

THE CITY OF TAKOMA PARK, MARYLAND

Public Hearings on FY 1987 Budget Amendment No. 4 and Final Report  
of the Thomas Siegler Development Advisory Committee  
and  
Regular Meeting of the Mayor and Council  
April 13, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Asst. City Administrator Habada
Councilmember d'Eustachio	Deputy City Clerk Jewell
Councilmember Haney	Housing Services Director Weiss
Councilmember Iddings	
Councilmember Levy	
Councilmember Sharp	
Councilmember Williams	

The Mayor and City Council convened at 8:25 P.M. on April 13, 1987, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, approval of the Minutes of the March 5, 1987 Public Hearing, March 9 and 23, 1987 Regular Meetings were moved for approval by Councilmember Haney as written, duly seconded by Councilmember d'Eustachio; the motion carried by unanimous vote.

MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS:

The Mayor related that Zee Theater, Inc. would be presenting a play entitled "Counterproductive" at the Historic Takoma Theater located at 4th and Butternut Streets, Northwest, on April 10, 11, 17, and 18. He commented the production was a fine example of authentic community theater, was written by local playwright Fritz Rumpel, directed by Thomas Morris, and featured residents of the community in major roles. He encouraged all who could to attend.

The Mayor noted that a Newsletter Review Committee had been established by prior resolution of the Council, with membership appointments to consist of two members of the Council and five citizens. He said he was prepared to appoint two Councilmembers and three citizens to serve, with two additional citizen appointments to be effected at a later time. He appointed Councilmembers Ed Sharp and Michael Haney, James Bowie of 7206 Trescott Avenue, Mac McWilliams, 9 Sherman Avenue, and Harrison Donnelly, 415 Lincoln Avenue. The Mayor asked that if there were other citizens wishing to serve on this committee, they contact either him or their Council representative and indicate their interest.

Mayor Del Giudice related that the State Highway Administration had recently agreed to allow the City to explore and implement a number of measures on Piney Branch Road to resolve some of the parking problems there. He noted the need to appoint members to a committee to study the existing problems, and proceeded to appoint Councilmember Sharon Levy, Mary Vorhees, Jim Welu, Sandy Littlejohn, Dave Van Horn, Lou D'Ovidio, and Hank Cox, all of whom reside on the subject road with the exception of Ms. Levy. He said that once the committee had concluded its meetings, a recommendation to the Mayor and Council concerning ways to deal with the problems would be forthcoming.

The Mayor presented and read a proclamation declaring April 11-18, 1987, Community Development Week. He moved its adoption, duly seconded by Councilmember Iddings, carried unanimously.

PROCLAMATION  
(attached)

The Mayor presented and read a resolution of appreciation directed to Ellen Marsh commending her for her efforts toward preservation of historic resources in the City; he moved its passage, duly seconded. Councilmember Iddings remarked on the resolution having been initiated by Karen Fishman, current President of Historic Takoma, who was unable to be present at the meeting. He said Ms. Fishman had asked that he express thanks on her behalf to the Mayor and Council for considering the resolution. For those who might wish to attend, the Mayor noted that Historic Takoma would be meeting on the 26th of April. The resolution was passed by unanimous vote.

RESOLUTION #1987-19  
(attached)

Mayor Del Giudice noted he would be proposing the addition to the agenda of a resolution concerning proposed rules promulgated by the Immigration and Naturalization Service and relating to the processing of applicants for lawful temporary resident status.

ADDITIONAL AGENDA ITEMS:

Proposed rules promulgated by INS re processing of applicants for lawful temporary resident status (Mayor Del Giudice)

Reaffirmation of Mayor and Council's earlier position re purchase and/or sale of Park Ritchie Apartments by private developer (Mr. Wilson)

Prince George's County Council's endorsement and adoption of county school budget (Mr. Wilson/Councilmember Sharp)

Mr. Wilson noted withdrawal of original agenda item #4, a proposed ordinance concerning placement of parking meters on Takoma Avenue, until the next regular Council Meeting. Concerning this item, Councilmember Haney commented that both Historic Takoma and the county's Historic Preservation Commission should be notified of the proposed installation of parking meters in that area.

CITIZENS' COMMENTS: (not directed at items for Council action)

Thomas Morris, 8205 New Hampshire Avenue, #301: on behalf of the Zee Theater, thanked the City and Recreation Department for allowing the theater company to use the Municipal Building for rehearsals. He said, however, several members of the cast had commented on the tattered/worn condition of the American Flag flown in front of the building.

Barbara Beelar, 7112 Maple Avenue: related that the group working for resolution of problems associated with the Ride-On buses had accomplished a major victory at the County Council level earlier in the day, with the support of the Mayor and Councilmember Iddings. She said what it amounted to was that Transportation Director McGarry was forced to accept a small bus demonstration project, which will give the group the opportunity to try to get small buses on the Takoma Park routes and other down county residential areas with small streets similar to those in Takoma Park. She said to persuade Mr. McGarry to acquiesce to the pressure brought to bear, support for his desire to purchase 31 new diesel-powered buses had to be expressed. Ms. Beelar said that those buses would not meet the 1991 emission standards, but would be a substantial improvement over the environmental hazards currently in use by Ride-On.

The Mayor commented that Ms. Beelar, Bruce Moyer, and all those others who had worked with the Citizens' Coalition on Transportation should be commended; particularly, he said he would wish to recognize Steve Quick's very good factual presentation before county officials earlier in the day. Councilmember Iddings commented he was glad the current situation had transcended the bitter and divisive fight of two years prior on the same issue. He spoke briefly concerning the history of the issue and said he felt the hurdle had been surmounted by the efforts of the Transportation and Environment Committee, however, commented he felt there would still be many problems to be resolved along the route to implementation. He, too, commended members of the committee for their outstanding efforts. Concerning the 31 new buses proposed for purchase in the coming year, Mr. Iddings inquired what sort of noise criteria would be used to evaluate them. Ms. Beelar said that the county had not set a noise level standard, per se -- for some unknown reason, they were not willing to do so. She said she thought they did recognize they were under the gun concerning the noise and had to get a quieter bus; she said their approach was to write in specifications which they felt if complied with would substantially reduce the noise. Ms. Beelar said the county's Noise Control Advisory Board, which is appointed by and reports to the County Executive, had been working on the problem and she felt sure that both the new and the refurbished buses would be much quieter than those currently in use. She thanked the Mayor and Council for their support at the county hearing.

Wayne Upton, 7600 Maple Avenue: inquired whether Mayor Del Giudice felt it would be advisable to hold a summit meeting on the unification issue with the two County Executives (in light of Mr. Kramer being new to the position), or what he intended to do to improve its chances of passage.

The Mayor said he had not met with both County Executives concurrently since settlement of the fire station issue, however, had met with each of them (including Mr. Kramer) independently on a number of occasions. He said he did not know that it would be worthwhile to hold such a meeting presently, however, would hope that both County Executives would have a staff representative on the summer study committee being set up by the legislature to study the unification bill. Following conclusion of that study and depending on the results, he said it might then be worthwhile to set up such a joint meeting. He said both County Executives had expressed willingness to participate in discussions on unification. Mr. Upton related having been absent from the meeting at which Resolution #1987-16 concerning South Africa was passed; he pointed out that in the third "Whereas" clause, the second sentence should read Economic sanctions is only one way to pressure the P. W. Botha Regime rather than "Economic sanctions is the only way to pressure the P. W. Botha Regime." He remarked on other ways pressure could be applied to that regime.

Concerning the unification issue, Councilmember Iddings commented that while Montgomery County legislators had found it relatively easy to vote in favor of the unification bill in the past, with the passage of WSSC's Stormwater Management legislation, those same people may find it more difficult to support unification, based on anticipated cost to the county related to the stormwater management issue in the City. He said that should be kept in mind during the summer study and when the bill comes up next fall.

#### ITEMS FOR COUNCIL ACTION:

1. Public Hearing and Presentation of Thomas Siegler Development Committee Report, Proposed Resolution accepting Report and Recommendations of the committee.

Councilmember Iddings noted provision of a new version of the proposed resolution in lieu of that originally provided in the Council packet. He related that Caroline Alderson would be presenting a report summarizing the work of the committee and recommendations made by the committee in its formal report. Ms. Alderson commented she would be summarizing the information provided as it had been thoroughly covered in previous public hearings on the subject. She related the committee's mission and assignments and the process undergone for accomplishment, including the constraints under which they had to operate. She said due to the location of the property, a Historic Area work permit would have to be obtained for any work done on the site, such work would be reviewed by the Montgomery County Historic Preservation Commission. She said the committee met with the county and their strong recommendation was that any development of a park on the property be as a passive park; the State Historic Preservation Office had strongly echoed the county's recommendation. Ms. Alderson accompanied her presentation with a slide display illustrating various points. In conclusion, Ms. Alderson urged that the Council pass the resolution presented accepting the report and recommendations of the committee so that work could proceed on the park, making it available to the community as soon as possible. She introduced Paul Mok, a Commissioner of the Montgomery County Historic Preservation Commission.

