

November 30, 1984

MEMORANDUM

TO: Mayor and Council
FROM: James S. Wilson, Jr., City Administrator
SUBJECT: Worksession, Monday, December 3, 7:30 PM

AGENDA

Swearing-in of Officer Paul W. Smith - 7:00 PM

- (1) *Special Exception for Child Care Center located at 8204 Flower Avenue
 - (2) *Cable Television Briefing
 - (3) Central Plaza Annexation
 - (4) *Nuclear Free Ordinance
 - (5) *Ethics Ordinance
 - (6) Housing: Licensing Ordinance
 - (7) *Hillwood Manor Apartments
 - (8) *Twenty-four hour Code Enforcement
 - (9) *CDBG Status Report (D'Ovidio)
 - (10) *Farmers Market Revision
 - (11) *Revisions of Charter/Code Provisions on Procurement
 - (12) *Personnel Code Revisions
 - (13) *Proposed Format Change for Ordinances/Resolutions (Bradley)
 - (14) *Permission to accept bid on engine analyzer
 - (15) Consideration of resolution honoring Mary Ann McGuire (Iddings)
- * Indicates pertinent items attached or in package.

Mayor and Council Worksession

December 3, 1984

The Mayor and City Council met in worksession at 7:40 P.M., Monday December 3, 1984, with the Mayor chairing. Present were Councilmembers Aldrighetti, Bradley, Dalmat, Haney, Iddings and Williams; City Administrator Wilson, Asst. City Administrators Habada and Robbins; Cable Coordinator Maurice Jacobsen; Corporation Counsel Gagliardo, Asst. Corporation Counsel DeNovo; Cable Committee Chairman Bruce Moyer; COLTA Chairman James Arisman; Paul D'Eustachio.

The following matters were discussed and acted upon as indicated:

- 1. Special Exception for Child Care Center located at 8204 Flower Avenue.** It was noted that the property was inspected by Housing on November 24; interior was found to be in good shape, concrete floor in basement bath needs sealing, and there is no back door deadbolt. The owners, Mr. & Mrs. Boveja, questioned the City's right to inspect the property. Owners intend to accommodate 20 children, will be re-evaluated at a later date for more (applied for 40); staff of 2 is intended, hours of operation from 6:30 A.M. to 6:00 P.M. There are 6 off-street parking spaces; children can be dropped off by car pulling into yard, cars will have to back into street to depart. Comment was made that of 45 surveys mailed to neighbors, 5 were returned -- 3 in support, 2 opposing granting of the Special Exception. Concerns were voiced about numerous family members currently living on the premises; statement was made that if the Special Exception is granted, those family members will be relocated in apartments. Nancy Wheeler and another unidentified citizen commented in favor (based on sufficient supervisory help) and did not think noise generated by children would create a problem. Decision was made that staff be directed to ascertain whether a day care facility can contain living quarters for other than the owners (or must be entirely dedicated to day care), and whether, if the facility is licensed for 20, the City will be notified if the permissible number is increased to 40. In response to query, Mrs. Boveja stated she would provide the same information to the County Appeals Board as stated to Council.
- 2. Cable Television Briefing.** Cable Coordinator Jacobsen presented the briefing; stated that the board is meeting on a regular basis; Tribune United is a month behind schedule - wiring will be complete early January; marketing in the City will begin in approximately 90 days; high rise buildings will follow residential. Issues regarding equipment for the City's channel have been resolved, the City is further along than other municipalities equipment-wise. It was noted that first stage of the program (graphics) will begin after the first of the year; a return line is anticipated at the end of February 1985; by April/May there will probably be 3 hours of programming in evening hours which will be rerun during the day. The entire city will not have cable until June/July. A six month program has been established to bring staff and other committees on board; the City Administrator will determine how staff will be compensated for time beyond their normal job hours and how time devoted to working on cable TV will be handled; the fund raising board will have a sub-committee to provide suggestions. Consensus was unanimous approval of the plans presented.
- 3. Central Plaza Annexation.** It was noted that Mr. Gruner is willing to have people park on the site, but wants the barricade taken down permanently; consensus of Council was that the barricade will be moved when the stop light is installed and not prior; nothing is currently taking place regarding annexation.
- 4. Hillwood Manor Apartments.** It was noted this item is on COLTA's December 5 agenda; they intend at that time to accept withdrawal of the request for a rent increase in excess of 5%. Jim DiLuigi commented that the owners are going for bonds which will be used to install electric meters on each apartment, thus increasing renter utility rates. Corporation Counsel Gagliardo cautioned against Council discussing the case as they could be the appellate body at a later date; he suggested the City inviting Mr. Hoskinson to a worksession to discuss questions raised by the Mayor. Mr. Arisman commented that COLTA may not close out the case, based upon comments made at the current worksession. Mr. Wilson noted that it is the function of COLTA to address

rent increases; consensus was that a letter will be sent out from the City, based upon advice from Corporation Counsel's office, stating that the City opposes rent increases in excess of 5%.

5. Housing: Licensing Ordinance. It was noted that only multi-family structures and rental rooms are being inspected by the City; dormitories and certain other specified facilities are exempt. Related to suspension or revocation of a license, establishment of an escrow account was discussed; it was stated that management of said account would be under jurisdiction of Housing Department, a charge to cover management cost could be included in licensing fee. Comments were made concerning difficulty in finding qualified people to manage said account; need to differentiate between properties involved; reports required from staff handling the fund. Questions were raised concerning tenants' right to the escrow money. Councilmember Williams suggested deferring consideration of escrow provisions until a later date. Under Sec. 10 "Hearing required" of the proposed ordinance, Mr. Arisman suggested that COLTA, rather than the Mayor and Council, be designated as the appellate body because he felt Mayor and Council's workload would be significantly increased and the process slowed as it now stands. It was noted that the proposed license renewal fee is \$400, which seems too high unless Housing can supply justification; suggestion was made that fee might be based on a per apartment charge. Comment was made that municipal infraction fine of \$100 seems too low. Consensus was that Housing examine possibilities of changes in the two amounts.

6. Twenty-four hour Code Enforcement. It was explained that an emergency number would be provided for tenants' use, beepers would be used to alert Housing personnel on call; proposal was that compensation to Housing personnel would be in the form of compensatory time; inspectors presently responding to emergency calls are Tony Austin and/or Mr. Lum; suggestion was made that on-call inspectors be on a volunteer basis with any reference to sex gender of inspector removed from the procedure. Councilmember Aldrighetti questioned whether any annual salaried personnel are receiving overtime; also requested a Housing Department status report. Mr. Wilson recommended adoption of the procedure; Councilmember Bradley supported immediate adoption so that funding could be discussed in budget proceedings. Consensus was that a resolution of adoption be prepared for passage.

7. CDBG Status Report. Copies of several pertinent memoranda illustrating how the City is being treated in the program were distributed by Daniel Neal; it was pointed out that the CAC is being bypassed on reviewing funding requests; however, regulations do not require citizen review of same. It was noted that with the shortage of CDBG funds, adjustments will have to be made during the budget process. Paul D'Eustachio recounted problems encountered in his position on the CAC including political problems with the County Council concerning on what issues CAC's advice is solicited, residents' attendance at meetings, and the fact that the county would like to gain title to Takoma Junior High which is still held by the Board of Education. Councilmember D'Ovidio expressed support for the City entering into the small city program for funding; the Mayor thought monies in that program would go to areas with lesser income than the City; Ms. Habada commented that Hyattsville missed out in that program last year, but received funds this year. It was noted that Takoma Park has just signed a three year contract committing the City to the CDBG program. Councilmember Aldrighetti expressed agreement with strategy proposed by Mr. D'Eustachio, i.e., low level lobbying and increased citizen participation. Comment was made that the situation in relation to the City had already been discussed with County Executive Gilchrist; CAC will be presenting their recommendations to Mr. Gilchrist.

8. Farmers Market Revision. It was noted that the most significant revision is levying of a charge on sellers of baked goods, jam, honey, and products other than fruit and/or vegetables. Corporation Counsel suggested allocating cost based on staff time. Consensus was that a resolution be prepared and presented for passage on December 10.

9. Ethics Ordinance. It was noted that proposed changes will bring

the City's ordinance into conformance with state law; question was posed whether the Mayor and Council want a complaint commission or whether they will address complaints themselves.

10. Revisions of Charter/Code Provisions on Procurement. It was noted that other local jurisdictions had been surveyed concerning their regulations. Asst. Corporation Counsel DeNovo's memo of 11/19/84 was discussed, questions posed whether Mayor and Council wish to raise the dollar amount above which public bids are required, authorize competitive negotiations and cooperative purchasing, provide waiver provisions for emergency situations. Councilmember Bradley expressed support for changes proposed. Comment was made that the Charter should present a general statement. Mr. Wilson commented that if the amount above which bids are required is raised, it should not exceed \$2,500. Councilmember Iddings supported retaining the requirement that any contract awarded over \$500 be done so by ordinance; Asst. Corp. Counsel DeNovo suggested making that amount conform to the amount over which bids are required; she stated that no distinction should be made between budget and capital purchase items. Councilmember Iddings supported proceeding with the proposed Charter change and involving staff in other changes proposed.

11. Personnel Code Revisions. It was noted that proposed changes will cap carryover of annual leave at 30 days (240 hours) rather than the present 60 days; comp time will be carried on the books with provisions/requirements for use. Comment was made that Ed Longen had reviewed the proposed changes. Corp. Counsel Gagliardo remarked that in other jurisdictions, when changes were effected, senior employees were permitted to use up accumulated annual leave in excess of 30 days. Consensus was that Corporation Counsel should prepare for repeal of personnel regulations from the City Code; applicability of personnel regulations regarding who is covered is to be examined.

12. Proposed Format Change for Ordinances/Resolutions. Councilmember Bradley commented that the proposal would provide improved tracking of legislation.

13. Consideration of resolution honoring Mary Ann McGuire. Councilmember Iddings requested Council support for said resolution; volunteered to compose it.

The Mayor and Council went into closed session to discuss possible Cable TV litigation. Following the closed session, there being no further business to discuss, the meeting adjourned.

THE CITY OF TAKOMA PARK, MARYLAND
Regular Meeting of the Mayor and Council
December 10, 1984

AGENDA

CALL TO ORDER: Mayor Abbott

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

PLEDGE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

1. Swearing in of Police Officer Paul W. Smith
2. Other presentations and comments by Mayor Abbott

READING AND APPROVAL OF THE MINUTES OF NOVEMBER 26, 1984

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

- (1) Administrative reports and correspondence
- (2) Public hearing and first reading of proposed amendments to the Nuclear Free Zone Ordinance
Citizens' comments
First reading
- (3) Special Exception S-1083, operation of a child day care center for up to 40 children at 8204 Flower Avenue (R-40 zone)
(Hearing: 1-3-84, 9:00 AM, Werner County Office Building, Rockville)
Citizens' comments
Council action
- (4) Resolution approving a plan for Housing Code Enforcement emergencies on a 24-hour basis
Citizens' comments
Council action
- (5) First reading of an ordinance amending or adding the following sections to Chapter 5, City Code, pertaining to personnel: Sec. 2-74, Holiday Leave; Sec. 2-75, Annual Leave; Sec. 2-76.1, Compensatory Leave
Citizens' comments
First reading
- (6) First reading of a Charter Amendment Resolution to repeal Sec. 1.7(d) of the City Charter, pertaining to bidding and procurement procedures, and to reenact with a provision contemplating a new process
Citizens' comments
First reading
- (7) First reading of an ordinance to repeal and reenact with revisions Article 2A, "Ethics," of the City Code
Citizens' comments
First reading
- (8) Proposed ordinance accepting bid on an engine analyzer for the Public Works Department
Citizens' comments
Council action

---Continued---

- (9) Resolution approving a plan for operation of the Farmers' Market for the 1985 season
 - Citizens' comments
 - Council action
- (10) Resolution pertaining to certain format changes for ordinances and resolutions
 - Citizens' comments
 - Council action
- (11) First reading of an ordinance amending Sec. 11-27, "Driveway apron limitations; exemptions; construction requirements," to provide additional exemptions
 - Citizens' comments
 - First reading
- (12) First reading of an ordinance rescinding demolition order on 7309 Flower Avenue
 - Citizens' comments
 - First reading
- (13) First reading of an ordinance rescinding designation of 7142 Carroll Avenue as unfit for human habitation
 - Citizens' comments
 - First reading

ADJOURNMENT

Holiday schedule:

- December 17, 1984, 8:00 PM, Regular Council meeting
- January 7, 1985, 7:30 PM, Mayor and Council worksession
- January 14, 1985, 8:00 PM, Regular Council meeting

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and Public Hearing of
Proposed Amendments to the Nuclear Free Zone Ordinance
December 10, 1984

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Habada
Councilmember Bradley	Asst. City Administrator Robbins
Councilmember Dalmat	Asst. Housing Director Austin
Councilmember D'Ovidio	Police Chief Fisher
Councilmember Haney	Recreation Director Ziegler
Councilmember Iddings	Corporation Counsel Gagliardo
Councilmember Williams	Asst. Corporation Counsel DeNovo

The Mayor and City Council of Takoma Park, Maryland, met on December 10, 1984, at 8:10 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, Mayor Abbott announced that December 20 has been designated as Takoma Park's day at the South African Embassy; said it is hoped a couple of hundred people can be mobilized from the City to man the picket line that day; spoke of attending a meeting with the head of the Council of Churches of the Greater Washington Area and Representative Fauntroy; encouraged City residents to turn out on the 20th at the embassy. Police Officer Paul W. Smith was sworn in by the Mayor. Approval of the Council Meeting Minutes of November 26, 1984 as published was moved by Councilmember D'Ovidio, duly seconded by Councilmember Bradley; carried unanimously.

Tabling of agenda item 3 (Special Exception at 8204 Flower Avenue for day care center) until the December 17 meeting was moved by Councilmember Bradley, duly seconded by Councilmember Dalmat; carried unanimously. By consensus, agenda item 11 (Ordinance amending City Code re driveway apron limitations) was moved up to position 3 on the agenda.

GENERAL CITIZENS' REMARKS (not directed at items for Council action)
Wayne Upton, 7600 Maple Avenue: Distributed copies to Mayor and Council of correspondence received concerning Clarence Mitchell and International Day in the City. The Mayor commented on the effort to schedule a date for memorializing Clarence Mitchell for his accomplishments in the field of civil rights; said February, which is Black History month, has been decided upon; announcements will appear in the City Newsletter. Councilmember Williams commented on Mr. Upton's devoted efforts to educate the public regarding Mr. Mitchell and his achievements.

ITEMS FOR COUNCIL CONSIDERATION:

(1) Public hearing and first reading of proposed amendments to the Nuclear Free Zone Ordinance.

The Mayor commented that the Newsletter article on this item advised citizens that committee members agreed on a number of the proposed amendments, but split evenly on the waiver amendment. Councilmember Iddings moved that the proposed ordinance amending Section 8A of the City Code be accepted for first reading, duly seconded by Councilmember Haney; carried unanimously. Councilmember Iddings stated that the committee met on 8 occasions (related the process they underwent to formulate recommended amendments), delivered their report to the Mayor and Council on October 22; summarized the proposed amendments and rationale therefor.

