

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

May 9, 1983

AGENDA

CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Bradley
Councilmember D'Ovidio
Councilmember Eckert
Councilmember Faulkner
Councilmember Garcia
Councilmember Iddings
Councilmember Williams

PLEDGE

READING AND APPROVAL OF THE MINUTES OF APRIL 25, 1983

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

PUBLIC HEARING ON FISCAL YEAR-1984 BUDGETS FOR:

1. POLICE DEPARTMENT
2. PUBLIC WORKS DEPARTMENT

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

1. Communications
2. Administrative Reports and Recommendations for Council Action:
 - (1) Administrative reports
 - City Administrator's reports
 - Corporation Counsel reports
 - (2) Proposed ordinance authorizing redesign and reconstruction of speed humps on Willow Avenue
 - Citizens' comments
 - First reading
 - (3) Proposed ordinance amending Chapter 13 of the City Code by the addition of a new section to provide for the installation of speed humps
 - Citizens' comments
 - First reading
 - (4) Cable TV: presentation by Bruce Moyer, Chairman, CATV Committee
 - Council discussion
 - (5) Proposed amendments to Chapter 11 of the City Code pertaining to new requirements for curb cuts and driveway aprons
 - Citizens' comments
 - Council discussion
 - (6) Appointments to Boards and Commissions:
 - David Anthony, Community Development Coordinator, to the Operation Turnaround Board
 - Citizens' comments
 - Council action
 - James Neri, COLTA Landlord Alternate, to full membership
 - Richard Kazis, COLTA Tenant Alternate to full membership
 - Citizens' comments
 - Council action
 - (7) Proposed ordinance authorizing purchase of playground equipment, using Community Development Block Grant Funds
 - Citizens' comments
 - Council action

ADJOURNMENT

CITY OF TAKOMA PARK, MARYLAND
REGULAR MEETING OF THE MAYOR AND COUNCIL
MAY 9, 1983

CITY OFFICIALS PRESENT

Mayor Abbott	City Administrator Nichols
Councilmember Bradley	City Clerk Pusti
Councilmember D'Ovidio	Acting Police Chief Gowin
Councilmember Eckert	Det/Sgt. Duval
Councilmember Faulkner	Public Works Director Robbins
Councilmember Garcia	Library Director Spottswood
Councilmember Iddings	Recreation Director Ziegler
Councilmember Williams	Corporation Counsel Gagliardo

The Mayor and City Council of Takoma Park, Maryland met on May 9, 1983, at 8:10 p.m. in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made and duly seconded to approve the Council Meeting minutes of April 25, 1983; the motion passed unanimously.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott stated there are two public hearings on budgets to be heard and urged citizens comments.

PUBLIC HEARING ON FISCAL YEAR 1984 BUDGETS FOR:

1. Police Department - Acting Police Chief Gowin: Stated that at the last worksession, he had made a presentation with many alternatives, which Council looked at. Lt. Gowin presented charts showing the organization of the Police Department as it should be and as it actually is. It also showed the functions of each employee. Noted the enforcement activities for 1983 in comparison to 1982. Also noted overtime for FY 83 and overtime expenditures. Lt. Gowin proposed three different options providing three levels of service, explaining pros and cons of each. Proposed a plan to change the 12-hour day of the officers to a 10-hour day - each working 4 consecutive days. He gave a breakdown of cost per officer and presented his recommendations. The Acting Chief noted that at this time there is no School Coordinator, four officers on extended disability leave, a vacancy in the Chief's position and one officer's position. There are only four officers on each patrol shift; crossing guards are reporting directly to Sergeant Goetz, who is acting as part-time School Coordinator; because of his other duties, he can only handle major problems that occur - there is no direct supervision from the Police Department and no direct link with school administration or staff. Lt. Gowin stated at the present time there are 3 officers on the street at one time instead of five officers, which is maximum strength. This situation takes its toll on overtime. Last year the budget provided \$15,750 for overtime. Lt. Gowin gave a breakdown on overtime budget for this year. The Takoma Park Police Department does not pay officers time and a half for overtime; when an officer resigns, he is paid for the overtime not taken. Due to the manpower shortage, officers do not have a chance to take compensatory leave. Total overtime spent thus far is \$28,581. Lt. Gowin had devised certain option plans to place as many officers on the street as possible. Discussed the 4/40 plan; basically four ten-hour workdays, rotating three days off. This plan is used widely in the County and Montgomery and Prince George's Police Departments. It has five shifts and could save \$13,580 in overtime, with almost ten policemen on the road at one time in peak hours. It would require 35 full-time officers and 7 civilian personnel -- and one additional civilian above the Department's present authorization. The cost would be \$97,659 for salaries. Two additional police cars would be requested to make this plan work at a cost of \$20,000. Grand total: \$117,659. Option B(1) deletes a permanent foot patrol officer. No change in administrative services; no change in community services. If the 4/40 plan goes operational, however, the Department can increase foot patrol positions. Option B(2) provides for a permanent foot patrol officer, but no School Coordinator. The total cost would be \$96,962. The School Coordinator's job calls for a highly motivated officer; a job that the Department reluctantly gave up for the sake of the patrol force. Option C shows no foot patrol and no School Coordinator, five five-man patrol shifts. It calls for 33 sworn officers, 7 civilian personnel. Total - \$76,265. Overtime of \$13,700 was expended for manpower shortages this year - spent \$7,000 in overtime for training. If the Department paid officers time and a half for overtime, the Department would need \$10,860 of appropriated money for FY 84, which is a savings of \$13,580. Lt. Gowin also stated that officers get compensatory time. They are paid 9 hours a month compensatory time, due to the

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fact they must report 1/2 hour early when reporting back to work after time off. City is liable for \$25,000 compensatory time annually. There is no ceiling for accumulating compensatory time. It must be paid to the officers when they resign; they do not have time to take this time off.

Francis Guertin - 7216 Willow Avenue: Has worked as a crossing-guard for the City for the past five years. Noted that guards have been working this year without a police coordinator for the school and crossing guards. There is no one to meet with the principals of the schools, to speak to the children about safety and drugs. There are dangerous situations - children crossing in the middle of the streets. This is reported to the police, but they have been informed there is nothing they can do -- it is up to the parents to talk to the children. With a School Coordinator, the guards had a person to go to directly with their problems and concerns. Crossing guards now operate without rules or regulations. When guards report incidents, nothing is done about it. If the guards complain about problems on their posts, their posts are changed. If a guard calls in sick, he is told an officer will take his post if one is available. The Officer would have the leave the post if a call is received, which has happened, leaving about 60 children to cross a street alone. Stated that City must do whatever is necessary to slow down the traffic on Philadelphia and Maple Avenues. There are no crossing signs or speed limit signs on Philadelphia between Maple and Piney Branch Road. The flashing light on Maple Avenue is not being enforced. The City needs a full-time School Coordinator. Must make sure children walk safely to school and then home in the afternoon. Mayor Abbott asked about clothing allowance for the guards. Ms. Guertin stated that the guards are given uniforms when they are hired; there is no clothing allowance. Stated the guards received clothing when asked for. Vests and raincoats are given when guards are hired.

Mary Salb -246 Park Avenue: A crossing guard, stated that raincoats provided are very old. When guards are sick and cannot get to their post, she is called. Stated that in the last seven years, guards have not received overtime pay; they have worked three posts and been paid for only two. There are 9 stations and two post hours daily. Without a School Coordinator, there is no one to speak to the children in a dangerous situation. The Coordinator also took care of clothing and traffic concerns.

Cherly DiNenna - 511 Waterford Road - Silver Spring, MD: Stated that the problem now is not only not having a School Coordinator, but also the problem of not educating the children how to cross the street. The Police Department has no one to follow up on incidents. The cars on the street will not stop for the crossing guards and children cannot cross the streets. Police Department cannot follow up on the commuters that speed. Mayor Abbott asked if a police car was needed, did guard receive help when a School Coordinator position was in place. The guard stated she cannot leave the post to ask for police assistance. Need School Coordinator between 8:00 and 9:00 in the morning and 3:00 and 4:00 in the afternoon. Mayor Abbott asked if new plan in Police Department was adopted, would this situation be improved? Lt. Gowin stated it would indeed be improved. Councilmember Faulkner asked if it was necessary for the School Coordinator to be a sworn officer. Lt. Gowin stated the Coordinator would have to be a sworn officer in order to enforce the laws. Councilmember Bradley praised the crossguards for bringing issues to the Council's attention and for the job they are doing. Stated t he crossing guards need additional training to deal with cars on the roads. Further discussed the clothing allowance as compared with Montgomery County and Prince George's County. Councilmember Bradley noted that County crossing guards do not serve residents who live on the border line and have children attending City schools.

Carolyn Bassing - 7303 Holly Avenue: Reiterated problems that arise because the City has no School Coordinator. Residents don't know when crossing guards arrive and when they leave. Stated also that sometimes there are no crossing guards in the mornings when children leave for school.

Councilmember Eckert asked if the schools could be doing more to implement safety and was informed that this is the responsibility of the School Coordinator. He also asked if police cars could saturate areas. Lt. Gowin stated this would slow down traffic. Lt. Gowin also stated that the four radar units are out of service; that speed limits cannot be enforced and taken to court without radar detection. Councilmember Williams stated that without radar, police can still patrol streets; traffic seems to slow down when a patrol car is spotted. Mayor Abbott stated that in the Police Budget there is a line item

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for beefing up the radar operation of the Department. Mayor Abbott stated that a percentage of the law enforcement duties are going down the drain because City is not prepared with material, equipment or officers. Did not like the idea that Mayor and Council had not been previously apprised of the situation. City Administrator Nichols stated the Police Department has developed the proposals to address the short-comings on the issues of personnel and the ability to respond to the directives of the Mayor and Council and requests for services of the community. There are a number of areas, not only with respect to Police, but other Departments, where there are short-comings that are being addressed as resources have become available. The police communications system is in need of updating; \$100,000 has been requested to acquire part of this. Mayor Abbott stated that enforcement of speed ordinances ranks high, next to the apprehension and prevention of Part I. offenses.

