

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
July 11, 1988

CITY OFFICIALS PRESENT:

Mayor Pro Tem d'Eustachio	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Elrich	Deputy City Clerk Jewell
Councilmember Hamilton	Cable Coordinator Smith
Councilmember Leary	Recreation Director Ziegler
Councilmember Martin	
Councilmember Sharp	

ABSENT: Mayor Del Giudice

The Mayor and City Council convened at 8:05 P.M. on Monday, July 11, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of the May 31 and June 6, 1988 Meetings were presented for approval. Councilmember Sharp moved approval, collectively, duly seconded by Councilmember Sharp. The Minutes were approved by unanimous vote.

Councilmember Martin invited those present and the public at large to the dedication of the new bridge built across Longbranch Creek on the upcoming Saturday; she said following the ceremony, there would be a cleanup of the park and the stream valley.

ADDITIONAL AGENDA ITEMS:

Coverage of COG Board of Directors' Meeting (Wilson)

Mayor Pro Tem d'Eustachio commented he would like to broaden the discussion under agenda item #5 to include legislative initiatives the Council might wish to broach directly with state legislators representing the City.

CITIZENS' COMMENTS: (not directed at items for Council action)
Robert Smith, Cable Coordinator: speaking as a private citizen, expressed thanks to the elected body for its recent passage of the resolution opposing repeal of the state ban on the sale of "Saturday Night Special" handguns.

ITEMS FOR COUNCIL ACTION:

1. Resolution Asking Park & Planning to Consider Dedicating Sheridan-Hancock Park in Memory of Ms. Opal Daniels.

Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember Leary.

Henry Daniels, 19 Sherman Avenue: remarked the subject was still an emotional one for him and the family, however, they would be most grateful for anything the elected body could do to persuade the county to dedicate the park in memory of Mrs. Daniels.

Ed Hutmire, Takoma Park Recreation Council: commented that Mrs. Daniels was a charter member of the Recreation Council, had worked devotedly and tirelessly for development of the park, and those who knew her would always think of it as the Opal Daniels Park. He thanked the Council for thinking of asking that the park be dedicated in her memory, and encouraged passage of the resolution.

Rino Aldrighetti, 7213 Central Avenue, former Councilmember: also thanked the Council for the resolution, and for recognizing and remembering those who had done good things for the City; he said he felt that to be a commendable practice.

Councilmember Douglas noted that neighbors and family of Mrs. Daniels were circulating a petition for submission to the county asking that the park be dedicated in her memory. Mr. d'Eustachio commented that Mrs. Daniels had been well-known and well-liked in the City.

Former Councilmember Carl Iddings: said while Park & Planning had not always been responsive to such efforts, he felt it was important that the City make them and was glad it was doing so. He commented that Mrs. Daniels had lived near the site of the park for 40 years, and had

always envisioned a park on that property, working strenuously to see that use realized. He said he felt it was largely due to Mrs. Daniels and her efforts that the park had become a reality, and it would be an appropriate tribute to dedicate it in her memory.

The resolution was passed by unanimous vote of those present (Councilmember Elrich temporarily absent).

RESOLUTION #1988-60
(attached)

Mr. Aldrighetti related that during the latter part of his tenure on the Council, a decision was made to submit a request to the county to rename the gymnasium at the former Silver Spring Intermediate School property in honor of Etta Davis, a longtime former resident. He said Mrs. Davis was very active in the fight for Block 69, which Montgomery College was proposing to acquire for expansion purposes. He said he did not know whether a letter ever went forward to the county on the matter, however, no action had ever been taken. He asked that the matter be looked into, and if the letter did go out, pursue the matter with the county, or, alternatively, send a second letter. Additionally, Mr. Aldrighetti referred to some park equipment removed by Prince George's County from a park at the bottom of Central Avenue some time ago. He said that, due to efforts by Mrs. Ziegler and neighbors of the park, the county had agreed to replace the equipment and had allowed the interested parties to choose some pieces for installation, which they had promised to install in time for use the past spring. He said that had not been done despite followup efforts by Mrs. Ziegler, the equipment had not even been ordered yet, and asked that the Council take steps to expedite the matter with the county. Following brief discussion, Mayor Pro Tem d'Eustachio said a resolution addressing the matter would be brought before the elected body and then forwarded to the appropriate county officials. Mr. Aldrighetti raised an additional issue that had surfaced during his time on the Council, i.e., that of Prince George's residents of the city being given library privileges at Montgomery College equal to those offered the citizens who reside in the Montgomery County portion of the city. He said to his knowledge that situation had not altered, there appeared to be no legal basis for it; he said he did not know that a formal request had been made of the college, however, asked that the situation be looked into and if such a request had not been submitted, that it be done. Mr. Wilson affirmed that his office would look into the situation.

2. Discussion and Resolution to Change Composition of the Gypsy Moth Taskforce.

Councilmember Martin related that she had spoken with David Lanar, who expressed willingness to replace her as Chair of the taskforce and said he would be soliciting more volunteers to serve on the committee following his appointment. Ms. Martin moved appointment of Mr. Lanar, duly seconded by Councilmember Douglas; the motion carried by unanimous vote of those present (Councilmember Elrich temporarily absent).

RESOLUTION #1988-61
(attached)

3. Second Reading of Ordinance Recommending Four Percent Pay Scale for Employees.

Councilmember Hamilton moved adoption, duly seconded by Councilmember Douglas. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Hamilton, Martin and Sharp; NAY: None; ABSTAINED: None; ABSENT: Councilmembers Elrich and Leary.

ORDINANCE #1988-28
(attached)

4. Second Reading of an Ordinance Recommending Four Percent Pay Plan for Executive Staff.

Councilmember Hamilton moved adoption, duly seconded by Councilmember Douglas. The ordinance was adopted by roll call vote as follows: AYE:

Council Meeting Minutes, 7/11/88

Councilmembers d'Eustachio, Douglas, Hamilton, Martin and Sharp; NAY: None; ABSTAINED: None; ABSENT: Councilmembers Elrich and Leary.

ORDINANCE #1988-29 (attached)

At the request of an unidentified member of the audience, original agenda items 7 and 5 were interchanged, so as to address the Carroll Avenue update next.

5. Update on Carroll Avenue Roadway.

Mr. Wilson referred to the 7/6/88 memorandum on the subject, and related that staff had met with the WSSC engineer to coordinate what had turned out to be a miscoordinated project. He summarized what had occurred, said an official of WSSC had acknowledged their poor handling of the situation, and related that detailed explanatory letters had been sent to WAH and the SDA church at Flower and Carroll. He noted the letters advised the hospital and church of what they could do to bring their concerns to the attention of the appropriate persons. Mr. Wilson pointed out that engineering work not yet concluded would not intrude on the rough area between Central and Garland Avenues, so in his view, there was no excuse for WSSC not proceeding with smoothing the area out. The Mayor Pro Tem noted he had letters for signature addressed to WSSC and appropriate county officials about the situation, and said the City would continue to do whatever was possible to exert pressure for WSSC to remedy the condition of that portion of Carroll Avenue. Responding to inquiry from Councilmember Douglas, Mr. Wilson explained that the excavation work being done on Carroll did not intrude onto road work the City had completed -- it was just on the fringe of it; he said the engineer hoped she would not have to disturb the work already done. Responding to Councilmember Martin, he affirmed that the Insituform trucks seen at various locations and times all over the city were relining water pipes, under subcontract to WSSC; it was noted the valves had to be dug up because they could not be lined. Mr. Douglas pointed out he had noticed WSSC was doing their final patching on holes they dug up to repair water main breaks; he asked whether a work schedule had been received from them. Mr. Wilson responded in the negative, but said one could be requested. He said it appeared to be a rough rule of thumb with WSSC that they came back 2-3 months after putting in a temporary patch to put in the final patch -- sometimes sooner depending upon weather and other factors. Councilmember Hamilton commented he would like to thank Dan Neal -- that he had talked to him about Sherman Avenue last week, Mr. Neal had called WSSC, and they had started work on that problem the current week and had gotten the sidewalk done. He said apparently they sometimes respond to requests to address problem areas. Mr. d'Eustachio commented on the multitude of problem areas in the city requiring attention from WSSC, some of which had been ongoing for a year. Mr. Wilson remarked he had noted earlier in the day a large pipe-laying project beginning on Baltimore Avenue -- just in from Takoma Avenue and going down the hill. He said there was a crew of 4-5 vehicles there working. Responding to Councilmember Martin, he explained that while Pepco and the gas company come in and get a City permit when they are going to be doing work in the city, WSSC is not required to and does not -- they come and go and do their work as their schedule allows. Mr. Wilson affirmed that the City could request that WSSC notify them when they were going to be doing longterm work, however, there was no assurance they would do so, based on prior experience. Councilmember Leary referred to a grass triangle that had been totally destroyed by WSSC parking their vehicles on it; he said he would assume they would be responsible for rectifying such damage. Mr. Wilson said they would have to be pressured to do so, however, the most effective time to do so was if they were caught just when they were finishing up on a project.

Carl Iddings, 7416 Carroll Avenue: suggested that the letter sent to the hospital and church, which was mentioned earlier, also be sent to relevant citizens' associations to keep them advised of what was happening. In addition, he said, the information should be published in the Newsletter because the affected roadway was very visible and heavily used by city residents.

Rino Aldrighetti, 7213 Central Avenue: remarked he would be interested

to know costs incurred in work that WSSC did and then had to redo, inasmuch as taxpayers in the end pay for the extra costs one way or another. He said perhaps the letter under the Mayor's signature could make mention of that subject. Mr. d'Eustachio commented that, based on reactions to the subject he encountered at a recent meeting with County Executive Glendening and some of his advisers, the county runs into problems with WSSC similar to those experienced by Takoma Park.

6. Discussion of Parking Near Jecquie Park.

Councilmember Douglas explained that the parking near the park was zoned for residential use due to its proximity to the Metro, with parking meters on one side of Takoma Avenue which had been installed by the City a few years ago to accommodate residents wishing to park there to use the Metro system. He said a constituent had complained to him because she had parked temporarily to register her child in a recreation program at the park and was ticketed within 5 minutes of arriving. He said the police are vigilant about the parking, which is to their credit, however, perhaps options for short term parking for users of the park and those enrolled in programs in the park should be examined.

Councilmember Leary said he had asked a number of residents about use of the parking meters on Takoma, and all had advised him that they were seldom used during the daytime hours -- which would be the time that any problem would exist, because the permit parking was not in force during evening hours, so there would be adequate parking space available then. He said so long as that was the case, he would see no reason to think of altering the permit parking restrictions, which had been in effect for about 11 years. He said he had not heard of many such instances as Mr. Douglas had described, but was glad that the police had handled the unfortunate situation with the discretion that was deserved. He said, however, that based on one such unfortunate incident, he did not feel a change in the permit parking procedures was necessitated. Former Councilmember Iddings commented he felt what had been described was a problem, and said it was an issue that ought not to be rejected out of hand; he said the problem was not restricted to that park only, that there was risk of being ticketed when parking to make use of many other City parks as well. He said while there was an incentive to use the parking meters in the Takoma Avenue situation, one ought not to have to pay to park to use a City facility funded by tax dollars, and also, there was a hazard in crossing that street with small children in order to access the park. Mr. Iddings said he felt the issue ought to be examined, that the permit parking areas had been deemed to be sacrosanct, however, they had actually served to create two classes of residents -- those who resided within the designated areas and were free to park there, and those who did not and would be ticketed for doing so. He said that situation needed to be addressed, and one option would be to consider what D.C. had done, i.e., to limit parking to 2 hours for those not residing in the permit parking area. Mr. Iddings said that during his tenure on the Council, there were a number of similar complaints received, particularly in connection with Jecquie Park. He urged that the elected body set up a process for addressing the question of how the City could provide its citizens access to facilities in areas that had a genuine need for protection from commuter and college traffic.

Mayor Pro Tem d'Eustachio commented that while he did not think the \$.25 parking meters were an exorbitant amount for citizens to pay while using the park facilities, he did concur that the location of the metered parking across the street did present a substantial barrier to use of the park, and that there was a serious hazard for anyone trying to cross the street with small children. He said, however, that he had serious reservations about creating 2-hour parking in the permit areas, precisely because he had looked at what D.C. had done, and felt the results were abominable -- that people parked there for 5-6 hours with no consequences. He said he felt the enforcement problems for the police department in such 2-hour zones would be massive. Mr. d'Eustachio said he felt there were other options that could be examined, e.g., expanding the permit process to allow city residents permits to park in areas other than that in which they reside; he said he felt the problem that spawned the permit parking restrictions initially was that of non-residents parking in the city for commuting purposes. He said, however, that the program had been

effective and was not one with which he would wish to tamper without careful deliberation.

Mr. Aldrighetti remarked that when the issue of permit parking in Takoma Park was first raised, it was the first time it had come up in the State of Maryland, and was before the Supreme Court had dealt with the issue. He noted that the permit parking area in Ward 1 was the first such area in the state, was initiated primarily because of problems in that area generated by Montgomery College parking. He said one point that was specifically emphasized during those discussions was that the residents of the area would not want city residents of other neighborhoods denied access to facilities, such as Jequie Park, due to the parking restrictions. Mr. Aldrighetti encouraged that the issuance of temporary passes to residents allowing them to park within permit parking areas for specific purposes be examined.

Responding to inquiry from Mr. d'Eustachio, Councilmember Leary said the problem he envisioned residents of the permit parking area would have with issuance of 60-90 day parking passes would be that city residents wishing to commute on the Metro would clog the area. Mr. d'Eustachio suggested that a special zone for the temporary passes could be created, or shorter term passes could be issued; additionally, he questioned the numbers of city residents who would be parking in North Takoma for the purpose referred to.

Councilmember Douglas commented he would like to initiate a process to deal with the question, felt it should have publicity in the Newsletter, and said input should be sought from citizens of North Takoma and other areas of the city.

7. Discussion of Recommendations to MML for Legislative Agenda.

Mayor Pro Tem d'Eustachio noted a list of suggestions provided by Mayor Del Giudice of issues that could be brought up before MML. He commented he would have some mixed feelings about bringing the question of the Municipal Police Officers' Retirement Program before MML, because they appeared to briefly address it somewhat grudgingly last year, and there remained a need to coordinate with a couple of other municipalities to gather the strength needed to adequately support legislation. He said he wholeheartedly supported the Joint Resolution Creating a Legislative Taskforce, was astonished that MML did not pick up that item last year because every municipality in the state was affected and was getting the short end; he said it was his opinion strong pressure should be exerted on this item. Councilmember Sharp commented there had appeared to be disinterest among other municipalities on the subject; Mr. d'Eustachio remarked it might be a question of their not realizing on which side their bread was buttered, that perhaps they had thought they would benefit greatly from municipal revenue sharing.

Mr. d'Eustachio noted the opt out legislation for the State Real Property Code, which would allow municipalities to opt out of that provision of the State Code permitting landlords to carry out no cause evictions; given the number of tenants in the city and the unfavorable impact that provision had had on them, he said he felt that legislation was something Takoma Park should strongly support. Responding to Mr. Sharp, he said he did feel MML was an appropriate vehicle by which to approach this subject. Mr. Sharp commented that in the past, it had been Baltimore City and the counties who were given the option of opting out of certain state provisions; he said he was unaware of any municipalities being given that option, which would be something of an unusual step. Councilmember Douglas raised the question of how landlords would remove tenants from their rental property, should they wish to occupy it themselves. During ensuing discussion, Mr. Wilson noted that a clause could be inserted in the lease making provision that should the owner wish or need to occupy his property, the tenant would vacate in 30 days; were the property occupied on a month-to-month basis, 30 days' notice would be all that was required. Councilmember Hamilton pointed out that the 60-day no cause evictions had been badly misused by landlords for purposes of raising rents -- they had been used to dislodge longterm tenants so that the rent on a unit could be raised in excess of the limit imposed by the Rent Stabilization Guidelines.

Consensus of the Council was to support the Joint Resolution for a Taskforce to Examine Reimbursement for Tax Differentials to Municipalities and the Legislation to Allow Local Governments to Opt Out of the No Cause Eviction Provision of State Law, and to ask that they be made MML legislative priorities.

Mayor Pro Tem d'Eustachio raised the question of legislation regarding a ban on the disposal of plastic containers such as those used by fast food establishments, e.g., McDonald's. Councilmember Douglas commented he felt that to be particularly important. Councilmember Sharp commented there appeared to be a need to look at whether the City wanted to approach certain issues through MML, or whether going directly to the state legislators representing Takoma Park would be most productive. He said, for instance, that the subject at hand did not appear to be one particularly of municipal concern alone. In the course of ensuing discussion, Mr. d'Eustachio said the most appropriate approach would probably be to limit the number of issues which the City took to MML, so there would be a need to prioritize the issues raised and decide which could be most effectively pursued through that body and which would best be brought to the attention of the legislative representatives directly.

Councilmember Sharp raised questions about difficulties encountered in enforcement of Municipal Infractions, and referred to a memorandum on the subject from Corporation Counsel Silber. He said the City of Annapolis was proposing that they be enabled to fine code violators up to \$1,000 -- he said under civil violations, that fine amount would be excessive, so they must be considering certain violations to be criminal violations. He said there were a lot of issues related to Municipal Infractions that require clarification, and some sort of reinforcement statement from the state legislature might be of assistance. Mr. d'Eustachio concurred that lack of clout for municipalities in the area of Municipal Infractions was a major problem, and agreed that if Ms. Silber's memo suggested a concrete approach to the problem, then it should be made a high priority. Mr. Wilson pointed out that MML had, in the past, supported Municipal Infractions, and what was needed was simply to refine the state legislation so that it was more practical and workable.

Mr. d'Eustachio noted the Mayor had suggested legislation in connection with the ongoing drug war that would create special penalties for drug activity within certain proximities of schools and also which would allow state and local governments to seize real property. He commented that the first, in all due respect, would probably not be constitutional, might involve unlawful discrimination. He referred to a recent Washington Post article cautioning against overreaction to the problem and infringement upon civil liberties. He said he did see the second proposal concerning seizure of real property as a viable option, felt it would be legal and would provide a legitimate disincentive for otherwise responsible people who might consider becoming involved in drug trade. He said, however, he was not sure that issue was most appropriately handled by MML inasmuch as it was a statewide problem and should probably be approached on that level. Concerning the 1,000 ft. proximity to schools set forth in the suggestion regarding school zones, Councilmember Hamilton pointed out the legislation was modeled on that passed by New Jersey in their Comprehensive Drug Act Reform; he elaborated on the intent of that legislation. He said he felt there was a real need for municipalities to become involved in whatever way was possible on the local level, particularly in ways to protect school children from exposure to drugs and drug availability on their way to and from school. Mr. d'Eustachio pointed out there was a need to clearly and specifically tie the sanctions to school children; he pointed out there were substantial laws on the books regarding that issue, and probably what was needed was strengthening of those, making the penalties more severe. He said, however, perhaps that would be an issue on which the City's state legislators should be approached rather than MML.

Councilmember Martin commented she had spoken with Chief Fisher, felt the City should press for a rebate from the state on state citations for moving violations issued by city police officers. Mr. d'Eustachio explained that while that seemed a good idea, the issue had been raised a number of times before and there was a major stumbling block.

i.e., that the money collected from those fines was used to finance the state court system, and that body was very protective of their budget. He said one proposal that had been made was that those fines be raised and that half of the excess be rebated to the jurisdiction issuing the citation; however, the state had arguments against that idea.

Concerning issues related to the Library raised by Councilmember Hamilton, Mr. d'Eustachio commented he felt that should be taken directly to the state legislature. He said the City's library was essentially the only such facility in the state that did not receive state funds; County Executive Glendening had stated he would most willingly support state legislation to alter that situation, or, alternatively, would support a change in the County Code that would allow the City's library to become affiliated with the county library system at the same time maintaining its independent status. That would allow a pass-through of state funds, amounting to a substantial amount of money. Mr. Wilson said he would talk the situation over with the Library Director, Ms. Arnold-Robbins, who would be knowledgeable on the subject and also ask that Corporation Counsel research the legality of such an approach at the state level, if it appeared feasible. Mr. d'Eustachio commented less resistance would probably be encountered by going through one or other of the counties, rather than the state.

