

Mayor and Council Worksession

June 4, 1984
6:00 P.M.

The Mayor and City Council met in worksession at 6:00 P.M., Monday, June 4, 1984, with the Mayor chairing. Present were: Mayor Abbott, Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings and Williams; City Administrator Wilson, Acting Asst. City Administrator Robbins, and Corporation Counsel Gagliardo.

Following dinner, matters as outlined on the Agenda were discussed; the Executive Worksession adjourned at 8:00 P.M., to reconvene immediately in the Council Chamber in Regular Session.

June 1, 1984

MEMORANDUM

TO: Mayor and Council

FROM: James S. Wilson, Jr., City Administrator

SUBJECT: Council Worksession, Monday, June 4, 1984
6:00 PM - SHARP

AGENDA

- (1) Executive Session of Mayor and Council
(dinner will be provided)
- (2) Budget Discussion
- (3) Police Department Discussion of Communications Bid
- (4) Cable TV Coordinator - Job Description (Bruce Moyer)
- (5) Renaming of Lee Avenue for Clarence Mitchell (Williams)
- (6) Fire Marshal Status (Williams)
- (7) User Fees for bulky pick-ups (D'Ovidio)

THE CITY OF TAKOMA PARK, MARYLAND
Special Meeting of the Mayor and Council
and
Public Hearings on: FY-1985 City Tax Rate;
FY-1985 Pay Plan; and Amending the FY-1984
Federal Revenue Sharing Budget

June 4, 1984
8:00 P.M.

AGENDA

CALL TO ORDER: Mayor Abbott

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

PLEDGE

MAYOR ABBOTT'S COMMENTS

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

1. Communications
2. Administrative Reports and Recommendations For Council Action:
 - (1) Administrative reports
 - (2) Public hearing on FY-1985 City Tax Rate
Citizens' comments
 - (3) Public hearing on FY-1985 Pay Plan
Citizens' comments
 - (4) Public Hearing and First Reading of an ordinance amending
the Fiscal Year 1984 Federal Revenue Sharing Budget
Citizens' comments
First reading
 - (5) First reading of an ordinance authorizing short-term
borrowing
Citizens' comments
First reading

ADJOURNMENT

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
Special Meeting of the Mayor and Council
and
Public Hearings on: FY-1985 City Tax Rate;
FY-1985 Pay Plan; and Amending the FY-1984
Federal Revenue Sharing Budget

June 4, 1984

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Acting Asst. City Admin. Robbins
Councilmember Bradley	Corporation Counsel Gagliardo
Councilmember Dalmat	
Councilmember D'Ovidio	
Councilmember Haney	
Councilmember Iddings	
Councilmember Williams	

The Mayor and City Council of Takoma Park, Maryland, met on June 4, 1984, in special session, at 8:00 p.m., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

ADDITIONAL AGENDA ITEMS

Update on Deputy Fire Marshal (Councilmember Williams)

Update on Changing Name of Lee Avenue to Mitchell Avenue
(Councilmember Williams)

Update on 7114 Sycamore Avenue (Councilmember Dalmat)

Proposed Concert Series at Takoma Old Town Gazebo (Councilmember Iddings)

ITEMS FOR COUNCIL CONSIDERATION

1. Communications.

Concerning street resurfacing in Takoma Old Town, City Administrator Wilson stated the work will take place on June 6 and 7, subject to variation in the event of inclement weather.

2. Administrative Reports and Recommendations for Council Action:
(1) Update on Deputy Fire Marshal.

Councilmember Williams stated he had been researching information on the Deputy Fire Marshal issue for the City; introduced Assistant Fire Chief John Best from Montgomery County, who would be presenting possible benefits to the City and county from creation of a city Deputy Fire Marshal position. Chief Best stated the county has approximately 30 personnel working for the Fire Marshal's Office; described work they perform. Said if the City is considering creation of a Deputy Fire Marshal position, the county would be most happy to cooperate; responsibilities would need to be carefully defined. Spoke of the delicate balance between City/county/state which must be achieved; emphasized importance of consistency. In response to query, stated there are presently no municipalities in the county having their own badge-carrying Deputy Fire Marshal; however, some may have the title of Fire Marshal designated in their Charter, as does the City. In contrast, the badge-carrying Fire Marshal actively enforces the Fire Code. Explained that the county Fire Marshal's Office has between 2 and 6 individuals on duty around the clock responding to fires prior to departure of the firefighters, response time is generally 15 to 30 minutes. In response to query from Councilmember Bradley, explained that approximately 30 people are assigned to fire prevention; Fire Code safety is delegated to fire technicians and fire department officers. The 30 Fire Marshal's Office people perform functions that might involve court cases, e.g., licensure, complaints, fire safety violations, etc.; local maintenance inspections are delegated to the fire stations, i.e., functional lights in building exits, fire extinguishers full, sprinkler systems functional, etc., explained the enforcement process. Said the Fire Code is being rewritten this year, will more clearly define types of inspections as well as the appeal process. Councilmember Iddings questioned whether Housing Department

Inspectors might be trained to recognize and report Fire Code violations; response was affirmative, that would be feasible. Stated county Deputy Fire Marshals also have statewide jurisdiction which extends to all buildings except those that are federally-owned; they enforce not only the county Fire Code, but also the State of Maryland Fire Prevention Code. One county individual spends 5 days a week, 8 hours a day, with time divided between Silver Spring, Takoma Park, and Hillandale. Dennis Kneessi, President of Takoma Park Volunteer Fire Department, spoke; said the major question involved in whether or not the City should have a Deputy Fire Marshal is not fire investigations, but public safety through frequent routine preventive inspections and an individual having local jurisdiction only. In response to query, stated the county is doing the very best job possible with the personnel they have; if a City Fire Marshal were added, safety factor would be increased. Councilmember D'Ovidio commented on a letter received from GEICO stating they are lowering rates in Montgomery County due to the outstanding job the county Fire Marshals are doing in reducing arsons; questioned whether an additional position could be justified. Councilmember Williams reemphasized reasons he felt the City would benefit from having its own Deputy Fire Marshal, particularly increased safety. Tom Williams (member of Board of Directors of T.P.V.F.D.) spoke; said he felt that by reestablishing the Deputy Fire Marshal position which the City formerly had, quality of public safety could be upgraded (he occupied the position from 1968-1978; cited duties performed). Upon request, cited deficiencies noted in the present system as well as examples; however, said upon report to the county Fire Marshal's Office, decent response could be expected. Said extensive training would be required for Housing Inspectors to adequately perform fire inspections. A motion was made by Councilmember Bradley that the matter be considered as a budget item and a final decision made at the regular Council Meeting of June 11, 1984, duly seconded by Councilmember Williams; motion carried 4-3.

Mrs. Pennifield, 7305 Takoma Avenue: Said citizens should be apprised of the cost of proposed new positions; taxes escalate and perhaps these extras are the reason; existent personnel should be trained and utilized.

(2) Update on 7114 Sycamore Avenue.

City Administrator Wilson related that staff had spoken to the Montgomery County Building Inspector (regarding status of the property) who advised the building permit was revoked due to the lack of work accomplished, nothing his department can do to facilitate completion of the project. Would look into the problem of soil and sedimentation from the fill that was dumped on the lot; any security problems would be outside the county's jurisdiction. Mr. Wilson stated the exterior of the building does not have the accumulation of violations that would generally warrant condemnation; however, an opinion could be sought from someone with architectural and structural expertise or perhaps legal recourse should be explored. Acting Asst. City Administrator Robbins stated that the initial step should be having someone with structural expertise examine the building to provide testimony in court; said it appears the limit of soil being raised around foundation exceeds what the code prescribes, mentioned structural cracks, trench leading from front of house to sidewalk. Said Public Works will have to backfill part of the trench, make repairs to the sidewalk and charge costs to the property owner. Thought ultimate resolution of the problem would have to be sought through the courts. Corporation Counsel Gagliardo stated that his initial reaction was that an injunction ultimately leading toward demolition of the structure would have to be sought through Circuit Court; commented that it is a serious safety hazard for the neighborhood which would support issuance of an injunction. Said any lawsuit brought should include adjacent property owners as well as the City. The Mayor requested that it be ascertained exactly what authority the City's Building Inspector has in this instance and whether it would be necessary to hire an outside authority on structures.

Tim Smith, 7016 Sycamore Avenue: Expressed concern that there might be a way of the owner abating any violations and still leaving the unfinished building standing for an extended period; requested that

Corporation Counsel be directed to ascertain whether there is any law requiring a building to be completed within a reasonable time frame. Was advised by the Mayor that citizens could gain information on progress of the issue through the City Administrator's Office.

Councilmember Dalmat moved that safety and vermin problems be resolved immediately by the City and property owner, Clark Burdine, be billed for costs; duly seconded. Councilmember Iddings expressed reservations about committing the City to what could be considerable expense in carrying out this motion. Mr. Robbins did not think the Code would permit the City to go on the property for the purposes stated; City could be legally liable should any mishap occur. In response to query, Corporation Counsel stated that in terms of the court calendar, it could be February 1985 before an injunction were granted; preliminary steps such as documentation of violations, issuance of municipal infractions, could be accomplished in the interim; felt this was the course the City should follow. Councilmember Dalmat withdrew her motion. Councilmember Bradley made a motion that the municipal infraction process be commenced and expedited, duly seconded by Councilmember Dalmat. Following additional discussion, the motion passed unanimously.

(3) Update on Proposed Name Change From Lee Avenue to Clarence Mitchell, Jr. Avenue.

Councilmember Williams related that out of the door-to-door survey taken in the area, only 2 persons opposed and 1 refused to sign the survey. Mr. Upton expressed a preference for naming a street, rather than a park, after Mr. Mitchell; remarked that the population of Lee Avenue is primarily black, thus there is strong support for the proposed change; only opposition appeared to emanate from white people over the age of fifty; majority of white people under fifty expressed support. Read excerpts from tributes to Mr. Mitchell made by Maryland's Senators Mathias and Sarbanes at the March 23 memorial service. The Mayor requested a list of persons interviewed, the number of signatures, etc. Councilmember Williams made a motion that this matter be placed on the June 25 agenda; Councilmember Bradley suggested that the issue be addressed in a public hearing in July, that the access roadway behind the Municipal Building be named Clarence B. Mitchell, Jr. Square; supported acknowledgment of Mr. Mitchell's contribution. Decision was made to place the issue on the July 2 Work-session agenda for further consideration.

(4) Public hearing on FY-1985 City Tax Rate.

City Administrator Wilson stated the draft ordinance sets a tax rate of \$2.209 per \$100 assessed valuation, which would generate the revenue in the recommended budget of \$4,590,951 - approximately 56% of the total budget revenues will be generated by property taxes. Section III establishes a tax credit for taxpayers based upon what the county rebates to the City. Comment was made that if cuts were effected in the administrative budget, either the tax rate would be reduced or the surplus would be placed in a contingency fund. Mayor Abbott referred to recent Newsletter articles explaining the tax credit and tax rebates from the counties.

Former Councilmember Clayton Forshee: Commented that the budget increases each year; however, understood that combined taxes would be down. Said there were a number of items in the proposed budget he found questionable; thought City government is growing too large; did not think the proposed Cable TV Commission was a worthwhile venture for the City. Requested Council to seriously consider effecting budget reductions.

Carlos Stewart, 7710 Maple Avenue: Spoke in support of the proposed Cable TV Commission, said the City needs that commodity for purposes of documenting historical events; supported increases in police costs - said better police protection would be afforded. Might be a few areas where cuts could be made, but not those two areas.