The Mayor also noted that Takoma Park is the only City where crossing guards are not provided by the County. The City Administrator stated that the reason the Police Department was not aware of malfunctioning Radar equipment was lack of trained personnel to man the equipment, which has been a significant problem. Mr. Nichols also stated that the \$37,000 budgeted to come from Montgomery County for reimbursement for Police crossing guard services was done at his request and as a result of about nine months of negotiations with Montgomery County. During his time as Assistant City Administrator, Mr. Nichols was not involved with negotiations regarding double taxation or police management. Attempts are now being made to correct deficiencies in both areas. Lt. Gowin has developed specific proposals in response to the short-comings he observed. In FY 82, when Mr. Nichols assumed his position as City Administrator only \$208,000 in tax duplication payments were received, whereas a \$562,000 payment is expected from Montgomery County for FY 84. Councilmember Faulkner asked about the powers of a crossing guard when an illegal act is observed. Lt. Gowin responded by stating the guard must be specific as to the person in violation of traffic rules and must go to Court as a witness if a charge is made. Also stated that since he has become Acting Chief of Police he has not received any written complaints about problems regarding the crossing guards. Lt. Gowin stated that the options including a School Coordinator would help with traffic enforcement. Councilmember D'Ovidio suggested assigning an officer on each day patrol as School Coordinator. Lt. Gowin stated crossing guards would be confused as to whom to report to since the police officers would continually rotate.

Wayne Epstein - 7600 Maple Avenue: Asked how long the response time is for the Police Department. Lt. Gowin gave the response time figures from 1981 in comparison to 1982 - average of a minute for emergency calls within the City. Average of non-emergency response time is about 3 minutes. Takoma Park Police response time is much faster than any County.

Patrick Donnelly - 7002 Sycamore Avenue: Stated he was pleased with the program presentation, but questioned why Takoma Park must expand operations when most municipalities are reducing police forces. Stated citizens can no longer afford this. Noted discontent that City has to support Montgomery County schools at the crossing guard level. It was stated that in FY 84 some reimbursement is anticipated. In response to Mr. Donnelly's question, the City Administrator explained the sum proposed for communication equipment is not an annual expenditure. The last police communication system purchased was in 1952. A complete replacement of the system is proposed. Mayor stated the citizens should be aware of the County's approach to police protection: basically, if the County had it, they would assign a police force of seven officers to Takoma Park. They cannot now control service in the unincorporated areas. The Mayor said that, though a significant reduction in the budget could be achieved by using the County police, the City's protection would be reduced by over two-thirds of its present level. After further discussion of various aspects of the City Budget, Mr. Donnelly expressed the opinion that the Police Department budget should not be increased, but reduced. Councilmember Iddings cited a study of police protection in Prince George's County, which concluded that the only area in the County with adequate protection was Takoma Park.

The City Administrator stated in the budget presented, there is a five cent reduction in the tax rate, but a 6% real increase in the taxes because of the increases in assessments. He noted, however, that an additional \$115,000 in in-lieu payments has recently been negotiated with Montgomery County which is not reflected in the Budget document, which was based on projections made in March. Councilmember Garcia spoke of the need to accumulate reserves for the

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unfunded disability (retirement) payments. Mr. Nichols stated that the Mayor and Council will be sending out a special notice containing a variety of public hearings and discussions on the budget and other issues, one of which is a June 6 continuation of the discussion on the Police Department options.

Jill Wettrich - 1006 Elm Avenue: Stated that if the Mayor and Council continue to put up stop signs and flashing lights, etc, and there is not police enforcement, the City is wasting its time.

Mayor Abbott urged all Councilmembers, as well as citizens, to voice their honest opinions during the budget discussions. Councilmember Williams summarized the points raised during the hearing.

2. PUBLIC WORKS DEPARTMENT - Director Robbins: Stated there are six divisions in the Department; that the increases requested are nominal - there are no major changes. Most items were kept at a 4.6 increase; some did not increase at all. There is a 7.5% increase in telephone service; Public Works receives about 900 calls a month. Mr. Robbins stated the actual cost of municipal infractions is very expensive and elaborated on the procedures necessary to enforce them. Regarding the streets division, Mr. Robbins stated there were no major changes. Money to make repairs is provided primarily through CDBG funds with work done by Public Works personnel; therefore budget request is only \$31,380, which is used for street repairs such as pot holes, sign materials, street painting, concrete and asphalt work. The Director stated that only \$2,000 of the requested \$104,100 is designated for new street lights, that the remainder is the cost of electricity for street lights. All requests for new lights go through the City Administrator, and then passed on to the Mayor and Council for approval of funds. To have a new light put in would cost City \$300.00 - a conversion runs about \$185. The request for beefing up lights on Boyd and Mississippi Avenues is about \$7,000. The City Administrator stated up until this time last year, there was no cost to the City for installation of lights; only paid for electricity charge; but PEPCO instituted a new policy in May of 1982 requiring that new installation be paid for by the City. A request was made in the Budget for initial installations, but City would be developing a policy for Mayor and Council to consider assigning priorities. Also stated there is a recommended allocation of \$9,000 in FY 84 capital budget for Revenue Sharing Funds for street lights. This will not put up a lot of lights. Labor costs for improvements to be carried out by PEPCO are included in the Budget. Before Budget approval, Mr. Robbins hoped to have accurate numbers on power costs from PEPCO. Public Works Sanitation Division disposal costs will remain the same - \$31.00 a ton; Prince George's at \$21.00 a ton. Public Works will go to the County to confirm these numbers. The Department is currently disposing of 4,961 tons of refuse a year. The Director stated the Department is averaging around \$10,000 a year in savings as a result of newspaper recycling. The Department does not receive money for newspapers collected; a private company comes in, picks up newspapers, and this pays for labor. Mr. Robbins stated that Montgomery County has mandatory newspaper recycling. There followed a discussion on recycling of other materials; Mr. Robbins indicated it was feasible if a guaranteed contact could be obtained, saying there are problems with this because of the rapidly fluctuating prices. The Mayor asked what the cost of living adjustment is pertaining to salaries. The Director stated that 5% had been incorporated in the budget. Councilmember Eckert asked what employee reaction to this is. Mr. Robbins stated that it has not been publicized to the employees until confirmed. The Director stated that morale is apparently very high in Public Works - the turnover rate is less than 1% a year.

The Public Works Director stated there are no major increases in the Repair Shop. Last year one person was transferred from Parks Division to a mechanic. This is the first increase for two years. Mayor stated the City has 56 vehicles and heavy equipment, averaging about \$4500 annual expenditure per vehicle, and asked how that compared with having the work done elsewhere. Mr. Robbins stated that the average pay rate in Public Works is \$8.00 as compared with \$20 - \$40.00 per hour elsewhere. More equipment would have to be purchased as a backup to maintain what City is maintaining now with the repair shop. It would also be difficult to keep aging equipment on the road. Councilmember Bradley asked what the safety rate is in the Repair Shop. The Director stated there had been only one injury this year; that basically the safety rate is very good. Mr. Robbins stated that Public Works does have a safety program and driving program.

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Mr. Robbins stated that personnel in Government Buildings Division had been reduced by one-half position. Mayor noted a considerable increase in fringe benefits. Mr. Robbins stated that fringe benefits were recalculated this year and are included in the salaries. The Assistant Administrator developed a new system this year. The Parks Division took the greatest cut last year in personnel; however, they are utilizing Work Fare personnel - things are done slower, but they get done. There are no major changes in this Division. Under Revenue Sharing, there is an appropriation of \$6,000 for trees. In past years, the community development block grant paid for trees; Public Works bulk buys trees; the cost is about \$60.00 a tree. Mr. Robbins stated there were no trees bought this year; that the \$6,000 requested is enough if a long-range program is established.

Mr. Robbins stated he would like to suggest that the Animal Warden's title be animal warden-inspector (for municipal infractions), saying that he estimated about four hours a day for Warden's work; once citizens are aware of the program, he could be used for other activities. Public Works will train the individual and will recruit a Takoma Park resident. Mr. Robbins stated that Public Works obtained the salary scale of \$15,330, plus fringe benefits, from other municipalities. The Animal Warden would be set up with a beeper system to facilitate quick response. He would be catching dogs, raccons, cats, etc. If the position of Animal Warden were contracted out, the cost would be about \$20,000 plus holding fees, and the City would lose flexibility because of the distance the individual must travel. If a City resident were hired, response time would be immediate. Mr. Robbins further stated costs, including cost for a van, would have to be adjusted as the program evolved. The City would be eligible for a \$9,000 rebate from Montgomery County, if the program is instituted.

Brad Larson - 415 Lincoln Avenue: Stated as a member of the newly formed South of Sligo Citizens' Association, would like to support the efforts of the citizens of Boyd Avenue to request additional lighting for this street. Boyd Avenue is dark and is causing problems with vandalism and theft. Urged to keep money in the budget for extra lighting but also designate some to Boyd Avenue. Also said that for over seven years there have been problems with regard to loose dogs at the corner of Lincoln and Boyd Avenues; and Colby area also with respect to loud barking and loose animals. Stated his support for an Animal Warden. Councilmember Faulkner stated that citizens have a right to expect the City Government to enforce its ordinances. In response to Councilmember Iddings question, Mr. Larsen said that individual citizens have contacted both the Police Department and Prince George's County's animal service, but with little success. Councilmember D'Ovidio stated that rats are also a continuing problem; and also a health hazard. Mr. Robbins stated that Public Works has a rat program, but he would hope the new person would be trained and licensed in rodenticides. The Mayor noted that Montgomery County is reducing its budget for animal control. In response to queries, it was noted that several municipalities have their own program at varying levels of service. Among these are College Park, Rockville, Greenbelt and New Carrollton.