Steven DelGuidice, 1308 Elson Place (committee member): Stated he had voted in favor of the waiver provision; said it sets forth definite criteria for use in determining when to allow or disallow a waiver of the Act and provides for public involvement in the form of a public hearing; provision is made for consideration of both quality and cost.

For the record, Councilmember Iddings listed the committee members, whom he said worked very hard and diligently: Robert Alpern, Steven DelGuidice, Linda Peake, Peter Franchot, Devora Slavin, Councilmembers Bradley and Iddings.

Devora Slavin, 8205-B Roanoke Avenue: Reiterated information contained in the Newsletter article; expressed support for the original amendments proposed with the exception of the waiver amendment; said a need for this kind of amendment has not been demonstrated; the police radio situation which generated the issue has been resolved without such an amendment, and might not have been resolved as satisfactorily had a waiver provision existed. Said the amendments on which the committee reached consensus deal adequately with needs expressed by staff in order to carry out the ordinance; Council has the ultimate power to waive ordinance provisions in **emergency** situations; the waiver amendment would weaken the ordinance. Thought the most major point of the ordinance is the message that it carries; it is very important that the ban on purchasing from nuclear weapons industries be explicit and unequivocal.

Councilmember Bradley thanked committee members, particularly Peter Franchot, who filled in for her when she could not attend meetings; said it was a good group to work with; was convinced that the City can have both quality and cost-effectiveness in its purchases and still comply with the ordinance; said development of lists of non-nuclear suppliers will facilitate procurement and administration of the ordinance.

Jeremy Rifkin, resident: Said the waiver provision would make a mockery out of Takoma Park as a nuclear free zone; the City's stand on the issue is an inspiration for other communities; there should be no arguing about products nor any reason to buy from nuclear-related suppliers; did not think the ordinance and its message should be compromised by insertion of a waiver provision.

Mayor Abbott related receiving a call from Albert Donnay of Nuclear Free America (unable to attend the meeting due to illness), in which he expressed inalterable opposition to any waiver amendment of the ordinance. The Mayor noted that regardless of statements to the contrary, the question of amendments to the ordinance did not arise until the police radio situation surfaced and came to public attention. In response to query, City Administrator Wilson stated that the ordinance as originally adopted (without amendments) was somewhat vague, did not impair the functioning of the City; problems arose when it appeared that the radios the police department wanted could only be procured from nuclear-related suppliers, which proved not to be the case. The Mayor questioned Chief Fisher as to whether the existence of the ordinance had in any way, at any time, prevented the police department from pursuing their duties in an efficient manner. The Chief stated that at the time of adoption of the ordinance, there was a lack of accompanying administrative implementation procedures for department heads and lists of identified nuclear-related suppliers; however, the existence of the ordinance was in no way responsible for the quality of the radio system, nor was it a hindrance to the City purchasing a proper system. The Mayor pointed out that the ordinance prevented proceeding too quickly in the radio situation, and on what turned out to be poor advice, expending a lot of money on an expensive 800 MHz radio system currently in use by only one other police department in the entire country. Said the ordinance saved the City money and focussed attention on the actual problems with the radio system; there are always alternative purchases for products required; opposed any waiver amendments to the ordinance. Mentioned the upcoming meeting at which Ms. Clark of the New Zealand Parliament will speak; offers to affiliate from two cities in England and a part of Berlin; Hackensack's ordinance modeled on Takoma Park's has been adopted; many other communities are using the City's ordinance as a model.

Councilmember D'Ovidio commented that whatever has been accomplished is primarily attributable to efforts on the part of the Mayor, Council and City administration, rather than the ordinance itself; complimented the Mayor on the resolution of the police radio situation. Councilmember Iddings remarked that the proposed amendments would clarify and institutionalize the process that was used in resolution of the police radio system situation; said the issue is not either waiver or no waiver, but whether to have a principled waiver process in which every effort is made to avoid purchasing from nuclear-related suppliers or an ad hoc procedure in which Council can decide to waive the ordinance. The amendment proposed sets up a process involving

public hearings, an administrative process, and review by the proposed Nuclear Free Takoma Park Committee (steps taken in resolution of the police radio issue). Said the ad hoc procedure in which Council could waive at will would, in effect, weaken the ordinance. Councilmember Haney spoke in favor of the proposed waiver process.

Jonah Levy, 7431 Baltimore Avenue, student at Piney Branch Elementary: Hoped Council would take him seriously despite his age; urged that the ordinance be kept as strong as possible so that persons of his age could retain some hope of growing up in a peaceful world.

Ron Albaugh, 7202 Central Avenue: Said he perceived the police radio situation as a public test of the ordinance, which survived the test hands down; successful resolution of the problem was due primarily to the ordinance, but also to diligence of the Mayor and staff persons working to preserve the ordinance. Felt that a waiver provision would be perceived throughout the country as a weakening of the ordinance; urged that Council consider that point carefully and defer enactment to see whether time demonstrates need for such a provision; said other proposed amendments are helpful administratively, provide a measure of strength relative to procurement.

Morris Rodenstein, 8205-B Roanoke Avenue: Thought enactment of a waiver provision would indicate intimidation of the City by the nuclear weapons industry; said the ordinance amounts to a boycott of nuclear weaponry related firms; urged that the City stand firm in its position and not weaken the ordinance.

Kitty Tucker, 615 Kennebec Avenue: Said the question at hand is a moral issue, that it is necessary to take a firm stand not only as a community, but as individuals; concentrated economic pressure must be brought to bear on nuclear weapon producers; economic or quality factors should not be considered the basis for a waiver of the ordinance; urged Council to vote against the waiver provision, which would weaken the ordinance.

Steven DelGuidice: Said it was intended that the waiver process implement a structure that would afford some semblance of order to resolving issues such as the police radio problem, it provides that only if the process is unsuccessful could the legislation be waived. Said perceptions are being focussed upon and reality ignored in the City; cited the fact that G.E. light bulbs are purchased and used, phone lines provided by A.T.&T.; noted that in reality, the occasion may arise when it is imperative to purchase from nuclear-related suppliers for the sake of health, safety and welfare of citizens. Favored the waiver provision.

Eugene McDowell, President of Garrett Park Citizens' Association: Said the City's ordinance set a precedent for other municipalities to emulate; urged that the effect and the perception of the ordinance not be weakened; commented that more stringent requirements for a waiver might be incorporated; stressed the symbolic importance of the ordinance nationwide and that nothing should be done which could be interpreted as a retreat on the part of the City; feared the time is not right to implement an institutionalized waiver process because of the image it might project superficially.

Shirley True, 7202 Maple Avenue: Stated she perceives the ordinance as being primarily a political and moral statement; said the basis of a moral stance is the willingness to make some sacrifice and suffer some inconvenience; urged Council to vote against the waiver amendments.

Councilmember Haney commented that the discussion seemed to be dealing with three different inter-related issues, i.e., morality, reality and public perception; related an anecdote illustrating that public perception is often influenced by whatever is declared to be the case; suggested that the waiver amendment be stated as a strengthening of the ordinance, which he felt it to be in effect.

Peter Franchot, 7206 Garland Avenue: Stated he felt perception to be a crucial issue; the history of some of the great movements in this country should be considered and what might have happened if early

participants had backed down; viewed the waiver provision as a retreat, a watering down of the legislation; urged that the waiver provision be deferred, other amendments adopted.

Councilmember Aldrighetti referred to the history of the amendments; spoke in support of the waiver provision; said perception is important but can be a variable. Councilmember Haney referred to the ruling by the State's Attorney General that Amherst, Massachusetts' ordinance was unconstitutional; thought the waiver provision would strengthen the City's ordinance, making it less vulnerable to legal challenge. The Mayor stated that the Massachusetts Attorney General challenged the right of citizens at the city level to make a statement on foreign policy; the Amherst Council has recently adopted the same ordinance as a policy position, which they can do. Councilmember Iddings remarked that the City's ordinance is far more than symbolic; the waiver provision will enable Council to put more reality into effect, provide greater strength.

Olivia Melon, Takoma Park resident: Was distressed at the thought of any amendment that might weaken the ordinance; thought the importance of the symbolic and perceptual value of the ordinance could not be overemphasized; urged that Council defer consideration of any waiver provision until such time as a demonstrated need arises rather than take any risk of weakening the legislation.

Robert Alpern, 316 Elm Avenue: Spoke of attending the Nuclear Freeze National Weapons Conference in St. Louis; said churches and other countries are beginning to see nuclear free zones as a way of symbolizing their opposition to the nuclear madness gripping the world and are taking tactical steps. Said the proposed amendments deal with problems cited earlier, i.e., use of G.E. lightbulbs, A.T.&T. phone lines; a loophole, the waiver provision, should not be provided. Spoke of being on the same airplane with Ms. Clark, New Zealand Parliament member who is scheduled to speak in the City; remarked on the firm stand taken by the New Zealand government that no nuclear-armed aircraft may fly over their country, nor may any nuclear-powered or armed vessels use their ports.

Phil Boyer, Silver Spring resident, member of Nuclear Freeze Task Force (attorney): Said some sections of the ordinance could probably be constitutionally challenged, but did not think any challenge that might be raised would be addressed by the waiver procedure; volunteered to research possible ways of dealing with any challenge that might arise; commented on vagueness in some areas of the ordinance; commended the committee for the job they did in formulating the proposed amendments; urged that Council in addressing the waiver amendment not only consider it in terms of perception or politics, but closely examine what it actually states. In response to query from Councilmember Iddings, stated he would favor the uncodified waiver process. Councilmember Bradley commented she felt it is possible to have the ordinance without the proposed waiver and still have proper implementation; emergency situations can be dealt with on a case by case basis. Dialogue followed concerning City procurement and the Non-Nuclear Certification requirement for purchases. Ron Albaugh reiterated comments about there being no demonstrated need for a waiver process, any possible need is a projection into the future and may never be required.

Joan Jacobs, 7428 Carroll Avenue: Spoke in opposition to the waiver amendment; said in her own life, since enactment of the City's ordinance, she has refused to knowingly purchase products manufactured by nuclear-related firms.

Jay Levy, 7431 Baltimore Avenue: Noted that Council's adoption of the ordinance was by unanimous vote; said adherence should also be without exception; urged against adoption of any waiver provision.

Discussion followed in which it was noted that adoption of a waiver process could conceivably, in certain emergency circumstances, actually be an impediment to speedy resolution. Councilmember Iddings reiterated concerns that lacking a specific process, at some future time, requirements of the ordinance could be waived at will, without

significant justification; said emergency situations will be met regardless of the ordinance. The Mayor spoke at length; said there is no assurance that any waiver provision would not be modified or abolished by future Councils; the only guarantee that a progressive piece of legislation will survive is the election of progressive legislators; commented on moral responsibility, symbolism as related to history; said the waiver provision is simply a poorly disguised means of overriding the ordinance when so desired. Councilmember Williams noted that only one citizen (a committee member) had spoken in favor of the waiver provision, all others have been in opposition; urged that Council heed the wishes of their constituents. Said the primary purpose of the ordinance was to express defiance against manufacture of nuclear weapons; opposed the waiver amendment.

David Prosten, 1202 Kingwood Drive: Echoed comments made by Councilmember Williams regarding speakers expressing the desire that the original ordinance be preserved without any waiver amendment; urged that Council not tamper with nor weaken this important piece of legislation.

Jay Levy suggested that an administrative waiver procedure applicable to all ordinances be formulated by the City Administrator, rather than introducing a waiver provision into any particular ordinance. Councilmember Iddings commented on other ordinances containing waiver procedures, e.g., the Rent Control and Tree Ordinances.

The ordinance was accepted for first reading, second reading to be scheduled in January.

PROPOSED ORDINANCE
(attached)

(2) First reading of an ordinance amending Sec. 11-27, "Drive-way apron limitations; exemptions; construction requirements," to provide additional exemptions.

Mr. Wilson commented that this change is being proposed to accommodate a new residence constructed in the City so that the county use and occupancy permit can be obtained, will allow two cars to be parked off the street. Councilmember Dalmat moved acceptance for first reading, duly seconded, carried. Ms. Dalmat commented that, in future, it would be helpful for persons building in the City to research local requirements prior to construction.

PROPOSED ORDINANCE
(attached)

(3) Resolution approving a plan for dealing with Housing Code Enforcement emergencies on a 24-hour basis.

Councilmember Williams moved passage of the resolution, duly seconded. Councilmember Aldrighetti relayed that Councilmember Bradley who was temporarily absent would have favored passage had she been present. Mr. Williams commented that the procedure will go into effect January 1, 1985, will be on a trial basis for 6 months; an information article will be placed in the Newsletter. Motion carried unanimously.

RESOLUTION
(attached)

(4) First reading of an ordinance amending or adding the following sections to Chapter 5, City Code, pertaining to personnel: Sec. 2-74, Holiday Leave; Sec. 2-75, Annual Leave; Sec. 2-76.1, Compensatory Leave.

Mr. Wilson referred to a memorandum composed by the City Clerk concerning the effect of the proposed changes on personnel. Ms. Habada summarized the proposed changes; said the proposed limit of 30 days annual leave to be carried over from one year to another is in line with practice of other municipalities in the area; commented that there is no mention of compensatory leave in the current City Code (it was abolished in 1975), although the City has been paying employees for accumulated compensatory leave upon termination; inconsistencies also exist in terms of employees who do and do not get comp leave. In response to query concerning any differentiation made in paying or

crediting holiday leave to annual-salaried employees versus hourly employees, response was that there has been no differentiation. She explained that the first draft of the proposed changes was reviewed by Ed Longen, Chairman of the Personnel Operations Review Committee; he had a few suggested language changes, but supported the concept; City Attorney and Ms. Habada reviewed the second draft including the grandfathering language. Corporation Counsel pointed out that persons exempt from receiving overtime would be, as defined by the Maryland Department of Labor, Managerial, Administrative and Professional personnel. Councilmember Dalmat stated she would not support elimination of time already accrued by employees; a freeze should be imposed on any further accrual beyond what future regulations will permit. Councilmember Haney commented on the fact that under what is proposed, some departments could have numerous employees on leave, impairing the function of the City. Ms. Habada remarked that cases would have to be dealt with individually, perhaps extensions granted; leave will have to be scheduled so as not to impact departmental performance unfavorably; noted that in the past, accumulations have not been properly monitored, City has been hit with having to pay out large sums not budgeted for to terminating employees. Councilmember Iddings noted that figures provided by Chief Fisher indicate over 7,000 hours of accumulated comp time for police department employees; said what is proposed will mean a substantial reduction in police presence; did not think the changes would be workable. Corporation Counsel Gagliardo stated that nobody will lose accumulated time, the plan can work; the only difference is that time must be used within a specified time frame versus an indefinite time frame; pointed out that time gains in value over an extended period (an hour at today's salary figure is generally lower than what that same hour will be worth two years hence). Councilmember Aldrighetti remarked that while there is a responsibility to protect employees, the institution must also be protected; did not want to see employees "ripped-off," favored Corporation Counsel's proposal. In response to query by Councilmember Iddings, Corporation Counsel stated that provision for converting comp leave accrual to sick leave was not made because it would cost money when paid out and would increase in value over time, would probably be held until retirement; said if the June 30 time limit for using accrued leave is too short, that could be expanded; said accrual and use of leave is a management problem, excess accrual is a symptom of some other management problem; emphasized that intent is not to deprive employees of leave they have earned. Mr. Wilson noted the need for management to get control of the situation; said department heads will be held responsible; the existent unfunded liability must be faced and if more people are required to carry the workload, more people will have to be hired.