Mr. Mok related that he was a resident of Takoma Park, thus, had a vested interest in the development of the Siegler Property. On behalf of the county commission, he commended the members of the committee for a job well done. He said members of the commission had met with committee members and were very impressed with what they had done; the commission strongly supported the idea of a public park at the location and believed that public access to the park would be very important and should be a primary concern. He said they believed the park should be a passive park, but should be enjoyable for both adults and youngsters. Mr. Mok said the county commission had been aware of the proposal of a Tot Lot in the park, however, were not supportive of that idea because it would contradict the historic nature of the park and the play activity could subject the property to unnecessary harm. In closing, he thanked the Council for the opportunity to speak, commended them as well as the committee for a job well done.

Thomas Morris: commended the members of the committee for their hard work and the substantial amount of time spent on the issue. He said he was pleased to hear McCrellis Gardens used as an analogy in Ms. Alderson's presentation because he had also thought of the Siegler Property in similar terms. He remarked those gardens had a lot of both temporary and permanent pieces of sculpture incorporated into them which did not appear in the

slides shown, and it was in the context of going to art shows to view the sculpture that he was most familiar with those particular gardens.

Delores Milmo, 7212 Cedar Avenue: commented that the slides of McCrellis Gardens had only been given to the committee earlier in the day, and the fact that permanent pieces of sculpture there were not depicted was not an intentional omission.

Doug Cohen, 212 Tulip Avenue: remarked he was a relatively new resident of the City, his property directly faces the Siegler Property. He said he was very grateful for the work done by the committee, all the work done by members of the community to preserve the property. He said when looking for a home, he and his family had sought a location with a sense of history, as well as a natural environment with trees; said the Siegler Property across from his home was quite beautiful and gave one a sense of being close to nature. He said he had been quite concerned when he heard mention of incorporating play equipment in the park, had hoped the presentation would include a specific statement against any such proposal; said there were plenty of other accessible play areas in the community to which he takes his own child. Mr. Cohen read a petition which had been circulated for signature by neighbors living within one block of the Siegler Park site; it was addressed to the committee and expressed support for use of the property as an educational/interpretive park; opposed any use of the property as an active play area with play equipment. He noted the historic nature of the property, said the signatories of the petition envision a peaceful garden setting that would not exclude any age group; said the park site was surrounded by a residential neighborhood that would suffer from noise, trash, traffic and trespassing and possibly crime if the property were developed in a manner inconsistent with its residential setting. He urged the Mayor and Council to support efforts to enhance and preserve the property as a nature garden/interpretive park which would highlight the way of life of 19th Century Takoma Park. In response to query, Mr. Cohen stated the petition was signed by 90 individuals. Councilmember Iddings pointed out that the committee's recommendation was quite clear that a Tot Lot would be inappropriate for the Siegler property.

Alice Trembour, 7304 Birch Avenue: said shortly after moving into the City, she had been one of the proponents of inclusion of a play area for small children in the development of the park, had been one of those who collected signatures on a petition in support of a Tot Lot. Since that time, she said she had been treated by some of the people who resided near the Siegler property with astonishing and hurtful unfriendliness. She said in the perception of neighbors who were against the Tot Lot, she became allied with their political enemies, the Abbotts, and those against the Tot Lot made it very clear that since she was friendly with the Abbotts she would certainly not be their friend. She said this scenario was her own conjecture, but the only way she could explain the behavior directed at her -- a newcomer to the City. She said she was relating this situation because she felt it exemplified the way the matter of the development of the property had been handled both by the Council and the Siegler Committee. She said she felt the extremism displayed by opponents of the Tot Lot was based on political antagonism to the prior City administration; and did not think members of the committee ever seriously considered inclusion of a Tot Lot in the park. She said it was apparent that many people perceived those who did not support preservation of the property in its natural state must automatically favor the building of 4 new private homes on the site, which was the farthest thing from the truth. She said she did, however, think that the historic value of both the carriage house and the azaleas was vastly overplayed -- for those who wished to preserve the property exactly as is -- as an extended backyard. Ms. Trembour remarked that while the committee had reluctantly included a suggestion for a Tot Lot in its initial report, that was reversed following the public briefing at which an overwhelming majority of speakers spoke against the Tot Lot. She said it seemed to her that those who spoke in opposition to the Tot Lot referred to children as though they were some sort of uncontrollable enemy, a menace to be kept away from the property at all cost lest they damage some of the plants; oddly enough, many of those people either have children or work with them in their jobs. Ms. Trembour said she felt the end result of the committee's recommendations would be that large numbers of children in the neighborhood of the Siegler property would not have access to the park. She commented on the issue having been a divisive one for the neighborhood and said the problem could have been alleviated by inclusion of a Tot Lot on the unlandscaped portion of the property, and would have had no effect on the rest of the property.

Councilmember Haney referred to his participation as a city resident/citizen in a meeting referred to by Ms. Trembour; said while he lived on the far side of the city from the Siegler property, he cared about all the neighborhoods and the concerns and wishes of the residents. Mr. Haney said he had taken a keen interest in this particular issue since it came to the City's attention that there was going to be a hearing in Rockville on a proposed subdivision of the property. He said from that time forward, he had never understood why proponents of the tot lot had consistently ignored the reality of the children's play area at the Presbyterian Church at Tulip and Maple Avenues -- a block away from the Siegler Property. Ms. Trembour commented it was her understanding that playground was on private property and was not accessible to just anyone wishing to use it; in contrast, the Siegler Property was bought with public funds for preservation purposes, which the tot lot group did not dispute, but felt that a children's play area on the back portion would have little or no effect on the remaining property. Mr. Haney responded that it was his understanding that the play area at the church was open for public use.

Councilmember Levy commented she had felt unnecessary rudeness had been displayed by some at public meetings at which she was in attendance toward proponents of the tot lot; said she was dismayed at that sort of behavior and perhaps it was politically motivated. She said she felt that many of the signatories of the original petition concerning the property felt that a compromise allowing a tot lot on the vacant area in the back portion of the property would have done no harm to any of the vegetation. She said she was disappointed in the final recommendation of the committee. Mayor Del Giudice asked that such comments from members of the Council not be voiced at the present point in time -- the hearing being conducted was a public hearing and for the purpose of the public expressing their views. He asked that Councilmembers simply ask questions of members of the public, if so desired, and make their own position statements during a later time period that would be allotted. Ms. Levy inquired of Ms. Trembour whether she felt the play equipment at the church play area was appropriate for young children. Ms. Trembour responded that it was not what she would have wanted had a tot lot been included on the Siegler Property -- for instance, there was not much there that would be useable by her 1-1/2 year old child. Councilmember Bradley inquired whether there were any creative alternatives examined during discussions about the Siegler property, for instance, something unique such as the Peace Park that was proposed some time ago for location on City property. Councilmember Levy said she recalled suggestions at some point in the discussions for some unusual and creative exploratory type play equipment.

Wayne Upton, 7600 Maple Avenue: inquired whether there were plans to convert the carriage house on the property to use as a museum; response was in the negative. Mr. Upton noted the proximity of the 711 store just over the D.C. line and expressed concern that people might purchase beer/wine and carry it to the park to drink, play radios loudly, etc. Councilmember Iddings pointed out that drinking in City parks was illegal; said the committee met with Sgt. Rosenthal and discussed such possible problems, as well as other security issues that would be addressed by the police department. He said one discouragement would be lack of an entry to the park from Cedar Avenue, forcing people to walk somewhat further to gain entrance from the area of the 711. He said security issues were considered at length by the committee.

Bill Leary, 7301 Takoma Avenue: said he thought the reason Ms. Trembour did not comprehend the feelings of those who opposed a tot lot on the property was because she did not reside in the City during the years it took to reach the present point in the situation; he referred to the thousands of hours, as well as their own money, spent by dozens of volunteer citizens working to persuade those in power of the importance of saving and preserving the property. He said people made this remarkable effort because the property was very special and unique -- there were few others like it in either the city or the county. He said among other reasons why it was not appropriate to put a tot lot on the very special Siegler property was the fact that there was no need for an additional playground in the Old Takoma area of the city because it is surrounded by the best playgrounds in the city; if the City has any money to spend on additional playgrounds, there are a number of areas where they are far more desperately needed. Mr. Leary said the committee was comprised of diverse and well-qualified people who examined the situation in depth and at inordinate length; every conceivable point of view was represented on the committee and all meetings

were open to the public, an unusually well-attended prior public briefing was held. He said at the present point in the process, there was absolutely no basis for the City to do other than what the committee had recommended. Councilmember Williams inquired whether, in Mr. Leary's opinion, there was any difference between a playground and a tot lot. Mr. Leary responded that probably a tot lot would be on a smaller scale than a playground, however, both would involve play equipment for children. Councilmember Levy inquired how placement of play equipment for small children on the vacant back portion of the property where there is gravel would interfere with the historic value of the rest of the parcel of land. Mr. Leary said probably the best explanation was that given by Ms. Kreinbihl at the public briefing, i.e., that any introduction of playground equipment, however small or however few pieces, would alter the character of the entire area -- changes it from a place where one would come to enjoy the garden to a place where one would bring small children to play. He pointed out that over 40 people had spoken very eloquently at the public briefing about why the tot lot proposal was not a good idea.

