

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

July 14, 1986

8:00 PM

AGENDA

CALL TO ORDER: Mayor Del Giudice
ROLL CALL: Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
Councilmember Williams

PLEDGE

ADOPTION OF COUNCIL MEETING MINUTES OF JUNE 9, 1986

MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS

1. Swearing in of Police Officers Robert Bauer and Bennie Skibioki

ADDITIONAL AGENDA ITEMS

SHOW CAUSE HEARING pertaining to declaring 6801 Westmoreland Avenue a nuisance

CITIZENS' COMMENTS (those not directed at items on the Council agenda)

ADMINISTRATIVE REPORTS

- (1) Second Reading of Ordinance on Employees Longevity Pay
Citizens comments
Council action
- (2) Resolution establishing a Council-Employee Committee to develop resolution of personnel issues
Citizens comments
Council action
- (3) First Reading of ordinance to institute a mandatory newspaper collection program (for recycling purposes)
Citizens comments
First Reading
- (4) Ordinance approving purchase of Takoma Junction Street Scape fixtures
Citizens comments
Council action
- (5) Ordinance approving purchase and replacement of carpeting in administrative offices
Citizens comments
Council action
- (6) Resolution of appointment of members of Open Space Committee
Citizens comments
Council action
- (7) Ordinance awarding bid for consulting contract to Moisture Protection Systems Analysts, Inc. for re-roofing of Public Works Dept. buildings
Citizens comments
Council action
- (8) Resolution to appoint members to fill vacant seats on Thomas/Siegler Development Advisory Committee
Citizens comments
Council action
- (9) Discussion of recommendations to P.G. Co. M-NCP&PC for FY 87
Citizens comments
Council action

ADJOURN

REMINDEES: Monday, July 21, 1986, 7:30 PM - Council Worksession
Monday, July 28, 1986, 8:00 PM - Regular Council Meeting

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
July 14, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember d'Eustachio	Acting. Asst. Corp. Counsel Hessel
Councilmember Haney	Economic & Comm. Dev. Coord. Neal
Councilmember Iddings	
Councilmember Levy	
Councilmember Sharp	
Councilmember Williams	

ABSENT: Councilmember Bradley

The Mayor and Council convened at 8:09 P.M. in regular session on Monday, July 14, 1986 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Councilmember Haney moved approval of the Council Meeting Minutes of June 9, 1986, duly seconded by Councilmember Iddings; carried unanimously.

The Mayor noted that the deadline for requesting preparation and printing of matters for consideration during the upcoming state legislative session had been extended to September 16; Ms. Habada noted the Unification Bill had been forwarded to be put in the appropriate format. The Mayor noted that due to the time extension, the City would have time to examine other legislative proposals; he urged that any citizens having particular interests make them known to himself and the Council. Councilmember Sharp asked that time be allotted at an upcoming worksession to present such items. Councilmember Iddings commented that one idea he had been considering was presentation of the Unification Bill as a statewide bill rather than a bi-county bill; he pointed out there were about 1/2 dozen other bi-county municipalities within the State of Maryland, and that might open up some favorable opportunities for the legislation. Councilmember Haney suggested that it be ascertained from the other bi-county municipalities whether they would be supportive of such a bill. Mr. Iddings commented that Mt. Airy had expressed some interest.

Mayor Del Giudice noted that the swearing in of two police officers originally scheduled had been postponed, would likely be performed on July 28.

Concerning proposed development of the Cohen property on New Hampshire Avenue, the Mayor related that subsequent to the July 3 hearing on the issue, the Planning Board was unable to concur on a decision, they split 2-2. He said the lawyer for the Planning Board ruled that the lack of decision would be interpreted as approval, the project would legally be allowed to move forward; however, the county attorney ruled to the contrary, based on recently adopted state legislation giving the City a super majority role. The county attorney ruled that because the Planning Board failed to reach a super majority to overrule the City's opposition, no building permit should be issued for the property. The Mayor expressed thanks to Acting Corporation Counsel Sue Silber and her associates for the excellent job they did in preparing and presenting the City's case, as well as ensuring that the City's new zoning authority was afforded some recognition.

Mayor Del Giudice noted he would be signing a Proclamation declaring July 1986 as Recreation and Parks Month in the City, and read the subject document.

PROCLAMATION
(attached)

ADDITIONAL AGENDA ITEMS:

Remove original agenda items (5) and (7), defer until July 28 pending receipt of nuclear free affidavits from bidders and additional quotations (Habada)

Councilmember Williams announced that for health reasons, he would not be at his regular employment for approximately a month, however, could be reached at his home. For the same reason, he commented he would be departing the meeting prior to adjournment.

CITIZENS' COMMENTS: (directed at items not on the agenda)

Clarence Boatman, 133 Ritchie Avenue: said following a prior year's July 4th activities, he had asked that Ritchie Avenue be kept clear of traffic obstructions; said the police department had done a wonderful job of keeping that street clear this year and residents were very happy about it. He commented that for safety purposes, someone should be delegated to check the area(s) that experience fallout from the fireworks and solicit citizens' commentaries -- he related having hot ash fall on his arm, as well as on the roof of his house, while he was in the yard watching the fireworks.

Brint Dillingham, 7018 Carroll Avenue: asked whether the letter about which he had been routinely inquiring for the past few months had been sent to the management of 7611 Maple Avenue, to which the Mayor responded in the affirmative and said that staff would provide Mr. Dillingham with a copy. Mr. Dillingham voiced appreciation that the commitment had been fulfilled.

Wayne Upton, 7600 Maple Avenue: related that, since his prior requests on the subject, he had ascertained from the Montgomery County Department of Transportation that, in order for the City Library to sell Ride-On flash passes, an agreement would have to be signed between the County DOT and the City; he provided information concerning to whom correspondence should be addressed on the subject. The Mayor inquired whether it had been made clear whether the City would have to purchase said passes and then sell them, or would be given responsibility for a specific number for which they would reimburse the county as they were sold. Mr. Upton responded that was not discussed; the Mayor thanked him for his efforts and the information provided, and said staff would follow up further on the matter. Councilmember Williams expressed strong support for moving ahead on the matter and making arrangements for the Library to sell the Ride-On passes. The Mayor assured that Ms. Habada, within the coming two weeks, would send a letter to the county in pursuit of making necessary arrangements for the Library to do so. Councilmember Iddings expressed support for the proposal, noting that it would benefit the Ride-On users as well as the Library, by getting those people into the Library and perhaps interested in using the materials offered there.

JoAnn Hamer, 7620 Maple Avenue: said the senior citizens and handicapped persons residing in her building had asked her to represent them at the current meeting; she related a group of those citizens had written a letter to Ride-On requesting that a shelter and bench be provided at the Ride-On stop at Maple and Lincoln Avenues, however, no response had been received to date. They asked that Council assist them in getting a response from the county. Following brief discussion in which it was noted that Ride-On had, at one point in time, included a shelter for that location in their plans, consensus was that the City Administrator's office would ascertain the status of installing the shelter and bench and what had caused the delay. In response to a request from the Mayor, Ms. Hamer stated she would supply City staff with copies of correspondence on the subject she had received from Ride-On.

SHOW CAUSE HEARING PERTAINING TO DECLARING 6801 WESTMORELAND AVENUE A NUISANCE.

The Mayor noted that notification of the hearing had been made to both the MacDonalds and their attorney. For the record, he referred to ordinance #1986-22, adopted 6/23/86, which set the present date for the Show Cause Hearing.

