

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
December 12, 1988

PROPERTY OF
TAKOMA PARK MD. LIBRARY

CITY OFFICIALS PRESENT:

Mayor Del Giudice	
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Hamilton	Div. of Ec. & Comm. Dev. Dir. Neal
Councilmember Leary	Police Captain Wortman
Councilmember Martin	Public Works Director Giancola
Councilmember Sharp	Newsletter Editor Baron
ABSENT: Councilmember Elrich	

The Mayor and City Council convened at 8:10 P.M. on Monday, December 12, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of the November 1 Special Session, November 14 and 28 Regular Meetings were presented for approval; for purposes of discussion, Councilmember d'Eustachio moved approval, duly seconded by Councilmember Hamilton. Mr. d'Eustachio pointed out that while the November 28 Minutes accurately reflected his observations regarding omission of germane comments concerning access to the Garlow property by the owner which were voiced by Corporation Counsel at the November 1 Special Session, and the Minutes of that session had been tabled pending revision to include that material, it had not yet been effectively accomplished. He said he would again move that the November 1 Minutes be tabled until the subject material was accurately included, and would wish that his dissatisfaction be expressed to those responsible. Councilmember Douglas duly seconded the motion to table; the motion carried by unanimous vote. Mr. d'Eustachio noted, for the record, that on page 3 of the November 28 Minutes, the correct spelling of the surname of the resident of 6504 Alleghany Avenue was Ziek rather than Zeek. Mr. Douglas remarked he was not present at the November 14 Meeting, so would abstain from voting on those Minutes. The Minutes of the November 14 and 28 Meetings were approved collectively with Mr. Douglas Abstaining, balance of Council voting Aye. The Mayor directed that the November 1 Special Session Minutes be corrected as noted and resubmitted for Council's approval.

Mayor Del Giudice pointed out that the present meeting would be the last regularly scheduled one of calendar year 1988, however, that there would be a special worksession on December 19, at which time revision of the City Charter would be discussed. He noted the last issue of the Newsletter had contained material concerning the upcoming Charter review and that citizens wishing to serve on a Charter Review Committee were being sought. He said the elected body would reconvene in January 1989, with a worksession on January 9 and a regular session on January 17.

The Mayor noted a meeting between himself and a number of other municipal Mayors the prior week with Senator Mikulski for the purpose of discussing local issues. He said he addressed the subjects of drug enforcement and rehabilitation funding and housing issues with the Senator in the hope she could be of assistance with those items. The Mayor explained that the City had received federal grant funding through the state for enforcement efforts directed at addressing the drug problem, however, that funding would be expiring in June 1989; and some funding had been received through Prince George's County for drug rehabilitation programs. Concerning Section 8 financed housing, the Mayor explained that many properties so financed would soon be entering a period where the owners could opt out of those mortgages and refinance their property putting them into the private market; he said he proposed to the Senator that perhaps Congress should consider enacting legislation which would prevent such owners from exercising that option without first offering the tenants the opportunity to purchase the property at market value for conversion to a limited equity cooperative. He said Senator Mikulski was rather interested in that proposal and he would be providing her with additional information on the subject. He said he felt that approach could foster additional cooperative development and help to preserve affordable housing.

The Mayor noted that the Montgomery County Office of the Public Advocate, represented by former Councilmember Lou D'Ovidio who serves in that capacity in the county, would be conducting a workshop in the Municipal Building on January 5 at 7:30 p.m. regarding the recently received property assessments. He said he might try to get someone from Prince George's County government to attend that forum as well so that residents of both portions of the city could address concerns about the recent assessments. Councilmember Sharp commented that he recalled an earlier observation by the City Administrator that the city might face declining real estate values, however, based on his own reassessment recently received, he said he had reason to doubt that prediction.

The Mayor noted that he, Councilmember Martin, and members of staff would be holding a press conference the following morning, at which time a statement would be issued concerning Hillwood Manor Apartments and the controversy involving HUD that had surrounded them.

Councilmember Hamilton related that HOC had made a decision the previous week regarding the acquisition of 7611 Maple Avenue. He said it was their intent to purchase the building, maintain it on a rental basis for one year, and during that one year period to work with the tenants to form a limited equity cooperative.

ADDITIONAL AGENDA ITEMS:

Resolution designating a delegate to the Nuclear Free Zone Conference (d'Eustachio)

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

Melvin Raff, 7319 Willow Avenue: referred to his attendance at the October 24 Council Meeting, at which time he presented a letter from the elementary school P.T.A. regarding 4 specific safety concerns; he inquired what had been done to address those items.

The Mayor said that a significant amount of consideration had been given to the proposals presented earlier by Mr. Raff, the Traffic Committee had been working on them. Councilmember Leary explained that the Chief of Police and Director of Public Works had studied the situation in the context of the P.T.A.'s letter, and had developed some options for the Traffic Committee to consider. He said the committee had met the previous week and the tentative plan, which they had not yet discussed with the elected body, was to institute a pilot program which would utilize 2 basic suggestions, i.e., barricading the middle of the back parking lot and the entrance of the roadway between the Library and the Municipal Building. He said the change should be advertised in the Newsletter prior to implementation, and it was felt, inasmuch as these were fairly substantial changes, they should be tried on a pilot program basis and their impact assessed prior to being finalized or made permanent. He noted that the Police and Public Works Departments felt that the problem was not restricted only to those hours during which children were going to and from school, however, that temporary removable barriers would impose a substantial administrative burden on personnel and the barriers should be a permanent installation. Mr. Leary said he felt that prior to instituting such a substantial change on a permanent basis, it should be tested and assessed. Responding to further inquiry from Mr. Raff, he said it had been suggested that the pilot program commence on January 23 for a 4-week period, with an evaluation of the situation thereafter. He said it was intended that the change be publicized in the January issue of the Newsletter. Councilmember Douglas commented that a whole series of options had been examined, starting with sawhorses and progressing through more substantial permanent installations, and the consensus was that it was best to start with the least substantial investment and work toward putting in something permanent if that was what was necessary; he said the committee envisioned the pilot program as a first step rather than the ultimate solution.

Brint Dillingham, 7018 Carroll Avenue: queried the Mayor briefly about the earlier comments concerning recently received property assessments, all of which appeared to be substantially higher than people had anticipated; Mr. Dillingham commented that Long & Foster Realtors had stated that for the 12 month period ending 6/30/88, the Silver Spring/Takoma Park area had won the sweepstakes in percentages of

housing price gain for Montgomery County. He referred to a letter written by the City Administrator a year or so earlier seeking information about assessments on apartment buildings and inquired what the outcome of that had been. Ms. Habada said she was not aware of any response to the letter having been received. Mr. Dillingham referred to a letter he had sent the elected body dated 12/5/88 concerning rent stabilization and asked whether there was any information available in response to his question about compliance by landlords with the requirement for reporting rent increases. He said he had spoken with Housing Services Director Weiss and she had said there had been no statistics recorded in the last couple of years that would pertain to that question due to lack of resources, however, he wondered if any steps had been taken to ensure landlords' compliance with Sec. 6.80-22 of the Code. The Mayor pointed out that rent stabilization was an agenda item which would be discussed shortly, however, said that the elected body had not received any information from staff that would directly answer Mr. Dillingham's question. Mr. Dillingham referred to comments at an earlier meeting about lack of Newsletter delivery on Carroll Avenue and noted he had again not received delivery of the City Newsletter, however, had gotten a copy at the Municipal Building. He said the headline on the article concerning rent stabilization presented the 4% ceiling as a foregone conclusion, so while it mentioned the discussion of the subject to occur at the present meeting, it would not encourage people to turn out to comment on a decision that had already been made.

David Campbell: explained that while he does not reside in the City, he does pay City taxes, and had requested that the Newsletter be mailed to him; however, was told by administration that the publication was not mailed due to the prohibitive cost of doing so. He encouraged that the Newsletter be mailed to all non-resident City taxpayers, said doing so would be good advertising for Takoma Park, and complimented the quality of the publication.