Police Sergeant Jagoe pointed out that police personnel put in time over and above forty hours a week for a variety of reasons, but have been given comp time in lieu of overtime pay (contrary to what is required by City ordinance); they have accepted that procedure in the belief that if they ever left employ with the City, they would be paid for that time as has been the practice. Said there is absolutely no way he and other officers with significant time accruals can use the leave; suggested freezing and paying off comp time at current levels prior to adopting and enforcing new regulations, inclusion of adequate provision for overtime in the next budget so that officers are paid when called in, rather than given comp time, which they cannot use up. Felt the new regulations were not only unfair but would take from employees something they have worked hard to earn. In response to query from the Mayor, stated that county police (both counties), as well as police in other area municipalities, are paid time and a half for overtime, double time for holidays.

Councilmember D'Ovidio remarked that it is imperative that a change be made; the issue is how to deal with existent leave accumulations; solicited suggestions from Sgt. Jagoe as to how those accumulations might best be addressed. Sgt. Jagoe reiterated favoring freezing present accumulations, dealing with those through cash payment or some comparable method, and beginning anew in January with accumulating leave under new regulations. He Stated that officers worked overtime, were forced to accept compensatory time in lieu of overtime; banked on being paid for accumulation of that time if/when terminating

employment. Corporation Counsel reiterated that employees would not lose accumulations, however, may not be reimbursed in cash which Sgt. Jagoe had expressed as a desire; said the point should be examined of whether police employees were deprived by being credited with comp time rather than being paid time and a half for overtime worked. Said the intent was that once the employee has asked for time off, if it cannot be scheduled, then should he/she leave employment with the City, the time would be paid for. Councilmember Bradley expressed support for the intention that people deserve what they have earned. Sgt. Jagoe commented that the ordinance should state that "any unused leave would be paid." Mr. Wilson agreed with comments concerning vagueness of the ordinance; said it should be reworked in more detail concerning alternatives. Sgt. Jagoe commented that employees had not been informed of the contemplated changes (90% of the police department unaware). Councilmember Bradley remarked on a number of unfunded positions existing in several departments due to the large amounts of comp time being earned; what must be worked toward is getting the funded dollar amount to match the number of positions. Sgt. Jagoe cited court time, personnel shortages due to people out on disability and open/unfilled positions, special details as some of the reasons for the accrual of comp time (in lieu of paid overtime). Councilmembers Williams and Iddings stated they would not support any regulation which did not reimburse people for time worked. Corporation Counsel commented that all that is required to make the ordinance conform to the original intent is to add wording under Sec. 2-76.1(d) to the effect that upon separation from City employment, employees may be paid for unused accumulated compensatory time if a request to use such time has been made and could not be scheduled, and Sec. (e) altered to conform. Councilmember Williams stated that the June 30 deadline for using comp leave accumulated prior to 12/31/84 would have to be changed to afford employees sufficient time to use the leave. Chief Fisher commented on a lack of sensitivity in not affording employees an opportunity to comment on the proposed legislation; said there are clearly some unique problems to be dealt with concerning police department leave, however, a number of questions could probably have been answered if employees had been informed and given a chance to pose questions. Councilmember Aldrighetti stated a wish to see recommendations put forth to Council by department heads, based upon input gained from employees and coordinated with the City Administrator. Chief Fisher, for the record, referred to a suggestion made by him a year ago which included identification of a problem and proposed legislation that could have begun to eliminate the problem at hand; said prior to presenting the proposed legislation to Council, each and every police department employee had access to the proposal and an opportunity to comment. Upheld employees' right to be upset due to lack of disseminated information; commented such handling of personnel issues fosters a sense of distrust, places department heads in a precarious position in dealing with employees. Cpl. Dennis Bonn spoke; did not think employees would have a problem with the new regulations once it was understood that the dates stated could be flexible; thought there would be problems with total amounts accrued being used (several officers have in excess of 1,000 hours). Said it is unfair for comp time to have to be used at the convenience of the City. Related learning only accidentally that this proposed legislation existed, let alone being an agenda item for the current meeting; said the handling of the situation was not normal, smacks of an attempt to sneak something through; impression conveyed to employees was very negative. Pointed out Sec. 2-76.1(d) refers (incorrectly) in line 5 to annual leave. The Mayor commented that fairness will have to be worked out, ensuring that a severance pay system is not created; referred to lack of knowledge on both his and Council's part prior to presentation of the proposed legislation regarding the large amounts of comp time accumulated by some employees; said personnel should not be held liable for the prior failure of administration and Councils to deal with the issue. Cpl. Bonn pointed out that Public Works employees who are called out for overtime are paid time and a half, police officers, even if their accrued leave becomes more valuable with time still end up making less per hour due to comp leave being paid as straight time rather than time and a half. Councilmember D'Ovidio stated that, regardless of the number of hours in question, the only fair thing is to compensate people for them; pointed out that this is a first reading with second reading to be scheduled in January. It

was noted that clarifying language will be provided by Corporation Counsel, information will be disseminated to all employees within the week. Chief Fisher pointed out that one of the goals in his presentation a year ago was to reduce the accumulation of comp leave in his department by 5,000 hours (previously officers were automatically credited close to \$4,000 worth of leave a year due to their work schedule); thought credit should be given where due and that efforts had been made in the police department to manage and supervise leave accumulation. Police Corporal Czernski remarked that Hyattsville City Police are paid time and a half for holidays whether or not they work the holiday; pointed out that the reduction from 60 days to 30 days of annual leave that may be carried over had not been mentioned; that change compounds the problem of using up leave. Corporation Counsel stated that the following clarifying language should be added: at the end of Sec. 2.76.1(d), "If an employee separates from city employment before requested time off is scheduled, he/she shall be paid for such unscheduled time." Sec. (e) should state: "Upon separation from city employment, no cash credit will be given for unrequested unused accumulated compensatory time." Reiterated that the burden is on the employee to ask for the time off within the specified time allowed (60 days); noted the need to resolve questions concerning paid overtime vs. comp time and related issues. The Mayor pointed out that the accumulated leave carried on the books by employees currently amounts to an approximately 1/2 million dollars liability to the City, which will have to either be paid or used. Police Sergeant Robert Holford requested that the proposed ordinance not be accepted for first reading, that something more workable be formulated, disseminated to employees for their input, and presented at a later date. Related learning of the proposed ordinance and the fact that it was on the agenda at 9:00 P.M., 12/10/84. Councilmember Bradley proposed that department heads be required to hold meetings with their employees on the issue and submit recommendations as to how the regulations might be implemented and cite anticipated problems with employees having large amounts of accumulated leave; noted that it is imperative the problem be faced and dealt with. Cpl. Bonn stated that if the ordinance is accepted for first reading, employees will perceive that Council approves the measures stated and a great deal of dissension will be generated. Councilmember Aldrighetti suggested placing the proposed ordinance on the 12/17/84 agenda for first reading, with department heads to hold meetings in the interim; the Mayor spoke in favor of so doing and said there was nothing to be lost by considering the current discussion as an introduction of the subject. Councilmember Williams moved tabling first reading of the proposed ordinance until the 12/17/84 meeting, duly seconded by Councilmember Aldrighetti, carried unanimously. Councilmember Bradley reiterated a request that the City Administrator require department heads to submit specific implementation proposals and identify problems.

PROPOSED ORDINANCE
(attached)

Sgt. Jagoe commented that the police radio system is still in a state of crisis, both mobile and portable units continue to break down, base station has gone out a couple of times, what has occurred equates with putting a bandaid on the problem. Cpl. Bonn remarked that the reason complaints have not been made is because officers are aware that a new system is in the offing; agreed that there has not been any real change effected by efforts at upgrading the current system.

Councilmember D'Ovidio moved acceptance of all remaining first reading items on the agenda. Councilmember Bradley commented regarding the Ethics Ordinance that last week in discussion, there was a consensus that an Ethics Commission not be set up; wondered whether it might not be easier to set one up and have it in place so that it exists if needed.

(5) First reading of a Charter Amendment Resolution to repeal Sec. 1.7(d) of the City Charter, pertaining to bidding and procurement procedures, and to reenact with a provision contemplating a new process.
A motion was made by Councilmember Iddings, duly seconded, that the

item be accepted for first reading; carried unanimously (Councilmembers Dalmat and Aldrighetti temporarily absent).

CHARTER AMENDMENT RESOLUTION
(attached)

(6) First reading of an ordinance to repeal and reenact with revisions Article 2A, "Ethics," of the City Code.
Councilmember Bradley moved acceptance for first reading with the proviso that language incorporating an Ethics Commission be inserted. Said it was a state recommendation that the City have such a commission, however, the existing law was approved by the state without a commission. Councilmember Iddings stated there was not a demonstrated need for such a commission; said the state had pointed out several areas of the existing ordinance needing amendment; proposal is to repeal the existing ordinance and adopt an entirely new one (questioned need to do that, particularly considering codification costs). Asst. Corporation Counsel DeNovo stated that state law does not require that the City have an Ethics Commission; if there is a complaint, then the Mayor and Council resolve it, at least at the first level, in the absence of such a commission. Said the proposed ordinance is modeled almost verbatim on the state's Model Ethics Code for Municipalities published in the state regulations, which should nullify any questions about compliance. Councilmember Iddings expressed opposition to acceptance of the particular format provided, favored amending the existing ordinance as suggested by the state. The ordinance was accepted for first reading.

PROPOSED ORDINANCE
(attached)

(7) Proposed ordinance accepting bid on an engine analyzer for the Public Works Department.
The Mayor moved tabling the item until the 12/17/84 meeting, duly seconded, carried with Councilmember Haney Abstaining, balance of Council voting Aye (Councilmembers Aldrighetti, Dalmat and D'Ovidio temporarily absent).

Councilmember D'Ovidio moved tabling the following remaining agenda items until 12/17/84, duly seconded by Councilmember Iddings, carried unanimously (Councilmembers Aldrighetti and Dalmat absent).

(8) Resolution approving a plan for operation of the Farmers' Market for the 1985 season.

(9) Resolution pertaining to certain format changes for ordinances and resolutions.

(10) First reading of an ordinance rescinding demolition order on 7309 Flower Avenue.

(11) First reading of an ordinance rescinding designation of 7142 Carroll Avenue as unfit for human habitation.

Upon motion, duly seconded, the meeting adjourned at 12:20 A.M., to reconvene in regular session at 8:00 P.M., December 17, 1984.

PROPOSED ORDINANCE

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

SECTION 1. THAT Chapter 8A, "Nuclear Free Zone," of the Code of Takoma Park, Md., 1972, as amended, be further amended by the repeal and re-enactment of Secs. 8A-4, 8A-5, 8A-6, 8A-7, 8A-9, and by the addition of a new section, 8A-12 entitled "Nuclear Free Takoma Park Committee," as set forth below:

Sec. 8A-4. Prohibition of nuclear weapons.

(a) The production of nuclear weapons shall not be allowed in the City of Takoma Park. No facility, equipment, components, supplies, or substance used for the production of nuclear weapons shall be allowed in the City of Takoma Park.

(b) No person, corporation, university, laboratory, institution, or other entity in the City of Takoma Park knowingly and intentionally engaged in the production of nuclear weapons shall commence any such work within the City after adoption of this ordinance.

Sec. 8A-5. Investment of City funds.

(a) The City Administrator in conjunction with the Nuclear Free Takoma Park Committee shall propose within six months of the Committee's creation a socially responsible investment policy and implementation plan, specifically addressing any investments the City may have or may plan to have in industries and institutions which are knowingly and intentionally engaged in the production of nuclear weapons. The proposed policy and plan shall be presented to the Mayor and Council who shall conduct a public hearing on the policy and plan before considering it for adoption.

Sec. 8A-6. Eligibility for City contracts.

(a) The City of Takoma Park and its officials, employees, or agents shall not knowingly and intentionally grant any award, contract, or purchase order, directly or indirectly, to any nuclear weapons producer.

(b) The City of Takoma Park and its officials, employees, or agents shall not knowingly and intentionally grant any award, contract, or purchase order, directly or indirectly, to purchase products produced by a nuclear weapons producer.

(c) The recipient of a City contract, award, or purchase order shall certify to the City Clerk by a notarized statement that it is not knowingly or intentionally engaged in the production of nuclear weapons.

(d) The City of Takoma Park shall phase out the use of any products of a nuclear weapons producer which it presently owns or possesses. For the purpose of maintaining an otherwise prohibited product during its normal useful life, Sections 8A-6(a) and (b) above shall be advisory rather than prohibitive.

(e) The City Council upon advice of the Nuclear Free Takoma Park Committee shall within six months of its appointment and annually thereafter establish and publish a list of nuclear weapons producers to guide the City, its officials, employees, and agents in the implementation of Subsections 8A-6(a), (b), and (c) above. Said list shall not preclude application or enforcement of these provisions to or against any other nuclear weapons producer.

(f) (1) The provisions of subsections 8A-6(a) and (b) above may be waived by the City Council only if the City Administrator in conjunction with the Nuclear Free Takoma Park Committee advises after diligent search that a necessary good or service cannot reasonably be obtained from any source other than a nuclear weapons producer and only after public hearing.

(2) The reasonableness of an alternative source shall be determined upon the consideration of the following factors:

- (A) the intent and purpose of this Act;
- (B) documented evidence establishing that the necessary good or service is vital to the health or safety of the residents or employees of the City, with the understanding that the absence of said evidence shall diminish the necessity for waiver;
- (C) the recommendations of the City Administrator and the Nuclear Free Takoma Park Committee;
- (D) the availability of goods or services from a non-nuclear weapons producer reasonably meeting the specification or requirements of the necessary good or service; and
- (E) quantifiable substantial additional costs that would result from the use of a good or service of a non-nuclear weapons producer, provided that this factor shall not become the sole consideration.

Sec. 8A-7. Exclusions.

(a) Nothing in this ordinance shall be construed to prohibit or regulate the research and application of nuclear medicine or the use of fissionable materials for smoke detectors, light-emitting watches and clocks, and other applications where the purpose is unrelated to the production of nuclear weapons. Nothing in this ordinance shall be interpreted to infringe upon the rights guaranteed by the first amendment to the U. S. Constitution nor upon the power of Congress to provide for the common defense.

Sec. 8A-9. Definitions.

(a) Nuclear weapon. A nuclear weapon is any device the sole purpose of which is the destruction of human life and property by an explosion resulting from the energy released by fission or fusion reaction involving atomic nuclei.

(b) Component of nuclear weapon. A component of a nuclear weapon is any device, radioactive substance, or non-radioactive substance designed knowingly and intentionally to contribute to the operation, launch, guidance, delivery, and detonation of a nuclear weapon.

(c) The production of nuclear weapons. The production of nuclear weapons includes the knowing or intentional research, design, development, testing, manufacture, evaluation, maintenance, storage, transportation, or disposal of nuclear weapons or their components.

