

TO: Mayor and Council  
FROM: Richard L. Robbins, Acting City Administrator  
DATE: March 2, 1984  
SUBJ: Worksession Agenda, Monday March 5, 1984 7:30 P.M.

AGENDA

1. Tribune United CATV Report
2. TOT Parking, discussion regarding options as proposed by the Business Association.
3. Pre-budget presentation for Library.
4. Commercial District Management Authority. Explanation is included in Friday package. (Mok)
5. Discussion of open space usage (Haney)
6. LOTTO Lawsuit (Haney)
7. Video Game Ordinance - Discussion resulting from opinion provided by Corporation Counsel (Iddings)
8. Tree Ordinance, review of proposed amendments.
9. Status of park located at Sheridan and Hancock Avenues. (Iddings)

Mayor and Council Worksession

March 5, 1984

The City Council met in worksession at 7:34 p.m., Monday, March 5, 1984. Present were: Councilmembers Aldrighetti, Bradley, Dalmat, Haney and Iddings; Acting City Administrator Robbins.

The following matters were discussed and acted upon as indicated:

1. Tribune United CATV Report. Bill Dupree discussed strand mapping; said the wiring must be located a specific distance from PEPCO and C & P Telephone Co. wires. Jane Simons discussed the layout of the city, the sequence in which each area would be wired once construction begins and the time involved for completion. Said there is a lot of pre-wiring work to be done, that will commence in about 6 weeks; target date for switch-on is November 1984. John Hanson spoke representing Montgomery County; discussed the \$75,000 equipment package, said certain equipment in that package needs to be standardized. Explained that Tribune United will own and maintain the equipment; they will provide the capability of switching from character generator to live programming.

2. TOT parking, discussion regarding options as proposed by the Business Association. Skip Duncan (Old Takoma) spoke regarding proposed permit parking in the area; said a 1-year trial period is too long, suggested 3 months; certain streets should be exempt, i.e., Willow Avenue; yearly renewal for permits should be changed to a lesser time period to accommodate turnover of employees; there should be a fixed number of permits for issuance; permits should be forfeited upon termination of employment in the area; fees should be increased. Arthur Karpas of Westmoreland Area Citizens' Association stated he will meet with his organization to discuss the matter and report back at a later date. Comments were made that maps designating the number of available spaces on pertinent streets should be made up; contact should be made with all businesses in the area to ascertain how many spaces each requires; a plan for equitable distribution of the available spaces will have to be formulated.

3. Pre-budget presentation for Library. Library Director Spottswood spoke; described the department's planning process, how it evolved, the number of individuals involved in the process and how data was obtained. Stated inquiry had been made into availability of grants; Councilmember Aldrighetti requested that avenue be pursued and specifics furnished to Council. Councilmember Iddings suggested plans be made for opening the Library to patrons in the early morning hours.

4. Discussion of open space usage. Recommendations were made that 1) copies of the material be forwarded to citizens' associations for their review and they be requested to point out missing spaces, if any; 2) a map be colored in, designating spaces taken, with input from Tree Commission, Historic Preservation Committee, Public Works, Recreation Department and Recreation Council. Additionally, it was suggested volunteers be recruited to watch for tax sale notices in the newspapers (a way to obtain open space).

5. LOTTO Lawsuit. Decision was to take no action, wait and see what develops.

6. Video Game Ordinance - Discussion resulting from opinion provided by Corporation Counsel. Councilmember Iddings stated the law for each of the counties. Decision was made to direct Takoma Park Police to contact Prince George's County Police regarding apparent violations of the ordinance at "Ice & Nice" in the shopping area on New Hampshire Avenue at East-West Highway.

7. Tree Ordinance, review of proposed amendments. Corporation Counsel recommended that Council accept the February 27 amendments and adopt the draft ordinance. Suggestion was made that an article regarding the ordinance and the Tree Program be placed in the City Newsletter.

8. Status of park located at Sheridan and Hancock Avenues. Councilmember Iddings commented that Mr. Karkenny and MNCP-PC are in total

disagreement; Park and Planning is commencing condemnation proceedings to acquire the property.

A reminder was given concerning the Prince George's County Chapter of MML meeting to be held in the Municipal Building on March 15.

Mayor and Council expressed support for a Montgomery County Bill to be presented by County Councilmember Hanna which proposes giving tax credits for monies expended on renovating/restoring homes in an historic district.

There being no further business to discuss, the meeting adjourned.

T H E C I T Y O F T A K O M A P A R K , M A R Y L A N D

Regular Meeting of the Mayor and Council  
March 12, 1984

AGENDA

CALL TO ORDER: MAYOR ABBOTT

ROLL CALL: Councilmember Aldrighetti  
Councilmember Bradley  
Councilmember Dalmat  
Councilmember D'Ovidio  
Councilmember Haney  
Councilmember Iddings  
Councilmember Williams

PLEDGE

READING AND APPROVAL OF THE MINUTES OF FEBRUARY 27, 1984

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

PUBLIC HEARING ON COMMUNITY-SUGGESTED USES OF REVENUE SHARING FUNDS, FY-85

PRE-BUDGET COMMUNITY COMMENT ON BUDGET AND PUBLIC SERVICES

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: Acting City Administrator Robbins

1. Communications
2. Administrative Reports and Recommendations for Council Action
  - (1) Administrative reports
    - Update on property at 7309 Flower Avenue (Robbins)
  - (2) Second reading of an ordinance amending Sec. 12-28 of the City Code (Urban Forest) to provide a municipal infraction penalty; other penalty changes
    - Citizens' comments
    - Council action
  - (3) First reading of an ordinance amending Ordinance #2642 (handicapped parking) to add a space at 35 Hickory Avenue and to update penalty section
    - Citizens' comments
    - Council action
  - (4) Appointments to Community Development Block Grant Citizens' Advisory Committee for Year 11
  - (5) Support of Montgomery County Council Bill #1-84, Tax Credit for Restoration of Historic Property (Iddings)
    - Citizens' comments
    - Council action

ADJOURNMENT

NOTE: In the future a brief summary of Council actions will be appended to the agenda.