Brint Dillingham, 7018 Carroll Avenue: inquired what amount of Open Space funding would be used for the park. Councilmember Iddings responded that was presently an unknown because the design had not been finalized and cost estimates had not yet been done. He said the proposal was one of minimal development, so it was anticipated that costs would not be great. Mr. Dillingham said he agreed with Mr. Leary that the need for recreation areas was much greater in many other areas of the city; however, a major part of the genesis for the divisive dispute seemed to be the use of Open Space funds for the purchase of the property which would seem to indicate it being appropriate for public use. He suggested that no additional Open Space or City funds be expended for development of the property, but that alternative funding be sought. He inquired what sort of control the proposed Board of Trustees of the park would have in relation to the City Council. Councilmember Iddings remarked that a better and more accurate term would probably be Board of Volunteer Labor -- the intent was to have a group that would be responsible for upkeep of the park such as mulching and pruning the azaleas, weeding, etc., on a regular basis; he said that group would not supersede the Council's policymaking role. Mr. Dillingham said he would be interested to see what measures were implemented to control noise generated by people using the park.

Ms. Alderson commented that the county operates a day care facility at the Takoma Park Presbyterian Church and the play area is used in that connection; however, the minister of the church is very interested in making the church facilities available to the community and has said the public should feel free to use the play area at any time when the equipment is not actively in use by day care attendees -- and that is a major portion of the time -- the day care children use it only a small part of the day on weekdays. She said concerning the funding issue mentioned by Mr. Dillingham, that the committee had been very successful in obtaining private commitments for funding to restore and maintain the property. Ms. Alderson commented that she is an historian, conducts tours and lectures for the Smithsonian, and had recently taken a group of third graders through Historic Takoma Park. She said the highlight of that tour was the trip to the Siegler garden, looking at the house and the carriage house; she said it was awesome to see the children's fascination at, basically, being able to step back into a past age -- they seemed to instinctively understand how to behave -- no one was rowdy or looking for play equipment or entertainment. In response to Councilmember Sharp, Ms. Alderson stated there would be no provision for parking on the property, however, there would have to be provision made for maintenance vehicles to get in and out occasionally. Also responding, she said there was no mandate that the garden not evolve or that additional plantings not be made over the course of time.

Jim Douglas, 18 Sherman Avenue: said it had been his privilege over the last three years to testify both before the City Council and the county on the subject. He said three years ago when there was a proposal to put additional houses on the Siegler property, it would have been unbelievable the current point in time could have been reached which would preserve this prime example of late 19th-early 20th century Takoma Park. He said it had been remarkable to see the consensus favoring preservation of that site that developed over time.

Mrs. Simpson: thanked all those who served on the committee; said she thought they had done a very fine job and she supported their recommendations. She said Ms. Trembour was her neighbor and she thought she was an

asset to the community; she said they had not agreed on this issue, but Ms. Trembour had small children, while hers were all grown. She said she was very glad Ms. Trembour had become a resident of Takoma Park.

Councilmember Iddings moved passage of the resolution accepting the report and recommendations of the committee, duly seconded by Councilmember Haney. Mr. Iddings spoke briefly explaining the purpose and intent of the resolution, noting he had had the privilege of chairing the committee. He said he felt he had come to the committee with a totally open mind, however, over a period of time had become increasingly convinced that the site was not the appropriate location for a tot lot due to its very nature and unique significance. He said he felt the committee had done a good and thorough job, had come up with recommendations in conformance with what the property would require; he urged passage of the resolution.

Councilmember Levy commented she agreed with all the recommendations with the exception of that concerning the tot lot. She said she felt the term tot lot was used to denote use by toddlers; said she had brought her 4 year old niece to the church play area and did not think it appropriate for very young children. She said accessibility to the park for all citizens of the City was one of the recommendations and, while the plan did not undercut use of the park by children, it would have been nice to have a small, under-stated play area for toddlers which would benefit young mothers tied down at home with their children; said she was not convinced that would in any way detract from the beauty of the land or take away from its historical significance. Ms. Levy said she did appreciate all the volunteer hours people contributed to serving on the committee; however, was not convinced this land purchased with the assistance of Open Space funds would truly be accessible to all segments of the community.

Councilmember Bradley commented she had not originally supported the use of Open Space funds for the project and had not supported the original composition of the committee because proponents of the tot lot were not initially afforded representation. She said she would not be voting in favor of the resolution. She said the entire process seemed to her to have placed more emphasis on strict historical preservation than she felt to be in the best public interest of the City of Takoma Park as a whole. She said she could recognize why neighboring property owners would wish to retain the property as is because of its beauty; however, she said there is a sense among other neighborhoods in the city that the property will be sort of a private park for those living nearby. In contrast, Ms. Bradley said the majority of City parks are used by residents from all the different neighborhoods. She spoke concerning the cost to the City of this particular park, not only in terms of the Open Space funds and staff time expended, but also the divisiveness that had occurred -- the tone of this park, unfortunately, had created a "them/us" attitude within the city. She said she was also concerned about longterm costs and responsibilities for the City in relation to the park. She said she felt there could have been some small, even symbolic, acknowledgment of the needs and wants of other members and segments of the community without hurting the historic significance of the property.

Councilmember Haney commented he had been in support of the neighborhood on this issue from the very beginning and when he leaves the Council, could look back on his vote as one of his more gratifying acts as a Councilmember. He said he had expressed a number of times his personal affection for that neighborhood, and particularly the Siegler garden itself. Mr. Haney said he felt the neighborhood had a number of motives aside from historic preservation of the site, including one similar to Ms. Bradley's and her husband's when they purchased a lot near their own a few years ago -- i.e., to have an impact and some control over what occurs in one's own neighborhood. Ms. Bradley pointed out that they used their own personal funds for that purchase -- not public funds or commitments. She said perhaps that even affected her attitude in that she felt there should have been more private initiative and not public sponsorship of a project such as the Siegler property. Mr. Haney remarked he had been pleased to meet many neighbors of the property in connection with the issue and would look forward to working with them in the future as a volunteer in the Siegler garden.

The Mayor remarked that some of the commentary linked the issue with his predecessor in office and tended to paint a picture of "them" versus "us" which he said contributed to the divisiveness. He said he felt it entirely appropriate for public agencies to be interested in preservation of history

and historical sites, and that the Slegler garden would be, in essence, an outdoor museum which could convey a sense of what the City was like in its very beginning. He said while there was a need for more parks in other areas of the City, there was also a need to recognize and preserve the history of the area.

The resolution was passed by roll call vote recorded as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings and Sharp; NAY: Councilmembers Bradley, Levy and Williams; ABSTAINED: None.

RESOLUTION #1987-20  
(attached)

2. Public Hearing and second reading of proposed ordinance amending FY 1987 budget (Budget Amendment No. 4).

Councilmember Sharp raised questions concerning items that had been added subsequent to first reading. Councilmember Bradley moved adoption of the ordinance, duly seconded by Councilmember d'Eustachio. Councilmember Sharp commented concerning lack of substantiated need and other appropriate documentation to support item G (2 new vehicles for Code Enforcement). Mr. Wilson pointed out that approving a budget item would not mean that following appropriate procedures and providing required information and documentation would be omitted. Following brief dialogue, Councilmember Haney inquired of Mr. Wilson whether there was a possibility of purchasing cars from vehicle rental companies who sell their cars after about 20,000 miles of use; response was in the affirmative. Mr. Wilson said that option would be examined as a part of the procurement process. Discussion ensued concerning the Nuclear Free Zone Ordinance and its requirements in relation to proposed vehicle purchases. A request that the question be called, which would have closed debate on the issue, was defeated by a 3-3 vote with the Mayor voting in the negative to break the tie. Councilmember Williams commented in favor of following the precedent set in the purchase of police vehicles after a lengthy public hearing, particularly so that the Code Enforcement cars could be procured prior to the end of the fiscal year. Councilmember Sharp remarked that the point had been made during the hearing concerning the police vehicles and the requirements of the Nuclear Free Zone Ordinance that it could be considered a problem if bids were excluded up front because of suppliers having nuclear weaponry affiliations. He said he had understood from the discussion that the best approach would be to accept all bids so that a realistic cost evaluation could be made, and then determine whether or not, based on price differential, a waiver of the ordinance should be invoked. Following commentary that the bid process was not relevant to the current topic and should be a separate discussion, Asst. City Administrator Habada noted that items G through L, items C.(6) and (7), and Capital Budget item A had all been added to the ordinance subsequent to first reading. Councilmember d'Eustachio moved to amend the ordinance by the addition of those specific items, duly seconded by Councilmember Bradley. The amendment passed by unanimous vote. The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Iddings, Levy, Sharp and Williams; NAY: None; ABSTAINED: None.

ORDINANCE #1987-10  
(attached)

3. Resolution confirming appointment of Virginia Field as Chair of Cable Board.

Councilmember Iddings moved passage of the resolution, duly seconded by Councilmember Bradley. The Mayor related that he and the Council had met earlier with Ms. Field, whom the Cable Board had recommended for appointment as Chair. The resolution was passed by unanimous vote.

