

6-27-86

SPECIAL SESSION OF THE MAYOR AND COUNCIL
and
COUNCIL WORKSESSION

Monday, June 30, 1986

7:30 PM

A G E N D A

SPECIAL SESSION:

- (1) Resolution to defer City Employees Pay Plan
- (2) First reading of an ordinance addressing Employees Longevity Pay
- (3) Discussion of Site Plan #85112, Cohen Property, New Hampshire Ave.
(deferred from 6/23/86)

WORKSESSION:

- (4) Proposal from Norman Green to use Heffner Park
- (5) 4th of July Parade
- (6) Sibyl Pusti Memorial
- (7) Discussion of Right of First Refusal
- (8) Senior Staff Evaluation Process
- (9) Executive Session re personnel matter (closed session)
- (10) Summer schedule

Adjournment

THE CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council
June 30, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember Bradley	Ec. & Community Dev. Coord. Neal
Councilmember d'Eustachio	Acting Corp. Counsel Silber
Councilmember Haney	Atty. Mark Hessel, Esq.
Councilmember Iddings	Atty. Marlene Kaufman, Esq.
Councilmember Levy	
Councilmember Sharp	
Councilmember Williams	

The Mayor and Council convened in Special Session at 8:15 P.M., on Monday, June 30, 1986 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

ITEMS FOR COUNCIL ACTION:

1. Resolution to defer City Employees Pay Plan.

The Mayor noted that the subject document had been prepared in the form of a proposed ordinance. For discussion purposes, Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Haney.

Atty. Fred Joseph, Esq., representing approx. 28-30 City employees: said he had had an opportunity prior to the meeting to speak briefly with the City attorney; understood that due to the current agenda, there would be no opportunity for lengthy discussion/input, however, that would be afforded in the near future. He commented that some of the ordinances under consideration and considered by officials to be of an emergency nature were also considered in that light by the employees affected by them, who were very upset and concerned about the situation. He stated that remark was not intended as a threat, but to indicate the distress longtime employees are experiencing in view of some of the proposed changes which would apparently eliminate longterm benefits those employees were promised when they came to work for the City; said there was concern that some of the proposals were punitive in nature, some employees were very disturbed and that would be communicated to other employees. He emphasized the need for some immediate action toward resolving the existing differences between the group of employees whom he represented and the elected officials; said he understood he would be afforded an opportunity to meet with the City Attorney in the coming week to examine some of the proposed changes. He commented that in looking at the proposed ordinances, he had serious concern about their possible conflict with federal and/or state law. He said before passing legislation out of fear for past mistakes on the part of the City, serious consideration should be given to the employees, and that had not always been done. He acknowledged that many of the elected officials were new in office, however, said when he wrote to the Council last October, he had hoped for a speedier resolution of the situation. He said while his clients would be willing to wait for a short while, he would wish to meet soon for the purpose of trying to resolve the issues.

Councilmember Sharp stated he had no reason to be punitive toward anyone, did not personally know many of the City employees; said his concern was to be as fair as possible to everyone within the constraints imposed by the City's budget. He pointed out that several Councilmembers are federal government employees, are familiar with not getting a COLA increase -- last year, as well as a number of other past years, federal employees did not get any pay increase. He said he would support the City avoiding denial of those increases, to the extent possible; hoped any discussions attributing ill motives could be avoided because he did not think that conducive to working the situation out in a fair and equitable way.

In response to query from Councilmember Williams, Fred Joseph stated he did not feel the ordinances should be passed because employees had not been afforded an opportunity to examine them and they will be directly impacted by the legislation. He confirmed that he would hope the ordinances would be tabled until discussions could occur with the Mayor and Council and until he was afforded an opportunity to go through them carefully with the City Attorney; emphasized it did not seem fair or appropriate to pass ordinances affecting people without giving those persons an opportunity for input. He stated that some of the individuals he represented had been told by their division head some weeks ago that they would receive a 7.5% pay