Acting Director of Housing Services Austin read his inspection report of the premises dated May 14, noting the code violations observed and recorded. He stated a copy of the report was provided to the property owners. In response to query, he stated he had ridden past the property the current date and done a quick visual inspection, noting that it appeared the structure may be in the process of being gutted on the inside; said it presented some safety hazard to the community because boards securing the windows had been removed; a lot of debris was lying in the yard -- no dumpster for containment had been provided.

Alfredo Guzman, 2403 Lyttonsville Road, Silver Spring, MD.: explained he was a subcontractor for Willard Enterprises, was presently working on the MacDonald's house; he said he was in the process of removing damaged interior portions, hoped the framing would prove to be sound.

Councilmember d'Eustachio pointed out that the City would insist upon strict adherence to all code requirements, both City and county -- the trash referred to earlier would have to be contained in a dumpster and hauled away regularly, and all other requirements pertaining to either building or demolition would have to be followed. Mr. Guzman stated the building permit was posted on the front door, the dumpster could not be placed on the property until the fence was taken out, but would be there on tomorrow's date. Councilmember Iddings inquired what guarantee Mr. Guzman could give of completing the job by September 30, the date projected on the work schedule. He remarked on the long period of time the neighbors had waited for something constructive to be done with the property; felt they now deserved some assurance that work would be continued, done properly, and completed in a timely fashion.

Alexis MacDonald, son of the property owners: commented he felt Mr. Guzman was having some difficulty clearly understanding what was being asked, and offered to act as an interpreter. Following conversation with Mr. Guzman, Mr. MacDonald relayed that Mr. Guzman had been doing this type of work for 2 years, stated he would guarantee to make every effort to complete the work on time, by September 30, if not ahead of that target date, and would guarantee that the work would be of good quality. The Mayor inquired whether, having been working on the premises, Mr. Guzman had discovered anything he thought would require more time than originally projected, to which the response was negative -- Mr. Guzman stated through Mr. MacDonald that the work would be completed as contracted, he did not foresee any delay. The Mayor inquired whether, under the subcontract, Mr. Guzman would be doing the entire job or a portion thereof; Mr. Guzman stated the only part of the work he would not be doing would be the plumbing, electricity, etc.; said more than half of the damaged parts of the structure had been removed to date, the fence had to be taken down in order for the dumpster to be placed on the property.

Alexis MacDonald, speaking on behalf of his parents as well as himself, stated that if any cars parked blocking the driveway to the property while the construction work was going on, they would be towed at the vehicle owner's expense; he said people had routinely parked in front of that driveway even before the house sustained damage because they knew the older MacDonalds did not own a car, but pointed out that greatly inconvenienced their children and other visitors wishing to park in the driveway. He referred to the pressure the City had applied for his parents to commence work on the house. Tony Austin asked what measures were being taken at the end of each workday to secure the structure, to which Mr. Guzman responded that boards could be replaced on the windows, the door locked, and the gate and fence tied together and locked. Mr. Austin pointed out that the information presented to the Mayor and Council was actually a proposal; he asked whether a formal contract including a renovation timetable had been executed, to which the response was in the affirmative. Mr. Austin requested that a copy of the signed contract and timetable for renovation be furnished to the City; Mr. Guzman assured that would be done on the next day's date. In response to query from Councilmember d'Eustachio, it was affirmed that the plans were to rebuild the structure as a single-family dwelling as it was previously. Copies of the blueprints were disseminated for examination.

Susan Stevens, 6800 Westmoreland Avenue: pointed out that 4 years had elapsed since the damage was sustained on the subject structure, and noted a number of code violations that had existed on the property during that time period, including abandoned cars, overgrown weeds and vegetation, standing rainwater, accumulated trash, etc. She said the contractor had been at the house only two times, work was only begun; said the house is presently unboarded, completely open, and presents a real hazard to curious children. She commented that parking in the area was very congested, said if anyone parked in front of the MacDonald's driveway, they would be more than glad to move their car if asked, however, said any communication from that family had generally been hostile, threatening. She said she did not feel the promises made to be sincere and asked that Council proceed with the condemnation process; said if the property owners were acting in good faith they should have no problem completing the reconstruction within the 90-day period.

Arthur Karpas, 6916 Westmoreland Avenue, representing WACO: noted that the condemnation proceedings had been going on for at least a year, including

one "false start." He echoed Ms. Stevens' remarks, urging that the current proceedings continue; said it was his understanding that the proceedings could be halted at any time, at any point in the process at which there was concrete evidence that the structure renovation was either completed or going to be completed as planned; he said that would be an added incentive for the property owners to carry through on the plans and see that the timetable was adhered to. The Mayor, at the request of Mr. Karpas, summarized briefly the remaining steps in the process and the timeframe in which they would generally occur. It was noted that any action toward actual demolition would be at the discretion of the Council. Councilmember d'Eustachio asked that a time limit of 75 days for either restoring or demolishing the building and cleaning up all debris be inserted in the ordinance; additionally, he suggested Council set a series of timetables governing both the work schedule provided by the MacDonalds and inspection for compliance by Mr. Austin. Ms. Stevens commented that continuance of the process and ongoing monitoring by the City seemed to be the impetus needed for the owners to get some work accomplished on the property. Mr. Austin responded briefly to questions Councilmember Iddings raised about 7709 Carroll Avenue, a similar case involving condemnation proceedings. It was noted that in that case, a contractual agreement with the City, as well as the posting of a bond, was required; if the agreement were not met, the bond would have been forfeited and would have covered the cost of demolition. Councilmember d'Eustachio asked that Mr. Austin provide a work schedule within the upcoming two weeks, and that the schedule be incorporated into the ordinance prior to its adoption; thus, if that schedule were not adhered to, the City would be in a position to move ahead with proceedings. In response to query from Mr. Karpas, Mr. Iddings stated he did not feel posting of a bond by the property owners was needed at the current point in time in this case; circumstances were somewhat different in the Carroll Avenue situation. Brief discussion ensued concerning hypothetical circumstances wherein construction was partially completed and then stalled, and how that could be dealt with. Councilmember d'Eustachio moved acceptance of the ordinance for first reading, with an amendment inserting the appropriate number of days to equate with October 14th in Section 4; the motion was duly seconded by Councilmember Iddings. Additionally, Mr. d'Eustachio proposed an amendment inserting the requirement that one week following adoption the property owners would furnish a work schedule to the City; Mr. Austin, representing the City, would give regular and timely reports concerning the property owners' adherence to the schedule. The Mayor asked that staff meet with the MacDonalds and/or their representative and acquire the needed work schedule within the upcoming two weeks. The Mayor moved amending the ordinance by insertion of a new section, between the present Sections 2 and 3, to read: "THAT upon the evidence and testimony at the Show Cause Hearing the Mayor and Council find that the condition of the property located at 6801 Westmoreland Avenue is dangerous to citizens residing in the neighborhood of the structure, and that it does constitute a nuisance." The motion was duly seconded by Councilmember Iddings, and carried by unanimous vote (Councilmember Williams absent). Councilmember Iddings spoke, emphasizing the long duration of the nuisance situation the neighborhood had endured and the need to ensure either complete correction of the situation in a timely fashion by the owners or abatement of it by demolition; said he personally had no interest in hearing further excuses about why deadlines could not be met. The question was called; the ordinance, as amended, was accepted for first reading by unanimous vote (Councilmember Williams absent). The Mayor noted that the ordinance would be scheduled for second reading on July 28.