ADDITIONAL AGENDA ITEMS

Councilmember Iddings requested that a stiff letter or telegram go to Montgomery County Council and the County Executive, urging them not to cut the clerical worker at the TESS Center. Councilmember Iddings moved the Council to go on record opposing the budget cut; Councilmember Bradley seconded the motion; the motion carried unanimously.

ITEMS FOR COUNCIL CONSIDERATION - City Administrator Nichols:

1. The City Administrator, speaking for Corporation Counsel, reported that a case of the City vs. Baxter, has been settled. Mr. Baxter will be paying to the City the \$5800 due within 60 days, including attorney's fees. This was a rehabilitation case.

Mr. Nichols also stated that the Mayor and Council were invited to attend an open-House of the Community Services Center sponsored by the Seventh-Day Adventist; held on Sunday May 15, at 2:30 p.m. Also stated that Mayor and Council have an extensive list of Public Hearings in May and June relative to the Budget, and that a special listing would be distributed over the weekend.

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The City Administrator noted that the week of May 9 is Historic Preservation Week; a proclamation will be presented at the next public meeting.

2. Proposed ordinance authorizing redesign and reconstruction of speed humps on Willow Avenue:

Councilmember Iddings stated this ordinance was drafted as an emergency legislation. Requested the Director of Public Works discuss the issue of time-tables in regard to this issue. Mr. Robbins stated this could be done in late June or July. This is due to the fact of a very tight timetable. Councilmember Iddings, as head of the Traffic Committee, stated the speed humps on Willow Avenue are not effective; the intent of the Committee was to experiment with the height; that it would be a two-stage process: after settling on a standard height, work could begin on other designated streets. Councilmember Bradley asked Councilmember Iddings to enumerate the number of other neighborhoods that have asked to have humps installed that were not included in Committee's recommended streets, and when these requests would be acted on. Councilmember Iddings indicated there were two requests - from Mississippi Avenue and Erie Avenue; they have been referred to a sub-committee. Councilmember Iddings moved to adopt an ordinance authorizing the modification of the speed humps on Willow Avenue as emergency legislation. Councilmember Garcia seconded the motion; a roll call voted was recorded as follows: Aye: Councilmembers Bradley, D'Ovidio, Eckert, Iddings, Williams; Nay: Councilmember Garcia; Excused: Councilmember Faulker.

ORDINANCE NO. 2663
(Attached)

3. Proposed ordinance amending Chapter 13 of the City Code by the addition of a new section to provide for the installation of speed humps: Councilmember Iddings noted corrections in the draft. With no objections, the proposed ordinance was accepted for first reading .

PROPOSED ORDINANCE
(Attached)

(4) First reading of five ordinances providing for the installation of speed humps on Maple, Cedar, Walnut, Westmoreland Avenues and Anne Street.

The above listed ordinances (attached) were accepted for first reading, with the understanding that installation would be deferred until the effectiveness of the redesigned Willow Avenue humps could be evaluated.

Roland Halstead - 7116 Maple Avenue: In response to Mr. Halstead's question, it was clarified that there would be more than one speed hump on Maple Avenue. There followed a general discussion on priorities, the need to bear in mind the purpose and the agenda of the Traffic Committee, and the desirability of having all traffic-related requests channelled through the Committee. It was requested that Maple Avenue be given priority.

(5) Cable TV: presentation by Bruce Moyer, Chairman, CATV Committee

This item was withdrawn from the Agenda.

(6) Proposed amendments to Chapter 11 of the City Code pertaining to new requirements for curb cuts and driveway aprons:

This item will be taken up in a worksession. Mayor Abbott thank^d the Public Works Director for the effort that went into the proposal.

(7) Appointments to Boards and Commissions:

The City Administrator stated that the Operation Turnaround Board is an organization established by the Mayor and Council to operate a program which acquires and rehabilitates properties and sells to private citizens. The program is operated by a Board of Directors of five members, one of whom is a City staff person. The Administrator recommended David Anthony, the new Community Development Coordinator to fill the vacant staff slot. A motion

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appointing Mr. David Anthony to the Operation Turnaround Board was made, seconded and passed unanimously.

- James Neri, COLTA Landlord Alternate, to full membership
- Richard Kazis, COLTA Tenant Alternate to full membership

James Arisman - 7408 Aspen Avenue:

Stated if Mr. Kazis, and Mr. Neri, are moved up, there will be no alternates on COLTA. Memo was sent on March 28, 1983, concerning whether COLTA should be a 12 member or 9 member board. There has been no further discussion in regard to that. Mr. Arisman suggested that individuals be interviewed to fill the vacant alternate slots as soon as possible because COLTA may be losing one member in June. A motion to appoint James Neri and Richard Kazis, to full membership in their respective categories was made, seconded, and passed unanimously.

Mayor Abbott requested that Mr. Arisman submit an article for the upcoming Newsletter.

(8) Proposed ordinance authorizing purchase of playground equipment, Community Development Block Grant Funds:

The City Administrator stated the money is available from year 7 CDBG funds. The equipment is for the Spring Park and the Colby tot lot. Councilmember D'Ovidio moved for the adoption of the proposed ordinance authorizing purchase of playground equipment, Mr. Eckert seconded the motion, and the roll call vote was recorded as follows: Aye: Councilmber D'Ovidio, Eckert, Garcia, Iddings, Williams; Nay: None; Excused: Councilmembers Bradley and Faulkner.

ORDINANCE NO. 2664
(Attached)

Upon proper motion, the meeting adjourned atv 12:20 a.m., to reconvene on Monday, May 23, 1983, at 8:00 p.m.

WHEREAS, the Mayor and Council of the City of Takoma Park, Maryland want to proceed expeditiously with an experimental traffic control program using speed humps as a method of controlling traffic speed and volume; and

WHEREAS, a program which successfully controls traffic speed and volume will promote the general safety and welfare of the residents in the neighborhoods where these controls have been installed; and

WHEREAS, the speed humps installed on Willow Avenue need modifications to control vehicle speed more effectively;

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

Section 1. The speed humps currently installed in the 7200 and 7300 blocks of Willow Avenue shall be modified such that one speed hump shall be increased in height to five inches and the other speed hump shall be increased in height to six inches.

Section 2. The modified speed humps shall be repainted with distinctive markings, so as to clearly indicate their location.

Section 3. Funds to cover the cost incurred by the modifications shall be appropriated from the Capital Improvements Reserve Fund.

ADOPTED BY THE MAYOR AND COUNCIL MAY 9, 1983.

ORDINANCE NO.

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

SECTION 1. THAT Chapter 13 of the Code of Takoma Park, Md., 1972, as amended, be further amended by the addition of the following subsections, article and section:

Sec. 13-2. Definitions.

(a)

(14.1) "Speed hump" shall mean a raised section of asphalt or other road construction material constructed on a roadway, with a circular cross-section on a base twelve feet long, measured parallel to the curb lines of the roadway, and with a height of 5 inches. Such speed humps shall be installed for the purpose of controlling traffic speed and volume.

(14.2) "Speed hump installation" shall mean one or more speed humps spaced every 200 to 400 feet along a public highway for the purpose of controlling traffic speed and volume on that public highway. Each speed hump in the installation shall be painted with distinctive markings. Warning signs marked "Speed Humps" shall be placed on the right-hand side of the street at the approach to each speed hump.

ARTICLE 9. SPEED HUMPS

Sec. 13-75. Erection and maintenance of speed hump installations.

(a) In the regulation and supervision of traffic, the Director of Public Works is authorized to place, erect, and maintain upon the public highways of the City those speed hump installations as the Mayor and Council have or may direct, at the locations designated by the Mayor and Council.

PROPOSED ORDINANCE

WHEREAS, the Mayor and Council have embarked on a program of utilizing speed humps as a method of controlling traffic speed and volume on selected City streets; AND

WHEREAS, speed humps were installed in the 7200 and 7300 blocks of Willow Avenue on an experimental basis as authorized by Ordinance No. 2620, adopted July 13, 1982, and the design was modified to render them more effective by Ordinance No. 2663, adopted May 9, 1983; AND

WHEREAS, the Mayor and Council wish to expand the use of speed humps to include other City streets with similar problems.

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

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

- (a) On Maple Avenue, between the City line and Philadelphia Avenue;
- (b) On Cedar Avenue, between the City line and Philadelphia Avenue;
- (c) On Walnut Avenue, between the City line and Westmoreland Avenue;
- (d) On Westmoreland Avenue, between Carroll Avenue and Walnut Avenue;
- (e) On Anne Street, between the City line and Carroll Avenue; AND

SECTION 2. THAT funds to cover installations (a) through (e) in Section 1 of this ordinance shall be appropriated from the General Contingency Fund.

Note: This ordinance combines 5 separate ordinances introduced at the May 9, 1983 Council meeting.

ORDINANCE NO. 2664

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

- SECTION 1. THAT the Takoma Park Community Development Block Grant program set aside funds for the purchase of certain playground equipment; AND
- SECTION 2. THAT bids were solicited from qualified dealers, advertised, and opened at 5:00 p.m. Monday, April 18, 1983, AND
- SECTION 3. THAT three bids were received which met all specification requirements, including installation and without installation costs; AND
- SECTION 4. THAT it is deemed in the best interest of the City to accept the bid including installation costs except for the Miracle play structure, model 144-570, Natureville X which will be installed by City forces at a lower cost.
- SECTION 5. THEREFORE THAT the bid of John W. Taylor & Associates for Miracle Recreational Equipment Company, Fort Washington, Maryland, in the total amount of FOURTEEN THOUSAND THREE HUNDRED FIFTY-THREE DOLLARS (\$14,353), including installation except for the Miracle play structure Model 144-570, Natureville X, is hereby accepted for one each of the following items:

Miracle play structure model 144-570--Natureville X . . .	\$4,700.00
Softball backstop model 341-333	1,600.00
Station No. 1. Pulse check sign model 805-107, Start sign . . .	690.00
model 805-727 & Sit-up bench model 805-115 & ID Sign model 805-125-3.	
Station No. 2. Parallel Bars model 805-120, I.D. Sign . . .	495.00
model 805-125-4.	
Station No. 3. Chinning Bar model 805-140, ID. Sign model 805-125-5.	600.00
Station No. 4. Hand Ring Bridge model 805-574, I.D. Sign . .	1,610.00
model 805-125-7.	
Station No. 5. Scaling Wall model 805-570, I.D. Sign model 805-125-6	678.00
Station No. 6. Maze Climber model 752-521, I.D. Sign model 805-151-7.	1,040.00
Station No. 7. Horizontal Ladder model 752-516, I.D. Sign model 805-125-1.	1,510.00
Station No. 8. Vertical Ladder model 805-572, I.D. sign . .	810.00
model 805-125-9.	
Station No. 9. Balance Beam model 805-578, I.D. sign model 805-125-8, & Pulse check sign model 805-107.	620.00
Total Price	\$14,353.00

SECTION 6. THAT funds to cover these purchases in the amount of FOURTEEN THOUSAND THREE HUNDRED FIFTY-THREE DOLLARS (\$14,353) be appropriated from Community Development Block Grant funds.