RESOLUTION #1987-21  
(attached)

4. Second Reading of an ordinance awarding contract to Jonathan Weiss for Management Audit of Public Works Repair Shop.

Councilmember Iddings moved adoption of the ordinance, duly seconded by Councilmember Bradley. Councilmember Sharp commented that, for reasons stated at the prior reading, he would be voting against the ordinance. Councilmember d'Eustachio remarked that he, too, for reasons previously outlined, would be voting against the ordinance. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, Haney, Iddings, Levy and Williams; NAY: Councilmembers d'Eustachio and Sharp; ABSTAINED:



None.

ORDINANCE #1987-11  
(attached)

5. Second Reading of an ordinance changing the residency requirements for landlords on COLTA.

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Iddings. Councilmember Williams reiterated comments voiced in earlier meetings concerning the legislation, pointing out the proposal had come before the Council several times in the past and neither he nor tenants in general viewed it favorably -- particularly in that it allowed landlords to have COLTA representatives who reside outside the City and the same allowance was not made for tenants, which was unfair. He said he would be voting against the ordinance. Councilmember Levy commented she recognized the effort that had gone into writing the legislation, as well as the ongoing problem in getting landlords to serve on COLTA; however, said she appreciated Councilmember Williams' views and would not be voting in favor of the ordinance. She said she might possibly vote in favor of the ordinance at a later date if aggressive solicitation of resident landlords to serve on the commission did not prove successful, however, would want that done first. Councilmember Sharp commented that extensive efforts had been made in the past to recruit landlords willing to serve but had not been particularly successful; he said he would always favor the appointment of resident landlords, however, pointed out the ordinance did not require that non-resident landlords be appointed but only provided that it could be done. He said COLTA had conveyed a need that very serious efforts be made to effect appointments of landlord representatives to serve on that body lest there soon be too few to effect a quorum. Concerning Mr. Williams' argument about non-resident landlords, Mr. Sharp noted that it was required that the landlord own property within the City in order to serve on COLTA; he said if Mr. Williams would wish to introduce an ordinance allowing tenants residing outside the City to serve as tenant representatives on COLTA, he would second that ordinance. Mr. Williams remarked that would be ludicrous, that the ordinance was originally established for the benefit of City residents and that was the way it should remain. Councilmember Bradley commented this was an issue that had gone back and forth several times in the last 6-7 years; she said COLTA had, of necessity, become increasingly technical and legalistic. She expressed reservations about allowing non-resident landlords to serve on COLTA and favored more aggressively trying to recruit landlords who reside in the City, with the option of reconsidering the issue if that effort failed. She said she would be voting against the ordinance and thought the reasons commissioners failed to complete terms or did not wish to serve additional terms on COLTA had to be examined by the City. Councilmember Haney commented he would be voting in favor of the ordinance because of the basic need it addresses, i.e., that of having landlords to serve on COLTA. He said he had personally tried very aggressively to recruit resident landlords to serve -- not only from his own ward, but all parts of the City -- and had had little success. Councilmember Levy reiterated remarks encouraging that aggressive recruitment efforts directed at resident landlords be made prior to changing the law to allow non-resident landlords to serve on the commission.

Kay Dellinger, 7333 New Hampshire Avenue: spoke against allowing non-resident landlords to serve on COLTA. She said she had lived in apartments all her life, the management at Hampshire Towers where she had lived the last 8 years was the worst she had ever seen. She said the owner of that property lives in New York state and virtually never sees the property, which is run by a management company which has no concern whatsoever for the tenants -- she cited numerous instances of alleged negligence on the part of the management company, and said complaints voiced by tenants to management were totally ignored. Despite all that, she said management had been able to raise her rent by \$25 a month -- thanks to all those on the Council who had voted to allow a 4% rent increase, when the inflation rate was only 1%.

Mike Davidson, representing UMAAC: upon request, enumerated the numerous apartment building tenants' associations on Maple Avenue that are members of the coalition. He said he thought an approach suggested by Councilmember Bradley which would delete representation designations on COLTA and render it just a diverse body of people might be the most workable option. He said if the City's Housing Services Department were properly and adequately staffed and enforcement was strict, there would not be any signifi-

cant case load for COLTA and people would be more willing to serve on that commission. He said it would be a big mistake, a step backward, for the Council to pass the ordinance allowing non-resident landlords to serve on COLTA. He said what was needed was the redirection of energies toward the Housing Department where there are serious problems; he said the inspection done on the Edinburgh House which certified certain things to be in compliance was incorrect -- that a number of those things so certified were not in compliance.

Brint Dillingham, 7018 Carroll Avenue: spoke in opposition to the legislation; said he did not think it inconceivable that elected officials could be deceived by non-resident landlords with ulterior motives if the proposed ordinance were adopted. He said COLTA's decisions are probably second in importance in the City only to those made by the Council itself, thus, did not think it unreasonable to require that members of COLTA be City residents.

The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings and Sharp; NAY: Councilmembers Bradley, Levy and Williams; ABSTAINED: None.

ORDINANCE #1987-12  
(attached)

6. First reading of a proposed ordinance entitled "Abandonment of City Streets."

7. First reading of a proposed ordinance entitled "Authority of School Crossing Guards."

8. First reading of a proposed ordinance entitled "SOVRAN Lease-Purchase Agreement."

Councilmember Sharp moved acceptance for first reading of the above three pieces of legislation, collectively; the motion was duly seconded by Councilmember d'Eustachio. Asst. City Administrator Habada pointed out that the item concerning Sovran lease-purchasing had been written in both ordinance and resolution format; she said passage as a resolution would permit moving ahead a bit faster with arrangements. Councilmember d'Eustachio commented that due to the substantial amount of money that would be involved he had felt an ordinance would be most appropriate. The Mayor concurred with Mr. d'Eustachio that due to the amount of the expenditure involved, an ordinance would be appropriate. The three proposed ordinances were accepted for first reading, collectively, by unanimous vote.

9. Park Ritchie bankruptcy proceedings.

The Mayor noted this item had been discussed in pre-Council Executive Session. He explained that the major creditor and the debtor, the Park Ritchie Limited Partnership, had filed a joint motion seeking leave and approval of the bankruptcy court to allow for the sale of the asset of the partnership, i.e., the Park Ritchie building, to a contract purchaser, Southern Management (or a partnership formed under Southern Management by David Hillman). He said the purchase of the property would allow for payment of debts and obligations by agreement to various creditors, including the City of Takoma Park and the tenants of Park Ritchie. The Mayor said the City understood that the tenants would receive approximately \$75,000-\$85,000 out of the settlement and the City of Takoma Park would receive \$25,000 payment toward fines assessed against the building; also the City would receive payment of taxes owed for the current fiscal year. He moved that Corporation Counsel be authorized to not oppose the motion to allow for the sale of the property; the motion was duly seconded by Councilmember Sharp. Councilmember d'Eustachio remarked he would wish for the record to emphasize that the motion was to not oppose the motion allowing sale of the property, in contrast to support for the motion. The motion carried by unanimous vote.

10. Resolution in support of the budget submitted by the Superintendent of Schools for Prince George's County.

Councilmember Sharp related that there was a difference in the budget for schools proposed by the Superintendent and that proposed by the County Executive; he said parents in his area, Wards 6 and 7, were concerned that unless the Superintendent's budget were adopted the major strides the county's schools have been making in the last few years would be slowed. He asked that the Council support the proposed resolution being presented and asked that Mayor De! Giudice present it to the County Council when he attends the public hearing on April 21; he moved its passage, duly seconded by Councilmember Haney. Following brief dialogue, the Mayor remarked that

the Prince George's County Executive had succeeded in getting a new utility-fuel consumption tax through the state legislature purportedly to generate funds for education; he said there was some ongoing discussion currently about how the money would be used. If that projected income were dedicated to the education budget in the current fiscal year, perhaps they could meet or approach the Superintendent's budget request. He said the proposed alternative was to use the money to pay off existing debt services and things such as that. The resolution was passed by unanimous vote.

RESOLUTION #1987-22  
(attached)

11. Resolution concerning proposed INS rules relating to processing of applications for lawful temporary resident status under the special agricultural worker and legalization programs and expressing opposition thereto.

The Mayor explained that the proposed rules would make it particularly difficult for low income individuals to take advantage of the amnesty period created to allow immigrants who came to the U.S. before 1982 to get resident status and, ultimately, permanent resident status and citizenship. He said people with whom he had spoken consider this to be a deliberate departure from the will of Congress; he said it was important to note that public health clinics, which most of the immigrants use, had not even been included in the list of doctors to whom they could go. He pointed out that the only INS District Office for processing these applications in the Washington Metropolitan area was slated for Arlington County in Virginia, which would not adequately meet the needs of the people residing in areas north of D.C. The Mayor moved passage of the resolution, duly seconded by Councilmember Bradley. Councilmember Bradley commented there were numerous immigrants living in her neighborhood; said she had heard from many that the new law was very threatening, very negative as far as allowing citizenship opportunities. She said she did not feel allowing citizenship access more readily would in any way hurt anyone, and that such a policy should be endorsed at the local level. The resolution was passed by unanimous vote.

RESOLUTION #1987-23  
(attached)

Upon motion, duly seconded, the meeting adjourned at 11:40 P.M., to reconvene in regular session at 8:00 P.M. on April 27, 1987.

THE CITY OF TAKOMA PARK, MARYLAND

Council Meeting Summary  
April 13, 1987

A Proclamation declaring April 11-18, 1987 Community Development Week was unanimously adopted by the Mayor and Council.