Mrs. Pennifield: Spoke at length; said the City could do with fewer police; commented the City should receive a rebate from the state on state citations written by City police; emphasized that budget cuts

should be made, frills and extras should be eliminated.

Following additional discussion, the draft ordinance was accepted for first reading.

Proposed Ordinance
(attached)

(5) Public hearing on FY-1985 Pay Plan.

Mr. Wilson read the proposed ordinance; commented that the pay scale table reflects a 5% cost-of-living adjustment only. Question was raised concerning implications of granting a bonus payment (as done two years ago) which would not be reflected in the pay scale, in lieu of COL increase. Councilmember Iddings remarked that a 2.5% COL was given in conjunction with the bonus payment; said if that were done, next year employees would probably be seeking a 10% COL increase. Requested that prior to second reading, a section be included in the ordinance stating the cost-of-living percentage increase, i.e., 4%, 5%, etc., as reflected in the pay scale. Following discussion regarding merit increases, Mr. Robbins stated merit and longevity are separate matters, should be treated accordingly. Councilmember Bradley proposed taking steps as soon as possible to: 1) ensure that employees are given merit steps only after a satisfactory performance evaluation; and 2) make merit increases effective on the first pay period following the employee's personal anniversary date; said that would conform to other local governments' practice. Corporation Counsel suggested various pay increase alternatives for consideration. Mr. Wilson commented that the consultant from IGS had stated the pay plan structure should be addressed; there are too many grades for the size of the City; however, in general, City staff is paid equivalent to salaries in other municipalities. Following additional discussion, the proposed ordinance was accepted for first reading.

Proposed Ordinance
(attached)

(6) Proposed Concert Series at Takoma Old Town Gazebo.

Norm Bernhart of the Takoma Old Town Committee stated that the proposal is to hold concerts on Friday evenings from 7:30 to 9:30 p.m., commencing June 22 and running for a total of 6 concerts. David Eisner, House of Musical Traditions, volunteered to coordinate, book local performers and groups. Concerts would not be electrified or rock music - would be bluegrass, celtic, old time folk, etc. Hoped to sell refreshments; would like to be able to close off a short section of Carroll Avenue during concerts. Budget would be \$200-\$250 per concert for amplification and to pay musicians; total series would amount to \$1,700. Daniel Neal is looking into the possibility of getting block grant funds for the series; mentioned other possibilities for funding, including merchants' contributions. Requested \$500 in City funds be appropriated as seed money for the series, which it is hoped will eventually be self-sustaining. Discussion followed concerning possibility of using musicians who would not charge for their performance; question was raised about Victorian Festival funds, it was stated that at least a portion of those were expended on the murals in Takoma Old Town. Councilmember Haney made a motion that \$500 of City funds be appropriated as seed money for the concert series to begin this summer in the Takoma Old Town gazebo, duly seconded by Councilmember Iddings. Mayor Abbott offered an amendment to the motion that City funds be provided contingent upon there not being \$500 profit available (for seed money) from the Victorian Festival which will be held June 10; no second offered. Councilmember Aldrighetti remarked that the City government, in light of the nature of a number of funding requests, is being asked to operate as a foundation; mentioned the short time frame relative to the present request. Mayor Abbott volunteered to provide professional quality musicians for the entire series who would perform free of charge; sound system could be provided gratis from a citizen volunteer; said use of the park space would be at the discretion of the Council; advertising could be done through the Newsletter. The question was called; vote was 3-3 (one Councilmember left early); Mayor Abbott voted Nay in order to break the tie; motion was defeated.

(7) Public Hearing and First Reading of an ordinance amending the Fiscal Year 1984 Federal Revenue Sharing Budget.

City Administrator Wilson explained that the ordinance is legally required in order to retain the revenue, rather than losing it when going into the next fiscal year. Said approximately \$93,795.45 was unspent; would be put into a fund to be reallocated at a later date. Discussion followed in which it was pointed out that the City has approximately \$200,000 ± which will be carried in a reserve fund, and which is not included in the proposed operating budget; a more exact figure can be supplied after the audit is completed. The ordinance was accepted for first reading.

Proposed Ordinance
(attached)

(8) First reading of an ordinance authorizing short-term borrowing.

Acting Asst. City Administrator Robbins stated this ordinance conforms to past practice; bids are solicited; interest payments are included in the proposed budget. The Mayor commented this would be the fourth year the City has borrowed money to cover the shortfall period at the beginning of the fiscal year; amounts borrowed and interest paid have varied; last year the total amount authorized was not borrowed, interest rate was 7%. Questions were raised about when rebate payments could be expected from the counties; Mr. Robbins assured that question would be pursued. The ordinance was accepted for first reading.

Proposed Ordinance
(attached)

Upon motion, duly seconded, the meeting adjourned at 11:30 p.m., to reconvene in regular session on Monday, June 11, 1984, at 8:00 p.m.

Ordinance No.

Whereas: The City Council is charged by Section 1.9 of the Takoma Park, Maryland Charter to establish a tax rate on or before the last day of June in each year; and

Whereas: The Mayor and Council have approved a budget of \$ 4,590,951 ;and

Whereas: The Mayor and Council have estimated that revenue from all sources other than the tax on real and personal property will be \$ 1,823,045 ;leaving \$ 2,767,906 in budgeted expenditures to be covered by the tax on real and personal property;

Whereas: The assessable value, as determined by the State Department of Assessments and Taxation, of real and personal property within in the city, is \$ 153,642,852 ;

Whereas: In accordance with Article 81, Section 32A of the Annotated Code of Maryland, Prince George's County has elected to levy a tax on the assessable property in municipalities, including Takoma Park, which is less than the general county property tax rate;

Whereas: In accordance with the same Article 81, Section 32A of the Annotated Code of Maryland, Montgomery County has elected in lieu of a lesser rate of county property tax to make a payment to municipalities, including Takoma Park;

Whereas: Takoma Park, which lies in both Prince George's and Montgomery Counties, finds itself in a unique position among all municipalities in the State of Maryland; and

Whereas: In order to create a more equitable tax system for Takoma Park taxpayers living in both counties and to maximize the relief from double taxation for all those taxpayers,

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Takoma Park, Maryland, that the following be added to the Code of the City of Takoma Park as "Article 11A. Taxes":

Section 1: Definitions

The terms used in this Article shall have the following meanings:

(a) "situs county": the county in which the property subject to the tax called for in Section 1 is located in whole or in part;

(b) "situs county payment": any payment made by Prince George's County, Maryland or Montgomery County, Maryland, to the City of Takoma Park in accordance with Article 81, Section 32A(a)(2) of the Annotated Code of Maryland.

(c) "assessable and taxable base": the assessed value of all real and personal property subject to the tax called for in Section 1 which is located in one particular county and the City of Takoma Park, as such value is determined by the State [of Maryland] Department of Assessments and Taxation and reported annually to the City of Takoma Park.

(d) "adjusted assessed value": the assessed value of any

real or personal property as determined by the State [of Maryland] Department of Assessments and Taxation divided by 100 and rounded off to the nearest 100th.

Section 1. Effective July 1, 1984 all real and personal property which is subject to taxation by the City of Takoma Park shall be subject to a tax on assessed value of such real and personal property, as such value is determined to be by the State Department of Assessment and Taxation, at the rate of \$ 2.20 per \$100 dollars of assessed value.

Section 2. Annual Tax Levy on Real and Personal Property

(a) Tax Rate: Effective July 1, 1984, all real and personal property which is subject to taxation by the City of Takoma Park shall be subject to a tax on the assessed value of such real and personal property, as such value is determined by the State Department of Assessments and Taxation, at the rate of \$ 2.20 per \$100 of assessed value.

(b) Property Subject to Tax: [needs to be spelled out]

Section 3. Property Tax Credit

(a) Double Taxation Credit: Effective July 1, 1984, each taxpayer shall be entitled to a credit against the tax which would otherwise be due and payable to the City of Takoma Park equal to an amount determined by:

(1) dividing the situs county payment actually made in the fiscal year in which a tax credit is to be determined by the assessable and taxable base of the situs county; and

(2) multiplying the result by each taxable property's adjusted assessed value.

(b) Uniform Application of Formula: This formula shall be applied uniformly to all classes of taxable real and personal property throughout the city.

(c) Credit for Bi-County Property: In the event any real or personal property is located in both Prince George's and Montgomery Counties, any double taxation credit shall be allowed in the same proportion as county property taxes are imposed.

June 1, 1984

PROPOSED ORDINANCE

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

SECTION 1. WHEREAS, Section 2-67 of Article 5, entitled Personnel, of the City of Takoma Park Code, 1972, as amended, provides that pay scales may be altered by the Mayor and Council to reflect employee cost-of-living needs, AND

SECTION 2. THAT Section 8 of Ordinance No. 1400, and subsequent amendments thereto, known as the Pay Scale Plan for the City of Takoma Park, has been reviewed, AND

SECTION 3. THEREFORE THAT Section 8 be revised to provide a new salary scale in accordance with the schedule below, to be effective July 1, 1984.

STEP	A	B	C	D	E	F	G	H	I	J	L-1	L-2
1	9,517	9,858	10,212	10,580	10,960	11,357	11,767	12,194	12,636	13,096	13,724	14,382
6-A	3,107	3,377	3,649									
6-B	11,852	12,282	12,727	13,190	13,671	14,170	14,687	15,225	15,783	16,360	17,152	17,982
7	12,391	12,840	13,308	13,793	14,297	14,819	15,362	15,923	16,508	17,115	17,943	18,813
8	12,956	13,427	13,917	14,425	14,953	15,500	16,068	16,657	17,269	17,906	18,774	19,684
9	13,548	14,043	14,556	15,089	15,641	16,214	16,811	17,428	18,069	18,735	19,646	20,600
10	14,172	14,690	15,228	15,786	16,364	16,965	17,590	18,237	18,909	19,607	20,560	21,562
11	14,829	15,372	15,936	16,520	17,127	17,757	18,411	19,090	19,795	20,526	21,525	22,575
12	15,516	16,085	16,676	17,288	17,926	18,586	19,272	19,983	20,722	21,488	22,534	23,634
13	16,256	16,854	17,473	18,117	18,783	19,476	20,197	20,943	21,719	22,523	23,622	24,776
14	16,987	17,624	18,271	18,946	19,646	20,371	21,125	21,906	22,718	23,561	24,712	25,919
15	17,814	18,471	19,152	19,860	20,593	21,355	22,146	22,966	23,818	24,702	25,911	27,178
16	18,629	19,317	20,030	20,770	21,539	22,337	23,163	24,024	24,917	25,843	27,107	28,435
17	19,510	20,229	20,977	21,754	22,559	23,396	24,266	25,166	26,102	27,074	28,400	29,793
18	20,432	21,188	21,973	22,787	23,632	24,509	25,419	26,366	27,346	28,365	29,756	31,217
20	22,475	23,309	24,173	25,071	26,004	26,971	27,975	29,018	30,099	31,223	32,756	34,367
21	23,571	24,449	25,355	26,298	27,277	28,293	29,348	30,442	31,578	32,757	34,368	36,059
23	25,936	26,901	27,903	28,942	30,022	31,141	32,303	33,510	34,762	36,063	37,839	39,704
25	28,535	29,598	30,703	31,850	33,038	34,273	35,554	36,884	38,266	39,699	41,657	43,713
29	34,570	35,864	37,206	38,599	40,045	41,545	43,104	44,721	46,400	48,141	50,522	53,020

PROPOSED ORDINANCE

WHEREAS, Federal Revenue Sharing Fund regulations require a public hearing and formal amendment of an adopted budget when the recipient government proposes a major change in its budget which affects the use of more than \$2,000 of entitlement funds and 25% or more of the funds as originally enacted in the Revenue Sharing Budget; AND

WHEREAS, if fiscal restraints are not imposed at this time, the City would anticipate a revenue shortfall at the end of the next fiscal year; AND

WHEREAS, toward that end, the Mayor and Council deem it prudent to invest the FY-1984 entitlement funds which have not been expended, for use in FY-1985, in lieu of using them for the purposes described in the proposed use schedule and funded in the FY-84 City Budget.