ORDINANCE #1986-
(attached)

ITEMS FOR COUNCIL ACTION:

1. Second reading of ordinance on Employees Longevity Pay.

The Mayor noted that the ordinance had been accepted for first reading at the June 30 Special Session; he related that there had been some discussions with employees and the attorney representing them concerning Council action on this legislation and said that he, in conjunction with the employees' attorney and with review by the City attorney(s), had prepared a proposed resolution which it was hoped would provide a basis for discussion with employees and their representatives. He referred to a letter he had disseminated the previous week addressed to all employees not affiliated with the "legal defense" group, inviting them to communicate with either himself or the City attorney(s) regarding proposals for

structure of the proposed committee. He commented he understood there was some question and concern about the resolution prepared, and stated it had been put forth for the lack of any other proposal. In response to questions raised by Councilmember Iddings about second reading of the ordinance, he pointed out that the ordinance and unresolved issues about the proposed committee were inextricably intertwined.

Councilmember Iddings moved to amend Section 2. Amendments to Code., to insert 2-54 following the word "Sections" in the first line, just prior to ..."2-67 and 2-68"... He continued on to explain that in Sec. 2-54. Definitions of the City Code, he would move amending (14) Pay step to reference steps A-J within the parentheses, rather than steps A-G as currently referenced. He additionally proposed the insertion of new language stating: Any reference to steps G or J, or steps A-G or A-J, should be read to refer to the last pay step before a longevity step, or the full range of pay steps excluding longevity steps. Councilmember Sharp duly seconded Mr. Iddings' proposed amendments. In response to questions raised, Mr. Iddings pointed out that one problem being faced in resolving the current issue(s) was the fact that the Code had not been appropriately updated, particularly in 1979, when the pay plan was extended from steps A through G to steps A through J, and pointed out that his amendments would address and rectify that omission. He commented there would be some serious questions to address in relation to employees in steps H, I, or J of the pay plan (or who had passed through those steps) because those pay steps were not codified, other than the pay plan ordinance adopted in 1979 and followed since.

Councilmember Sharp remarked that the structure he would wish to see was one whereby you moved up one step based upon the amount of time spent in the prior step, rather than based on the number of years of employment. He expressed some confusion concerning how step advancement(s) had occurred. Mr. Iddings pointed out that what his amendments accomplished was clarification of current practice, as identified through Code and administrative practices; he noted that he had not addressed the question of how an individual gets from one step to another within a grade, however, the City Code does so quite clearly.

Atty. Thomas DeCaro: commented he felt there would probably be substantive changes to the proposed ordinance generated by the work of the committee, and hoped the committee would be afforded considerable input into any amendments effected, both to the two subject sections and any others in the employment section of the City Code. He suggested that the Code be carefully examined and any and all changes in references to steps G and J be made at one time rather than piecemeal. Councilmember Iddings reiterated the pressing need to bring the Code into conformance with current practice. Mr. DeCaro commented that another option open to Council would be to define pay step as a component of the pay scale, thereby meaning that every year pay step would be defined when Council adopts the pay scale; Mr. Iddings concurred that would be one solution to the problem. Mr. DeCaro noted that, had that been done in 1979, he would probably not have been retained to represent a group of employees at the present time. Mr. Iddings said that in recently reading through pertinent sections of the City Code, he had noted numerous instances of the need for updated language and revision in those sections addressing both compensation to employees and the evaluation process. He said he did not think those sections as currently written were in the direction that either employees or elected officials would want, and that, as a stopgap measure, something was desperately needed to clarify the intent of both present and earlier Councils; he said he felt his proposed amendments fulfilled that need. Mr. DeCaro reiterated his belief that committee input should be sought prior to effecting any amendments. Atty. Mark Hessel commented he had done a brief review of the sections of the Code dealing with personnel and had found no explicit references to steps A through G other than those noted in the proposed amendments; however, said any such references should be read broadly. The question was called on the amendments, which were passed by unanimous vote (Councilmember Williams absent). Councilmember Iddings moved adoption of the ordinance, duly seconded by Councilmember d'Eustachio. Councilmember d'Eustachio moved that the ordinance be tabled for a 90-day period as a good faith measure indicating Council's interest in working with the employees and/or their representatives toward a solution to the existing personnel problems. He said he sincerely hoped that a resolution of the problems could be reached. As a courtesy to other Councilmembers, he also moved that Robert's Rules be suspended so that discussion of his

motion to table could occur, if so desired. Councilmember Haney duly seconded both motions. The motion to suspend the rules carried by unanimous vote.

Atty. DeCaro urged tabling of the ordinance as a good faith gesture; he said his clients' primary objection to the ordinance was the changes it makes in eligibility for the longevity step increase. He said the ordinance was also perceived as an attempt to cover up the position of the City in relation to the position of employees. In response to query from Councilmember d'Eustachio as to whether there was an intent to file suit against the City sooner than 90 days, Mr. DeCaro stated that his clients had wished to file suit much sooner due to the long duration of grievances, at the time he first approached City officials. He said when his clients saw the proposed ordinance, they felt that the City was going to try to backfill their position on the issues rather than addressing employees' stated concerns, and they were very upset by the proposed change in eligibility. Personally, however, he said, looking at the City's budget, he did not think there was much to gain by filing suit and going to court; litigation could be long and complicated, very costly, and might or might not be productive. He pointed out that a monetary award would not remedy the lack of communication and other labor relations type problems that have arisen. He said money was definitely a factor, though not the only one; that employees felt, and he concurred, that the pay scale was not properly administered in the past. He pointed out that some employees had begun raising the current issues in December 1982, the group of employees had retained legal representation in October 1985, and it had taken up to the current point in time to get an official response. He stated, and said he had delivered a letter to Council so stating, that there was not an intent on his part to file suit on behalf of his clients within the specified 90-day period.

Councilmember Sharp commented he felt that to lay the blame for the time period over which the problems had transpired solely at the feet of the City was not correct, that employees had not pressed their claims throughout that entire time period; did not think the claims had been consistently pursued throughout the time period since legal representation was retained either; said he felt that since the point in time the City had some definite information with which to work, they had done so. Mr. DeCaro offered his rebuttal, relating the history of efforts put forth by his firm. The Mayor remarked that the function of the proposed committee would not be successful without a sincere effort on the part of all involved, a willingness to engage in realistic discussion of all aspects of the situation as well as possible remedies, and a willingness to recognize the need for compromise and reasonableness. He said that, lacking those factors, the effort would be wasted. He pointed out that compromise was based on communication, and said that if there was not more communication than had transpired in the past, perhaps the effort was doomed to failure. Mr. DeCaro commented it appeared there was a need for workable channels of communication to be established; he said any of those among his clients with whom he had spoken appeared to be very dissatisfied with present communication channels. In response to query, Atty. Mark Hessel confirmed receipt of a letter from Attorneys Joseph and DeCaro stating their firm, representing a group of City employees, would not sue the City prior to October 21, 1986, providing the ordinance under discussion were tabled and any applicable statute of limitations were extended to the aforementioned date. Upon request, he read the letter, and stated he had prepared language addressing the two provisions which could be added to the resolution prepared by the Mayor. Councilmember Iddings commented that while his original intent had been to vote against tabling the ordinance, given the assurance that suit would not be filed within the 90-day tabling period, he would instead abstain from the vote. He said he had spent a great deal of time on the past weekend examining the Code to see whether it was really so ambiguous that reasonable people could have substantial differences over its intent; however, said he was unable to convince himself of that, although prepared to do so. He said he felt administrative practices had conformed to that intent, and the proposed ordinance embodied and clarified that intent, without taking away anything that had been past administrative practice. For the record, he read Section 1. of the proposed ordinance, and said he really believed what it stated to be true. He elaborated, relating a few of the stated pay disputes to content and intent of the Code and past administrative practices. He stated he went into the current situation empathizing and feeling sympathetic toward employees, noted his