increase, and now find that is not the case. Councilmember Bradley commented that while she felt the situation could be confusing, there were certain principles she felt to be important, e.g., that the City is in competition with other municipalities and the federal government both in terms of the payscale and other personnel policies; said she thought some of the labels given increases and individual interpretation of those labels had sometimes been faulty -- she pointed out that COLA increases were supposed to be directly tied into the inflation and cost-of-living increase rate in the metropolitan D.C. area, merit would equate with what is referred to in federal government as in-grade step increase, which is based upon satisfactory performance evaluation combined with longevity. She stated she did not support those in-grade increases being granted automatically each year. She said what she would term "merit" increase would be given for superior performance, again based on an evaluation process. She said she felt those to be the three points that should be addressed in any future policy discussions, including the reclassification project that is underway, budget discussions, etc. Councilmember Haney voiced concurrence with Mr. Sharp's remarks concerning any punitive intent, and said there was no element of fear over past mistakes made by City officials. He said those errors were being examined by the current administration, and an attempt was being made to rectify and clean up the situation. He pointed out that the ordinances were only a small part of that effort, that the larger part was the reclassification which had been undertaken. He said it was hoped that before too long an effective personnel management system would be in place in the City government. In response to query from the Mayor, Ms. Habada stated that the ordinance would defer only merit and longevity increases, the COLA increase would become effective upon adoption. Councilmember Bradley commented she felt discussions should occur prior to adoption about the three sorts of raises she had mentioned; had some disagreements with the lack of an effective performance evaluation process being currently in place, however, assuming that would be rectified shortly, would reluctantly support the ordinance. The question was called; the ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Iddings, Levy and Sharp; NAY: None; ABSTAINED: Councilmember Williams.

ORDINANCE #1986-23
(attached)

2. First reading of an ordinance addressing Employees Longevity Pay. Councilmember d'Eustachio moved acceptance for first reading, duly seconded by Councilmember Iddings. Councilmember Bradley commented that, at some point following discussions with staff and others concerned, she would wish to change the terminology "merit" increase to in-grade step increase; said she felt "merit" to be a misnomer. The ordinance was accepted for first reading by unanimous vote. The Mayor noted this item would be on the July 7 worksession agenda for further discussion, with second reading to be scheduled for July 14.

ORDINANCE #1986-
(attached)

3. Discussion of Site Plan #85112, Cohen Property, New Hampshire Avenue.

Economic & Community Development Coordinator Daniel Neal gave an oral status report on negotiations between City staff, designees of several concerned citizens' groups, and Meisel and Cohen, the property developer. He introduced Steve Wilson of Meisel and Cohen, and two attorneys representing that firm, Jerry McDonough and Marlene Kaufman. He gave a brief history of, and summarized, the site plan for development of the property, as well as a visual presentation employing site plan and landscape plan drawings. He noted initial opposition, on the part of the City as well as neighboring citizens and citizens' groups, to the proposed development, however, explained that there had been an ongoing effort to negotiate issues and problems through a discussion process involving representatives of the concerned factions, and referred to his memorandum dated 27 June summarizing the status of the negotiations, which he elaborated upon and responded to questions posed. He referred to his staff report submitted concerning anticipated problems related to the proposed fast food restaurant and enumerated those issues, noting the conflict between good planning and economics. Mr. Neal noted that the site plan was in contradiction with the Takoma Park Master Plan, no change in the number or location of pro-

posed structures having been negotiated; while the Master Plan recommends a single structure, the site plan proposes four, which would exacerbate a number of inherent problems. Councilmember Haney inquired whether a deviation from the Master Plan would require a Special Exception; Mr. Neal responded it was his understanding that was a requirement imposed when a specific departure from design standards was proposed, or if a specific subdivision were being proposed, in which case the Master Plan is referred to as a guide -- he noted the Master Plan was fairly strong in its recommendations concerning the subject site which was specially studied. He said he felt it fair to hear the other side of the story, however, and said the economic ramifications of development should be considered. He pointed out that, as mentioned in his staff report, very firm assurances should be sought from the appropriate authorities that stormwater runoff would not be a problem; said some assurance had been gotten from the Department of Natural Resources in the county that there would not be adverse environmental impact on the community, however, Mr. Jim DiLuigi, representing area residents, was very skeptical of that opinion. He noted that WSSC would require approval of a stormwater management system. He commented on ingress and egress problems related to the site, which could impact adjacent residential neighborhoods. Following brief discussion of the proposed fast food restaurant, Councilmember Bradley inquired what the options would be if the proposed site plan was not approved and developed. Mr. Neal responded that the options would be whatever could be placed there, given the zoning and whether it required a site plan review; said in the past he heard casual mention from the developer of a Channel Home Improvement Center, a Ford dealership -- either of which would probably require site plan approval. In conclusion, Mr. Neal noted receipt of input from Bob Friedrich representing Hillwood Manor, stating that their primary concerns were related to the fast food restaurant to which they were opposed. He noted in addition a letter from Jim DiLuigi outlining community concerns.