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

SECTION 1. THAT the City Budget for Fiscal Year 1983-84, adopted by Ordinance No. 2667 on June 13, 1983, be hereby amended by deleting from the revenue section the sum of \$93,795.45, which represents the balance remaining from the \$105,921 in Revenue Sharing Funds appropriated under budget item 431; AND

SECTION 2. THAT the said balance of \$93,795.45 in FY-1984 Federal Revenue Sharing funds be appropriated for investment in a contingency account for FY-1985, from which the City Administrator may authorize the payment of obligations or unanticipated expenditures, following prescribed Charter procedures and Revenue Sharing regulations.

SECTION 3. THAT the FY-84 proposed use schedule for Revenue Sharing Funds and the actual expenditures therefrom are attached hereto and constitute a part of this ordinance.

NOTE TO MAYOR AND COUNCIL: The first "Whereas" explains the situation, which resulted from the freeze on capital expenditures. The purpose of placing the money in a contingency fund is to avoid triggering the same process again, which would occur if the money were committed to specific purposes and not used in the manner proposed.

June 1, 1984

STATUS OF PROPOSED USE OF
FY-84 FEDERAL REVENUE SHARING FUNDS

	<u>Budget</u>	<u>Spent</u>	<u>Funds Available</u>
Police Communication	\$ 68,721.	\$4,002.55	\$64,718.45
Trees	3,000.	-	3,000.00
St. Lighting Improvements	9,000.	7,650.00	1,350.00
Bicycle Racks	750.	-	750.00
Display Case	1,200.	-	1,200.00
Library Roof Repair	17,250.	-	17,250.00
Archives Management	2,000.	473.00	1,527.00
TOT Park Play Equipment	2,000.	-	2,000.00
Trash Containers	<u>2,000.</u>	<u>-</u>	<u>2,000.00</u>
	\$105,921.	\$12,125.55	\$93,795.45

mnt
6/1/84

PROPOSED ORDINANCE

WHEREAS, the budget of the City of Takoma Park adopted for the Fiscal Year 1983-84 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 1985 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 \$500,000 to meet payroll and current day-to-day obligations of the City for the period June 15, 1984 through September 30, 1984, 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 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 is negotiating 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 \$500,000.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND 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 \$500,000 with the institution which submits a 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 Mayor on behalf of the City of Takoma Park and attested to by the City Clerk.

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

June 11, 1984
8:00 P.M.

AGENDA

CALL TO ORDER: Mayor Abbott

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

PLEDGE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Presentation of Carnegie Foundation medal to Mr. Kenneth Jones
2. Proclamation naming June 1984 as Takoma Park Police Senior Volunteer Month and presentation of proclamations to volunteers
3. Other presentations and comments by Mayor Abbott

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

1. Communications
2. Administrative Reports and Recommendations for Council action
 - (1) Administrative reports
 - (2) Proposed ordinance adopting Fiscal Year 1984-85 City Budget
Citizens' comments
Council action
 - (3) Council approval of Proposed Use of Federal Revenue Sharing Funds, FY 1984-85
 - (4) Second reading of an ordinance setting City Tax Rate for FY 1984-85 and amending the City Code by adding a new chapter, entitled "Taxes"
Citizens' comments
Council action
 - (5) Proposed ordinance approving City Pay Scale Plan for FY 1984-85
Citizens' comments
Council action
 - (6) Second reading of an ordinance (revised) amending the FY 1983-84 Revenue Sharing Budget
Citizens' comments
Council action
 - (7) Second reading of an ordinance authorizing short-term borrowing
Citizens' comments
Council action
 - (8) Second reading of an ordinance authorizing installation of a stop sign on University Blvd. service drive at Anne Street
Citizens' comments
Council action
 - (9) Request for Traffic Committee to consider a 3-way stop at Flower and Jackson Avenues (Councilmember Aldrighetti)

NOTE: The summary of Council actions from the May 28, 1984 meeting will be attached to the next agenda. Minutes and Summary had to be deferred due to budget preparation.

THE CITY OF TAKOMA PARK, MARYLAND
REGULAR MEETING OF THE MAYOR AND COUNCIL
JUNE 11, 1984

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Acting Asst. City Admin. Robbins
Councilmember Bradley	City Clerk Pusti
Councilmember Dalmat	Community-Economic Dev. Coord. Neal
Councilmember D'Ovidio	Library Director Spottswood
Councilmember Haney	Police Chief Fisher
Councilmember Iddings	Police Lieutenant Gowin
Councilmember Williams	Recreation Director Ziegler
	Corporation Counsel Gagliardo
	Asst. Corp. Counsel DeNovo

The Mayor and City Council of Takoma Park, Maryland, met on June 11, 1984, at 8:00 p.m., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Presentation of Carnegie Foundation medal to Mr. Kenneth Jones. Mayor Abbott related that the medal was awarded for an outstanding act of heroism. Mr. Jones saved an indeterminate number of persons from being struck by a trash truck on June 3, 1983, when the stalled truck lost its brakes, rolling backward downhill into traffic. Mr. Jones jumped onto the truck, reached into the cab and steered the vehicle out of the path of oncoming cars. The truck's wheels went into a gully, vehicle overturned and landed on Mr. Jones who was pinned for over 2 hours, suffering injuries to both legs.

2. Proclamation naming June 1984 as Takoma Park Police Senior Volunteer Month. The Proclamation according recognition for their hard work, dedication and contribution was read by Councilmember D'Ovidio; thanks were expressed, and copies presented to volunteers Orelin Ledbetter, Hugh Irely, James Neri, Eileen Roche, Carrie Spicer, Shirley Swartwout, and Charles Van Tassel. Comment was made that the Senior Volunteer Program was the subject of a training film which will be shown to various police departments nationwide.

3. Other presentations and comments. Councilmember D'Ovidio commented that on June 17 at approximately 7:50 p.m., Channel 26 will be showing a special program on neighborhoods in the Washington area - Old Takoma and Falls Church will be the subject of this first segment.

Mayor Abbott delivered a lengthy commentary on the recent budget process; disassociated himself from Council decisions made at the June 4 Worksession, favoring adoption of the proposed budget. Spoke of inadequate time being allotted for consideration of dollar figures and projected tax rate; the proposed almost \$1/2 million increase over last year's budget, including addition of 2 high-level positions, 3 rather than 2 police vehicles, projected pay increases for employees; lack of presentation by staff of alternatives to escalating Hospitalization costs. Opposed the reorganization plan proposed by City Administrator Wilson and cited reasons. Said Council should seek a 1/4 million budget reduction prior to adoption; urged that they utilize time remaining prior to June 30 (time limit imposed by the City Code for tax rate and budget adoption) to reconsider and work on the budget. Pointed out that whatever budget is adopted will be Council's sole responsibility, not to be labeled that of "the Mayor and Council."

(verbatim statement attached)

ADDITIONAL AGENDA ITEMS

Farmers Market Rules (Daniel Neal)

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

Councilmember Williams commented he expects tenants from 7777 Maple Avenue and 125 Lee Avenue to appear to speak on delays in COLTA

responding to cases. Said 1 case has been before COLTA for approximately a year, tenants have gone to trial, portion of the case was lost due to the fact they had not received an opinion from COLTA; there are other cases in which a written opinion has not been received subsequent to COLTA hearing.

Brenda Johnson, 125 Lee Avenue: Spoke of harassment from the apartment owner because she refuses to tolerate conditions; said the City conducted an inspection in September 1983, noted 21 code violations (17 in her apartment). Owner refused to make repairs, eviction was threatened, quit and vacate notices were received; she repeatedly filed cases with COLTA, was finally heard last spring; has received nothing in writing to date; however, was informed by her attorney that COLTA found in her favor. Said she wrote to the Mayor, complained about COLTA's lack of response. Filed recently with COLTA concerning a 10% rent increase, has heard nothing. Thought part of the problem lies with the Housing Department; tenants not properly represented by Ms. Tyree when information is presented to COLTA, cases lost or misplaced in the department, Director's approach unprofessional. Stated Ms. Tyree attempted to persuade her to sign a release that a case (originally filed with Montgomery County, passed on to the City) was satisfactorily settled, when it had never been pursued. Questions were posed by Council as to who actually writes COLTA opinions and deadlines for issuance of formal opinions for use in court proceedings. Councilmember Williams commented that in the past a Commissioner was appointed to write the opinions, but for the last year or so, the procedure is not functioning properly. Councilmember Bradley remarked that the ultimate responsibility for ascertaining that the opinions are gotten out in a timely fashion should lie with staff/City government. In the absence of a Housing Department representative, the City Administrator was instructed to follow up on the complaints cited and see that formal opinions are supplied on Cases TP-208 and TP-218, found in Ms. Johnson's favor. Ms. Johnson again mentioned a proposed 10% rent increase effective July 1, plus a new security deposit, amounting to a total of approximately \$690; all in retribution for complaints she has made. The Mayor commented the ordinance will be reexamined in July and a decision made as to permissible rent increases; said landlords were not officially notified of the 5% limit in effect during the last year, expressed disappointment that was not done as a number of cases that came before COLTA were generated as a result of the landlord's ignorance of the limit. Councilmember Williams stated the law permits landlords to levy \$50 to a sum equal to 2 months' rent as security deposit; subsequent to COLTA cases, there have been instances of a second security deposit being assessed; questioned the legality and thought the City should challenge. The Mayor commented on the fact that COLTA found in favor of tenants of 7777 Maple Avenue in a case in which tenants were assessed for use of the swimming pool which was not in operation all last summer.

Juanita Nunn, 7777 Maple Avenue: Said tenants' case was heard by COLTA in January 1984, written notification was received in March that the finding was in favor of the tenants. Prior to notification, rents were held in escrow, tenants took the landlord to court; tenants' attorney requested a representative from Housing to appear and testify, was assured by Asst. Housing Director that would be done. When the case went to court, no one from the City department appeared. After the case had been heard, when the Judge was leaving his chambers, one of the Housing Inspectors appeared, too late to be of any assistance. Said tenants will soon be going to court on another case, but cannot expect any help from the City. Councilmember Williams commented that Naomi Turner of 7667 Maple Avenue filed a case last summer regarding the swimming pool at that building, and the case has yet to come up. Mayor Abbott assured steps would be taken to rectify the situation complained of. In response to query, Corporation Counsel stated he and his assistant had been prosecuting municipal infractions for the last six months, had received referrals on the tree ordinance, from Public Works, but none from Housing. The City Administrator was directed to procure a list of all cases pending, those that have had decisions rendered without notification being made, etc. Mr. Wilson assured a full status report would be presented by the end of the week. Ms. Johnson reiterated complaints

about violations being cited by Housing, the landlord doing "cosmetic" repairs accepted by Housing as correction of the violation, subsequent recurrence of the problems within a short time due to inferior repair work.