Councilmember Leary pointed out that this was not the first time the problem of Newsletter delivery had arisen, and inquired what steps the City Administrator could take to ensure proper delivery of the publication. Mr. Campbell suggested that the City look into the system Hyattsville uses, wherein delivery of their publication was handled entirely by the postal service under a bulk mail arrangement and went to all residents. Asst. City Administrator Habada commented she had had a conversation with the individual responsible for delivery of the Newsletter on Carroll Avenue, and hoped that situation had been resolved. Responding to Councilmember Martin, she said to date, payment had not been withheld to those responsible for delivery when complaints had been received concerning lack of such delivery. The Mayor commented that perhaps, based on the number of complaints being received, inquiries should be made of Youth Worker Calvin Avant, whose group was handling a portion of the delivery.

ITEMS FOR COUNCIL ACTION:

1. Public Discussion and Resolution Memorializing Council Consensus for Rent Stabilization Ceiling at 4%.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Douglas. The Mayor noted numerous discussions of the subject between the elected body and the Director of Housing Services and COLTA; he said Ms. Weiss had particularly recommended retention of the 4% ceiling, and COLTA had endorsed that recommendation. Based on that, he said, the elected body would be considering the resolution which would set the rate at 4%, however, passage of the resolution expressing the sentiment of the Council following worksession discussions was not a mandate; comment and input on the issue would be sought from those in attendance. The Mayor asked that those wishing to speak limit their commentary to 5 minutes so that all would have an opportunity.

Ruth Weiss, 54 Elm Avenue: said she was relatively new to the area, and inquired concerning the rationale for continuation of rent stabilization, particularly the 4% cap, in light of the very changing economic world.

Councilmember Sharp commented that the proposed resolution set forth the elected body's rationale for continuation of the 4% cap, and the

original rent stabilization legislation as set forth in the City Code contained the rationale for the law, which he said he still felt to be quite valid. The Mayor commented that the majority sentiment among the elected officials was that the Rent Guidelines and the rent stabilization ceiling worked toward the end of maintaining affordable housing in the city. He referred, as well, to a memorandum directed to the elected body from Housing Services Director Weiss in July 1988 in which she recommended retention of the 4% ceiling and referred to the Consumer Price Index for the metropolitan area and other similar indicators, as well as rent increase levels set in neighboring local jurisdictions.

Yvonne Crooks, COLTA Commissioner: reaffirmed COLTA's recommendation for retention of the 4% rent increase cap; she said COLTA had done an in-depth analysis of the situation and had voted 4-2 to retain the 4% ceiling. She said COLTA's discussions had been based on Housing Services Director Weiss' memo which referred to a number of CPI's, both local and nationwide; importantly, she said, utility, maintenance and repair costs had decreased nationwide, while renters' costs went up. She said COLTA felt the 4% recommendation to be a balanced figure.

Owner of 12 Grant Avenue: said he did not know where the previous speaker got her information, but it was contrary to what he was experiencing. He cited having replaced a refrigerator a few days earlier in a unit and said the same refrigerator had cost him \$64 less 3 months earlier, and the cost of removing the old and installing the new had gone up from \$35 to \$53 in that short period of time. In addition, he said, he had paid \$8,674 to have the roof replaced on the building. He said, based on his property assessment recently received, he would be experiencing a 92% increase spread over the next 3 years -- over 30% a year. He said his costs just to operate his building were increasing between 6-7% per year -- with a 4% rent increase, he would have to begin taking money out of savings to supplement operation of the building. Instead of replacing broken refrigerators with new ones, it would be necessary to replace them with overhauled units, and in the long run, it would be the tenants who would suffer from the situation -- within 5-10 years, the building would be run down and deteriorated. He said landlords could not afford to maintain buildings at the level required by the Code with the rent increase level capped at 4%.

Terrence Keating, 908 Davis Avenue: said he had been a city resident for about 20 years, had a 2-unit building, had had no problems with rent controls, had occasionally had problems with tenants. He said he had a relative living in one of his units at minimal rent, however, if she should vacate her unit and he rented to someone else and could not raise the rent to the necessary level due to controls imposed on him, he would sell his building and move elsewhere. He said he had visited California, New York and many other places where there were large buildings boarded up, deteriorated and abandoned because of rent controls imposed, which he said was wrong and very destructive of an area. He said that appeared to be what was happening in Takoma Park, and it was a mistake to allow it. He said it was not true that maintenance and repair costs had decreased for landlords, and it was not fair to think landlords could afford to subsidize tenants' rents.

Responding to one of Mr. Keating's comments, Councilmember Hamilton pointed out that under the existing law, there was a separate formula for setting the rent on a vacant unit, should the tenant vacate Mr. Keating's upstairs unit.

Mike Mead, landlord: remarked that while he did not reside in the city, he had owned a building here for 11 years and was in Takoma Park almost daily. He said neither he nor 5 other landlords with whom he had been talking were aware that there was a separate formula for setting the rent on a vacant unit; he inquired when that was changed. Councilmember Hamilton explained that about 6 months ago, when rent stabilization was changed to include all units with the exception of accessory apartments, the method of setting rents on vacant units was also changed to provide 2 options for so doing. It was suggested Mr. Mead request information on that subject from DHS. Concerning a decrease in maintenance and repair costs on apartment buildings, Mr.

Mead said that was certainly not true for the Montgomery County area. The Mayor said that what he thought was intended in that statement was that the percentage of increase was lower than in past years, rather than that overall costs had decreased; he said costs had still gone up, but the increase percentage was lower. Referring to his recently received property assessment for his building, Mr. Mead said that in talking with the apartment assessor for Montgomery County, it became clear that she had based her assessment on the belief that he was not under any restraint concerning rents he could charge for units in the building, which was patently untrue; for that reason, he said he would be appealing his assessment on that basis. Mr. Mead said his utility bills alone for his building had gone up close to 9% in the past year, despite some extreme cost-cutting measures he had taken. He said it was extremely difficult to get a good carpenter, painter or plumber and, if you could get one, their prices had almost doubled as compared to a year or year and a half ago -- there are just not enough good maintenance people to fill the demand. Mr. Mead said that while he was a charitable person, he did not feel he should subsidize his tenants' rents -- some of those individuals earn more than he does. He said rent stabilization tends to subsidize tenants' rents regardless of the need of the particular tenant, which was not equitable, and he said he did not think he should legally be required to do so. He said he felt that if a community chose to subsidize and help the less fortunate, that was one thing, and the community as a whole should do so, however, he should not, as an individual, be forced under law to do so because of owning 25 apartment units.

Councilmember Leary inquired of Mr. Mead whether he had protested the rent stabilization rate at its setting in the past, which Mr. Mead affirmed, pointing out he had been in the city before rent stabilization existed. He said he was upset at what he considered to be bad faith on the part of the City Council, in that he had for some years rented a townhouse at a below market rate to an elderly Japanese widow on a fixed income, had never raised her rent, because he felt sorry for her. He said when rent stabilization was first being discussed, he had been assured that if that individual vacated the townhouse, he could rent it at a fair market rate, however, the way the law now stands he would be penalized for having rented the unit to her at a low rate because he would have to rent it to someone else at a similar rate. He said early on, many landlords supported the concept of rent stabilization, but the law had kept evolving and evolving and had not worked out to be a fair and equitable situation for building owners. He said he had not undergone the hassle of filing a COLTA appeal because of the horror stories he had heard about cases taking up to a year to be heard; he said he had hoped that economic fairness would eventually prevail, but it had now reached a point where he would be forced to protest because he could not continue to subsidize tenants' rents, nor did he think he should be forced to do so. Responding to inquiry from Councilmember Martin, Mr. Mead said he felt a 6% ceiling would be a fair rate to both landlords and tenants, would be a compromise between what he felt he needed and what he thought his tenants would think was fair -- he would not want to raise his rents too much because he did not want his tenants to leave and go elsewhere.

Charles Jones: stated that he represented 170 apartment units in Takoma Park from the management standpoint. He said the firm he represented managed the units for investors, as well as other units in Montgomery County, D.C. and elsewhere. Mr. Jones said that the 4% ceiling was driving investors out of Takoma Park -- several had pulled out in the past year, affecting about 50 units. He said the ceiling was 5.1% in Montgomery County, 4.7% in D.C. -- investors simply could not handle Takoma Park's 4% level, and would go elsewhere to avoid the losses they had to take with the 4% -- even 5% would have made a difference. He said 4% was too low and would in the long run hurt the city and its housing stock. Responding to inquiry from Councilmember Douglas, Mr. Jones said the 50 units he had referred to were sold by the investors holding them; other investors bought them because there is a market for units in the city, however, it would be a better market if the rent stabilization level were higher than 4%. Mr. Jones pointed out that in Montgomery County, where the level is 5.1%, rental units are inspected on a tri-annual basis, whereas in Takoma Park, with a 4% rent increase cap, units are subject to an annual inspection, and inspections always mean money expenditure to investors. He

said Takoma Park needs to look for outside investment to maintain the existing buildings, and perhaps add new ones, in order to make the housing situation more favorable. Councilmember Sharp remarked it puzzled him why anyone would buy the aforementioned 50 units at all if the 4% rate were so bad for investors; Mr. Jones responded he would have to yield on that point, that there was a market for investments in Takoma Park regardless of the 4% cap, however, he said the market would be even more favorable if the city's rate were more in line with the county's, or at least D.C.'s rate.