ADOPTED BY THE MAYOR AND COUNCIL MAY 9, 1983.

SPECIAL WORKSESSION OF THE MAYOR AND COUNCIL *
May 19, 1983

The Mayor and City Council met in Special Worksession at 6:45 PM, Thursday, May 19, 1983, with Mayor Abbott chairing the meeting. Present were: Councilmembers D'Ovidio, Eckert, Faulkner, Iddings, Williams, Corporation Counsel Gagliardo, and City Administrator Nichols. The Special Worksession was called to discuss the suit filed by Montgomery County regarding the retirement funds of the Takoma Park Volunteer Fire Department and the proposed settlement offered by the County.

Mayor Abbott explained what had transpired during a meeting Thursday morning with County Executive Gilchrist, and a discussion ensued. The Special Worksession adjourned at 7:30 PM.

SPECIAL EMERGENCY PUBLIC MEETING

Upon motion by Councilmember D'Ovidio, duly seconded and approved, a SPECIAL EMERGENCY PUBLIC MEETING was called to order at 7:32 PM. Councilmember Eckert, by motion duly seconded, suggested a counter offer to Montgomery County of \$75,000; an amendment was offered by Councilmember D'Ovidio, and accepted by Councilmember Eckert, to increase the counter offer to \$100,000.

At this point, 7:40 PM, Councilmember D'Ovidio departed, and at 7:45 PM, Councilmember Bradley arrived.

Councilmember Iddings offered an addition to the amended motion, which was accepted by Councilmember Eckert, to establish a payment schedule of:

- five years at \$20,000 per year
- no interest to be paid.

The motion was tabled by Mayor Abbott.

Upon motion by Councilmember Eckert, duly seconded, the Mayor and Council voted unanimously to reject Montgomery County's settlement offer of \$150,000.

The tabled motion was removed from the table by Mayor Abbott and was approved by a 4 to 1 vote, recorded as follows: AYE: Councilmembers Bradley, Eckert, Iddings, Williams. NAY: Councilmember Faulkner. EXCUSED: Councilmembers D'Ovidio and Garcia.

Mayor Abbott recommended that the above motion be put in ordinance form to confirm the action taken by the Council. Ordinance No. 2665 was adopted by roll call vote as follows: AYE: Councilmembers Bradley, Eckert, Iddings, Williams. NAY: Councilmember Faulkner. EXCUSED: Councilmembers D'Ovidio and Garcia.

ORDINANCE NO. 2665

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

SECTION 1. THAT the Mayor and Council of Takoma Park, Maryland do hereby authorized the payment to Montgomery County of \$100,000 (ONE HUNDRED THOUSAND DOLLARS), to be paid at the rate of \$20,000 per year for five years, the first payment to be made on October 1, 1983, and the remaining payments to be made on October 1 of each successive year, until the full sum of \$100,000 is paid. Said payments to be contingent upon the execution of a full and final release of all claims arising from the transfer of the Takoma Park Volunteer Fire Department from the City of Takoma Park to Montgomery County, including, but not limited to Law Suit No. 56942 now pending in the Circuit Court for Montgomery County; AND

SECTION 2. THAT this ordinance is adopted as an emergency action due to Montgomery County's request that the City respond by 10:00 AM, Friday, May 20, 1983.

The above ordinance was adopted at 8:20 PM, May 19, 1983.

There being no further business to discuss, the meeting adjourned at 8:22 PM.

* Note: Councilman Garcia was out of town at the time of the meeting.

SPECIAL WORKSESSION OF THE MAYOR AND
CITY COUNCIL

May 20, 1983

The Mayor and City Council met in Special Worksession at 5:00 PM, Friday, May 20, 1983, with Mayor Abbott in the chair. Present were: Mayor Abbott, Councilmembers Bradley, D'Ovidio, Faulkner and Iddings; City Administrator Nichols and Corporation Counsel Gagliardo. The purpose of the meeting was to continue discussions regarding negotiations for settlement of the suit filed by Montgomery County vis-a-vis the Firefighters retirement fund.

A report was made on discussions held on the morning of May 20, among County Executive Gilchrist and his staff and Mayor Abbott and Corporation Counsel Gagliardo, in which the County rejected the City's offer of \$100,000 to be paid in five yearly installments at \$20,000 per year. County representatives in turn made another offer to the effect that the amount of \$100,000 be paid in full by July 31, 1983, with acceptance to be made by 9:30 PM, May 20, 1983; otherwise they would press their suit in court, as scheduled, on Tuesday, May 24, 1983.

The special worksession adjourned at 5:15 PM.

SPECIAL EMERGENCY PUBLIC MEETING

Mayor Abbott declared the meeting to be a SPECIAL EMERGENCY PUBLIC MEETING, and convened said meeting at 5:16 PM. Councilmember D'Ovidio moved that an ordinance accepting the County's offer of \$100,000, with payment by July 31, 1983, be adopted; motion was seconded by Councilmember Bradley. The motion was tabled by the Mayor.

It was noted that Ordinance No. 2665, adopted by the Mayor and Council at the Special Emergency Public Meeting on May 19, 1983, had been rejected by the County.

At this point, Mayor Abbott removed Councilman D'Ovidio's motion from the table, and a discussion ensued on the proposed ordinance, after which the ordinance below, Ordinance No. 2666, was adopted by roll call vote recorded as follows: AYE: Councilmembers Bradley, D'Ovidio and Iddings; NAY: Councilmember Faulkner; EXCUSED: Councilmembers Eckert, Garcia and Williams. An AYE vote was then recorded for Mayor Abbott, exercising the authority granted in Sec. 1.5(a), Charter of Takoma Park, Md., as amended.

ORDINANCE NO. 2666

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

SECTION 1. THAT the Mayor and Council of Takoma Park, Maryland, do hereby authorize the payment to Montgomery County of \$100,000 (ONE HUNDRED THOUSAND DOLLARS), said payment to be made on or before July 31, 1983, contingent upon the execution of a full and final release of all claims on the City of Takoma Park arising from the transfer of the Takoma Park Volunteer Fire Department from the City of Takoma Park to Montgomery County, including, but not limited to the suit now pending in the Circuit Court for Montgomery County--Law No. 56942; AND

SECTION 2. THAT this ordinance is adopted as an emergency action due to Montgomery County's stipulation that the Mayor and Council accept their offer made on May 20, 1983, by 9:30 PM, on the same date.

Councilmember D'Ovidio thanked Mayor Abbott, City Administrator Nichols and Corporation Counsel Gagliardo for their good work.

The meeting adjourned at 5:35 PM.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

May 23, 1983

AGENDA

CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Bradley
Councilmember D'Ovidio
Councilmember Eckert
Councilmember Faulkner
Councilmember Garcia
Councilmember Iddings
Councilmember Williams

PLEDGE

READING AND APPROVAL OF THE MINUTES OF MAY 9, 1983

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Swearing in of Police Officer Fred A. Roush
2. Proclamation: Historic Preservation Week
3. Other presentations and comments

PUBLIC HEARINGS ON PROPOSED USE OF FEDERAL REVENUE SHARING FUNDS, FY 1983-84

PUBLIC HEARINGS ON FISCAL YEAR 1983-84 BUDGETS

1. ADMINISTRATION
2. LIBRARY
3. HOUSING SERVICES
4. RECREATION

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

1. Communications
2. Administrative Reports and Recommendations for Council Action:
 - (1) Administrative reports
 - (2) Prince George's County Board of Appeals No. 6786: request to validate a side-yard variance of +3 feet at 1313 Elson Court.
Public Hearing: 6:30 PM, 5-25-83, CAB, Upper Marlboro
Citizens' comments
Council action
 - (3) Youth Worker Proposal
Citizens' comments
Council discussion
 - (4) Second Reading of an Ordinance amending Chapter 13 of the City Code by the addition of a new section to provide for the installation and maintenance of speed humps
Citizens' comments
Council action
 - (5) Authorization to execute CATV Contract with Montgomery County
Citizens' comments
Council action
 - (6) Proposed ordinance amending Chapter 11 of the City Code as it pertains to requirements for curb cuts and driveway aprons
Citizens' comments
First Reading
 - (7) Proposed ordinance authorizing short-term borrowing
Citizens' comments
First Reading
 - (8) Takoma Park Volunteer Fire Department Suit
Report on Council Action

ADJOURNMENT

CITY OF TAKOMA PARK, MARYLAND
REGULAR MEETING OF THE MAYOR AND COUNCIL
MAY 23, 1983

CITY OFFICIALS PRESENT

Mayor Abbott	City Administrator Nichols
Councilmember Bradley	City Clerk Pusti
Councilmember D'Ovidio-Excused	Asst. Administrator Schnuer
Councilmember Eckert	Public Works Director Robbins
Councilmember Faulkner	Library Director Spottswood
Councilmember Garcia -Excused	Recreation Director Ziegler
Councilmember Iddings	Corporation Counsel Gagliardo
Councilmember Williams-Excused	

The Mayor and City Council of Takoma Park, Maryland met on May 23, 1983, at 8:25 p.m. in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made and duly seconded to approve the Council Meeting minutes of May 9, 1983; the motion passed unanimously.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott commented that the Council minutes have been published on time for the past three months; hoped that citizens noticed. He also noted that as a result of problems arising there were two Special Worksessions and Emergency Council meetings held the previous week pertaining to negotiations for settlement of the Firefighters suit. The first session on May 19, authorized a counter-offer to the County, which was rejected. At the May 20 session, an ordinance was passed accepting an offer made by Montgomery County. The minutes of the Special Worksession and Emergency Meeting of May 19 were moved for approval by Councilmember Eckert, seconded by Councilmember Bradley and approved unanimously. Upon motion, duly seconded, the minutes of the meeting of May 20, were approved by the majority of those present, with Councilmember Eckert abstaining. Councilmember Eckert agreed with the content, but stated he was absent from meeting and abstained for that reason. Upon question, the Corporation Counsel explained that the motion could be carried by majority vote of the quorum present.