past record of voting in favor of employee benefits and against last year's pay plan which did not include any pay increases, however, really did not believe the proposed ordinance in any way undercut employees' rights or accrued privileges, but did clarify what was already in the Code. Councilmember Sharp expressed initial and continuing concern that a number of members of Council were being drawn into the situation in a way that would later complicate objective judgment when the committee's activities and recommendations were presented to the Council; he said he could not support the committee becoming a standing one for the purpose of providing a way of airing employee grievances -- said he would hope the committee would provide a recommendation for a process to address such grievances, but hoped in future the present sort of extraordinary measures would not be necessary. Councilmember Haney voiced some confusion about Councilmember Iddings' amendments; said he had viewed them as an interim measure pending recommendations from the committee, however, now perceived that Mr. Iddings' preference would be that the ordinance not be tabled, which would preclude any further discussion about possible changes. Mr. Iddings stated that was not the case; if the ordinance were not going to be tabled, he would offer motions to make it an interim ordinance setting the record straight, but felt there were substantive issues requiring negotiation, particularly in the area of longevity pay. He said he felt materials that would be forthcoming from the consultant might well foster a whole series of changes in how evaluations are performed and how increases and promotions are awarded. He pointed out that one problem in addressing personnel issues was that the basic issues tend to get sidetracked; said he hoped the committee would make recommendations for a process that would permit orderly achievement of certain issue-related goals, such as a modernized evaluation system, specific job descriptions with evaluations tied thereto, a merit pay plan that rewards good performance and that rewards top performance better, etc. He stated he did not see the present ordinance as anything other than an interim measure, under the best of circumstances. Councilmember Levy stated she would be voting in favor of tabling because the situation was still in flux -- once the personnel consultant and the committee had completed their work, there would probably be substantial changes to be effected. She commented she would not vote in favor of the proposed resolution because she would wish to see more input and more impact from the employees concerning the committee makeup and process, including what will be discussed by the committee. She said she understood that input from employees was solicited within the past week, and would be interested to know why that was not forthcoming. The motion to table carried, with Councilmember Iddings Abstaining, balance of Council voting Aye (Councilmember Williams absent).

ORDINANCE #1986-
(attached)

2. Resolution establishing a Council/Employee Committee to develop resolution of personnel issues.

Councilmember Haney moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Attorney Mark Hessel suggested insertion of the following language at the end of the resolution: "Be It Further Resolved that, the Mayor and Council agree to waive the assertion of its Statute of Limitations defense for the period from the adoption of this Resolution through October 21, 1986." Councilmember Iddings moved the language as an amendment, duly seconded, carried unanimously.

Councilmember Iddings raised questions concerning how the personnel reclassification, whose scope would encompass a number of the personnel issues to be addressed and which was being done by a consultant, would tie in with the function of the proposed committee. Ms. Habada noted that the deadline for completion of the consultant's work was October 1, the committee's target date for a report to the Mayor and Council was October 10; thus, while they are separate, they do impact on one another but one would be completed before the other was due. Councilmember Levy commented that one aspect discussed previously was good faith between the elected officials and employees concerning the committee; she said as far as she could tell, the current resolution was generated solely by elected officials and she would want to see it worked on jointly with the employees -- would vote strenuously against it until it was worked out by both sides of the issue. Attorney DeCaro commented, in response to query, that he had conferred with several employees and the only change he would suggest would be increasing the number of employee representatives on the committee, e.g., including

one representative from the Police Department, Public Works, the City Offices, the Library, Housing, Recreation, four members of the Legal Defense Committee, and Mr. Joseph and/or Mr. DeCaro (total of 12 additional committee members). He concurred that was a sizeable committee, however, felt that representation was necessary for democratic function. He noted the committee's function would not be binding arbitration, however, said he did not feel the group would be in a position to enter into such arbitration and did not think that had been authorized. The role would be to negotiate, and he thought a consensus could be reached in the time period allotted. In response to query from Councilmember Iddings, Mr. DeCaro stated that if he or Mr. Joseph were included on the committee membership, their clients would reimburse them for time spent.

Sgt. John Duvall, Police Dept.: stated that he and other employees present had intended giving input into committee structure at the current meeting, had understood that to be what was wanted. He related that a group of employees comprised of people from various departments had met the prior week, the letter sent out from members of the Legal Defense Fund was a gesture to notify all City employees that a committee was going to be formed for the purpose of discussing a variety of personnel issues, and that input would be sought and permitted from all members of that committee. He stressed the need for the representatives of all segments to work together toward resolution of the issues, and noted that his understanding was that the committee, once formed, would discuss what its scope would include. The Mayor stated that his remembrance of prior events was that the concerned factions would try to talk during the past week; did not think it appropriate timewise to try to work out details at the present meeting; he noted it was the responsibility of the Council to set forth the charge of any committees it established, however, that would not preclude input from concerned individuals or subsequent enlargement or redefinition of a committee's charge. Councilmember Iddings reiterated unanswered questions about the charge of the committee in relation to the reclassification study being performed by the consultant, and how they would relate to one another. Councilmember Sharp commented he did not see any immediate need for response to Councilmember Iddings' concerns, in that the two functions are separate, i.e., the Consultant would produce his report and recommendations, however, the City would not be mandated to follow those, and the committee would also be putting forth their recommendations. Councilmember Iddings explained that his concern was that the recommendations could be very disparate, which would complicate any final resolutions; he said he felt there was a need to ensure that recommendations from both committees were consistent with each other. Mr. DeCaro suggested that both committees report to each other, as well as the Mayor and Council, i.e., exchange copies of their reports. Councilmember Iddings commented that the elected officials were not dealing with a union, which was regrettable, because then they would be dealing with a more clearly defined set of roles and relationships; however, he said perhaps there were alternative ways of devising a mechanism which was not a union but would provide the needed consultation and communication. He said that perhaps one thing required was better direction from the Council; he, for one, was dedicated to modernizing the personnel and pay practices of the City government; said pay should be not only competitive, but more than competitive, in order to attract and keep top-flight people; administrative practices should be fair, equitable, and modern. Mr. DeCaro reiterated and emphasized the need for open and ongoing communication between the two committees; he offered to assume responsibility for communicating with the other committee and provide a copy to all interested parties of all information transmitted. Councilmember Sharp pointed out that while reference had been repeatedly made to "two committees," there were not two, per se. Ms. Habada explained that, under the direction of the consultant, there were a group of employees (a factoring team) involved in factoring job descriptions and learning the factoring process which produces raw data for further calculations; however, that group was not a committee producing reports or anything other than numerical data. Mr. Sharp commented that he would not wish to see anything transpire that would alter or affect the consultant's straightforward recommendations. Following additional dialogue, Councilmember Haney commented that he saw the consultant as someone hired to come up with recommendations to the Mayor and Council, which could then be implemented, modified, rejected, or whatever was desired; said the consultant's report should be complementary to what the committee would be doing (and vice versa); all of it would eventually fuse together to develop a functional personnel system, which has been virtually non-existent to date. Based on

apparent misperceptions about formation of the committee, Councilmember Levy moved to table the resolution until the July 21 worksession, in order to afford time for an employees' representative and the Mayor to discuss both scope of the committee's investigation and committee membership. For purposes of discussion, Councilmember d'Eustachio seconded the motion and moved to suspend Robert's Rules for a five-minute period. The Rules were suspended by unanimous vote.