THE CITY OF TAKOMA PARK, MARYLAND  
REGULAR MEETING OF THE MAYOR AND COUNCIL  
MARCH 12, 1984

CITY OFFICIALS PRESENT:

Mayor Abbott	Acting City Administrator Robbins
Councilmember Aldrighetti	Police Chief Fisher
Councilmember Bradley	Act. Public Works Director Smith
Councilmember Dalmat	Library Director Spottswood
Councilmember D'Ovidio	Housing Director Tyree
Councilmember Haney	Recreation Director Ziegler
Councilmember Iddings	Corporation Counsel Gagliardo
Councilmember Williams	Asst. Corporation Counsel DeNovo

The Mayor and City Council of Takoma Park, Maryland, met on March 12, 1984, at 8:15 p.m., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Councilmember Bradley stated that the Minutes of February 27, 1984, page 3, paragraph one, the applicant's name should read "Guelda". Councilmember D'Ovidio moved the Minutes for adoption; Councilmember Bradley seconded the motion, and they were approved unanimously.

PUBLIC HEARING ON COMMUNITY-SUGGESTED USES OF REVENUE

SHARING FUNDS, FY-85

The Acting City Administrator stated that the estimated funds to be received this year would be \$120,000. The increase was based on the changed formula for computation. These funds are generally used for Capital purchases and general City improvements, i.e., City equipment, repair of buildings and parks.

Robert Mandel, 7003 Woodland Avenue: Stated that the Takoma Park Historical Society had long requested funds for a repository for their records. Mayor Abbott asked that Ellen Marsh be contacted for information, and that dollar figures be submitted to the Mayor and Council.

Daryl Stevens, 6800 Westmoreland Avenue: Suggested funds be allocated for Spring Park improvements for erosion problems occurring on the cement basketball court. The Acting City Administrator noted that this item could be handled by Revenue Sharing Funds or CDBG funds.

PRE-BUDGET COMMUNITY COMMENT ON BUDGET AND PUBLIC SERVICES

John Hemphill, 8112 Flower Avenue: Requested funding for Cable TV staff persons and resources. Mayor Abbott stated that if Takoma Park receives an access station, the City will then be faced with the problem of raising money. The Acting City Administrator stated that approximately \$30,000 has been tentatively allocated in the budget for the access station.

Councilmember Williams suggested the City hire a Fire Marshal to administer a Fire Prevention Program in conjunction with Housing Services and the Police Department. The Acting City Administrator stated that he would look into funding for this line item.

Sophia Helfand, 7620 Maple Avenue: Stated she has lived in the City for five years, noting that fire alarms and smoke detectors have never been checked. When finally checked,

they were often not in working order. Stated support for the Fire Prevention Program. Councilmember Iddings noted that the Takoma Park Volunteer Fire Department is supposed to make annual inspections; suggested they be contacted. Councilmember Williams informed the Council that Montgomery County only inspects fire devices upon request; there are no regular inspections. Mayor Abbott directed the Acting City Administrator to prepare figures on the Fire Prevention program.

Robert Mandel, 7003 Woodland Avenue: Suggested that only one community budget hearing be held instead of several meetings that are inconvenient for City residents. Mayor Abbott stated that there will be only two public hearings on the budget this year. Councilmember Bradley stated that Council must direct attention to repaving of roads and sidewalks. She requested that fees be included in the budget for consultants, bonds, and fees for major improvements instead of relying solely on CDBG funds.

Clayton Forshee, 722 Keenebec Avenue: Commented on a visit he had with Mr. Haynes Pridgen, the former City Administrator who now resides in North Carolina.

#### ADDITIONAL AGENDA ITEMS

Appointment of a new City Administrator (Councilmember Bradley)

Hiring of consultants for County Tax Differential (Mayor Abbott)

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

Arthur Karpas, 6916 Westmoreland Avenue: Spoke on behalf of WACO, stating the organization would like an update on improvements schedules for TOT and Spring Parks. Mayor Abbott stated he would obtain the schedule for TOT improvements from Mr. Stan Ernst, who is the Director of the Parks for Montgomery County. The Director of Recreation, Belle Ziegler, reported on the Spring Park schedule.

Bruce Moyer, 37 Philadelphia Avenue: as Chairman of the CATV Commission, gave a brief update on CATV Public Access, noting there is possible litigation pending. Councilmember Bradley stated that the access center that was to have been located in Takoma Park Junior High was rejected by the County Council. Councilmember Bradley stated that the Maryland Municipal League would be meeting with County Executive Gilchrist on March 22 regarding CATV commitment on the access center, the three County municipal channels and other provisions.