Councilmember Douglas commented that while Mr. Jones and a lot of the other speakers had made a lot of assertions, one thing that would be most helpful to the Council in making their decision would be concrete data. He said if anyone had documentation reflecting their costs systematically, it would be helpful if they submitted copies.

David Campbell, Hyattsville, landlord: pointed out that while the cost of maintaining a private home was expensive, that of maintaining rental units was much more so than someone's personal home -- they sustain a great deal of abuse, required more frequent interior painting particularly, which was costly. He said his expenses over the past year had far exceeded his income and 4% simply would not cut the mustard. He said he had anticipated filing a case with COLTA and gaining approval for a 10% increase so as to bring his cash flow up to almost zero, however, was concerned after hearing earlier testimony that he would have much success. He said he felt pressured to ask for the 30% increase he could justify, however, did not think that would be fair to his tenants and would prefer increasing rent incrementally. He said, however, that if he could not redress the situation through COLTA, a buyer could always be found for rental properties, but that person might be a slumlord. He said he had always maintained his building, had not long ago put in a new \$6,000 furnace, not knowing the Council had amended the law making his property subject to rent stabilization. When he received a form requesting information regarding rents and increases in his building a few years ago and called the City to ask about it, he said he was told to ignore the form inasmuch as his building was not subject to rent stabilization since the building contained fewer than 5 units. Since that time, he said, he had received no notification whatsoever from the City that he was now subject to that law, and felt that was an unfair and unfortunate omission in view of the amount of taxes he pays. He referred to Ms. Martin's earlier question concerning what a fair percentage rent increase would be and said that should be regulated by supply and demand, which works perfectly well everywhere else. Mr. Campbell reiterated the cost of properly maintaining a building, which he said he could back up with documentation, and said he would have to start using bandaids in his building, not out of spite but because he could not afford to do otherwise unless he were allowed to substantially increase rents. Mr. Campbell pointed out that if he were to file for a rent increase beyond the increase cap, due to the mechanics of the existing system, his tenants could end up having to pay a 10% increase retroactive for a year, which could amount to a substantial sum for them, and asked whether that was considered to be fair.

Councilmember Hamilton encouraged Mr. Campbell not to be discouraged by what he had heard about COLTA; he assured him that worthy landlords had gotten increases beyond the 4% after demonstrating that they were merited, and said he should not feel in advance that the system would not work fairly for him. He said the system had been set up to deal equitably with tenants and landlords alike, and advised that inasmuch as Mr. Campbell had a case pending, he not discuss it in too much detail at the present. Mr. Campbell emphasized that he still had to question whether the City's existing law did tenants any favor, inasmuch as it made him feel pressed to ask for the 30% increase which he could easily justify, rather than the 10% he had intended. He said his recommendation, while he recognized it would probably not occur, would be to discontinue rent stabilization, which does a disservice to tenants in the long run. Councilmember Martin inquired how much Mr. Campbell had been increasing rents in his building and how often tenants had moved out because they could not afford the rent. Mr. Campbell responded that last year he raised rents 10% when he was not subject to rent stabilization; not less than 3 times, he said, a tenant had voluntarily remarked that he would never move out of his

unit because the rent was so favorable.

Carolyn Alderson: explained she was previously a tenant, was now a tenant and also a landlord, lived in a double house at Maple and Tulip Avenues which had been condemned and slated for destruction in the 1960's, but was purchased and renovated as apartments, which it had been since the 1920's. She said she had bought the property when it went on the market about a year ago; she and other tenants of the building supported rent stabilization from its inception and had happily complied with its requirements, however, she said she had worriedly watched the change in the economic situation, including the size of the mortgage, utility costs, cost of effecting necessary repairs in the proper manner, and the recently received property assessment. She said those residing in the building were not only tenants, but longtime dear friends and she would refrain from raising rents as long as possible, but feared the time when rents could not be increased to cover actual operating costs, the burden became too much to carry, and the building would have to be sold to someone more affluent who would probably convert it to a single-family dwelling.

Gerry Kurtinitis, member of COLTA: said that the Rent Stabilization Committee of COLTA had originally recommended a 6% cap, however, the evening the vote was taken the attendance was comprised of 3 tenant representatives, 2 landlord representatives, and 2 at-large members. He said the research the committee had done indicated that because of the tax landlords are required to pay, which represents about 6-7% of their total operating cost and which no other jurisdiction has, and given the age of the housing stock, Takoma Park should not reasonably have the tightest and lowest rent increase cap in the entire metropolitan area. Responding to Councilmember Leary, Mr. Kurtinitis said that at the committee meeting at which the 6% recommendation was agreed upon, the attendance was comprised, to his recollection, of 2 at-large members, 1 tenant, and 3 landlord representatives.

Brint Dillingham, 7018 Carroll Avenue: referred to a letter he had submitted and which had been published in the Newsletter, regarding the ever increasing gap between rent increases and tenants' incomes and salary increases. He said there were certain data that were not taken into consideration when setting rent increase levels, including the actual decrease in workers' income despite some salary increases, increased cost of medical insurance, Medicare and Medicaid. He said that while some landlords had expressed concern about going to COLTA and not getting approval for increases they felt were justified, whether they got the 10% or more they might ask for, they often got 7%, 8%, 6%, etc., while tenants who had actual hardship meeting an increase imposed had no recourse whatsoever through COLTA. He said landlords had a number of advantages that tenants did not. Mr. Dillingham said that the previous speaker who had mentioned housing costs being about 25% of a person's income was living in some dream of the past, that that cost today was 30-50% of many people's income. He said it was his opinion that the rent increase cap should be much less than 4%, that when rents outstripped increases in renters' incomes, there was no stabilization and what was actually occurring was that tenants were subsidizing investors'/landlords' incomes. In order to reach true stabilization over a period of time, he said the rent increase cap would have to be lowered substantially from the current 4%.

Vincent Abel, owner of 7667 Maple Avenue: inquired about the amount of increase in the City's operating budget in the last year. Asst. City Administrator Habada stated that the budget increased from 6.2 million to 6.4 million; she said revenue projections for the next fiscal year would not commence until January. Mr. Abel said that if one trended the City's budget year to year, he suspected it would reflect a substantial yearly increase. Mayor Del Giudice affirmed that the budget had increased each year he had been in office, however, said there had been only one increase of \$.02/\$100 in the tax rate. He said, however, he anticipated a large increase in revenues due to the large increase in assessed property values for both apartment buildings and private homes. Mr. Abel said that whatever the increase in the City's budget amounted to would probably be a good indicator of what would be a fair rent increase for landlords. He said if landlords were limited to a 4% increase, they would be appealing the recent assessments which

were based on projected incomes, and those assessments would likely be rolled back, which would decrease revenues for the City and would leave a larger tax burden for city homeowners to carry. He said the question was raised earlier of where tenants would go who could not afford rent increases if the cap were abolished and pointed out that the county had money available on a need basis to subsidize those tenants whose rent exceeded 30% of their income. In addition, he said, if the City were really concerned about those tenants who needed help, they could go more with a tenants' assistance program that would target and subsidize not all renters but those tenants really needing help, such as D.C. does. He pointed out that there are some programs in Maryland that subsidize utility costs for persons really needing that assistance -- not those who have adequate incomes. He said the way the City's law was written, it forced landlords to subsidize all tenants, regardless of their income level -- while it was originally intended to protect and help the needy, it was not really doing that. The Mayor pointed out that the initiation of a comprehensive tenants' assistance program such as Mr. Abel was talking about would significantly increase the cost of local government -- particularly since the federal government was not putting money into those kinds of programs. Responding to Councilmember Douglas' earlier remark about documentation, Mr. Abel said that COLTA's files contain voluminous amounts of operating and expense information for a number of apartment buildings in the city, including his own, because that had to be submitted for any property that went through the COLTA process to request approval for rent increases in excess of the cap. He said he would also like to ask that steps be taken to expedite the COLTA process for such cases and said that it was over a year after filing all necessary documentation before his case was heard, and in the end, he found out that one of the stumbling blocks that had delayed it was the fact that COLTA had lost a portion of the paperwork he had filed with them. He said he felt that inasmuch as landlords were required to give tenants 60 days' notice of a rent increase, COLTA should be able to hear those sorts of cases and render a decision within a similar period of time, otherwise the rent increase should be automatically granted. He said it was not fair that landlords were not given some sort of time frame within which they could expect an answer on such cases.