Summarizing the discussion, Mayor Pro Tem d'Eustachio said it would be his suggestion that the elected body take as legislative initiatives to MML the issues of strengthening Municipal Infraction laws, appointment of a taskforce to examine methods counties are using to reimburse municipalities, the opt out legislation from the no-cause eviction provision of state law, and disposal of foam containers. He said the other issues discussed, as well as Unification, could be dealt with through the City's state legislature representatives. Councilmember Hamilton commented on having concerns with not addressing the drug issue, said he felt the City should take the lead on some of the important issues. Mr. d'Eustachio commented his thinking was that that particular issue would be in the forefront with many jurisdictions, more so probably than the issue of disposal of certain solid wastes, e.g., foam containers. Councilmember Sharp commented that the issues of rebates from the counties and Municipal Infractions appeared to be specifically municipal-related, the others were certainly of interest but not as appropriate, perhaps, to address through MML.

Councilmember Elrich commented on having been involved in lobbying for the no-cause eviction bill; he said some of the housing-related bills were brought up by the Baltimore delegation year after year and don't even receive serious consideration -- anything pro-tenant was often last on the agenda. He said he felt local support on that issue would be vitally important.

Discussion reverted to the issue of drug-free zones around schools; Councilmembers Douglas and Martin expressed reservations about the way the subject was addressed in the Mayor's memorandum of suggestions. For purposes of clarification during ensuing dialogue, Mr. d'Eustachio explained that the way the MML process worked was that a committee chose a limited number of issues from those submitted, generally about 5-6 issues, on which MML would focus during the coming legislative year. He said because MML supported an issue did not mean it would pass the legislature, and the fact that Takoma Park submitted an issue as a legislative initiative did not mean that MML would choose it as a priority. What the City submits to MML would only be recommendations to that body for their legislative priorities for the coming year. He said that strategically it would not be beneficial to submit too many items as priorities. Mr. Wilson pointed out that MML generally makes its decisions based on majority self-interest; he said, for instance, that regarding the police retirement issue, there were surprisingly few municipalities in the region who were a part of that, so there was no majority vested interest; some other issues might suffer that same fate in regard to MML.

Mayor Pro Tem d'Eustachio took a straw vote, resulting in a majority decision that the issues of rebates from the counties to municipalities, the strengthening of Municipal Infraction laws, and opting out

of the state's no-cause eviction provision would be submitted to MML as the City's recommendations for their legislative agenda. He said it should be made clear that if the issues of disposal of foam containers and drug-free zones around schools were chosen as MML priorities, the City would certainly not oppose, but would support, such legislation.

Councilmember Sharp noted need for a letter from the Mayor to Congressman Hoyer's office outlining an existing problem at Hillwood Manor and requesting assistance and action. He said there was need also to contact Senators Sarbanes' and Mikulski's offices regarding the matter. Mr. d'Eustachio volunteered he would contact Ms. Mikulski; he asked that additional information on the situation be provided him. Responding to inquiry from Councilmember Martin, Mr. Wilson said follow-up with Housing Director Weiss' office would be accomplished the next day regarding an opinion on the matter from Corporation Counsel.

9. Representation at Meeting of COG Board of Directors.

Mr. Wilson pointed out he felt items 4, 5 and 8 on the meeting agenda might be of particular interest to the City. Councilmembers Douglas and Elrich agreed to attend on behalf of the elected body.

Upon motion, duly seconded, the meeting adjourned at 10:15 p.m., to reconvene in Regular Session at 8:00 p.m. on July 25, 1988.

Version Dated 6/27/88 (As Amended)

Introduced: 6/27/88

Enacted: July 11, 1988

Effective: July 1, 1988

ORDINANCE NO. 1988- 28

Short Title: Pay scale for employees.

AN ORDINANCE TO:

(a) Amend the pay scale for employees for Fy 89, tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended.

WHEREAS, the City Administrator has made a careful study of cost-of-living indicators in the Metropolitan Washington, D.C. area;

AND

WHEREAS, based on these indicators, a 4% cost-of-living adjustment is a reasonable level to provide to City employees;

AND

WHEREAS, the City Administrator has recommended to the Mayor & Council a 4% cost-of-living adjustment, which the Mayor and Council have agreed to; AND

WHEREAS, union representatives have failed to respond to the City's attempts to negotiate on the wage opener in accordance with the requirements of Ordinance No. 1986-47, and union representatives have yet to complete any agreement on a negotiated wage opener.

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

THIS ORDINANCE amends the Code of the City of Takoma Park by repealing Ordinance No. 1988-20 and reenacting with amendments as noted; this reenacted ordinance to be effective July 1, 1988.

SECTION 1. PAY SCALE PLAN.

Ordinance No. [1987-32] 1988-20 is hereby [amended] repealed and the following pay scale is adopted as the new Pay Scale Plan for the City.

This Pay Scale Plan will become effective July 1, 1988, and will remain in effect until amended or repealed by the City Council. The City Council has the power to amend or repeal this Pay Plan and related laws, by ordinance, at any time.

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

STEP:	A	B	C	D	E	F
	<u>36,857</u>	<u>38,236</u>	<u>39,667</u>	<u>41,152</u>	<u>42,694</u>	<u>44,294</u>
	G	H	I	J	K	
	<u>45,954</u>	<u>47,678</u>	<u>49,470</u>	<u>51,326</u>	<u>53,276</u>	

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

STEP	A	B	C	D	E	F
	<u>10,147</u>	<u>10,511</u>	<u>10,930</u>	<u>11,280</u>	<u>11,685</u>	<u>12,109</u>
	G	H	I	J	K	
	<u>12,546</u>	<u>13,001</u>	<u>13,471</u>	<u>13,962</u>	<u>14,492</u>	

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

STEP:	A	B	C
	<u>3,463</u>	<u>3,602</u>	<u>3,890</u>

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

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

All employees represented by a certified employee organization will be paid according to the terms of the collective bargaining agreement wage opener effective July 1, 1988, or as soon thereafter, when it is adopted pursuant to the provisions in Article 2 of Chapter 8B of the City Code.

Until such adoption, all such employees will continue to be

paid according to the pay plan in effect as of July 1, 1987.

Adopted this 11th day of July, 1988 by rollcall vote
as follows:

AYES: d'Eustachio, Douglas, Hamilton, Martin, Sharp

NAYS: None

ABSTAIN: None

ABSENT: Elrich, Leary

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

Introduced by: Councilmember Martin

RESOLUTION #1988-61

Upon motion made by Councilmember Martin and duly seconded by Councilmember Douglas, Mr. David Lanar was appointed to Chair the Gypsy Moth Taskforce, established by Resolution #1987-72, on August 10, 1988. The motion was carried by unanimous vote of all those present.

Dated this 11th day of July, 1988.

Introduced By: Councilmember Douglas

Resolution No. 1988 - 60

Resolution in Support of "Opal A. Daniels Memorial Park"

WHEREAS Opal Daniels was a charter member of the Takoma Park Recreation Council; and

WHEREAS Opal Daniels served as the Takoma Park representative on the Montgomery County Recreation Advisory Council; and

WHEREAS Opal Daniels worked tirelessly and unceasingly for more than twenty years to promote recreational opportunities in and around Takoma Park; and

WHEREAS Opal Daniels took a particular interest in establishing a county park at the corner of Hancock and Sheridan Avenues in Takoma Park, and through her efforts such a park has now been established; and

WHEREAS the neighbors of Opal Daniels have requested that the newly established park be named and dedicated in her honor and have circulated petitions in support of their proposal

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the City of Takoma Park support and endorse the proposal to name the park at Hancock and Sheridan Avenues as the "Opal A. Daniels Memorial Park" and to dedicate the park in honor of her contributions to the Takoma Park community and, in particular, to the establishment of the park; and

BE IT FURTHER RESOLVED that the Mayor and Council direct that a copy of this resolution be delivered to Mr. Donald K. Cochran, Director of Parks, Maryland-National Capital Park and Planning Commission.

Adopted this 11th Day of July, 1988.

Allen

PUBLIC LIBRARY
TAKOMA PARK, MARYLAND

July 20, 1988

TO : Distribution Noted Below:
VIA : James S. Wilson, Jr. *J. S. Wilson* City Administrator
FROM : Paula S. Jewell *Paula Jewell*
Deputy City Clerk
SUBJECT: Summary Report from July 18, 1988 Special Session
and Worksession

SPECIAL SESSION - Resolution #1988-62 was adopted in Special Session, appointing Claudine Schweber as a Landlord Representative on COLTA, effective July 18, 1988.

WORKSESSION

- [] 1. Montgomery County Municipal Drug Task Force - MAYOR DEL GIUDICE may present resolution approving City's participation in Drug Task Force on July 25, 1988.
- [] 2. Police Department Administrative Vehicles - Ordinance authorizing purchase of administrative vehicle and allowing conversion of existing administrative vehicle to Criminal Investigation Division use scheduled for single reading and adoption on July 25, 1988.
- [] 3. Hampshire Towers - Update - DAN NEAL to clarify eligibility of Hampshire Towers Tenants Organization to participate in TAP program. DAN NEAL to respond to Mayor and Council after meeting with Mike Haney.
- [] 4. 3-Way Stop Sign at Erskine and 13th Place - Mayor and Council consensus to consider posting 25 mph speed limit on Erskine and Glenside Drive. CITY ADMINISTRATOR WILSON to check cost of signage and estimate on how many signs are needed looking at all streets in Hampshire Gardens area. Ordinance placing 3-way stop sign scheduled for first reading on 7/25/88.
- [] 5. Royster Property - DAN NEAL to check on CDBG eligibility of Hayward Avenue block (i.e., to use CDBG funds to build Hayward Avenue to make it a standard road. ASSISTANT CITY ADMINISTRATOR HABADA to ask HENRY GILFORD to look at alternatives for Hayward Avenue that are less expensive (e.g., elimination of curbs and gutters part of the way at the top of the street). RICHARD ROBBINS to draft Resolution to release \$1,000 in escrow to Mr. Royster.

(Over)

- [] 6. City Refuse Collection - ASSISTANT CITY ADMINISTRATOR HABADA to find out history of billing for commercial trash pickup, amount of trash picked up, and frequency. Mayor and Council consensus that City should no longer pick up commercial trash and to look at the possibility of allowing businesses to bring refuse to Public Works, i.e., drop-off. City will notify current commercial establishments we pickup from by letter of intent to eliminate City pickup from them but will continue pickup until issue is resolved regarding drop-off of commercial refuse. **PUBLIC WORKS** to examine issue of allowing commercial refuse drop-off to Public Works and come up with guidelines by September and to continue to allow current arrangement of pickup.
- [] 7. Cynthia Warner School Property Purchase - Resolution supporting the Church of Jesus Christ of Latter day Saints purchase of the property, will be on the 7/25/88 agenda for adoption. **COUNCILMEMBER DOUGLAS** to work on cover letter from **MAYOR DEL GIUDICE** to accompany Resolution to County officials regarding Historic significance of house on the site.
- [] 8. Montgomery County Council/Takoma Park Joint Meeting- to be scheduled for Thursday, September 22. Follow up by **CITY ADMINISTRATOR**.
- [] 9. Longbranch Park Resolution - Mayor and Council Consensus to tentatively put Resolution on 7/25/88 agenda, requesting that MNCPPC follow through on its commitment to replace the play equipment at the park as soon as possible (unless equipment is ordered by 7/25/88).
- [] 10. Management/Senior Staff Pay Increases - ASSISTANT CITY ADMINISTRATOR HABADA to draft resolution for 7/25/88 agenda, approving pay increases as recommended by City Administrator for applicable Senior staff.

Copies to: Mayor and Council
City Administrator Wilson
Assistant City Administrator Habada
Special Assistant to CA Robbins
Economic & Comm. Dev. (Neal, Ross)
Corporation Counsel
Public Works (Torres)
Police Depart. (Fisher, Wortman, Young, Clayton)
Housing Department
Recreation Department
Library
Accounting
Cable (Robert Smith)
Reid Baron (Newsletter - Information Only)
Admin. Staff (Mitchell, Weston, Rivers, Receptionist)

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
July 25, 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	Community Dev. Coordinator Schwartz
Councilmember Leary	Div. of Ec. & Comm. Dev. Dir. Neal
Councilmember Martin	Housing Services Director Weiss
Councilmember Sharp	Police Chief Fisher
	Recreation Director Ziegler

The Mayor and City Council convened at 8:00 P.M. on Monday, July 25, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of the June 13 and 27 and July 11, 1988 Meetings were presented for approval. Councilmember Douglas noted an incorrect spelling of Mike Graul's name (Groitt) in the June 13 Minutes; Deputy City Clerk Jewell noted in those same Minutes that an editorial amendment effected to Cavan Capps's name on page 10 was not correct -- that the name as initially spelled in the resolution was proper. Additionally, Ms. Jewell noted in the July 11 Minutes, Congressman Hoyer had been incorrectly referred to as Senator Hoyer. Councilmember Sharp moved approval of the Minutes, as corrected, collectively, duly seconded by Councilmember Hamilton. The Minutes were approved by unanimous vote.

Mayor Del Giudice noted that original agenda item f8 would be deleted from the agenda; he said a letter had been received confirming that equipment for Longbranch Park had been ordered.

ADDITIONAL AGENDA ITEMS:

Resolution effecting appointments of persons to work with City Administrator to review applications for position of Director of Public Works (Mayor)

Mayor Del Giudice referred to a Proclamation declaring August 6, 1988 as Steve Barber Day in Takoma Park, explaining that Mr. Barber had resided in Takoma Park for most of his young life, had gone on to gain some fame in major league baseball. He moved passage of the Proclamation, duly seconded by Councilmember Hamilton, carried unanimously.

PROCLAMATION

(attached)

The Mayor noted a Proclamation declaring August 9, 1988 "National Night Out" in the city, pointing out the program was initiated for the purpose of taking a stand against crime in local communities; he moved passage, duly seconded by Councilmember Sharp. Responding to Councilmember Martin, the Mayor affirmed that letters would be sent to citizens' associations encouraging participation, and an informational article would be published in the Newsletter. Ms. Martin commented that a Night Out Block Party was held in her neighborhood a couple of years ago and was enjoyed by all. The Proclamation was passed by unanimous vote.

PROCLAMATION

(attached)

The Mayor noted that following adjournment of the current meeting, the elected body would recess for the month of August, to reconvene in Regular Session on September 12. He related that there would be an informal meeting with the City Administrator on August 1 to discuss work plans, and a worksession on Tuesday, September 6. Mr. Wilson pointed out that one of the items for discussion on September 6 would likely be the Carroll Avenue Bridge.

Councilmember Martin noted there would be a meeting with WSSC on August 23 to discuss rehabilitation of the Sligo Creek sewer system; she said anyone living along the creek and interested in the situation

should try to attend.

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

Mike Alemar, Hodges Lane, Hodges Heights: explained that the backyard of his property bordered the Jr. High School property, and said there was an ongoing noise and disturbance problem at that facility. He referred to an incident the prior Friday wherein a gun had been pulled, and expressed serious concern that a way be found to contend with the problems there. He said the noise goes on day and night at the facility, 7 days a week and until midnight. He said this was very disturbing to the neighborhood, such activities should not be occurring in a residential area, and referred to a letter the citizens' association had sent to the Mayor.

The Mayor related that he and Councilmember Leary had met with Mr. Alemar and others to discuss the situation, and would be writing to the Community Use of Schools Program and the Montgomery County School Board and asking that they consider certain controls on the school use and stricter observance of curfew hours, particularly on week nights, when use of the school is permissible until 11 p.m. (until 12 on Friday and Saturday nights). Mr. Alemar suggested that a police officer be posted on the premises when the school was in use to try to control excessive late night noise such as hornblowing, loud talking, etc. Councilmember Leary noted, for the record, that in light of the aforementioned incident the prior Friday night, the Recreation Department was cancelling its plans for any further dances under its sponsorship at the facility.

Wayne Upton, 7600 Maple Avenue: inquired when a status report would be given on the Phaseback Law; the Mayor noted that item was on the present meeting's agenda. Mr. Upton said he had been told some time ago that the Park Ritchie would be hooked up for cable TV by April; he inquired what the present status of that situation was. Councilmember Hamilton pointed out he had advised Mr. Upton last month that Park Ritchie had signed an agreement with the cable company but had to set up a construction date, and that was not within the City's purview. He suggested Mr. Upton check with the resident manager of the building. Mr. Upton noted receipt of a letter from Ms. Morella's office regarding the Teresa Fisher Resolution the City passed some time ago. He referred to the D.C. Residency Law, which he said he strongly opposed. Regarding signage for the Siegler Property, about which Mr. Upton inquired, the Mayor said he understood that the Friends of the Siegler Property were looking into having signs made for posting on the property. Councilmember Douglas commented that that group had been charged by the elected body with formulating recommended plans for treatment of the carriage house and the gardens, and they would be presenting those at some future date.

A female tenant who failed to identify either herself or her building spoke briefly concerning conditions in her building, recent problems with the gas service, and ongoing problems with leaking plumbing and faulty repairs.

ITEMS FOR COUNCIL ACTION:

1. First Reading of an Ordinance Authorizing Installation of a 3-way Stop Sign at the Intersection of Erskine and 13th Place.

Councilmember Martin moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio, carried unanimously.

ORDINANCE 1988-
(attached)

2. Single Reading of an Ordinance Awarding Contract for the Construction of Improvements to Forest Park.

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Hamilton. Mr. Wilson pointed out note should be made of Section 4, noting that the City could not proceed until receipt of Prince George's County's contract to support the expenditure. 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 #1988-30
(attached)

3. First Reading of an Ordinance Dissolving Existing Traffic Committee and Establishing in its Place a Traffic and Transportation Planning and Policy Committee.

The Mayor remarked that some question had been raised concerning whether or not to establish the committee by ordinance, noting that the prior committee had been so established and an ordinance would be needed repealing that prior ordinance before proceeding. He suggested a simple ordinance be written repealing Ordinance #26-39, and that the new committee be established by resolution. Councilmember d'Eustachio commented his intention had been to move acceptance of the ordinance at hand for First Reading and then subsequently move to amend by striking all content other than Section 1; he moved acceptance for First Reading, duly seconded by Councilmember Douglas. Mr. d'Eustachio moved to amend the ordinance by striking everything therein following Section 1; the motion to amend was duly seconded by Councilmember Sharp, and carried by unanimous vote. The ordinance, as amended, was accepted for First Reading by unanimous vote. Consensus was that a resolution establishing a new committee would be written and presented for discussion at the September 6 worksession, with an informational article to be published in the August Newsletter advising of the impending formation of a new committee and soliciting members.

ORDINANCE #1988-
(attached)

4. First Reading of an Ordinance Amending the Personnel Classification Ordinance.

Councilmember Sharp moved acceptance for First Reading, duly seconded by Councilmember Hamilton. Councilmember d'Eustachio noted lack of an accompanying fiscal impact note for the ordinance; Ms. Habada assured one would be provided prior to Second Reading. Responding to inquiry, she stated that a 4-member team performed the factoring for the 3 positions. Responding to inquiry from Councilmember Martin, Ms. Habada explained that the female outreach worker had been classified as an assistant to permit her supervision to be the responsibility of the existing outreach worker rather than the Recreation Director. She was uncertain whether or not the addition of supervisory responsibility to Mr. Avant's position would alter the factoring, however, thought it would be a minimal amount if so; she said he had previously supervised volunteers in his position, but not other City employees. The Mayor asked that the job descriptions for both Outreach Worker and Youth Outreach Assistant be provided to the elected body for examination and discussion at the worksession, inasmuch as some confusion had been generated by varying from the understanding reached during budget discussions. Councilmember Douglas asked that the job specs for the Recycling Coordinator be provided as well. Mr. Wilson suggested that, in future, such information be attached to the pertinent ordinance for informational purposes. The ordinance was accepted for First Reading by unanimous vote. The Mayor noted it would be on the September 6 worksession agenda for further discussion and consideration.

ORDINANCE #1988-
(attached)

5. Single Reading Ordinance Authorizing Purchase of Police Vehicle and Conversion to Criminal Investigations Division.

The need to delete the parenthetical phrase in Section 4, as previously discussed, was noted. With that correction, Councilmember Sharp moved adoption of the ordinance, duly seconded by Councilmember Elrich. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Sharp and Martin; NAY: None; ABSTAINED: None.

ORDINANCE #1988-31
(attached)

6. Resolution Releasing Ron Royster (owner of 820 Hayward Ave.) from Contractual Obligations to City.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Elrich. Councilmember Sharp moved deletion from the first resolve clause of the language concerning the owner's access to his property from Sligo Creek Parkway onto Hayward Avenue, duly seconded by Councilmember Douglas, who suggested deletion of the third "Whereas" clause, which contained similar language; Mr. Sharp accepted that amendment to his proposed amendment. The amendment to the amendment, as well as the amendment, passed by unanimous vote. The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1988-63
(attached)

7. Resolution in Support of The Church of Jesus Christ of Latter Day Saints' Purchase of Former Cynthia Warner School.

Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Douglas. Mr. Douglas reminded that in work-session a decision was made to send a letter to the Montgomery County Historic Preservation Commission regarding the subject property; he related he had spoken with staff at that office and would at a later date be providing a letter as discussed for the Mayor's signature.