Attorney Marlene Kaufman, on behalf of the developers, thanked all those who had reviewed and offered input on the proposed plan; said the developers were sensitive to the concerns raised and referred to the numerous meetings held with concerned parties and delays attributable to the continuing negotiation efforts. She pointed out that, out of 12 specific concerns raised, the developers had verbally acquiesced on 9 of those. She said she felt all of the foregoing indicated a good faith effort and intent on the part of the developers to be good neighbors. She spoke briefly concerning site lighting and signage and what had transpired concerning those issues, as well as several others enumerated in Daniel Neal's aforementioned memorandum, noting that most had been addressed in writing. Concerning the trash dumpsters, she said she felt the developers would have no problem with supplying more if desired, however, had thought from an aesthetic viewpoint, the fewer the better, and that having fewer they would be easier to maintain. In response to the expressed desire of some not to have a fast food restaurant on the site, she stated that all concerns, including building locations, traffic flow, marketability, feasibility, the draw, were reviewed at great length by the developer in his planning of the site -- a number of different alignments were considered -- and the current design was the result of many weeks and months of design and review and consideration, and was felt to be the best plan in terms of the marketability of the different locations within the site and the feasibility of the development overall. She pointed out that, in terms of concerns about conformance with the Master Plan, that document was intended as a guide and not a straitjacket; said the developer's view was that the planned development did comply with the intent of the Master Plan. She noted receipt by the developers of a favorable staff report from Park & Planning; said obviously, developers pouring millions of dollars into a development would not want unfavorable elements such as crime, trash, loitering around that development, and those issues could be addressed through strong management techniques. She reiterated that all the planned uses on the property are permitted uses within the C-S-C zone; the project was designed with the legal requirements of the county zoning code and the Master Plan, as well as other local requirements, in mind. She noted the Planning Board would be reviewing the site plan on Thursday, July 3, and explained briefly how they will reach their required findings. She again expressed thanks to all involved for their time and efforts. Councilmember Bradley inquired whether the other options mentioned earlier, e.g., a car dealership or home improvement center, had been presented to or discussed with Planning Board staff, or only the currently proposes uses. Ms. Kaufman responded in the negative; Mr. McDonough commented that obviously the developer in genera-

ting his plan, through feasibility and market studies, looked at a variety of uses permitted within the zone and settled on what was proposed as being optimum for the site. Regarding the Master Plan, he pointed out that document recommended placement of structures on that parcel closer to New Hampshire Avenue than was being proposed, which created concerns both from the neighborhood to the rear and the police department, in that so doing would create a large unmonitored parking area to the rear and close to the residential neighborhood -- he noted that the initial site plan was altered to favorably respond to those expressed concerns, and hoped that concession would be kept in mind. Councilmember Bradley commented on the tendency on the part of developers to consider property uses a foregone conclusion when making their presentations rather than affording the community a greater voice in the decision as to what use would be desirable on the parcel. Mr. McDonough asked that the Council, in forming their position on the site plan, act in a responsible manner and apply the criteria that the Planning Board is required to apply when dealing with people's property rights, which he said generally produces a fair and equitable analysis of the situation.