1. Swearing in of Police Officer Fred A. Roush

Councilmember Bradley did the honors of swearing in Fred A. Roush as a police officer.

2. Proclamation: Historic Preservation Week:

Councilmember Iddings presented the proclamation for Historic Preservation Week to Mr. Ed McMahon, Chairman, Citizens Historic Preservation Committee. Mr. McMahon thanked the Mayor and Council for the proclamation.

3. Takoma Park Volunteer Fire Department Suit - Report on Council Action:

Corporation Counsel stated that in 1981, the City of Montgomery County sued Takoma Park, claiming that City owed \$205,200, plus interest -- amounting to about \$300,000. The suit was premised on alleged breach of contract by the City. In June 1974, an agreement was signed by the then-Mayor John Roth and then-County Executive James Gleason, which document stated the City would pay 1/3 of the accrued unfunded pension liability of certain firefighters who were being transferred from the City to the County or \$250,000, whichever was greater. There was no dispute that the document existed and that the signatures appeared on the document. The dispute, however, was whether or not Mayor Roth was empowered by the Council to effectuate the agreement; the City took the position that he was not. The County stated there was a resolution passed earlier in June of that year which empowered him; Takoma Park argued that the agreement addressed itself to the City and the Volunteer Fire Department, not the City and the County. The Mayor's act was, in effect, ultra vires. Corporation Counsel stated that the City had also been prepared to defend the suit on the grounds that the statute of limitations had run; that the suit was brought in 1981, seven years after the transfer took place and facts were muddled as to when the cause of action accrued. City contended it was November of 1977, which was when the County first knew what the total pension liabilities were; the County stated that it was at a later date. Corporation Counsel stated that the trial was set for Wednesday, May 25. During the week of May 23, in a series of meetings in both

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May 23, 1983

Takoma Park and Rockville with County Attorneys, the County Executive and various other officials of the County and City, an agreement was reached that the City would pay \$100,000 to the County by July 31; this will end all claims against the City of Takoma Park concerning the transfer of firefighters, including the pension question. The County has signed the document, and it is official. This ends the nine year dispute over pension money. Mayor Abbott stated that at the May 20 Emergency Meeting, there was a quorum of eight Councilmembers and the voting on the \$100,000 payable ~~June~~^{July} 31^{5. Pmt} was approved by Councilmembers Bradley, D'Ovidio, and Iddings. Councilmember Faulkner voted Nay. Under Sec. 1.5(a) of the Charter of Takoma Park, the Mayor can cast a vote in order to break a tie, or vote on expenditures of \$10,000 or more when less than four affirmative votes are cast. Mayor Abbott used that authority. In answer to former Councilmember Forshee's question as to where the money will come from, it was stated that the final determination of where funds come from has not been made; stated that several options have been outlined; e.g., some of the surplus that City will have at the end of this year, additional payments that the County had already promised at the end of the year, and additional double taxation rebate. Mayor Abbott stated that the Council by majority vote determined that a settlement for \$100,000 is better than taking a chance on losing a case for \$300,000 to be paid by the City.

Patrick Donnelly - 7002 Sycamore Ave: Stated a need for elaboration from the City Administrator as to exactly what the sources are for funding. The City Administrator stated that there are a variety of options: (1) - City is anticipating a large surplus this year; (2) - Double taxation from Montgomery County (\$100,000); (3) - a general contingency which the Mayor and Council will approve in the upcoming budget, as required by the Charter. It is 2% of new revenues, which is about \$78,000, and is money available for unanticipated expenses. Also stated other options such as cutting some of the expenses in the proposed Budget - there is \$95,000 in the proposed Capital Improvements Budget for FY 84, \$50,000 of this money is Community Development Block Grant Funds which is money that must be spent on Capital Improvements - about \$30,000 is money required by the Charter - (1% of new revenues), and about \$15,000 put in at Mr. Nichols' request. The City received preliminary approval from the State Department of Natural Resources for a \$15,000 grant for planting trees. There is \$6,000 in the proposed budget for tree planting. Mayor and Council could vote not to use that money for three planting, and use it toward payment of the debt. Again, stated that City could pay \$100,000 and it is better than paying \$300,000.

John Hemphill - 8112 Flower Ave: Asked question as to reasons for vote, and what were reasons for voting against the settlement. Councilmember Faulkner stated that both past and current Corporation Counsels felt that the City had a good case and that the City could win; that \$100,000 was too high. Councilmember Iddings, voted in favor of the proposed settlement; stated that he felt it was an issue of equity; felt City was obligated to pay; that City and County relationship is very important, and that the settlement served the City's best interest.

Councilmember Bradley stated she had voted both evenings for settlement in the \$100,000 range, and expressed support for many of Councilmember Iddings' statements. Stated that there is another pension liability matter coming up regarding state pensions which must be dealt with by many municipalities. Stated City cannot have a gentlemen's agreement - it leads to misunderstandings years later. City must document any discussions on such matters. In terms of paying off the debt, contingency money was favored. Also favored this resolution because of respect for decisions made by previous Councils and the need for continuity of government.

Councilmember Eckert stated his support of May 19 agreement; supported also the results of the May 20th meeting. Stated issues had been muddled because of length of time involved; could have soured relationship with Montgomery County if case went to court; also worried about the continued existence of the Fire Department. Mayor Abbott stated he would have had no hesitation in going to court; the documents were on the City's side; statute of limitations is involved; felt Council had not operated as Charter dictates. Councilmember Faulkner stated that \$26,000 was the agreed on amount to be paid to County. Felt that the Mayor placed more weight on the letter using the figure of \$250,000 than his word, which was backed up by calculations. The Mayor stated that bills, had been sent - for three years there was no response to the bills. The Mayor stated his agreement with Councilmember Faulkner's calculations, but pointed out

3 COUNCIL MEETING MINUTES
May 23, 1983

that the documents did not support his figures. Corporation Counsel stated that Mayor Roth, in a deposition stated that money was owed and he had obtained City Council's authorization to commit the City. Stated there was a letter from David Gratz to City Administrator Gilsdorf saying that the accrued liability could be from \$500,000 to \$750,000, subject to final audit. Further elaborated on other depositions, and a conversation with Mr. Gilsdorf. Stated that these witnesses could not win the case for Takoma Park since the documentary evidence would refute their recollections. However, Counsel further stated that the case could be won on the statute of limitations issue; that a motion for summary judgment was filed on that premise. Stated that the County billed Takoma Park four times. Three times for \$250,000 and once for \$205,000; these are undisputable facts. Corporation Counsel stated that the right political decision was made; he had recommended the settlement.

Patrick Donnelly - 7002 Sycamore Ave: Stated that as a resident of Prince George's County, would like to advise that offense was taken to an earlier statement implying that Prince George's County was not contributing to the upkeep of the Fire Department. Prince George's County residents paid taxes to the City last year. It was pointed out Prince George's County, since 1976, has not reimbursed Montgomery County for the fire protection it provides to Prince George's County section of the City. Mayor Abbott noted that next year Takoma Park will pay an additional \$160,000 toward accrued retirement liability for City employees, per year.

Rino Aldrighetti - 7213 Central Avenue: Asked Councilmember Faulkner why he contested the amount of the debt. Councilmember Faulkner stated that in his view, the original debt was \$26,000; certain interests should have been paid on that. His calculations were based on the difference between the two different pension rates of City and County. There is a 2% difference in both employee and employer contributions, amounting to around one-third of \$80,000. Councilmember Iddings stated the other issue is what does accrued liability mean: Does it mean accrued payments or how much the City is liable for in pension funds paid to workers during the course of their retirement; \$812,000 is the total amount of the latter. Councilmember Faulkner stated that when the document was signed, the term accrued liability had a different connotation than it has at the present time, and the amount owed should be based on what it meant in 1974. The pension plans are all in trouble now.

PUBLIC HEARING ON PROPOSED USE OF FEDERAL REVENUE SHARING FUNDS, FY 1983-84.

The City Administrator stated that the proposed Budget is reflective of what the needs of the City are at the present time with emphasis on suggestions and recommendations from the citizens during public hearings on the subject of revenue sharing funds held earlier this year. The total amount available is \$105,000. Councilmember Iddings noted that last year the City received citizens statements about how it had presented the funds in the budget. They were folded into the Budget. This year the format is different - targeting the revenue funds to the specific items.

Abby Mandel - 7003 Woodland Ave: Stated it is not clear what is covered by Federal Revenue Funds - assumed it would include amounts that are listed as wages under Public Works, which is really covered by Revenue Sharing. Asked if some of the payroll will be covered by Revenue Sharing Funds. Council stated these are capital equipment purchases. Some of the items listed in the budget are for installation, but most are all for material acquisitions. Mrs. Mandel further stated that Revenue Sharing Funds should not be used for bike racks or maintenance, stated support of archives management; would like to see more money there; supported the Artists' Guild proposal. Should not use the money for play equipment, etc.