(d) Nuclear weapons producer. A nuclear weapons producer is any person, firm, corporation, institution, facility, parent or subsidiary thereof, or agency of the federal government engaged in the production of nuclear weapons or their components.

Sec. 8A-12. Nuclear Free Takoma Park Committee.

(a) Within sixty days of the effective date of this ordinance, the Mayor shall appoint with the approval of the City Council a non-partisan Nuclear Free Takoma Park Committee to oversee implementation of and adherence to this Act. The Committee shall consist of seven Takoma Park residents, with staffing to be provided by the City Administrator. Committee members shall have collective experience in the areas of science, research, finance, law, peace, and ethics.

(b) Residents appointed to the Committee shall serve two year terms, except that three of the initial appointees as designated by the Mayor and Council shall serve one year terms. The Committee shall appoint its own chair and establish its own by-laws, both subject to approval by the Mayor and Council.

(c) The Committee shall have the following duties and responsibilities:

(1) The Committee may review any work within the City which it has reason to believe is not in compliance with Sec. 8A-4 of this Act. The Committee shall inform appropriate legal authorities of suspected violation of this Act.

(2) The Committee shall review existing City contracts, awards, purchase orders and investments, and may review proposed contracts, awards, purchase orders and investments to assure compliance with Secs. 8A-5 and 8A-6 of this Act. If the Committee finds any contracts, awards, purchase orders, or investments in violation of this Act, it shall in conjunction with the City Administrator make recommendations to the Mayor and Council regarding the existence of reasonable alternatives.

(3) The Committee in conjunction with the City Administrator shall propose a socially responsible investment policy and implementation plan as specified in Sec. 8A-5 above, and upon the adoption of the policy and plan, shall annually thereafter review said investment policy to ensure its conformity to this Act.

(4) The Committee shall through the collection of materials, Newsletter articles, cable television programming, public forums, and other means provide public education and information on issues related to the intent and purpose of this Act. In performing this task, the Committee shall cooperate with city staff, the Nuclear Freeze Task Force, and other interested community groups and individuals.

(5) The Committee shall maintain a collection of current materials concerning the production of nuclear weapons and the components thereof. From this information and from consultations with individuals and organizations involved in the nuclear weapons debate, the Committee shall annually prepare and report to the City Council a list of nuclear weapons producers to guide the City, its officials, staff and agents in the implementation of Secs. 8A-5 and 8A-6 of this Act.

(6) Before a waiver of the provisions of Subsections 8A-6(a), (b), or (c) above pursuant to Subsection 8A-6(e) above may be sought, the Committee in conjunction with the Administrator shall conduct a diligent search to determine the availability of reasonable alternative sources for a necessary produce or service.

SECTION 2. THAT this ordinance shall become effective upon adoption after second reading.

NOTE: There was no consensus among members of the ad-hoc Nuclear Free Zone Committee on the following subsections of this ordinance: 8A-6(f) and 8A-12(c)(6).

PROPOSED ORDINANCE

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

SECTION 1. THAT Sec. 11-27 of Article 3, "Permits and Improvements," Chapter 11, "Streets," of the Code of Takoma Park, Md., 1982, as amended, be further amended by the addition of a new subsection (k) as set forth below:

Sec. 11-27. Driveway apron limitations; exemptions; construction requirements.

(k) The City Administrator or his designee may grant exemptions from the requirements of this section on such terms and conditions as he or she may deem appropriate when the requirements of this section are in conflict with applicable county requirements.

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

RESOLUTION

WHEREAS, many problems of an emergency nature occur at times when the Housing Code Enforcement office is closed; AND

WHEREAS, the Mayor and Council have long recognized the need to have a Code Enforcement Officer available to assist in such an emergency situation; AND

WHEREAS, the Assistant Director of Housing has proposed a plan to effectuate 24-hour telephone coverage by that department.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the aforementioned plan for 24-hour emergency service is hereby approved.

BE IT FURTHER RESOLVED THAT the 24-hour emergency service shall begin on January 1, 1985, and shall be monitored via submission of a monthly report of services provided to the City Administrator.

DECEMBER 10, 1984.

12/5/84

AN ORDINANCE TO AMEND CHAPTER 2 (ADMINISTRATION), CHAPTER 5 (PERSONNEL) OF THE CODE OF THE CITY OF TAKOMA PARK.

Sec. 2-74. Holiday Leave

(a) [no change]

(b) [no change]

(c) Full-time employees are granted for the total number of hours constituting their normal workday.

(d) Part-time employees are granted holiday leave if they are in pay status at least forty (40) hours during the pay period immediately preceeding the pay period in which the holiday falls. When this eligibility requirement is met, part-time employees earn holiday leave in proportion to the number of hours in a pay status.

(e) Employees who perform work for the City on a holiday shall be paid during the next regular pay period at one and a half (1 1/2) times their regular rate for hours worked on such day. [in addition to the amount to which they are entitled for holiday compensation]

An employee shall either take or be paid for a holiday in the same pay period as the holiday falls. Holiday leave may not be accumulated.

An employee who, on the effective date of this ordinance, has accumulated holiday leave shall:

(1) By December 31, 1986 use all such leave; or

(2) forfeit and lose any such accumulated leave.

An employee shall make application for time off on or before June 30, 1986. Requests for time off shall not be unreasonably denied. If an employee has asked for time off and it cannot be scheduled because of the city's work load, accumulated holiday leave may be carried over until such time as the city can schedule time off for the employee.

(f) The City Administrator determines the city services to be maintained on a holiday. As a result, an employee may be required to work on designated holidays. It is the City Administrator's responsibility, or his or her designee (department heads) to designate and inform those employees required to work on holidays.

(g) [same as old section (d)]

(h) [same as old section (e)]

(i) An employee who works additional time beyond his or her regularly scheduled shift on a holiday shall be entitled to two (2) times his or her regular rate for such additional time

(j) When a holiday falls on a shift-work-employee's regularly scheduled day off, the employee is eligible for a similar shift day off at a date within the same pay period mutually agreeable to the department head and the employee. When a holiday falls on a part-time employee's regularly scheduled day off, the employee is eligible for holiday leave on a mutually agreeable day within the same pay period in proportion to the number of hours reported in a pay status the previous pay period.

(k) Any full-time or part-time employee eligible for holiday leave and who is another paid leave status (e.g., annual, sick, and disability leave) during a holiday must be granted holiday leave for that day; it cannot be "saved" for a later date.

[old section (f) is deleted]

Sec. 2-75. Annual Leave

[No change to Secs. (a), (b), (c) or (d)]

(e) Employees are permitted to accumulate unused annual leave in an amount not exceeding thirty (30) days.

An employee who, on the effective date of this ordinance, has accumulated annual leave in excess of the maximum permitted by this section shall:

(1) By December 31, 1986 use all such leave; or

(2) forfeit and lose any such accumulated leave.

An employee shall make application for time off on or before June 30, 1986. Requests for time off shall not be unreasonably denied. If an employee has asked for time off and it cannot be scheduled because of the city's work load, accumulated annual leave may be carried over until such time as the city can schedule time off for the employee.

Sec. 2-76.1. Compensatory Leave

(a) Salaried employees (other than department heads) are permitted to accrue compensatory leave on an hour-for-hour basis. Department heads shall be responsible for approving requests for leave and maintaining compensatory leave records.

(b) Compensatory leave earned on or after January 1,

1985, must be used within sixty (60) calendar days of its being earned. Any such compensatory leave which is not used within sixty (60) days of it being earned shall be forfeited and lost.

(c) Compensatory leave earned on or before December 31, 1984, must be used by used by June 30, 1985. Any such compensatory leave which is not used by June 30, 1985 shall be forfeited and lost.

(d) An employee shall make application for compensatory time off. Requests for time off shall not be unreasonably denied. If an employee has asked for time off and it cannot be scheduled because of the city's work load, accumulated annual leave may be carried over until such time as the city can schedule time off for the employee.

(e) Upon separation from the City employment, no cash credit will be given for unused accumulated compensatory time.

CHARTER AMENDMENT
RESOLUTION NO. 1-1985

ORDINANCE NO.

A RESOLUTION TO DELETE OUTDATED BIDDING AND PURCHASING PROCEDURES CONTAINED IN SEC. 1.7(d) OF THE CITY CHARTER AND TO PROVIDE A SUBSTITUTE PROCESS

WHEREAS, the Mayor and City Council, after deliberation, have concluded that the provisions of the City Charter related to competitive bidding and procurement generally are such that they impede the orderly flow of City business and that a new process is desirable; AND

WHEREAS, it is necessary to amend the City Charter to provide a substitute process.

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

SECTION 1. THAT Sec. 1.7(d) of the City Charter be repealed and a new subsection (d) be enacted to read as follows:

Sec. 1.7. Powers; competitive bidding; gaming prohibited; penalties for violations.

(d) The Mayor and Council may by ordinance duly enacted establish procedures for competitive bidding, awarding of contracts and the delegation of authority for procurement generally.

SECTION 2. THAT this Charter Amendment shall become effective on the fiftieth day after adoption.

ORDINANCE NO. _____

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

THAT Ordinance No. 2599, relating to the addition of a new article 2A, entitled "Ethics" to Chapter 2 of the Code of Takoma Park, Maryland, be repealed in its entirety and that the following provisions be enacted in its place.

Section 1. Short title

This ordinance may be cited as the City of Takoma Park Public Ethics Ordinance.

Section 2. Statement of purpose and policy.

(a) The City of Takoma Park, recognizing that our system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgement of public officials and employees will be maintained.

(b) It is evident that this confidence and trust is eroded when the conduct of the City's business is subject to improper influence and even the appearance of improper influence.

(c) For the purpose of guarding against improper influence, the Mayor and City Council of the City of Takoma Park enact this Public Ethics Ordinance to require City officials and employees to disclose their financial affairs and to set minimum standards for their conduct of City business.

(d) It is the intention of the Mayor and Council that this chapter, except its provisions for criminal sanctions, be liberally construed to accomplish this purpose.

Section 3. Definitions.

The words used in this chapter shall have their normal accepted meanings except as set forth below:

(a) "Business entity" means any corporation, general or limited partnership, sole proprietorship (including a private consultant operation), joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.

(b) "Compensation" means any money or thing of value, regardless of form, received or to be received by any individual covered by this chapter from an employer for service rendered. If lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties. For reporting purposes, a prorated amount shall be labeled as such.

(c) "Doing business with" means:

(I) Having or negotiating a contract that involves the commitment (either in a single or combination of transactions) controlled funds; or

(II) Being regulated by or otherwise under the authority of an entity; or

(III) Being registered as a lobbyist in accordance with Section 8 of this ordinance.

(d) "Financial interest" means:

(I) Ownership of any interest as the result of which the owner has received, within the past 3 years, or is presently receiving, or in the future is entitled to receive, more than \$1,000 per year; or

(II) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3 percent of a business entity.

(e) "Gift" means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with the provision of Article 33, Sections 26-1 et seq., Annotated Code of Maryland, or any other provision of State or local law regulating the conduct of elections or the receipt of political campaign contributions.

(f) "Interest" means any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, which was owned or held, in whole or in part, jointly or severally, directly or indirectly. For purposes of Section 6 of this ordinance, "interest" applies to any interests held at any time during the calendar year for which a required statement is to be filed. "Interest" does not include:

(I) An interest held in the capacity of a personal agent, representative custodian, fiduciary, or trustee, unless the holder has an equitable interest therein;

(II) An interest in a time or demand deposit in a financial institution;

(III) An interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period; or

(IV) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under Sections 401 and 501 of the Internal Revenue Code of 1954.

(g) "Lobbying" means:

(I) Communicating in the presence of a City official or employee with the intent to influence any official action of that official or employee; or

(II) Engaging in activities having the express purpose of soliciting others to communicate with a City official or employee with the intent to influence that official or employee.

(h) "Official" and/or "employee" means (i) any person elected to any public office of the City; or (ii) any employee of the City or any person appointed to any agency, board, or commission or similar entity, whether or not paid in whole or in part with City funds and whether or not compensated, who (a) is charged with decision-making authority with respect to City policy or acts as a principal advisor to one with such authority or (b) exercises quasi-judicial, regulatory, licensing, law enforcement, inspecting, or auditing functions or (c) is charged with decision-making authority or acts as a principal advisor to one with such authority in drafting specifications for, negotiating, or executing contracts which commit the City to expend in excess of \$500.00 per annum.

(i) "Person" includes an individual or business entity.

Section 4. Administration

(a) The City Clerk shall be the custodian of all forms submitted by any person in accordance with this ordinance.

(b) Any official or other person subject to the provisions of this ordinance may request the Corporation Counsel for an advisory opinion concerning the application of this chapter. The Corporation Counsel shall respond promptly to these requests, providing interpretations of this chapter

based on the facts provided or reasonably available to him or her. Copies of these interpretations with the identity of the subject deleted, shall be kept in the office of the City Clerk and made available to the public in accordance with any applicable law regarding public records.

(c) Complaints. Any person may file with the City Clerk a complaint alleging a violation of any of the provisions of this ordinance. These complaints shall be written and under oath, and shall be referred to the Corporation Council for investigation and review. If the Corporation Counsel determines that a violation has not occurred or that there are insufficient facts upon which to base a determination of a violation, that finding shall be filed with the City Clerk and the complainant shall be so advised. If the Corporation Counsel shall determine that there is a reasonable basis for believing a violation has occurred, then the subject of the complaint shall be afforded an opportunity for a hearing conducted by the Mayor and Council in accordance with established rules for the conduct of administrative proceedings on the record. Any member of the Council or the Mayor who is the subject of a complaint shall not participate in the hearing as a member of the hearing body. Any formal determination resulting from the hearing shall include findings of fact and conclusions of law. Upon the finding of a violation, the Mayor and City Council may take any enforcement action provided for in accordance with Section 8 of the ordinance. After a complaint is filed and until a final determination by Corporation Counsel or the Mayor and Council, all actions regarding a complaint shall be treated confidentially.

Section 5. Prohibited conduct and interests.

(a) Participation Prohibitions. Except as specifically permitted by a resolution of the Mayor and Council or by an opinion of the Corporation Counsel, an official or employee may not participate in:

(I) Any matter, except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to that matter, if, to his knowledge, he or she, his or her spouse, parent, child, brother, or sister has an interest therein.

(II) Any matter, except in the exercise of an administrative or ministerial duty, when any of the following is a party thereto:

(A) Any business entity in which he or she has a direct financial interest of which he or she may reasonably be expected to know;

(B) Any business entity of which he or she is an officer, director, trustee, partner, or employee, or in

which he or she knows any of the above-listed relatives has this interest;

(C) Any business entity with which he or she or, to his or her knowledge, any of the relatives listed in Paragraph (I) of this section is negotiating or has any arrangement concerning prospective employment;

(D) Any business entity which is a party to an existing contract with the official or employee, or which the official or employee knows is a party to a contract with any of the above named relatives, if the contract could reasonably be expected to result in a conflict between the private interest of the official or employee and his official duties;

(E) Any entity, doing business with the City in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if he or she may be reasonably expected to know of both direct financial interests; or

(F) Any business entity which the official or employee knows is his creditor or obligee, or that of any of the relatives listed in Paragraph (I) of this section, with respect to a thing of economic value and which, by reason thereof, is in a position to affect directly and substantially the interest of the official or employee or any of the above named relatives.