Councilmember Levy, in light of concerns about traffic patterns that would occur from the plan, inquired of the developer whether in initial planning for the site any consultation occurred with the State Highway Traffic Engineer. Steve Wilson related being present at a meeting in the City prior to the present elected officials taking office, at which State Highway issues were discussed in relation to proposed development of the Cohen property. He related that his company contracted with Street Traffic Studies located in Gaithersburg to do a study for stacking requirements on southbound New Hampshire Avenue, from which the proposed ingress to the site from southbound New Hampshire evolved, and for which State Highway had expressed approval. Ms. Levy commented that appeared to be only a part of the traffic objections. Mr. Wilson commented that while the site architect did consult with the aforementioned traffic consulting firm, no formal study of traffic patterns within the site was done. In response to query from Councilmember Haney, Mr. Wilson stated he had not heard of any revision to Mike Snyder's (of SHA) initial approval of the proposal to block the present southbound left turn access to the site and reconfigure left turn access to below and beyond the crest of the hill and with a long lefthand turn lane; said he felt certain approval would not be granted the current left turn access at the crest of the hill as it was far too dangerous. Ms. Kaufman verified that the access plan was reviewed by the county Transportation staff and State Highway, both of whom voiced no objections. Councilmember Haney pointed out that the City was entitled to a voice in approving that issue, and that had not yet been given.

Jim DiLuigi, 7106 13th Avenue, representing community residents: asked that Council oppose the proposed site plan, based on three elements, including non-conformance with intent of the Master Plan and lack of foresight relative to current and future surrounding conditions; intrinsic problems with the proposed design; and ineffective utilization of the planning process available to the developer. He said the uses and configuration planned on the site were typical of strip development such as that on Route 1, referred to and elaborated on problems connected with such development, and said he did not think the proposal was in conformance with the intent of the Master Plan. He spoke concerning envisioned traffic problems, both on site and related to ingress/egress; said problems with emergency vehicle access were pointed out earlier and certain changes were made, which was an acknowledgment that a problem did exist; however, he said he felt there were still potential problems to be addressed; noted he felt despite efforts made, the rear area of the site was still a potential danger due to its visual isolation. He commented he had presented ideas and sketches for alternative plans which he felt would resolve a number of the issues in the hope additional discussion would occur, however, noted that the developer had made no effort toward altering the proposed placement of buildings or anything else that would require substantial rework in the construction documents. He said despite the fact the developer was very polite, met with concerned people on numerous occasions, he was not receptive to any major changes; said he had emphasized that his development was based on his analysis of market conditions. Mr. DiLuigi said that while the developer had attempted to inject quality into his development, the overall project design was unsuccessful because it was motivated too much by return on investment objectives and too little by good planning practices, respect for the surrounding community, and respect for the Master Plan. He conti-

nued at length, enumerating inherent problems with the proposed plan, including lighting for the fast food restaurant, grade of the site, signage, dumpster location and number needed, delivery trucks on site during normal business hours would generate problems with normal vehicular traffic, stormwater problems related to lack of absorption and resulting increased runoff as well as potential increased pollution and flow of Sligo Creek, and ineffective utilization by the developer of the planning process. He noted that the developer approached concerned parties late in the process after plans had been pretty well formulated; said at this point, his objective is probably to move things along and try to gain approval. Mr. DiLuigi said if that approval were not given, he hoped the developer would come back and try to work with concerned parties in an open manner to resolve the issues that had been raised. He said the community was willing and anxious to see the property developed in a way that would contribute to the longterm well-being of the City. The Mayor thanked Mr. DiLuigi for the work he had done in representing community interests and meeting with City staff and the developers. Councilmember Haney echoed the Mayor's comments.

Steve Wilson expressed appreciation for the courtesy afforded him by Daniel Neal and Jim DiLuigi, despite absence of agreement on many issues. He said he had contentions with a number of things mentioned by Mr. DiLuigi, particularly, the depiction of the site plan proposal as strip development; said every effort had been made to avoid creating that sort of development. Concerning isolation of the rear portion of the property, he noted a great deal of time had been spent conferring with Sgt. Rosenthal of the Police Department, who had expressed satisfaction with how security needs had been met. He commented that the potential occupant of the fast food site had expressed a willingness and desire to meet with concerned parties to review proposed lighting for that site. Related to concerns about the grade of the site, he pointed out that a retaining wall was planned which had not been mentioned nor pointed out. He continued, pointing out the marketability factors he felt had to be a realistic economic consideration; said there would be no problem entering a clause in the lease prohibiting tractor trailer truck deliveries on the premises during normal business hours; he explained the proposed site signage, to which a written commitment had been made, was low (5' or less), and would not be backlit. If the City felt an additional dumpster was required, he said that could be provided, however, he had felt numerous dumpster sites were more conducive to unsightliness. In response to Councilmember Haney, he stated the site sign would be perpendicular to New Hampshire Avenue, visible from either direction. Responding to Councilmember Sharp, he said one reason the buildings were designed as they were, was due to office space interests expressed by Long & Foster as potential space occupants, as well as other potential leaseholders. Daniel Neal stated, responding to query, that the site either could or could not conceivably come under the Commercial Development Management Authority -- said currently the merchants participating in the Takoma/Langley Park Business & Professional Association extended along that strip as far as the International House of Pancakes, thus any structure built on the site would be in the general area of principal concern of the association. In responding to the Mayor, Mr. Wilson stated no final decision had been made, advice from SHA was pending, concerning egress from the site onto southbound New Hampshire Avenue. In light of the number of remaining agenda items, Councilmember d'Eustachio moved temporarily tabling the current item until a later point in the meeting, duly seconded by Councilmember Iddings, carried unanimously.