Atty. DeCaro commented he had only seen the proposed resolution for the first time at the current meeting, at which time he had conferred with his clients; he said he had been told this document would be acceptable to the majority of employees and it was acceptable to him as he felt it was broad enough in scope if modified as proposed, however, suggested perhaps it should be posted or otherwise disseminated for input. Concerning the proposed composition of the committee, Councilmember Sharp commented he felt it to be too large to function well and noted the imbalance of its membership; said he would vote in favor of tabling, but would want discussions to occur concerning reduction of the size of the committee. The Mayor endorsed Mr. Sharp's comments; said the City Attorney recommended a total membership of eleven; he particularly stressed the unrealistic imbalance of the membership as proposed by the employees if the goal was going to be for the committee to come back with recommendations the Council would accept. He suggested the membership be comprised of 5 management people, 5-6 employee representatives, which would provide a balance. Councilmember Iddings stressed the need to get the committee formed and underway on its task(s); he said he would want a proviso that recommendations from the committee must be unanimous, which would provide an incentive for people to negotiate seriously -- if unanimity could not be reached, then minority and majority reports should be filed. He said he would not support tabling, would favor going with Mr. DeCaro's recommendation and his own concerning requiring unanimity of recommendations from the committee. The resolution was tabled, with Councilmember Iddings voting Nay, Councilmembers Bradley and Williams Absent, balance of Council voting Aye. The Mayor noted that he, as well as the City Attorney, would make themselves available to discuss the resolution, with the hope it could again be presented in Special Session at the July 21 worksession. Councilmembers Iddings and Levy asked that the resolution be posted and employee input solicited.

RESOLUTION #1986-
(attached)

3. First reading of an ordinance to institute a mandatory newspaper collection program (for recycling purposes).

Councilmember Haney moved acceptance for first reading, duly seconded by Councilmember d'Eustachio. For the sake of consistency with other City ordinances, Councilmember Haney moved to amend by changing the first word "That" in the first four sections to Whereas. In Section 3., he asked that the phrase "have consistently increased" be changed to have been consistently increasing. Those two changes were accepted as editorial amendments. Councilmember Haney proposed amending Section 4 by insertion of new language, which he read. Councilmember Iddings suggested, and it was agreed, that Mr. Haney's changes be incorporated into the ordinance prior to second reading, with review by the City Attorney to ensure its enforceability. Mr. Haney pointed out that multi-family units were not really addressed by the ordinance, and asked that Corporation Counsel examine the inclusion of language that would address those dwellings; Councilmember d'Eustachio pointed out that the City did not collect refuse at most of those buildings. The Mayor suggested that, in light of apparent numerous policy questions and amendments, the ordinance be further discussed at the July 21 worksession, and amendments be submitted in writing. Councilmember Iddings suggested that the companies providing dumpsters in the City might be required to provide one at each location specifically for newspaper recycling; he expressed concern about the enforceability of the ordinance as written and asked that that be examined. Following additional brief dialogue, the ordinance, with the specified editorial amendments, was accepted for first reading.

ORDINANCE #1986-
(attached)

4. Ordinance approving purchase of Takoma Junction Streetscape Fixtures.

Councilmember Iddings moved adoption, duly seconded by Councilmember d'Eustachio. Councilmember Iddings pointed out that the City would be saving approximately \$10,000 of CDBG funds by purchasing the fixtures directly rather than through the contractor, which cuts out the middle man and his markup. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Iddings, Levy and Sharp; NAY: None; ABSENT: Councilmembers Bradley, Haney (temporarily), and Williams.

ORDINANCE #1986-24
(attached)

5. Resolution of appointment of members of Open Space Committee.

The Mayor noted that the resolution, in effect, appoints Harry Schwarz as a committee member representing Ward 7. Councilmember Sharp moved passage, duly seconded by Councilmember Levy, carried unanimously, with Councilmembers Bradley, Haney (temporarily), and Williams Absent, balance of Council voting Aye. The Mayor asked that Daniel Neal serve as Chair of the committee. Mr. Neal noted that the first meeting of the committee was scheduled for July 24 at 7:30 P.M. and that notices had been sent out.

RESOLUTION #1986-49
(attached)

6. Resolution to appoint members to fill vacant seats on Thomas/Siegler Development Advisory Committee.

Councilmember Iddings moved passage, duly seconded by Councilmember Levy. Councilmember Iddings noted that the resolution established representation for the Tot Lot Committee, as well as establishing the practice of appointing alternate representatives. Councilmember Levy referred to the heated debate that occurred some time ago over representation for the Tot Lot Committee and inquired how it came to pass that they were now being given that representation; Mr. Iddings responded he had proposed that be done. The Mayor commented the move appeared to evidence a change of heart. Mr. Iddings remarked he thought there was some initial confusion over what the Tot Lot Committee was when they appeared before the Council; said while he had not brought the Tot Lot representation matter up before the Siegler Committee as a whole, he had discussed it with a number of members; he referred to politicization of the issue as being unfortunate. Councilmember Levy commented she wished the matter had been brought up before the Siegler Committee as a whole, prior to being presented to the Council. Councilmember Sharp commented he was glad to see formalization of the practice of appointing alternates, did not like seeing that done unless formally specified and approved. The resolution passed by unanimous vote.

RESOLUTION #1986-50
(attached)

7. Discussion of recommendations to P.G. County M-NCP&PC for FY 88.

The Mayor noted that Sligo Creek Parkway through the City had been paved only as far as the Prince George's County line; suggested P. G. M-NCP&PC be asked to allocate funds to complete the paving to New Hampshire Avenue. Councilmember Haney noted the roadbed on Sligo Creek Parkway on the creek-side lane was visibly deteriorating because of lack of support and said that problem should be addressed. The Mayor suggested that, despite being previously rejected twice due to anticipated sewer system repairs, Councilmember Iddings' request for a bike path be resubmitted. Councilmember Iddings inquired whether the bridge across Jackson Avenue at Longbranch had been completed; Ms. Habada responded that would have to be checked on, however, the paper work was all signed off on months ago. Mr. Iddings emphasized the need to ascertain whether that project had been completed and, if not, to ensure that it would be. Councilmember Haney referred to a discussion of about a year ago concerning leveling off the Park & Planning corner field area located at Maple Avenue and Sligo Creek Parkway for recreational use (perhaps a ball field) by young people living on Maple Avenue, in light of the lack of recreational facilities in that area; he asked that the outcome of that request be ascertained by staff, and that it be submitted or resubmitted, if feasible. Councilmember Iddings pointed out that part of the Montgomery County process of identifying recreational needs was that Park & Planning works through the recreation areas advisory boards, and the City has had inadequate, and at present no, representation

on those boards. The Mayor noted that Recreation Director Ziegler would be asked to report to Council on the status of appointments to county recreation advisory boards.

Upon motion, duly seconded, the meeting adjourned at 11:20 P.M., to reconvene in regular session at 8:00 P.M. on July 28, 1986.

P R O C L A M A T I O N

WHEREAS, individual and organized forms of recreation and the creative use of free time enhance the quality of life and are vital to the physical and mental health of all people; and

WHEREAS, park and recreation programs encompass a multitude of activities that can result in personal accomplishment, self-satisfaction and family unity for all citizens, regardless of their background, ability, level or age; and

WHEREAS, July is "Life Be In It" and "National Recreation and Parks Month" and citizens are urged to utilize and enjoy the inexpensive park and recreation activities that are dedicated to the well-being of all citizens;

NOW, THEREFORE, I, Stephen J. Del Giudice, Mayor of the City of Takoma Park, Maryland, do hereby proclaim the month of July as Recreation and Parks Month in the City of Takoma Park, and encourage all to enjoy our parks and leisure activities.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Takoma Park to be affixed this 14th day of July, 1986.