(III) If a disqualification pursuant to Paragraphs I or II of this subsection leaves any body with less than a quorum capable of acting, or if the disqualified official or employee is required by law to act or is the only person authorized to act, the disqualified person shall disclose the nature and circumstances of the conflict and may participate or act.

(b) Employment Restrictions.

(I) (A) Except as permitted by a resolution of the Mayor and Council or by an opinion of the Corporation Counsel, when such interest is disclosed or when this employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

(i) Be employed by, or have a financial interest in, any entity subject to his authority or that of the City, agency, board, or commission with which he or she is affiliated or any entity which is negotiating or has entered a contract with that agency, board, or commission; or

(ii) Hold any other employment relationship which would impair the impartiality or independence of judgment of the official or employee.

(B) This prohibition does not apply to:

(i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a requirement that persons subject to the jurisdiction of the authority be represented in appointments to it;

(ii) Subject to other provisions of law, including Section 5 of this ordinance, a member of commission in regard to a financial interest or employment held at the time of appointment, provided it is publicly disclosed to the appointing authority; or

(iii) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted and in accordance with any resolutions adopted by the Mayor and Council.

(II) A former official or employee may not assist or represent another party other than the City for compensation in a case, contract, or other specific matter involving the City, if that matter is one in which he or she significantly participated as an official or employee.

(III) An official or employee may not assist or represent a party for contingent compensation in any matter before or involving the City other than in a judicial or quasi-judicial proceeding, provided, however, that nothing herein shall preclude an official or employee from assisting or representing a party for contingent compensation in any matter before or involving entities where fees are established by law.

(c) Use of Prestige of Office. An official or employee may not intentionally use the prestige of his or her office for his or her own private gain or that of another. The performance of usual and customary constituent services, without additional compensation, does not constitute the use of the prestige of office for an official's or employee's private gain or that of another.

(d) Solicitation or Acceptance of Gifts.

(I) An official or employee may not solicit any gift.

(II) No official or employee may knowingly accept any gift, directly or indirectly, from any person that he or she knows or has reason to know:

(A) Is doing business with the Mayor and Council, as to members thereof, or, as to other officials or

employees, with their office, agency, board, or commission;

(B) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of his official duty.

(III) Unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it or, if of significant value, would give the appearance of doing so, or, if of significant value, the recipient official or employee believes, or has reason to believe, that it is designed to do so, Subsection (II) does not apply to:

(A) Meals and beverages;

(B) Ceremonial gifts or awards which have insignificant monetary value;

(C) Unsolicited gifts of nominal value or trivial items of informational value;

(D) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;

(E) Gifts of tickets or free admission extended to an elected official or employee to attend a professional or intercollegiate sporting event or charitable, cultural, or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the office;

(F) A specific gift or class of gifts which the Mayor and Council may by resolution exempt from the operation of this section upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City and that the gift is purely personal and private in nature;

(G) Gifts from a person related by blood or marriage, or a spouse, child, ward, financially dependent parent, or other relative who shares the official's or employee's legal residence, or a child, ward, parent, or other relative over whose financial affairs the person has legal or actual control; or

(H) Honoraria.

(e) Disclosure of Confidential Information. Other than in the discharge of his official duties, an official or employee may not disclose or use for his own economic benefit

or that of another confidential information which he has acquired by reason of his public position and which is not available to the public.

(f) Exemptions and Waivers. The Mayor and Council, may, after consultation with the Corporation Counsel, grant exemptions to or modifications of this section as to persons serving as members of City agencies, boards, commissions and similar entities, when it finds that the application of this section would constitute an unreasonable invasion of privacy and would significantly reduce the availability of qualified persons for public service and if it also finds that the exemption or modification would not be contrary to the purposes of this chapter.

Section 6. Financial Disclosure

(a) (I) The following officials and employees and candidates for office as such officials or employees, when such positions are elective, are required to file the financial disclosure statements provided for in this section:

- (a) The Mayor;
- (b) Members of the City Council;
- (c) City Administrator.

(II) Every official and employee shall file, on or before the time specified in Subsection (b) (I) hereof, a disclosure statement of the receipt of gifts by that official or employee during the preceding year or other time period specified in Subsection (b) (I); provided, however, that such disclosure statement need consist only of the schedule described in Subsection (d) (IV) hereof ("Gifts").

(III) In addition, any official or employee shall file a financial disclosure statement when an anticipated action by the official or employee will present a potential conflict of interest and then sufficiently in advance of the action to provide adequate disclosure to the public; provided, however, that the official or employee shall be required to complete such portions of the financial disclosure statement as may relate to the potential conflict of interest.

(b) (I) Each incumbent official and employee identified in Subsection (a) (I) hereof shall file under oath or affirmation with the Commission on or before the 30th day of April of each year during that person's term in office, the statement required by this section, for the calendar year immediately preceding each such year in office. An official or employee who has not filed the required statement and who is appointed to fill a vacancy to a position listed in Subsection (a) (I) hereof shall file a statement covering the

calendar year in which he is appointed within 30 days after appointment.

(II) Except for an official or employee who has filed a statement pursuant to subsection (b) (I) above for the same year or portion of the same year for which a statement otherwise would be required to be filed by this subsection, each candidate for nomination for, or election to, an office as an official or employee identified in Subsection (a) hereof shall file under oath or affirmation with the City Clerk, within one week of his nomination, together with his certificate of candidacy, the statement required by this section, for the calendar year immediately preceding.

(c) All statements filed pursuant to this section shall be maintained by the City Clerk and shall be made available, during normal office hours, for examination and copying by public, subject, however, to such reasonable fees and administrative procedures as the Mayor and Council may establish from time to time. The forms shall be retained for 4 years from the date of receipt. Any person examining or copying these statements shall be required to record his name, home address, and the name of the person whose disclosure statement was examined or copied. This record shall be forwarded upon request to the person whose disclosure statement is so examined or copied.

(d) Except as otherwise specifically provided herein, all statements filed pursuant to this section shall be on a form developed by the City Clerk with the assistance of the Corporation Counsel, and shall disclose the following interests, if known:

(I) Interests in Real Property. A schedule of all interests in real property wherever located. This schedule, as to each such interest, shall include:

(A) The nature of the property and the location by street address, mailing address, or legal description of the property;

(B) The nature and extent of the interest held, including any conditions thereto and encumbrances thereon;

(C) As to interests acquired during the year for which the statement is filed, the date when, the manner in which, and the identity of the person from whom the interest was acquired;

(D) As to interests acquired during the year for which the statement is filed, the nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

(E) With respect to any interest transferred, in whole or in part, at any time during the year for which the statement is filed, a description of the interest transferred, the nature and amount of the consideration received in exchange therefor, the identity of the person to whom the interest was transferred, and the information set forth in Subparagraphs (C) and (D) of this paragraph; and

(F) The identity of any other person with an interest in the property.

(II) Interests in Corporations. A schedule of all interests in any corporation, whether or not the corporation does business with the City. This schedule, as to each such interest shall include:

(A) The name and address of the principal office of the corporation;

(B) The nature and amount of the interest held, including any conditions thereto and encumbrances thereon, provided, however, that an amount of stock or like evidence of equity interest, at the option of the person making the report, may be reported by the number of shares held and, unless the corporation's stock is publicly traded on a stock exchange, in an over-the-counter market, or otherwise, the percentage of equity interest so held, instead of by dollar amount;

(C) With respect to any interest transferred, in whole or in part, at any time during the year for which the statement is filed, a description of the interest transferred, the nature and amount of the consideration received in exchange therefor and, if known, the identity of the person to whom the interest was transferred; and

(D) With respect to any interest acquired during the year for which the statement is filed:

(i) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

(ii) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(III) Interests in other business entities doing business with the City. A schedule of all interests in any other business entity which does business with the City. This schedule, as to each such interest, shall include:

(A) The name and address of the principal

office of the business entity;

(B) The nature and amount of the interest held, including any conditions thereto and encumbrances;

(C) With respect to any interest transferred, in whole or in part, at any time during the year for which the statement is filed, a description of the interest transferred, the nature and amount of the consideration received in exchange therefor and the identity of the person to whom the interest was transferred; and

(D) With respect to any interest acquired during the year for which the statement is filed:

(i) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

(ii) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(IV) Gifts. A schedule of each gift in excess of \$25 in value or a series of gifts totalling \$100 or more from any one person received at any time during the year for which the statement is filed by the person making the statement, or by any other person at the direction of the person making the statement, from, or on behalf of, directly or indirectly, any person who does business with the City, provided, however, that neither gifts received from the spouse, children, or parents of the person making the statement need be disclosed. This schedule, as to each such gift, shall include:

(A) The nature and value of the gift; and

(B) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(V) Employment by entities doing business with the City. A schedule of all offices, directorships, and salaried employment held by the person making the statement or his spouse or dependent child at any time during the year for which the statement is filed in any corporation or other business entity which does business with the City. This schedule, as to each such office, directorship or salaried employment, shall include:

(A) The name and address of the principal office of the business entity;

(B) The title and nature of the office, directorship, or salaried employment held and the date it

commenced; and

(C) The name of each City, agency with which the entity is involved as indicated by identifying one or more of the three categories of "doing business" set forth in section 1(d) of this chapter.

(VI) Liabilities to persons doing business with the City. A schedule of all liabilities to any person doing business with the City which is owed at any time during the year for which the statement is filed, excluding retail credit accounts, by the person making the statement, or which is owed by his spouse or the transaction giving rise to the liability. This schedule, as to each such liability, shall include;

(A) The identity of the person to whom the liability was owed and the date it was incurred;

(B) The amount of the liability owed as of the end of the year for which the statement is filed;

(C) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and

(D) The security given, if any, for the liability.

(VII) List of family members employed by the City. A list identifying any spouse or dependent child of the person making the statement employed by the City, in any capacity at any time during the year for which the statement is filed.

(VIII) Source of Earned Income. The name and address of each place of salaried employment and of each business entity of which the person or his spouse or dependent child was a sole or partial owner and from which the person, his spouse, or dependent child received earned income, at any time during the year for which the statement is filed.

(IX) Additional Information. Such additional interests or information as the person making the statement wishes to disclose.

(e) Interests Attributable to Person Making Statement. For the purpose of Subsections (d)(I), (II) and (III), and the disclosures therein required, the following shall be considered to be the interests of the person making the statement:

(I) Any interest held by the spouse or a child of the person making the statement, if such interest was at any

time during the year for which the statement is filed directly or indirectly controlled by the person making the statement.

(II) Any interest held by a business entity, in which business entity a 30 percent or greater equity interest was at any time during the year for which the statement is filed an interest of the person making the statement.

(f) The Statements submitted pursuant to this section shall be reviewed by the City Clerk for compliance with the provisions of this section, and officials and employees shall be notified of any omissions or deficiencies. The Corporation Counsel shall refer evidence of any non-compliance with this section to Mayor and Council for appropriate action.

(g) Exemptions and Waivers. The Mayor and Council, may, after consultation with the Corporation Counsel, grant exemptions to or modifications of this section as to officials or employees serving as members of City agencies, boards, commissions and similar entities, when it finds that the application of this section would constitute an unreasonable invasion of privacy and would significantly reduce the availability of qualified persons for public service and if it also finds that the exemption or modification would not be contrary to the purpose of this ordinance.

Section 7. Lobbying Disclosure

(a) Any person who personally appears before any city official or employee with the intent to influence that person in the performance of his official duties and who in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of two hundred dollars (\$200.00) on food, entertainment or other gifts for such officials or employees, shall file a registration statement as a lobbyist with the City Clerk.

(b) The registration statement required in Section (a), above, shall be filed with the Clerk not later than five days after first performing any act requiring registration under this section, and shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposed to conduct lobbying activities.

(c) Registrants under this section shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of any food, entertainment or other gifts provided to a city official or employee. When a gift or series of gifts to a single official or employee exceeds

twenty-five dollars (\$25.00) in value, the official or employee shall also be identified.

(d) All statements filed pursuant to this section shall be maintained by the City Clerk and shall be made available, during normal office hours, for examination and copying by the public, subject, however, to such reasonable fees and administrative procedures as the Mayor and Council may establish from time to time. The forms shall be retained for 4 years from the date of receipt. Any person examining or copying these statements shall be required to record his name, home address, and the name of the person whose disclosure statement was examined or copied. This record shall be forwarded upon request to the person whose disclosure statement is so examined or copied.

(e) All statements filed pursuant to this section shall be on a form developed by the City Clerk with the assistance of the Corporation Counsel.

Section 8. Enforcement.

(a) Upon direction by the Mayor and City Council, the Corporation Counsel may file a petition for injunctive relief in the appropriate Circuit Court for the purpose of requiring compliance with the provisions of this article. The Corporation Counsel may seek to have the court issue an order to cease and desist from the violation; and/or to void an official action taken by an official or employee with a conflict of interest prohibited by this article when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within ninety (90) days of the occurrence of the official action, if the court deems voiding the action to be in the best interests of the public. Provided, however, that the court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidence of public obligation.

(b) Any violation of this ordinance shall constitute a municipal infraction, the penalty for which shall be One Hundred Dollars (\$100.00) for each initial infraction and Two Hundred Dollars (\$200.00) for each repeat or continuing violation, or such other greater amounts as may be the permissible maximums under state law.

(c) Any person who knowingly and intentionally violates the provisions of this article is guilty of a misdemeanor and, upon conviction, is subject to a fine of not more than \$500.00, or imprisonment for not more than 90 days, or both. If the person is a business entity and not a natural person, each officer and partner of the business who knowingly and intentionally authorized or participated in the violation is guilty of a misdemeanor and, upon conviction, is subject to the same penalties as the business entity.

(d) In addition to any other enforcement provisions in this article, a person who is subject to the provisions of this article and who is found by the Mayor and Council or a court to have violated its provisions may be subject to termination or other disciplinary action as may be warranted, or may be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Mayor and Council or a court.

(e) Any person who is subject to the provisions of this chapter shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to complete and substantiate any reports, statements, or records required to be made pursuant to this chapter for 3 years from the date of filing the report, statement, or record containing these items. These papers and documents shall be available for inspection upon request by the Mayor and Council after reasonable notice.