The following Resolutions were passed:

- #1987-19 - Ellen Marsh appreciation and commendation
- #1987-20 - Adoption of Thomas/Siegler Report and giving City Staff further direction to proceed with the development
- #1987-21 - Confirming appointment of Virginia Field as Chair of Takoma Park Cable Board
- #1987-22 - In support of the budget submitted by the the Superintendent of Schools for Prince Georges County
- #1987-23 - Opposition to proposed Immigration and Naturalization Services rules and suggestions for changes to such rules

The following Ordinances were adopted:

- #1987-10 - FY 1987 Budget Amendment No. 4 (with amendments)
- #1987-11 - Awarding contract to Jonathan Weiss for Management Audit of Public Works Repair Shop
- #1987-12 - Changing the residency requirements for landlords who serve on COLTA

THE CITY OF TAKOMA PARK, MARYLAND

Council Meeting Summary  
April 19, 1987

The following items were discussed at the meeting of the Council on April 19, 1987:

1. Report of the Board of Public Works

- o The Board of Public Works reported that the Board had approved the proposed budget for 1987.
- o The Board also reported that the Board had approved the proposed ordinance to amend the zoning ordinance to allow for the use of accessory structures.
- o The Board also reported that the Board had approved the proposed ordinance to amend the zoning ordinance to allow for the use of accessory structures.
- o The Board also reported that the Board had approved the proposed ordinance to amend the zoning ordinance to allow for the use of accessory structures.
- o The Board also reported that the Board had approved the proposed ordinance to amend the zoning ordinance to allow for the use of accessory structures.

2. Report of the Board of Health

- o The Board of Health reported that the Board had approved the proposed ordinance to amend the health ordinance to allow for the use of accessory structures.
- o The Board also reported that the Board had approved the proposed ordinance to amend the health ordinance to allow for the use of accessory structures.
- o The Board also reported that the Board had approved the proposed ordinance to amend the health ordinance to allow for the use of accessory structures.

THE CITY OF TAKOMA PARK, MARYLAND

Public Hearings: Departmental Budgets for  
Police Department and Housing Department  
April 15, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Asst. City Admin. Habada
Councilmember Haney	Acting Director DHS Austin
Councilmember Iddings	Ec. & Com. Dev. Coord. Neal
Councilmember Levy	
Councilmember Sharp	
Councilmember Weiss	

EXCUSED: Councilmember William

Mayor Del Giudice:

To make a few suggestions on how we perceive this evening. The process to this point has been that the departments have submitted budgets to the City Administrator who has then taken each of the department budgets and put them together in a whole City Recommended Administrator Budget. I would suggest that we proceed with these hearings with a presentation by the City of Administrator of his recommended budget allow each one of the departments an opportunity to discuss the recommendations that have been made and any differences they have. We will address questions to them and take public comments. Thereafter, we do have two budgets to review this evening and I would recommend that we try to spend about an hour and a half at most with each of you.

Mr. Wilson: We have available for the public a public summarizes the Managers and the City Administrators budget. As you know the earlier budget direction was to direct the departments to submit budgets that basically remained at zero increase with the added provision of absorbing a 3% increase of unlabeled increase of personnel cost. This was done for each department with the exception of the Housing Department where again by your direction we gave them a little more freedom to expand or at least propose to expand their operation. What you will find in the overall budget is the same pattern that we laid out last year which allowed us to add a column to the respective budget so that you will have a request column and a approved CA column and then the last column which will be the final determination responding.

This current draft obviously is completed but it hasn't got the benefit of input from the Revenue Task Force, the Housing Task Force, the Management audit of Public Works, the Organizational Structure Study or the bargaining that commenced today with the unit for the employees that are part of AFSCME, the local number that has been assigned to the Unit 3399; you will be hearing that number very often. This budget does not contain a recommended line item for the Corporation Council nor does it contain any recommendation for changes for senior or executive staff. I think that's pretty much the summary of the conditions that surround, this set of recommendations and you also know that the administrators direction was to include the 36% pay plan which is currently under negotiation with the AFSCME Unit and therefore, the details of that pay plan is not a part of this specific budget.

Beverly Habada In terms of discussion on Revenues in general as well as the whole budget, What are our opportunities to talk about that? I feel if we could have done that first before we got into a particular departments especially in terms of gaining third preceptive about what the estimated revenues are, how much of a pie we are dealing with.

Mayor Del Giudice responded. I think that is set for public hearing at our third hearing but I think at this time it would not be a bad idea to hear the projections. I don't know in staff if we have discussed this, but, there are projected additional revenues that we may receive from the state as a result of the income tax settlements that was reached in the legislator no one really knows exactly what that is going to be. We've received an estimate of the Maryland Municipal League that we may receive as much as \$50,000 in additional Transportation Revenues.

Mr. Wilson: There is a page in the summary that I've provided you with that sits just before the Revenue Detail and that gives you an overview of our estimated Revenues by category. In those categories you will see that four columns represent the adopted FY87 Revenues Estimated Actuals @1.70 and FY88 Proposed Revenues and the FY88 @1.78 1/5 which is the same rate that we currently have. You'll see that under that particular column there are only, for obvious reasons two changes and two line which were adjusted to accommodate them. The estimates in projections for next year are pretty much based on relatively firm information that we have received from various sources. It does not include the Revenues that the Mayor was just discussing nor does it include the potential anticipated revenue from Montgomery County with respect to the re-negotiation of that particular formular. We estimate that there is a possibility of \$100,000 available there maybe a little more final word isn't back on that. We did not include any of those soft revenue dollars. So what you see basically is a total which is based on calculated or known revenue sources.

Bev: In the budget summary you mentioned earlier that it did not include the primary cost of Corporation Council on constant yield rate as well as keeping the rate the same is different.

Mr. Wilson: Answer to your question is, Yes, they are different. We also have not included in the pie these other areas that we are considering, but at the moment this is a balanced Revenue Budget without those expenditures included and it is at constant tax. We did talk about Constant Yield as far as the Department Heads and their submission were concerned and that is what we did. We were also directed to accommodate the adjustments in the proposed pay plan, which is about 75% or 80% of the difference between the constant rate and the constant yield. That is what absorbed that difference.

Mayor Del Giudice: The revenues for fiscal year 1988 on the four columns the preceeding page shows that there is a total allocation if you will of \$5,821,203 in this proposed budget and the proposed Income in the fourth column for fiscal year 1988 proposed with the current tax rate is less than \$9,000. Unless the City does receive additional revenues from the transportation money, Income Tax and from Montgomery County for the police serivces we're looking at some additional cutting of this budget to include senior staff compensation questions and Corporation Council allocation.

Bev: Just one correction and that is that the figures for the \$50,000 in Gas Tax is included in there and we did take into account \$20,000 just in Gas we are hoping it's more but \$20,000 in the Income Tax.

Mayor Del Giudice: So unless we do receive additional monies from Montgomery County for the police service. So that we are looking at a situation where we are going to have to do it approximately if everything stays the same of \$80,000 worth of cut from disproposed budget.

Question: On the Budget Summary Expenditures, you have general funds transfer of \$45,000 is that a block grant money or is that pulling money out of our unallocated reserve.

Response: That's the general fund transfer that we are doing to support the special Revenue Budget which includes the Economic and Community Development Division in the administrative cost to run that division.

Mayor Del Giudice: It is our match basically.

Mayor Del Giudice: In the non-departmental which includes capital, how much of the Capital Budget is assumed in this summary to be done under leases and how much of it is our cash?

Mayor Del Giudice: None. But on the revenue page there is a current unappropriated reserved capital dollar amount of a total of \$586,000.

Ques: Is there a contingency in this budget?

Mayor Del Giudice: They're contingencies that are spread throughout the various department budgets. Yes. Are there any other general revenue questions?

lddings: Figuring out here over what we have of the budget of last year and what ones budget is, it looks like 1.6% increase and is the increase substantially resulting from the direction that we gave you on the pay plan.

Ans: Jim Wilson: Yes, about three quarters of it, \$166,000.

Comment 1: Housing Department

Wilson:

You'll see in the summary page that there were some net increase the salary line from \$134,000 to \$156,884 and of course the overtime has been adjusted down from the Directors recommendation as have most of these other items. There were a couple adjusted upward just slightly because of our concerns about the minimum amounts. Basically, in the note section you will see that FY87 budget added one code enforcement officer the director had requested adding in FY88 one code enforcement officer in addition in one zoning officer and a half time clerk. Our recommendation held at the half time clerk and giving the fact that the additional Code Enforcement Officer was already at it this year and for no other reason the contract legal assistance and several other items here were not budgeted previously. They are budgeted now by virtue of some adjustment this year and they'll continue as budgeted items in the recommended amounts. So over all the budget has increased in terms of our recommendation the difference of \$60,000 as opposed to \$110,000 that was originally recommended.