ITEMS FOR COUNCIL CONSIDERATION: Acting City Administrator Robbins

#### Administrative Reports and Recommendations for Council Action

(1) City Administrator Appointment (Councilmember Bradley)

Councilmember Bradley stated that the Mayor and Council had advertised for a City Administrator and Assistant City Administrator. Three rounds of interviews were conducted to help in assessing the many applications that had been submitted. An offer for the City Administrator's position was made to Mr. James S. Wilson, Jr., of Richmond, Virginia. Mr. Wilson had accepted the position. Councilmember Bradley read the letter of agreement dated March 5, 1984, which stated that formal appointment would be made at the Council Meeting of March 26, 1984, but he could begin on March 15; that salary would start at grade 29(F) on

the pay scale; appointment would be reviewed every six months and he would serve at the pleasure of the Mayor and Council. Councilmember Bradley suggested that the Mayor and Council accept the report from the subcommittee on the terms of employment and that the Council appoint Mr. Wilson as the City Administrator based upon the conditions set forth in the letter. Councilmember D'Ovidio moved to accept the appointment of Mr. Wilson as the City Administrator, Councilmember Aldrighetti seconded the motion, and it passed unanimously. Councilmember Bradley briefed the council on Mr. Wilson's employment history. Councilmember Aldrighetti stated that Mr. Wilson had a strong commitment to citizen involvement with a good management background and an open personality. Suggested an "open-house" or a large event to introduce the new City Administrator to the community. Councilmember Haney commented upon Mr. Wilson's strong professional background and his people-oriented personality. Mayor Abbott complimented Richard Robbins, the Acting City Administrator, on his capable service during the transition period.

(2) Hiring Consultants re Revenues:

The Acting City administrator stated the City must finalize its budget and set a tax rate no later than June 11, 1984. The City is seeking the services of one or more consultants to analyze the Montgomery County payments for FY 1984; analyze the Prince George's tax differential, establish a formula which would result in the county rebating the maximum amount to City residents, determine a uniform tax rate which would generate sufficient revenue. The Council has determined that the City needs the help of a consultant; the Mayor, the Acting City Administrator and Corporation Counsel had met with Mr. Robert Hacken and John Short, and discussed the terms of a contract for work to be done. Mr. Hacken had served for two terms on the Montgomery County Revenue Authority and had extensive experience in budget and research. Three contracts in the form of ordinances were presented for adoption. One would analyze the Montgomery County payments to the City for FY 84; another would analyze the Prince George's County tax differential plan, and the third contract would be to determine a uniform tax rate which would generate sufficient revenue to fund a tentative budget to be provided by the City, taking into account any payments from either County based on the actual payment made by each county in the last fiscal year, and after first allowing for an individual tax credit for taxes paid to one's county of residence but later paid back to the City by that county.

John Hemphill, 8112 Flower Avenue: Questioned the Council regarding the rebate from Prince George's County which is new, and asked how it would be established.

There was lengthy discussion among the Mayor and Council and Corporation Counsel pertaining to fire services provided in both counties. Mayor Abbott noted that the fee for the consultant work would amount to \$25.00 per hour including clerical work.

Ordinance No. 2710, Analysis of Montgomery County Tax Adjustment Plan, was moved for adoption by Mayor Abbott, Councilmember Bradley seconded the motion, and it was adopted with the roll call vote recorded as follows: Aye: Councilmembers Aldrighetti, Bradley, D'Ovidio, Dalmat, Haney, Iddings, Williams; Nay: None; Excused: None.

ORDINANCE NO. 2710  
(Attached)

Ordinance No. 2711, Analysis of Prince George's County Tax Rebate Plan, was moved for adoption by Mayor Abbott,

seconded by Councilmember Haney, and adopted by roll call vote recorded as follows: Aye: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings, Williams; Nay: None; Excused: None.

ORDINANCE NO. 2711  
(Attached)

Ordinance No. 2712, Projected Revenues Generated from a Uniform Tax Rate After Allowing a Tax Credit for County Taxes Paid and Rebated to the City, was moved for adoption by Mayor Abbott, seconded by Councilmember Haney, was passed unanimously with the roll call vote recorded as follows: Aye: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings, Williams; Nay: None; Abstentions: None.

ORDINANCE NO. 2712  
(Attached)

Councilmember Bradley stated that the projected outline was received after the pre-Council worksession. Noted that the City staff has the skill to determine the tax rate, but the City does not have an "official number cruncher"; the City is down two Administrators and needs help with the new figures coming in from both Counties. Mayor Abbott stated that the consultants would be present at worksessions regarding the tax rate and at the final public adoption. The City Clerk is working with the Acting City Administrator on a charter amendments to increase the allowable City tax rate.

(3) Update on property at 7309 Flower Avenue: (Robbins)

The Acting City Administrator stated this property was declared a nuisance and the owners had 90 days to abate the violation, which expired as of March 12, 1984. Work has begun on the property. Prince George's County Code Department has been contacted and inspection was scheduled for March 12. The owner stated that debris would be removed and Mr. Robbins informed the owner that if the exterior was cleaned up by the end of the week, the City would cooperate. Prince George's will inspect the property and submit a report to the City. If the property is not in compliance, the dwelling will be boarded up and the City would reinstate condemnation proceedings. In response to Mayor Abbott's query on 7709 and 7143 Carroll Avenue the Acting City Administrator informed the Mayor on schedules and reinspections.

(4) Second reading of an ordinance amending Sec. 12-28 of the City Code (Urban Forest) to provide a municipal infraction penalty; other penalty changes

Councilmember Haney moved to amend Sec. 2(a) (ii) to read as follows: " Doing any of the acts prohibited in Section 12-24 after the filing of an appeal, and before its final disposition, either (a) by an applicant who has been denied a permit application; or (b) by a party other than the applicant, when the Tree Commission has stayed the issuance of a permit."

Mayor Abbott stated that residents in his neighborhood had removed dead trees and had bypassed the permit process. The Acting City Administrator stated that Public Works would not interfere with maintenance or removal of potentially dangerous trees. There was a lengthy discussion regarding the removal of dead trees without a permit, with the Acting City Administrator explaining how a determination is made. Councilmember Haney stated that the staff must enforce the ordinance. Councilmember Iddings stated that one tree in violation should be a municipal infraction, but three trees in violation should be a misdemeanor. Councilmember Haney moved that Section (b) (iii) be amended to read "33 inches

in circumference at 4/12 feet above ground level".

