that the actual cost would be significantly less than that amount. He affirmed that it was anticipated that savings in insurance rates would continue to increase under the Local Government Insurance Trust, that coverage would be much better, control would be greater, and the City would have a much greater ability to manage its risks.

Responding to inquiry, Ms. Habada explained that the amount allocated to the General Contingency Fund was based on 2% of the Revenues, as required by the Code. Those funds were utilized through budget amendments transferring the funds to cover various over-runs; the Code permits the City Administrator to use up to 1/3 of the fund without Council approval, however, the use of the majority of the money had to be Council-approved. Concerning Storm Water Management, she said WSSC had not provided the City with a figure, so the same amount as last year, figured on the assessable base, had been projected in the budget. Responding to Councilmember Martin, Mr. Wilson explained that the training account had been expended primarily for computer training in the past year.

CONSTANT YIELD TAX RATE:

Mr. Wilson summarized the formula for computing the constant yield tax rate, noting the City would be exceeding that rate in both counties, thus, the requirement for the public hearing; the current rate in the Prince George's portion would be \$1.764/\$100 assessed value, \$1.742/\$100 assessed value in the Montgomery County portion. He said the proposed City tax rate would be \$1.84/\$100 assessed value, an increase from the previous \$1.825/\$100; it was noted that included \$.04/\$100 for WSSC, \$.296/\$100 for fire service, so, essentially, \$.34/\$100 was diverted to other than the City government, \$1.50/\$100 funds the City's operating budget. It was noted that was the same base amount as last year, and a number of years prior to that -- the increase in the overall tax rate was for fire service.

It was noted budget adoption was scheduled for May 31, and had been so advertised. Lengthy discussion ensued concerning the remaining interim budget worksessions, and how to proceed with addressing supplemental budget requests, as well as policy questions needing to be examined; consensus was to add one more such worksession on Thursday, May 19. The Mayor suggested that each Councilmember, prior to the next worksession, reexamine the proposed budget, including supplemental requests, and decide upon 6-10 items that they would consider to be priorities for funding; he said that would give a basis from which to proceed. Councilmember Sharp commented it appeared to be an assumption that the City Administrator's recommended budget was a basis upon which to proceed, but he felt that what should be examined was where cuts could be made in the budget -- that just because a program had existed did not mean it had to remain. Councilmember Hamilton commented on the lack of adequate education for new Councilpersons concerning the budget process, said they were not made aware in advance of what to expect or how the process would be handled. He said he was left with a lot of questions, particularly some concerning supplemental budget requests. The Mayor explained that, essentially, supplemental requests were "pie in the sky" unless other programs were cut. He said he would have no objections to considering those requests if

it could be shown where cuts could be made that would allow funding them. Councilmember Sharp commented that while the approach in prior years had been that cuts not be made to existing programs, having examined the current proposed budget and supplementals, he was prepared to propose a number of cuts in both current programs and proposed supplementals. He said he felt he had a fairly good idea of what he would want the final budget to look like. Councilmember Douglas commented he, too, felt fairly confident of what he thought the final budget should look like, however, thought there would be some remaining areas for discussion, and those were what individual Councilmembers needed to identify for themselves, so that some direction could be given to the remaining discussions.

Councilmember Leary suggested that taxes could be cut; he said, as Councilmember Hamilton had suggested, he would like to have some firm idea of how the Council would proceed through the remainder of the budget-related meetings. Councilmember Elrich commented he would like to hear presentation and discussion of the supplemental proposals, because what existed was not sacred and there might be some proposed programs that were worth seriously considering, if not for immediate implementation, then for the future.

The Mayor said what he would, then, propose was that the first work-session include all division and department heads, and each be limited to 1/2 hour to respond to questions concerning their supplemental requests. He said, thereafter, by the close of the next business day, i.e., May 3, he would want a list from each Councilmember of the issues and items they would want to discuss at the subsequent remaining worksessions. Councilmember d'Eustachio commented in favor of examining the budget department-by-department, including supplemental proposals, during the entire remaining worksessions, but with strict guidelines and limits set; consensus was to do so.

Upon motion, duly seconded, the public hearing adjourned.