Marjorie Bishop, Kennebec Avenue: asked how it could be ensured that the existing building on the property would be preserved and not torn down.

The Mayor related that a group of citizens had appeared before the elected body during worksession the previous week, and they were pursuing the questions raised by Ms. Bishop. He said he understood the property was not on the Historical Register, however, an effort was being made to have it placed on that register; it was hoped the City would be able to work with the church in preserving the building and the property because of its historical significance to the community. He suggested Ms. Bishop make contact with some of the other citizens working in the effort; she said she was told, and hoped, that her appearance before the elected body would reinforce the effort to preserve the property and structure. Mr. Douglas reminded that while the City intended to make efforts in support of such preservation, the property was not physically located within the city's boundaries, but was under the county's jurisdiction. He said the most promising insurance would be to get the structure listed on the county's Master Plan of Historic Structures, which not be a trivial task to accomplish. He encouraged that Ms. Bishop join with other citizens involved in the effort, and, in addition, contact the County Council and try to enlist support. The resolution was passed by unanimous vote.

RESOLUTION #1988-64
(attached)

8. Single Reading Ordinance Approving Pay Increases for Management/Senior Staff.

Councilmember Douglas moved adoption, duly seconded by Councilmember Hamilton. Councilmember Sharp reminded of the need to complete the formulation of a quartile payscale for the City Administrator. 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 #1988-32
(attached)

9. Resolution Approving City's Participation in Montgomery County Municipal Drug Task Force.

The Mayor moved passage of the resolution, duly seconded by Councilmember Hamilton. Chief Fisher referred to previous discussions wherein a number of questions were raised related directly to the operational portion of the task force; he introduced the supervisor of the task force, Sgt. Wayne Cleveland of the Montgomery County Police Department. Chief Fisher noted that his proposal would entail an additional appropriation and elaborated thereon, pointing out that the proposed appropriation was for salary for the additional person pro-

viding the department was up to its full complement of 34 officers, which he said he did not think was too likely to occur given the attrition rate. Brief discussion ensued concerning the impact of being staffed at a level of 1 or 2 officers below the ideal full complement of 34 officers for the department; Chief Fisher said that slight shortage did not impact upon overtime in the department, but in other areas at times. Councilmember Elrich commented he would think the assignment of 1 officer to the task force would exacerbate the existing shortage of personnel; Chief Fisher explained that so far it had been possible to fill all requirements by temporary shifting of assignments rather than utilizing overtime. Mr. Elrich inquired whether Chief Fisher would be asking for funding for a 35th officer during the next budget sessions; Chief Fisher said if that were the case, it would have to be based upon the elected body's review and evaluations of the task force and whether they felt its accomplishments justified additional police personnel; otherwise, he said he anticipated his personnel base to include 34 sworn officers next year, not 35. Responding to Councilmember Leary, he said it had not been settled whether or not the City would share in forfeitures; no agreement had been reached on that subject, and he suggested perhaps that language should be stricken inasmuch as final negotiations had not yet taken place. Councilmember d'Eustachio suggested the insertion of language making the City's participation contingent upon an equitable sharing between the City and the County of money and vehicles forfeited in seizures from drug dealers. Consensus was that such language be contained in a second resolve clause; the Mayor so moved, duly seconded by Councilmember Leary. The amendment was passed by unanimous vote.

Councilmember Douglas commented it would be helpful to have some sort of preliminary evaluation of the effectiveness of the City's participation in the drug task force prior to budget deliberations next year; Mr. Wilson suggested that Chief Fisher submit that in conjunction with his proposed departmental budget early next spring. Councilmember d'Eustachio inquired whether or not the number of sworn police officers was authorized by ordinance; Ms. Habada responded that the amount of money to fund the positions was authorized by ordinance, but not the exact number of positions. Responding to inquiry from Councilmember Hamilton, Chief Fisher affirmed that the City's officer assigned to the task force would have full jurisdiction both in the city and anywhere else in Montgomery County. Sgt. Cleveland explained that the officer's primary responsibility would be to Takoma Park; he would bring potential cases to Sgt. Cleveland for review, and the entire task force would be an adjunct to the county's narcotics unit, which currently receives an average of 25 complaints a month regarding drug dealers in the county. He said, unfortunately, a good number of those dealers are from Takoma Park, and he did not have adequate resources without the task force to address all the problems. He explained that with the task force, when it came to enforcement in a case, which often involved 10-20 officers, the Takoma Park officer would have the resources of the entire task force at his disposal.

Councilmember Elrich expressed some confusion about why an additional officer needed to be dedicated to the task force, given other resources that had been allocated to address the drug problem. Sgt. Cleveland explained that there was currently a good level of cooperation between the county and city police, however, what the investigator assigned to the task force would be able to do, with the assistance of other members of that group, was complete longterm and complex investigations -- thus supplementing other resources the City has. Chief Fisher, responding to further inquiry, explained the basic function of the City's existing drug team and how it was envisioned that would tie in with the task force's job, noting that the task force would be submitting monthly reports. Concerning the Prince George's section of the city, he explained that due to the City's involvement in the task force, county and other municipal officers would have jurisdiction in the City's Prince George's portion -- just as the Takoma Park officer would have jurisdiction in Germantown or Gaithersburg. Councilmember Elrich commented he felt it unfortunate that the task force proposal was not raised during deliberations on the recently-adopted budget inasmuch as it apparently had been in the planning stages for some time. Sgt. Cleveland said he would take the blame for that, that it was really poor planning on the county's part;

he said they had long been considering forming the task force, but had been waiting to see how the drug problem was going to grow. He said it was quite frankly escalating, getting out of hand, and they had waited too long -- until after their own budget cycle as well. The Mayor pointed out that one real benefit of the program was that drug dealers and drug problems did not respect jurisdictional lines, and while they were very territorial, they often did not reside in the area in which they were dealing. He pointed out that the cross-jurisdiction afforded by participation in the task force could be very beneficial, despite some cost issues. The resolution was passed with Councilmember Elrich voting Nay, Councilmember Martin Abstaining, balance of Council voting Aye.

RESOLUTION #1988-65
(attached)

10. Resolution Effecting Appointments to Public Works Director Selection Committee.

Councilmember Leary moved passage of the resolution, duly seconded by Councilmember Hamilton. Mr. Wilson noted the committee would be conducting interviews and making recommendations to the full elected body, in addition to assisting him in reviewing applications for the position. The resolution was passed by unanimous vote, appointing Councilmembers d'Eustachio and Martin, Jonathan Weiss, a city resident, and Steve Young of Alleghany County.

RESOLUTION #1988-67
(attached)

11. Resolution Regarding Detailed Site Plan #SP-88068, Glaisewood Manor, Prince George's (a/k/a "Salvation Army Property").

Director of Economic & Community Development Neal spoke, describing the location of the property, its size (just over an acre), referring to his report on the subject. He noted the matter had been received by his office only the prior week, and said what he had done was review the site plan submitted by the county. Mr. Neal said it had been known for some time, however, that development was proposed for the property, and that he, Councilmember Sharp, and a group of citizens had met with the developer last February to discuss his plans for the property. He noted the City had approved the necessary resubdivision contingent upon its approval of the preliminary site plan, landscape plan and various other factors. He pointed out that the matter was scheduled for hearing before the county Planning Board on September 1. Mr. Neal referred to earlier concerns of the City noted, e.g., lighting, landscaping, trash receptacles and dumpsters, fencing, proposed tree removal, signage, ingress and egress from the property, easements, parking provisions, and structural appearance; he said he had considered those concerns in his review of the site plan, and found it lacking in a number of items that had previously been brought to the attention of the developer, such as, plans for interior lighting, particularly considering the grade of the property and the fact the proposed townhomes were 4-story structures -- also lighting for the front of the buildings was not addressed. He noted storage of trash for collection was not addressed, nor were signage plans, and information regarding elevations. Concerning pedestrian access along the frontage, he said he would recommend that the developer be required to put in a sidewalk, including curb and gutter, to which State Highway would be amenable; he suggested the installation of a stop sign at the developer's expense at the entry/exit of the property, and that the City's tree removal process be noted on the plans. He noted white pines were proposed for periphery planting but said there was a concern those would not provide an adequate buffer between the development and other existing structures in the area, and commented there were no details provided regarding interior landscaping. He said those issues could be discussed with the developer, however. Mr. Neal said most of the concerns and proposed conditions he had noted had been discussed with the county planning staff, they were in agreement with them, and were awaiting the City's position on the proposed development. He said his recommendation was that the City approve the site plan contingent upon the various conditions enumerated in the resolution he had provided. Mr. Neal said concerns about guest parking had been raised by neighborhood representatives who had reviewed the site plan over the past weekend; he said provision had not been

made for that and, while it was theoretically possible, it would be difficult and at the expense of a good bit of the landscaping; he noted 2-car parking was provided for each unit, however -- one in the driveway and one in the garage. Additionally, he said concerns were raised about construction runoff, e.g., silt and sediment, but said there was a plan for that which he felt to be adequate and which the county would also be reviewing. He said it had been suggested that the City get evidence of insurance coverage from the developer, which he felt would be entirely appropriate. He said questions had also been raised about ensuring completion of the development, however, pointed out there was really no viable way of guaranteeing that one hundred percent in connection with private development.

Responding to inquiry from Councilmember Sharp concerning stormwater runoff, Mr. Neal said the City Engineer had not reviewed the plan, however, WSSC would be doing so and they were the technical agency charged under law with stormwater management. Councilmember Elrich inquired concerning the amount of money to be paid in lieu of park, which Mr. Neal said would be paid to the county, pursuant to the county law requiring dedication of a certain amount of land for park or payment of a fee in lieu of such dedication -- he said he would estimate that the amount of money would be less than \$10,000, possibly less than \$5,000. The Mayor asked that Mr. Neal ascertain the amount that would be paid, inasmuch as he felt a strong argument could be made that the money should be dedicated for use for a park in the city. Responding to Councilmember Martin, Mr. Neal explained that the Homeowner's Association of the property would be responsible for maintenance of the common drive and other exterior common areas, including common area landscape plantings and those designated on the site plan.

Dennis Danner, Developer: apologized for not providing plans earlier, but said there had been numerous changes and he had only picked them up earlier in the evening. He said he now had an approved storm drain plan from WSSC, which he hoped was reliable. Concerning financing, he said he had always finished what he began, the project would be financed with at least 50% of his own and his partners' personal capital, with the remainder bank-financed. Concerning lighting on the houses, he said standard lighting (no flood-lighting) was planned, which should not in any way be disturbing to the surrounding neighborhood. He said he planned to address provisions for trash on the architectural drawings, pointed out there was an existing sidewalk and hoped it would be permissible to improve that and run it the length of the property, installing and/or improving curb and gutter as needed. Concerning the stop sign at the entry/exit of the property, he said there were legal liability questions to clear up but there would be no problem paying for its installation. He said a number of interior trees would have to be removed, however, he would save as many as possible; a tree delineation survey and advice about which trees could be saved had been requested from Park & Planning. He said he would ask that the tree matter be made a grading permit condition rather than a site plan condition. Due to limited space, he said he had a concern about the pine trees as a landscape buffer planting along the back of the property.

Mr. Neal pointed out that the existing sidewalk extended only about 1/3 of the way along the front of the property, was asphalt and in very poor condition. He said it was likely grades would change, which would have to be considered, and that something more than upgrading what existed would be required.

Concerning insurance, Mr. Danner said he carried in the neighborhood of \$1,000,000 worth of liability insurance and was required by state law to do so, had never had that question raised to him before; the firm that would be doing site development were also required to carry liability insurance. He said he did not anticipate any problem with silt/sediment runoff, his main concerns were with the small limited space for the development. Responding to Councilmember Douglas, Mr. Danner said he had advised his engineers that low-level exterior lighting was to be used unless the county or state required otherwise, inasmuch as that was what Mr. Neal had advised would be preferable; he said no final decision had been made on the name for the development, but he would want to put a sign at the front of the property with the

name thereon, lit with low-level lighting, at least until such time as all the 12 units were sold. Referring back to the insurance question, Mr. Danner said he would provide a copy of his policy and, once a firm was selected to actually do the development, would also get and provide a copy of their insurance documentation.

Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember Hamilton.

Johanna Potts, Pres., South of Sligo Citizens' Assn.: referred to the question about guest parking, and noted that had not been addressed.

Mr. Danner said that had been a problem from the beginning, that Park & Planning had required garages, parking for 2 cars per unit; he said it was possible space would be adequate for one additional car behind the car in the individual driveway, however, was not sure without measuring. The Mayor suggested there might be some possibility of a small 3-4 space on-street parking area if a cutaway were provided, however that would probably affect the greenstrip/sidewalk area. He said there might be a benefit to examining that approach, however, as it would help address the ongoing problem of 2 traffic lanes funneling into 1 on that side of New Hampshire Avenue along Route 410. Mr. Danner said he felt that would detract aesthetically from the appearance of the site, would not be a good solution, and could be hazardous to anyone parking there and exiting their vehicle.

The resolution, with its stated conditions, was passed by unanimous vote.

RESOLUTION #1988-66
(attached)

12. Status Update on Proposed Tenant-Sponsored Conversion at 7611 Maple Avenue.

Daniel Neal related that the conclusion reached by the firm engaged to perform the feasibility study at 7611 Maple, TAP Case #001, was that conversion to cooperative ownership of the building by the tenants would be feasible, given certain circumstances and conditions. He said the tenants had engaged that same firm, on an hourly basis and up to an expenditure limit of \$5,000, to assist them in followup of recommendations made in the feasibility study. He referred to a letter from the tenants' association dated 21 July, copies of which had been distributed to the elected body, setting forth a request for temporary financial assistance in their effort to purchase.

Responding to questions raised by Councilmember Sharp, the Mayor related that staff had met with the tenants, had discussed legal parameters within which the City might be able to assist, and that some of the information to be presented and discussed would postdate the proposal in the letter.

Julie Matthews, Officer of the tenants' association: noted she was accompanied by other members of the association and tenants; she explained that in order for the tenants to have any chance at purchasing the building, they would have to present a contract by Friday, July 29, matching term for term that presented by HOC in March. She said those terms included a \$50,000 no risk good faith deposit, and asked that the City put that amount into an interest-earning, segregated and blocked trust account to be held by the City's Corporation Counsel, to be returned to the City either upon settlement or upon the tenants' failure to acquire the building. She said tenants of the building had also been asked for refundable good faith deposits, however, noted the association had only been aware of the need for the deposit the prior Thursday night, so there had not been much time to canvass the building, but \$2,000 had been raised from tenants so far, in addition to \$100 pledges from 5 additional tenants. She said the bottom line was if the tenants were unable to put up the \$50,000 deposit, they would not be able to acquire the building, and HOC would be successful in their attempt, thus giving them a toehold on the Maple Avenue corridor. Should that occur, she pointed out, the City would not only lose the \$10,000 invested from the Tenants' Awareness Program, but approximately \$16,000 in annual tax revenues from the building. She said tenants in that building had the unique opportuni-

ty to become owners rather than renting, and had gone further in the process than any other tenant group to date, which had not been an easy accomplishment. Ms. Matthews asked that the elected body help the tenants in their effort by putting forth the necessary deposit money.

Councilmember Sharp commented he did not perceive any additional information to what had been related earlier in Executive Session discussions, and pointed out that Corporation Counsel had advised against the City's fulfilling the request as outlined.

Asst. Corporation Counsel Linda Perlman explained that she and Mr. Neal had been working on an ordinance since the Executive Session which proposed a way in which the City could grant the tenants' request without making it in the form of a loan. Concerning refundability of any City money, she said the Code provided that any tenants' deposit would be refundable, should they fail to perform under their contract, providing they had made good faith efforts. She related that the HOC contract provided a financing contingency, and said the tenants' attorney intended to insert a financing contingency in their contract for 100% financing, so that the deposit would be fully refundable in the event financing was not obtainable. She said the risk, while it did exist, would be minimal. Ms. Perlman said what she had been working on and would wish to propose would be that the City purchase an option for 22 units at a price of \$50,000 (or \$2,273/unit) -- the 22 units that were currently Section 8 housing -- with certain conditions attached, i.e., that the tenants' association could use the money as a deposit. She said she proposed that the money be deposited in an interest-bearing escrow account under the control of Corporation Counsel, with the money to be fully-refundable at settlement in exchange for a release of the option to purchase; alternatively, she said the City could exercise its option to purchase, or could sell or assign its option to HOC. She said if, for any reason, the tenants failed to perform, the money would be fully refundable.

Mr. Neal remarked on the short amount of time available to evaluate the tenants' request, possible options, and legal ramifications. Responding to inquiry from Councilmember d'Eustachio, he affirmed that money was not budgeted for such a purpose, so a two-reading ordinance would be required to appropriate funds unless the situation could be deemed an emergency. Ms. Perlman opined that could not appropriately be done, inasmuch as there was no danger to health, safety or welfare involved; she suggested, however, that the Mayor and/or 3 members of the Council, upon written request, could call a special meeting for a Second Reading, if the ordinance were accepted for First Reading at the present meeting. Responding to Councilmember Hamilton, she affirmed that the elected body could adjourn the present meeting and thereafter (after a short interval) convene a second meeting, if they so chose, for Second Reading of the legislation; she said there was nothing in the Code that would prohibit that. Councilmember Elrich inquired whether it could be considered not a good faith commitment for the City to put forth money for an option to purchase units in the building when, to his knowledge, there was no majority sentiment for the City going into the apartment rental or ownership business. The Mayor commented that, as he understood it, the contract took full cognizance of the fact that the City might wish to sell its option rather than exercise it; additionally, he said he was not convinced it was a foregone conclusion that the City might not consider exercising its option and forming a housing commission of its own. He said he felt the contract was realistic, however, in realizing that the City might wish to sell its option to HOC or back to the tenants. Councilmember Leary commented he would support the ordinance only if it were clearly understood that the money was being provided for the purpose for which it was requested -- not for any other. In response to inquiry from Councilmember Elrich, Mr. Neal stated that were funds transferred from rehab monies or other housing-related monies, a contract amendment would be required, which would take a minimum of 2 months to accomplish and it was a complete unknown whether or not the county would approve it. He affirmed, in response to Councilmember Leary, that given the fact that the \$50,000 deposit was one of the material terms the tenants had to meet and having no other likely source of substantial financial assistance, they would likely fail in their effort to purchase the building were the City to decline assist-

ing them -- in which case, HOC would purchase the building. Ms. Perlman, for purposes of clarification and responding to Mr. Leary, said the minimal risk involved for the City in putting up the money would be if the tenants were deemed not to be acting in good faith -- not attempting to secure financing or perform any of the other conditions of the contract; otherwise, the money would come back to the City in a relatively short time. Brief discussion ensued concerning the delineated time periods under the City's Right of First Refusal Law and the time allotment for procuring financing. Mr. Sharp commented that it appeared Friday would not actually be the deadline for the tenants to meet the deposit requirement. Mr. Wilson remarked he would think that if it could be shown that the ordinance which would provide the \$50,000 had been accepted for First Reading, that would suffice at that time. The Mayor commented it would not be safe to presume Friday was not the final deadline without conferring with the other parties to the contract. Councilmember Elrich inquired whether the tenants had approached Consumers United Insurance, which does acquisition and bridge financing; the response was in the negative. Mr. Elrich said that firm operates in D.C., but he felt sure there would be no problem with them providing such financing in Maryland, and they would be a private source for the money. He referred to money available in the multi-family rehab fund and inquired whether there was any way the tenants could make use of those funds, however, it was pointed out that they would have to have clear title to the property before being eligible for those funds.

Councilmember Hamilton commented that the tenants had not been at all fairly treated in the process; he said the tenants had learned only the prior Tuesday that HOC had not given any money at all directly to Gates-Hudson. He said the only hope the tenants had at present was for the City to go on record as supporting their effort in their struggle against the political war HOC and Gates-Hudson were waging.

Councilmember Sharp inquired whether any idea had been gotten of how many tenants would not be remaining in the building at the expiration of their lease(s) (other than Section 8 residents). Ms. Matthews said in canvassing the building the prior weekend, she had encountered only one tenant who stated definitely he would not remain; she said he was a recent tenant who had not been informed by Gates-Hudson at the time he rented that the building was in the process of being sold; there were 3 roommate situations wherein the person with whom she spoke said they would have to talk the situation over with other occupants of the unit. She said the 22 Section 8 units would be guaranteed, there would be no question that those tenants could remain; she said if the City chose not to exercise their option to purchase and operate those units, then HOC would do so.