Patrick Donnelly: Asked if the \$68,000 for the Police Department had any restrictions as to how this money is to be spent. Suggested paying the \$100,000 owed on the settlement of the Firefighters Suit instead of a new police communications system, which he felt was not needed. The City Administrator stated that this could not be recommended. He stated the \$68,000 is part of the cost of funding a new system. The existing police communications system is several years old and quite inadequate, and it is essential to replace it for the safety of the police and citizens.

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MAY 23, 1983

Norman Green - 6712 Westmoreland Ave: Stated that as a member of Takoma Artists Guild, supported the showcase in the hallway. Citizens would have access to the showcase as a focal point for cultural activities. Councilmember Iddings asked Mr. Green what TAG had in mind as to the display cabinets - where they would be placed, who would have access, etc. Mr. Green stated the cabinet would be located in the hallway of the Municipal Building; citizens would have access to the showcases, which would be 20' by 7' in glass. Councilmember Iddings suggested that the Historic Preservation Committee could display old photos in the cabinets.

Councilmember Bradley stated her support and expressed a desire for more information on similar media-related projects within the library and stated these are part of the effort in establishing community identity- especially the arts and Takoma Park history.

Councilmember Eckert stated the Takoma Artists' Guild should be supported by the City.

Pat Watkins - 6714 Cockerille Ave: Stated support for the \$1500 for bicycle racks. They add to the safety of citizens in parking and walking around the city.

Mayor Abbott stated the idea is based on a resolution passed by the Council two years ago for racks near the police station; they should be spread around the City. Councilmember Iddings stated that the plan for Takoma Old Town includes bike racks; there is a subcommittee in the Traffic Committee on bicycling. The Mayor stated that the City applied for emergency CBDG grant for construction of a bike path from Piney Branch Road to Maple Avenue. The amount of money and the disbursement of it will be made during the week.

Thomas Morris - 126 Lee Ave - Apt. 3: Stated that if the Takoma Artists Guild agreed to provide all labor for the building and putting in place the cabinet; there would be no expense incurred by the City except for the materials.

Richard Schnuer - Asst. City Administrator: Stated TAG would do the scheduling and set policy so all groups have an opportunity to display. At the discretion of the Administrator or City Council, TAG would set the ground rules. City would keep up exterior and TAG would keep up interior.

Mayor Abbott asked City Administrator to explain the \$9,000 for lighting improvements. The City Administrator stated this amount of money reflects a community concern for improved lighting throughout the City. City receives a number of inquiries about inadequacy of street lights. Mr. Nichols explained that for \$9,000 City could put up a number of lights. Stated the cost per light is about \$185-\$200 per light. The City Administrator stated that this was cost free until 1982; PEPCO instituted a policy of charging for the individual fixtures to be installed and for labor. Mr. Robbins stated the cost is \$300 per conversion. Mayor Abbott stated that the Director of Public Works submit an article to be published in the Newsletter explaining characteristics of different lighting modes to apprise citizens as to the light damage to trees by either method. The City Administrator stated the utility companies would be willing to install some of the alternative lighting on an experimental basis so citizens can see what different lights emit. Mr. Nichols stated that Mayor and Council will be holding a worksession on May 31 to begin the wrap-up of variety of issues. Budget is scheduled to be adopted on June 13.

PUBLIC HEARINGS ON FISCAL YEAR 1983-84 BUDGETS

1. Recreation Department - Director, Ziegler:

Mrs. Ziegler stated few changes in the budget from last year. Total budget recommended by the Administrator is \$141,490. The only change is cost of living for three full-time employees and 13 part-time employees. Budget requests an additional amount for the special programs which were reduced last year, and a small increase for Fourth of July expense. The Department has reduced the hours in evening programs; cut out 1/2 day on Saturday programs; also roller skating program for the summer months is not going to be reinstated. Mayor asked if the 5% cost of living adjustment included in all salaries - Mrs. Ziegler stated that it did.

5 COUNCIL MEETING MINUTES
MAY 23, 1983

Ed Hutmire - 21 Columbia Ave: Speaking in behalf of the Takoma Park Recreation Council, stated that Council is gratified to see that City Administrator's recommendation for the Departmental budget recognizes the need for significant expenses in the areas the Independence Day activities support and in the special programs. Thanked Council for considering these events. Praised the Department and the City for the very complete Budget package and for all events taking place in the City.

Bob Lazun - 7309 Cedar Ave: Representing the Takoma Park Community Singers, asked for \$300 for sheet music, etc. The group represents the City on occasions. They are doing a Centinential production on June 17; need \$200 for music - \$100 for folders for 20 people in singers' group. Councilmember Bradley asked what other means has the group tried to raise funds? Mr. Lazun stated group has not looked into this - members are full-time working people. Mr. Lazun noted that donations that receive are put into their fund handled by the Recreation Department.

The City Administrator stated that appropriations for buying music could be made from Capital funds.

Abby Mandel - 7003 Woodland Ave: Stated that she is referred to the Recreation Department for much information; that City needs Recreation and Library very much. Noted the array of items the Recreation and Library Departments handle and the little money allotted to these Departments. Suggested adding an additional 10¢ to tax rate designed specifically for the Recreation Department. Also City needs a place for teenagers to go.

2. Housing Services - Dedra Tyree, Director: Mrs. Tyree stated that the increases reflected in Housing Services are a result of combing two offices into one Department. Noted that without a former record of a full staff, the Housing Department showed in this Budget a tentative cost to operate and expand the Code Inspection Program, which will take the most money to operate. Telephone service has increased due to the case load for security deposit issues with landlord/tenant. Printing will include housing code brochures, and updated landlord/tenant brochures, heavily used form letters, forms, and warning notices. In response to Mayor Abbott's query, Mrs. Tyree stated there were 531 registered rental facilities, - a total of 4200 multi-family units in the City. The Mayor noted that up until two years ago the City used the services of the County for landlord/tenant problems. There was a discussion on the possibility of issuing occupancy permits, as opposed to the present registration system which could better regulate the process, and encourage better maintenance, and provide the authority to revoke the permits if property is not kept up. The Mayor stated that the City will be getting more money from Montgomery County for Code Enforcement. Councilmember Eckert spoke of the proposed salary increase of 5% accross the board, and asked if Housing had any comments. Mrs. Tyree stated that the increase would not be enough for support staff, herself excepted.

Patrick Donnelly: Asked how much of the Departmental Budget is expended in the two Counties. Mrs. Tyree stated about 2/3 in Montgomery and 1/3 in Prince George's

3. Library Department - Ellen Spottswood, Director: The Director reported on the planning process of the Library, taking place over a 16-month period, as presented in worksession. Process uses a structured committee approach in evaluating Library service and designing future service. Citizen involvement and establishment of long-range goals are most important. This process has been undertaken by a number of Counties. The upcoming Newsletter will begin to introduce the process and enlist citizen participants. Ms. Spottswood stated that Bruce Moyer, Chairman of CATV Committee had submitted a proposal to the Council recommending an appropriation of funds for the establishment of a video resource center for the City Library. This proposal came about as a result of suggestions made by Mr. Sam Love and members of the Committee at the Library's Budget Worksession on May 10. Mayor Abbott invited members of the Committee to meet with the Director and draw up a specific proposal. Library is seeking additional information about the way in which Montgomery County's Public Libraries plan to develop their video centers in the future. Montgomery and Prince George's Counties both have collections of tapes and full-length films, with educational, consumer-oriented and general interest tapes as well. This would overlap with the tapes recommended for inclusion in the City Library collection. Because of that, the proposal will be modified in final draft.

6 COUNCIL MEETING MINUTES
MAY 23, 1983

The City Library would be interested in acquiring historical tapes and interest tapes that the County libraries are not likely to acquire, as well as instructional tapes. The Director stated that the Library would avoid duplicating material by being aware of what materials are available elsewhere and material called for in the long-range acquisition plans. Specifically hoped to concentrate on materials produced for cable TV on the Takoma Park channel. Proposal also involves purchase of equipment which would be used by Library and City to give citizens an opportunity for viewing in the Library and also could be used in circulation of material. Mayor Abbott inquired about the Library's line items of extra clerical help, extra shelving help and fringe benefits, a total of \$41,000. The City Administrator stated that in FY-82 the extra clerical and shelving help were listed as part of a salary line item. Fringe Benefits were listed as a lump sum for all City employees under the miscellaneous category. Now the City is trying to accurately reflect the cost of each service by providing the salary and what it costs in additional help and intended fringe benefits for those employees.

Bruce Moyer - 37 Philadelphia Ave; - Chairman CATV Committee:

Stated in support of the proposal, the recognition of the increasing amount of community interest in Takoma Park in video as a medium for community expression. There are a large number in attendance in video classes in all Montgomery County. People will be taping many things that pertain specifically to the City; video is an important educational tool. Hardware necessary are TV or monitor, tape deck and stand, modest acquisition of tapes. The Department is asking for \$4,000 for this appropriation.

Same Love - 106 Elm Ave: Stated that a number of meetings have been held and the Committee with Library Staff, has attempted to develop the proposal and give Council a realistic proposal. Material has come in regarding Montgomery County's plan for acquiring a very large video tape collection and an extensive collection in Prince George's County. Citizens in the City will wish to have access to it as part of the screenings done now in the Library. Also stated that it will be necessary for the Library to acquire this type of equipment. Interest is growing in this field and it would be a wise expenditure. Also reiterated that the material the Committee had in mind are tapes done on local interest in Takoma Park.

Abby Mandel: Stated that the Library is a crime prevention agency and has a potential to interest kids in many things; the Library should have more money to enlarge collection of adult books.

Jill Wettrich - 1006 Elm Ave: Asked whether the Library has a "laundry list" of books wanted, saying it would be nice if citizens could donate books to the Library. Ms. Spottswood commented that the Library would like to have donation of any books. They are added to the collection in the Library if appropriate and space is available. The Director stated that through the Newsletter the Library could let citizens know what books are needed and wanted.

Robert Smith - 640 Kennebeck Ave: Stated as a member of the Committee on cable access, he supported the video resource center; addressed the items that are proposed to be included in the collection for the Library.