Councilmember d'Eustachio commented there would be some testimony he would frankly have to disregard in making a decision, e.g., that landlords would be boarding up and abandoning buildings, that investors would not wish to invest in Takoma Park properties; he said those comments did not make sense based on the number of buildings he had seen unboarded, renovated and upgraded; based on property assessments and the appreciation of properties in the city, it did not logically appear there would be any lack of investors interested in city properties. Concerning operating costs, he said he did think the Council needed to be aware of those, however, said he had observed a 2-3% increase in utility costs, which was pretty much the national average -- not 9-10%. He said he did think it valid to look at what was occurring in neighboring jurisdictions, however, pointed out that examined over a period of several years, Takoma Park had actually increased the rent cap more than D.C. over a comparable period. He pointed out that in looking at figures, he thought it fair to look also at the capital appreciation that was occurring on properties, which would serve to somewhat offset other factors. Concerning the rise in assessments, he said he would urge that the landlords work together to protest those assessments, which he said he felt were absurd and bore no connection with reality. He said City staff would cooperate with and assist them, as well as homeowners, in any way possible in protesting the assessments. On the other hand, he said he felt those things that should be considered in setting a rent stabilization cap were overall national figures, cost-of-living increases, indexes that reflect labor costs, maintenance costs, utility costs, interest rates, and what other jurisdictions were doing. He said while there may be individual inequities for some landlords -- those needing a new roof or other major repairs, for instance -- after a substantial amount of consideration and deliberation, he felt the 4% figure to be an overall fair and reasonable level and he would vote in its favor.

The Mayor commented that as policymakers, he felt a major priority for the elected body was that of affordable housing. He said one problem

he saw was that it was often misconstrued that the only goal of rent stabilization was to provide housing for low income people. He said he was not sure that had ever been the major goal, that its primary purpose was to provide affordable housing for those with moderate incomes -- a major problem being the squeeze that is put on the "working class poor" to find decent housing they can afford. He said if rent controls were abolished, low income tenants would probably find assistance programs that would help them with their rents, those who had good incomes would pay the higher rents, but it would be questionable what would happen to those in the middle who had moderate incomes too high to allow them to qualify for assistance, but who could not pay the higher rents. The Mayor said he and the Council shared concerns expressed that the COLTA process did not always work as well or as expeditiously as might be hoped, however, he said it worked best for those who came forward with a well-prepared and organized case; he noted that a Council Housing Subcommittee had been reviewing the process for a year and would be making recommendations, after which amendments to the law and to the process would be considered. He pointed out that the new property assessments would not be going into effect until next July, so would logically be taken into consideration when the rent stabilization cap was next set; in addition, he noted that the Labor Department published the C.P.I. and other pertinent statistics in February, so perhaps it would make sense to begin studying the rent stabilization figures in the Spring as D.C. does, rather than waiting until Fall.

Councilmember Hamilton noted he spoke for a large segment of the people, being a tenant himself. He pointed out that when he moved into his apartment 4 years ago, his rent was \$420 and was now \$755, however, he also pointed out there were not a lot of tenants present to protest rent increases because they were aware of landlords' costs. Concerning HOC assistance programs, he said those needed to be changed because income-wise there were a lot of people who should qualify for assistance, but did not because they did not have large families -- a lot of them were paying 40-50% of their income for rent and were one paycheck away from being out in the street. He said he personally could not pay a 10% rent increase, and that was a serious situation. He said there needed to be discussions including both landlords and tenants to address how the situation could be handled so that landlords could afford to maintain the properties in which they had invested but without having to raise rents to levels which would put people out into the street. Mr. Hamilton said based on all the information he had examined and that which had been presented, he would support the proposed 4% rent increase cap.

Councilmember Douglas commented that he had discerned 2 major points of contention from landlords' testimony, i.e., that rent control itself was bad and that the 4% was not a good rate. He said he would have to agree that in many places in the country, rent control had not accomplished its goal, or had done so and then lasted too long and ultimately had adverse affects on the community. He said, however, at the present point in time in Takoma Park, he felt rent control was serving a useful purpose in that it was an enormously changing community economically, there was a great need to preserve the sort of economic diversity and affordability in housing that had shaped the community, and given a number of existing factors, it would not take much for the community to become mono-cultural very easily and quickly. He said he felt rent stabilization, in its way, helped to preserve some diversity and affordability in the community. He said he would certainly want to recognize, however, that it would do the community a disservice to set the rate too low -- that it was in the interest of the community to retain landlords such as those who had spoken, who maintained and improved their properties in a quality manner. He said while he was not prepared to say he felt 4% was not the right rate, testimony had raised questions in his mind as to whether it was the best possible rate for all concerned, and the recent assessments would certainly have a bearing on any rate set in the future. Mr. Douglas said if the subject came up for discussion beginning in the Spring, it would give the landlords time to prepare their evidence for why 4% may not be an appropriate rate. Concerning the administrative process and frustrations experienced in trying to work with Housing or COLTA, he said he felt there was a serious problem there because there was no reason such a process should not

work simply, easily and expeditiously in a small incorporated municipality. He said he would hope anyone experiencing problems with that process would bring it to the attention of the elected body because there was simply no excuse for it not working well, and it should be a priority for the Council to ensure that it did.

Councilmember Leary commented he would be voting in favor of the 4% level as recommended by DHS and COLTA, because while landlords had presented testimony that cast some doubt as mentioned by Mr. Douglas, they had not presented any concrete documentation or evidence to substantiate their case -- however, they would have an opportunity to do so if the subject were taken up earlier in the year as had been mentioned. He said he, too, endorsed the comments voiced about the COLTA process and said those problems needed to be addressed.

Councilmember Martin echoed comments of previous Council speakers, said while she did not like to tell landlords to go to COLTA if they had problems with the rent increase cap, that the process had been set up to deal with exceptional cases and she had not heard any commentary that too many exceptions were being made. She said she hoped, however, that problems with the process could be corrected so that it would function more expeditiously and hoped the elected body would commence examining rent stabilization figures in the Spring.

The resolution was passed by unanimous vote.

RESOLUTION #1988-104
(attached)

2. Resolution in Opposition to Casa Venus (6844 New Hampshire Avenue) Request for Transfer of Class A Beer Licenses.

Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Leary. Mr. d'Eustachio noted, for the record, that the City had consistently opposed addition of any liquor licenses in that area of New Hampshire Avenue, based on absence of any demonstrated need for such (one of the criteria for approval of such licenses) in light of the number already existing to serve the area, and the fact that such a package carryout establishment did not tend to be an asset to a community, particularly because of the amount of trash generated, the general clientele, etc. He pointed out that particular shopping area already had several vacant storefronts and he did not think such an establishment would help to upgrade the area in any way, but could exacerbate the deterioration. The resolution was passed by unanimous vote of those present (Councilmembers Martin and Hamilton temporarily absent, Councilmember Elrich absent).

RESOLUTION #1988-105
(attached)

3. Resolution Authorizing Payment of "Old" Leave Balances.

Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember d'Eustachio. The resolution was passed by unanimous vote of those present.

RESOLUTION #1988-106
(attached)

4. Resolution to Allocate Anticipated Additional CDEG Funds to be Received From Montgomery County.

Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember d'Eustachio. The Mayor noted that the subject had been previously discussed in worksession. The resolution was passed by unanimous vote of those present.

RESOLUTION #1988-107
(attached)

5. Resolution Establishing City Flag Competition Committee.

The Mayor explained that the committee would consist of 3-5 individuals who would act as judges, recommending finally 3 top designs which would be presented to the elected body. He said he had spoken with Karen Fisher, the President of Historic Takoma, and she would be very interested in helping in whatever way she could with the effort.