Charles Billand, Morton Billand Company, in association with The Center for Housing Training: said the proposal of HOC purchasing the 22 units for Section 8 occupancy had been presented to that agency informally, and he was assured that he would not be misleading the tenants to make such a statement in his report -- which did not amount to a formal commitment.

Ms. Matthews said tenants of the other units would have to make a decision whether or not they could afford to buy their units; she said every effort possible would be made to keep the units affordable, the terms of GHA's current lease would be honored and an additional 6-12 months would be given them to make a decision about joining the cooperative. She said their hope would be not to displace anyone, but obviously some people would make the choice to move. Councilmember Hamilton pointed out that HOC could not guarantee there would be no displacement either, and anticipated that there would be some displaced tenants if they acquired the building. Councilmember Elrich commented he had a concern about the structure of the co-op -- that while he supported the preservation of affordable housing, he had a problem with the Council providing money to assist in the formation of a market rate cooperative. He said while those units would be acquired at about \$40,000/unit, they could very shortly end up on the market at \$60,000-\$65,000/unit, which amounted to a form of gentrification -- another specter which he said he could envision sweeping down the Maple Avenue corridor, and which the City had fought against. He said the only way he could see the tenants' effort being one to

preserve affordable housing would be if they were willing to work with HOC and were willing to do the building as a limited equity cooperative.

Ms. Matthews said that basically she supported what Mr. Elrich was suggesting, however, the feasibility study had recommended a market equity cooperative; she pointed out that limited equity cooperatives cost exactly as much as market equity co-ops; she noted the 22 units to be purchased by either the City or HOC would be limited equity cooperatives. She said she truly believed there was a case for limited equity cooperatives in Takoma Park, but those were traditionally greatly sponsored by local government, and presently there was little or no public support available to 7611 Maple Avenue. She concurred that the initial TAP money the tenants got from the City was on the premise that the building would be limited equity, but pointed out that the tenants knew nothing about the market rate option until they got the completed feasibility study, which was commissioned on the advice of the City and City staff. Mr. Elrich opined that if the tenants were people who could afford to buy a co-op at market rates, they probably would not be coming to the City for assistance. Ms. Matthews pointed out that the majority of the tenants wanting to buy their units were middle-income -- unable to afford to buy a house, but with incomes exceeding the requirement for Section 8 assistance. Mr. Elrich remarked that that was what limited equities were supposed to provide a bridge to. Councilmember Hamilton commented the issues needed to be kept separate -- that the initial TAP money was provided for the purpose of a feasibility study to determine what was feasible for the tenants. He said the Right of First Refusal Law gave tenants the right to own, and the right to make their own choice whether to go limited equity or market equity, regardless of what the Council thought was best.

Councilmember Sharp commented he felt there was a contradiction in the way the tenants were approaching the City, i.e., on the one hand they were saying there was no reason for them to go limited equity because there was no contribution the City was making that would warrant a public policy arrangement in the situation; on the other hand, they were saying they could not achieve their goal unless the City came up with the \$50,000 deposit money. He said while the tenants might not consider what the elected body and staff were going through on their behalf to be very significant, the time involved in meetings, the risk factor, etc., all amounted to a very real cost and should not be ignored. Additionally, he pointed out there was no difference between condominiums and cooperatives if they were both at market rate -- they would both sell for the same amount. Mr. Sharp remarked on the fact that there had been a lot of opposition to no-cause evictions expressed in the past and some talk of passing legislation barring those; he pointed out that those tenants at 7611 who chose not to buy their units might have to be evicted if they did not move out voluntarily, and, in light of that, asked whether the tenants of that building would still support prohibiting no-cause evictions. Ms. Matthews responded that that would be a subject the tenants' association would have to consider and discuss in order to give an opinion, and that it would be unfair to ask them to respond on the question without such deliberation.

Councilmember d'Eustachio commented that the Council had not yet viewed the feasibility report, and asked that the elected body be apprised of why a recommendation was made against limited equity cooperative, so that they would have more basis for making a decision on the issue. Mr. Billand pointed out that 30% of the units -- the Section 8 units -- would be limited equity, and that was decided by the tenants. He explained that the feasibility study had proposed 3 different types of cooperatives, i.e., a leasing type of cooperative wherein HOC would own the entire property and the tenants' association (as a cooperative) would lease the property from them, a limited equity cooperative wherein the tenants would purchase and own the property but each share would be limited as to its future value by appreciation, and a market equity cooperative. He said the tenants' association evaluated the structures proposed and made the market equity structure their first priority, with the realization that it would be a long and arduous process. He said they had no question, examining the tradeoffs between the various structures, that what they

wanted was a market equity cooperative. He briefly explained differences in financing requirements for limited and market equity cooperatives.

Councilmember Leary commented that when the issue first came before the Council, the question arose of whether it would be preferable to have the building under HOC ownership or that of a private developer, and the fairly unanimous sentiment of the elected body at that time was a preference for ownership by a private developer, which was essentially what was being proposed. He said it appeared to him that the two alternatives remained the same in the situation -- either HOC ownership or private ownership by the tenants. Responding to inquiry from Councilmember Douglas, Mr. Billand pointed out that under state law, 22 of the units in the building could be owned and operated by a local government entity -- either the City or HOC -- and most likely HOC, unless the City chose to do so, would acquire and operate those units, inasmuch as they apparently had an interest in doing so. Mr. Douglas inquired where the City would be if HOC declined to purchase the option on the 22 units; Mr. Billand responded that the City could sell its option to someone else -- the cooperative could decide to make the building entirely market rate units. The Mayor inquired whether Mr. Billand was aware of any legal opinion on whether the building would be subject to the Montgomery County transfer tax levied on condo conversions; Ms. Perlman stated that tax would not be applicable, that it applied only to condo conversions, not cooperatives, in the opinion of DHCD. Councilmember Martin commented she did not have any serious concern about the building going market rate equity as opposed to limited equity because, based on what she had read, one simply did not make a fortune on cooperatives such as could be made in speculation on other real estate, such as single-family houses. Additionally, she pointed out, you simply could not buy a single-family house for \$40,000. She noted that if HOC bought the building, the City would lose the approximate \$16,000 a year in tax revenues from the building. Responding to questions raised by Ms. Martin, the Mayor affirmed that the City did not penalize or tax any profit an individual who had received a rehab loan or grant from the City might make on the sale of his/her single-family dwelling.

The Mayor pointed out that in Section 2. of the draft ordinance provided, there was language that would prohibit use of the \$50,000 from the City for anything other than limited equity cooperative purposes; he inquired whether that was the intent, which Ms. Perlman affirmed. Mr. Sharp asked why residents of Section 8 units should not have the opportunity of owning units; Ms. Matthews responded that they would be provided the opportunity, and if they could meet downpayment requirements, they would certainly be welcome to join the market equity cooperative.

Jaime Bordnavi, Center for Housing Training: said there were ways, when a public body had made a major investment in units, that there could, in effect, be a sharing of equity, so that the assisted cooperative members would have a share of the equity based on the rent they pay, but since the majority of their equity was covered by the public body, a majority of the equity would accrue to that public body.

Brief discussion of the language contained in Section 2. ensued, with the Mayor pointing out that it amounted to a policy declaration on the part of the City in favor of limited equity cooperatives.

Councilmember Elrich referred to earlier comments by Mr. Leary about the Council's lack of enthusiasm for HOC ownership of the building; he said that was based on HOC's attempts at that time to skew rents, which would not be pertinent inasmuch as the City had since passed legislation making Section 8 rents subject to Rent Stabilization. He said he feared if the ordinance were adopted it would set a precedent for tenants of other buildings coming to the City asking for bridge financing to help them go into market rate cooperatives, and he felt City money should be used for public purposes, including the public purpose of preserving affordable housing for those in the low to moderate income range.

Councilmember Hamilton moved acceptance of the ordinance, as written, for First Reading, duly seconded by Councilmember Leary. Councilmem-

ber d'Eustachio inquired whether the option offer to the City referred to in the next to last "Whereas" clause had been voted on by formal action of the Board of Directors of the tenants' association; Mr. Neal responded that the offer had been represented by the association's attorney, however, the Board would probably have to meet and take formal action prior to Second Reading of the ordinance.

Councilmember Leary moved to amend by striking subparagraph (a) of Section 2., stating it was his understanding that the tenants would choose not to proceed if they were forced to go into a limited equity arrangement. Ms. Matthews responded by relating that one Board member had told her he would refuse to work any further on the project should that occur; she said she thought the Board would view such a limitation as blackmail, and that it would be contrary to what had been recommended by the feasibility study which was performed on the City's advice. The question of the tax writeoff benefit to tenants buying their unit(s) was raised, with Ms. Matthews pointing out that under a limited equity structure, there would be no tax writeoff. Mr. Billand commented that a market equity co-op was by far the simplest to structure, a limited equity arrangement was more complex and increased the odds of the situation not working out successfully. He said that in a limited equity situation, private sector share loan market rate financing could not be used, a tax exempt method of financing would have to be sought. Councilmember Sharp remarked that was not strictly the case, that he had viewed literature which proved otherwise. Councilmember Elrich remarked that the Co-op Bank had advised him they would do share loans for limited equity cooperatives. Councilmember Hamilton reiterated he felt the elected body was stepping on the tenants' rights to make their own decision, that the City had set up a mechanism for them to become owners and gave them the right to make a decision on how to proceed. He said the basic question at hand was whether to give them the City's support or not in completing their process. He called for the question on the proposed amendment. The motion to amend carried with Councilmembers d'Eustachio, Hamilton, Leary and Martin voting Aye; Councilmembers Douglas and Elrich voting Nay; Councilmember Sharp Abstaining.

Councilmember Douglas commented he would be voting against the ordinance inasmuch as it did not fulfill the public policy role of providing affordable housing, merely provided a subsidy to one group of people who had an opportunity to buy units that could then be sold at a future time for the market rate. He said he would have supported the legislation had it called for a limited equity cooperative, which would fulfill the longterm public policy goal of providing and preserving affordable housing.

Mr. Neal pointed out the need to fill in some blanks on the second page of the ordinance in order for it to be complete; he suggested insertion of a total maximum price per unit of \$45,000, and a total of \$990,000 for the building. He noted under Section 2., the need to change subparagraph (b) to (a), with the word that stricken from the beginning thereof.

Housing Services Director Weiss related that there was one other way that the Council could enter into an agreement and also maintain some affordability of the units in the building. She said she and Councilmember Elrich had visited a co-op in Fairfax County in which deed requirements had been imposed requiring that the units be sold to people of low and/or moderate income levels, in accordance with the federal guidelines. She said that did not put a cap on the equity, but obviously placed a limitation on the sale price. The Mayor suggested that more information about that be provided at or before Second Reading of the ordinance; he said he would be interested to know how that program worked.

Councilmember Sharp commented that while he would probably not be voting in favor of the ordinance, he believed there were good arguments on both sides. He said he did believe there was a benefit to facilitating individuals in a situation such as that the tenants were presently in, and who would otherwise not be able to purchase a building, and perhaps to even eventually make some money off of it. He said he did feel there was a benefit to governments assisting those sorts of people, as opposed to those it generally helps -- i.e., those

who can already afford to buy something can get benefits that they then make money off of. On the other hand, he said, the overriding policy he felt the City had to be following was to deal with longterm affordability, and the situation at hand did not address that issue. He said that the contradiction in the situation that he had mentioned earlier still existed and still bothered him.

The Mayor commented he, too, would have preferred that the tenants at 7611 Maple had chosen to go limited equity cooperative because it would serve a longer term interest, i.e., that of maintaining moderate-priced housing. He said he did not think HOC's purchase of the building would do anything more for such housing stock preservation, though, than would the City's assistance to the tenants. He said there was substantial fear that if that agency acquired ownership of the building, all of the units would be converted to low-income housing, which would delete a supply of moderate-income housing in the City. He said that, by the City going into the venture with the tenants with the clear understanding that 22 units would be preserved as low-income housing units, those affordable units could be preserved, which would not happen if the entire building went market rate cooperative. He said he was not convinced that the City should abandon the project because it did not meet all of its public policy interests, and pointed out that it would meet the interest of preserving low-income housing units.

Responding to inquiry from Councilmember Elrich, Mr. Billand stated that if neither the City nor HOC purchased the 22 Section 8 units, they would most likely be converted to market rate units.

The ordinance, as amended, was accepted for First Reading with Councilmembers d'Eustachio, Hamilton, Leary and Martin voting Aye; Councilmembers Douglas, Elrich and Sharp voting Nay.

ORDINANCE #1988-
(attached)

For the record, Councilmember Douglas stated he felt it most unfair that all members of the Council had not been provided in advance with a copy of the feasibility study, which contained a great deal of pertinent information and which had been available for some time, prior to being asked to consider, debate and make a serious decision on the matter. He said he hoped such an omission would not be repeated. Councilmember Elrich inquired who had requested that circulation of the document be restricted; Ms. Matthews stated that it had been requested that the first draft be restricted, however, Mr. Neal had been in possession of the final document for a week and a half to two weeks, and he was advised it was appropriate for dissemination; she said 3 Councilmembers who had helped the tenants from the beginning were given copies directly. Mr. Douglas commented that if the support of the Council was wanted, all members of the body should be afforded the same treatment.

13. Proposed FY 1988-89 Street Improvement Program.

Mr. Neal referred to his memorandum on the subject dated July 20, pointing out that some of the improvements were funded under Block Grants from the two counties, others could be funded, if so desired, through City funds set aside for capital improvements, and one project was proposed for funding through special assessments. He noted the majority of projects were those recommended by the Citizens' Advisory Committee and approved by the elected body the previous fall; the only new ones were those proposed for funding under the City's capital improvement program, with an eye toward continuity in the projects funded by Block Grant money, and especially considering those areas of the city that were not eligible for Block Grant funding, such as Boyd Avenue, First Avenue, 14th Avenue, Kirklynn, etc.

Councilmember Douglas reminded that during budget deliberations, mention was made of having a lengthy and in-depth discussion regarding an infrastructure program for the city, and \$100,000 was set aside for such a purpose. He pointed out that such a discussion had not occurred, and the proposal presently before the elected body defined such a program for them, essentially made the decision for the Council how the monies set aside would be spent. He said he objected strenuously

to consideration of the proposal occurring at the present meeting and without the aforementioned discussion concerning a longterm infrastructure improvement program first taking place. Councilmember Martin referred to her involvement in the CDBG process in her neighborhood 2 years previously, at which time she said the neighborhood association agreed upon priority items; however, those had not been addressed, nor was any money included therefor in the present proposals. In addition, she said she recalled a discussion during the budget process regarding allocating \$22,000 of the money set aside to fund a street inventory/survey. She said she did not concur with using neighborhood association requests to make any decisions about infrastructure improvements in the city, because it did not always make for an equitable situation or address the areas in most critical need of attention. Councilmember d'Eustachio commented he felt it was somewhat insulting to City staff for anyone to suggest that their proposals were based merely on the request of any community association; he said that Mr. Neal and Mr. Guilford, the City Engineer, spent a considerable amount of time reviewing information and formulating the proposal that had been presented. He concurred with Mr. Douglas that there had been mention of discussing an infrastructure program for the City and the expenditure of the \$100,000, however, said he doubted the outcome of such a discussion would differ greatly from the proposal Mr. Neal and Mr. Guilford had come up with. He said delaying a decision for several months, however, would delay accomplishing the work and could also make it cost more. He said there had also been mention of a bond issue to finance infrastructure improvements, however, there was a very substantial cost involved in such an approach, and he would personally vote against such a move. He said he felt the proposal at hand had been presented as a legitimate attempt to move forward with needed infrastructure repairs, however, should probably be discussed at some length, so said he would not urge its approval at the present meeting. He said he was not willing, however, to discuss the matter for 3 months or to refer it to committees, ad nauseam. Councilmember Leary commented he fully endorsed Mr. d'Eustachio's comments and was in full agreement with them; he said he felt the present discussion bore out the truth of a comment made when the subject was under discussion previously, and that was that it was a very political process and no one would be entirely satisfied with the outcome. He said he, too, felt it warranted some further discussion, but not endlessly, because it was a subject on which there would never be a consensus and there was need to make a decision. He suggested the item be placed on the agenda for the first worksession in September, with examination by a committee, if so desired, in the interim. Councilmember Sharp commented he would second that suggestion, and recommend that any further discussion at the present meeting be abandoned. The Mayor pointed out there was a good deal of division on the Council concerning whether the City should have a pay as you go infrastructure program or a bonding program, and said that, despite that ambivalence, each year Mr. Neal had come forward with a proposal package that was both economically and administratively feasible, had tried to do his job in the best way possible under the difficult circumstances. He said that until Mr. Neal was given clear directions to proceed otherwise from the elected body, what he was doing made sense from an administrative point of view. Councilmember Douglas said he felt his point was being missed -- that the budget had been adopted less than 30 days previously, an explicit decision had been made by the elected body that they would review policy on infrastructure work and repairs, and that had not been done. Councilmember Elrich commented that his sympathies lay with Mr. Douglas' point of view; he said he had no question that the the work Mr. Neal had done was a good faith effort to get work accomplished, however, felt there was need for a discussion and informational meeting where the Council could seriously examine bonding and other options for meeting longterm infrastructure needs.

Mr. Neal stated that his proposal was not intended in any way to preclude discussions by the elected body about longterm policy and planning for addressing infrastructure work; he had assumed that would occur. He said, however, his intent, unless the Council barred so doing, was to go ahead and bid out the Block Grant projects that had been previously approved by the elected body and get the work done. He said he was frankly uncertain whose responsibility it was to spend the \$100,000 that had been put aside for infrastructure, but had

offered a proposal he felt to be viable. He asked that the elected body so advise him if they wished him to hold up on the Block Grant projects. The Mayor noted that anything involving City money should not be put out to bid; a philosophical and practical discussion of infrastructure financing and how the City would approach doing it would be placed on a worksession agenda sometime in September. A brief exchange ensued involving Councilmembers d'Eustachio, Douglas and Sharp.

14. Status Report on Phaseback Law.

Housing Services Director Weiss referred to her report outlining the history of the law and the process that had occurred. She related that while both the county and the City were providing services to the affected tenants, it was the opinion of DHS, based upon information they had received from Neighborhoods Together and the Interfaith Coalition, that the county was not living up to the commitments they had made publicly, e.g., providing assistance in accessible locations, providing after-hours assistance to affected tenants, and the county was not making referrals to the City for anything other than landlord/tenant questions it felt were specific to Takoma Park -- relocation requests, people seeking alternatives when a request to vacate was received were not being referred to the City. She said, however, the City's DHS was providing relocation services, information, and also referring people to the county's Office of Landlord/Tenant Affairs for additional assistance. She said based on this situation, as well as the fact that at least 1/2 of the tenants affected by the law were still located in their units, there appeared to be a necessity for top level City/county communication regarding fulfilling commitments made, coordination of services, and a commitment of services that would meet the needs of the affected tenants and reduce their hardships.

Councilmember Leary commented that the first two sentences in Ms. Weiss' letter to Mr. Ferrara sounded contradictory to him, and he would be confused if receiving it. Ms. Weiss responded that she had noted omission of a word from the communication, but pointed out that Mr. Ferrara had not contacted her to inquire about her intent. Mr. Leary said Mr. Ferrara should certainly be held to the commitment he had made both in writing and in the meeting held with Mr. Mehnke. In the course of ensuing discussion, Councilmember d'Eustachio said he felt property owners/landlords in the City trying to create accessory apartments in their homes were unable to acquire necessary information, were meeting a bureaucratic stone wall in the county created by inertia and incompetence, and members of the County Council needed to be brought to task for the incompetence they were permitting to exist under them. Ms. Weiss concurred, saying that while the county had made some attempts to provide certain services, anyone trying to deal with the situation through them was experiencing a great deal of frustration.

Councilmember Sharp commented it appeared that Ms. Weiss' suggestion that there be some top level communication with the county was in order, however, he said he would urge that it be ensured that any third party information about complaints be verifiable. He said he would also point out that in the county, it was not the County Council who was ultimately responsible for the staff, but the County Executive. Councilmember Elrich inquired concerning the deadline, when tenants would have to begin vacating units; Ms. Weiss said many had already started leaving. Responding to inquiry, she affirmed there had been 2 cases in which vacated units were re-rented and the landlords were issued Municipal Infractions for the violation. She reminded that in March the county sent letters to landlords requiring them to issue 60-day vacate notices to the tenants, and for those who responded in the most timely fashion, the 60-day period to vacate would have expired -- for others who responded more slowly to the county's mandate, the 60-day period was not yet up.