Ruth Abbott, 7308 Birch Avenue: Stated there was a loophole in the law since citizens can make the determination as to whether trees are healthy or unhealthy. Noted that this determination should be made by the City. The Acting City Administrator stated that the City would begin citing residents cutting trees without first contacting Public Works. Councilmember Bradley stated that the Tree Commission should draw up administrative rules and guidelines. Corporation Counsel stated that there is a notice requirement of 15 days and it is possible to provide that for dead trees the period could be waived by the Director of Public Works; suggested to update Sec. 12-25. Councilmember Dalmat suggested automatic citing of residents for taking down trees without contacting Public Works.

Councilmember Haney moved adoption of the ordinance with the stated amendments; Councilmember Bradley seconded the motion and it was adopted with the roll call vote recorded as follows: Aye: Councilmembers Aldrighetti, Bradley, D'Ovidio, Haney, Iddings and Williams; Nay: None: Excused: Councilmember Dalmat. Councilmember Aldrighetti suggested staff flexibility in the ordinance.

Daryl Stevens, 6800 Westmoreland Avenue: Stated there should be maintenance of younger and older trees in the City.

ORDINANCE NO.2713  
(Attached)

(5) First reading of an ordinance amending Ordinance #2642 (handicapped parking) to add a space at 35 Hickory Avenue and to update penalty section

The Acting City Administrator stated that a handicapped parking space would make it more convenient for the residents at this address. Councilmember Bradley stated that anyone with a handicap tag could park in the space; suggested neighbors be notified for approval prior to the next public meeting. Further requested an annual review mechanism for handicapped parking tags.

PROPOSED ORDINANCE  
(Attached)

(6) Appointments to Community Development Block Grant Citizens Advisory Committee for Year 11

Councilmember D'Ovidio read the list of nominees to serve on the Citizens Advisory Committee for the planning of the City's CDBG Year 11 FY 85-86 program. Councilmember D'Ovidio added Pat Saumweber of North Takoma Citizens' Association and Tom Allegretti of New Hampshire Gardens Citizens Association. He moved the appointment of named nominees; Councilmember Haney seconded the motion, and it was passed unanimously. (A list is attached)

(7) Support of Montgomery County Council Bill #1-84, Tax Credit for Restoration of Historic Property

Councilmember Iddings stated that on Tuesday, March 20, Montgomery County will hold a public hearing on Bill # 1-84 which provides a tax credit of 10% of the cost of renovating or restoring a building against the County's property tax subject to certain conditions. For example, the property must be located in a recognized historic district or itself be a historic site. The cost of the work performed must exceed \$1,000. Further noted that the tax credit could be held over for five years. This would bring Montgomery

County in line with Prince George's County.

Mary Dean, 7118 Maple Avenue: Spoke as the Takoma Park representative of the Historic Preservation Committee, stating the Committee would support this legislation and urged Council support. Councilmember Iddings moved to support this bill by letter to the County Council; Councilmember Dalmat seconded the motion, and it passed unanimously with Councilmember Bradley abstaining.

Upon proper motion, the meeting adjourned at 10:35 p.m., to reconvene on Monday, March 26, 1984 at 8:00 p.m.

Ordinance No. 2710

Whereas: The City must negotiate with Montgomery County over the amount of funds to be paid by the County to the City to reimburse the city for services provided by it but for which taxes were collected by the County; and

Whereas: The City must, in accordance with state law, adopt its budget and set its tax rate by June 11, 1984; and

Whereas: The City is without sufficient in-house resources to meet its needs; and

Whereas: The Mayor and Council have determined that a contract should be let immediately to meet the above referenced deadline; and

Whereas: The Mayor and Council have determined that unless this measure is passed on an emergency basis the city will not be able to present an effective case, which could result in increased taxes for city residents:

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

1. An emergency exists;
2. The City enter into a contract for consulting services with Robert Hacken and John W. Short, as outlined in their proposal of March 12, 1984, entitled "Analysis of Montgomery County Tax Adjustment Plan - A Proposal," which is attached hereto and made a part hereof;
3. The total expenditure of funds under said contract to which the City shall be obligated is NOT TO EXCEED \$990.00 (NINE HUNDRED NINETY DOLLARS AND NO CENTS).
4. The Acting City Administrator is hereby authorized to execute any formal contract documents which may be required.
5. This ordinance shall be effective upon enactment.

ADOPTED BY THE MAYOR AND COUNCIL MARCH 12, 1984.

Analysis of Montgomery County Tax Adjustment Plan

A Proposal

Submitted by Robert Hacken and John W. Short  
March 12, 1984

I. Scope of Project

Analyze the Montgomery County payments to the city for fiscal year 1984 with a view towards establishing an accurate and equitable formula which reflects the fact that the city has provided services for which the county has nevertheless collected taxes. The City of Takoma Park is particularly concerned that Montgomery County uses an "incremental" cost analysis which results in a smaller payment to the city than if the county reimbursed the city for its actual cost of providing services.

II. Work Schedule

A. Identify those services rendered by Montgomery County which duplicate or supplement those services rendered by the City of Takoma Park (e.g., police, public works, library, housing services, code enforcement, recreation) and determine the cost of providing the same for the Montgomery County section of Takoma Park.

B. Identify all revenue from state shared taxes which Montgomery County realizes, but which are allocable to Takoma Park. Included will be the corporate franchise fee, admissions and amusement tax, horse racing revenues, highway users fees, business license fees, state aid for police protection and taxes on financial institutions.

C. Analyze the actual payments made by Montgomery County to Takoma Park for fiscal year 1984 and compare this payment to the payment which would have been due if the revised cost and revenue data generated in subparts "A" and "B" were used.