Jay Levy, 7431 Baltimore Avenue: Spoke as a representative of the Takoma Park Nuclear Freeze Task Force; said Council's contemplated bid acceptance on the Police communications system appeared to be in violation of the Nuclear Free Zone Ordinance; requested clarification. Councilmember Iddings spoke; said during preparation of the bid, decision was made to acquire a consultant to assist the Police Department in preparing specifications. When bids were received, one was from Motorola, one from General Electric (who make Mark 12A warheads, thus violating the Nuclear Free Zone Ordinance). Said adoption of the budget does not authorize purchase of the system by Police Department, a separate ordinance would be required for that.

Susan Abbott, 7416 Holly Avenue: Said adoption of the Nuclear Free Zone Ordinance was not merely a symbolic act; wondered if the consultant was advised of that ordinance and whether there were other companies who could furnish what is desired. Commented G. E. is one of the top defense contractors. Understood Motorola felt the specifications were too restrictive to reasonably bid on, were specifically directed toward G. E. equipment. Requested that the City Administrator advise all department heads in writing of existence of the ordinance and that it must be adhered to.

Joan Jacobs, 7428 Carroll Avenue: Spoke as a member of the Nuclear Freeze Task Force; said awarding this contract to G. E. would be an insult to the community and would cast great doubt on the sincerity of the Council. Volunteered several months ago to serve on a divestiture committee, has had no response from the City. Was concerned that bids would go out without notification being made that the City is a nuclear free zone, urged reconsideration of the bids.

Ed Frost, President, Frost Communications, Consultants: Stated he was not aware of the ordinance when writing specifications for the communications system; unfortunately, most electronic manufacturers are involved either directly or indirectly in the manufacture of nuclear armaments components (both G. E. and Motorola, however, their mobile radio divisions are not). Was not aware of any other manufacturers making the equipment for which the specifications were written. Spoke on technical considerations involved.

Chaplin Morrison, 8302 Flower Avenue: Said while the specifications were written specifically for G. E. and/or Motorola equipment, considered to be ideal for this application, wondered how much effort was expended on looking into other equipment which might not be "ideal" but would do the job satisfactorily. A long dialogue with the Consultant ensued concerning band allocations, available frequencies. Mr. Frost stated that the Police Department is currently operating due to his intercession with connections in the F.C.C. (under a verbal agreement) - F.C.C. licenses expired 3 years ago, were not renewed as a frequency change was anticipated. Mr. Morrison requested that research be devoted to finding out whether there are companies acceptable under the ordinance which could produce the desired equipment.

Police Chief Fisher stated that major considerations in this issue are the safety of police officers and provision of adequate service to the citizens; said during the bid specification process which began last November, the ordinance was overlooked, attention was only drawn to it last week. Mr. Frost was immediately notified, both he and Sgt. John Duvall made every effort to locate manufacturers of the desired equipment that would not be in violation of the ordinance, to no avail. Emphasized that Mr. Frost has no commitment to G. E. or Motorola, was solely dedicated to locating a company producing equipment to the desired specifications. Councilmember Iddings proposed a meeting between the Mayor, Chief Fisher, Sgt. Duvall, Susan Abbott, Jay Levy, himself and Councilmember D'Ovidio, for the purpose of examining the details of the issue and seeking a resolution that conforms to the

ordinance. Chief Fisher emphasized time considerations, importance of acquiring equipment that will correct communication failures/inadequacies which create a critical situation for police personnel; projection for receipt of equipment after placement of order was 120 days.

David Fleishman, 7100 Poplar Avenue: Suggested checking into Japanese-manufactured equipment.

Dean Hoge, 7014 Holly Avenue: Said a sliding scale of involvement of manufacturers in nuclear armaments component manufacture should be formulated; should not move ahead on this issue until the current impasse is resolved - would be demoralizing for the City to go contrary to the ordinance.

Councilmember Bradley stated she felt the matter could be resolved; suggested the Police Department seriously consider adjustment of criteria; felt a decent radio system could be provided and still support the ordinance. Mr. Frost commented additional work is needed on the ordinance to make it more specific as to intent; expressed willingness to meet and formulate a way of proceeding. Susan Abbott suggested proceeding with setting up an ad hoc committee relative to the ordinance, requested the City Administrator to review resumes previously submitted for persons wishing to serve.

Gary Crane, 7217 Spruce Avenue: Thought some sort of mechanism should be formulated for resolution of such issues. Suggested that when a manufacturer fails to meet requirements of Section 6 of the ordinance and no alternative manufacturer meeting them can be found, a citizens' panel be provided the specifications and asked to certify that no other company exists who can meet the specs or a feasible alternative to the specs.

Mayor Abbott spoke relative to the Nuclear Freeze Ordinance; said the City's prohibits doing business not only with companies who produce, but those that perform research in the production of, nuclear armaments. Mentioned vast sums of money expended by big companies with vested interests to influence legislation in their favor. Councilmember Aldrighetti commented that he did not think a couple weeks' delay while a committee considers the issue would have any great impact, however, police department's needs should not be minimized or ignored. Councilmember D'Ovidio stated it would be unrealistic not to anticipate reaching the present impasse at some point in time, preparation should now be made to deal with the present situation as well as future ones relative to the ordinance.

Robert Alpern, 316 Elm Avenue: Said it must be kept in mind that whatever is done in the process has an effect on the end result, an all-out search for another source or communication system should be conducted; what is done on a local level has a national effect.

David Prosten, 1202 Kingwood Drive: Thought perhaps the answer lies in Councilmember Bradley's suggestion of looking not at just the companies, but the specifications. No one wants to see a police officer or citizen get hurt because of absence of a decent communications system, but everything possible should be done to conform to the ordinance without sacrificing public safety.

Mayor Abbott requested Mr. Alpern's assistance in compiling a list of socially conscious scientists who might aid in finding equipment manufacturers not in violation of the ordinance; asked that persons wishing to serve on the proposed ad hoc committee resubmit their names to the City Administrator's office.

Linda McKnight, 7205 Cedar Avenue: Stated she was the designer of the Takoma Park Centennial Book published by Historic Takoma; proposed Council purchase copies for the City at 1/3 off (\$10.00/copy).

Nancy Ricks, 5 Lee Avenue: Spoke concerning several alternatives for honoring Clarence Mitchell: 1) naming a park or the area in front of the Municipal Building used for recreation functions after him; 2) establishing a scholarship fund for high school graduates residing in

the city or participation in the Clarence Mitchell Fund recently established at the University of Maryland; 3) rename a city street (preferably one larger than Lee Avenue, e.g., Maple Avenue). Urged Council to consider these possibilities.

ITEMS FOR COUNCIL CONSIDERATION:

(1) Proposed ordinance adopting Fiscal Year 1984-85 City Budget.
City Administrator Wilson commented that the budget had been revised to include adjustments requested by a majority of Council in the June 4 Worksession; those reductions permitted formulation of a new tax rate. Adoption of the proposed ordinance was moved by Councilmember D'Ovidio, duly seconded by Councilmember Iddings. Councilmember Bradley questioned whether, if the budget were adopted, subsequent amendments could be made; expressed willingness to put in additional work in an attempt to effect further cost reductions; moved to table action on the ordinance until June 25, duly seconded by Councilmember Williams. In response to query, it was clarified that this ordinance does not require a second reading. Former Councilman Clayton Forshee expressed agreement with comments made by the Mayor in his statement; said further study should be done on the budget and ways found to make additional cuts. The motion to table was defeated with Councilmembers Bradley and Williams voting Aye, balance of Council, Nay. Councilmember Williams spoke concerning Council's tendency to prolong meetings into late night-early morning hours; said he could not do that as it interferes with proper performance and alertness required for his hospital job. Councilmember Iddings responded to comments made earlier by the Mayor in his statement; said the Mayor had suggested cuts totalling \$125,000, Council had made cuts totalling 1/4 of a million dollars; further cuts would deteriorate services. Said there were issues, such as the Cable TV matter, with which he did not agree but was willing to abide by the consensus; if the Mayor wished further cuts in the budget, they should have been presented at an earlier time. Remarked on the Mayor's opposition to the administrative reorganization, in particular, the proposed 2 Assistant City Administrators; however, even with inclusion of the additional position, no greater percentage of the total budget would be spent on administration than was expended for that same item in 1970. Said Council had put in a lot of hours and effort on the budget; felt it was a good one, responsive to the level of services desired by the citizens. Councilmember Haney spoke in support of the budget. Councilmember Bradley stated more time was spent on this budget than on previous ones; department heads were afforded the opportunity to work with Council and present their "wish lists," however, perhaps Council should have been more critical during departmental presentations. Councilmember D'Ovidio commented favorably on the Departmental Objectives included in this budget; spoke in support of the proposed second Assistant City Administrator position. Mayor Abbott questioned the total cost to the City of the 4% COL plus 3.8% merit (step) increase proposed for employees; figure cited was \$219,453. The Mayor commented that comparison should be made with what other municipalities are doing for employees; said he finds it difficult to reconcile his commitment to City taxpayers and recommendations from staff; disagreed with Councilmember Iddings' statement concerning percentage of budget expended for administration being same as in 1970. Councilmember Bradley commented on the lack of a set personnel policy; said employees assume there will be regular yearly step increases, based on seniority; awarding the step increases at the same time as cost-of-living creates confusion and is not typical in other local jurisdictions, which generally award step increases on employment anniversary date based upon satisfactory evaluation. Imperative some of these major personnel items be resolved prior to commencement of the next budget process. Councilmember Iddings pointed out that this is the first time in 3 years that employees are being granted merit increases. Following additional discussion, the question was called, ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney and Iddings; NAY: None; ABSTAINED: Councilmember Williams.

Ordinance No. 2721
(attached)

(2) Council approval of Proposed Use of Federal Revenue Sharing Funds, FY 1984-85.

Acting Asst. City Administrator Robbins spoke briefly on the proposed use; motion to approve was made by Councilmember Iddings, duly seconded by Councilmember Haney. Question arose concerning the number of police cars to be purchased; Mr. Robbins explained that the sum includes the vehicles as well as required equipment such as lights, radio, siren, etc. Councilmember Bradley stated she would be voting against that particular item as she felt one, or maximum of two, police vehicles would be adequate this year; referred to large expenditures proposed by that department, felt the increase should be incremental over a several year period. Councilmember Iddings reminded of arguments presented that there is a critical shortage of vehicles for officers. The question was called, proposed use was approved by roll call vote as follows: AYE: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney and Iddings; NAY: Councilmember Bradley; ABSTAINED: Councilmember Williams.

FY 1984-85 Revenue Sharing Budget
(attached)

(3) Second reading of an ordinance setting City Tax Rate for FY 1984-85 and amending the City Code by adding a new chapter, entitled "Taxes."

City Administrator Wilson explained that this ordinance sets the tax rate in the two sections of the City; overall rate is \$2.099 per \$100 assessed valuation. Adoption of the ordinance was moved by Councilmember Iddings, duly seconded by Councilmember D'Ovidio. Councilmember Iddings commented, for the record, that the ordinance sets up a tax rate and a tax credit system whereby the City will credit to each taxpayer's bill an amount of money equal to the amount of money that the county is paying to the city in tax differential payments. End result will be that Prince George's section tax rate will be approximately \$2.06 per \$100; Montgomery County section rate will be approximately \$1.46. Councilmember Haney pointed out that citizens' net tax in both sections of the City will be less than last year. The ordinance was passed by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings and Williams; NAY: None; ABSTAINED: None.

Ordinance No. 2722
(attached)

(4) Second reading of an ordinance (revised) amending the FY 1983-84 Revenue Sharing Budget.