The resolution was passed by unanimous vote of those present. The Mayor noted that information on the competition would be published in the upcoming issue of the Newsletter.

RESOLUTION #1988-108
(attached)

6. First Reading of an Ordinance re Parking Meter Free Days.

The Mayor noted that, as requested, Economic & Community Development Director Neal had set the ordinance up so that necessary action could be taken by Executive Order or regulation. Councilmember Douglas moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio. Councilmember Sharp inquired whether it was intended that an assessment be made of the impact on revenue; he said he frankly suspected there would be no impact on merchants' revenue -- that the City would be giving up revenue for no purpose. Mr. Neal said he had based his fiscal impact projection on budget projections which had already been exceeded -- based on revenues already collected from meters, revenues would be in the area of \$30,000-\$35,000, rather than the \$12,000 originally projected. He said it was intended to evaluate with merchants the effect of the "free days;" it should be possible for the business community to assess whether it was beneficial to their business volume, or whether they received complaints that customers had trouble finding parking because of vehicles remaining in parking spaces too long.

Councilmember Douglas noted that the City had been operating on a fairly informal basis with the Old Town merchants; he pointed out, however, that it had been agreed that the business people would remove bags placed over the meters at a specific time and they had twice failed to do so as agreed. Mr. Neal said he was coordinating arrangements with the Police Department and the City Administrator so as to try to avoid as much red tape as possible in setting up and carrying out the meter free days, and said he had spoken with the business community coordinators following worksession remarks about failure to remove the bags from the meters at the specified time and inconsistent placement of the bags. They had promised to speak with those responsible, however, he would again remind them and emphasize that they would have to fulfill their part of the agreement in order for it to work successfully. Mr. Neal commented there had been some talk of people stealing the bags also; he said the project frankly might not work in the long run, however, he felt it worthwhile to try it on an experimental basis. Councilmember d'Eustachio commented on having observed some bags still over meters earlier in the day and said that the success or failure of the project would depend greatly on the ability of the merchants to administer it properly; he said it could not be left to the Police Department to remove the bags at the appropriate time -- the merchants would have to take that responsibility if they wanted the program. He said he was basically supportive of the concept but thought it would be very difficult to measure the economic impact, said it would be important for merchants to observe the parking situation when the meters were not in effect. He said, however, he was not happy about adopting an ordinance retroactively, did not think that an appropriate way to conduct business.

The Mayor suggested that Mr. Neal speak with the business owners about designating a marshal who would be responsible for seeing that the bags were removed at the proper time. Mr. Neal said he would do so, however, they had already designated 2 people to take that responsibility.

Councilmember Sharp pointed out the ordinance contained gender specific language (references to the City Administrator as "he") which should be changed prior to Second Reading. In addition, he suggested that the elected body might wish to consider at some point in time setting up a Code section listing those things the City Administrator was designated to handle by regulation or Executive Order, rather than spelling out all the specifics of each item -- something similar to the way classes of violations and their fines are handled in the Code. Councilmember Douglas commented regarding the passage of legislation retroactively, as well; at the suggestion of the Mayor, consensus was to meet in Special Session on December 19 in order to adopt the ordinance, so as to make it more timely. The ordinance was accepted

for First Reading by unanimous vote of those present.

ORDINANCE #1988-
(attached)

7. First Reading of an Ordinance Amending Sick Leave Requirements.

Councilmember d'Eustachio moved acceptance for First Reading, duly seconded by Councilmember Martin. Councilmember d'Eustachio suggested addition of a Sec. 1.(e)(2) which would state, in effect, that Sec. 1.(e)(1) was subject to being superseded by Police Department General Orders and/or Collective Bargaining agreements, however, that it would be the general case. Councilmember Sharp expressed a wish to make some changes to Sec. 1.(e)(1); the Mayor suggested that the draft ordinance be reworked prior to Second Reading in January, presented for discussion at the first worksession in January. Councilmember Douglas commented he would not wish to see different departments within the City government subject to differing regulations or requirements. The ordinance was accepted for First Reading by unanimous vote. The Mayor suggested that Mr. d'Eustachio ensure that the ordinance was also reviewed by the Administration and Finance Committee for their comments prior to Second Reading.

ORDINANCE #1989-
(attached)

CONSENT AGENDA:

Councilmember Douglas moved adoption of the consent agenda items, collectively, duly seconded by Councilmember d'Eustachio. Responding to inquiry, Police Captain Wortman affirmed that regarding his department's towing contract, G & G Towing was, in fact, a service of G & C Gulf, doing business under the name G & G Towing. Councilmember d'Eustachio commented that when the towing contract came up for award a couple of years ago, there were a number of comments made about the award process and he was pleased to see those had been heeded -- that good and thorough research had been done this time. Councilmember Sharp commented that the 6th Whereas clause in the ordinance awarding the towing contract was superfluous inasmuch as the conditions set forth therein were not a prerequisite of the Nuclear Free Zone Ordinance. Inasmuch as the consent agenda contained several single reading ordinances, the items were adopted, collectively, by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Leary, Martin and Sharp; NAY: None; TEMPORARILY ABSENT: Councilmember Hamilton; ABSENT: Councilmember Elrich.

8. Resolution Authorizing City Administrator to Send Non-binding Letter to LGIT re Capitalization.

RESOLUTION #1988-109
(attached)

9. Single Reading Ordinance re Purchase of Community ENG Packages for Cable.

ORDINANCE #1988-56
(attached)

10. Single Reading Ordinance re Award of Towing Contract to G & G Towing.

ORDINANCE #1988-57
(attached)

11. Single Reading Ordinance re Purchase of Facade Easement Under the Erie/Flower Facade Improvement Program from Mr. Roy Shields, et al.

ORDINANCE #1988-58
(attached)

12. Single Reading Ordinance re Authorizing Purchase of a Facade Easement Under the Takoma Junction Facade Improvement Program from Mr. Alden Howard, et al.

ORDINANCE #1988-59
(attached)

13. Resolution Effecting Appointment of Delegate to NFZ Conference.

RESOLUTION #1988-110
(attached)

Councilmember d'Eustachio commented he understood the approximately \$400 air fare for Mr. Prenskey to attend the Nuclear Free Zone Conference in Eugene, Oregon had been raised by the Nuclear Free Zone Committee; he pointed out the registration fee would be \$350, and it had been requested that the City contribute toward that fee, perhaps \$100. The Mayor suggested that whatever amount was decided upon be taken out of the Mayor and Council's expense line in the budget. Councilmember d'Eustachio moved that \$100 be contributed, duly seconded. Councilmember Sharp commented the elected body had not made such contributions in the past and he was not in favor of doing so. Councilmember Leary commented he agreed with Mr. Sharp's comment, that other similar requests had been denied. Mr. Douglas remarked that the majority of those requests had been from private groups whereas Mr. Prenskey would essentially be representing the city in a movement which it had supported and been involved in. The motion carried with Councilmember Martin Abstaining, the Mayor voting Aye to break a 2-2 vote.

Upon motion, duly seconded, the meeting adjourned at 11:00 P.M., to reconvene in regular session at 8:00 P.M. on January 17, 1989.

Introduced by: Councilmember Hamilton.

RESOLUTION NO. 1988 - 104

- WHEREAS the Sec. 6-80.17 (a) of the Code of Takoma Park requires the City Council to conduct an annual review of the rent stabilization provisions of Article 7; AND
- WHEREAS the City Council has been provided with substantial information which evidences emergency housing conditions in the Washington Metropolitan Area and in particular, in the City of Takoma Park, Maryland; AND
- WHEREAS the Commission on Landlord-Tenant Affairs (COLTA) has recommended that rent stabilization be continued in the City of Takoma Park, and that the rate for rent increases be limited to four percent (4%) per annum; AND
- WHEREAS the Department of Housing Services has recommended that rent stabilization be continued in the City of Takoma Park, and that the rate for rent increases be limited to four percent (4%) per annum ; AND
- WHEREAS the aforesaid recommendations are the results of thoughtful analyses which included consideration of the Washington-Area Consumer Price Index, the Washington-Area Price Index figure for fuel and utilities and the Washington-Area Consumer Price Index figures for rents, in accordance with by Sec. 6-80.17(a), and included consideration of other appropriate factors; AND
- WHEREAS the City Council, in accordance with Sec. 6-80.17(a) has conducted an annual review of the rent stabilization provisions taking the recommendations of the COLTA and of the Department of Housing Services into consideration;
- NOW, THEREFORE, BE IT RESOLVED that rent stabilization shall continue in the City of Takoma Park; AND
- BE IT FURTHER RESOLVED that the rent stabilization rate shall continue at four percent (4%) per annum; AND
- BE IT FURTHER RESOLVED that the City of Takoma Park establishes that it shall continue to be unlawful for the landlord or anyone acting on behalf of the landlord to charge or collect for any dwelling unit which exceeds the lawful rent chargeable for such unit on September 30 of this calendar year, by more than four percent (4%) unless the landlord has first obtained a determination from the Commission on Landlord-Tenant Affairs that a rent in excess of four percent (4%) than the lawful rent chargeable on September 30 of this calendar year is justified in accordance with the provisions of Chapter 6, Article 7 of the Code of Takoma Park.