D. Estimate for FY 85 the revenue which would be generated by the results of A, B and C above.

E. Prepare and submit a written report to the Mayor and Council on or before April 27, 1984, and brief the Mayor and Council at a work session on April 30, 1984.

F. Brief the Mayor and Council and answer citizens' questions at a public hearing presently scheduled for May 14, 1984.

III. Schedule of Fees and Costs

For Professional Services other than public hearings (including travel and secretarial expenses):

Robert Hacken: \$25/hour  
John W. Short: \$25/hour

For attendance at public hearings (not including Council work sessions):

Robert Hacken: \$50/hour  
John W. Short: \$50/hour

Total fees and costs NOT to exceed \$990.

IV. Payment Schedule

Ninety percent (90%) within 10 days of submission of final written report. Balance within 10 days of public hearing called for in "II. F." above.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Robert Hacken

Dated: \_\_\_\_\_

\_\_\_\_\_  
John W. Short

Dated: \_\_\_\_\_

\_\_\_\_\_  
Acting City Administrator

Ordinance No. 2711\_\_\_\_\_

Whereas: The City and Prince George's County are required by law to determine that amount of revenue collected by the county for services actually rendered by the City which is to be rebated to City taxpayers residing in the Prince George's section of Takoma Park; and

Whereas: Preliminary discussions are already underway; and

Whereas: The City is without sufficient in-house resources to meet its needs for preparation of data for use in these discussions; and

Whereas: The Mayor and Council have determined that a contract should be let immediately to meet the above referenced needs; and

Whereas: The Mayor and Council have determined that unless this measure is passed on an emergency basis the city will not be able to present an effective case, which could result in increased taxes for city residents:

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

1. An emergency exists;
2. The City enter into a contract for consulting services with Robert Hacken and John W. Short, as outlined in their proposal of March 12, 1984 entitled "Analysis of Prince George's County Tax Rebate Plan - A Proposal," which is attached hereto and made a part hereof;
3. The total expenditure of funds under said contract to which the City shall be obligated is NOT TO EXCEED \$990.00 (NINE HUNDRED NINETY DOLLARS AND NO CENTS).
4. The Acting City Administrator is hereby authorized to execute any formal contract documents which may be required.
5. This ordinance shall be effective upon enactment.

ADOPTED BY THE MAYOR AND COUNCIL MARCH 12, 1984.

Analysis of Prince George's County Tax Rebate Plan

A Proposal

Submitted by Robert Hacken and John W. Short  
March 12, 1984

I. Scope of Project

Analyze the Prince George's County tax differential plan, which is now being implemented for the first time, with a view towards establishing a formula which would result in the county rebating the maximum amount to city residents living in Prince George's County.

II. Work Schedule

A. Analyze the Prince George's County tax differential law.

B. Analyze the formula established by the Prince George's County Dept. of Budget and Revenue.

C. Analyze the preliminary figures generated by the Department concerning application of the formula to Takoma Park.

D. Recommend any potential modifications of the formula and/or application of the formula based on the findings achieved in subparts "A", "B", and "C" above.

E. Prepare and submit a written report to the Mayor and Council on or before April 27, 1984, and brief the Mayor and Council at a work session on April 30, 1984.

F. Brief the Mayor and Council and answer citizens' questions at a public hearing presently scheduled for May 14, 1984.

III. Schedule of Fees and Costs

For Professional Services other than public hearings (including travel and secretarial expenses)

Robert Hacken: \$25/hour  
John W. Short: \$25/hour

For attendance at public hearings (not including Council work sessions):

Robert Hacken: \$50/hour  
John W. Short: \$50/hour

Total fees and costs NOT to exceed \$990.

IV. Payment Schedule

Ninety percent (90%) within 10 days of submission of final written report. Balance within 10 days of public hearing called for in "II. F." above.

Dated: \_\_\_\_\_ Robert Hacken

Dated: \_\_\_\_\_ John W. Short

Dated: \_\_\_\_\_ Acting City Administrator

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

1. No emergency exists;

2. The City enter into a contract for consulting services with Robert Hacken and John W. Short, as outlined in their proposal of March 12, 1984 entitled "Projected Revenues Generated from a Uniform Tax Rate After Allowing a Tax Credit for County Taxes Paid and Rebated to the City," which is attached hereto and made a part hereof;

3. The total expenditure of funds under said contract to which the City shall be obligated is NOT TO EXCEED \$900.00 (NINE HUNDRED NINETY DOLLARS AND NO CENTS);

4. The Acting City Administrator is hereby authorized to execute any formal contract documents which may be required;

5. This ordinance shall be effective upon enactment.

ADOPTED BY THE MAYOR AND COUNCIL MARCH 12, 1984.

Whereas: The City is confronted with two different methods--one imposed by Montgomery County and one imposed by Prince George's--of ostensibly relieving city residents of the burden of double taxation; and

Whereas: The City must, in accordance with state law, adopt its budget and set its tax rate by June 11, 1984; and

Whereas: The City is without sufficient in-house resources to meet its needs; and

Whereas: The Mayor and Council have determined that a contract should be let immediately to meet the above referenced deadline; and

Whereas: The Mayor and Council have determined that unless this measure is passed on an emergency basis the city will not be able to accurately determine the lowest tax to generate sufficient revenues to meet its budget, which could result in the city's inability to provide services in the coming fiscal year and/or increased taxes for city residents in future fiscal years:

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

1. An emergency exists;
2. The City enter into a contract for consulting services with Robert Hacken and John W. Short, as outlined in their proposal of March 12, 1984 entitled "Projected Revenues Generated from a Uniform Tax Rate After Allowing A Tax Credit for County Taxes Paid and Rebated to the City," which is attached hereto and made a part hereof;
3. The total expenditure of funds under said contract to which the City shall be obligated is NOT TO EXCEED \$990.00 (NINE HUNDRED NINETY DOLLARS AND NO CENTS).
4. The Acting City Administrator is hereby authorized to execute any formal contract documents which may be required.
5. This ordinance shall be effective upon enactment.