City Administrator Wilson explained that this ordinance takes \$93,795.45 from the current budget and carries it over into the FY 1984-85 budget, as required by federal regulations. These funds will be designated for the police communications system. Following discussion, the ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney, Iddings and Williams; NAY: None; ABSTAINED: Councilmember Bradley.

Ordinance No. 2724
(attached)

(5) Proposed ordinance approving City Pay Scale Plan for FY 1984-85.

City Administrator Wilson commented the plan is a revised one as decreed by Council, reducing the cost of living increase from 5% to 4%. Comment was made that a process has been instituted for the merit increase and will be concluded by June 22. Mr. Wilson stated he had researched prior practice in relationship to the City Code (which states merit increases become effective July 1); was unable to locate much evidence of evaluations being routinely performed. Department heads have been requested to fill out a 4-point evaluation form on each employee and submit it to the City Administrator's Office by June 22, as an initial step. A more thorough and detailed evaluation process will be instituted within the next few months. In response to questions posed, Acting Asst. City Administrator Robbins explained that the pay scale reflects a 4% cost of living increase in all grades and steps; merit increase is reflected in the 3.8% difference between steps in each grade. Commented that problems related to longevity will have to be addressed. Councilmember Aldrighetti remarked that

department heads should impress their personnel with the fact that a true merit system is going to be instituted, merit increases will be based on periodic evaluations; asked that the City Code be amended to permit granting merit increases on employee anniversary dates. The ordinance was passed by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings and Williams; NAY: None; ABSTAINED: None.

Ordinance No. 2723
(attached)

(6) Second reading of an ordinance authorizing short-term borrowing.

Mr. Wilson stated this ordinance authorizes the City to borrow money at favorable rates for up to 90 days for the purpose of stabilizing cash flow, when required. Said two bids have been received on loaning the required amount - 7% interest from Citizens Bank, 8.125% from Suburban Bank. Reasons for shortfall were cited, e.g., slowness in tax rebate payments from Montgomery County and payments from the state from state taxes; MML is working on these problems. The Mayor requested that the City Administrator send them a letter advising of the City's problems. Councilmember Aldrighetti expressed favoring a three bid system; Mr. Wilson stated six institutions were notified, only two responded. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings and Williams; NAY: None; ABSTAINED: None.

Ordinance No. 2725
(attached)

(7) Second reading of an ordinance authorizing installation of a stop sign on University Boulevard service drive at Anne Street.

A motion for adoption was made and duly seconded. Councilmember Haney commented that this ordinance is a result of numerous citizen requests; expressed thanks to the Traffic Committee for their assistance. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings and Williams; NAY: None; ABSTAINED: None.

Ordinance No. 2726
(attached)

(8) Request for Traffic Committee to consider a 3-way stop at Flower and Jackson Avenues.

Councilmember Aldrighetti referred to a letter from Longbranch-Sligo Citizens' Association requesting consideration of this item; said there are problems due to the narrowness of the street as well as the traffic; will be reconsidered by the Traffic Committee, requested that Public Works and/or Police Department give their opinion(s) on placement of the stop sign.

(9) Farmers Market Rules.

Daniel Neal spoke; pointed out a typographical error requiring correction in sentence 2, Section IIA, of the rules - should read "Professional farmers must submit a copy of the verification form from their cooperative extension agent with their application form." Explained he was asked to approach and negotiate with farmers, attempt to generate activity. Negotiations resulted in some changes, embodied primarily in Section IIC and Part III of the rules (fees changed to rent, rent schedule was amended and simplified). Said if the rules are approved, City can expect to attract 5-6 farmers at the outset; only one lane of Laurel Avenue on the north side of the median will be required. A motion was made by Councilmember D'Ovidio that the rules presented supersede rules previously adopted, duly seconded by Councilmember Iddings; approved unanimously.

Rules for Farmers Market
(attached)

Upon motion, duly seconded, the meeting adjourned at 11:20 p.m., to reconvene in regular session on Monday, June 25, 1984, at 8:00 p.m.

MAYOR'S COMMENTS

Monday, June 11, 1984

"I must, for reasons of conscience and the public record, disassociate myself from the apparent worksession Council consensus (6/4/84) on adoption of the city budget for FY 1984-85.

1. Although there were about 15 publicized hearings, briefings, and discussions on the budget, the dollar (\$) cost and projected tax rate were not raised by the staff for Council consideration until about 3-4 weeks ago -- a not adequate time span in a budget process that started back in January.

2. The proposed almost \$4-1/2 million budget is about a 1/2 million increase over last year's. In view of our complicated and delicate task of equitably reconciling the tax differential payment to the City by Montgomery County and the direct cut in the county tax by Prince George's, I strongly feel that the City Council should limit next year's budget increase to a quarter-million dollars. The Council should seek a 1/4 million dollar reduction before adopting the 84-85 budget. The outlook for the 85-86 budget is critical: the tremendous jump in pension costs, capital outlay, etc., are warning signs the Council should heed in the 84-85 budget.

3. The Council majority should reassess its portended approval of such items as: an Assistant Administrator for Operations (\$40,179), Youth Worker and related costs (\$25,000), two instead of three police vehicles for a \$10,000 savings.

4. The projected 4% COLA (cost-of-living adjustment) is higher than most jurisdictions. The recommended 3.8% "Merit Increase," if passed, would bring the total increase to 7.8%, one of the highest local increases. This 7.8% would be factored in next year's formulas. The Council should again adopt what was done in the FY 82-83 budget: reduce the COLA and grant a one-year \$500 bonus across the board, thus not compounding the employees' base salaries in next year's budget deliberations. As for the "Merit Increase," it seems to be a misnomer -- City government practice, it seems, has treated it as an automatic "Step" or "Seniority" matter. This Council plans to authorize a "Personnel Practices Commission" -- and until the Council can act on any forthcoming recommendations to clarify the City's long-standing apparent unclarities on this point -- I feel the Council owes it to the taxpayers to not again act just because that's what was done before.

5. Three years ago, the Mayor and Council ordered the staff to examine our Insurance situation and present alternatives, especially on Hospitalization, where our costs increased 65% this year and 25% more for 84-85. We are still waiting for these alternatives, which should have been given us during this budget study series.

6. The Administrator's proposed "Reorganization" plan appeared to have a 5-2 Council majority in support. Not only does it bear a \$40,000 increased price tag -- but it also has, it seems to me, a redundancy of responsibility that a city of our size does not need. The Administrator should be able to work directly with the half-dozen department heads. It seems to me that, by hiring two Assistant City Administrators, the Council will be setting up more of a barrier to serve more as a buffer between the Chief Administrative Officer and the Department Heads than to facilitate the interaction between the two. I thought that one of the prime purposes of the Council's examination of past administrators and the selection of a new one, was the strong emphasis placed upon initiative and attitude, in line with what we perceived to be what we and the citizens wanted. The least this Council should do is to delay any addition of Assistant Administrators until the Councilmembers can evaluate the Administrator's performance next year and then assess any need for assistant administrators.

7. Finally, the Council must be aware that whatever budget they adopt is their budget, solely, and is not to be labeled that of the "Mayor and Council." To support that statement, let me quote from our City Charter and Code:

Charter; Sec. 1.9(f) "On or before the last day of June in each year, the Council shall, by ordinance, levy the general

STANDARD FORM NO. 64
MAYOR'S COMMENTS

taxes for the fiscal year"

Charter; Sec. 1.14(a) "Prior to the beginning of each fiscal year, the council, after a public hearing, shall prepare and adopt an annual budget covering the estimated receipts and disbursements of the general revenues of the city for the fiscal year beginning July 1 following its adoption,...."

Code, Sec. 2.23(a) "The City Administrator shall prepare and submit an annual budget to the Council and supervise the administration of the budget as adopted."

The Mayor, therefore, according to the Charter and Code of the City of Takoma Park, has no delineated role in the budget process (other than a non-voting chair at the public hearings). The title, "Mayor," will not appear on the necessary ordinances or records - only the Council's name will. I urge you to use the rest of June to work on the budget - the deadline is June 30th."

August 21, 1986

Adopted Budget for Fiscal Year 1984/85;
Attachment to Ordinance no. 2721.

(Part of Council Minutes for meeting of
June 11, 1984)

Adopted Budget is bound separately in
Council Minutes, Vol. 56A

ORDINANCE NO. 2721

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

SECTION 1. THAT in accordance with Sec. 1.14 of the Charter of Takoma Park, Maryland, the budget for Fiscal Year 1984-85 is hereby approved and adopted for the year beginning July 1, 1984, said budget providing estimated revenues of FOUR MILLION, FIVE HUNDRED THIRTY-SIX THOUSAND, AND FIFTY DOLLARS (\$4,536,050), and appropriations of FOUR MILLION, FOUR HUNDRED EIGHTY-NINE THOUSAND, TWO HUNDRED AND SIXTY-NINE DOLLARS (\$4,489,269), including a General Contingency Account in the amount of NINETY THOUSAND DOLLARS (\$90,000), and a Capital Improvements Reserve Fund in the amount of FORTY-FOUR THOUSAND, EIGHT HUNDRED AND TWENTY-THREE DOLLARS (\$44,823); AND

SECTION 2. THAT the City treasurer is hereby authorized to compute salaries for all City employees as related to various departments and disburse accordingly; to pay all rentals on the first of each month and bills monthly, discounting such bills as possible; AND

SECTION 3. THAT all capital outlay items be expressly authorized by the Council with the exception of items costing less than five hundred dollars (\$500), funds for which shall be properly authorized; AND

SECTION 4. THAT the City Treasurer be hereby authorized to transfer the projected General Fund balance as of June 30, 1984, \$200,000, to the Fiscal Year 1984-85 Budget.

FY 1984-85 REVENUE SHARING BUDGET

McQuillan's <u>Municipal Corporations</u> (21 vols.) and annual supplements.	\$ 900
City-wide Office Automation	30,000
Medium-sized Copier	5,000
Dispatcher's Recording Tapes	360
Three Police Patrol Cars	31,500
Sign Machine	5,700
One-ton Dump Truck	13,500
Trash Truck 1/3	<u>33,000</u>
TOTAL:	\$119,960

CARRYOVER OF FY 1983-84 REVENUE SHARING FUNDS

Police Department Radio Communications System	\$ 93,795
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June 1, 1984

STATUS OF PROPOSED USE OF
FY-84 FEDERAL REVENUE SHARING FUNDS

	<u>Budget</u>	<u>Spent</u>	<u>Funds Available</u>
Police Communication	\$ 68,721.	\$4,002.55	\$64,718.45
Trees	3,000.	-	3,000.00
St. Lighting Improvements	9,000.	7,650.00	1,350.00
Bicycle Racks	750.	-	750.00
Display Case	1,200.	-	1,200.00
Library Roof Repair	17,250.	-	17,250.00
Archives Management	2,000.	473.00	1,527.00
TOT Park Play Equipment	2,000.	-	2,000.00
Trash Containers	<u>2,000.</u>	<u>-</u>	<u>2,000.00</u>
	\$105,921.	\$12,125.55	\$93,795.45

mnt
6/1/84

ORDINANCE NO. 2722

WHEREAS, the City Council is charged by Section 1.9 of the Takoma Park, Maryland Charter to establish a tax rate on or before the last day of June in each in each year; AND

WHEREAS, the Council has approved a budget of \$4,489,269; AND

WHEREAS, the Council has estimated that revenue from all sources other than the tax on real and personal property will be \$1,933,840, leaving \$2,602,210 in budgeted expenditures to be covered by the tax on real and personal property; AND

WHEREAS, the assessable value, as determined by the State Department of Assessments and Taxation, of real and personal property within the City is \$153,642,852; AND

WHEREAS, in accordance with Article 81, Section 32A of the Annotated Code of Maryland, Prince George's County has elected to levy a tax on the assessable property in municipalities, including Takoma Park, which is less than the general county property tax rate; AND

WHEREAS, in accordance with the same Article 81, Section 32A of the Annotated Code of Maryland, Montgomery County has elected in lieu of a lesser rate of county property tax to make a payment to municipalities, including Takoma Park; AND

WHEREAS, Takoma Park, which lies in both Prince George's and Montgomery Counties, finds itself in a unique position among all municipalities in the State of Maryland; AND

WHEREAS, in order to create a more equitable tax system for Takoma Park taxpayers living in both counties and to maximize the relief from double taxation for all those taxpayers, the Council deems it necessary to amend the City Code to reflect the factors affecting the tax levy.