Stephen J. Del Giudice
Mayor

JULY 14, 1986.

Introduced by:

1st Reading: 7-14-86
2nd Reading:

ORDINANCE NO. 1986-

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

SECTION 1. THAT on June 23, 1986, Ordinance No. 1986-22, attached hereto as Exhibit A, was adopted by the Mayor and Council authorizing legal proceedings for declaring property a nuisance, that property being located at 6801 Westmoreland Avenue, on lot 8, block 18, Pine Crest Subdivision, within the City of Takoma Park, Maryland, recorded among the Land Records of Montgomery County in Liber 4355 at Folio 6300, Tax Account #1060145, Arthur M. and J. N. MacDonald, 1019 Ruatan Street, Silver Spring, Maryland 20903, owners of record; AND

SECTION 2. THAT a Show Cause Public Hearing was held on July 14, 1986 as prescribed by law, and that the owners or a representative of their choice was given opportunity at that time to show cause why the building, referenced in Section 1, above, should not be declared a nuisance.

SECTION 3. THAT based upon evidence and testimony presented at the Show Cause Hearing, the Mayor and Council find that the condition of the property located at 6801 Westmoreland Avenue is dangerous to the citizens residing in the neighborhood and that it does constitute a nuisance; AND

SECTION 4. THAT among the evidence presented by the property owners, was a renovation proposal from Wheeler Enterprises, Building Division, Hyattsville, Md., which gave the commencement date for renovation of June 30, 1986 and comple-

tion date of September 30, 1986; AND

SECTION 5. THAT the Mayor and Council directed the property owners to provide the Department of Housing Services Director with a complete renovation construction schedule within one week from adoption of this ordinance, to be attached and made a part hereof, entitled Exhibit B, and that the Director shall make regular and timely progress reports to the Mayor and Council on the schedule of renovation; AND

SECTION 6. THEREFORE, THAT in accordance with Article 6, Chapter 6, Section 6-65, of the Takoma Park City Code, 1972, as amended, the Mayor and Council do hereby declare the property referenced in Section 1, above, to be a nuisance and order the owners, Arthur M. and J. N. MacDonald, to abate the Housing Code violations as cited in Exhibit A of Ordinance No. 1986-22, and to restore the building to a habitable condition as stated in Section 5, above, or demolish the building and remove all debris on or before October 14, 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 2-54, 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. 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 employee's work must demonstrate that his or her work performance meets acceptable 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 provided 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. 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 eighteen (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 ~~G~~ 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-

- WHEREAS, Section 1.5 of the City Charter does empower the Mayor to appoint special committees as the Council may determine and that the Mayor shall designate a chairman of such committees as he may determine; AND
- WHEREAS, Certain employees of the City of Takoma Park have raised questions about how the City calculates the pay of its employees specifically longevity and merit pay; AND
- WHEREAS, The Mayor and Council intend to revise the City's personnel laws and regulations to provide for unambiguous laws, regulations, and procedures that treat employees equitably and compensate employees at a rate that is both fair to the employees and affordable for the City;
- WHEREAS, A proposed ordinance is pending before the Council that would clarify sections of the personnel laws relating to employee pay;
- WHEREAS, The advice of the City's employees is important to the efforts of the Mayor and Council to clarify and revise the personnel laws;
- WHEREAS, The City expects to receive a report from a personnel consultant soon which will advise the Mayor and Council on various aspects of the personnel system; AND
- WHEREAS, The employees represented by Fred Joseph, Esq., and Thomas De Caro, Esq., have agreed not to file any legal action against the City relating to their compensation before October 21, 1986;

THEREFORE, BE IT RESOLVED by the Mayor and City Council of Takoma Park, Maryland that:

1. Establishment. There is a new committee to study the City's personnel system pertaining to employee compensation.
2. Name. The committee is called the Advisory Committee on Employee Compensation.
3. Function. The function of the committee is to advise the City on employee compensation issues relating to the personnel system, but not to advise the City on personnel matters relating to specific individuals.
4. Scope of Investigation. The committee shall examine the City's Code, Ordinances, and past practices pertaining to merit and longevity pay, as well as the proposed ordinance now pending before the Mayor and Council to determine and recommend fair and equitable solutions to questions raised by employees. It may also recommend changes to the proposed ordinance now pending before Mayor and Council.
5. Reports. The committee must issue a report to the City by October 10, 1986, and may issue interim reports on specific topics before October 10, 1986.
6. Members. There are nine members of the committee. They are:
 - a. The Mayor;
 - b. Three members of the Council, appointed by the Mayor;
 - c. The City Administrator, or his designee in his absence;
 - d. One employee of the Police Department, elected by the employees of the Department;
 - e. One employee of the Department of Public Works, elected by the employees of the Department;
 - f. One employee who is not in the Police Department or Department of Public Works, elected by the employees who are not in either of those departments; and
 - g. One employee, elected by all of the employees of the City.

ORDINANCE NO. 1986-

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

SECTION 1. WHEREAS, Ordinance No. 2557, adopted on April 13, 1981,

instituted a voluntary newspaper recycling program by authorizing the City Administrator to contract with a specific collection contractor, to the exclusion of all other persons or organizations, for the collection of newspapers; AND

SECTION 2. WHEREAS, proceeds from the sale of the newspapers collected by the contractor have been paid to the City on a monthly basis; AND

SECTION 3. WHEREAS, participation in the voluntary program by citizens has not been completely satisfactory, as the amount of newspapers collected has been dwindling, while the fees the City pays for refuse disposal have been consistently increasing, AND

SECTION 4. WHEREAS, the Mayor and Council have determined that it would be in the best interest of the public, ecology, and would enable a savings to the City in refuse disposal fees, to establish a mandatory newspaper collection program within the City of Takoma Park; AND

SECTION 5. THAT the following language shall become a part of the Takoma Park City Code, entitled Section 10-11.1, Newspaper Collection:

Section 10-11.1. Newspaper Collection.

(a) Newspapers shall be separated from other household refuse and placed on the public right-of-way adjacent to the curb on the specified collection day to be collected for the purpose of recycling, with the following exceptions:

(1) Newspapers shall not be collected if Montgomery County Schools declare a snow emergency on the day of scheduled collection;

(2) Newspapers shall not be collected if a legal holiday falls on the day of scheduled collection.

(b) Newspapers which have been contaminated or inundated with garbage or other putrescible matter shall not be included with newspapers designated for recycling, but they shall be placed with general household refuse.

(c) Newspapers shall be bagged, bundled, boxed, or tied so as to avert dispersion by the wind, and the weight of each bundle shall not exceed twenty-five (25) pounds.

(d) Newspapers shall be placed on the public right-of-way no more than twelve (12) hours prior to the specified collection time and date and shall not be left on the public right-of-way for more than twelve (12) hours beyond the specified collection time and date.

(e) Newspaper bundles shall not be placed at a point of collection that will cause them to interfere with parking or traffic.

(f) No person, other than the collection contractor authorized by the City shall collect bundled newspapers placed by the curb or in the public right-of-way, except that nothing shall prohibit any person from removing

newspapers that they had placed at the point of collection.