Weiss: The item of greater disparity is the item of Personnel Salary at the level of the current staffing available. We can assume that each unit that is inspected receives only one follow-up inspection and assuming that there are no catastrophies of very limited amount of emergencies and virtually no vacation leave or sick leave. We can manage to inspect all of the rental units in the city during one years time. That puts us on extremely tight schedule and somewhat unrealistic schedule and that the percentage of units that need only one follow or one re-inspection is right now less than 50%. We hope to improve that in the future with some outreach programs with some consistent inspections with a comprehensive housing program that informs people of what their responsibilities are and takes the penalties more seriously than they have been taking them in the past. But during the next year I think it is necessary that we take these problems into account and that we also allow for some beefed up inspections in areas that we believe to be containing a substantial amount of substandard housing. The Department of Housing services has been asked to take on functions related to abandoned autos, burgular alarms, code enforcement in both Montgomery and Prince George's County and by dating the number of complaints that have come in during the last couple of months. The process by which we are currently enforcing those non-rental housing property maintenance areas of code that is through a complaint process that is a reactive rather than a proactive process. We are not getting a good handle on the situation as I think we could if we had the proper staff, one specific individual to deal with those non-housing complaints and concerns. There are obvious reprecutions if you chose to adopt my suggestions for the budget and the general administration budget carries the line items cars, and training of the number of people we have. Hopefully, we will have some relationship to the number of vehicles we have for them to use in doing inspections and that would also relate to the number of people that we would need to have the same. In order for us to do accurate consistant thorough proper inspections that stand up in court our inspectors are going to need to be trained and we have already gotten some estimated which are considerably quit reasonable. You'll notice that our mission is to find outside funding to support our programs not just fundings that will be provided through taxes. One way to do that is through training programs is to involve other municipalities in the training programs to offset the cost in offering those programs. One item that you will see having a very large number by it compared to previous years is that of the telephones.

In the Capital Budget will be cellular phones as well and the purchase of cellular phones should also be related to cars which should also relate to the inspectors. The primary purpose of my wanting cellular phones for the cars for the inspectors is for safety. The process of sending any inspector out especially after hours for emergency purpose be it in the evening or on week-ends present some possibilities of safety problems. I was very dissatisfied with my predecessor method of attempting to minimize those safety problems. My hope is to be able to send out any inspector so that any inspector can be on call in the evenings or the week-ends to deal with what ever problem exist. I have been working with capital workmen to develop a policy whereby these phones can be used to contact the police department in the event that an inspector, due to the parties involved or the situation at hand has reason to believe that there will be a safety problem if this is realized ahead of time then the inspector should call for a police escort ahead of time. But if it's not realized until the inspector is on the premises the

Inspector can still call for back-up because these cellular phones will be carried with the inspectors.

Q: This is something I saw in the budget and wanted to discuss at length, it is however a Capitol Budget item and maybe we ought to really leave the indepth discussion to the Captial Budget.

Mayor Del Giudice: I think that tonight we're going to concentrate on the Operating Budget and we'll take all of the Capitiol Budget at one time.

Mayor Del Giudice: The Capitol Budget needs to be looked at as a whole; that's the problem we face. I don't think that there's anything wrong with you taking a few moments to touch on some of your Capitol items but we won't be discussing them tonight in detail.

Welss: In the telephone line item, you will then see a cost for mobile phone service built in. As far as the overall objectives of Housing Services I think the most important is to instill community wide confidence in the department of housing services and the services it provides. Regarding my code enforcement division, to provide consistent, comprehensive and accurate property maintenances inspections, and in my landlord-tenant affairs division to provide programs and services which will minimize or prevent conflicts which exist between landlords and tenants.

Q: Is the money to be allocated to train code officers in the administration's budget as opposed to department's budget here?

Wilson: Past practice has had it rolled up into the administration budget, and there is a need for consideration, at least, of reallocating those funds when and if we get specific, planned, pre-dated recommendations for training from departments as opposed to the way it is now which is basically an ad hoc kind of thing.

Q: I know we're not discussing your budget, but does the recommended amount include money for training of code enforcement officers as requested by the director of housing?

Wilson: I don't believe so. The amount was arrived at on a flat projection of previous year to next year.

Q: At this point there is no direct allocation of that money, it's just a lump sum to be divided among all the departments?

Wilson: That's correct.

Q: How does that leave us then with regard to analyzing the request for training, I mean we just don't analyze it and Jim allocates it however it comes up?

Wilson: We could do it that way or we could specifically allocate money into the Housing Budget. As a general rule the way it is done is probably best because you have some kind of central control and coordination over it, however if you have a specific request and it comes in well enough in advance and you have a good handle on what it's going to be and it's also a substantial amount of money then there's certainly no reason you wouldn't put it into that specific departmental budget and still leave a certain lump sum in the administration budget. You could put it into both or into miscellaneous or another account.

Mayor Del Giudice: What are the projected costs of the code enforcement officer's training that you've received?

Weiss: Primary training would be done by COLTA on site and their projected costs would be a little over \$1,300 per 2-day training program, twice a year, with no turn over, 2 trainings the 1st year, one thereafter. I also asked for additional training for a code enforcement supervisor to attend, I think it was \$850. That would not be on site, that would be held at one of three sites offered by the Univ. of Wisconsin extension service. It's a week long program and recommended by experts throughout the country including COLTA. The primary site is Madison, Wisconsin, where it's offered in January, April in Anaheim and in Colorado in the fall.

Weiss: Some of those funds for the COLTA program should be covered by other municipalities. I believe COLTA said we could have up to 20 people attend this program, so if we bring in other municipalities who are also using COLTA or related codes to share the expenses, that will cut down the expense.

Q: I have some specific questions about your dollar figures.

Weiss: Page 23. I've discussed the 1st one, the 2nd is to keep the community apprised of the HS activities. You've seen some of that already in the past newsletters where we've indicated some of what we have done and what we plan to do during the coming months. I hope to do more of that some directly thru tenants organizations or neighborhood organizations other outreach programs, perhaps working with cable television, but generally I feel the community is kept apprised of what we're doing to make improvements it will tolerate the problems which exist as we work our way to that point. By an accessible user-friendly office environment. One of the problems with our office environment is that it is a multi-purpose environment. One of the recommendations of the housing task force was that we incorporate into that environment a housing info. center, while I embrace the concept I don't know where to put it, let alone any new code enforcement or other staff people you might choose to give me.

Mayor Del Giudice: Would that be a problem if that room remained in use as a conference room for council work sessions and otherwise, if that back room were given to you for use by of housing for its exclusive use?

Weiss: It would not be as much of a problem, especially if the council was not terribly particular about the size or shape of the work table or tables that we'd be using. I've investigated the possibility of purchasing desks where the insides, which would be files and drawers, roll away, to be stored at night, so that those desks could replace those tables that are currently being used.

Wilson: What you're saying is essentially though, is that you're thinking of continuing to accommodate the council work session meeting, through this device.

Weiss: I've investigated that alternative because it appeared unlikely to me that the council would be willing to give up that space as its work session area, although my preference would be to have it completely used for housing. I didn't expect that you would have the same priority and therefore investigated that other alternative. It is an alternative and would certainly be

much better than the situation now.

Wilson: I don't know what the Council's ultimate decision would be but I think that's the point that's been raised in the past. I think that we need to know what the cost of any alternative, like modular furniture units would be...before we would proceed with that alternative.

Weiss: There is no cost increase involved with this suggestion. We would have to anticipate the cost of furniture associated with the additional staffing needs and whether we purchased one style of furniture as opposed to another would not really change the cost, it would just change the usability of the space.

Weiss: Utilize DHS Resources efficiently and effectively -- I think to a certain extent that just means provide leadership that's lacking in the dept. but more than that to take into consideration the costs which are involved in our decisions and to evaluate our choices all along the way. We're interested in hiring a sufficient number of personnel to properly carry out the functions and responsibilities of the department of Housing Services. Those are elaborated on the 2nd and 3rd pages.

Q: Particularly in regard to sufficient staff, under the code enforcement division, do you currently have a supervisor for code enforcement?

Weiss: One code enforcement supervisor and we're authorized to have 3 code enforcement officers. I'm asking for four officers to direct their efforts at rental property inspections and one additional officer, called a zoning enforcement officer to direct efforts at non-rental housing inspections.

Wilson: Yes.

Q: Would you explain, your organization table which shows a temporary position during the summer, page 30, that had a bearing on my decision.

Weiss: One of the interns that has worked with our office and is currently with our office, has the qualifications to be a code enforcement officer. Any intern needs more direction than a full-time professional staff person, however, in the summertime when there are evidently more problems and when this person has more time and when we will be training people and working with people anyway, it seemed for this summer especially, a good idea for this person to work as a temporary code enforcement officer. We would utilize her as a code enforcement officer but probably not entrust as much responsibility to her as we would to someone who is a full-time professional. I'm hoping that if this works out we will be able to do it for the following summer as well.

Q: A lot of the emphasis is on establishing more outreach, better communications and providing information, professionalizing housing services. I'm glad to see that and I want to support that as someone who's very interested in housing here. One of the other issues though, is the on-going increase in expenditures that after several years on the council we keep building the budget up. Now in the most recent addition of a code enforcement officer we talked about making that temporary position. So now, we're talking about making it permanent? I get enough phone calls about complaints, delays and so forth, but it's very trying to think some strategic sense what happens five years down the line. We fix up enough problems so we don't need as many code

enforcement officers or conversely are we going to be doing so much more code enforcement that we are also going to be increasing our cost of other legal enforcement? We probably should do that but if we recognize what those real costs are or how things eke up.