ADOPTED BY THE MAYOR AND COUNCIL MARCH 12, 1984.

Projected Revenues Generated from a Uniform Tax Rate  
After Allowing a Tax Credit for County Taxes Paid  
and Rebated to the City

A Proposal

Submitted by Robert Hacken and John W. Short  
March 12, 1984

I. Scope of Project

Determine a uniform tax rate which will generate sufficient revenue to fund a tentative budget to be provided by the city taking into account any payments from either Montgomery or Prince George's County based on the actual payment made by each county in the last fiscal year; and after first allowing for an individual tax credit for taxes paid to one's county of residence, but later paid back to the city by that county.

II. Work Schedule

A. Project the amount of revenue from all sources--other than real property taxes--available to the city to meet its tentative budget.

B. Project the amount of revenue which must be generated from real property taxes in the city to meet the tentative budget.

C. Determine a uniform tax rate to generate the revenues necessary to meet the tentative budget, after accounting for the tax credit described above.

D. Prepare and submit a written report to the Mayor and Council on or before April 27, 1984, and brief the Mayor and council at a work session on April 30, 1984.

E. Brief the Mayor and Council and answer citizens' questions at a public hearing presently scheduled for May 14, 1984.

III. Schedule of Fees and Costs

For Professional Services other than public hearings(including travel and secretarial expenses)

Robert Hacken: \$25/hour

John W. Short: \$25/hour

For attendance at public hearings (not including Council work sessions):

Robert Hacken: \$50/hour

John W. Short: \$50/hour

Total fees and costs NOT to exceed \$990.

IV. Payment Schedule

Ninety percent (90%) within 10 days of submission of final written report. Balance within 10 days of public hearing called for in "II. E." above.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Robert Hacken

Dated: \_\_\_\_\_

\_\_\_\_\_  
John W. Short

Dated: \_\_\_\_\_

\_\_\_\_\_  
Acting City Administrator

Ordinance No. 2713

WHEREAS, Ordinance No. 2677, creating Article 4, Chapter 12 of the Takoma Park Code, as originally enacted, provided that certain violations of its provisions would be misdemeanors and included penalties for misdemeanor violations, but did not provide that violations of the ordinance would constitute municipal infractions; and

WHEREAS, efficient enforcement of Article 4 requires that the City be able to handle violations of its provisions as municipal infractions instead of or in addition to misdemeanors, in order to permit the imposition of civil penalties instead of or in addition to criminal ones; and

WHEREAS, it is the intention of the Mayor and Council that the Corporation Counsel be able to maintain actions for enforcement of municipal infraction violations of Article 4; and

WHEREAS, the Mayor and Council also wish to make another amendment to aid in the fair and efficient enforcement of Article 4;

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

1. Section 12-24(a) of the Takoma Park Code shall be repealed and simultaneously reenacted to read as follows:

"Section 12-24. Permit required to take action affecting the urban forest.

"(a) No person shall remove or destroy or cause the removal or destruction of a tree on private property or undertake construction or other action which would significantly and permanently detract from a tree's health or growth without approval from the Director of Public Works or the Director's representative and issuance of a permit."

2. Section 12-28 of the Takoma Park Code shall be repealed and simultaneously reenacted to read as follows:

"Section 12-28. Enforcement.

(a) Any of the following shall constitute a municipal infraction for which a citation may be issued:

(i) Doing any of the acts prohibited in Section 12-24 without applying for a permit, after an application for a permit has been denied, after applying for a permit but without waiting for the expiration of the period for notice and posting specified in Section 12-25;

(ii) Doing any of the acts prohibited in Section 12-24 after the filing of an appeal and before its final disposition, either  
(a) by an applicant, who has been denied a permit application; or  
(b) by a party other than the applicant, when the Tree Commission has stayed the issuance of a permit;

(iii) Any violation of an order of the Tree Commission, including but not limited to the violation or non-performance of conditions imposed in connection with the issuance of a permit.

The fine for each violation shall be \$50.00 per tree affected, plus \$25.00 per inch of tree circumference greater than twenty-four inches measured at four and a half feet above ground level or at the highest remaining point of less than four and a half feet, with a maximum fine of \$100.00 per tree affected, and \$200.00 for repeat offenses, or such other greater maximums as may be permitted by state law.

(b) It shall be a misdemeanor to do any of the following:

(i) To do any of the acts specified in Section 12-28(a) above to three or more trees which are part of the urban forest, and hence subject to the provisions of this Article, as set forth in Section 12-23, whether or not such trees are located on the same property.

(ii) To do any of the acts specified in Section 12-28(a) above to any tree which is part of the urban forest, and hence subject to the provisions of this Article, as set forth in Section 12-23, and which has been designated by the Tree Commission as having special botanical, ecological or historical significance or as a landmark.

(iii) To do any of the acts specified in Section 12-28(a) above to any tree which is more than 33 inches in circumference at four and one-half feet above ground level.

(iv) To do any of the acts prohibited by Section 12-24 after an application for a permit has been denied, whether or not an appeal is pending, or after having been informed that a permit is required for such acts.

(v) Any willful or repeated violation of this Chapter or of an order of the Tree Commission.

(c) A misdemeanor violation of this Article shall be punishable by a mandatory fine for each tree affected of \$50.00 plus \$25.00 per inch of tree circumference greater than twenty-four inches measured at four and a half feet above ground level or at the highest remaining point of less than four and half feet, to a maximum per tree of \$500.00 or

such other greater maximum as may be permitted by state law. The minimum fine may be suspended only upon a finding that the violation was the first offense by the party charged and that there was no willfulness involved.