Councilmember Hamilton referred to a remark by Ms. Weiss that the phaseback was holding up the issuance of City licenses for rental units; he said there were 70 licenses for which fees were collected in December and which had not been issued as of the end of June, and inquired on the status of those. Ms. Weiss said there was a concern about a number of units that were not on the phaseback list

but that appeared to be suspicious regarding compliance with the zoning laws. She said the Code clearly stated it was her responsibility to ensure that units were in compliance with the zoning laws and other county laws, and that there were no outstanding county fines levied against them, prior to issuing licenses. For that reason, she said, a letter had been sent to the county, to Mr. Mehnke, questioning a number of properties, and a response had been received only earlier in the day completely clearing 25 of the properties in question -- Ms. Weiss said the licenses had been issued for those. Mr. Hamilton related that he had been called earlier by a constituent who advised him that while their home was not on the phaseback list, question about their home had been raised with the county; he said that was not part of the City's licensing procedures. Ms. Weiss stated that it was according to her interpretation of the law. Mr. Hamilton said the individual who called him had paid their license fee in December and had yet to receive their license.

The Mayor remarked there appeared be be some question about interpretation of the licensing statute as it related to other housing or zoning use permits; he said that needed to be clarified and, hopefully, could be resolved administratively. If not, and if there were policy issues that needed to be addressed, he said they should be brought to the elected body.

The Mayor noted that the county was scheduled to conduct a review of the accessory apartment law, and inquired whether it was known when that was scheduled to occur. Ms. Weiss stated that was already underway, and was at the time she and several Councilmembers met with Mr. Mehnke, Mr. Ferrara, and other county personnel. The Mayor said he understood that, but that the County Council was to review information provided them, and he wondered when that would occur. He asked that a letter to Mr. Mehnke and the Chair of the County Council be sent asking when that was anticipated and that the City be informed in advance, as well as asking that a copy of the report be forwarded to the City. Responding to Councilmember Leary, Ms. Weiss said the response to her letter to Mr. Mehnke was that he had Zoning Officer DeLange contact her and advise her to hold up on issuing licenses until she received a letter from the county; she said she had not to date received such a letter, however, Officer DeLange had contacted her earlier in the day, outlining specific properties about which he had concerns and advising her that she was free to issue licenses on any other than those so far as the county was concerned.

The Mayor noted Ms. Weiss had expressed that the county had been less than cooperative in furnishing information, and inquired whether she felt there was need for the City Administrator or the Mayor to contact the county in that regard. Ms. Weiss said she felt it might be beneficial, inasmuch as it had been the Mayor who had made an agreement with the county regarding phaseback, if he were to contact the County Executive. Councilmember Douglas reiterated the concern voiced by Mr. Sharp earlier that any complaints voiced be completely verifiable and backed by solid information. The Mayor agreed that a letter would be sent under his signature to the County Executive.

Councilmember Hamilton remarked that he had not gotten a direct response on why 50 licenses were still being held up; the Mayor responded that was a matter which should be addressed administratively by Mr. Hamilton, Mr. Wilson and the Housing Committee, and, hopefully, resolved. If there were policy issues, he said they should be brought before the Mayor and Council. For the record, Mr. Hamilton said a homeowner had called him and stated he was going to sue the City because he had paid his licensing fee, and was demanding his license, under the City ordinance.

Cary Hoagland, 7117 Willow Avenue: referred to the substantial amount of money she had lost in wages due to spending time trying to help people deal with the Phaseback Law in such a way that they would receive equitable treatment. She said she was greatly disappointed in how the political process had worked both in the county and in the city insofar as corporate entities, noting she had been gratified by her dealings with individuals, particularly those on the City Council and City staff. She said she intended to speak to the County Council the following day, but was not sure they would allow her to be heard.

She thanked the elected body for their attention to her and her concerns, however, said had a rational process of negotiation been employed from the beginning, perhaps the outcome would have been more favorable for both landlords and tenants, as well as the county and the City. She noted she was one of those tenants who had recently received 60-day notices to vacate and, unless a strong moral position were taken by the City against the loss of those tenants, she would probably be leaving the city. The Mayor inquired concerning the number of units in Ms. Hoagland's building; she responded there were 2 units, which could very easily have been legalized. She said while the property was not presently owner-occupied, the other tenant's boyfriend anticipated receiving a substantial amount of money soon and they would probably be buying the property, however, by the time that occurred she and her husband would have been forced to vacate. Responding to Councilmember Elrich, she said that to her knowledge, the building was not on the market, that the owner preferred to retain the property for rental purposes. She said that the one owner she was aware of who had sold their rental property had done so out of fear and under duress. Ms. Hoagland related that she was a co-founder of the Tenant Advocacy Group, and said the other co-founder, David Weiss, would be speaking next.

Councilmember Sharp commented he would agree with Ms. Hoagland that perhaps it would be an appropriate time for the City to go back to the county, in light also of some of the issues raised by Ms. Weiss. Ms. Hoagland remarked that the sort of assistance being offered to the affected tenants was simply a tremendous joke, such as people who were already on Section 8 assistance being offered that assistance, lists of apartments being offered -- which was something available even before enforcement of the phaseback commenced -- one thing the City was offering that was helpful was volunteer workers to assist those having to move. Ms. Hoagland pointed out that those being evicted were in desperate need of money, particularly those, such as herself, who were self-employed, and if there was anything the City could do about that with the county, some sort of relocation subsidy, it would be of real benefit.

David Weiss: said he had tried to get information from the county about relocation plans, if any, however, that was a nightmare; one was shuffled around endlessly. He confirmed that the county was offering people Section 8 certificates, however, noted the long waiting list for that type of housing in the county, and said there was no way they could put all those displaced in Takoma Park at the top of that list without leaving the county open to legal suit. He said there was little sense in pressing the county on the issue of the phaseback because there was no majority sentiment on the County Council for the tenants in that issue, and there was a bare majority on the City Council who empathized with the tenants' plight. He said justice had been served only to the property owners who were relishing their anticipated undue equity gain, and real estate speculators and dealers; he said civilization had not changed in over 700 years, since the dark ages when tenants remained in their homes only at the pleasure of the lord or the baron. He said he had counseled tenants to work with the legislators in a dignified manner and to remain open to compromise, however, the situation had been complicated by some claiming to represent the tenants, but who preferred making a spectacle of themselves and seeing themselves on television and in the newspapers to doing the work involved in negotiating a practical compromise. Because of that group, Mr. Weiss said, ordinary citizens were offended and politicians felt painted into a corner, which only served to worsen the plight of the tenants. He said the politicians felt called upon to defend themselves by citing how much they had done for housing in the county, when in actuality they had done very little. In private conversations, Mr. Weiss said he had been told by politicians that tenants do not generally vote, and that those affected by the Phaseback Law represented only 10-20% of the tenants in Takoma Park -- apparently the politicians in Montgomery County thought the tenants were outside the political process. He noted there was still no comprehensive relocation plan, which he said he felt to be a tenant's right when facing eviction through no fault of his own, and noted that the county law required such a plan when private developers were evicting tenants for a condo conversion process. He said the county should require no less of itself in the phaseback situation, and in

his opinion, mass evictions for private economic gain were America's method of Apartheid. He said those on both the City and County Councils who had voted for mass evictions without examination of the situation on a case by case basis were guilty of wholesale economic Apartheid. Mr. Weiss related having spoken with County Councilwoman Crenca, who he said believed that the housing crisis in America was due to families not keeping their grandparents and their children of majority all under the same roof, said she did not understand or realize that the HUD budget had been slashed by over 70% for the last 8 years, that the lack of investment in low and moderate income housing by the federal government had precipitated the housing crisis. He said Ms. Crenca also gave the excuse that because of the disruptive tactics of some people, it became impossible for the county to negotiate a just settlement in the situation; he said while there might be some truth in her claim, the sort of excuse that sought to excuse gross political injustice to a group of innocent people was terrifying. He said the county should be equally concerned with all its citizens, especially those who could not afford their own legal representation, and had to rely on their legislators to represent and protect them when they were innocent. Mr. Weiss said he had discussed the lack of a relocation plan for the displaced tenants with Ms. Crenca, and she had stated she would be willing, though not enthusiastically, to introduce legislation that would require landlords to pay relocation expenses for those tenants being evicted as a result of the Phaseback Law. He said the County Council should promote and lobby for some sort of legislation of that type at the county level; the county government and the landlord should cooperatively bear relocation costs for the affected tenants. In conclusion, Mr. Weiss said he had spoken with the members of the City's Housing Committee, had found them to be highly intelligent, helpful, motivated, and felt they would work toward finding an equitable way of helping the low and moderate income people find affordable housing.

The Mayor stated that a letter would be drafted to the County Executive on the topic.

15. Report on Proposed Changes in Montgomery County MPDU Legislation. Housing Services Director Weiss explained that the original legislation and amendments thereto were designed to provide opportunities for low and moderate-income people any time a developer created housing of 50 or more units. It was required that a specific amount of the housing be set aside for low and moderate-income people, and was designed so as to not harm the developer in the process; she said the original requirement was provision of 15% of the units as MPDU's for affordable rental or ownership purposes. She explained that there were companion programs related to ownership and rental and touched briefly on those. She explained that the proposed changes would include a windfall provision, so that after the 10-year period for which owned units had a capped equity, the windfall on the profit would be shared, with the county's portion going into a trust fund for housing use elsewhere. The proposal would also extend the time period for which housing rental units had to be maintained affordable to 20 years, rather than 10. She further explained that while the original requirement for developments of 50 or more units was 15%, that had subsequently been amended to 12.5%; however, under the current proposal that figure would be on a scale ranging between 12.5-15%, depending upon the zoning density bonus awarded the developer. Companion legislation would call for the maximum density bonus cap to be raised from 20% to 22%. She said the amendments also proposed alternatives to provision of MPDU's in the form of funds or land, and created the housing trust fund, although details of how the fund would be used were not set forth in regulations. Ms. Weiss noted she had laid out a number of suggestions, however, one she had not presented but hoped would be considered additionally was the suggestion that a tax similar to a condo tax, the 4% levied on the sale price during conversions, be placed on development units that were not affordable, with the proceeds going into the housing trust fund. Addressing the issue of affordable housing, she said she would suggest permanent capping of the equity on MPDU units, rather than a 10-year period after which they could then go to market rate. Similarly, she said she would suggest extension of the controls on rates for rental units far beyond the 20-year period. Responding to question from Councilmember Sharp, she said there were no such units in Takoma Park. Additionally, she

5:30 p.m. The resolution regarding the summer recess was passed by unanimous vote.

RESOLUTION #1988-68
(attached)

Upon motion, duly seconded, the meeting adjourned at 1:00 a.m., to reconvene in Regular Session at 8:00 p.m. on Monday, September 12, 1988.

said the Council might wish to suggest stipulations to be placed on the land and monetary proceeds that were in lieu of MPDU's in a development. She pointed out that if the top of the 12.5-15% MPDU range were 16%, it would be more likely that the initial 15% average would be achieved; also, based on supplementary information received, it appeared the size of developments in the county was decreasing, so it would seem sensible to reduce the size of developments that would be subject to the restrictions. She said while it was the county's position that the legislation did not concern Takoma Park, it was Corporation Counsel's opinion that the City was included under the legislation, and it would seem appropriate that a provision be included that for projects within municipalities, the municipality share in the trust fund reserves and have some voice in their use. She pointed out the legislation was not only pertinent to new development, but applied to redevelopment projects as well. Responding to the Mayor, Ms. Weiss explained that Councilmembers Hanna and Adams had introduced the amendments, the County Executive had expressed support for the proposed changes.

Councilmember Sharp noted the lateness of the hour (12:45 a.m.), that the county would be holding a hearing on this subject on July 28, at which Councilmember Elrich would be testifying. He said if a decision were made that the City would express positions on the issue, perhaps the focus should be narrowed somewhat. He said that to his way of thinking the 10-year limit on MPDU's would be absolute folly, that the limit should be permanent; apparently there was need for recognition that the affordable housing crisis was not a temporary situation, and that permanent equity caps needed to be adopted. Ms. Weiss related having spoken with a county staff member, Bill Shear of DECD, who had helped draft the legislation; she said his rationale for not imposing permanent equity caps on MPDU housing was that that would make it more difficult for future owners (2nd and 3rd purchasers) to get mortgages on the property if the equity were capped, and occupants of the units would have difficulty developing sufficient equity to afford their subsequent home(s). Mr. Sharp commented he was not sure those were realistic arguments against a permanent cap on MPDU equity. Mr. Elrich said he supported Mr. Sharp's comments concerning the owned MPDU's and would suggest a similar position be taken on the rented MPDU's; if the county were going to try to provide affordable housing, it should be a longterm proposition -- not a stopgap measure. He said Allied Civic would be making an argument in favor of reducing density bonuses, and he said he felt there was a good argument for doing so; he said he thought the requirement should be a flat out 15% of MPDU's in a development, and no density bonus, otherwise the zoning map was meaningless. Additionally, he said he thought there would be a value in not allowing in-lieu payments, and would also support reducing the development size that would fall under the requirements to 25 units. Mr. Sharp suggested that the City's position emphasize the equity caps and, perhaps, the 25-unit level for adhering to the requirements, and not take a position on the other issues raised. Councilmember Douglas so moved, duly seconded by Councilmember Sharp. The motion carried by unanimous vote. It was noted Housing Services Director Weiss would also be attending the hearing, and the Mayor suggested she present the substance of her report and the other items discussed, particularly the equity caps.

16. 1988 Summer Recess for Mayor and Council.

Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember Hamilton. For the record, Mr. d'Eustachio commented that not all members of the Council would be taking vacations during August, despite the resolution appearing to claim that would be the case. Deputy City Clerk Jewell noted the need to correct dates in the resolution, i.e., in the second line of the second "Whereas" clause, Monday, August 7 should read August 1; in the last resolve clause, the dates should read August 2 through September 11. The Mayor noted the need, in the interim, for a Special Session for Second Reading of the ordinance regarding 7611 Maple Avenue. He said a written request from 3 of the 4 members of the Council who had voted in the affirmative would be required, including a suggested date for the meeting that would be agreeable to all 3. Following brief discussion, consensus was that the Special Session would be convened Wednesday, July 27, at

Introduced By: Councilmember d'Eustachio
Drafted By: Daniel Neal

Single Reading: 25 July 1988
(Budget Ordinance -
only one reading is
required)

ORDINANCE NO. 1988-30

AN ORDINANCE AUTHORIZING THE AWARD OF CERTAIN CONTRACTS FOR THE
IMPROVEMENT OF FOREST PARK.

WHEREAS, the City's FY 1988-89 Adopted Budget authorized the
expenditure of up to \$75,000.00 for the improvement of
Forest Park, as specified in the applicable plans and
contract documents; AND

WHEREAS, bids for said improvements were solicited from
qualified contractors by advertising in The Washington
Post, the Blue Report and the Dodge Report; AND

WHEREAS, all bids received in connection with these improvements
were opened publicly at 3:00 p.m. on 11 February 1988
in the Takoma Park Municipal Building; AND

WHEREAS, four (4) bids were received for the demolition, grading
and site preparation phase of the work (Phase I), with
Hanlon Construction Company, Inc. of Ashton, Maryland
having submitted the lowest responsive and responsible
bid of FORTY ONE THOUSAND FIVE HUNDRED EIGHTY FIVE
DOLLARS (\$41,585.00); AND

WHEREAS, five (5) bids were received for the site furnishing
phase of the work (Phase II, with Hanlon Construction
Company, Inc. of Ashton, Maryland having submitted the
lowest responsive and responsible bid of SEVENTEEN
THOUSAND FORTY DOLLARS (\$17,040.00); and

WHEREAS, nine (9) bids were received for the landscaping phase
of the work (Phase III), with Classic Landscaping, Inc.
of Mt. Airy, Maryland having submitted the lowest
responsive and responsible bid of ELEVEN THOUSAND THREE
HUNDRED SIXTY TWO DOLLARS (\$11,362.00); AND

WHEREAS, it is in the best interests of the City of Takoma Park
to accept the bids set forth above by Hanlon
Construction Company, Inc. and Classic Landscaping,
Inc.

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

SECTION 1. THAT the bid of Hanlon Construction Company, Inc. for Phase I of the said improvements and specified in the applicable plans and contract documents is hereby accepted and a contract award made to said firm in the amount of FORTY ONE THOUSAND FIVE HUNDRED EIGHTY FIVE DOLLARS (\$41,585.00).

SECTION 2. FURTHER THAT the bid of Hanlon Construction Company, Inc. for Phase II of the said improvements and specified in the applicable plans and contract documents is hereby accepted and a contract award made to said firm in the amount of SEVENTEEN THOUSAND FORTY DOLLARS (\$17,040.00).

SECTION 3. FURTHER THAT the bid of Classic Landscaping, Inc. for Phase III of the said improvements and specified in the applicable plans and contract documents is hereby accepted and a contract award made to said firm in the amount of ELEVEN THOUSAND THREE HUNDRED SIXTY TWO DOLLARS (\$11,362.00).

SECTION 4. FURTHER THAT the City Administrator is hereby authorized to execute any and all appropriate contract documents necessary to effect these awards and to pay expenses related thereto from appropriate accounts, provided that the City Administrator shall not obligate funds via contract execution prior to the execution of a contract between Prince George's County and the City of Takoma Park for FY 1988-89 Community Development Block Grant funds designated for the said Forest Park Improvements.

ADOPTED THIS 25th DAY OF July, 1988.

AYE: Councilmembers Douglas, d'Eustachio, Elrich,
Hamilton, Leary, Martin and Sharp.
NAY: None
ABSTAINED: None
ABSENT: None

c:forstpk.ord

Introduced By: Councilmember Hamilton 1st Reading: 25 July 1988
Drafted By: Neal, Perlman, Weiss 2nd Reading:

ORDINANCE NO. 1988-__

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN OPTION CONTRACT TO PURCHASE UNITS OR UNIT SHARES OF THE IMPROVED REAL PROPERTY KNOWN AS 7611 MAPLE AVENUE, TAKOMA PARK, MARYLAND WITH THE 7611 MAPLE AVENUE TENANTS ASSOCIATION, INC.

WHEREAS, it is a goal of the City of Takoma Park (the "City") to maintain and preserve affordable housing in order to promote an economically heterogeneous community; AND

WHEREAS, it is also a goal of the City to promote the economic security of low and moderate income citizens by providing them with the opportunity to purchase decent and affordable housing; AND

WHEREAS, there is an existing contract between GHA Sylvan Associates Limited Partnership (the "seller") and the Housing Opportunities Commission of Montgomery County ("HOC") for the sale and purchase of property known as 7611 Maple Avenue, Takoma Park, Maryland (the "property") dated 11 March 1988; AND

WHEREAS, pursuant to Chapter 6, Article 8 of the Takoma Park Code the tenants of the property have the right to purchase the property on substantially the same terms as the contract and have formed a tenants association known as the 7611 Maple Avenue Tenants Association, Inc. (the "association") in order to exercise their right to purchase the property; AND

WHEREAS, the association has offered to the City an option to purchase twenty two (22) units (or shares representing an equivalent interest) of the property, including a corresponding interest in the common elements of the property; AND

WHEREAS, the Mayor and Council find that it is in the best interests of the City to purchase said option;

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

SECTION 1. THAT the City Administrator or his designee is hereby authorized to negotiate and execute a contract (the "option contract") with the association for the option to purchase 22 units (or an equivalent share interest) of the property, including a corresponding interest in the common elements of the property; PROVIDED THAT

- A) The option price shall not exceed a mean \$2273.00 per unit or a total of \$50,000.00;
- B) The total price per unit shall not exceed \$47,000.00 or a total of \$990,000.00;
- C) The option price shall be deposited in an interest-bearing escrow account to be held by the Law Offices of Susan Silber, with interest to accrue to the City;
- D) The association agrees to exercise good faith efforts to purchase the property;
- E) The contract is assignable and transferrable by the City;
- F) The City can require the association to refund at or before the settlement on the purchase of the property the full contract price in exchange for the City's release of its option and the contract will then be declared void;
- G) The association shall refund the full contract price paid by the City if, for any reason, the association fails to purchase the property or if the contract is declared void.

SECTION 2. The association may use the contract funds paid by the City as its earnest money deposit for the purchase of the property pursuant to a contract for the association to purchase the property from GHA Sylvan Associates Limited Partnership, PROVIDED THAT:

- A) The association shall make good faith efforts to minimize displacement of the current occupants of the property.