THE CITY OF TAKOMA PARK, MARYLAND
Regular Meeting of the Mayor and Council
December 17, 1984

AGENDA

CALL TO ORDER: Mayor Abbott

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

PLEDGE

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) Administrative reports and correspondence
- (2) Special Exception S-995, to permit the use of an existing apartment as an accessory apartment at 7518 Carroll Avenue
(Public Hearing: 1:30 PM, 1-17-84, WCOB, Rockville)
Citizens' comments
Council action
- (3) Public briefing on two proposed ordinances pertaining to City Personnel Policies:
 - (a) Amending or adding the following sections to Chapter 5, City Code: Sec. 2-74, Holiday Leave; Sec. 2-75, Annual Leave; Sec. 2-76.1, Compensatory Leave
 - (b) Removal of personnel policies from the City Code and authorizing the City Administrator or his designee to promulgate policy
Citizens' comments
- (4) Special Exception S-1083, operation of a child day care center for up to 40 children at 8204 Flower Avenue (R-40 zone)
(Public Hearing: 9:00 AM, 1-3-84, WCOB, Rockville)
Citizens comments
Council action
- (5) Second reading of an ordinance amending Sec. 11-27, City Code, "Driveway apron limitations; exemptions; construction requirements," to provide for additional exemptions
Citizens' comments
Council action
- (6) South Africa (Aldrighetti)

ADJOURNMENT

NOTE: Mayor and Council in recess until January 7, 1985 worksession.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
December 17, 1984

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Habada
Councilmember Bradley	Asst. City Administrator Robbins
Councilmember Dalmat	City Clerk Pusti
Councilmember D'Ovidio	Econ. & Comm. Dev. Coordinator Neal
Councilmember Haney	Asst. Housing Director Austin
Councilmember Iddings	Police Chief Fisher
EXCUSED: Councilmember Williams	Police Sergeant Goetz
	Recreation Director Ziegler
	Corporation Counsel Gagliardo
	Asst. Corporation Counsel DeNovo

The Mayor and City Council of Takoma Park, Maryland, met on December 17, 1984 at 8:00 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, the Mayor commented that Mayor and Council will be in recess until January 7, 1985, at which time they will convene in worksession. He noted that the second reading of amendments to the Nuclear Free Ordinance will be on January 28, affording an opportunity for pros and cons to be presented in the February issue of the Newsletter which will be available on January 26. Remarked that International Day honoring Clarence Mitchell will be scheduled in February (which is Black History Month); details will appear in the February Newsletter.

ADDITIONAL AGENDA ITEMS:

Siegler Property Proposed Ordinance
Engine Analyzer Ordinance
Resolution on numbering system for resolutions and ordinances

ITEMS FOR COUNCIL CONSIDERATION:

(1) Special Exception S-995, to permit the use of an existing apartment as an accessory apartment at 7518 Carroll Avenue (Public Hearing: 1:30 P.M., 1-17-85, WCOB, Rockville).

Mrs. Hazel Hussong, 7518 Carroll Avenue: Stated that her mother purchased the subject property in 1935 with the apartment existing at that time, she and her husband have resided there since 1936; said the apartment is not currently occupied but they wish to retain it for possible future rental. Tony Austin reported that the apartment was first registered with the city in 1956, is located on the top floor of the structure; inspection revealed only one violation of the City Code - lack of a security lock on the apartment entrance door; a couple of Fire Code violations were noted, including lack of a separate thermostat control of ground fault circuit inceptors for the bathroom and lack of the deadbolt lock for the entrance; in general, the property was well-maintained, owners have always been receptive to inspections and orders. Staff's recommendation was that the Special Exception be granted with no objection. It was noted that out of 20 letters mailed to neighbors, there were 16 no responses, 4 expressions of support for the accessory apartment use. In response to query regarding the dental office operating in the basement of the property, it was stated that use will continue, there is sufficient parking (6 spaces located in back). Councilmember Bradley moved acceptance of staff's recommendation of no objection to granting of the Special Exception, with the proviso that the fire code violations noted be corrected, duly seconded by Councilmember Iddings. Due to this being the first case of its kind addressed in the City, the Mayor suggested ascertaining from the county whether the additional use (dental office) is in any way dealt with by the accessory apartment legislation. The motion was amended to include staff checking with the county on the situation pointed out by the Mayor, and if it was found that the accessory apartment ordinance either does not deal with dual use or poses no problems in that regard, then the position of no objection to granting of the Special Exception will be conveyed to the county. Motion carried unanimously. It was noted that Mr. and Mrs. Hussong will be notified by staff as to the outcome.

(2) Public briefing on two proposed ordinances pertaining to City Personnel Policies:

- (a) Amending or adding the following sections to Chapter 5, City Code: Sec. 2-74, Holiday Leave; Sec. 2-75, Annual Leave; Sec. 2-76.1, Compensatory Leave
- (b) Removal of personnel policies from the City Code and authorizing the City Administrator or his designee to promulgate policy.

City Administrator Wilson referred to his memorandum of November 28 to Mayor and Council identifying what appeared to be an unfunded liability with respect to employee leave (in the amount of approximately \$400,000 with no more than \$50,000 reflected anywhere in the budget); attention was drawn to the problem through employee separations and the audit. In researching, there appeared to be no clear provision for handling the problem, therefore, amendments to the pertinent sections of the City Code were composed. Said following presentation of the first draft of amendments at the December 10 meeting, a letter was sent to all department heads accompanied by a copy of the original proposed amendments plus a revised copy which included changes generated by the discussion; a longterm offering regarding overall personnel ordinance amendments was also disseminated; said a letter was sent to all employees Friday, 12/14/84, advising of the current meeting and that material was available for their review. Suggested the proposed amendments be considered and commented upon section by section.

Councilmember Dalmat commented that Martin Luther King's Birthday should be considered for inclusion in the list of legal holidays as it becomes a federal holiday effective in 1986; it will have to be included in the upcoming budget process.

Police Sgt. Rosenthal noted that Sec. 2-74.(b) does not make provision for an employee on Workmen's Compensation. Councilmember Iddings requested that in Sec. (c), "...normal workday." be changed to read "...regularly scheduled shift." for the sake of conformity. In discussion of Sec. (d), which negates granting of holiday leave to part-time employees working less than 40 hours per pay period (affecting primarily some library, recreation and public works departments employees), it was stated by Ms. Habada that those employees would be given an opportunity to make up the hours during the pay period. Councilmember Iddings questioned whether figures were available for the number of hours and dollar amount owed to employees in accumulated Holiday leave; Mr. Wilson stated those figures will be available at a later date; separate accounts will have to be set up; if the hours are paid off, which is intended, the money will have to be budgeted for a later fiscal year, thus the inclusion of the 12/31/86 date in Sec. (e) providing time for adjustments to be made. The intent is to freeze current accumulation figures and begin 1985 with all employees having -0- balance. Sgt. Rosenthal noted that Sec. (f) relies on the discretion of department heads in determining who will and will not work on a holiday and receive double pay; said the ordinance does not address the basic reasons for the accumulated leave balances. Said there are shift situations in the police department that could create inequities in application of Sec. (e). Councilmember Haney commented that implementation of the proposed regulations as related to the present shift plan in the police department would have to be addressed, otherwise problems, as cited by Sgt. Rosenthal, would occur. Sgt. Rosenthal commented that he felt the shift schedule problems should be addressed prior to final adoption of new leave regulations. Sgt. Jagoe remarked that it would be inequitable for one employee to be paid double time for working on the holiday, and another employee who is eligible for a day off in compensation for the holiday to have to take that day off at the convenience of the employer in addition to not having a chance to earn the double pay. Following discussion, Mr. Wilson noted that under Sec. (e), sentence 2 which reads "An employee shall either take or be paid for a holiday in the same period as the holiday falls" will have to be changed to avoid any possible misconstrual of the intent. Councilmember Bradley commented that the intent is that the number of personnel working on a holiday be based

upon the workload and the needs of the city. Mr. Wilson noted that Secs. (g) and (h) should be changed to reflect the fact that if one of the holidays listed in Sec. (a) falls on Saturday, eligible employees shall take the immediately prior Friday, if the holiday falls on Sunday, eligible employees shall take the immediately following Monday. Discussion ensued concerning Secs. (i) and (j) which pertain to shift work employees, particularly what the pay rate would be for an employee working beyond his regularly scheduled shift on a holiday. Mr. Wilson questioned Chief Fisher as to what past common practice had been in relation to shift workers and holidays; Councilmember Iddings stated that there would be no difference, that if a person's regular shift falls on the holiday, he would be paid double time for that shift. Following additional dialogue, Ms. Habada clarified that the key words are regular rate, i.e., the employee will be paid double time for his regularly scheduled hours on the holiday and 1-1/2 times his/her regular rate for any additional time worked over and above regularly scheduled hours; conceded that it is a loss situation, a disincentive for anyone to work overtime on a holiday. Corporation Counsel pointed out that currently time and a half is paid for work performed on holidays, under the proposed new regulations that is being increased to double time, an increased benefit. In response to query, Ms. Habada stated that any employee called in to work on a holiday would be paid double time for those hours worked (not exceeding duration of a regularly scheduled shift). Sgt. Goetz pointed out an inconsistency between Secs. (e) and (i); Councilmember Iddings noted that wording should be inserted in (e) to reflect that the double time pay will include hours not exceeding a regularly scheduled shift for the individual. Sgt. Rosenthal commented that police officers who are forced to work more than their regularly scheduled hours on a holiday in order to properly perform their duties will be penalized; Councilmember Aldrighetti remarked that what has been done is an attempt to increase a benefit for employees. He also commented that in future budgets, overtime will probably have to be a separate line item; some projected estimates will have to be submitted by various departments. Mr. Wilson commented that it will also have to be examined whether it would be more efficient and cost effective to have enough personnel to adequately cover areas rather than paying overtime costs. Sgt. Goetz raised questions about Sec. (k) which refers to "disability" leave (stated as injury leave in the City Code); pointed out that crediting holiday leave to an individual on such leave would create problems for the individual. Corporation Counsel noted that injury leave is a category that will have to be examined and addressed. Mr. Wilson remarked that further investigation will be done with the intention of dropping any reference to "disability" from the section. Corporation Counsel stated that should the reference remain, it still would not affect disability status which is an independent determination. Under Sec. (l), Councilmember Dalmat suggested substituting "...pay in cash..." for "...pay out..." in order to clarify the intent and avoid confusion (last two words of section {in cash} as it presently stands would have to be deleted to avoid being redundant).

Under Sec. 2-75 "Annual leave," Mr. Wilson noted the change from 60 days (480 hours) maximum permissible carryover amount to 30 days (240 hours); said in the last sentence in Sec. 2, "...pay in cash..." should be substituted for "...pay out..." for the sake of conformity, (deleting last two words "in cash"). In response to query concerning rationale for the cutoff date on leave accumulation, Ms. Habada explained that leave is based on the calendar year rather than the fiscal year; however, there is no obvious reason why that could not be altered. Sgt. Holford requested that this section be changed to reflect normal work days rather than hours, so that police officers, who normally work 9-1/2 hours a day, could carry over hours equating to the same number of days as other employees (285 hours); expressed problems with using up the amount of leave accumulated (as was mentioned earlier with comp leave). Mr. Wilson pointed out that this leave category, as with others, provides that if leave is requested and cannot be scheduled, then it may be carried over; excess accumulations will have to be bought back or alternative means of compensation found; said buy-back of leave is definitely being considered. Sgt. Winkler stated that the problems of the police department have not been considered at all in preparing the proposed

changes; suggested that department and its needs should be evaluated separately. Sgt. Rosenthal requested that consideration be afforded to imposing a 45-day carryover limit due to the high risk that officers run of being out on extended Workmen's Compensation/Injury leave, which once the 6-month period is exhausted, leaves them without pay unless they have adequate accumulated comp, holiday or annual leave to carry them for the period of the disability or until their case is settled by the Workmen's Compensation Commission. Sgt. Rosenthal requested that wording of Sec. 2, sentence 2 of "provisions" paragraph which states that if time off requested by an employee cannot be scheduled because of the city's work load, then accumulated annual leave may be carried over until such time as the city can schedule time off for the employee, be reworded to include a statement requiring mutual agreement between the city and the employee on the scheduling of the time off. Mr. Wilson agreed that would be examined. An additional request was made that regarding payment of accumulated leave upon separation from city employment, wording requiring that use of such leave has to have been requested in order to be paid for the leave, be deleted. Mr. Wilson stated that, too, would be looked at to see what the effect would be.

City Administrator Wilson pointed out that regulations contained in Sec. 2-76.1 are completely new in that there has been no prior provision in the City Code for compensatory time, despite the existence of an informal practice. In reading through the section, Mr. Wilson noted the need to examine insertion of wording requiring use of accumulated leave to be mutually agreeable to both the city and the employee in Sec. 1., as was requested earlier in discussion of another section. A police department employee requested insertion in Sec. (b) of a clause providing that if use of the leave is requested within 60 days and cannot be scheduled, it can be carried over so that it is not lost. Councilmember Iddings questioned what laws are being referred to in Sec. (a) regarding overtime and who would be exempt. Ms. Habada responded that Maryland law states that hourly people are to be paid overtime for hours in excess of their regular hours, salaried persons would be exempt; a number of Public Works personnel, primarily, would fall into the hourly category, perhaps a few part-time library employees. In response to query, she explained that the proposed regulations impose a formal control on the accumulation of compensatory time and/or overtime by requiring permission from a supervisor to work beyond regular hours and requiring monitoring of use of the time within a specified period. Mr. Wilson pointed out that the system will also bring into focus the larger question of whether the City has too few employees to carry out intended objectives and will make consideration of viable alternatives mandatory; reiterated that the efficient alternative may be more people working fewer hours. Following additional dialogue, Mr. Wilson stated that the buyback of accumulated leave will be investigated on the basis of revenue available, time lines, staffing patterns, etc., prior to presentation of the amendments for first reading. Police Officer John Suero reiterated problems stated earlier with having accumulated more comp time, given in lieu of paid overtime, than what can easily be used; voiced concerns about having that time taken away without compensation. Mr. Wilson restated assurances that employees would not lose what they already have without compensation of some sort. Councilmember Haney commented he felt it would be beneficial to focus on problems of implementing the ordinance with respect to the police department and suggested discussing the matter at a January worksession, affording time for staff and department heads to have discussions with employees and come up with refinements. Councilmember Iddings reminded that proposed implementation plans are needed from department heads. Sgt. Jagoe requested that Section 2-76.1.2.(d) be stricken; said if an employee earns compensatory leave, is unable to take it and separates from City employment, he/she should be paid for it; said the proposed ordinance appeared to be hastily put together, entire portions of the City Code regarding personnel are outdated; overall revision should be made, rather than piecemeal amendments. Councilmember D'Ovidio stated that the problem is recognized; a beginning must be made somewhere and the leave appears to be most pressing. In response to query from the Mayor, Mr. Wilson stated that a draft of an ordinance which would restructure all sections in the personnel code has been circulated to department heads; a personnel

operations review committee has been existent since August, they have looked at the personnel code and are working with staff to restructure and redraft those sections of the Code which contain implications, vagueness, redundancies; agreed with Mr. D'Ovidio that the sections currently under consideration for amendment bear a price tag for the City, others must also be addressed, but as an entirety. Sgt. Winkler requested that police officers not be penalized for the City's problem; said one reason the problem exists is that the department is always short-handed, does not have enough manpower. Said what is causing severe concern in the police department is the threat of losing time people have worked for. Councilmember Bradley stated that Council does not want anyone to lose leave, but pressure is being brought to bear for the leave to be used; reiterated that during the budget process, cash payments for accumulated leave will be examined. Councilmember Iddings agreed; said there is a responsibility on both the department heads and the employees to make a good faith effort to use as much as is possible of accumulated leave. The Mayor related the long-term history of the accumulated leave problem; summarized what is being done and will have to be done to address the issue. He questioned whether State Retirement would allow comp time to be converted to sick leave (which applies toward retirement) without the City contributing to the fund; Ms. Habada stated that State Retirement has advised that the cost to the City will not be any more in terms of contribution for conversion to take place (the state will absorb the cost), a maximum of 22 days per year may be converted, so employment longevity of the employee will be a factor; State Retirement will be sending a letter of confirmation. Mr. Wilson reminded that State Retirement has the City owing 1.68 million dollars because they did not receive their annuities; was not sure what was stated would be a free benefit, but could present a partial answer to the City's problem. Councilmember Bradley remarked on the possibility of a deferred payment plan for compensating employees for accumulated time to avoid large tax payments on substantial lump sums; said all possible options should be examined. Sgt. Rosenthal noted that in the opinion of his attorney, Section 2-76.1.2.(d) is in violation of state law; urged that the City come up with a payment plan.