(d) Without limitation upon or election against any other available remedy, the City or any other aggrieved party may apply to a court of competent jurisdiction for an injunction enjoining any violation of this Article. An injunction shall be issued prohibiting any action requiring a permit under Section 12-24 upon a showing that no permit has been issued or that an appeal from a decision to issue a permit is pending or that the time allowed for the submission of an appeal has not expired. The court shall award attorney's fees and costs to any party who succeeds in obtaining an injunction hereunder.

(e) A civil action for damages may be brought against any person or persons who violate the provisions of this Article by any person or persons who suffer personal injury, property damage or financial loss as a result of such violation."

3. This ordinance shall be effective upon enactment.

ADOPTED BY THE MAYOR AND COUNCIL MARCH 12, 1984.

PROPOSED ORDINANCE

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

SECTION 1. THAT on December 13, 1983, the Mayor and Council enacted Ordinance No. 2642 which established parking spaces expressly for the handicapped at various locations throughout the City; AND

SECTION 2. THAT the residents of 35 Hickory Avenue have provided evidence sufficient to meet the criteria for establishing such a parking space on that street.

SECTION 3. THEREFORE THAT Section 2 of Ordinance No. 2642 be amended by the addition of a new subsection to read as follows:

(e) On Hickory Avenue, 1 parking space in front of 35 Hickory;  
AND

SECTION 4. THAT Section 4 of Ordinance No. 2642 be repealed and reenacted so as to conform to new parking fines as set forth below:

Section 4. THAT any person issued a citation in violation of this ordinance shall be subject to a fine of \$50.00 for each violation, as prescribed in Sec. 13-64(a) (10)(A) of the Code of Takoma Park, Md., 1972, as amended.

SECTION 5. THAT the Director of Public Works is hereby instructed to erect the appropriate signing; AND

SECTION 6. THAT this ordinance shall become effective upon completion of the signing.

Note to Mayor and Council: We are presently surveying the currently designated handicapped parking spaces to determine if the restriction should be continued. We have been informed that the space on Elson Court is no longer required; if such is the case, that section will be deleted prior to the second reading of this ordinance.

(P) denotes Primary member /

(A) denotes Alternate member

BETWEEN THE CREEKS  
CITIZENS' ASSOC.Ms. Sue Lender (P)  
8600 Flower Avenue  
Takoma Park, MD. 20912SOUTH OF SLIGO CITIZENS'  
ASSOCIATIONMrs. Melda Henry (P)  
116 Boyd Avenue  
Takoma Park, MD. 20912HODGES HEIGHTS CITIZENS'  
ASSOCIATIONMr. Edmund Longen (A)  
7516 Holly Avenue  
Takoma Park, MD. 20912HILLWOOD MANOR CITIZENS'  
ASSOCIATIONMr. Timothy Gallagher (P)  
1306 Elson Place  
Takoma Park, MD. 20912LONGBRANCH-SLIGO  
CITIZENS' ASSOC.Uri Yokel (P)  
7222 Minter Place  
Takoma Park, MD. 20912

## TAKOMA JUNCTION COMMITTEE

Mr. Ken Norkin (A)  
14 Hickory Avenue  
Takoma Park, MD. 20912SPRING PARK CITIZENS'  
ASSOCIATIONMr. Richard Powell (P)  
6601 Cockerille Avenue  
Takoma Park, MD. 20912

## HISTORIC TAKOMA, INC.

Mr. Joseph Faulkner (P)  
1007 Sligo Creek Pkwy.  
Takoma Park, MD. 20912NORTH TAKOMA CITIZENS'  
ASSOCIATIONMrs. Pat Saumweber (P)  
519 Philadelphia Avenue  
Takoma Park, MD. 20912B.F. GILBERT'S CITIZENS'  
CITIZENS' ASSOC.Mr. Bob Sheldon (P)  
7013 Sycamore Avenue  
Takoma Park, MD. 20912SOUTH OF SLIGO CITIZENS'  
ASSOCIATIONMr. Doug Wood (A)  
901 Sligo Creek Pkwy.  
Takoma Park, MD. 20912WESTMORELAND AREA  
COMMUNITY ORGANIZATIONMr. Norman Greene (P)  
6712 Westmoreland Avenue  
Takoma Park, MD. 20912

## TAKOMA OLD TOWN COMMITTEE

Mr. Jim Brogan (P)  
7122 Willow Avenue  
Takoma Park, MD. 20912

## TAKOMA JUNCTION COMMITTEE

Mr. Paul Treseder (P)  
6 Montgomery Avenue  
Takoma Park, MD. 20912

## ALLEGHENY AVENUE AREA

Mr. Paul D'Eustachio (P)  
6611 Allegheny Avenue  
Takoma Park, MD. 20912

## FIRE PREVENTION

Mr. Arthur Delibert (P)  
17 Montgomery Avenue  
Takoma Park, MD. 20912

## 7100 BLOCK CARROLL AVENUE

M. Palau/G. Polivy (P)  
7138 Carroll Avenue  
Takoma Park, MD. 20912NEW HAMPSHIRE GARDENS  
CITIZENS' ASSOC.Mr. Thomas Allegretti (P)  
7308 New Hampshire Avenue  
Takoma Park, MD. 20912COMMUNITY IMPROVEMENT  
BOARDMrs. Marion Florin (P)  
7407 Cedar Avenue  
Takoma Park, MD. 20912HODGES HEIGHTS CITIZENS'  
ASSOCIATIONMr. Clarence F. Hubbard (P)  
214 Hodges Lane  
Takoma Park, MD. 20912S.S. CARROLL CITIZENS'  
ASSOCIATIONMr. Art Findling (P)  
13 Sherman Avenue  
Takoma Park, MD. 20912