Adopted this 12th Day of November, 1988.

Introduced by: Councilmember d'Eustachio

RESOLUTION #1988-105

WHEREAS, Mr. Boo Hyun Chung, Owner of Casa Venus, 6844 New Hampshire Avenue, has made application to the Prince George's Board of License Commissioners, for transfer of a Class A Beer License; AND

WHEREAS, this property is located just outside the City of Takoma Park's limits, south of Route 410 on New Hampshire, and because of this location, the City of Takoma Park has no formal veto power; AND

WHEREAS, the surrounding neighborhood on the Takoma Park side has had a history of long-standing complaints and problems with the shopping center in which Casa Venus is located, such as excessive trash and loitering youths; AND

WHEREAS, the Mayor and Council of Takoma Park went on record on September 19, 1988 to oppose a previous application filed by Casa Venus for a Class A Beer and Wine License; AND

WHEREAS, the area surrounding CASA VENUS is adequately accommodated by eleven existing licensed establishments, all of which are located within 1.1 miles of CASA ENUS

NOW THEREFORE, BE IT RESOLVED THAT the Mayor and City Council of Takoma Park, Maryland hereby express their OPPOSITION to Boo Hyun Chung's request for a Transfer of Location for a Class A Beer License for the use of Casa Venus, 6844 New Hampshire Avenue; AND

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send an official copy of this Resolution to the Prince George's Board of License Commissioners.

Dated this 12th day of December, 1988.

Introduced by:
Councilmember Douglas

RESOLUTION 1988-106

A RESOLUTION TO AUTHORIZE FULL PAYMENT OF REMAINING EMPLOYEE LEAVE BALANCES FROZEN UPON ENACTMENT OF ORDINANCE 1985-34.

WHEREAS, Chapter 8B, Sections 132, 133, and 135 froze accumulated holiday, annual, and compensatory leave balances accrued as of April 22, 1985, the effective date of Ordinance 1985-34; AND

WHEREAS, in accordance with City Code Chapter 8B, Section 132, 133, and 135, employees have taken ten percent (10%) of their frozen leave balances annually and the City has paid ten percent (10%) of the frozen leave balances annually; AND

WHEREAS, Chapter 8B, Sections 132(m), 133(j), and 135(c) state that the Mayor and Council may at any time authorize payment of frozen leave balances in full to employees who have accrued holiday, annual, and compensatory leave balances at the employee's salary rate in effect on April 22, 1985, the effective date of Ordinance 1985-34.

NOW THEREFORE BE IT RESOLVED THAT THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND hereby authorize the City Administrator to pay all remaining employee holiday, annual and compensatory leave balances accrued prior to April 22, 1985 in accordance with City Code Chapter 8B, Sections 132 (m), 133 (j), and 135 (c).

Adopted this 12th day of December, 1988.

d#O/R1
R-ODLVE

Introduced By: Councilmember Douglas

Resolution #1988-107

A Resolution to adopt the recommendations of the Department of Economic and Community Development made in consultation with the Citizens Advisory Committee for the expenditure of anticipated additional Community Development Block Grant funds from Montgomery County for Program Year 15 (FY 1988 - 89).

WHEREAS, the City of Takoma Park participates in the Community Development Block Grant Program and receives an annual pass-through allocation from Montgomery County; AND

WHEREAS, the county has been given notice of an expected increase in the amount of CDBG funds available to the City for program year 15;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND, THAT the following recommendations of the Department of Economic and Community Development made in consultation with the Citizens' Advisory Committee for the expenditure of anticipated additional Community Development Block Grant funds from the county for program year 15 are hereby adopted:

PROJECT	ADDITIONAL FUNDS
Takoma Park Boys and Girls Club	\$6,428
Maple Avenue Street Improvements	\$1,272
Kennebec Avenue	\$4,050

BE IT FURTHER RESOLVED THAT staff of the Department of Economic and Community Development is hereby authorized to submit applications for fiscal year 1990 CDBG funding for the recommended projects to Montgomery County.

ADOPTED THIS 12th DAY OF DECEMBER, 1988.

GC/ADDCDBG.Res

Introduced by: Councilmember Douglas

RESOLUTION #1988-108
ESTABLISHING A CITY FLAG COMPETITION COMMITTEE

WHEREAS, the City of Takoma Park will be celebrating its Independence Day Centennial Celebration on July 4, 1989; AND

WHEREAS, the City will be celebrating the centennial of its official incorporation on April 3, 1990; AND

WHEREAS, the Mayor and Council wish to adopt an official City flag to enhance the Centennial Independence Day Celebration and to note the coming centennial of the City's incorporation; AND

WHEREAS, the Mayor and Council will sponsor a City-wide competition to design an official City flag, with prizes awarded to the top three designs.

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Council hereby establish the "City Flag Competition Committee" whose members shall be identified and appointed by the Mayor and Council; AND

BE IT FURTHER RESOLVED THAT this Committee is charged with planning the City-wide competition for promoting interest and participation by local artists, both professional and lay, local school children, and community and civic groups; AND

BE IT FURTHER RESOLVED THAT this Committee will act as Judges who will be appointed by the Mayor and Council to review designs, select the top three designs, which will be nominated to the Mayor and Council for selection of the official City flag; AND

BE IT FURTHER RESOLVED THAT the City Administrator is hereby authorized to make the financial arrangements necessary to allocate funds up to \$1,000.00 for prizes and the production of flags for the City.

Dated this 12th day of December, 1988

Introduced By: Councilmember Douglas
Drafted By: D. Neal

1st Reading: 12/12/88
2nd Reading:

ORDINANCE NO. 1988-__

AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF TAKOMA PARK, MARYLAND (1972, as amended) TO ALLOW FOR THE WAIVER OF PARKING METER REGULATIONS BY THE CITY ADMINISTRATOR OR HIS DESIGNEE FOR SPECIAL PURPOSES.

WHEREAS, the Mayor and Council of Takoma Park find it necessary and appropriate to maintain flexibility in the regulation of parking spaces and parking meters generally, within the corporate limits of the City of Takoma Park, Maryland;

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

Section 1. The following Section is hereby added to Chapter 13 of the Code of Takoma Park, Maryland (1972, as amended):

Section 13-43.1 Waiver of Parking Meter
Regulations For Special
Purposes.

- (a) Notwithstanding the other provisions contained in this Chapter, the City Administrator or his designee is hereby authorized to temporarily waive the parking meter regulations and restrictions established under The Code of Takoma Park, as may from time to time be necessary and appropriate to serve the public interest. Said waivers shall be uniformly referred to as "Parking Meter Waivers."
- (b) Parking Meter Waivers shall be authorized and promulgated by the City Administrator or his designee by execution of a written Executive Order, which shall be in a form and format approved by the City Administrator. All such Executive Orders granting Parking Meter Waivers shall
- (1) state the purpose for approval of the Parking Meter Waiver;
 - (2) Specify a specific time period, not to exceed sixty (60) consecutive calendar days, that limits the duration of the

Introduced by: Councilmember d'Eustachio

1st Reading: 12/12/88
2nd Reading:

ORDINANCE #1988-___

AN ORDINANCE AMENDING TAKOMA PARK CODE SECTION 8B-134(e)(1)
(APPROVAL OF SICK LEAVE)

WHEREAS, the Sick Leave Ordinance (Sec. 8B-134(e)(1), as amended), currently states that all employees are required to notify their immediate supervisor by 10 a.m. when calling in on sick leave; AND

WHEREAS, such requirements are not conducive to some City departments whose employees report to work at various times (e.g., Police, Public Works and Library employees); AND

WHEREAS, the Mayor and Council desire to clarify the requirements for City employees calling in for the use of sick leave so that department supervisors can more efficiently deploy their manpower, coordinate additional assistance and prepare assignments accordingly, prior to the beginning of the workday.