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

SECTION 1. THAT the following be added to the Code of Takoma Park, Md., 1972, as amended, as Chapter 2A. Taxes:

CHAPTER 2A.
TAXES

Sec. 2A-1. Definitions

The terms used in this Chapter shall have the following meanings:

(a) Situs county: the county in which the property subject to the tax called for is located in whole or in part;

(b) Situs county payment: any payment made by Prince George's County, Maryland or Montgomery County, Maryland, to the City of Takoma Park in accordance with Article 81, Section 32A(a)(2) of the Annotated Code of Maryland.

(c) Assessable and taxable base: the assessed value of all real and personal property subject to the tax called for which is located in one particular county and the City of Takoma Park, as such value is determined by the State of Maryland Department of Assessments and Taxation and reported annually to the City of Takoma Park.

(d) Adjusted assessed value: the assessed value of any real or personal property as determined by the State Department of Assessments and Taxation divided by 100 and rounded off to the nearest 100th.

Sec. 2A-2. Annual tax levy on real and personal property.

(a) Tax rate. Effective July 1, 1984, all real and personal property which is subject to taxation by the City of Takoma Park shall be subject to a tax on the assessed value of such real and personal property, as such value is determined by the State Department of Assessments and Taxation, at the rate of \$2.099 per \$100.00 of assessed value.

Sec. 2A-3. Property tax credit.

(a) Double taxation credit: Effective July 1, 1984, each taxpayer shall be entitled to a credit against the tax which would otherwise be due and payable to the City of Takoma Park equal to an amount determined by:

(1) dividing the situs county payment actually made in the fiscal year in which a tax credit is to be determined by the assessable and taxable base of the situs county; and

(2) multiplying the result by each taxable property's adjusted assessed value.

(b) Uniform application of formula: This formula shall be applied uniformly to all classes of taxable real and personal property throughout the city.

(c) Credit for bi-county property: In the event any real or personal property is located in both Prince George's and Montgomery Counties, any double taxation credit shall be allowed in the same proportion as county property taxes are imposed.

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

ORDINANCE NO. 2724

WHEREAS, Federal Revenue Sharing Fund regulations require a public hearing and formal amendment of an adopted budget when the recipient government proposes a major change in its budget which affects the use of more than \$2,000 of entitlement funds and 25% or more of the funds as originally enacted in the Revenue Sharing Budget; AND

WHEREAS, a public hearing was held on June 4, 1984; AND

WHEREAS, the City Council deems it prudent to retain those FY-1983-84 entitlement funds which have not been expended for transfer into the FY-1984-85 budget for the purpose stated below.

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

SECTION 1. THAT the City Budget for Fiscal Year 1983-84, adopted by Ordinance No. 2667 on June 13, 1983, be hereby amended by removal of the sum of \$93,795.45, representing the balance remaining from the \$105,921 Federal Revenue Sharing Funds appropriated, from the Fiscal Year 1983-84 budget; AND

SECTION 2. THAT the said balance of \$93,795.45 in Fiscal Year 1983-84 Federal Revenue Sharing Funds be transferred to the Fiscal Year 1984-85 budgeted revenue and designated for the purchase of a police communications system; AND

SECTION 3. THAT the Fiscal Year 1983-84 proposed use schedule for Revenue Sharing Funds and the actual expenditures therefrom are attached hereto and constitute a part of this ordinance.

ORDINANCE NO. 2723

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

SECTION 1. WHEREAS, Section 2-67 of Article 5, entitled Personnel, of the City of Takoma Park Code, 1972, as amended, provides that pay scales may be altered by the Mayor and Council to reflect employee cost-of-living needs, AND

SECTION 2. THAT Section 8 of Ordinance No. 1400, and subsequent amendments thereto, known as the Pay Scale Plan for the City of Takoma Park, has been reviewed, AND

SECTION 3. THEREFORE THAT Section 8 be revised to provide a new salary scale incorporating a 4% cost of living increase in accordance with the schedule below, to be effective July 1, 1984.

STEP	A	B	C	D	E	F	G	H	I	J	L-1	L-2
1	9,427	9,765	10,115	10,479	10,856	11,249	11,655	12,078	12,515	12,971	13,593	14,245
5	3,077	3,345	3,614									
6	11,740	12,165	12,606	13,064	13,541	14,035	14,548	15,080	15,632	16,204	16,988	17,811
7	12,273	12,718	13,181	13,661	14,161	14,678	15,215	15,772	16,351	16,952	17,773	18,634
8	12,833	13,300	13,784	14,288	14,811	15,352	15,915	16,499	17,105	17,735	18,595	19,497
9	13,419	13,909	14,418	14,945	15,492	16,060	16,650	17,262	17,897	18,557	19,458	20,404
10	14,037	14,550	15,083	15,635	16,208	16,803	17,422	18,064	18,729	19,420	20,364	21,356
11	14,688	15,226	15,784	16,363	16,963	17,587	18,235	18,908	19,606	20,331	21,320	22,360
12	15,368	15,932	16,517	17,124	17,755	18,409	19,088	19,792	20,524	21,284	22,319	23,409
13	16,101	16,693	17,307	17,944	18,605	19,291	20,004	20,744	21,512	22,308	23,397	24,540
14	16,825	17,456	18,097	18,766	19,458	20,177	20,924	21,698	22,501	23,337	24,476	25,672
15	17,645	18,295	18,970	19,671	20,396	21,152	21,935	22,747	23,591	24,467	25,664	26,919
16	18,452	19,133	19,839	20,572	21,334	22,124	22,942	23,795	24,679	25,596	26,849	28,164
17	19,324	20,037	20,777	21,547	22,344	23,173	24,034	24,927	25,853	26,816	28,130	29,509
18	20,237	20,986	21,764	22,570	23,407	24,276	25,177	26,114	27,086	28,095	29,473	30,919
20	22,261	23,087	23,943	24,832	25,757	26,714	27,709	28,741	29,813	30,925	32,444	34,039
21	23,347	24,216	25,114	26,048	27,017	28,024	29,068	30,152	31,277	32,445	34,040	35,715
23	25,689	26,645	27,637	28,667	29,736	30,844	31,996	33,191	34,431	35,720	37,478	39,326
25	28,263	29,317	30,411	31,546	32,724	33,947	35,215	36,533	37,902	39,321	41,260	43,296
29	34,241	35,522	36,851	38,231	39,664	41,150	42,693	44,295	45,958	47,683	50,041	52,515

Adopted by the Council June 11, 1984.

GRADE STRUCTURE

POLICE DEPARTMENT

Crossing Guard	5
Clerk/Dispatcher	9
Parking Enforcement Officer	10
Private	16
Police Affairs Specialist	16
Private First Class	17
Corporal	18
Sergeant	20
Lieutenant	23
Police Chief	25

PUBLIC WORKS DEPARTMENT

Mechanic's Helper	7
Laborer	7
Assistant Driver	8
Driver Foreman	9
Equipment Operator I	9
Equipment Operator II	10
Equipment Operator III	11
Parks Foreman	11
Mechanic	14
Tree Maintenance Foreman	14
Public Works Coordinator	18
Building Maintenance Supervisor	18
Vehicle Repair Shop Supervisor	18
Sanitation Supervisor	18
Streets Supervisor	20
Public Works Director	23

DEPARTMENT OF HOUSING SERVICES

Code Enforcement Officer I	13
Code Enforcement Officer II	16
Assistant Director of Housing Services	18
Director of Housing Services	21

RECREATION DEPARTMENT

Recreation Attendant	1
Recreation Aide	6
Recreation Counselor	9
Recreation Supervisor	12
Youth Outreach Worker	12
Recreation Director	21

LIBRARY DEPARTMENT

Library Assistant	8
Librarian	14
Assistant Library Director	18
Library Director	21

ADMINISTRATIVE STAFF

Clerk/Typist	7
Secretary	9
Administrative Aide I	10
Administrative Aide II	11
Administrative Supervisor	15
Cable TV Coordinator	18
City Clerk	20
Assistant City Administrator for Operations	25
Assistant City Administrator for Administration	25
City Administrator	29

COMMUNITY DEVELOPMENT DIVISION

Tool Librarian	6
Rehabilitation Coordinator	12
Community-Economic Development Coordinator	18

ACCOUNTING DIVISION

Accounting Clerk I	10
Accounting Clerk II	11
Accounting Supervisor	18

ORDINANCE NO. 2725

WHEREAS, the budget of the City of Takoma Park adopted for the Fiscal Year 1983-84 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 1985 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 \$500,000 to meet payroll and current day-to-day obligations of the City for the period June 15, 1984 through September 30, 1984, 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 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 is negotiating 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 \$500,000.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL 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 \$500,000 with the institution which submits a 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 Mayor on behalf of the City of Takoma Park and attested to by the City Clerk.

ORDINANCE NO. 2726

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAKOMA PARK, MD.

SECTION 1. THAT all vehicular traffic travelling south on the University Boulevard service drive shall come to a complete stop at its intersection with Anne Street; AND

SECTION 2. THAT the Director of Public Works is hereby requested to erect the appropriate sign; AND

SECTION 3. THAT this ordinance shall become effective upon completion of the signing; AND

SECTION 4. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

RULES FOR THE TAKOMA PARK FARMERS MARKET

I. ELIGIBILITY REQUIREMENTS

- A. All persons who actually grow the produce that they intend to sell in the Farmers Market.
- B. All persons who actually produce the baked goods, jams and/or honey that they intend to sell in the Farmers Market.

II. GENERAL RULES

- A. All persons intending to sell in the Farmers Market must file an application with the City's Economic Development Coordinator, verifying that they are the actual grower of the produce, or the maker of the baked goods, jams and honey, which they intend to sell in the Farmers Market. Professional farmers must submit a copy of the verification form from their Cooperative Extension agent with their application form. Takoma Park residents must allow the Economic Development Coordinator to inspect the area where their produce are grown. Only persons with an approved application shall be permitted to sell in the Farmers Market.
- B. All persons intending to sell in the Farmers Market must comply with the sanitary rules and regulations imposed by the Montgomery County Health Department and are responsible for obtaining whatever licenses and/or permits are necessary to comply with County, State and Federal rules and regulations.
- C. All approved applicants who sell goods in the Farmers Market are required to pay rent for the market space which they utilize. This rent shall be paid to the City of Takoma Park in accordance with the schedule of rents set forth below. Rent shall be assessed on a per diem basis and shall be due and payable on each market day. Rents from each approved vendor shall be collected by the designated Market Manager, who shall be responsible for the recording of all rent due and all rent paid. The designated Market Manager shall, on each Monday following a market day, convert all rent collected on the previous market day into the form of a check payable to the City of Takoma Park and shall forward this check to the City's Economic Development Coordinator for deposit in the appropriate City account. The Market Manager's records of rent due and rent paid shall be open to inspection by the City at all times. Vendors who do not pay their rent may be denied the right to sell in the Farmers Market in the future.
- D. The Farmers Market will operate on the north side of Laurel Avenue, along the side of the Seventh-Day Adventist Church. The Farmers themselves shall be responsible for the allocations to vendors within the market space. The vendors shall pick up and set up the barricades for blocking the street from traffic and shall return them to where they were found after each market.
- E. The Farmers Market will operate from 10:00 A.M. to 2:00 P.M. every Sunday from June 10, 1984 until November 18, 1984, inclusive.
- F. The setting up of the market may begin at 9:30 A.M. on market day, and no earlier. Selling may not begin before 10:00 A.M.
- G. All vendors shall be responsible for the cleanliness of their selling area. The City expects the vendors to keep the market area reasonably free of any debris generated by the market activity.
- H. Any complaint against any grower or producer regarding the origination of their produce or goods must be directed to the attention of the City in writing.
- I. The City reserves the right to cancel the approval of any vendor's application if and when the City finds said vendor in violation of any of the aforementioned rules and eligibility requirements.