Moreen Wells, Cedar Avenue: Said the meeting appeared to be a negotiating session; noted apparent hostility on the part of police employees; said the problems should be worked out fairly (preferably in a worksession), however, there are other problems on the agenda to be addressed at the current time. Expressed concern that the situation might affect police personnel's performance. Sgt. Winkler assured that any current dissension is with proposed policy and those responsible therefor, not with citizens, and will not affect police responding to calls for help from residents. Councilmembers Aldrightetti and D'Ovidio expressed feeling that the discussion had been open, honest and beneficial; appreciated police personnel attending and speaking out. Councilmember D'Ovidio requested that the proposed ordinance be modified by staff based upon statements made and re-presented; Mr. Wilson remarked that it would be scheduled for the January 7 worksession, with first reading on January 14. Councilmember Bradley commented in favor of policy discussions being public, limiting closed sessions as much as possible. The Mayor requested that input from department heads be sought, as mentioned earlier, prior to modifications being accomplished, and that an informational memorandum be disseminated to all employees.

PROPOSED ORDINANCES
(attached)

(3) Siegler Property Proposed Ordinance.

Councilmember Iddings referred to the proposed ordinance which would authorize City staff to proceed as outlined; summarized negotiations to date for city acquisition of a portion of the property; moved acceptance for first reading and authorization for staff to proceed, duly seconded. The Mayor requested definition of the term "neighborhood park" as used in paragraph 1 of the proposed ordinance. Councilmember Iddings stated it would be premature to say exactly what the park would encompass; the same planning process would be utilized as in past projects, including meetings to assess what is wanted by the neighborhood, recommendations for planning, etc. The Mayor commented

that if City funds are expended to acquire the land, then the decision as to use of the park should involve the entire city and not just the neighborhood. Councilmember D'Ovidio commented that if the City is fortunate enough to acquire the property, planning decisions would be made by Mayor and Council, Recreation Department, residents of the neighborhood and all other city citizens interested. The Mayor questioned whether the valuable rhododendrons located there would be cut down in order to make a park; said the acquisition would have to be through Project Open Space funds because the city does not have money to invest in the purchase; questioned use of those funds for the purpose if an intended use could not be stated. Councilmember Haney remarked that parks fall into a number of categories and uses, did not think the time appropriate to discuss specific use. Councilmember Aldrighetti spoke favorably about the proposed acquisition; said his concern that the \$3,000 investment by the City not be expanded at a later date had been allayed in worksession. Upon request, Daniel Neal explained that the proposal is to negotiate with the owners to buy one existing lot plus two or three additional lots as depicted by the resubdivision plan; cost will range between \$112,700-\$115,400; Montgomery County Planning Board approved spending up to \$200,000 for acquisition of the property with reimbursement to be made by Project Open Space; pointed out that Project Open Space does not require that detailed plans for a park be presented in order to obtain funding. Councilmember Aldrighetti suggested viewing the acquisition as part of a land bank, with development to be planned at a later point in time. The Mayor remarked that unless a planned use could be stated, he felt the object of the acquisition was historic preservation of the site. Councilmember Bradley stated that the way the issue arose was not from a request by the neighborhood for a park, but due to the fact that they did not want the property to be sold, subdivided and developed, which is a legitimate issue; Council must decide whether or not to affirm that community feeling by investing public money and using the City's chance with Program Open Space; said she would not vote to use City money for the purpose. Said one way to state the issue is whether or not the City is in the business of preserving historic properties; presenting it as a proposal for park use conflicts with the way the matter originally arose; contended that antique azaleas are not compatible with active park use by children and others.

Jim Douglas, Old Takoma Citizens' Association: Agreed that the issue was brought before the Council about a year ago in the context of preserving an important historic piece of property; pointed out that the house is the oldest in the City, natural horticultural characteristics are important, and the property is open space, i.e., undeveloped, supports wildlife, etc. Said what the community hopes for is not a TOT lot, playground equipment, development, but a preserved piece of natural property which people can enjoy, much as it has been. Emphasized that OTCA is not anti-development, but feels that this particular property will best serve public interest by its preservation in its natural state, with any alteration kept to a minimum. Said it is intended that the privacy of occupants of the Siegler house be protected, whether by additional discreet fencing, signage, screening plantings, or placement of pathways (or a combination).

Ruth Abbott, 7308 Birch Avenue: Questioned whether it is law that land purchased with public funds must be used for and by people; if that is the case, then most likely a TOT lot, benches, and paths would be installed; if restricted to benches and paths, said the park would be subject to undesirable activity and littering. Urged that use be clarified prior to making any decision. Councilmember Aldrighetti stated that he felt not taking the opportunity of procuring the property would be a mistake; said if people with children wanted a TOT lot at that location, then one would most likely be put there eventually. Mr. Aldrighetti reiterated that the maximum amount of city funds that would be invested was \$3,000; Mr. Iddings stated that in terms of the Old Takoma neighborhood and procuring a piece of park land under Project Open Space, this parcel of property is the last possible opportunity. Following dialogue on problems encountered with park properties and their use, Mr. Douglas stated that the neighborhood is not unaware of possible problems, however, felt it important to procure the land and then consider use, keeping in mind the points he made earlier regarding preservation of historic and natural horti-

cultural aspects; suggested formation of a committee to deal with possible/recommended use. Councilmember Bradley expressed lack of support for the project; said it interferes with a market process, as agreed in early discussions, wherein ideally the entire property would be purchased by a private owner, thus preserving the open space with no subdivision. She did not think an aggressive effort was made to find a private purchaser; pointed out that regardless of the city's investment being limited to \$3,000, the total amount expended for the purchase would still be public funds and would be an expensive luxury. Mr. Douglas agreed that purchase of the entire property by an individual with preservation of the whole parcel would be one of the best solutions, however, said it has been made clear from the beginning that Mrs. Siegler still occupies the house and will continue to do so, and the Sieglers were not really interested in someone buying the place and selling back a life estate to the Siegler family, nor would it be easy to find a purchaser interested in so doing. Related the history of negotiations with the family, alternatives sought, which were not in the end productive. Councilmember Iddings moved acceptance for first reading, with staff directed to proceed acting upon the process outlined in the ordinance, implementing negotiations to purchase. Following discussion, Mr. Iddings withdrew his original motion; moved acceptance of the ordinance for first reading, duly seconded; carried with Councilmember Bradley voting Nay, balance of Council voting Aye.

PROPOSED ORDINANCE
(attached)

Councilmember Iddings moved that staff be directed to contact the Trust for Public Land and instruct them to execute their efforts to negotiate a first option as outlined in Rose Harvey's letter to the City dated 11/27/84 (without any expenditure of funds until so directed), duly seconded; carried with Councilmember Bradley voting Nay, balance of Council voting Aye. Mr. Douglas commented that the hearing on resubdivision of the property is scheduled for January 10; said the citizens' association will present their case for preservation of the property; would appreciate a statement from the City reiterating support for preservation and opposing the resubdivision. It was noted that the City's statement will be considered at the January 7 worksession.

Mayor Abbott noted that the draft of legislation which would remove personnel policies from the City Code and authorize the City Administrator or his designee to promulgate policy was not introduced earlier (part b of item 2 discussed); Mr. Wilson stated that, in the interest of time, the material would be reviewed with department heads and staff and presented at the January 7 worksession.

(4) Special Exception S-1083, operation of a child day care center for up to 40 children at 8204 Flower Avenue (R-40 zone).
Mr. Wilson stated that the Montgomery County Planning Board, M-NCP&PC, held a hearing on the issue on December 13. Said at that time, the Planning Board approved staff's recommendations, i.e., denial of the application, but if approved by the Board of Appeals, 1) that enrollment of children be limited to ten, requiring a single supervisor, and reducing the number of needed parking spaces and frequency and number of cars resulting from the number of children; and, 2) that the applicant shall submit a landscape and lighting plan to the technical staff for review and approval, and, additionally, that a plan for the rear yard lighting and placement of play equipment be submitted for review and approval. The Mayor pointed out that staff recommended denial of the Special Exception; said the City could deny support of the granting. Councilmember Bradley commented that the area neighborhood association will take no position on the issue; however, comments have been received expressing a need for day care not only in the city, but particularly in that area; the woman applying for the Special Exception is already a licensed day care mother; however, 40 children is too large a number, parking and traffic would be major problems. Said some comments were made concerning upkeep of the property and the fact that allowing it to be a larger day care center might further endanger proper maintenance. She moved supporting denial of the Special Exception, duly seconded. The Mayor spoke in

opposition to granting of the Special Exception, outlined his reasons therefor. Councilmember Bradley spoke of the need for small day care centers in the city; said followup should be done with Mrs. Henry who is on the COG Day Care Planning Board; establishment of small family-oriented day care facilities should be encouraged, but one as large as what is proposed is not compatible with the neighborhood, particularly considering traffic and parking problems in that area. Councilmember D'Ovidio expressed concern regarding the upkeep of the property. The question was called, motion carried unanimously. Councilmember Bradley moved that in the City's letter, it be communicated to the Board of Appeals that the City would support the Planning Board staff's provisional recommendations made in the event of approval of the Special Exception (as stated earlier by Mr. Wilson), duly seconded; carried with Councilmember Iddings voting Nay, balance of Council voting Aye.

(5) Second reading of an ordinance amending Sec. 11-27, City Code, "Driveway apron limitations: exemptions; construction requirements," to provide for additional exemptions.

Councilmember Dalmat suggested insertion of wording that would require submission of a waiver request to Mayor and Council for driveway variances; the Mayor pointed out that this province has traditionally been an administrative matter. In response to query, Asst. City Administrator Robbins stated that, to his knowledge, the current problem has occurred twice in all the years the City has been issuing driveway permits. Said Montgomery County contacts the City, will not issue a building permit until they have a letter from the City giving permission for a driveway apron; Prince George's County does not have such a process and problems could be reduced considerably if they did; said driveway permits are a Public Works function; amending of the Code is being proposed to cover two permits issued in error. Councilmember Dalmat noted that a designated staff member may not be aware of reasons for not granting a particular variance. Mr. Robbins recommended that the ordinance designate the City Administrator in conjunction with the appropriate Councilmember of the ward affected to grant driveway apron exemptions. Councilmember Dalmat commented that efforts should have been made with Prince George's County to reduce the amount of off-street parking required. Councilmember Iddings noted inclusion of a Councilmember in requirements of the ordinance would further involve Council in day to day operation of the city which is primarily an administrative function; suggested inclusion in the guidelines for the ordinance of notification of the appropriate Councilmember. Following discussion, Councilmember D'Ovidio moved adoption of the ordinance; duly seconded by Councilmember Iddings with the proviso that Section 1(k) line 1 be changed to read "his/her designee" rather than "his designee." Councilmember Dalmat stated she could only support the motion if provision is made in policy and procedure guidelines so that the current situation does not recur; assurance was given. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney and Iddings; NAY: None; TEMPORARILY ABSENT: Councilmember Bradley; EXCUSED: Councilmember Williams. Mr. Robbins stated he would communicate with Prince George's County and attempt to set up the same arrangement as the City has with Montgomery County regarding driveways.

ORDINANCE #2748
(attached)

(6) Statement by Councilmember Aldrighetti relative to remarks made in discussion of South Africa.

Mr. Aldrighetti referred to a comment made at the last Council Meeting to the effect that citizens should note who of their representatives are present at Takoma Park Day at the South African Embassy; said that sort of statement places Councilmembers in the position of going to the demonstration for reasons of constituent support rather than for reasons of personal conviction; appreciated the Mayor's efforts in that demonstration as fine and decent, but felt his statement was improper. Councilmember Dalmat commented on inclusion of the term "Councilmembers" in demonstration literature without prior knowledge and/or consent from all councilmembers. The Mayor stated that there was no malicious intent on his part; said the term used was "councilmembers" and not "City councilmembers" - two City Councilmembers had

signed and agreed to participate, did not think authorization by the entire Council was necessary. Following additional dialogue, he extended an apology for the nature of his remark at the prior meeting. He commented on Takoma Junior High having a day at the embassy, teachers and students with parental permission participated; said there was a good turnout.

(7) Engine Analyzer.

Councilmember Iddings moved adoption of the ordinance, duly seconded. The ordinance accepts the low bid of two submitted. In response to query, Mr. Robbins stated the City has two employees who have used this piece of equipment extensively; all persons using the equipment will be trained by the manufacturer. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney and Iddings; NAY: None; EXCUSED: Councilmember Williams. Councilmember Bradley commented she supported the ordinance because the equipment was included in the budget process, otherwise would abstain or oppose due to the need to examine in-house repairs and alternatives.

ORDINANCE #2749
(attached)

(8) Resolution on numbering system for resolutions and ordinances.

Councilmember Bradley explained that the resolution would provide for separate sequential numbering of legislation during the calendar year (with the exception of Charter Amendments), as well as a denotation of the sponsor, and notations of dates of first and second readings, commencing January 1, 1985, running through 12/31/85, and each year thereafter. She moved passage, duly seconded by Councilmember Aldrighetti. Councilmember Iddings offered an amendment stating that any other information deemed necessary by the City Clerk would be included; amendment accepted. The question was called, resolution passed unanimously.

RESOLUTION
(attached)

Upon motion, duly seconded, the meeting adjourned at 12:05 A.M., to reconvene in regular session on January 14, 1985 at 8:00 P.M.

PART 1A

12/13/84

AN ORDINANCE TO AMEND CHAPTER 2 (ADMINISTRATION), CHAPTER 5 (PERSONNEL) OF THE CODE OF THE CITY OF TAKOMA PARK.

Sec. 2-74. HOLIDAY LEAVE

(a) (no change)

(b) (no change)

(c) Full-time employees are granted holiday leave for the total number of hours constituting their normal workday.

(d) Part-time employees are granted holiday leave if they are in a pay status at least forty (40) hours during the pay period immediately preceding the pay period in which the holiday falls. When this eligibility requirement is met, part-time employees earn holiday leave in proportion to the number of hours in a pay status.

(e) Employees who perform work for the City on a holiday shall be paid during the next regular pay period at one and one-half (1 1/2) times their regular rate for hours worked on such day.

An employee shall either take or be paid for a holiday in the same pay period as the holiday falls. Holiday leave may not be accumulated.