Bradley: One of the suggestions that has come on several occasions from different council people has been that we eventually eliminate inspections for certain types of dwellings or go to a 2-3 year program. How do we know how much more problems exist until we have done one on the housing in the city? I would like to see all of the units brought up to code onetime? I am putting in a grant proposal with the State of Maryland for use of livability funds so that we can analyze what our efforts will be, where the problem areas are, where we should direct our resources? I don't think it's out of line to label the additional coding enforcement officer I am suggesting as a temporary employee and that we will not know the extent of our problems, the extent of cooperation we can get when we really put forth full effort. The cooperation that we can get from the community and to what extent we need annual inspections to be the definition of regular inspections. I think that we are thinking along the same lines the problem is that we have no bench mark to go from right now.

Iddings: ...good friend William Blake said, you'll never know how much is enough until you know what is too much. We have a legal mandate to inspect every rental car for the entire city on annual basis which is written into our code and we have never changed that, although we have never gone over it either. I would think that as a minimum we must change the future code, we must be missing some kind of potential for a legal action there. Because we are mandated to do a service that is not effect the writing. I remember the discussion somewhat differently in terms of the third code enforcement officer which we had in February. I remember that there was a discussion about whether there should be temporary or not but it was left at a recognition that in fact, this code enforcement officer would be budgeted up in the incoming years. Because when the persons were finally hired and came on board we really wouldn't be enough opportunities for the person to make an impact of backlogged. I'm real torn about your proposal vs. Jim proposal and part of my concern is that in terms of the numbers I believe that your proposal does not include the subcost for 36% pay plan figure and that Jim's figure does include the 36% pay plan figure. So we're not able to really gage the fiscal impact of funding the full request and that is what we are suppose to do, because we don't have the same basic on the numbers.

Q: Could we possible ask, for that comparison that is just on the personnel line of your proposal at 3 and perhaps the proposal at 4 and the proposal at 5? In other words, if we are going to have three obviously we can fool around with cars some, but there is going to be clearly a difference number of cars we are going to need. If we have three officers or five officers 4 maybe somebody can hitchhike half the time.

Wilson: So what you are asking for is a unit cost for inspectors including a direct and indirect support cost.

Iddings: Based on what we have discussed, so that we can make it real successful. When we look at the figures it look like \$21,000 more we are going to get two more officers but that is not the reality.

Bradley: My perception was that it should be temporary until as such time we know we have a proper management and control and follow-up to know that is what we absolutely what we need. Related to that is one of the concept of identifying the worst buildings or the worst areas and doing follow-up to the initial code enforcement. Thus, either getting a bigger stick or putting pressure on to improve the system as a whole. Secondly, training which again, I know that alot of the housing task force members were very concerned about and yet over the years we have hired some folks that had no housing code experience. I know there were some unemployed code enforcers and not because they were laid off or incompetence. I see a correlation there in terms of both saving training cost, but more importantly having an efficient training code enforcement system. So one of my questions have to do with recruitment, selection and supervision of code enforcement officers. We've had some people who have never completed whole building inspections and they are telling other people what to do. That doesn't ring true with me and neither not all your responsibility it's a history that we have all inhereted perhaps.

Welss: I share your concerns, you will notice that there is a substantial figure under ads and legal notices. Some of that has already been used this year and we have as a result of a nation wide search for new code enforcement officers gotten a number of very qualified applicants. Applicants that are not only qualified to be coded enforcement officers but have a lot of potential. As far as what you see training to precieve lacking deficiencies in current code enforcement officers is one of the reasons I have requested the additional training. It is my responsibility and I intend to carry it out to the fullest. To conduct regular evaluations of employees so that I can guide them toward improvement. I gather that as part of the entire City's Pay Plan anyone who does not meet the minimum requirements for position will be red circled and expected to meet those qualifications.

Wilson: What is your method of selection of these new people and the process you are going to use to upgrade them?

Answer: As far as the initial selection goes I'm strickly interpreting the position discription and the requirements for it. I am and have devised it in examination to test the applicants who will be candidates. I have spoken with people across the country in attempt to develop a test to see that our code enforcement officers do meet certain standards. I was promised such a test from Boga last month, but then Boga changed its mind and so I am investigating some other options right now. But we will have some type of test or certification that all code enforcement personnel will have to met so that we're sure that they are doing their jobs properly with the knowledge and expertise that's needed and their inspections will stand up in court.

Mr. Abbott: (transcriber unable to pick up question).

Answer: I am sorry, Mr. Abbott I cannot tell you what the current percentage is. I can tell you the percentage under the proposed ordinance or I can tell you what the number per month is. Because when you get code enforecment officers and there is a training time.

Wilson: Let me precede your statement by making one observation that relates to what Mr. Abbott is talking about. Subsequent to that 60% finding that was made a couple or three years ago. It had been indicated some months that after an eighteen month period they would have completed one complete cycle. I think that had projected to occur about 1-1 1/2 year ago. Now, I frankly can't tell you whether in fact, our complete cycle was completed in that eighteen months. I have a feeling that that's not the case simple because we weren't able to define that kind of conclusion from the scarce data that we found when we went in there and looked for it. I think though to continue the answer that Ms. Weiss here can give you some thoroughly firm estimate of what can happen under this particular budget in some detail. Borrowing catastrophic pressures that weren't anticipating.

Abbott: (transcriber unable to pick up question)

Comment: But when we attempt to gage the number of units that are inspected during a period of time we have to figure in the re-inspection has taken place to see that they do need code. During one inspection and telling the owner of the building that these deficiencies exist isn't enough. We have to go back and to see that the deficiencies are corrected. Our experience right now is that upon seeing that the deficiencies are corrected we've faced with a whole new set of violations.

Iddings: We can't just keep adding coded enforcement officers item for item without some change.

Comment: There has to be a limit, but part of the reason this continuation takes place and that on re-inspection codes violations have not necessarily been brought up to the proper standard, is that the department has not taken affirmative stand on getting the corrections made within the time period allotted. To some extent it has to do with inconsistency. because people haven't been trained in the same extent to do the inspections the same way. To some extent it has to do with alot of turnover in the department and there are a lot of factors to be considered in weak supervision we might add.

Iddings: We have a goal to inspect each department to bring it into compliance on its annual basis. Given the best goal, how many people do you need to reach that goal? Our decision has to be is that a realistic goal in order to move do we have to give our resources something a triage method or a identification of the worst building and set up a strike force. Given the goal we have is it your judgement that the number of people that you are requesting would allow the department to meet that goal at least once during the year every apartment in the in compliance with the code.

Answer: Yes.

Q: That would be one additional inspector for the housing purposes. You would say, that it would be necessary also to have -that one additional officer who would do all of the zoning and visitation, trees, garbage, burgular alarms and abandon autos?

Levy: I agreed that we have to think of our budgetary constraints. Unfortunately, there is none here this evening, but we have to think of all previous meetings, things preceeding and the percentage of renters we have and really the majority of our complaints in during citizens complaints and others were directed

towards code enforcement problems. Even though, we don't have the audience here tonight I think that was primary of all the things that we have heard at least since I've been on the council and whether we do it by a triage or more people. We have to work within our constraints. I think that generally your goals and budget is very unstirred justice and well stated. Right now you have no evening hours for the housing department. Before I came on board, attempting to fulfill evening hours were justified by the housing coordinator being present at COLTA hearings and COLTA meetings. Expanding the legal assistance time so that he is able to conduct the research project and the hearing related projects for the COLTA commission as well as the Department of Housing services at it relates to the COLTA commission. Things like creating a digest in orders of opinions. Doing research into the past COLTA decision. I have entered into a temporary contract with this individual so that his work will be done on a specific evening during the week. This person is also well versed in the services and programs provided by the department and will be able to provide walk-in information services and referrals to the rest of staff that will hopefully work more regular hours. I notice that you have section where you would like to have part of your office space devoted to an information section. Which I think is really a good idea. You don't mention anything that I can see about neighborhoods together in organizations. It just occurs to me that would be a good area in which to utilize neighborhoods together which hopefully, has the same goals in forming tenant association. I think in the long run, maybe in a created way these tenant organization could be helpful in code inspections and some kind of training. You have to go back and re-inspect for new violation. Perhaps they can even have a check list in which, they can send to you of things that were ok so you won't have to bother to re-inspect the same.

Answer: I think we are setting ourselves up for some liability if we invested that kind of trust in organization that is not part of the city. I applaud a lot of Neighborhood Together efforts as well as the efforts of a number neighborhood organizations and tenants/landlords. You'll see in some of my goals and objectives some statements that discuss working with these organizations on proactive basis so in our attempts to prevent tenant landlord problems.

Q: In general I noticed that you did not mention that. I think that they have a pretty large grant this year and maybe you can think of ways they can be utilized since part of the grant was given to them by the city.

Haney: Why was abandoned autos and burglar alarms moved to the Housing Services Department? I thought we traditionally kept the abandoned auto in the police department. Burglar alarms is the result of the orders we passed a couple years interms of addressing those problems of burglar alarms that go off all the time and calling our officers over there to those locations. Why is that in housing services and not in the law enforcement area?