III. RENT SCHEDULE

- A. Producer - Grower:
 - i. Professional, non-resident: \$7.00 each market day.
 - ii. Takoma Park Resident: \$3.00 each market day.
- B. Producers of baked goods, honey and/or jam only:
 - i. Professional Producer: No rent.
 - ii. Takoma Park Resident: No rent.

- IV. The Council of the City of Takoma Park reserve the right to revise the General Rules, Eligibility Requirements and Rent Schedule as they deem appropriate.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

June 25, 1984
8:00 P.M.

AGENDA

CALL TO ORDER: Mayor Abbott

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

PLEDGE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

1. Communications
2. Administrative Reports and Recommendations for Council action
 - (1) Community inter-action re Jequie Park play equipment
Citizens' comments
Council action
 - (2) Montgomery County procedures for CDBG funding application
(Councilmember D'Ovidio)
Citizens' comments
Council action
 - (3) Appeal No. S-939, continued use of an Accessory Apartment at
7120 Sycamore Avenue (Public Hearing: 7-5-84, 9:00 AM,
COB, Rockville)
Citizens' comments
Council action
 - (4) Appeal No. S-952, continued use of an Accessory Apartment at
113 Sherman Avenue (Public Hearing: 7-19-84, 1:30 PM,
COB, Rockville)
Citizens' comments
Council action
 - ~~(5) Discussion of three-member COLTA panels
Citizens' comments~~

*Deleted due to
mandated ordinance
review in July.*

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND
REGULAR MEETING OF THE MAYOR AND COUNCIL
JUNE 25, 1984

CITY OFFICIALS PRESENT:

Mayor Pro-Tem D'Ovidio	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Robbins
Councilmember Bradley	City Clerk Pusti
Councilmember Dalmat	Recreation Director Ziegler
Councilmember Haney	Press Secretary Messinger
Councilmember Iddings	Corporation Counsel Gagliardo
Councilmember Williams	
EXCUSED: Mayor Abbott	

Mayor Pro-Tem D'Ovidio and the City Council of Takoma Park, Maryland, met on June 25, 1984, at 8:10 p.m., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

MAYOR'S COMMENTS AND PRESENTATIONS

Councilmember Iddings spoke concerning the Farmers' Market; visited Sunday and 4 people were selling goods and wares, including a Takoma Park resident whose strawberry tarts he highly recommended. It is hoped the market will grow, with additional farmers coming in each week.

ADDITIONAL AGENDA ITEMS

Cable TV Commission
Resolution on Washington D. C. Baseball
Consolidation of PEPCO Lines in Takoma Old Town

Note: Agenda item (5) was deleted; will be addressed in July.

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

Richard Dempsey: Said he had built a house at 6900 Cherry Street (at Colby Avenue); house is now completed and ready for occupancy; however, there is a severe lack of available parking. "No Parking" is posted on both sides of Cherry Street and one side of Colby Avenue; requested removal of parking restrictions on one side of Cherry Street. Mayor Pro-Tem D'Ovidio said the parking problem would have to be investigated; the Traffic Committee and Public Works or Police Department would review the situation and make a recommendation. Councilmember Iddings suggested that staff prepare an ordinance for first reading at the July 9 Council Meeting proposing removal of the parking restrictions from the east side of Cherry Street and the original reason for the restriction be ascertained from Public Works and the Police Department.

Emmanuel Heard, 7443 Baltimore Avenue: Stated he was speaking as a parent, Viet Nam veteran, and city resident. Expressed concern regarding lack of City summer jobs for youth; requested Council's support in establishing a City chapter of Viet Nam Veterans of America. Councilmember Williams stated he thought more planning and funding should be devoted to creating summer jobs for youth. Assistant City Administrator Robbins stated the City does have some summer employees through the county's NYC program, working with Public Works; City has no funds budgeted to hire temporary summer help. Councilmember D'Ovidio commented that young people can sign up at any junior high school for the county's summer job program which is a sizeable program, would need a Social Security card, and are hired based upon need. Councilmember Aldrighetti remarked on a recent meeting with Mr. Heard and a mutual friend, Dave Harrington, in which Viet Nam Veterans of America was discussed. Suggested that the City Newsletter would be available for advertising any meetings related to starting a City chapter. Comment was made that there is an active veteran representative at 7620 Maple Avenue - Herbert Sewell, who might be helpful. Following additional discussion on summer youth employment, Councilmember Haney stated that there would be a help wanted ad in the upcoming Newsletter for Duff's Smorgasboard restaurant which will be opening on Holton Lane in August; interested youth might be encouraged to apply; there will be over 200 available jobs.

Becky Berez, 7422 Buffalo Avenue: Spoke against county spraying of malathion for mosquito control, done (generally 6-7 p.m.) upon citizen request and without notification to the City or neighborhood; hoped disapproval would be conveyed to the county. Comments were made that not only did the spraying appear to be ineffective, but Council had previously expressed disapproval of it within the City. Mr. Robbins explained that the City had previously entered into a contract with the state to spray selected sites within the city, the Buffalo Avenue area was one of those specified locations. Approximately 4 years ago, the program was modified in that spraying would be done upon citizen request. In light of increased knowledge of possible effects of spraying and opposition from residents, State Agriculture was notified last year that the City did not wish any spraying to be done unless requested by the City (last year the number of mosquito complaints within the City did not warrant spraying). Apparently the spraying this year was an error due to the state referring to old records; they were contacted and again advised that no spraying was to be done without City request and/or notification so that affected streets could be posted advising residents. Said a plan/criteria for spraying, should it be required, will be presented for consideration by the Mayor and Council at the next Worksession. Mention was made of mosquitoes being carriers of encephalitis, as well as heartworm in dogs, thus there should be some provision for handling "worst case" situations. A motion was made by Councilmember Bradley, duly seconded, that there be a 60 day moratorium on spraying of malathion within the city by the state or any other public entity, and appropriate notification be made in writing. Councilmember Dalmat remarked that the overall issue of chemical spraying should be addressed, including what can and cannot be sprayed by lawn maintenance companies. Question was raised as to whether the Council could sit as a Board of Health to make determinations regarding spraying versus health hazards of mosquito or other insect infestations; response was affirmative. Councilmember Iddings offered an amendment stating that the moratorium would extend until Council adopts a policy on spraying, duly seconded. Ms. Berez remarked that if a policy on the issue is going to be formulated, citizens might wish to be involved. Question was called on the amendment; Councilmember Bradley abstained, balance of Council voted Aye. Question was called on the amended motion; motion carried unanimously.

Juanita Nunn, 7777 Maple Avenue: Inquired whether Council had any answers to questions she raised at the June 11 meeting regarding the Housing Department and COLTA. City Administrator Wilson stated that the Housing Department has been directed to furnish a status report of all pending cases, including Ms. Nunn's, and an explanation for any delays; said report to be presented to the Mayor and Council by the end of the current week. Based upon preliminary information, it appears delays in Ms. Nunn's case can be attributed to difficulty in establishing actual time frames of violations so that specific damage amounts can be ascertained.

Bruce Moyer, 37 Philadelphia Avenue, Chairman, Cable TV Committee: Gave an update on cable TV; said the County Executive has transmitted to the County Council for consideration the 1985 Cable Plan (analogous to a budget); 3 items within the plan would be of particular interest to the City: 1) recommendation that a non-profit organization be established to manage public access operations (City has endorsed that concept, Councilmember Bradley testified last week supporting the recommendation); 2) proposed east end access center, exact location to be identified by a planning committee (City and Cable Committee feel location should be Takoma Park Junior High, as stated in City's contract with the county). Councilmember Bradley stated that there is no deadline on the contractual provision for an access center at the junior high; however, hopes the County Council will make a decision so that the City can respond relative to their contract. Said the City's contract can be enforced, but the county has to first make their decision. Mr. Moyer continued: 3) team of municipal coordinators would assist municipalities in coordinating programming (would not replace proposed staff person for the City). Mr. Moyer commented that the Cable Committee wished to afford recognition to Councilmember Bradley, whose term on the committee is expiring, for the significant

amount of time she has devoted serving on the Cable Advisory Committee and her outstanding performance; endorsed Adele Abrams to succeed Ms. Bradley. Councilmember Haney complimented Ms. Bradley on the amount of time she devoted to cable TV and her dedication. Councilmember Bradley spoke on what was understood by some to be a rate change by Tribune United; said the City initially opposed, but later supported the county's position endorsing Tribune United's proposal. Said the matter is highly technical to explain in detail, involved hours of discussion. Mr. Moyer related current activities in which cable sub-committees are involved, including staffing, the technical end, outreach, and programming. Hoped to assist the City in filling the position for cable TV staff person; would soon be providing a recommended job description, as well as a recommended recruitment and hiring procedure; suggested target dates of July for advertising position in the Newsletter, interviewing in August, and employee to begin work in September. Mentioned persons heading the various sub-committees and their goals and functions. Stated Tribune United has started wiring the north end of the City in the Between the Creeks neighborhood; will progress in a clockwise fashion, some service should be expected by early fall (under City's contract, job should be completed and full service available by the end of the year). Said the Cable Committee will be sending an ordinance to Council, proposing establishment of a Cable Board to assist in oversight of the channel and development of policy. Councilmember Aldrighetti thanked Mr. Moyer for the committee's assistance in the creation of the new position.

Lee Edmonds, 6805 Alleghany Avenue: Expressed complaints about not being able to get heavy trash items picked up by the City; said numerous calls have been made over a period of time to Public Works, with no response. Mr. Edmonds was referred to Mr. Robbins for assistance in resolving the problem.

APPROVAL OF COUNCIL MEETING MINUTES OF MAY 29 AND JUNE 11, 1984.

Juanita Nunn stated that in the June 11 Minutes, page 2, line 2, of her remarks, "written notification" should read "oral notification;" line 10 - "tenants will soon be going to court" should read "tenants may be going to court." Councilmember Haney pointed out that comments he made should have been included on page 4 following the first paragraph, just prior to David Fleishman's comments, as follows: "Councilmember Haney agreed with Chief Fisher's remarks and added that there are other legal considerations to be satisfied in addition to the Nuclear Free Zone Ordinance, such as FCC regulations and public procurement laws. Emphasized his concern that concerns for the immediate health and safety of the citizens and police be given strong consideration when awarding the contract for the new communications system." A motion was made, duly seconded, and carried unanimously that the June 11, 1984 Council Meeting Minutes, as amended, be approved. Upon motion made and duly seconded, the Minutes of May 29, 1984 were approved unanimously.