Mr. Pavlosky - 33 Hickory Ave: Asked the Library Director if there are funds for Historical Society material. The Director stated there is Historical Society material stored in the Library, but it is not part of the City collection; it is available for citizens who want access to it. Councilmember Iddings stated that one of the items in the Federal Revenue Sharing Budget was for archives management, which the City Clerk has requested, to begin looking at ways to save City records which are now deposited in the basement. Hoped there could be a way to begin preserving at archival levels other historical material as well. The Director stated that this year's budget is lower than 1982 budget. City is making better use of arrangements with jobbers in regarding ordering books at a maximum discount. In the past there were short discount items. Councilmember Bradley stated that Library needs another form of fund raising in addition to the tax dollars that are provided by the City. Doing more publicity in terms of donations, book plates, etc. Also stated that City should make accessible those services that citizens are paying for at the County levels. Stated her support for the project in terms of

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developing video resource center. Mayor Abbott pointed out that Rockville sets aside over 1% of its Capital Budget for cultural purposes.

4. Administration - Richard Schnuer, Assistant City Administrator:

Mr. Schnuer stated that Administration is 10% of the City staff; 30% of the Administrative staff is the Accounting Division; 20% Community Development staff; 25%: general professional; and 25% administrative support. The City has added a Community Development Division comprised of the Rehabilitation Specialist, and the Economic Development Coordinator, paid for by Block Grant Funds. The Tool Library is now a line item for replacement of tools. Requests from citizens have been taken for a few months in order to know what is needed; \$1,000 will take care of tool replacement, with a \$200 for contingency. Noted that salary for the tool librarian, a part-time, 12-hour per week job, is approximately \$4,000 a year. There followed a general discussion on the operation of the tool library. Mr. Schnuer stated that in other Divisions there are no major changes. The Account Division is proceeding with automation at a good rate, the bulk of the money is going to be used in the chosen system; the City may wish to consider a microfilm system for records. Further discussed the goals set out for the Administrative Offices - relating to a City-wide personnel study; insurance programs; adding .5 position in the clerical support area to keep up with the increased work load. Councilmember Iddings asked how many additional positions over last year, to which Mr. Schnuer responded there is 1/2 clerical position to be added in this area, and two upgrades in the City Administrator's Office; also the funds for Citizens' Committee support have been merged with salaries. Councilmember Faulkner asked what happens when a Budget line item threatens to go over the budgeted amount. The Assistant City Administrator stated that Department heads must bring this to his or the City Administrator's attention with projections and explanations; no Council action is required. A great effort to maintain these Budget items is encouraged. The automated financial system should enhance this process.

Abby Mandel: Stated her opposition to the Economic Development Division; suggested raising the tax rate so that City may have contingency money available. Further stated opposition for increasing the Newsletter budget; though it is a wonderful paper, the City should not have a kept press. Proposed instead, using the \$20,000 as seed money for an outside paper.

Rino Aldreggetti: Stated support of the budget for the Newsletter, saying it far surpasses what the City previously had.

Mayor Abbott stated that the final Budget is to be adopted on June 13, 1983.

CITIZENS COMMENTS (those not directed at items for Council Action)

Phil Vogel - 7117 Garland Avenue: Stated that the Long Branch-Sligo Citizens' Association needs help on 7403 Garland Avenue; Board of Appeals denied the extension of time; Mr. Patner has applied for a Special Exception (#3447) to allow for a three-unit apartment. The special exception and permit issued in error hearings will be held on August 17, and Mr. Vogel urged Council to ask the Board of Appeals to extend the case into October to allow citizen input into the matter. Corporation Counsel stated that Mr. Patner used delaying tactics to continue illegal use. Mr. Vogel stated August is vacation time for interested citizens in the City. Councilmember Faulkner moved to ask the Zoning Hearing Examiner to move the case from August 17 to a date in October. Councilmember Bradley seconded the motion; it was passed unanimously.

Mr. Vogel further stated that the Washington Suburban Sanitary Commission has not held a citizens advisory committee meeting on the Sligo Relief Sewer since early December; that construction is moving ahead without citizen input. Also suggested that the Park and Planning Commission should extend the stream bank erosion project into the Takoma Park section. Councilmember Faulkner moved to contact WSSC as to what is happening with the sewer project; Councilmember Bradley seconded, and the motion passed unanimously.

Mr. Vogel further stated that a considerable number of large trees have been cut at Washington Adventist Hospital, saying he understood it was done in violation of the site plan agreement. Further stated that Park and Planning stopped the cutting of trees because it was in violation. Mr. Gerald Northam, Hospital spokesman, stated the Hospital cut only as many trees as needed; stumps will be re-

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moved during grading process. Councilmember Bradley stated that the Park and Planning staff informed a group that a stop work order had been issued on the cutting of the trees, and that it had not been done in accordance with the special variance decision.

Rino Aldrighetti: Stated that some of these trees were over 100 years old; all trees were cut at once. Also said that Park and Planning stated that some of the trees were cut that were not included in the development plan. Mr. Aldrighetti stated that Mr. Derek Krieger will no longer be able to serve on the City Traffic Committee because of his duties on the Police Search Committee. The Long Branch-Sligo Citizens Association has named Mr. Phil Vogel to replace him on the City Traffic Committee. Mr. Aldrighetti further stated his support of the curb-cut ordinance. Thanked Public Works Director for his work.

Jerry Northam - Washington Adventist Hospital: Stated that the trees that were cut were included in the original plan. Two additional trees were cut: one had a concrete center, extensive signs of disease; the other was in the plan for the new entry way design. Further stated a building permit was forthcoming - therefore, it was necessary to cut the trees.

Councilmember Bradley stated that WAH apparently by-passed the Park and Planning public process. Councilmember Eckert stated he found it abhorrent that the Hospital did not find a way to save the trees.

Tom Gagliardo - 704 Maplewood Ave: Spoke of the temporary parking lot on Maple Avenue between Sligo and Maplewood, which hospital created to store equipment and in the process destroyed a stand of trees, then discontinued the use of the lot and has put in grass and shrubbery. Stated the public process was totally abused, and the hospital has done what it pleased to do; even though citizens from the City met once a week to plan positive criteria to the mutual advantage of the hospital and the City; tried to establish communications, but to no avail.

Rino Aldrighetti: Stated his disbelief that the Board of Trustees knows all that has happened, saying that the staff is apparently making stupid decisions on its own initiative. Requested that Dr. Northam communicate the comments made to the Board of Trustees.

Councilmember Bradley asked for specific information of interest to the public. Mayor Abbott stated that a committee has been set up by the Council and citizens groups to work out better relations between the City, citizens and the Hospital. Suggested that the Committee formalize their requests for plans, names and addresses of individual members of the Board, etc.

ITEMS FOR COUNCIL CONSIDERATION

1. Prince George's County Board of Appeals No. 6786; request to validate a side-yard variance of + 3 feet at 1313 Elson Court. Public Hearing: 6:30 p.m., 5-25-83, CAB Upper Marlboro.

Mr. Ellery Dennison - 7207 13th Place: Speaking for Hillwood Manor Citizens' Association, questioned Council as to when the house was built; was the outside stairway put up when the house was built or added at a later time? The City Administrator stated that the information that zoning inspector provided was that the stairwell was built when the house was constructed; estimated construction was about 1953. Mr. Dennison also noted house was owned by absentee landlord - house and stairwell in disrepair. The City Administrator noted that formal communication with owner of the house has not been made.

Larry Twerdok - 1315 Elson Court: Opposed to granting a variance on a rental that is not well maintained. Stated Snider Brothers are renting the property "as is," they provide no maintenance. The distances are misrepresented by Snider Brothers, variance of more than 5 feet not + 3 is needed. Councilmember Faulkner moved to oppose the variance; Councilmember Bradley seconded the motion.

Janice Martin - 1319 Elson Court: Stated stairway is extremely objectionable, but it could be repaired and painted; current tenants plan to be there for two years and hope to fix it up. If it were removed, the kitchen door would drop 15 feet to nowhere. Councilmember Iddings stated there were two issues: (1) zoning

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variance and validation of existing conditions and (2) exterior code enforcement. Stated support for the variance, saying that to deny it would create an unreasonable situation. Councilmember Bradley withdrew her second to Councilmember Faulkner's motion. Councilmember Iddings moved as a substitute motion that the City go on record in support of the variance contingent on the property management company agreeing to repair and maintain the stairwell; Councilmember Bradley seconded the motion; motion passed unanimously. Councilmember Iddings stated that the City Administrator look into code enforcement at this property. Mr. Twerdok asked to have his objections included in the letter to the Board of Appeals, and the Council concurred.

(2) Youth Worker Proposal

This item was withdrawn from the agenda, to be taken up at the worksession on May 31, 1983 Councilmeeting.

(3) Second Reading of an Ordinance amending Chapter 13 of the City Code by the addition of a new section to provide for the installation and maintenance of speed humps.

This item was postponed until the next City Council meeting.

(4) Authorization to execute CATV Contract with Montgomery County

Councilmember Bradley moved that the City Administrator and the Mayor be authorized to sign the contract; Councilmember Eckert seconded the motion; motion passed unanimously. Councilmember Iddings noted the incredible amount of work the CATV Committee had accomplished.

(5) Proposed ordinance amending Chapter 11 of the City Code as it pertains to requirements for curb cuts and driveway aprons

The proposal was accepted as a first reading. (Attached)

(6) Proposed ordinance authorizing short-term borrowing

The proposed ordinance was accepted for a first reading. (Attached)

Dr. Northam reported that Dr. Shiroma would leave his post at Washington Adventist Hospital the following week. He requested that the Committee or Council copy him in on any requests for information regarding the Hospital.

Upon proper motion, the meeting adjourned at 12:40 a.m., to reconvene on Monday, June 6, 1983, at 7:30 p.m. for a public hearing, and in regular session on June 13, 1983, at 8:00 P.M.