Upon motion, duly seconded, the Special Session temporarily adjourned at 10:15 P.M.

At 12:04 A.M. on July 1, 1986, the Mayor and Council reconvened in Special Session to continue addressing the proposed site plan #85112. Councilmember Haney presented and moved passage of a resolution opposing the currently proposed site plan for development of Hampshire Place on New Hampshire Avenue, duly seconded by Councilmember Sharp. Councilmember d'Eustachio suggested several editorial amendments which were accepted by the maker and seconder of the motion. Following additional suggested amendments by Councilmembers Haney, Bradley and Iddings, and discussion of highway and Master Plan issues, a 10-minute postponement for editing/rewrite purposes was moved by Councilmember Sharp, duly seconded, carried.

Following a brief period devoted to addressing other issues, Councilmember Sharp moved to recommence discussing the proposed Hampshire Place Site

Plan, duly seconded, carried. Councilmember Haney read a proposed editorial amendment to the 3rd resolve clause, which was accepted by the maker and seconder of the motion to pass the resolution. The question was called, the resolution was passed by unanimous vote.

RESOLUTION #1986-48
(attached)

Upon motion, duly seconded, the Special Session adjourned at 12:39 A.M., to readjourn in Executive Session to discuss a personnel matter.

ORDINANCE NO. 1986 -23

BE IT ORDAINED by the Council of the City of Takoma Park, Maryland:

Section 1. PURPOSES. The purposes of this ordinance are to:

- (a) provide a cost-of-living increase to City employees;
- (b) reorganize the pay plan by separating out grades 1, 5, and 29; and
- (c) defer merit increases and longevity increases until:

October 1, 1986, or an earlier date if the City first completes the pending reclassification, completes employee evaluations, and resolves all current pay disputes.

Section 2. PAY PLAN. Section 8 of Ordinance No. 1400, as amended, which is known as the Pay Scale Plan for the City of Takoma Park is repealed. The following provisions are adopted as the new pay scale plan for the City. This pay plan will become effective on July 1, 1986, and will remain in effect until amended or repealed by the Mayor and Council. This pay plan is subject to the ordinances adopted by the Mayor and Council that affect when an employee receives an increase and how large the increase is. The Mayor and Council have the power to amend or repeal the pay plan and related laws by ordinance at any time.

(a) City Administrator. The pay scale for the City Administrator is as follows.

STEP	A	B	C	D	E	F	G	H	I	J	L-1	L-2
	35,439	36,765	38,141	39,569	41,052	42,590	44,187	45,845	47,567	49,352	51,792	54,353

(b) Recreation attendant. The pay scale for recreation attendants is as follows.

STEP	A	B	C	D	E	F	G	H	I	J	L-1	L-2
	9,757	10,107	10,510	10,846	11,236	11,643	12,063	12,501	12,953	13,425	14,069	14,744

(c) Crossing guard. The pay scale for crossing guards is as follows.

STEP	A	B	C
	\$3,206	\$3,463	\$3,740

(d) Pay scale for other employees. The pay scale for all other employees is as follows.