## TAKOMA OLD TOWN COMMITTEE

Mr. Norman Bernhardt (A)  
Organic Living Center  
7030 Carroll Avenue  
Takoma Park, MD. 20912

## TAKOMA JUNCTION COMMITTEE

Mr. John Fleming (A)  
7334 Carroll Avenue  
Takoma Park, MD. 20912

## TRAFFIC COMMITTEE

Mr. Dave Taylor (P)  
6714 Cockerille Avenue  
Takoma Park, MD. 20912OLD TAKOMA CITIZENS'  
ASSOCIATIONMr. Joseph Ossi (P)  
7215 Maple Avenue  
Takoma Park, MD. 20912CARROLL RIDGE NEIGHBORHOOD  
ASSOCIATIONMs. Hally Childs (P)  
7416 Carroll Avenue  
Takoma Park, MD. 20912

March 19, 1984

MEMORANDUM

TO: Mayor and Council

FROM: Richard L. Robbins, Acting Assistant City Administrator

SUBJECT: **REVISED\*** Worksession Agenda, Monday, March 19, 7:30 PM

AGENDA

- (1) TOT Parking
- (2) Discussion of proposed resolution of including Siegler Property in Historic Preservation Master Plan
- (3) Discussion regarding Mr. Scott's letter from 7777 Maple Avenue
- (4) Discussion of action regarding COLTA fine amounts to be inserted in Section 6-80.17(j)
- \* (5) Update on Duff's Restaurant
- \* (6) Review and comments regarding Projected Revenues for FY 1984-85
- (7) Report on education issues (Bradley)
- (8) Pre-budget for Public Works Department
- (9) Discussion regarding User Fees for bulky pick-ups (D'Ovidio)
- (10) Discussion for opting in/out of the Tillie Frank Law (this was brought about due to conflict between City Code and County Codes as they pertain to video games)
- (11) Appointment of members to Open Space Task Force (Haney)
- (12) Discussion of Charter review process (Bradley)
- (13) Agenda-setting retreat (Bradley)
- (14) *Disc. of welcoming new City Adm.  
Staff v. Comm.*

Mayor and Council Worksession

March 19, 1984

The Mayor and City Council met in worksession at 7:35 p.m., Monday, March 19, 1984, with the Mayor chairing. Present were: Mayor Abbott, Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings and Williams; Acting Asst. City Administrator Robbins, Corporation Counsel Gagliardo, Asst. Corporation Counsel DeNovo.

The following matters were discussed and acted upon as indicated:

1. TOT Parking. Comment was made that parking in the General Conference parking area should be pursued; decision was made that Paul Mok will arrange a meeting between the Director of the General Conference and Mayor and Council to discuss parking in that lot; Erwin Mack will set up contact with General Conference. Two associations have appointed sub-committees to work on developing a plan for parking.
2. Discussion of proposed resolution of including Siegler property in Historic Preservation Master Plan. Decision was made to place the proposed resolution on the March 26 agenda; "of that development" to be added in first paragraph after "surviving house...."
3. Discussion regarding Mr. Scott's letter from 7777 Maple Avenue. Housing Services to respond with a letter advising residents to appeal rent increases through COLTA, any conversion to condominium must follow set procedures; position of the Mayor and Council was that the rent increase is in effect until June.
4. Discussion of action regarding COLTA fine amounts to be inserted in Section 6-80.17(j). Ordinance amending subject section will be acted upon at March 26 Council Meeting.
5. Update on Duff's Restaurant. Mayor and Council approved 5 to 1, with 1 abstention, to approve a 15 day waiver for Departure from Design Standards application, withdrew all conditions they had placed on the DDS, and agreed to send all necessary letter to Park & Planning, Planning Board, etc.
6. Review and comments regarding Projected Revenues for FY 1984-85. Comments were made regarding the need for a breakdown of "Traders License;" questions about the reduction in rebate for Crossing Guards. Request was made that a total of capital purchases needing to be made be furnished to Mayor and Council at the next worksession, a temporary freeze be placed on capital purchases, and a financial statement be compiled at the earliest possible date.
7. Report on education issues. Councilmember Bradley spoke; expressed appreciation to staff, particularly Anna Bennington, for assistance provided the Education Committee; discussed the possibility of the committee having to disband unless support could be found in the community.
8. Pre-budget for Public Works Department. Following discussion, it was agreed research would be done on finding a better contract for newspaper recycling for the city.
9. Discussion regarding User Fees for bulky pick-ups. Discussion involved what would be required in order to institute fees for this service; would include adoption of an ordinance, advertising, public hearing, etc.
10. Appointment of members to Open Space Task Force. Proposed membership was discussed; a resolution will be presented to create Task Force, which will be charged with analyzing results of a City staff study of remaining open space in the City; comment was made that a map should be colored designating remaining open space.

Additional Business Discussed:

--Kass Lot. Economic Development Coordinator Mok will determine if use of this property for a Pizza Hut would be legal. Comment was made that use procedures are outlined in the City Charter; Councilmember Iddings can furnish details. A meeting will take place between the new City Administrator, Acting Asst. City Administrator, Economic Development Coordinator Mok, Community Development Coordinator Neal, and the Mayor for the purpose of discussing the Kass Lot and the City's options.

--A letter will be sent to the State Department of Assessments & Taxation regarding private property at Washington Adventist Hospital.

--Staff will ascertain whether PEPCO installed high pressure sodium lighting on Boyd Avenue.

--Economic Development Coordinator Mok will check on the possibility of rewiring having to be done in Old Town due to Cable TV.

There being no further business to discuss, the meeting adjourned at 12:35 a.m.