An employee who, on the effective date of this ordinance, has accumulated holiday leave shall:

(1) By December 31, 1986 use all such leave; or

(2) forfeit and lose any such accumulated leave except as provided herein:

An employee shall make application for time off on or before June 30, 1986. Requests for time off shall not be unreasonably denied. If an employee has asked for time off and it cannot be scheduled because of the city's work load, accumulated holiday leave accrued prior to December 31, 1984 may be carried over past December 31, 1986 until such time as the city can schedule time off for the employee. If an employee separates from city employment before requested time off is scheduled he/she shall be paid for such unscheduled time.

(f) The City Administrator determines the City services to be maintained on a holiday. As a result, an employee may be required to work on designated holidays. It is the City Administrator's responsibility, or his or her designee (department heads) to designate and inform those employees required to work on holidays.

(g) (same as old section (d))

(h) (same as old section (e))

(i) An employee who works additional time beyond his or her regularly scheduled shift on a holiday shall be entitled to two (2) times his or her regular rate for such additional time.

(j) When a holiday falls on a shift-work-employee's regularly scheduled day off, the employee is eligible for a similar shift day off at a date within the same pay period mutually agreeable to the department head and the employee.

(k) Any full-time or part-time employee eligible for holiday leave and who is in another paid leave status (e.g., annual, sick, and disability leave) during a holiday must be granted holiday leave for that day; it cannot be "saved" for a later date.

(old section (f) is deleted)

Sec. 2-75. Annual leave

(No change to Secs. (a), (b), (c) or (d))

(e) Employees are permitted to accumulate unused annual leave in an amount not exceeding thirty (30) days.

An employee who, on the effective day of this ordinance, has accumulated annual leave in excess of the maximum permitted by this section shall:

(1) By December 31, 1986 use all such leave; or

(2) forfeit and lose any such accumulated leave except as provided as follows:

An employee shall make application for time off on or before June 30, 1986. Requests for time off shall not be unreasonably denied. If an employee has asked for time off and it cannot be scheduled because of the city's work load, accumulated annual leave may be carried over until such time as the city can schedule time off for the employee. If an employee separates from city employment before requested time off is scheduled, he or she shall be paid for such unscheduled time.

Sec. 2-76.1. Compensatory Leave

(a) Salaried employees (other than department heads) are permitted to accrue compensatory leave on an hour-for-hour basis upon approval of their supervisor. Department heads shall be responsible for authorizing leave accumulation, approving requests for leave and maintaining compensatory leave records.

(b) Compensatory leave earned on or after January 1, 1985, must be used within sixty (60) calendar days of its being earned. Any such compensatory leave which is not used within sixty (60) days of its being earned shall be forfeited and lost.

(c) Compensatory leave earned on or before December 31, 1984, must be used by December 31, 1986. Any such compensatory leave which is not used by December 31, 1986 shall be forfeited and lost except as provided hereafter.

(d) An employee shall make application for compensatory time off. Requests for time off shall not be unreasonably denied. If an employee has asked for time off and it cannot be scheduled because of the city's work load, accumulated compensatory leave accrued prior to December 31, 1984 may be carried over past December 31, 1986 until such time as the city can schedule time off for the employee. If an employee separates from city employment before requested time off is scheduled he/she shall be paid for such unscheduled time.

(e) Any compensatory leave accrued on or prior to December 31, 1984, and unused by December 31, 1986 may be converted to sick leave at the option of the employee.

(f) Upon separation from City employment, no cash credit will be given for unused compensatory leave accumulated after January 1, 1985.

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Ordinance No.

WHEREAS, the terms and conditions of employment with the City of Takoma Park are currently contained in Chapter 2, Article 5, of the City of Takoma Park Code; AND

WHEREAS, the provisions of Chapter 2, Article 5 are outdated and in need of revision; AND

WHEREAS, it is desired that in the future changes can be made quickly and efficiently as changes in objective conditions take place; AND

WHEREAS, since at least 1975 the City Administrator has been charged with regulating and monitoring personnel matters;

NOW, THEREFORE, be ordained by the Mayor and Council of the City of Takoma Park, Maryland

SECTION 1. THAT Sections 2-50 through 2-124 inclusive of the Code of the City of Takoma Park are hereby repealed in their entirety; AND

SECTION 2. THAT simultaneously with the repeal of those sections of the Code noted in Section 1 the following sections are enacted:

Sec. 2-50. Authority of City Administrator to Promulgate Personnel Regulations.

The City Administrator or his or her designee is hereby authorized to promulgate rules and regulations concerning the wages, hours and working conditions and other terms and conditions of employees of the City of Takoma Park consistent with the provisions of the Code of Takoma Park, Maryland, including, but not limited to, Sections 2-51, 2-56 and 2-58.

Sec. 2-51. Policy and Purpose.

It is the policy and purpose of the City of Takoma Park to:

(1) hire, retain, promote and assign employees on the basis of their ability;

(2) make all personnel decisions on the basis of bona fide occupational factors and without regard to a person's race, color, religion, national origin, sex, age, marital status, sexual orientation or preference, handicap, status as a veteran or nonveteran, political affiliation, ethnic background or military draft status;

(3) discharge career employees only for cause;

(4) comply with all applicable employment laws;

(5) provide aggrieved employees with an opportunity to present evidence in their behalf and, in accordance with the provisions of Section 2-57, appeal any adverse decision affecting his or her wages, hours, working conditions and employment with the City of Takoma Park.

(6) treat each employee fairly and refrain from any arbitrary, capricious or discriminatory policy or practice.

(7) recognize the right of free speech by public employees and the importance of their participation, subject to reasonable rules concerning confidentiality and the obligation to act in the interest of the City of Takoma Park and in accordance with the one's assigned duties.

(8) provide for the fair compensation of employees, giving due regard to the skills and responsibilities of employees, the ability of the City to pay, compensation paid to other public employees and to private sector employees, the needs of employees and the principle of comparable pay for comparable work.

Sec. 2-52. Applicability of Regulations Promulgated by the City Administrator.

Rules and regulations promulgated by the City Administrator shall apply to all employees of the City of Takoma Park except the following:

- (1) any managerial employee;
- (2) any public official;
- (3) any position exempted by the Mayor and Council by ordinance duly enacted.

Sec. 2-53. Procedural Requirements for the Promulgation of Personnel Rules and Regulations.

Before any rule or regulation becomes effective, except for emergency rules and regulations, the City Administrator or his or her designee shall:

(a) publish a notice fairly and accurately summarizing any such rule or regulation and post it for at least five working days throughout the work place of those employees who would be affected by such rule or regulation.

(b) provide the Mayor and Council with a verbatim copy of any proposed rule or regulation.

Sec. 2-54. Rights Reserved to Mayor and Council.

(a) Mayor and Council's Perogatives. Within 20 calendar days of receipt of any proposed personnel rule or regulation the Mayor and Council may at a regular or special meeting by a resolution passed by a majority vote of those present and voting adopt, amend, modify or reject the proposed rule or regulation.

(b) When No Action Taken. When no action is taken by the Mayor and Council within 20 days of receipt of any proposed personnel rule or regulation the proposed rule or regulation shall be deemed to have been approved.

Sec. 2-55. Effective Date of Rule or Regulation.

Any rule or regulation shall not become effective until the expiration of time in which the Mayor and Council may act on it, PROVIDED HOWEVER, that when the City Administrator declares that a rule or regulation shall become effective in less time such rule or regulation shall become effective at the time designated by the City Administrator. Nothing contained herein shall be interpreted to diminish or otherwise limit the perogatives of the Mayor and Council as setforth in Section 2-54.

Sec. 2-56. Employee Right to Appeal.

Employee Right to Appeal. Any employee covered by rules and regulations promulgated by the City Administrator whose rights thereunder are denied or abridged or who is aggrieved by any final personnel decision by the City Administrator has the right to appeal any such decision to the Takoma Park Personnel Appeal Board, but only after he or she has first exhausted any applicable grievance procedure; PROVIDED HOWEVER, any matter which may be heard by a trial board under the provisions of the Police Bill of Rights (Art. 27 Sec. 727 of the Annotated Code of Maryland) shall not be subject to appeal hereunder.

Sec. 2-57. Personnel Appeal Board.

(a) Board Membership. There shall be a Personnel Appeal Board composed of three members appointed by the Mayor. Members appointed by the Mayor shall be residents of the City and shall not be employed by the City. Members shall serve one-year terms and may be reappointed to any number of subsequent terms.

(b) Authority. The Personnel Appeal Board shall hear any appeal, as defined in Section 2-56, which is brought before the Board by an aggrieved employee. The Board shall have the authority to affirm, reverse, modify or remand for further consideration, any personnel decision which is the subject of an appeal to the Board.

(c) Hearings. Hearings shall be conducted so as to provide appellants with due process. The Board may enact its own rules of procedure subject to the approval of the Mayor and Council.

(d) Decisions. Decisions of the Board shall be by majority vote. Decisions of the Board are final.

(e) Judicial Review. Any decision of the Board may be reviewed by a Court of competent jurisdiction. A decision of the board which is not substantiated by the evidence presented or which is arbitrary, capricious, discriminatory or obtained unlawfully is voidable. Any action to enforce a decision of the Board or seeking to reverse or modify a decision shall be brought in the name of or against "The City of Takoma Park, Maryland."

Sec. 2-58. Interpretation. Nothing contained herein shall be interpreted to:

(a) prohibit collective bargaining;

(b) diminish or otherwise limit the protections afforded by the Police Bill of Rights, Article 27, Sec. 727 of the Annotated Code of Maryland;

(c) diminish or otherwise limit the protections afforded by Title VII of the Civil Rights Act of 1968, 42 U.S.C. 2000-e, or the Takoma Park, Md. Human Relations Ordinance

(d) diminish or otherwise limit the protections of any other applicable law.

(e) create any expectation of continued employment except for career employees covered by rules and regulations promulgated by the City Administrator.

Sec. 2-59. Funding for Pay and Benefits.

Any rule or regulation calling for the expenditure of City of funds, including but not limited to any rule or regulation concerning pay or benefits, shall be effective only to the extent the Mayor and Council provide funding.

Sec. 2-60. Severability.

If any section or part of a section of Chapter 2, Article 5, Personnel, is declared invalid or is otherwise made unenforceable by any court of competent jurisdiction or subsequently enacted federal or state legislation such acts shall not operate to invalidate any other section of this article.

SECTION 3. THAT this ordinance shall be effective upon adoption.

ADD DEFINITIONS

17 December 1984

ORDINANCE NO. _____

- WHEREAS, a Resolution adopted by this Council on April 23, 1984 stated that it was the aim of this Council to take reasonable, responsible and practicable steps, insofar as circumstances allow, and with the assistance of the Trust for Public Land, Inc., to acquire a portion of the Thomas-Siegler property at 201 Tulip Avenue in Takoma Park, Maryland, for the purpose of developing this parcel into a neighborhood park; AND
- WHEREAS, though the Siegler's, through their attorney, have expressed a willingness to sell that part of their property described by existing lot 31 and proposed lots 40, 41, and 42 as depicted on the plat accompanying their pending resubdivision proposal, no mutually acceptable terms of sale have been agreed upon; AND
- WHEREAS, the Trust for Public Land has suggested an alternative course of action, outlined in a memorandum by Ms. Rose Harvey dated 27 November 1984, which involves the negotiation of an option to purchase from the Siegler's all or most of the property they are desirous to sell, as described immediately above; AND
- WHEREAS, the Trust for Public Land has agreed to share equally in the up-front cost of purchasing such an option to purchase, provided the total cost to the Trust for Public Land and Takoma Park combined does not exceed \$6,000.00, and provided that Takoma Park would seek the Program Open Space funding necessary to reimburse the Trust for Public Land for acquisition costs it incurs; AND
- WHEREAS, City staff has determined that, all things considered, this course of action represents a reasonable, responsible and practicable means to seek to purchase the subject property;
- NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND
- SECTION 1. THAT funds not in excess of THREE THOUSAND DOLLARS (\$3,000.00) be charged to the General Contingency Fund Account (#991) to cover the costs of implementing this proposal, as necessary.
- SECTION 2. THAT, should the City be successful in acquiring the subject property, City staff shall take all steps necessary to obtain 100% reimbursement of any and all funds expended under Section 1 of this ordinance; AND
- SECTION 3. THAT the City Administrator or his designee is hereby authorized to work directly with the Trust for Public Land and the Siegler family to negotiate the details of an option to purchase excess property from the Sieglers up to, but not to exceed, land described by existing lot 31 and proposed lots 40, 41 and 42 as depicted on the plat accompanying the Siegler's pending resubdivision proposal.

ORDINANCE NO. 2748

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

SECTION 1. THAT Sec. 11-27 of Article 3, "Permits and Improvements," Chapter 11, "Streets," of the Code of Takoma Park, Md., 1982, as amended, be further amended by the addition of a new subsection (k) as set forth below:

Sec. 11-27. Driveway apron limitations; exemptions; construction requirements.

(k) The City Administrator or his/her designee may grant exemptions from the requirements of this section on such terms and conditions as he or she may deem appropriate when the requirements of this section are in conflict with applicable county requirements.

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

ADOPTED BY THE CITY COUNCIL December 17, 1984.

ORDINANCE NO. 2749

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

SECTION 1. THAT the Fiscal Year 1984-85 City Budget set aside \$8,100.00 for the purchase of an engine analyzer for the Public Works Department; AND

SECTION 2. THAT bids were solicited from qualified dealers and advertised twice in each of two newspapers of local circulation; AND

SECTION 3. THAT the bids were publicly opened at 3:30 PM, November 28, 1984, with the low bid of \$5,250.00 having been received from Sun Electric Corporation, Crystal Lake, Illinois in the amount of \$5,250.00 for the engine analyzer alone and \$5,711.30 with the optional boom assembly and magnetic timing unit; AND

SECTION 4. THAT the Assistant City Administrator for Operations has recommended that the analyzer and the optional units be purchased.

SECTION 5. THEREFORE THAT the bid of Sun Electric Corporation for one Sun 1000-Sleuth II Engine Analyzer equipped with a boom assembly and magnetic timing unit is hereby accepted for the total amount of FIVE THOUSAND, SEVEN HUNDRED ELEVEN DOLLARS AND THIRTY CENTS (\$5,711.30).

SECTION 6. FURTHER THAT Sun Electric Corporation has submitted the required notarized statement certifying that company is not involved in the nuclear weapons industry or the sale of merchandise produced by companies so involved; AND

SECTION 7. THAT funds to cover this purchase in the amount of \$5,711.30 be charged to the Capital Expenditures account, No. 995.

ADOPTED BY THE CITY COUNCIL DECEMBER 17, 1984.

RESOLUTION

WHEREAS, the Mayor and City Council of Takoma Park propose a reformatting of all ordinances and resolutions in order to track a calendar year's legislative activity.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT, beginning with the calendar year of January 1 to December 31, 1985, and henceforth, all ordinances and resolutions, with the exception of charter amendments and certain other resolutions, shall be numbered sequentially during each calendar year; AND

BE IT FURTHER RESOLVED THAT each ordinance and resolution shall include a denotation of the sponsor of each piece of legislation, and other such information as the City Clerk deems necessary; AND

BE IT FURTHER RESOLVED THAT each ordinance and charter amendment resolution shall provide a notation as to the date of first and second reading.

DECEMBER 17, 1984.