GRADE	STEP	A	B	C	D	E	F	G	H	I	J	L-1*	L-2*
6		12,151	12,591	13,047	13,521	14,015	14,526	15,057	15,608	16,179	16,771	17,583	18,434
7		12,703	13,163	13,642	14,139	14,657	15,192	15,748	16,324	16,923	17,545	18,396	19,286
8		13,282	13,766	14,266	14,788	15,329	15,889	16,472	17,076	17,704	18,355	19,246	20,179
9		13,889	14,396	14,923	15,461	16,003	16,622	17,233	17,866	18,523	19,206	20,139	21,118
10		14,528	15,059	15,611	16,183	16,775	17,391	18,032	18,696	19,385	20,100	21,077	22,103
11		15,202	15,987	16,336	16,936	17,557	18,203	18,873	19,570	20,292	21,043	22,066	23,142
12		15,906	16,490	17,095	17,723	18,376	19,053	19,756	20,485	21,242	22,029	23,100	24,228
13		16,664	17,277	17,913	18,572	19,256	19,966	20,704	21,470	22,265	23,089	24,216	25,399
14		17,414	18,067	18,730	19,422	20,139	20,883	21,656	22,457	23,289	24,154	25,333	26,571
15		18,263	18,935	19,634	20,359	21,110	21,892	22,703	23,543	24,417	25,323	26,562	27,861
16		19,098	19,803	20,533	21,292	22,081	22,898	23,745	24,628	25,543	26,492	27,789	29,150
17		20,000	20,736	21,504	22,301	23,126	23,984	24,875	25,799	26,758	27,755	29,115	30,542
18		20,943	21,721	22,526	23,360	24,226	25,126	26,058	27,028	28,034	29,078	30,505	32,000
20		23,040	23,895	24,781	25,701	26,658	27,649	28,679	29,747	30,857	32,007	33,580	35,230
21		24,164	25,064	25,993	26,960	27,963	29,004	30,085	31,207	32,372	33,581	35,231	36,965
23		26,588	27,578	28,604	29,671	30,777	31,924	33,116	34,353	35,636	36,970	38,790	40,702
25		29,252	30,343	31,475	32,650	33,869	35,135	36,447	37,812	39,229	40,697	42,704	44,811

(e) Grade structure for other employees. The grade structure for other employees is as follows:

POLICE DEPARTMENT

Administrative Aide I	10
Administrative Aide II	11
Dispatcher	11
Private	16
Police Affairs Specialist	20
Private First Class	17
Corporal	18
Dir. of Administrative Services	20
Sergeant	20
Lieutenant	21
Captain	23
Police Chief	25

PUBLIC WORKS DEPARTMENT

Mechanic's Helper	7
Laborer	7
Clerk/Typist	7
Assistant Driver	8
Driver Foreman	9
Equipment Operator I	9
Equipment Operator II	10
Equipment Operator III	11
Parks Foreman	11
Mechanic	14
Tree Maintenance Foreman	14
Building Maintenance Foreman	14
Administrative Supervisor	15
Vehicle Repair Shop Supervisor	18
Sanitation Supervisor	18
Streets Supervisor	18
Assistant Public Works Director	23
Public Works Director	25

DEPARTMENT OF HOUSING SERVICES

Clerk/Typist	7
Code Enforcement Officer I	13
Housing Coordinator	18
Code Enforcement Supervisor	18
Director of Housing Services	21

RECREATION DEPARTMENT

Recreation Aide	6
Recreation Counselor	9
Administrative Aide I	10
Recreation Supervisor	12
Youth Outreach Worker	12
Recreation Director	21

LIBRARY DEPARTMENT

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

ADMINISTRATIVE STAFF

Administrative Aide I	10
Administrative Aide II	11
Administrative Supervisor	15
Executive Secretary	15
Cable TV Coordinator	18
Deputy City Clerk	18
Assistant City Administrator	25

COMMUNITY DEVELOPMENT DIVISION

Tool Librarian	6
Community Development Coordinator	12
Economic & Community Development Coordinator	21

ACCOUNTING DIVISION

Accounting Clerk I	10
Accounting Clerk II	11
Accounting Supervisor	18

Section 3. DEFERRAL OF MERIT AND LONGEVITY INCREASES.

(a) There will not be any merit increases or longevity increases for employees on July 1, 1986. If they qualify, employees will receive merit increases or longevity increases on October 1, 1986, or on an earlier date if the City first:

(1) receives its consultant's report on reclassifying the position and salaries in the pay plan and the Mayor and Council adopt an ordinance amending the pay plan;

(2) completes evaluations of its employees; and

(3) resolves all pending pay disputes,

(b) The Mayor and Council may grant merit increases and longevity increases retroactively to July 1, 1986.