(g) A representative appointed by the City Administrator shall serve, in accordance with Section 12-20, upon the person who has been determined to be in violation of this Section, a municipal infraction in accordance with Section 10-58.

SECTION 6. THAT Section 10-58 (a) and (d) shall be amended for the inclusion of the new section of the City Code, Sec. 10-11.1, above.

ADOPTED THIS _____ DAY OF _____, 1986.

ORDINANCE NO. 1986-24

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

SECTION 1. THAT the Takoma Park FY 1986-87 Budget Special Revenue Fund includes funds received through the Community Development Block Grant (CDBG) Program for the construction of streetscape improvements in the Takoma Junction Commercial Revitalization Area; AND

SECTION 2. THAT certain fixtures have been included in the plans for effecting said improvements; AND

SECTION 3. THAT the City Administrator has determined in writing that these particular fixtures specified in the plans are available from a single source and that therefore, these fixtures may be procured using the non-competitive negotiation procurement method in accordance with applicable federal and local law; AND

SECTION 4. THAT it is deemed to be in the best interest to purchase the specified fixtures directly from the manufacturers of these fixtures.

SECTION 5. THEREFORE THAT the City Administrator or his designee is hereby authorized to purchase the following items at the specified prices, which prices do not necessarily include freight, handling or installation:

<u>Quantity</u>	<u>Item</u>	<u>Unit Cost</u>	<u>Total Cost</u>
25	Washington 12' Post w/ Washington Simple Twin Arm & Washington Fixture. Includes ballast & pole wiring.	\$1,770.00	\$44,250.00
8	Washington 8' Steel Pedestrian Signal Posts.	780.00	6,240.00
10	Sitecraft Style RT trash receptacles w/CP-1 tops.	340.00	3,400.00
7	B-76 Benches manufactured by the Bench Manufacturing Co. (w/ custom lettering).	549.00	3,843.00

2	B-77 Benches manu- factured by the Bench Manufacturing Co.	\$ 399.00	\$ 798.00
10	Neenah Tree Grates, No.R-8738-A1 w/frame.	382.00	3,820.00
10	Neenah Tree Guards, Style B	96.00	960.00

SECTION 6. THAT the City Administrator or his designee is also directed to authorize the Potomac Electric Power Company, Inc. (PEPCO) to proceed with the consolidation of utilities in the Takoma Junction Commercial Revitalization Area in accordance with the approved PEPCO engineering plans and to compensate PEPCO for said work with an amount not to exceed FIFTY FIVE THOUSAND DOLLARS (\$55,000.00).

SECTION 7. THAT funds in the amount of ONE HUNDRED EIGHTEEN THOUSAND THREE HUNDRED ELEVEN DOLLARS (\$118,311.00) be appropriated from FY1986-87 Budget Account No. 3500.403 to fund the procurements authorized by SECTION 5 and SECTION 6 above.

ADOPTED JULY 14, 1986.

Introduced by: Councilmember Sharp

Adopted: 7-14-86

RESOLUTION NO. 1986-49

WHEREAS, on March 10, 1986, Resolution No. 1986-24 was adopted, establishing an Open Space Citizens' Advisory Committee; AND

WHEREAS, on April 14, 1986, Resolution No. 1986-33 was adopted, appointing members to the Open Space Committee from each ward, as nominated by respective Councilmembers, and also members from Recreation Council, Tree Commission, Recreation and Public Works Departments, and Economic and Community Development Division; AND

WHEREAS, Committee appointments were not made for Wards 3, 4, and 7; AND

WHEREAS, the Councilmember from Ward 7 now nominates a constituent from the Ward to serve on the Committee; AND

NOW, THEREFORE, BE IT RESOLVED THAT the following individual is hereby appointed to serve on the Open Space Citizens' Advisory Committee, from Ward 7:

WARD 7 Harry Schwarz, 7211 Trescott Avenue

BE IT FURTHER RESOLVED THAT the Committee membership now stands as follows:

- WARD 1 Alice Trembour (Alternate: Esther Geiger)
- WARD 2 Alan Abrams
- WARD 3
- WARD 4
- WARD 5 Gail White
- WARD 6 Janice Martin
- WARD 7 Harry Schwarz
Edward Hutmire, Recreation Council
Georgine Prokopik, Tree Commission
Belle Ziegler, Recreation Department
Richard Robbins, Public Works Department
Daniel Neal, Economic & Community Development

(NOTE: Committee Chairperson to be designated by Mayor)

RESOLUTION NO. 1986- 50

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

THAT

SECTION 1. Section (a) of the first Resolves clause of resolution 1986-2 is hereby amended to read as follows:
(underlined language indicates changes)

- "(a) One appointee from:
- Old Takoma Citizens' Association
 - North Takoma Citizens' Association
 - Historic Takoma, Incorporated
 - Historic Preservation Committee
 - Takoma Artists' Guild
 - Arts Center Committee
 - Horticulture Club
 - The "Tot Lot Committee"; AND

SECTION 2. The second Resolves clause of resolution 1986-2 is hereby amended to read as follows:
(underlined language indicates changes)

"each group as noted in Section (a), above, shall be asked to forward to the Mayor names of their nominees, and alternates, if the group so desires to name one, for appointment by the Mayor and Council to this Committee."

SECTION 3. The following individuals are hereby appointed to the Thomas/Siegler Development Advisory Committee in the capacities indicated:

- | | |
|---|---------------------------------|
| Maynard M. (Sandy) Mack, Jr.
(Primary) | Neighbor (Mayor's Nominee) |
| Sherelyn Ernst
(Primary) | "Tot Lot Committee" |
| Pat Slater
(Alternate) | "Tot Lot Committee" |
| Dorothy Cichello
(Alternate) | Horticulture Club |
| Edward T. McMahon
(Alternate) | Historic Preservation Committee |
| Caroline Alderson
(Alternate) | Historic Takoma, Inc. |

CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and City Council

July 21, 1986

7:30 PM

AGENDA

CALL TO ORDER: Mayor Del Giudice
ROLL CALL: Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
Councilmember Williams

ITEM FOR COUNCIL CONSIDERATION:

- (1) Discussion/Action on Employee/Council Committee Resolution
Citizens comments
Council action

ADJOURN

The Special Session will be followed by a Council Worksession

WORKSESSION AGENDA

- (1) Discussion of appointment of Anthony Austin as permanent
Director of Housing Services
- (2) Discussion of mandatory newspaper collection ordinance
(scheduled for second reading on July 28, 1986)
- (3) Discussion of proposed ordinance on Tenants Right of First
Refusal
- (4) Discussion of Preliminary Review of City's Rent Stabilization
Program -- direction to staff
- (5) Discussion of Takoma Park Zoning Legislation - direction to
staff
- (6) Discussion of CDBG funding request - FY 1988
- (7) Discussion of proposed Council summer recess

**REMINDER: Thursday, July 24, 7:30 PM -- Department Heads Performance
Evaluation Meeting**

THE CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and City Council
July 21, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice
Councilmember Bradley
Councilmember d'Eustachio
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
Councilmember Williams
ABSENT: Councilmember Haney
Asst. City Administrator Habada
Acting Corporation Counsel Silber

The Mayor and Council convened in Special Session at 7:45 PM on Monday, July 21, 1986, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. The Special Session was called for the consideration of a proposed resolution to establish a committee to resolve issues pertaining to employee compensation.