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

SECTION 1. THAT Takoma Park Code Section 8B-134(e)(1) is hereby amended as follows:

(e) Approval of Sick Leave

(1) [[An]] Any employee unable to report for work on account of illness or injury, shall notify their respective supervisor within one hour prior to or one hour after the time that employee is scheduled to report on the day of the illness or injury. [[absent on account of illness or injury is required to notify his or her immediate supervisor by 10:00 a.m. on the day of the illness.]] Sick leave shall begin on the day notification is given and terminate upon the employee's return to duty.

Introduced By: Councilmember D'Eustaehio

RESOLUTION #1988 - 110

- WHEREAS, it is the desire of the Mayor and Council to expand liability and property coverage beyond the existing primary program limits through the Local Government Insurance Trust (LGIT) a statewide Insurance Pool of Maryland local governments in which the City of Takoma Park is a member, AND
- WHEREAS, this expanded coverage, including excess liability environmental cleanup and third party environmental liability, is virtually impossible to purchase through commercial providers at reasonable rates, AND
- WHEREAS, in order to provide such coverage, LGIT must increase its capital base, AND
- WHEREAS, said capital base may be developed through a capitalization program that allows each local government to establish an ownership interest in LGIT through participation in LGIT pooled debt offering by simple resolution, AND
- WHEREAS, the Mayor and Council of the City of Takoma Park expects to participate in the Capitalization Program subject to final approval through the adoption of on approving resolution on or before January 31, 1989.
- NOW, THEREFORE BE IT RESOLVED, THAT the Mayor and Council hereby authorize the City Administrator to execute a non-binding letter of intent to participate in the Local Government Insurance Trusts' Capitalization Program.

Dated this 12th day of December 1988

Introduced by: Councilmember d'Eustachio

Single reading: 12/12/88
(Consent Agenda Item)

ORDINANCE NO. 1988 - 56

AN ORDINANCE TO AWARD A BID FOR THE PURCHASE OF ELECTRONIC NEWS
GATHERING (ENG) EQUIPMENT

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

WHEREAS, the Council of Montgomery County, Maryland 1988-89 Cable Communications Plan earmarked \$40,000 for the purchase of equipment for the Takoma park Cable Television Office; AND

WHEREAS, the \$40,000 has been included in the 1988-89 Cable Television Office Equipment Account #3600.000; AND

WHEREAS, the principal use of that account is for the purchase of electronic news gathering (ENG) equipment for the production of programming for the City's cable television channel; AND

WHEREAS, bids for ENG equipment were solicited from qualified dealers and advertised in two weekly newspapers for two consecutive weeks; AND

WHEREAS, bids were received and opened at the 4:00 p.m., December 5, 1988 deadline from 6 qualified dealers; AND

WHEREAS, the bid was divided into four parts as follows:
A. ENG Camera (2 each)
B. Portable Videotape Recorder (2 each)
C. Tripod (2 each)
D. Light Kit (2 each); AND

WHEREAS, The Camera Mart of New York, New York had the lowest bid on part A. ENG Camera (2 each) at \$13,480.00, part C. Tripod (2 each) at \$6,450.00 and part D. Light Kit (2 each) at \$2,390.00; AND

WHEREAS, Peirce-Phelps, Inc. of Gaithersburg, Maryland had the lowest bid on part B. Portable Videotape Recorder (2 each) at \$6,010.00; AND

WHEREAS, Section III. of the General Conditions for formal bid solicitation on Award or Rejection of Proposals reserves for the City the right to award the bid in part or in whole; AND

SECTION 1. THAT the Camera Mart be awarded the contract for the purchase of parts A., C. and D. for a total of \$22,320.00; AND

RESULTS OF BID FOR ENG EQUIPMENT
4:00 PM, DECEMBER 5, 1988

Prices are for two each of the following items:

BIDDER	PANASONIC 300CLE	SONY VO6800	SACHTLER TRIPOD	STRAND LIGHT KIT	TOTAL
COMMUNICATIONS TELEVIDEO LIMITED	\$13,770.00	NO BID	7,976.00	2,480.00	\$24,226.00
PROFESSIONAL PRODUCTS, INC.	\$14,872.00	8,100.00	7,458.00	2,670.00	\$33,100.00
CENTER VIDEO INDUSTRIAL CO.	\$14,500.00	7,380.00	NO BID	NO BID	\$21,880.00
PEIRCE-PHELPS, INC.	\$13,770.00	6,010.00*	7,314.00	2,470.00	\$29,564.00**
THE CAMERA MART	\$13,480.00*	7,680.00	6,450.00*	2,390.00*	\$30,000.00
MIDWEST COMMUNICATIONS	\$14,310.00	6,696.00	7,240.00	2,650.00	\$30,896.00

* Best item price
* Best total price

ORDINANCE #1988-57

AN ORDINANCE TO AWARD A VEHICLE TOWING CONTRACT
FOR A THREE-YEAR PERIOD

- WHEREAS, the City of Takoma Park in the enforcement of its laws and the State Motor Vehicle Code and in the discharge of its obligations to the public, has reason occasionally to remove motor vehicles; and
- WHEREAS, It has been determined by the Chief of Police that it is cost-effective to contract with a private entity to tow vehicles at the direction of and on behalf of the City; and
- WHEREAS, Bids were solicited as advertised, in accordance with the City Code provisions on procurement; and
- WHEREAS, Bids were received from G & C Gulf, Inc., Raley's Emergency Towing and Mike's Towing, and opened and reviewed publicly on November 21, 1988, copies of which are on file with the Deputy City Clerk's office; and
- WHEREAS, Upon consideration by the Chief of Police, Raley's and G & C were found to be qualified bidders in compliance with the procurement requirements set out in the bid specifications; and
- WHEREAS, Both bidders were deemed not to be nuclear weapons manufacturers and to be eligible to receive contracts with the City of Takoma Park, in accordance with Ordinance No. 2703, commonly referred to as the "Nuclear-Free Zone Ordinance" and that both bidders submitted the appropriate affidavits certifying their status as non-nuclear weapons manufacturers; and
- WHEREAS, The Chief of Police has determined that the bid from G & C Gulf, Inc. indicates that it will perform the services required by the City as set forth in the bid specifications and that it is in the best interest of the City of Takoma Park to accept said bid and award a contract to G & C Gulf, Inc.,

- 2 -

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

SECTION 1. Bid awarded to G & C Gulf. The bid of G & C Gulf dated November 21, 1988, and submitted in response to a solicitation for bids by the City of Takoma Park, be accepted and a contract consistent with the terms of said solicitation and bid be awarded to G & C Gulf, Inc., t/a G & G Towing.

SECTION 2. Mandatory Contract Clauses. The contract to be awarded in accordance with Section 1 above, shall contain the standard clauses referenced in the "General Conditions" section of the bid solicitation package.

SECTION 3. Authority of Administrator to Negotiate, etc. The City Administrator is hereby authorized to negotiate and enter into a contract consistent with the terms of this ordinance and to execute any and all documents necessary to give effect to this ordinance.

SECTION 4. Effective Date. This ordinance shall be effective upon enactment.

Adopted this 12th day of December, 1988.

AYE: d'Eustachio, Douglas, Leary, Martin, Sharp
NAY: None
ABSTAINED: None
ABSENT: (for vote: Hamilton), Elrich)

INTRODUCED BY: Councilmember d'Eustachio

1st Reading: 12/12/88
2nd Reading: Budgeted
Item; only one reading
required. (Consent
Agenda Item)

Ordinance No. 1988-58

AN ORDINANCE TO AUTHORIZE THE PURCHASE OF A FACADE EASEMENT UNDER THE ERIE/FLOWER FACADE IMPROVEMENT PROGRAM.