Section 4. EFFECTIVE DATE. This Ordinance shall be effective upon enactment.

Section 5. EMERGENCY ORDINANCE. The Mayor and Council find that a situation of an emergency nature exists that requires the adoption of this ordinance after being read at one meeting of the Mayor and Council. If this ordinance were read at two meetings of the Council, it:

(a) would not be possible to implement the cost-of-living increases before the beginning of the fiscal year; and

(b) might lead certain employees to expect merit increases and longevity increases effective July 1, 1986.

This situation could create hardship, confusion, and misunderstanding for the City's employees, which represents a danger to the general welfare of the City.

ADOPTED JUNE 30, 1986.

ORDINANCE NO. 1986 -

BE IT ORDAINED by the Council of the City of Takoma Park,
Maryland:

Section 1. PURPOSES. Nothing in this ordinance is intended to be a substantive change in the practices or laws of the City as adopted and amended by the ordinances of the Mayor and Council. This ordinance incorporates provisions of other ordinances that were adopted without explicitly amending the Code, into the Code. The purpose of this ordinance is to clarify some of the laws of the City that relate to compensation of City employees.

Section 2. AMENDMENTS TO CODE. Sections 2-67 and 2-68 of the Takoma Park Code (1972), as amended, are further amended to read as follows:

Sec. 2-67. Determination of an employee's pay increase.

(a) Date of pay increases. Except for increases associated with promotions, All all pay increases irrespective of any individual employee's anniversary date shall be implemented on the first day of a new fiscal year. Pay These pay increases may be deferred upon action by the Mayor and Council. Increases associated with promotions become effective when the promotion becomes effective.

(b) Merit increase. A Merit increase is one step in the pay scale. However, a step in the pay scale does not by definition equate with an employee's number of years of service. Pay increases for work performance are not automatically granted. The Mayor and Council make a determination whether the City should give merit increases. In a

year in which the City is giving merit increases, An an employee's
work must demonstrate that his or her work performance meets accep-
table standards before a pay increase for merit is granted., and
~~provided there has been no leave without pay totalling ten (10)~~
~~regularly scheduled work days during the prior fiscal year. Leave~~ If
the employee took leave without pay in excess of ten (10) regularly
scheduled work days during the prior fiscal year, this leave shall
require that the merit step increase be postponed beyond the time pro-
vided in Subsection (a) for a corresponding period of time. If an
employee is in step J or higher, the employee does not receive a merit
increase, but may receive a longevity increase under Subsection (d) of
this section.

(c) Cost of living increase. A If any cost of living increase
is granted, a fixed percentage rate, shall first be determined by the
Mayor and Council for cost-of-living needs and then applied to the
general salary schedule. Only the Mayor and Council shall determine
said percentage rate, subject to the recommendation of the City
Administrator.

(d) Longevity steps. ~~Longevity step pay increases will be~~
~~granted if:~~

~~(1) An employee has ten (10), fourteen (14), or eitheen (18)~~
~~consecutive years in service; and,~~

~~(2) The employee is in step 6 of the pay grade to which his or~~
~~her position is assigned.~~

There are two longevity increases.

(1) An Employee receives the first longevity step increase
if the employee:

(A) has 12 consecutive years of service with the City;
(B) is in step J; and
(C) did not receive a merit increase on July 1 in two
years when the employee was in the top regular pay step for the
employee's grade.

(2) An employee receives the second longevity increase if
the employee:

(A) has 15 consecutive years of service with the City;
(B) is in step L-1; and
(C) did not receive a merit increase on July 1 in three
more years when the employee was in the top regular pay step for the
employee's grade.

Sec. 2-68. Salary rates for reallocations, promotions and demotions.

(a) Upward reallocations and promotions. If an employee is an incumbent of a position that is reallocated to an class with a higher assigned salary grade or promoted, the employee's rate of compensation shall be granted according to whichever of the following criteria is greater:

(1) The pay step in the new position's assigned grade in
the general salary schedule immediately above the employee's present
rate of pay so that the employee's pay is increased whether or not the
letter of the employee's step changes;

(2) Step A of the new position's assigned pay grade.