THIS ORDINANCE IS HEREBY ADOPTED THIS ___ DAY OF _____, 1988
AND IS EFFECTIVE ON THE SAME DATE.

INTRODUCED BY: Councilmember Sharp
DRAFTED BY: D. Neal

ADOPTED: 25 July 1988

RESOLUTION NO. 1988-66

A RESOLUTION STATING THE CITY OF TAKOMA PARK'S OFFICIAL POSITION ON PRINCE GEORGE'S COUNTY DETAILED SITE PLAN PROPOSAL NO. SP-88068 RELATING TO LOTS 23-34, BLOCK 108 OF THE GLAIZEWOOD MANOR SUBDIVISION IN TAKOMA PARK, MARYLAND.

WHEREAS, the owner of certain real property described as lots 23-34, block 108 of the Glaizewood Manor Subdivision, Takoma Park, Maryland, Prince George's County (hereinafter referred to as "the property") has submitted to the Prince George's County Planning Board an application for approval of a detailed site plan for development of the property, which application is numbered SP-88068 (hereinafter referred to as "the application"); AND

WHEREAS, this application has been referred by the Prince George's County Planning Board to the City of Takoma Park for review and comment; AND

WHEREAS, the Mayor and Council of Takoma Park received public testimony on the application at their regular Council Meeting held at 8:00 p.m. on Monday, 25 July 1988; AND

WHEREAS, the staff of the Takoma Park Department of Economic and Community Development has prepared a report on the application, which report has been reviewed and considered by the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland hereby support APPROVAL of the application PROVIDED THAT,

1. The Applicant submits to the City of Takoma Park an exterior lighting plan for the property which meets with the City's approval. Said plan shall include details of all common and private area lighting, including lighting fixtures, locations, type and intensity. Flood lights attached to the rears or sides of the proposed dwelling units shall be prohibited by deed restrictions.
2. The Applicant agrees to amend the proposed site plan to provide for individual interior or screened exterior trash storage areas for each proposed housing unit that meet with the approval of the City.

3. The Applicant agrees to amend the proposed site plan to include the location and details of any proposed common area signage for the developmebnt. Such signage shall meet with the full approval of the City.
4. The Applicant agrees to provide the City with architectural plans, including elevations, for the proposed development. Said plans shall meet with the full approval of the City.
5. The Applicant agrees to amend the proposed site plan to include construction of Maryland State Highway Administration (MSHA) standard curbs and gutters along the property's frontage -provided that MSHA approves of the installation - and a 4' wide Prince George's County standard concrete sidewalk, including handicap ramps, at the entrance to the property.
6. The Applicant agrees to amend the proposed site plan to include a standard stop sign and painted white stop bar at the point of egress from the property on to Ethan Allen Avenue (MD Route #410) in accordance with directions from MSHA.
7. The Applicant adds a note to the proposed site plan indicating that it is necessary to obtain permits from the City of Takoma Park for the removal of trees on the property.
8. The Applicant agrees to amend the proposed landscape plan for the property such that it meets with the approval of the City.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to forward a true copy of this Resolution to the Prince George's County Planning Board and the Applicant.

ADOPTED THIS 25th DAY OF July, 1988.

ATTEST:


Paula S. Jewell Deputy City Clerk

c:glzwd.res

Introduced by: Councilmember Sharp

1st Reading: 7/25/88

2nd Reading:

ORDINANCE NO. 1988-

An ordinance to amend the Personnel Classification System

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

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

GRADE JOB CLASSES

- GRADE 1 :
- GRADE 2 : Custodian
- GRADE 3 : Laborer; Clerk Typist I;
- GRADE 4 : Account Clerk I; Library Shelver; Communications
Dispatcher; Assistant Driver; Police Records
Clerk;
- GRADE 5 : Recreation Aide; Tool Library Attendant; Equipment
Operator I;
- GRADE 6 : Account Clerk II; Secretary; Personnel Clerk;
Library Assistant; Recreation Specialist; Driver
Foreman; Equipment Operator II; Clerk Typist II;
- GRADE 7 : Administrative Clerk I; Playground Coordinator;
Equipment Operator III; Code Enforcement Officer
I; Police Private; Clerk Typist III;
- GRADE 8 : Administrative Clerk II; Executive Secretary;
Gym Supervisor; Police Private First Class;
Tree Maintenance Foreman; Building Mechanic;
Mechanic; Community Development Coordinator;
- GRADE 9 : Account Supervisor; Administrative Supervisor;
Deputy City Clerk; Police Affairs Specialist;
Police Corporal; Parks Foreman; Street Foreman;
Housing Coordinator; Master Mechanic; Housing
Rehabilitation Construction Coordinator; Code
Enforcement Officer II; Community Planner I; Youth
Outreach Assistant;
- GRADE 10 : Librarian; Police Sergeant; Sanitation Supervisor;
Street Supervisor;

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

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

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

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

Executive 3: Assistant City Administrator;

Executive 4: Police Chief; Public Works Director

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

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

[] indicates matter to be deleted from existing code
language

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

AYE:

NAY:

ABSTAINED:

ABSENT:

PROCLAMATION

WHEREAS, Steve Barber, a native resident of Takoma Park for twenty-two years, is known throughout the state of Maryland as the first twenty game winner in the Baltimore Oriole's history; AND

WHEREAS, Steve grew up playing ball with the neighborhood children at Forest Park, played baseball with the Takoma Park Boys Club, and while attending Montgomery Blair High School, played on their varsity team; AND

WHEREAS, Steve joined the Orioles minor league in 1957, jumped in 1960 to the major leagues, and won ten games as a rookie; AND

WHEREAS, in 1962 he was honored with Steve Barber Night at D. C. Stadium and with Steve Barber Day in the City of Takoma Park, Maryland; AND

WHEREAS, In 1963, Steve became the Orioles only twenty game winner during the club's first four years in Baltimore, with a 20-13 record and a 2.75 ERA in 36 starts; AND

WHEREAS, During Steve's career with the Orioles he pitched two one-hitters and won both of them; AND

WHEREAS, In 1986 Steve was inducted into the Maryland Hall of Fame;

NOW, THEREFORE, Be it proclaimed that the Mayor and Council of the City of Takoma Park, Maryland, on behalf of its members, the citizens of this community do express our heartiest congratulations on his being the 16th member inducted into the Orioles' Hall of Fame; AND

BE IT FURTHER PROCLAIMED THAT August 6, 1988 be proclaimed as Steve Barber Day in the City of Takoma Park, Maryland.

Adopted this 25th day of July, 1988.

ATTEST:

Stephen J. Del Giudice
Mayor

James S. Wilson, Jr.
City Administrator

PROCLAMATION

WHEREAS, the National Town Watch Association is sponsoring a special, coast-to-coast community crime prevention project on the evening of August 9, called "National Night Out"; AND

WHEREAS, it is essential that all residents in the City of Takoma Park be aware of the importance of crime prevention programs and the positive impact that their participation can have on reducing crime in our neighborhoods; AND

WHEREAS, "National Night Out" provides an opportunity for Takoma Park to join with other communities across the country in support of safer neighborhoods and to demonstrate the success of cooperative crime prevention efforts; AND

WHEREAS, neighborhood spirit and cooperation are the themes of "National Night Out" and the key ingredient in helping police to fight crime;

NOW, THEREFORE, WE, the Mayor and Council of Takoma Park, do hereby call upon all the residents of Takoma Park to support and participate in "National Night Out" on August 9th.

FURTHER, LET BE RESOLVED THAT we do hereby proclaim Tuesday, August 9, 1988, as "National Night Out" in Takoma Park.

Mayor

1st Reading: 7/25/88
2nd Reading:

Introduced by: Councilmember Martin

ORDINANCE #1988-____

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

- SECTION 1. THAT all vehicular traffic on Erskine Avenue shall come to a complete stop at that street's intersection with 13th Place, thereby creating a 3-way stop; AND
- SECTION 2. THAT pedestrian crosswalks shall be painted across the Erskine Avenue roadway and the 13th Place roadway, so as to provide a safe crossing for pedestrians at the intersection of Erksine Avenue and 13th Place; AND
- SECTION 3. THAT the Acting Director of Public Works in cooperation with the Chief of Police shall survey the intersection and make a determination as to the appropriate placement of the stop signs and the crosswalks; AND
- SECTION 4. THAT this ordinance shall become effective upon completion of the signing, which shall include appropriate warning to motorists approaching the intersection; AND
- SECTION 5. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

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

AYE:
NAY:
ABSTAINED:
ABSENT:

INTRODUCED BY: d'Eustachio

First Reading: 7/25/88
Second Reading:

ORDINANCE #

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

SECTION 1. Repeal of Ordinance No. 2639. Ordinance No. 2639, adopted by the Mayor and Council of the City of Takoma Park, Maryland on 25 October 1982, is hereby repealed.

SECTION 2: This ordinance shall take effect upon adoption.

ADOPTED BY THE MAYOR AND COUNCIL _____, 1988.

lss:disk #1,traford

Introduced by: Councilmember Douglas

Ordinance 1988- 32

AN ORDINANCE TO AUTHORIZE MERIT INCREASES FOR DEPARTMENT HEADS AND SENIOR MANAGEMENT STAFF

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

Section 1. THAT the City Administrator has completed performance evaluations of all Department Heads and Senior Management staff and has made certain recommendations for merit increases which were transmitted to Mayor and Council for review and approval.

Section 2. THAT the City Administrator's recommendations are accepted as follows:

Executive Level 4: 4th Quartile	Police Chief	\$47,052 to \$49,405
Executive Level 3: 2nd Quartile	Asst. City Administrator	\$39,001 to \$40,951 and a \$1,000 bonus
Executive Level 2: 3rd Quartile	Library Director	\$38,584 to \$40,513
Executive Level 2: 4th Quartile	Police Captain	\$42,265 to \$44,379
Executive Level 2: 2nd Quartile	Recreation Director	\$35,623 to \$37,404
Executive Level 2: 1st Quartile	Housing Director	\$31,205 to \$34,403
Executive Level 1: 2nd Quartile	Asst. Public Works Dir.	\$32,400 to \$34,020
Executive Level 1: 2nd Quartile	Dir. of Econ. & Comm. Development	\$33,759 to \$35,447 and a \$1,000 bonus

Section 3. THAT these merit increases shall become effective July 1, 1988.

Adopted this 25th day of July, 1988.

Ayes: d'Eustachio, Douglas, Elrich,, Hamilton, Leary, Martin, Sharp
Nays: None
Abstain: None
Absent: None

Single Reading:
July 25, 1988

Introduced By: Councilmember Sharp

ORDINANCE NO. 1988-31

An Ordinance to Amend Ordinance 1987-69 and
Authorize Purchase of Police Administrative
Vehicle.

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

- SECTION 1. WHEREAS, the Fiscal Year 1988-89 City budget sets aside funds for the purchase of a new vehicle for police administrative use; AND
- SECTION 2. WHEREAS, the current police administrative vehicle would receive best use by conversion to an (unmarked) Criminal Investigations Division vehicle; AND
- SECTION 3. WHEREAS, Ordinance 1987-69 passed December 14, 1987, specified conversion to patrol use; AND
- SECTION 4. WHEREAS, the low bid accepted by the State of Maryland for 1988 Plymouth Reliants (acceptable under the Nuclear-Free Zone Act) amounts to approximately \$8,163; AND
- SECTION 5. WHEREAS, the State of Maryland has consented to allow the City to "piggyback" on its purchase of police Plymouth Reliants;
- SECTION 6. THAT Funds in the amount of Eight Thousand One Hundred Sixty-Three Dollars (\$8,163.00) be appropriated from the City's 1988-89 Capital Budget for purchase of the aforesaid vehicle, and further
- SECTION 7. THAT Section 7 of Ordinance No. 1987-69 enacted December 14, 1987, be amended to read the Police administrative vehicle purchased in FY 1987 will be converted to [patrol] unmarked use by the Criminal Investigations Division July 1, 1988.

Adopted this 25th day of July to take effect upon enactment.

Ayes: Councilmembers d'Eustachio, Douglas, Elrich, Hamillton,
Leary, Martin, Sharp Abstentions: None
Nays: None Absent: None

Note: [brackets] shall denote language to be deleted from original ordinance; and underlining shall denote language to be added.

Introduced by: Greg Hamilton

Adopted: July 25, 1988

RESOLUTION NO. 1988-63

WHEREAS: Ron Royster, the owner of the property located at 820 Hayward Avenue in the City of Takoma Park, Maryland, entered into an agreement with the City of Takoma Park on June 12, 1987 to access his property from Larch Avenue onto Hayward Avenue following construction of his home; AND

WHEREAS: as part of the agreement, Mr. Royster placed in escrow a \$1,000 security deposit to cover damages and to prove to the satisfaction of City that he holds sufficient insurance to cover any liability; AND

WHEREAS: has obtained cost estimates of \$10,000 to construct the type of access to his property as specified in the agreement between he and the City which he believes is beyond his financial resources; AND

WHEREAS: wishes to be released from his contractual obligations to access his property from Larch Avenue onto Hayward Avenue, and to have his \$1,000 deposit returned: AND

WHEREAS: the Mayor and Council upon hearing all available testimony and concerns have determined that access to Mr. Royster's property from Larch Avenue was no longer necessary and not in the best interest of the community.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Mr. Royster be released from his contractual obligations to the City, that his \$1,000 escrow deposit be returned to him; AND

BE IT FURTHER RESOLVED THAT the City Administrator is instructed to investigate the assessment process, determine how the the effected property owners can be assessed for improving Hayward Avenue, and to make the appropriate recommendations to the Mayor and Council.

Adopted this 25th day of July, 1988.

Introduced by: Councilmember d'Eustachio

RESOLUTION NO. 1988-64

WHEREAS, The Church of Jesus Christ of Latter-day Saints has purchased the site of the former Cynthia Warner School on Carroll Avenue in the greater Takoma Park area; AND

WHEREAS, The Church intends to construct on the site a new meeting place for members of the Church residing in Takoma Park and surrounding areas; AND

WHEREAS, A farmhouse built in approximately 1855 and apparently of considerable historical and cultural importance now stands on the site.

THEREFORE BE IT RESOLVED THAT THE CITY OF TAKOMA PARK:

1. Welcomes the Church of Jesus Christ of Latter-day Saints to our community;
2. Wishes the Church success in addressing the spiritual needs of its members in this area in its new facility;
3. Commends the Church for its stated intention to preserve the existing farmhouse to the extent feasible, and to incorporate it into the new construction scheme in a manner that will be consistent with its historical importance to our community;
4. Declares the official policy of the City in favor of protecting the historic and cultural heritage of our community by means of encouraging the preservation and continued use of historic buildings in the greater Takoma Park community;
5. Offers to cooperate with the Church in the design and planning of ways to meet to the fullest extent possible the needs and expectations of both the Church and the community.

Dated this 25th day of July, 1988.

RESOLUTION NO. 1988-65

WHEREAS, The City of Takoma Park has been invited to join a Municipal Drug Task Force, by Montgomery County Police; AND

WHEREAS, Joining the Task Force will allow Takoma Park officers access to drug purchase funds and sophisticated intelligence equipment belonging to Montgomery County Police; AND

WHEREAS, Joining the Task Force with Gaithersburg Police, Rockville Police, MNCP Police and Montgomery County Police will yield increased knowledge and coordination and result in better working relationships not only with these jurisdictions but also with Montgomery County; AND

WHEREAS, The City will share in forfeitures and seizures of money and vehicles from drug dealers; AND

WHEREAS, In recent months and weeks, more and more attention has been brought to bear on the regional overlapping nature of local drug problems; AND

WHEREAS, Police Chief Fisher estimates a total cost of participation in the Task Force from September 1, 1988 through June 30, 1989, to amount to \$21,500, which includes \$6,500 to purchase the (used) vehicle required by Montgomery County, \$13,000 in personnel costs and estimated overtime amounting to \$2,000, which seems a fair cost-benefit ratio;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council support City participation (one officer) in the Municipal Drug Task Force and authorize the City Administrator to enter into an Agreement with Montgomery County Police to be effective for the period September 1, 1988 through June 30, 1989, at the end of which time Chief Fisher will prepare a detailed cost-benefit report evaluating the merits, before further commitment to the Task Force is made; AND

BE IT FURTHER RESOLVED, that the City's involvement will be contingent upon an equitable sharing agreement between the City and County in forfeitures and seizures of money and vehicles from drug dealers.

Dated this 25th day of July, 1988.

Introduced by: Mayor Del Giudice

RESOLUTION #1988-67


A RESOLUTION APPOINTING MEMBERS TO THE
PUBLIC WORKS DIRECTOR SELECTION COMMITTEE

UPON MOTION MADE BY COUNCILMEMBER ELRICH AND DULY SECONDED BY
COUNCILMEMBER HAMILTON, RESOLUTION #1988-67 WAS PASSED,
APPOINTING THE FOLLOWING INDIVIDUALS TO THE PUBLIC WORKS DIRECTOR
SELECTION COMMITTEE. THIS GROUP WILL ASSIST THE CITY
ADMINISTRATOR WITH THE REVIEW OF APPLICATIONS AND INTERVIEWING OF
CANDIDATES FOR THE PUBLIC WORKS DIRECTOR POSITION:

- Councilmember Paul d'Eustachio
- Councilmember Janice Martin
- Jonathan Weiss
- Steve Young

DATED THIS 25TH DAY OF JULY, 1988.

ATTEST:


Paula S. Jewell
Deputy City Clerk

Introduced By: Mayor Del Giudice

RESOLUTION 1988-68

WHEREAS, It has been decided that in order to accommodate vacation schedules of the Mayor and City Councilmembers, a summer recess shall be called; AND

WHEREAS, this recess shall commence after a Special Council Worksession scheduled for Monday, August 1, 1988; AND

WHEREAS, with the first Monday of September, 1988 being the Labor Day Holiday, the Mayor and Council will reconvene their meetings on Tuesday, September 6, in Council Worksession; AND

WHEREAS, further the Mayor and Council will reconvene their first Regular Meeting of official business, scheduled on Monday, September 12, 1988.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Mayor and Council hereby set forth their summer recess from August 2, 1988 through September 11, 1988.

Dated: July 25, 1988

Introduced by: Mayor Del Giudice

RESOLUTION #1988-67

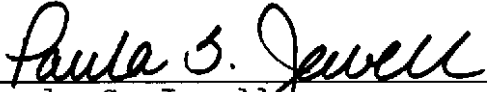
A RESOLUTION APPOINTING MEMBERS TO THE
PUBLIC WORKS DIRECTOR SELECTION COMMITTEE

UPON MOTION MADE BY COUNCILMEMBER ELRICH AND DULY SECONDED BY
COUNCILMEMBER HAMILTON, RESOLUTION #1988-67 WAS PASSED,
APPOINTING THE FOLLOWING INDIVIDUALS TO THE PUBLIC WORKS DIRECTOR
SELECTION COMMITTEE. THIS GROUP WILL ASSIST THE CITY
ADMINISTRATOR WITH THE REVIEW OF APPLICATIONS AND INTERVIEWING OF
CANDIDATES FOR THE PUBLIC WORKS DIRECTOR POSITION:

- Councilmember Paul d'Eustachio
- Councilmember Janice Martin
- Jonathan Weiss
- Steve Young

DATED THIS 25TH DAY OF JULY, 1988.

ATTEST:



Paula S. Jewell
Deputy City Clerk

Introduced By: Mayor Del Giudice

RESOLUTION 1988-68

WHEREAS, It has been decided that in order to accommodate vacation schedules of the Mayor and City Councilmembers, a summer recess shall be called; AND

WHEREAS, this recess shall commence after a Special Council Worksession scheduled for Monday, August 1, 1988; AND

WHEREAS, with the first Monday of September, 1988 being the Labor Day Holiday, the Mayor and Council will reconvene their meetings on Tuesday, September 6, in Council Worksession; AND

WHEREAS, further the Mayor and Council will reconvene their first Regular Meeting of official business, scheduled on Monday, September 12, 1988.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Mayor and Council hereby set forth their summer recess from August 2, 1988 through September 11, 1988.

Dated: July 25, 1988

INTRODUCED BY: Councilmember Sharp
DRAFTED BY: D. Neal

ADOPTED: 25 July 1988

RESOLUTION NO. 1988-66

A RESOLUTION STATING THE CITY OF TAKOMA PARK'S OFFICIAL POSITION ON PRINCE GEORGE'S COUNTY DETAILED SITE PLAN PROPOSAL NO. SP-88068 RELATING TO LOTS 23-34, BLOCK 108 OF THE GLAIZEWOOD MANOR SUBDIVISION IN TAKOMA PARK, MARYLAND.