WHEREAS, the City has established the Erie/Flower Facade Improvement Program ("the Program") whereby property owners can obtain financial assistance for certain facade improvements through the purchase of facade easements by the City for 20% of the cost of the improvements made, up to a maximum of \$2,000.00 per facade; AND

WHEREAS, the property owner referred to herein has agreed to participate in the Program and has complied with the program's requirements, thereby entitling him to the financial assistance available to him under the Program through the sale of facade easements to the City; AND

WHEREAS, funds for the purchase of this facade under the Program have been obtained from the federal Community Development Block Grant (CDBG) Program for this specific purpose and are allocated for this purpose in the City's FY1988-89 Budget.

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

SECTION 1. THAT the City Administrator is hereby authorized to purchase on behalf of the City a facade easement from the following property owner for the property and amount specified below:

<u>Property Owner</u>	<u>Property Address</u>	<u>Amount of Facade Easement Purchase</u>
Mr. Roy and Ms. Bonita Shields	718 Erie Avenue	\$2,000.00

SECTION 2. THAT funds for the purchase of this facade easement be expended from Special Revenue Fund Account No. 3501.102.

ADOPTED THIS 12th DAY OF December 1988.

#8,effacade.ord

INTRODUCED BY: Councilmember d'Eustachio

1st Reading: 12/12/88
2nd Reading: Budgeted
Item; only one reading
required.

Ordinance No. 1988-59

AN ORDINANCE TO AUTHORIZE THE PURCHASE OF A FACADE EASEMENT UNDER THE TAKOMA JUNCTION FACADE IMPROVEMENT PROGRAM.

WHEREAS, the City has established the Takoma Junction Facade Improvement Program ("the Program") whereby property owners can obtain financial assistance for certain facade improvements through the purchase of facade easements by the City for 20% of the cost of the improvements made, up to a maximum of \$2,000.00 per facade; AND

WHEREAS, the property owner referred to herein has agreed to participate in the Program and has complied with the program's requirements, thereby entitling him to the financial assistance available to him under the Program through the sale of facade easements to the City; AND

WHEREAS, funds for the purchase of this facade under the Program have been obtained from the federal Community Development Block Grant (CDBG) Program for this specific purpose and are allocated for this purpose in the City's FY1988-89 Budget.

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

SECTION 1. THAT the City Administrator is hereby authorized to purchase on behalf of the City a facade easement from the following property owner for the property and amount specified below:

<u>Property Owner</u>	<u>Property Address</u>	<u>Amount of Facade Easement Purchase</u>
Mr. Alden C. Howard, Jr., et al.	7312 Carroll Avenue	\$2,000.00

SECTION 2. THAT funds for the purchase of this facade easement be expended from Special Revenue Fund Account No. 3500.402.

ADOPTED THIS 12th DAY OF December 1988.

#8,tjfacade.ord

Introduced by: Councilmember d'Eustachio

Resolution No. 1988-111

A resolution by the Mayor and Council of the City of Takoma Park, Maryland to designate an official delegate to the Eugene International Nuclear-Free Zone Conference.

WHEREAS, the City of Takoma Park, Maryland, has declared itself a nuclear-free zone and has urged its citizens and representatives to work to redirect resources previously used for nuclear weapons toward endeavors which promote and enhance life; AND

WHEREAS, the City of Takoma Park, Maryland has been an international leader in the nuclear-free zone movement, and it is the intent of the Mayor and Council to continue to foster this leadership; AND

WHEREAS, Hank Prensky, a resident of the City of Takoma Park, has creditably served on the Nuclear Free Takoma Park Committee for more than a year and is well acquainted with the goals and purposes of the City's Nuclear-Free Zone Ordinance.

NOW, THEREFORE BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park, Maryland designate Hank Prensky as the official delegate of the City of Takoma Park to the Eugene International Nuclear-Free Zone Conference in Eugene, Oregon, February 8 through 11, 1989.

Adopted this 12th day of December 1988

CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council
December 19, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Douglas	Assist. City Admin. Habada
Councilmember Elrich	Admin. Clerk II Mitchell
Councilmember Hamilton	Housing Director Weiss
Councilmember Leary	Public Works Dir. Giancola
Councilmember Martin	
Councilmember Sharp	
Councilmember d'Eustachio	

The Mayor and Council convened in Special Session on Monday, December 19, 1988, at 7:42 P.M. in the Second Floor Meeting Room, 7500 Maple Avenue, Takoma Park, Maryland. Mayor Del Giudice noted that the purpose of the Special Seesion was to take up the second reading of an ordinance that would allow for the waiver of parking meter regulations by the City Administrator or his designee for special purposes.

Councilmember Douglas stated that the City had always dealt with the Old Town merchants on an informal basis; however, he said that for three weeks straight the meter bags had remained on the meters. Mr. Douglas said that the City has bent over backwards to allow permission for the waivers but the failure of the merchants to remove the bags at the specified time is annoying. Councilmember Hamilton commented that he went by the Takoma Old Town shopping area on the morning of this date and the bags were still covering the parking meters. He said that he felt that the Police Department should not have to get involved in removing the bags. Mr. Hamilton questioned how serious the merchants were in doing this because they have two days in which to take advantage of the waiver and to remove the bags, but were not fulfilling their part of the agreement.

Councilmember Douglas questioned whether the ordinance covered all parking meters in the City of Takoma Park or only specifically those in the blocks of the business association. Mr. Douglas questioned if that meant that the business association was responsible for bagging the meters in Takoma Junction. Councilmember d'Eustachio said that he thought that the Executive Order should be re-written to reflect specific geographical areas within which the ordinance would apply.

Mayor Del Giudice said that most of the concerns raised are legitimate and are concerns that can be addressed in the regulations.

The question was called and the ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, Sharp; NAY: None; ABSENT: None.

ORDINANCE #1988-60
(attached)

Upon motion, duly seconded, the meeting was adjourned at 7:47 P.M. to reconvene in Regular Session on January 17, 1989, at 8:00 P.M.

Introduced By: Councilmember Douglas

1st Reading: 12/12/88

2nd Reading: 12/19/88

ORDINANCE NO. 1988-60

AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF TAKOMA PARK, MARYLAND (1972, as amended) TO ALLOW FOR THE WAIVER OF PARKING METER REGULATIONS BY THE CITY ADMINISTRATOR OR HIS DESIGNEE FOR SPECIAL PURPOSES.

WHEREAS, the Mayor and Council of Takoma Park find it necessary and appropriate to maintain flexibility in the regulation of parking spaces and parking meters generally, within the corporate limits of the City of Takoma Park, Maryland;

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

Section 1. The following Section is hereby added to Chapter 13 of the Code of Takoma Park, Maryland (1972, as amended):

Section 13-43.1 Waiver of Parking Meter
Regulations For Special
Purposes.

- (a) Notwithstanding the other provisions contained in this Chapter, the City Administrator, or his or her designee, is hereby authorized to temporarily waive the parking meter regulations and restrictions established under The Code of Takoma Park, as may from time to time be necessary and appropriate to serve the public interest. Said waivers shall be uniformly referred to as "Parking Meter Waivers."
- (b) Parking Meter Waivers shall be authorized and promulgated by the City Administrator, or his or her designee, by execution of a written Executive Order, which shall be in a form and format approved by the City Administrator. All such Executive Orders granting Parking Meter Waivers shall
- (1) state the purpose for approval of the Parking Meter Waiver;
 - (2) Specify a specific time period, not to exceed sixty (60) consecutive calendar days, that limits the duration of the

Parking Meter Waiver;

- (3) specify the nature of the Parking Meter Waiver and the affected parking meters; and
 - (4) provide for the means of coordinating the implementation of the Parking Meter Waiver, if and as necessary.
- (c) No public notice shall be required prior to the approval by the City Administrator, or his or her designee, of an Executive Order granting a Parking Meter Waiver. However, the City Administrator, or his or her designee, shall make every effort, as appropriate, to inform the general public of the adoption of such Executive Orders.
- (d) Copies of all Executive Orders granting Parking Meter Waivers shall, within twenty four (24) hours of adoption, be provided to (1) the Mayor and Council (2) the Chief of Police, and (3) the Director of Public Works.
- (e) The City Administrator may develop and adopt such regulations as s/he deems necessary to provide for an orderly process whereby individuals, organizations, and groups may request Parking Meter Waivers of the City of Takoma Park.

Section 2. Effective Date. This ordinance, upon adoption, shall become effective retroactive to 1 December 1988.

ADOPTED THIS 19th DAY OF December 1988.

= text added by staff at the Mayor and Council's request.

metrwaiv.ord

HF: Parking Meters: General