PROPOSED ORDINANCE

- WHEREAS, the budget of the City of Takoma Park adopted for the Fiscal Year 1982-83 includes revenues to be received from the State of Maryland, Montgomery County and Prince George's County; AND
- WHEREAS, a substantial part of the revenues due the City of Takoma Park from the State of Maryland, Montgomery County and Prince George's County have not been received as of this time; AND
- WHEREAS, substantial expenses for the first quarter of Fiscal Year 1984 will be incurred prior to the collection of tax revenues for that year; AND
- WHEREAS, the City of Takoma Park requires that it borrow up to \$400,000 to meet payroll and current day-to-day obligations of the City for the period June 7, 1983 through September 30, 1983; AND
- WHEREAS, Section 1.7(h) of the Charter of the City of Takoma Park provides that "The Council may issue interest-bearing certificates of indebtedness, not to exceed in amount the annual revenue of the City, less the amount of all sinking funds previously provided for, said certificates and interest to be paid only from such revenue and within one (1) year from the date of their issue; and such certificates may be issued in pursuance of an ordinance duly passed without submitting the question to the registered voters of the City"; AND
- WHEREAS, the City Administrator has negotiated with banking institutions to determine the best interest rate that may be obtained on a certificate of indebtedness when issued; AND
- WHEREAS, the City Administrator shall receive in writing offers or bids, which shall become part of the records of the City of Takoma Park, to issue an interest-bearing certificate of indebtedness in the amount of \$400,000.
- NOW, THEREFORE, IT IS ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:
- SECTION 1. THAT the City of Takoma Park issue an interest-bearing certificate of indebtedness establishing a line of credit in the amount of \$400,000 with the institution which submits the responsible offer with the lowest rate of interest.
- SECTION 2. THAT each draw upon the certificate of indebtedness shall be payable at any time without penalty but in any event each draw shall be due and payable within one (1) year from issue of the certificate of indebtedness.
- SECTION 3. THAT the certificate of indebtedness shall be payable from the revenues of the City.
- SECTION 4. THAT the certificate of indebtedness when issued shall be signed by the City Administrator on behalf of the City of Takoma Park and attested to by the City Clerk.

PROPOSED ORDINANCE

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

SECTION 1. THAT Chapter 11, entitled "Streets," of the Code of Takoma Park, Md., 1972, as amended, be further amended by the addition of a new section 11-1 A, Definitions, and by the amendment of Sections 11-15, 11-16, 11-21, 11-26 and 11-27, as set forth below:

Sec. 11.1A Definitions

(a) As used in this Chapter:

- (1) Driveway apron shall mean a concrete or bituminous concrete area designed and shaped to Public Works' specifications, and shall consist of the entire concrete or bituminous concrete area between the property line and the roadway or curb line, and it shall be used for ingress and egress of vehicles or other equipment between driveways and public roads.
- (2) Single vehicle driveway apron shall mean a driveway apron that is no more than (10) ten feet long at the property line where it meets the driveway.
- (3) Double vehicle driveway apron shall mean a driveway apron that is no more than (20) twenty feet long at the property line where it meets the driveway.

Sec. 11-15 Permit required for grading or construction.

No person shall grade, construct, cut or excavate any street, road, highway, alley, driveway apron, sidewalk, right-of-way, curb, or gutter, or begin any of the work of such grading or construction, without first having obtained a permit from the Clerk. To obtain a permit, the applicant must submit plans to the Clerk bearing the approval from the Director of Public Works or the Director's representative.

Sec. 11-16. Permit application; contents.

(a) All applications for grading and construction permits as described in Section 11-15 shall be filed in the Clerk's office on forms provided by that office, and shall be accompanied by two (2) sets of detailed plans of the project, indicating, wherever applicable, the following:

- (1) Right-of-way, name of street (if any), and width of right-of-way, abutting lots, north point and scale;
- (2) Pavement plan, curb and gutter, sidewalks, curb cuts, driveways, and dimensions;
- (3) Catch basins, inlets, culverts, and other drainage structures, and dimensions;
- (4) Construction details, including cross section pavement, curb and gutter, details of drainage structures, culverts, headwalls, etc.;
- (5) Grading plan and profile, showing existing grades, and finishing grades;
- (6) Driveway apron applicants shall provide the address, lot and block number where construction is to be done, and a drawing showing measurement for the property, all buildings, all porches, all permanent walks, all other permanently installed improvements, and the size and location of the driveway to be installed.
- (7) Any additional data required by the Director of Public Works or the Director's representative.

Sec. 11-21. Permit fee.

(a) Before any street, sidewalk, gutter, curb, or drainage project (except a project which is entirely a grading project) may be begun on a road or street or within the boundaries of a dedication to the public use, the applicant for a permit to undertake the project shall pay to the Treasurer four percent (4%) of the estimated cost of the project as determined by the Director, as an inspection and engineering fee.

(b) Where any project is entirely a grading project, the applicant shall pay ten percent (10%) of the estimated cost of the project as determined by the Director, to the Treasurer as an inspection and engineering fee, if the office of the Director does the engineering work on the project, and two percent (2%) if the applicant for the permit furnishes the engineering work.

(c) In other projects involving street cuts excavation, curb cuts, or driveway aprons, the Director may require that an inspection and engineering fee of Ten Dollars (\$10.00) be paid by the applicant to the Treasurer before work is begun.

(d) In all cases in this Article the Director of Public Works may require that an escrow deposit or a bond to cover costs of possible damage or other related problems to public property be paid to the Treasurer, the amount of the escrow deposit or bond shall be determined by the Director based on the project, and to be refunded after completion of the project with the approval of the Director.

Sec. 11-26 Driveway apron cost; corrective action; requirements.

- (a) Circumstances in which the city shall charge all cost of driveway apron installation or replacement to the property owner:
- (1) When the property owner requests in writing to have the city install or replace the driveway apron.
 - (2) When the Director of Public Works determines that the driveway apron has deteriorated to the point where pieces of concrete project above the surface, or pieces of concrete have become dislodged, and that these conditions are deemed hazardous to vehicular or pedestrian traffic, or threatens to erode the public right-of-way, or threatens to erode the public improvements the Director of Public Works or the Director's representative shall send by certified mail to the property owner that he or she has (30) thirty days to repair or replace the driveway apron. After (30) thirty days if the driveway apron has not been repaired or replaced the city shall replace the driveway apron at the owners expense and charge all cost as specified in Subsection (b) of this Section.
- (b) Charges for city taking corrective action.
- (1) If the city has taken corrective action to bring the driveway apron into compliance with Subsection (a) (2) of this Section, the Director of Public Works or the Director's representative who has caused the offensive condition to be corrected shall certify the cost to the Treasurer.
 - (2) The Treasurer shall examine the certificate and, if approved by the Mayor and Council and found correct, shall cause the cost as shown thereon to be charged against the lands. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, the amount to bear interest at the same rate as taxes, and shall be collected and enforced by the officers and in the same manner as taxes.
- (c) When the city replaces driveway aprons crossing public right-of-ways as a result of sidewalk or street repairs, there shall be no charge to the property owner whose property the driveway apron serves.
- (d) A contractor or property owner may install or replace a driveway apron providing a construction permit has been issued with the Director of Public Works or the Director's representatives approval and that the installation or replacement is in accordance with specifications provided by Public Works.
- (e) The Clerk shall issue construction permits for all driveway apron installations and replacement providing all requirements of this Article have been complied with.
- (f) Requirements to install or replace driveway aprons on a city right-of-way:
- (1) Obtain forms from Public Works and complete them as specified by the Director of Public Works or the Director's representative.
 - (2) Obtain a construction permit from the Clerk.
 - (3) Comply with all requirements of this Article.

Sec. 11-27. Driveway apron limitations, exemptions and qualifications.

- (a) Length of driveway aprons, for single family homes and apartments, to be installed shall not exceed (24) twenty four percent or (20) twenty feet whichever should occur first or be less than (10) ten feet measured at the property line of the respective property frontage abutting the right-of-way where the driveway apron is to be installed.
- (b) Length of driveway aprons for duplex homes that share the same deeded lot, to be installed shall not exceed (24) twenty four percent or (20) twenty feet whichever should occur first or be less than (10) ten feet for each dwelling in the duplex, measured at the property line, based on one half of the respective property frontage abutting the right-of-way. Duplex homes that do not share the same deeded lot shall be treated as a single family home in Subsection (a) of this Section.
- (c) Replacement of an existing driveway apron is exempt from length limitations providing the length of the new apron, measured at the property line, is the same size as the one it is replacing, and that it is installed in the same location.
- (d) Dwellings that do not have property abutting a right-of-way except for an easement or a narrow piece of land intended for ingress and egress are exempt from driveway apron size limitations only.
- (e) Commercial properties shall conform to all county codes for driveway apron size limitations and location. Residential properties and apartments shall conform to all county codes for driveway apron locations.
- (f) A construction permit may be issued for a (1) one vehicle driveway apron to serve a (2) two vehicle driveway providing the driveway parking area has a minimum of (162) one hundred sixty two square feet allocated for the parking of each vehicle and that a (10) ten foot maneuvering distance is maintained between the edge of the driveway apron abutting the private property and the parking area of the driveway.
- (g) A construction permit may be issued for a (2) two vehicle driveway apron to serve a (3) three vehicle driveway providing the driveway parking area has a minimum of (162) one hundred sixty two square feet allocated for the parking of each vehicle and that a (10) ten foot maneuvering distance is maintained between the edge of the driveway apron abutting the private property and the parking area of the driveway.
- (h) Cement concrete shall be used for installing or replacing driveway aprons when it abutts to a cement concrete curb. Bituminous concrete or cement concrete shall be used for installing or replacing driveway aprons when it does not abutt to a cement concrete curb.
- (i) Driveway aprons shall not be installed within (3) three feet of a tree planted in the city right-of-way.
- (j) Trees in city right-of-ways shall not be removed for the purpose of installing a driveway apron.

SECTION 2. THAT this ordinance shall become effective upon adoption.