WHEREAS, the owner of certain real property described as lots 23-34, block 108 of the Glaizewood Manor Subdivision, Takoma Park, Maryland, Prince George's County (hereinafter referred to as "the property") has submitted to the Prince George's County Planning Board an application for approval of a detailed site plan for development of the property, which application is numbered SP-88068 (hereinafter referred to as "the application"); AND

WHEREAS, this application has been referred by the Prince George's County Planning Board to the City of Takoma Park for review and comment; AND

WHEREAS, the Mayor and Council of Takoma Park received public testimony on the application at their regular Council Meeting held at 8:00 p.m. on Monday, 25 July 1988; AND

WHEREAS, the staff of the Takoma Park Department of Economic and Community Development has prepared a report on the application, which report has been reviewed and considered by the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland hereby support APPROVAL of the application PROVIDED THAT,

1. The Applicant submits to the City of Takoma Park an exterior lighting plan for the property which meets with the City's approval. Said plan shall include details of all common and private area lighting, including lighting fixtures, locations, type and intensity. Flood lights attached to the rears or sides of the proposed dwelling units shall be prohibited by deed restrictions.
2. The Applicant agrees to amend the proposed site plan to provide for individual interior or screened exterior trash storage areas for each proposed housing unit that meet with the approval of the City.

3. The Applicant agrees to amend the proposed site plan to include the location and details of any proposed common area signage for the developmebnt. Such signage shall meet with the full approval of the City.
4. The Applicant agrees to provide the City with architectural plans, including elevations, for the proposed development. Said plans shall meet with the full approval of the City.
5. The Applicant agrees to amend the proposed site plan to include construction of Maryland State Highway Administration (MSHA) standard curbs and gutters along the property's frontage -provided that MSHA approves of the installation - and a 4' wide Prince George's County standard concrete sidewalk, including handicap ramps, at the entrance to the property.
6. The Applicant agrees to amend the proposed site plan to include a standard stop sign and painted white stop bar at the point of egress from the property on to Ethan Allen Avenue (MD Route #410) in accordance with directions from MSHA.
7. The Applicant adds a note to the proposed site plan indicating that it is necessary to obtain permits from the City of Takoma Park for the removal of trees on the property.
8. The Applicant agrees to amend the proposed landscape plan for the property such that it meets with the approval of the City.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to forward a true copy of this Resolution to the Prince George's County Planning Board and the Applicant.

ADOPTED THIS 25th DAY OF July, 1988.

ATTEST:



Paula S. Jewell Deputy City Clerk

c:glzwd.res

RESOLUTION NO. 1988-65

- WHEREAS, The City of Takoma Park has been invited to join a Municipal Drug Task Force, by Montgomery County Police; AND
- WHEREAS, Joining the Task Force will allow Takoma Park officers access to drug purchase funds and sophisticated intelligence equipment belonging to Montgomery County Police; AND
- WHEREAS, Joining the Task Force with Gaithersburg Police, Rockville Police, MNCP Police and Montgomery County Police will yield increased knowledge and coordination and result in better working relationships not only with these jurisdictions but also with Montgomery County; AND
- WHEREAS, The City will share in forfeitures and seizures of money and vehicles from drug dealers; AND
- WHEREAS, In recent months and weeks, more and more attention has been brought to bear on the regional overlapping nature of local drug problems; AND
- WHEREAS, Police Chief Fisher estimates a total cost of participation in the Task Force from September 1, 1988 through June 30, 1989, to amount to \$21,500, which includes \$6,500 to purchase the (used) vehicle required by Montgomery County, \$13,000 in personnel costs and estimated overtime amounting to \$2,000, which seems a fair cost-benefit ratio;
- NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council support City participation (one officer) in the Municipal Drug Task Force and authorize the City Administrator to enter into an Agreement with Montgomery County Police to be effective for the period September 1, 1988 through June 30, 1989, at the end of which time Chief Fisher will prepare a detailed cost-benefit report evaluating the merits, before further commitment to the Task Force is made; AND
- BE IT FURTHER RESOLVED, that the City's involvement will be contingent upon an equitable sharing agreement between the City and County in forfeitures and seizures of money and vehicles from drug dealers.

Dated this 25th day of July, 1988.

Introduced by: Councilmember d'Eustachio

RESOLUTION NO. 1988-64

WHEREAS, The Church of Jesus Christ of Latter-day Saints has purchased the site of the former Cynthia Warner School on Carroll Avenue in the greater Takoma Park area; AND

WHEREAS, The Church intends to construct on the site a new meeting place for members of the Church residing in Takoma Park and surrounding areas; AND

WHEREAS, A farmhouse built in approximately 1855 and apparently of considerable historical and cultural importance now stands on the site.

THEREFORE BE IT RESOLVED THAT THE CITY OF TAKOMA PARK:

1. Welcomes the Church of Jesus Christ of Latter-day Saints to our community;
2. Wishes the Church success in addressing the spiritual needs of its members in this area in its new facility;
3. Commends the Church for its stated intention to preserve the existing farmhouse to the extent feasible, and to incorporate it into the new construction scheme in a manner that will be consistent with its historical importance to our community;
4. Declares the official policy of the City in favor of protecting the historic and cultural heritage of our community by means of encouraging the preservation and continued use of historic buildings in the greater Takoma Park community;
5. Offers to cooperate with the Church in the design and planning of ways to meet to the fullest extent possible the needs and expectations of both the Church and the community.

Dated this 25th day of July, 1988.

Introduced by: Greg Hamilton

Adopted: July 25, 1988

RESOLUTION NO. 1988-63

WHEREAS: Ron Royster, the owner of the property located at 820 Hayward Avenue in the City of Takoma Park, Maryland, entered into an agreement with the City of Takoma Park on June 12, 1987 to access his property from Larch Avenue onto Hayward Avenue following construction of his home; AND

WHEREAS: as part of the agreement, Mr. Royster placed in escrow a \$1,000 security deposit to cover damages and to prove to the satisfaction of City that he holds sufficient insurance to cover any liability; AND

WHEREAS: has obtained cost estimates of \$10,000 to construct the type of access to his property as specified in the agreement between he and the City which he believes is beyond his financial resources; AND

WHEREAS: wishes to be released from his contractual obligations to access his property from Larch Avenue onto Hayward Avenue, and to have his \$1,000 deposit returned: AND

WHEREAS: the Mayor and Council upon hearing all available testimony and concerns have determined that access to Mr. Royster's property from Larch Avenue was no longer necessary and not in the best interest of the community.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Mr. Royster be released from his contractual obligations to the City, that his \$1,000 escrow deposit be returned to him; AND

BE IT FURTHER RESOLVED THAT the City Administrator is instructed to investigate the assessment process, determine how the the effected property owners can be assessed for improving Hayward Avenue, and to make the appropriate recommendations to the Mayor and Council.

Adopted this 25th day of July, 1988.

Introduced by: Councilmember Douglas

Ordinance 1988- 32

AN ORDINANCE TO AUTHORIZE MERIT INCREASES FOR DEPARTMENT HEADS AND SENIOR MANAGEMENT STAFF

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

Section 1. THAT the City Administrator has completed performance evaluations of all Department Heads and Senior Management staff and has made certain recommendations for merit increases which were transmitted to Mayor and Council for review and approval.

Section 2. THAT the City Administrator's recommendations are accepted as follows:

Executive Level 4: 4th Quartile	Police Chief	\$47,052 to \$49,405
Executive Level 3: 2nd Quartile	Asst. City Administrator	\$39,001 to \$40,951 and a \$1,000 bonus
Executive Level 2: 3rd Quartile	Library Director	\$38,584 to \$40,513
Executive Level 2: 4th Quartile	Police Captain	\$42,265 to \$44,379
Executive Level 2: 2nd Quartile	Recreation Director	\$35,623 to \$37,404
Executive Level 2: 1st Quartile	Housing Director	\$31,205 to \$34,403
Executive Level 1: 2nd Quartile	Asst. Public Works Dir.	\$32,400 to \$34,020
Executive Level 1: 2nd Quartile	Dir. of Econ. & Comm. Development	\$33,759 to \$35,447 and a \$1,000 bonus

Section 3. THAT these merit increases shall become effective July 1, 1988.

Adopted this 25th day of July, 1988.

Ayes: d'Eustachio, Douglas, Elrich,, Hamilton, Leary, Martin, Sharp
Nays: None
Abstain: None
Absent: None

Introduced By: Councilmember d'Eustachio
Drafted By: Daniel Neal

Single Reading: 25 July 1988
(Budget Ordinance -
only one reading is
required)

ORDINANCE NO. 1988-30

AN ORDINANCE AUTHORIZING THE AWARD OF CERTAIN CONTRACTS FOR THE
IMPROVEMENT OF FOREST PARK.

- WHEREAS, the City's FY 1988-89 Adopted Budget authorized the expenditure of up to \$75,000.00 for the improvement of Forest Park, as specified in the applicable plans and contract documents; AND
- WHEREAS, bids for said improvements were solicited from qualified contractors by advertising in The Washington Post, the Blue Report and the Dodge Report; AND
- WHEREAS, all bids received in connection with these improvements were opened publicly at 3:00 p.m. on 11 February 1988 in the Takoma Park Municipal Building; AND
- WHEREAS, four (4) bids were received for the demolition, grading and site preparation phase of the work (Phase I), with Hanlon Construction Company, Inc. of Ashton, Maryland having submitted the lowest responsive and responsible bid of FORTY ONE THOUSAND FIVE HUNDRED EIGHTY FIVE DOLLARS (\$41,585.00); AND
- WHEREAS, five (5) bids were received for the site furnishing phase of the work (Phase II), with Hanlon Construction Company, Inc. of Ashton, Maryland having submitted the lowest responsive and responsible bid of SEVENTEEN THOUSAND FORTY DOLLARS (\$17,040.00); and
- WHEREAS, nine (9) bids were received for the landscaping phase of the work (Phase III), with Classic Landscaping, Inc. of Mt. Airy, Maryland having submitted the lowest responsive and responsible bid of ELEVEN THOUSAND THREE HUNDRED SIXTY TWO DOLLARS (\$11,362.00); AND
- WHEREAS, it is in the best interests of the City of Takoma Park to accept the bids set forth above by Hanlon Construction Company, Inc. and Classic Landscaping, Inc.

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

SECTION 1. THAT the bid of Hanlon Construction Company, Inc. for Phase I of the said improvements and specified in the applicable plans and contract documents is hereby accepted and a contract award made to said firm in the amount of FORTY ONE THOUSAND FIVE HUNDRED EIGHTY FIVE DOLLARS (\$41,585.00).

SECTION 2. FURTHER THAT the bid of Hanlon Construction Company, Inc. for Phase II of the said improvements and specified in the applicable plans and contract documents is hereby accepted and a contract award made to said firm in the amount of SEVENTEEN THOUSAND FORTY DOLLARS (\$17,040.00).

SECTION 3. FURTHER THAT the bid of Classic Landscaping, Inc. for Phase III of the said improvements and specified in the applicable plans and contract documents is hereby accepted and a contract award made to said firm in the amount of ELEVEN THOUSAND THREE HUNDRED SIXTY TWO DOLLARS (\$11,362.00).

SECTION 4. FURTHER THAT the City Administrator is hereby authorized to execute any and all appropriate contract documents necessary to effect these awards and to pay expenses related thereto from appropriate accounts, provided that the City Administrator shall not obligate funds via contract execution prior to the execution of a contract between Prince George's County and the City of Takoma Park for FY 1988-89 Community Development Block Grant funds designated for the said Forest Park Improvements.

ADOPTED THIS 25th DAY OF July, 1988.

AYE: Councilmembers Douglas, d'Eustachio, Elrich,
Hamilton, Leary, Martin and Sharp.
NAY: None
ABSTAINED: None
ABSENT: None

c:forstpk.ord

PROCLAMATION

WHEREAS, Steve Barber, a native resident of Takoma Park for twenty-two years, is known throughout the state of Maryland as the first twenty game winner in the Baltimore Oriole's history; AND

WHEREAS, Steve grew up playing ball with the neighborhood children at Forest Park, played baseball with the Takoma Park Boys Club, and while attending Montgomery Blair High School, played on their varsity team; AND

WHEREAS, Steve joined the Orioles minor league in 1957, jumped in 1960 to the major leagues, and won ten games as a rookie; AND

WHEREAS, in 1962 he was honored with Steve Barber Night at D. C. Stadium and with Steve Barber Day in the City of Takoma Park, Maryland; AND

WHEREAS, In 1963, Steve became the Orioles only twenty game winner during the club's first four years in Baltimore, with a 20-13 record and a 2.75 ERA in 36 starts; AND

WHEREAS, During Steve's career with the Orioles he pitched two one-hitters and won both of them; AND

WHEREAS, In 1986 Steve was inducted into the Maryland Hall of Fame;

NOW, THEREFORE, Be it proclaimed that the Mayor and Council of the City of Takoma Park, Maryland, on behalf of its members, the citizens of this community do express our heartiest congratulations on his being the 16th member inducted into the Orioles' Hall of Fame; AND

BE IT FURTHER PROCLAIMED THAT August 6, 1988 be proclaimed as Steve Barber Day in the City of Takoma Park, Maryland.

Adopted this 25th day of July, 1988.

ATTEST:

Stephen J. Del Giudice
Mayor

James S. Wilson, Jr.
City Administrator

CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council
July 27, 1988

CITY OFFICIALS PRESENT:

Mayor Del Guidice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Elrich	Ec. & Comm. Dev. Director Neal
Councilmember Hamilton	Housing Services Director Weiss
Councilmember Leary	Corp Counsel Staff Perlman
Councilmember Martin	
Councilmember Sharp	

The Mayor and City Council convened at 5:44 P.M., on Wednesday, July 27, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a request from staff was taken up that the Mayor and Council meet again in Special Session Monday, August 1, 1988 to take up the second reading of the ordinance amending the personnel classification plan so that the jobs created can be filled in the interim, and a single reading ordinance for awarding a contract for the automation system in the Finance Office. Councilmember Martin had also requested that the Council consider the ordinance placing a 3-way stop on Erskine and 13th place so that installation can proceed prior to the school year. Councilmember d'Eustachio made a motion to go into special session on August 1, duly seconded by Councilmember Martin. Councilmember Douglas stated that although each of these items had its merits, his own personal circumstances were that he made plans based on the Mayor's guidance that August would be a recess month for the Council, and he will not be able to attend the special session. Councilmember Leary stated that he would not be available as well as on that date, however he had no objection to Council taking these items up. The question was called and the motion carried; Councilmember Douglas voted Nay.

ITEM FOR COUNCIL ACTION:

Second Reading of Ordinance Authorizing the City Administrator to Negotiate and Execute an Option Contract to Purchase Unit Shares of the Improved Real Estate Known as 7611 Maple Avenue, Takoma Park, Maryland With the 7611 Maple Avenue Tenant Association, Inc.

Councilmember Hamilton moved adoption of the ordinance, duly seconded by Councilmember Leary. Mayor Del Guidice noted that there were a number of technical amendments before the Council along with other amendments. A memorandum dated July 26, 1988 from Economic and Community Development Director Daniel Neal also summarized a number of technical amendments. Councilmember d'Eustachio moved adoption of all the technical amendments submitted by Councilmember Douglas and Mr. Neal. The Mayor noted there was some overlapping of the technical amendments. Mr. Douglas seconded the motion to adopt all technical amendments and the motion was unanimously passed; Councilmember Sharp abstained.

Councilmember Douglas moved the adoption of the amendment hereby known as Amendment #1; duly seconded by Councilmember Leary. Mr. Douglas stated that the purpose of the amendment was that action was being taken because the City received a request from the tenants association asking for a loan and have been advised by Corporation Counsel that the City can not in fact give such a loan. Mr. Douglas stated that the amendment was devised to clarify this and that the Council should be honest in its purpose and motivation. Mr. Leary asked Corporation Counsel Linda Perlman if this created any legal problems. Ms. Perlman responded that she could see none off-hand.

Councilmember Sharp said that everyone recognizes that the Council is really attempting to make a loan and as Corporation Counsel advised, we did not have that authority. He said that he will propose that in the future, the Council change the Charter to permit loans if that is the Council's intent. Mayor Del Giudice commented that while it might be true in the course of events, the Tenants requested a loan and that Corporation Council advised that our Charter does not allow for making loans, neither of these facts negate the next fact which is that the Tenants offered the City an option. Mr. Del Giudice said that in the course of business events, offers are made, rejected and counter-offers are made. The Mayor stated that he'd disagree less with the amendment if it didn't strike the existing "Whereas" clauses, and, if in fact the purpose of the amendment was to simply illustrate the course of events then he'd think it was entirely appropriate to leave the existing language that the Association offered the City an option within the ordinance. Mr. Del Giudice further stated that he took issue with the suggestion that this was nothing more than a mere effort to circumvent the City's Charter which does allow the City to purchase property and that there was nothing in the Charter that prohibits the City from purchasing an option. The Mayor said that it is his own sense that this Council should not seriously consider enacting legislation to allow it to act on this option.

Councilmember Douglas stated that at the time the amendment was drafted, the City did not in fact have an offer, however he noted that the City did have an offer now. Mr. Douglas said he'd be willing to accept the Mayor's suggestion that the language being deleted remain in and that language in the fifth "Whereas" clause be appropriately amended to indicate that the offer was received on July 27. Mr. Douglas formally amended his motion to modify the fifth "Whereas" to include the language that "... on July 27, 1988, the Association offered to the City an option...". The motion was duly seconded and the amendments were adopted (Councilmember Elrich voted Nay).

Councilmember Elrich stated that he would be interested in seeing a straw vote of how many Councilmembers were willing to go into business of purchasing apartment units. He said that he recognized that its an option others have talked about and is considered favorable, however, previous sentiment had not drifted in that direction. Councilmember Leary stated that the Amendment #2 in fact does the same thing and that no straw vote was necessary.

Councilmember Douglas then moved adoption of Amendment #2, duly seconded by Councilmember Sharp. Mr. Doulgas pointed out that the amendment made it clear that while the City is willing to acquire an option contract, they are not willing to acquire the properties. The amendment also required that before the Association went to settlement, the City will assign or transfer the options at no cost to the City to an organization that can provide low or moderate income housing, and if such a transfer did not occur, the City would then exercise its right to pull out of the contract. Councilmember Hamilton questioned whether the option was open to bid requirements and whether Mr. Doulgas had an organization in mind that he was referring to. Mr. Douglas responded that he included this language because there seemed to be considerable sentiment on the part of the Council that one rational for doing it was that 22 units in the building would be reserved under the scheme for low and moderate income regardless of what the market price happened to be on the other units. He said that it was important that the City keep that commitment through the amending language. Councilmember d'Eustachio commented that he opposed the amendment for the same reason he opposed the first amendment. He stated that the will of the Council was the will of the Council and putting in this amendment was not going to alter the Council's will. Mr. d'Eustachio

further stated that if the will of the Council changed, then the Council could by further amendment to the ordinance change this. Mr. d'Eustachio said that it did not lock the City into anything, nor did it prohibit the City from anything. Mr. d'Eustachio said that what it did was potentially tie the City's and Tenants' hands at the time of settlement. He further stated that he saw this more as nuisance amendment with a potential for causing future trouble than a serious attempt to set City policy.

Councilmember Leary endorsed Mr. d'Eustachio's comments. He said he believed very strongly that the City should not be in the business of buying and operating apartments. However, he agreed that adding the proposed language in the ordinance merely confused things, creates potential legal problems, and frustrated the general purpose that the majority of the Council wanted to accomplish. Mr. Leary said that he would therefore vote against the amendment. Councilmember Sharp asked Mr. Douglas to speak further to the intention of the proposed amendment and why it was crucial to protect the City's interest. Mr. Sharp questioned Dan Neal how long it had taken him to get to a position where the City could start offering multi-family rehab programs. Mr. Neal responded that it had taken about 11 months. Mr. Sharp continued with his point--he said that he's not sure he is opposed to the City going into the rental/housing purchase business. He said it was not something you dive into in 3 months or less; it was something that took time to consider for proper operation. Mr. Sharp said he personally thought that this was such a major change in the orientation of the City, that it ought to be considered by referendum or at least an issue in a political campaign so citizens could decide if it was the type of major change they would like to see the City undertaking. Mr. Sharp said that if the City decided to do this it would have to be done in 2-3 months and that was not enough time to accomplish it effectively.