(b) Individual downward allocations. If an employee is an incumbent of a position that is reallocated to a class with a lower assigned salary grade, the employee's rate of compensation shall

remain unchanged from that which he or she is receiving on the effective date of such action, even if his salary is in excess of € step J of the grade to which the employee's position is assigned.

(c) Demotions. When an employee is demoted either voluntarily or involuntarily, the specific pay step within the assigned salary range shall be determined by the City Administrator. In no instance, however, shall the City Administrator establish an employee's salary rate in an amount less than step A of the position to which the employee is assigned subsequent to his or her demotion.

NOTE: Underscoring denotes material being added to the Code.
~~Strikes~~ denote material being deleted from the Code.

Section 3. EFFECTIVE DATE. This Ordinance shall be effective upon enactment.

RESOLUTION NO. 1986-48

BE IT RESOLVED by the Mayor and Council of the City of Takoma Park, Md., that:

WHEREAS, the Planning Board of Prince George's County is scheduled to consider the detailed site plan for Hampshire Place Shopping Center (SP-85112) on July 3, 1986; AND

WHEREAS, Chapter 771 of the Laws of Maryland 1986 requires a two-thirds majority vote of the Planning Board or the District Council to take any action relating to zoning or land use planning within Takoma Park that is contrary to a resolution of the Mayor and Council; AND

WHEREAS, the City's staff has been directed to make a recommendation to the Mayor and Council regarding the detailed site plan for the proposed Hampshire Place Shopping Center; AND

WHEREAS, the City and the developer have discussed the original detailed site plan and agreed to improvements relating to signs, lighting, landscaping, the fence, and the buffer area; AND

WHEREAS, the City's staff determined that:

1. the proposed shopping center is located on New Hampshire Avenue, a heavily traveled thoroughfare in the City of Takoma Park; AND
2. the detailed site plan is not the most reasonable alternative for satisfying the site design guidelines; AND
3. the detailed site plan provides for four buildings on the lot, including a bank and a drive-through fast food restaurant contrary to the proposed development in the MNCP&PC Master Plan; AND
4. fast food restaurants tend to increase crime in an area, generate litter, and create peak-hour traffic congestion; AND

5. the area around the proposed shopping center already has a sufficient number of fast food restaurants and a relatively high crime rate; AND
6. the detailed site plan provides for unacceptably poor traffic flow on the lot and the lot to the south because of the positions of the buildings and parking space, and because of the contour of the land; AND
7. the detailed site plan does not provide for acceptable ingress and egress to and from the proposed shopping center; AND
8. the detailed site plan is not in accordance with the principles for the orderly, planned, efficient and economical development contained in the Master Plan; AND
9. the detailed site plan severely restricts future development to the north; AND
10. although the current detailed site plan is an improvement over the original detailed site plan, it still contains a number of provisions that are unacceptable to the City and the neighborhood; AND
11. the detailed site plan provides for a centralized dumpster that is inadequate in terms of capacity and distance from buildings; AND
12. the detailed site plan provides for a main walkway that is too narrow; AND
13. the developer has not demonstrated that New Hampshire Avenue will be reconstructed to prevent traffic problems caused by the development shown in the detailed site plan.

THEREFORE, BE IT RESOLVED THAT the Mayor and Council disapprove the detailed site plan unless it is modified, in a way that the City approves, to:

1. preclude the existence of a fast food restaurant on the site;

2. provide for a single building on the lot and, therefore, be consistent with MNCP&PC Master Plan for the City;
3. widen the main walkway;
4. add another screened dumpster;
5. improve by site redesign the flow of traffic within, into, and out of the proposed shopping center;
6. comply with the principles of the Master Plan that provide for businesses that attract customers at off-peak hours; AND

THEREFORE, BE IT FURTHER RESOLVED THAT the Mayor and Council disapprove the detailed site plan unless a study is done that determines that development in this way will not cause stormwater run-off that is damaging to property, Sligo Creek, and other natural resources of the City; AND

THEREFORE, BE IT FURTHER RESOLVED THAT the Mayor and Council disapprove the detailed site plan unless the developer demonstrates that the City and State Highway Administration have approved reconstructing New Hampshire Avenue with the proposed median cut to prevent traffic problems caused by the development and that the money for the construction is committed.