1. Discussion/Action on Employee-Council Committee Resolution.

It was noted by Mayor Del Giudice that the resolution before the Council had been discussed with employees (legal defense committee members), and changes had been made to accommodate the inclusion of two members of the legal defense committee, who would share one vote on the committee. The Mayor also noted that the resolution should reflect the amendment passed by the Council at the July 14, 1986 Council meeting, where the Mayor and Council agree to waive the assertion of its statute of limitation through October 21, 1986.

Upon motion by Councilmember Iddings, duly seconded by Councilmember Levy, the resolution, as amended during the July 14 meeting, was placed on the floor for discussion. The Mayor noted that the following Councilmembers had stated an interest to serve on the committee: Councilmembers Haney, Iddings, and Levy; he also noted that he was not prepared at this time to nominate a Department Head to serve on the committee, but would do so at a later date. Councilmember d'Eustachio moved to amend the resolution to reflect the waiving of the statute of limitation, as noted by the Mayor as being approved by the Council during the 7-14-86 Council meeting; the motion was duly seconded by Councilmember Levy and accepted by Councilmember Iddings. Councilmember Bradley noted that this is the third personnel committee that has been established while she has served on the Council; that she hoped the employees felt that they are represented sufficiently and that, at some point in time, the employees may wish to consider unionizing.

When the motion by Councilmember d'Eustachio to amend the resolution was put to a vote, it was approved. The resolution, as amended, was adopted by majority vote, with Councilmember Williams abstaining, and Councilmember Haney absent.

RESOLUTION NO. 1986-51
(attached)

Upon motion, duly seconded, the meeting adjourned at 7:55 PM, with the Mayor and Councilmembers convening in worksession.

RESOLUTION NO. 1986-51

WHEREAS, Section 1.5 of the City Charter empowers the Mayor to appoint special committees as the Council may determine and empowers the Mayor to designate a chairman and other members of such committees as he may determine; AND

WHEREAS, certain employees of the City of Takoma Park have raised questions about the City's grievance procedure and how the City calculates the pay of its employees specifically longevity and merit pay and the rate of compensation after a promotion; AND

WHEREAS, the Mayor and Council intend to revise the City's personnel laws and regulations to provide for an effective grievance procedure and unambiguous laws, regulations, and procedures that treat employees equitably and compensate employees at a rate that is both fair to the employees and affordable for the City; AND

WHEREAS, a proposed ordinance is pending before the Council that would clarify sections of the personnel laws relating to employee pay; AND

WHEREAS, the advice of the City's employees is important to the efforts of the Mayor and Council to clarify and revise the personnel laws; AND

WHEREAS, the City expects to receive a report from a personnel consultant soon which will advise the Mayor and Council on various aspects of the personnel system; AND

WHEREAS, the employees represented by Fred Joseph, Esq., and Thomas De Caro, Esq., have agreed not to file any legal action against the City relating to their compensation before October 21, 1986.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Takoma Park, Maryland THAT:

1. Establishment. There is a new committee to study the City's personnel system pertaining to specific areas of employee compensation.
2. Name. The committee is called the Advisory Committee on Employee Compensation.
3. Function. The function of the committee is to advise the City on employee compensation issues relating to the personnel system, but not to advise the City on personnel matters relating to specific individuals.

4. Scope of Investigation. The committee shall examine the City's Code, ordinances, and past practices pertaining to grievances, merit and longevity pay and the rate of compensation after a promotion as well as the proposed ordinance now pending before the Mayor and Council to determine and recommend fair and equitable solutions to questions that have been raised by employees. It may also recommend changes to the proposed ordinance now pending before the Mayor and Council. The committee will also examine the advisability of establishing a standing personnel committee.
5. Reports. The committee must issue a report to the City by October 10, 1986, and may issue interim reports on specific topics before October 10, 1986. Decisions shall be made by consensus. If consensus is not reached, a majority and minority report shall be written.
6. Members. There are fourteen members of the committee. They are:
 - a. The Mayor, Stephen Del Giudice;
 - b. Three members of the City Council, Michael Haney, Carl Iddings, and Sharon Levy;
 - c. The City Administrator, James Wilson;
 - d. One Department Head, to be selected by the Mayor;
 - e. Robert Holford, Police Department;
 - f. Charles Diffenderfer, Public Works Department;
 - g. Inas Ross, Administrative Office;
 - h. Anna Connellee, Library Department;
 - i. Jullena Jones, Housing Services Department;
 - j. Calvin Avant, Recreation Department;
 - k. Sgt. Jack Goetz and Sgt. John Duvall, of the legal defense committee, who shall share one vote.
7. Alternates. There are three alternates. The alternates may speak at meetings, but an alternate may only vote in place of an elected employee member of the committee. The alternates decide who will vote in place of an absent member. The alternates are:
 - a. One employee of the Police Department, elected by the employees of the Department;
 - b. One employee of the Department of Public Works, elected by the employees of the Department; and
 - c. One employee who is not a member of the Police Department or the Department of Public Works, elected by the employees who are not in either of those departments.

BE IT FURTHER RESOLVED THAT the Mayor and Council agree to waive the assertion of its statute of limitations defense for the period from the adoption of this resolution through October 21, 1986.

Regular Meeting of the Mayor and City Council

July 28, 1986

8:00 PM

AGENDA

CALL TO ORDER: Mayor Del Giudice
ROLL CALL: Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
Councilmember Williams

PLEDGE

ADOPTION OF COUNCIL MEETING MINUTES OF JUNE 23, 1986

MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS

1. Swearing in of Police Officers Robert Bauer and Bennie Skibicki
2. Proclamation declaring August 12, 1986 as "National Night Out"

ADDITIONAL AGENDA ITEMS

CITIZENS' COMMENTS (those not directed at items on Council Agenda)

ADMINISTRATIVE REPORTS

- (1) Resolution appointing Anthony Austin as Director of Housing Services Department
Citizens comments
Council action
- (2) Second Reading of an ordinance setting time frame for abatement of code violations at 6801 Westmoreland Avenue
Citizens comments
Council action
- (3) Resolution appointing members to Housing Taskforce
Citizens comments
Council action
- (4) First Reading of proposed ordinance pertaining to Tenants Right of First Refusal
Citizens comments
First Reading
- (5) Second Reading of an ordinance establishing mandatory newspaper collection program
Citizens comments
Council action
- (6) First Reading of an ordinance approving purchase and replacement of carpeting in Administrative offices
Citizens comments
First Reading

ADJOURN

P R O C L A M A T I O N

WHEREAS, the National Town Watch Association is sponsoring a special, coast-to-coast community crime prevention project on the evening of August 12, 1986 called "National Night Out"; AND

WHEREAS, the citizens of Takoma Park play an essential role assisting the Police Department through their cooperative crime prevention efforts in Takoma Park and their support of "National Night Out" locally; AND

WHEREAS, it is important that all citizens in Takoma Park be aware of the importance of crime prevention programs and the positive impact that their participation can have on reducing crime in our neighborhoods; AND

WHEREAS, "National Night Out" provides an opportunity for Takoma Park to join together with hundreds of other communities across the country in support of safer neighborhoods and to demonstrate the success of cooperative crime prevention efforts; AND

WHEREAS, neighborhood spirit and cooperation is the theme of the "National Night Out" project and is also the key ingredient in helping the Takoma Park Police Department to fight crime.

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor and Council of the City of Takoma Park, Maryland do hereby designate

Tuesday, August 12, 1986 as "National Night Out"

and call upon all of the citizens of Takoma Park to join with the City government and the National Town Watch Association in supporting and participating in this event.

JULY 28, 1986

Stephen J. Del Giudice
Mayor

ATTEST:

James S. Wilson, Jr.
City Administrator