Councilmember Douglas spoke on behalf of the motion. He said that it was not offered as a "nuisance amendment", but as a serious amendment to articulate the City's position and that it was unfair to those who support the amendment to characterize it as trying to muddy the waters or undo what the majority of the Council is willing to do. Mr. Douglas said that he was willing to help people provide low and moderate income housing and there is a certain way to accomplish this. Mr. Douglas said that he didn't believe the City was prepared to undertake the ownership and management of 22 apartment units at this point. Mr. Sharp said that if the amendment was not adopted, he presumed the City would have no choice but to assume that the properties could be acquired in the next few months. He questioned City Administrator Wilson what staff he would use in order to plan for the acquisition and management of the units and what projects and other items in this year's budget would be used in order to do this. Mr. Wilson responded that he could not quantitatively answer the latter half of the question, but the City would undoubtedly have to have an attorney working on the development of appropriate legislation, utilize the services of the Housing Director which would reduce her efforts in the budget objectives already laid out, as well as possibly obtaining the services of a consultant. Councilmember Douglas also suggested to the Mayor that the Council is faced with the second reading of this ordinance which has no fiscal impact note and that it was clear from the City Administrator's comments that there is a potential very serious financial impact on the City and that it was incumbent on this Council to adopt the amendment.

Councilmember d'Eustachio commented that although procedurally it was not desirable to adopt the ordinance, it was not prohibited. He pointed out that this amendment would preclude a similar arrangement, i.e., where in Takoma Junction, the City purchased a property and held it just long enough to add covenants controlling the future use of that property and then immediately

sell it. He said this is frequently done and its something the City should reserve as an option if the City wished to control the destiny of these units even though the City may not wish to own them over a long period of time. Councilmember Martin commented that she was inclined to add the amendment (adding Section 3 (A) and (B) because subpart B allowed the City to get out of the contract at the time of settlement and if HOC or another organization was not able to buy up the properties, the City could then figure out what to do with the 22 units and the City's hands are not tied at the time of settlement. Ms. Martin also said that the proposed amendment also lets the public know that the Council wants to help keep the 22 units affordable.

Mayor Del Giudice disagreed with Councilmember Martin. He stated that the City's intent in safeguarding the property as low income property was clear throughout the ordinance. Mayor Del Giudice said that the amendment was more drastic than some of the suggestions made. He said that this amendment would prohibit the City from even considering the possibility of owning the properties for even the slightest bit of time as Councilmember d'Eustachio suggested, to do something else with. The Mayor said that while he agreed with Councilmember Sharp that maybe its not very practical for the City to consider moving into the business of owning and operating property in the next 60 or 120 days, he is not sure it would have to be done in that short period of time. Councilmember Sharp clarified that he stated just the opposite, to reiterate, he said that he was perfectly willing to look at setting up some type of public housing authority that could purchase and operate rental units. He said that he was opposing it for the other reasons that he stated.

Councilmember Leary asked Corporation Counsel to comment on what she thought the effect of the passage of the amendment might be from a legal standpoint. Ms. Perlman said that the City was basically executing an option contract and stating that it won't exercise the option. She said the Council would still have to vote to exercise the option and that it was unwise and may call into question whether it is a valid contract at all.

Councilmember Elrich said that he found it hard to see Councilmember d'Eustachio's scenario where somehow the property would be held for a short time and then HOC would step in, because in the ample time that will occur between the period that the Council voted this money and settlement, if HOC hadn't come to the table to buy the units in that period of time, he didn't believe they were going to come to the table 3 minutes after settlement. Mr. Elrich stated that he found it extremely unlikely that HOC would buy the 22 units when the City had already committed itself to buying the units and may well offer the City the deal they offered to most landlords--to continue to issue the Section 8 certificates and the City could own the property like most traditional landlords. Mr. Elrich also said that he had no problem creating a public housing authority and operating it, but unless the Council was serious about doing so now, no vote should be taken on something that was almost certainly going to require the City to do it. Mr. Elrich said that another concern was that the City had little control over whether any of the units were going to be preserved for affordable housing. The question was called to adopt Amendment #2. Councilmembers Douglas, Elrich, and Sharp voted Aye; Councilmembers Leary, d'Eustachio, and Hamilton voted Nay; Councilmember Martin Abstained. Mayor Del Giudice broke the tie vote by voting Nay, and the amendment was defeated.

Councilmember Douglas offered Amendment #4 for adoption, duly seconded by Councilmember Elrich. Mr. Douglas explained that this amendment pointed out very clearly that the City had not made up its mind on whether it will exercise the contract or not and puts the Association on public notice that they should not rely upon the City's exercising of that option in pursuing financing for the building. Councilmember Leary strongly endorsed the amendment and said that he agreed completely with the intention. The question was called in favor of adding Amendment #4, which added a Section 2(B), and the amendment was unanimously adopted.

The questioned was then called to adopt the Ordinance as amended by the technical amendments, Amendment #1 and #4 (the Mayor noted there was no Amendment #3). Housing Director Weiss commented that at first reading of the ordinance, she had presented an alternative way in which the building could be maintained as affordable housing. She then distributed an agreement where this alternative was exemplified in Fairfax (Burke Centre Station). In this project, there were a specific number of Section 8 units set aside and the remainder of the units may only be sold (through this agreement) to families whose income did not exceed 95% of the median income for the statistical Metropolitan area. Mayor Del Giudice questioned whether it would be appropriate to insert similar requirements into the kind of agreement (an option contract) the City was executing at this point, although it was a makedably different situation.

Councilmember Hamilton commented that he appreciated staff bringing this alternative to the Council's attention but he personally thought that it did not apply in the City's case. Mr. Hamilton said in Fairfax, a housing authority was set up for acquiring property. He said this is not the issue before the Council now; Councilmembers made it very clear that if they wanted to look at establishing a housing authority, it would be done at a future date. Mr. Hamilton said that the issue now was that the Tenants were getting ready to negotiate a contract for financing, and it was not the time to speculate on what they were going to come up with in terms of the low and moderate units to be maintained--that this could be part of the final contract.

Councilmember Elrich commented that Ms. Weiss' suggestion was in line with the first "Whereas" clause of the ordinance, "... to maintain and preserve affordable housing in order to promote an economically heterogeneous community..". Mr. Elrich said the City was looking at an issue where 52 units were going market rate and unless the City or HOC buys the other 22 units, these others will probably go market rate as well. Mr. Elrich said that if that was the situation, the City had done nothing to preserve the affordable housing stock of the community and had in fact permitted an action to take place which will remove no less than 52 and as many as 74 from the affordable housing stock of the City and that this was a contradiction to most of the City's goals.

Councilmember Hamilton referred back to when the 7611 Maple Avenue purchase issue was first brought before the Council and Councilmember Elrich, along with other Councilmembers, unanimously passed a resolution that set forth the City's support of Tenants' efforts to purchase their building. Mr. Hamilton commented that if HOC was not purchasing this building and if the Tenants did not want to use the option of first right, then the City had no control over who purchased the building. He said that the Tenants have met the City's goals as far as the First Right of Refusal, as far as home ownership and they listened to the Council in setting up a Co-op and have met the goals and objectives they strived for. Mr. Hamilton said that the Tenants want a guarantee that 22 units stay limited equity.

Councilmember Sharp read the third "Whereas" clause of the Resolution Councilmember Hamilton quoted from which read that

"...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...". Mr. Sharp said that this was the basis on which he voted on the Resolution to make it unanimous. He said that on the basis of extensive conversations with the Tenants and other members of the Council, he understood that the City was looking for all of the units in the building to limited equity cooperative. Mr. Sharp re-emphasized Councilmember Elrich's point that this was not any different from going "condo" in terms of the cost of the housing. Cooperatives at market rate can be just as expensive as condominiums at market rate.

Councilmember d'Esutachio asked if Ms. Weiss had proposed written language to amend the ordinance before the Council, based on the six pages of "legalese" (the Fairfax Agreement) that he said he guessed not a single councilmember had read. Ms. Weiss responded in the negative but stated that it would simple to change the language stricken from the original document and come up with an amendment in a few minutes. Mr. d'Eustachio questioned if the Council was aware of the ramifications of the restrictions they would potentially put on the furtherance of this project. He also asked if the Council were willing to make a policy decision on language that was not even available, and are they aware they will be making a substantial policy decision without any basis for consideration in a special session.

Councilmember Doulgas said that he will vote against the ordinance for three reasons. Stating these reasons, he said the first was procedural. Mr. Douglas said that he was not convinced that the City needed to rush into this. He said that the Tenants knew in April or before, that the situation was coming up and to meet the terms of the contract, \$50,000 would be needed to meet these terms. Mr. Douglas said that he did not accept that the tenants did not know until last Thursday evening that they'd have to come up with the funds. Mr. Douglas also said that this Council has had two occasions to assure that at least 22 units in the building remain as moderate or low income and has decided in both cases not to make that assurance despite a number of comments by the Mayor and Council that this was the public policy goal for providing the \$50,000. Mr. Douglas further commented that he thought it was irresponsible on the part of this Council, required by ordinance or not, to undertake this kind of action without full information about the fiscal impact.

Councilmember Martin commented that although Ms. Weiss had called her and explained the Burke Centre Station agreement, but that she was somewhat troubled about putting any restriction on the rest of the building. Ms. Martin said the Council should go forward with the \$50,000 because it was a unique situation in that HOC is the other organization interested in the building and it would be difficult for HOC to come to the Tenants and sign an agreement stating they would definitely buy the 22 units since they are trying to buy the entire building. Ms. Martin also said that if the Council did not put up the \$50,000, the Tenants would not have the opportunity to go forward to find out whether HOC is willing to buy the 22 units.

Ms. Weiss stated that she had an amendment written to offer the Council. However, it was the consensus of the Council that there was no interest in hearing the proposed amendment, although the Mayor stated that he would like to see it.

Councilmember Leary commented that he regreted the repeated use of the word "irresponsible" in these discussions. Mr. Leary said that the Council was doing the very best they could in a difficult situation and under very important and persuasive arguments on both sides of the position. However, he said voting in favor of the ordinance was not irresponsible for the reasons that Councilmember Martin mentioned--that allowing the purchase of a

building which permits the purchase of \$40,000 to \$60,000 does preserve affordable housing. Mr. Leary further stated that he appreciated the efforts that Councilmembers Elrich, Sharp and Hamilton have made in trying to promote limited equity co-ops with the tenants association.

Mayor Del Giudice commented that he would encourage the City Administrator to pursue with the tenants the idea placing a cap on the income of those who might follow them in purchasing the property. Referring to the July 25 Council Meeting where the Mayor said he would vote for this ordinance if he had a vote, he also indicated that he would have preferred it if the tenants had chosen to go with a limited equity co-op. Mayor Del Giudice emphasized that he did have misgivings about the tenants' decision to go with a market equity co-op and the City's involvement in supporting that, if in fact it would have consequences of making the property more difficult for moderate income people to purchase. Mayor Del Giudice said he agreed with Councilmember Martin that affordable homeownership is being created although it may not be affordable rental property. Mayor Del Giudice further commented that he would encourage the tenants to seriously consider the decision they have made to pursue primarily market co-op. The Mayor said that based on information he received within the last two days, he was not convinced that private financing for limited equity co-ops was not available as the tenants stated this as their reason. Mayor Del Giudice said that while this Council may in fact support this ordinance, every Councilmember on this diaz would feel much better about this if a limited equity co-op was being pursued.

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

ORDINANCE #1988-33
(attached)

Councilmember Elrich asked that staff move forward in doing some evaluation of what it would take to establish a public housing authority.

Mayor Del Giudice said that he anticipated this would be a subject of brief discussion at the next worksession where the Department of Housing Services would be presenting their workplan for next year.

Upon motion, duly seconded, the Special Session adjourned at 6:50 P.M., to reconvene in Special Session on Monday, August 1, 1988 at 6:30 P.M.

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

Introduced By: Councilmember Hamilton 1st Reading: 25 July 1988
Drafted By: Neal, Perlman, Weiss 2nd Reading: 27 July 1988

ORDINANCE NO. 1988-33

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN OPTION CONTRACT TO PURCHASE UNITS OR UNIT SHARES OF THE IMPROVED REAL PROPERTY KNOWN AS 7611 MAPLE AVENUE, TAKOMA PARK, MARYLAND WITH THE 7611 MAPLE AVENUE TENANTS ASSOCIATION, INC.

WHEREAS, it is a goal of the City of Takoma Park (the "City") to maintain and preserve affordable housing in order to promote an economically heterogeneous community; AND

WHEREAS, it is also a goal of the City to promote the economic security of low and moderate income citizens by providing them with the opportunity to purchase decent and affordable housing; AND

WHEREAS, there is an existing contract between GHA Sylvan Associates Limited Partnership (the "seller") and the Housing Opportunities Commission of Montgomery County ("HOC") for the sale and purchase of property known as 7611 Maple Avenue, Takoma Park, Maryland (the "property") dated 11 March 1988; AND

WHEREAS, pursuant to Chapter 6, Article 8 of the Takoma Park Code the tenants of the property have the right to purchase the property on substantially the same terms as the contract between the seller and HOC and have formed a tenants association known as the 7611 Maple Avenue Tenants Association, Inc. (the "association") in order to exercise their right to purchase the property; AND

WHEREAS, on 27 July 1988 the association offered to the City an option to purchase twenty two (22) units (or shares representing an equivalent interest) of the property, including a corresponding interest in the common elements of the property; AND

WHEREAS, the Mayor and Council find that it is in the best interests of the City to purchase said option;

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

SECTION 1. THAT the City Administrator or his designee is hereby authorized to negotiate and execute a contract (the "option contract") with the association for the option

to purchase 22 units (or an equivalent share interest) of the property, including a corresponding interest in the common elements of the property; PROVIDED THAT

- A) The option price shall not exceed a mean \$2273.00 per unit or a total of \$50,000.00;
- B) The total purchase price per unit shall not exceed \$58,500.00 for 3-bedroom units, \$43,800.00 for 2-bedroom units or \$34,000.00 for 1-bedroom units. The total purchase price for all units purchased through exercise of the option contract by the City shall not exceed \$990,000.00;
- C) The option contract price shall be deposited in an interest-bearing escrow account to be held by the Law Offices of Susan Silber, with interest to accrue to the City;
- D) The association agrees to exercise good faith efforts to purchase the property;
- E) The option contract is assignable and transferrable by the City;
- F) The City can require the association to refund at or before the settlement on the purchase of the property the full option contract price in exchange for the City's release of its option and the option contract will then be declared void; AND
- G) The association shall refund the full option contract price paid by the City if, for any reason, the association fails to purchase the property or if the association's contract is declared void.

SECTION 2. The association may use the contract funds paid by the City as its earnest money deposit for the purchase of the property pursuant to a contract for the association to purchase the property from GHA Sylvan Associates Limited Partnership, PROVIDED THAT:

- A) The association shall make good faith efforts to minimize displacement of the current occupants of the property.
- B) The association shall not rely on City purchase of any of the 22 units in applying for financing for purchase of the property.

THIS ORDINANCE IS HEREBY ADOPTED THIS 27th DAY OF JULY, 1988 AND IS EFFECTIVE ON THE SAME DATE.

Aye: d'Eustachio, Hamilton, Leary, Martin

Nay: Douglas, Elrich, Sharp

Abstained: None

Absent: None

ATTEST:

Paula S. Jewell

Paula S. Jewell, Deputy City Clerk

D. Neal; Disk #12
7611Option

Please use this to replace the copy
you have attached to the 6/27/88

Minutes

Thank you, Paula Jewell

7/19/88

Introduced by: Councilmember d'Eustachio

1st Reading: 6/13/88

2nd Reading: 6/27/88

Effective: 1/1/88

ORDINANCE #1988-26

A TECHNICAL AMENDMENT TO ORDINANCE #1988-17
(VACATION LEAVE ROLLOVER POLICY)

BE IT ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT
THE FOLLOWING SECTION OF THE 1972 TAKOMA PARK CITY CODE IS HEREBY
AMENDED AS FOLLOWS:

Section 8B-133

(e) Beginning with the effective date of this Article, employees are not permitted to accumulate unused annual leave in an amount [not] exceeding thirty (30) days at the end of any calender year. [two hundred forty (240) hours]. However, if management has denied an employee the opportunity to use accrued leave that would exceed the maximum allowable accumulation during that leave year if not taken, such an amount may be carried over for a period of no more than one year, even if it is in excess of the maximum allowable. An Employee must make application to carry over his annual leave in the following manner:

- (1) Employees must make requests to carry over annual leave in writing.
- (2) Such requests must be accompanied by written documentation that annual leave was denied.
- (3) Requests to carry over annual leave into the next calendar year must be approved by the City Administrator or his designee.

(No change to subsections f, g, h, i, j, and k)

Underscoring indicates new language to be added
[brackets] indicate existing language to be deleted

Effective Date: This Ordinance becomes effective upon enactment,
retroactive to January 1, 1988.

Adopted this 27th date of June, 1988 by Roll Call Vote as follows:

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

NAY: Sharp

ABSTAINED: None

ABSENT: None

Introduced By: Councilmember Hamilton 1st Reading: 25 July 1988
Drafted By: Neal, Perlman, Weiss 2nd Reading: 27 July 1988

ORDINANCE NO. 1988-33

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN OPTION CONTRACT TO PURCHASE UNITS OR UNIT SHARES OF THE IMPROVED REAL PROPERTY KNOWN AS 7611 MAPLE AVENUE, TAKOMA PARK, MARYLAND WITH THE 7611 MAPLE AVENUE TENANTS ASSOCIATION, INC.

WHEREAS, it is a goal of the City of Takoma Park (the "City") to maintain and preserve affordable housing in order to promote an economically heterogeneous community; AND

WHEREAS, it is also a goal of the City to promote the economic security of low and moderate income citizens by providing them with the opportunity to purchase decent and affordable housing; AND

WHEREAS, there is an existing contract between GHA Sylvan Associates Limited Partnership (the "seller") and the Housing Opportunities Commission of Montgomery County ("HOC") for the sale and purchase of property known as 7611 Maple Avenue, Takoma Park, Maryland (the "property") dated 11 March 1988; AND

WHEREAS, pursuant to Chapter 6, Article 8 of the Takoma Park Code the tenants of the property have the right to purchase the property on substantially the same terms as the contract between the seller and HOC and have formed a tenants association known as the 7611 Maple Avenue Tenants Association, Inc. (the "association") in order to exercise their right to purchase the property; AND

WHEREAS, on 27 July 1988 the association offered to the City an option to purchase twenty two (22) units (or shares representing an equivalent interest) of the property, including a corresponding interest in the common elements of the property; AND

WHEREAS, the Mayor and Council find that it is in the best interests of the City to purchase said option;

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

SECTION 1. THAT the City Administrator or his designee is hereby authorized to negotiate and execute a contract (the "option contract") with the association for the option

to purchase 22 units (or an equivalent share interest) of the property, including a corresponding interest in the common elements of the property; PROVIDED THAT

- A) The option price shall not exceed a mean \$2273.00 per unit or a total of \$50,000.00;
- B) The total purchase price per unit shall not exceed \$58,500.00 for 3-bedroom units, \$43,800.00 for 2-bedroom units or \$34,000.00 for 1-bedroom units. The total purchase price for all units purchased through exercise of the option contract by the City shall not exceed \$990,000.00;
- C) The option contract price shall be deposited in an interest-bearing escrow account to be held by the Law Offices of Susan Silber, with interest to accrue to the City;
- D) The association agrees to exercise good faith efforts to purchase the property;
- E) The option contract is assignable and transferrable by the City;
- F) The City can require the association to refund at or before the settlement on the purchase of the property the full option contract price in exchange for the City's release of its option and the option contract will then be declared void; AND
- G) The association shall refund the full option contract price paid by the City if, for any reason, the association fails to purchase the property or if the association's contract is declared void.

SECTION 2. The association may use the contract funds paid by the City as its earnest money deposit for the purchase of the property pursuant to a contract for the association to purchase the property from GHA Sylvan Associates Limited Partnership, PROVIDED THAT:

- A) The association shall make good faith efforts to minimize displacement of the current occupants of the property.
- B) The association shall not rely on City purchase of any of the 22 units in applying for financing for purchase of the property.

THIS ORDINANCE IS HEREBY ADOPTED THIS 27th DAY OF JULY, 1988 AND IS EFFECTIVE ON THE SAME DATE.

Aye: d'Eustachio, Hamilton, Leary, Martin
Nay: Douglas, Elrich, Sharp
Abstained: None
Absent: None

ATTEST: Paula S. Jewell
Paula S. Jewell, Deputy City Clerk

D. Neal; Disk #12
7611Option