ITEMS FOR COUNCIL CONSIDERATION:

Administrative Reports and Recommendations for Council action

(1) Community inter-action re Jequie Park play equipment.
Pat Saumweber, 519 Philadelphia Avenue, Vice-Pres. North Takoma Citizens' Association: Referred to a letter from Nancy Evans setting forth the problem. Said the park is the primary one for the area, use increases yearly. Mentioned witnessing two accidents within the past year, in which toddlers fell from the top of the 9-1/2 ft. tall 30 year old sliding board, one suffering a skull fracture, one a possible concussion. Said the City, upon request, has placed mulch on the ground area surrounding the base of the slide; however, it is not a really satisfactory cushion. Neighbors have met, are seriously concerned, are requesting that the sliding board be removed immediately. Councilmember Dalmat stated she had observed the situation, that while older children enjoy the slide and it does not present a severe hazard for them, it is a danger for small children who may be bumped off the platform by careless older children. Councilmember Iddings

remarked on attending a recent MML seminar on play equipment; said even with the mulch around the base, anyone falling from the platform height of the slide would likely sustain serious injury; supported removal of that piece of equipment. Commented that many of the parks are not designed to segregate older children from small toddlers, which in itself, can present dangers related to equipment use. Commented that Jessup Blair Park's equipment appears to be much safer, their slide is boxed-in, takes some skill to use; said safer types of playground equipment for Jequie Park should be researched. Ms. Saunweber stated that the citizens' association's hope is that the park can be redesigned with the help of Recreation Director Ziegler, using CDBG funds. Thanked Mr. Robbins and Mrs. Ziegler for their prompt response and assistance. Mrs. Ziegler said CDBG funds have been requested for redesign of 2 parks, hoped to relocate some of the toddler equipment as well as providing equipment older children can enjoy; supported removal of the subject sliding board and replacing it with something safer. A motion was made by Councilmember Iddings that staff be directed to have the 10 ft. slide in Jequie Park removed immediately, duly seconded, carried unanimously. Councilmember D'Ovidio requested that staff be directed to commence a safety review of all the parks in the City, including those under county jurisdiction but used by city children, and present a series of proposals to Council. Councilmember Aldrighetti expressed pleasure that citizens are involved in this issue; suggested that Recreation Department write a letter to citizens' associations in other areas of the city, involve them in evaluation of city park areas. Councilmember Dalmat commented that the overall park situation should be evaluated prior to purchasing any new equipment, perhaps get an opinion from a playgrounds expert. Councilmember D'Ovidio commented that the Consumer Products Safety Commission has people who do that. Suggestion was made that perhaps Maryland University interns could be helpful. Mrs. Ziegler stated that a number of companies who manufacture playground equipment offer help with park design, thought a complete evaluation could be presented by November 1. Councilmember Iddings spoke concerning programs involving the community in the design and building of parks, said this had been done successfully in Fairfax, Virginia. Councilmember Haney remarked that the City will soon hold membership in "Partners for Livable Space," which has a 300 word data base bank of community projects and activities, including playgrounds and equipment; City will have free access to that information.

Announcement was made reminding citizens of the upcoming 4th of July celebration; residents were encouraged to participate by making donations when volunteers come door to door; said this activity becomes more expensive each year and must be subsidized by citizens in order to continue.

Karen Seaton, 611 Boston Avenue: Reiterated concerns about safety of playground equipment, particularly SSI Park; said the platform of the large slide there should be enclosed.

(2) Montgomery County procedures for CDBG funding application.

Councilmember D'Ovidio explained that the issue is whether to stay with the county system as in the past or to join in the county's new concept of providing communities with a block of money to be used in any way desired. Councilmember Aldrighetti commented that the Montgomery County program director's letter seems to clarify that money will not be expended on the Prince George's section of the City; said choices seem to be: 1) accept the \$100,000+ and then move to increase that payment through the new system, or, 2) go back to the old system wherein the two sections of the City receive block grant monies from the two respective counties (did not support that idea). Councilmember Aldrighetti recommended going with Montgomery County's new block grant concept; moved that the City opt into the process for a one year trial period, which will provide the City a direct grant of \$180,000 and proceed beyond that point for other funding with Montgomery County, duly seconded by Councilmember Bradley. Councilmember D'Ovidio commented he supported staying with the former system due to lack of trust in the new system as proposed; however, would support the motion if it were for a one-year trial period. Councilmember Bradley expressed agreement; said the County Executive should be

approached directly and reassurance sought concerning the new system and that the City would not be discriminated against in going for additional grants. Said there is a general failure among county staff to understand municipal issues, general opinion is that anything in Prince George's County is that county's concern; refuse to see that the City's needs involve residents of both counties. Councilmember Iddings expressed concerns that the City might come out on the short end monetarily by going with the new procedure, thought it would be substantially safer to continue with the old system. Said the City CDBG Committee had already begun its process, this will change their function, items will have to be much more strongly prioritized; would oppose the motion. Comment was made that if the City goes with the new system, there is no guarantee of funds beyond the \$180,000. Following additional discussion, question was called on the motion, vote was 3-3, with Councilmember Williams abstaining; motion defeated. Councilmember D'Ovidio stated the City's official position was set forth in a letter from Mayor Abbott indicating opposition to the change in the system.

(3) Appeal No. S-939, continued use of an Accessory Apartment at 7120 Sycamore Avenue (Public Hearing: 7-5-84, 9:00 a.m., COB, Rockville).

City Administrator Wilson commented that adjacent property owners (approximately 12) were notified June 13; no comments were received. Councilmember Aldrighetti stated there were approximately 119 applications to the county for validation of accessory apartments; wondered how many of those were within the City; made a motion to oppose continued use of the accessory apartment at 7120 Sycamore, duly seconded by Councilmember D'Ovidio. Councilmember Iddings expressed neutrality; favored requesting a postponement of the hearing to afford Council additional time to consider the accessory apartment issue; commented the county will be again accepting applications at some later date. Councilmember D'Ovidio requested that staff ascertain from the Appeals Board the exact number of accessory apartment validation applications for property located within the City. Councilmember Iddings commented that a recent inspection of the subject property indicated minimal code violations, a point in the landlord's favor. Reiterated that Council needs to research this issue, including in terms of licensing; Kensington has adopted an ordinance which supersedes the county's, that should be investigated. Said the area in which the City has particularly experienced problems is in multiple units with absentee landlords - the subject property does not fall into this category. Commented that in Prince George's County, it is legal to have 2 accessory apartments in an R-55 zone with no Special Exception. In response to query, it was stated that B. F. Gilbert Citizens' Association's position was to take no position on the matter. Councilmember Dalmat commented that if neighbors were opposed, she felt sure they would have expressed it; lacking any such statements, she would favor supporting the continued use. Councilmember Bradley expressed agreement; reiterated criteria outlined earlier - (single apartment, property owner-occupied, minimal code violations); favored supporting; however, said formulation of a policy should be pursued. Councilmember Aldrighetti remarked that the former Council opposed the entire concept of accessory apartments, reasons were historic; expressed concerns about the ultimate number of units that would be seeking validation. Councilmember Iddings commented that the Accessory Apartment Ordinance adopted by the county is a very limited modification to ZTA 77008, which called for the phaseout in 1988 of all illegally converted single family houses. Sets standards under which application may be made for an accessory apartment, but does not revoke the phaseout of multi-units within single family dwellings owned by absentee landlords. Councilmember Bradley stated that each case should be considered individually following a set policy and specific criteria; decisions should be consistent. The question was called on the motion to oppose continued use; motion defeated with Councilmember Aldrighetti voting Aye, balance of Council, Nay. A motion was made by Councilmember Iddings, duly seconded by Councilmember Aldrighetti, that the City take no position on this issue. Following discussion, question was called, motion carried 5-2.

(4) Appeal No. S-952, continued use of an Accessory Apartment at 113 Sherman Avenue (Public Hearing: 7-19-84, 1:30 p.m., COB, Rockville).

Mr. Wilson explained this was a situation similar to the previous one; approximately 8 notifications were sent out to neighboring property owners, no responses received. Dwelling is owner-occupied; was inspected on 8-25-83, no violations noted; was recently inspected and 4 violations were noted. A motion was made by Councilmember Williams, duly seconded by Councilmember Haney, that the City take no position on the Special Exception. Councilmember Iddings moved, duly seconded, to table the issue until the July 9 Council Meeting, thus affording time to procure answers to questions posed, such as the number of applications for accessory apartments in the City. Motion carried 6-1.

(5) Appointment of Adele Abrams to County Cable Commission.

Councilmember Bradley made a motion nominating Ms. Abrams to fill the position of the City's Representative to the County Citizens Cable Communications Advisory Committee; cited her qualifications; nominated Bruce Moyer, Chairman of the City's Cable Committee, as Alternate Representative. Motion duly seconded by Councilmember Dalmat. Councilmember Iddings questioned what procedures would assure Council being briefed on developments and ensure appropriate coordination with the county; was assured that both Ms. Abrams and Mr. Moyer could be counted on to fulfill those requirements. Question was called, motion carried unanimously, appointing Ms. Abrams and Mr. Moyer. Councilmember Bradley stated that the process calls for staff to prepare a letter to County Executive Gilchrist and John Hansman, designating the two aforementioned individuals as City representatives; County Council will subsequently interview, and presumably, officially appoint them.

(6) Resolution on Major League Baseball in D.C.

Councilmember Haney explained that American League/National League baseball organizations would be considering expansion to include more cities; District of Columbia is making an effort to bring baseball back to the city, D. C. City Councilmember Frank Smith has drawn up a resolution and support is being sought from neighboring jurisdictions. A motion to support the resolution was made by Councilmember Haney, duly seconded by Councilmember Williams. For the record, Councilmember Bradley stated she would support the motion as one of her constituents, Mr. Morris Rodenstein of the 8200 block of Roanoke Avenue, voted for her with the understanding that she would support a major league baseball team in Takoma Park, and this was the closest opportunity that had presented itself. Upon vote, motion carried unanimously.

Resolution
(attached)

(7) Consolidation of PEPCO lines in Takoma Old Town.

Councilmember D'Ovidio explained that this is a request from staff to allocate an additional \$2,900 from available CDBG funding to TOT for the purpose of consolidating power lines; a motion to do so was made, duly seconded, and carried unanimously.

Upon motion, duly seconded, the meeting adjourned at 10:20 p.m., to reconvene in regular session on Monday, July 9, 1984, at 8:00 p.m.

RESOLUTION

WHEREAS, the Washington, D.C. area has had a long and rich tradition in sponsoring a Major League Baseball team; and

WHEREAS, the City Council of the District of Columbia is making a strong effort to bring back Major League Baseball to the Washington Metropolitan Area; and

WHEREAS, a Major League Baseball Team located in this area would greatly contribute to the enjoyment of the citizens of Takoma Park; and

WHEREAS, there is a Metro station located at RFK Stadium as well as in Takoma Park, thus enabling our citizens to attend games with minimum travel time; and

WHEREAS, the local business community would benefit greatly by fans who journey to the area to attend games; and

WHEREAS, Takoma Park is the birthplace of Bowie Kuhn, the current Commissioner of Baseball;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Takoma Park, Maryland, enthusiastically endorses initiatives and efforts of the City Council of the District of Columbia to bring back Major League Baseball to the many thousands of fans who reside in the Washington Metropolitan Area; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Mayor and City Council of the District of Columbia.

JUNE 25, 1984.