Chief Fisher: The legislation was fairly comprehensive and they did not speak to responsibility or to implementation. We have reviewed and had several meetings on what Susan did submit. We met about a month or two as well. There is a code enforcement function as it relates to whether a business puts its street number on the rear of his door or how he puts it on the front whether the alarm is inspected or whether the alarm is powerful. All of those things are directly related to code enforcement. In order to have an officer: 1. We train them. 2. To go around



and follow-up. I don't think that is what you want your emergency services to be involved in personally. Again, one of the issues I am sure that you have mentioned to have an officer to go on private property to write a citation on municipal infraction. He may get a court 3 or 4 weeks down the road. He may or may not be working so you are going to pay him time and a half to go to court to respond to that municipal infraction vs. code enforcement officers who are normally working all the time 5 days a week during the day. That was a consideration as a related this is a responsibility.

**Captain Wortman:** For some time abandoned autos on private property being residential houses bothered me somewhat. In the transportation code there is a section which speaks that no city county or any other municipal government may enact the law which is contrary to the vehicle laws on the transportation code. The city in fact did that with our old one which was called 2625. The States says, which has two phrases under two sections which states, I have an abandon auto on private property on residential in order for that to be abandon it says, no vehicle may be abandoned on private property for more than 48 hours without the consent of the owner. It doesn't say, that you can't have it on your property, it says, without the consent of the owner. We handle all right now abandon auto on public property meaning; apartment buildings, shopping centers, all streets throughout the city. We handle about 200 a year, but to handle it on private property I felt based on the ways the law is written. Based on the conversation I've had with Mr. Gagler before when we wrote the new ordinance and put it under a code enforcement housing and that's where it is appropriate to have an officer go against state law enforce on private property I smart enough to hold state law, I saw a great conflict interest and that's why we had a meeting with Mr. Wilson he came up with the solution at this time.

**Q:** Please define the abandon vehicle.

**Answer:** The Maryland State Code says, if any vehicle which is 8 years or older which is unregistered inoperable, wrecked or dismantled. You can have a vehical in your driveway say you have a son or daughter in the service and the tags expire, even if its over eight years that is not an abandoned auto. It must be wrecked, dismantled, inoperated and unregistered to fall into the state code.

**Mayor Del Giudice:** So we have two separate codes under abandoned auto?

**Wilson:** In the earlier part of the code book there is stipulation that says that any codification of a later dated code that conflicts with an earlier dated code supersede.

**Q:** Can we direct the deputy clerk to draft an ordinance repealing 2625?

**Q:** What makes it legal for the code enforcement officer then to go onto the property giving response to the meeting.

**Answer:** It is ineffectual when I am sworn in I say, you uphold the laws of the State of Maryland, the County and the City of Takoma Park. I tell my officers suppose, you came to me as a Citizen and said, officer go up there, and yank that car out of the yard. I'm going to say NO SIR. I'm going to knock on the gentleman's door and say excuse me sir, the City has an

ordinance and if he says, I want you off my property and NOW. I am turning around and leaving. The same thing any citizen would have to do. What I am saying, the mere presence of an officer just because someone has been sworn, you carry a badge.

Iddings: Some of these things are how we enforce certain things. Our focus on budget issue of whether these things should be incorporate decision.

Weiss: The Takoma Park code requires that all employees be sworn in. Secondly, my code enforcement officers will and do have the same difficulties as far as enforcement on private property and we just deal with that. As far as not being able to be on private property without a warrant if we are requested to leave. A lot of abandoned auto complaints can be seen and verified from public ways. We are currently enforcing the warnings because of our staffing. My budget is designed to allow us to enforce with the full extent of the code. It is located in the property maintenance section. There are two ways to enforce that: 1. Visit the complainant property, the complainant of course, will let you on the property and you sight the violations based on what you see from the complainant's property. 2. Contact the owner of the property to request or demand depending upon your own interpretation of the code entering onto the property in order to inspect for this probable caused situation.

Comment: I guess from my prospective I don't care that much where these things reside in terms of responsibility. I would guess probably that if it comes into your department you just don't have the staff to do it and it's not ludicrous to be in your department which I think we might feel about where it is properly place. I don't care as long as the staff is there to do it. I would say, in that regard, however, that it seems to me that where it use to reside that that budget has to go down. Because, we're shifting the responsibility to another department I don't think were paying both places. We thought in the past we have been paying in one department or another and now we going to end up in paying it here I think we ought to take it out of the other departments.

Mayor: Generally, speaking if administrative search warrants should be easier to get than criminal search warrants. Unfortunately, it appears in the State of Maryland Administrative search warrants are not regularly used. That might be an important consideration in deciding where we put this responsibility because in those cases where a party refuses to allow a code enforcement officer entry to their property. I would think it would be better to have a police officer asserting their right to enter the property without a warrant if they could justify the search on one of the grounds that would allow entry without a warrant. Very few exist.

Statement: One out of 100. 99 out of 100 times you don't have to go to somebody and threaten them to get a warrant. You are either able to see from the street or the next door neighbor that's been complaining or how many public rights do we have behind us.

Mayor: That is something that has to be taken into consideration, especially when you are talking certain types of enforcements as we are here outside the housing code. I don't want to discuss it any further than that, but we are finding that the Maryland Laws are not clear on administrative warrants.

Iddings: We have heard from things in the past that a previous predecessors or immediate predecessor discussed at length the problem with Records Management in the housing department. Files were missing, the information that was there was not easily accessed, critical pieces of information was not present in the files it ought to of been, it was misfiled and so on and so forth. That was a major concern being on council when it came time to hire a new director and I've gone through most of the objectives and I don't see a real strong reference to that being a major initiative in terms of enhancing Records Management. Is that something that you have already worked on either you have corrected the problem or the problems were not as great as you thought.

Answer I haven't completely corrected the problems, I have made some strong initiatives in that area one of the first policies that, I developed was one dealing with the public's access to the records. It appeared that some of the problems were that there was no control over who had access to the records. That it was very easy for members of the public to unintentionally exchange information between files or intentionally walk off with information. We now have some very strict rules about the process of requesting information and copies of information and we have taken some every severe steps to make sure that the records are not tampered with. I see the need for improving our Records Management system, but, it is incorporated into some larger goals it isn't listed as a specific goal on its own. It is incorporated in my goal for a more efficient and professional system. I am interested in developing better database systems and that which include Records Management.

Wilson: We did invest in Consulting Services to work with the current coordinator to establish a filing system in our Records Management System.

Q: Is that effort reflected in this budget as well?

Weiss: NO. I expect him to complete that particular project long before the fiscal year 1988 begins.

Mayor: One of the things I had talked about with I believe yourself and with Lloyd Johnson was the possibility of maybe taking that effort one step further and putting together some kind of code manual that would contain the housing code COLTA regulations and digest the COLTA decisions so that those people who had cases before COLTA could have access of all the things that they needed without running hither and yonder. In other words we would collect everything in one task. Is there anything in the budget that reflects such a manual or an effort to develop such a manual?

Weiss: Those follow-up efforts is as far as time and work go are reflected as part of the legal assistance compensation.

Mayor: So that the legal assistance may in fact work on that in addition to handling individual cases and doing those things.

Weiss: Further more it is reflected in other parts of our budget such as printing and outreach efforts by the landlord/tenant division. That would be such a publication that we would want in our information center.

Mayor: I would like to say that however, many code enforcement officers you end up with and I have no prediction on that score

at this point. I do want to see as one of their tasks to handle vegetation trash, problems that I and other council members that have referred to you in terms of code zoning enforcement and so on. That may require in terms of how many you end up with. That may require tree outage approach in some other areas, but, I'm prepared to listen to an argument that we should go with a modified tree outage so that we don't completely lose the efforts of zoning and trash and those types of controls. As I think we have at some point before you came on, I think we completely lost some of that and even when matters were brought to the attention of the department there often was not the kind of response that I've noticed since you started. I don't want to see those lost and however many people to do the overall job, I want to see that as proper to do.

Dillingham: (Transcriber could not pick up)

Mayor: What we have just been told tonight was that zoning, burgular alarms, abandon cars of a modified portion of abandon cars and that has been put into the Department of Housing. What I am saying, I think that needs to be done and if it's going to be put into the Housing Department, I would like to see the Housing Department do it.

Dillingham: (Transcriber could not pick up).

Weiss: I think it was just brought up to \$5,100 for this year Monday night so that Mr. Prince was being funded at \$10 per hour week, 10 hours per week. He was now moved up to 20 hours per week the same rate of pay. His main functions are taking minutes and transcribing them into written form and writing the past decisions in order. He's also involved with research of the past payments of COLTA and compiling them into a format that is easily understood by the public so that the public knows what to expect of COLTA and can even point out to COLTA if it is in the process of a hearing what past decisions have been. Mr. Prince in the future may compare for the decisions of our commission to other commissions that have analysis functions. He began this in October 1986. A number of the Commissioners who are attorneys have chosen to write the opinion himself.

Mayor: If there were an additional \$20,000 available to be put into your budget would your first priority be a code enforcement officer?

Weiss: Yes.

#### Police Department Budget

Wilson: On the Police Departments summary page, again the same mechanical conditions only those things that were modified appear as line items here. The essential difference because as you see my recommendation is lower than the earlier one so there is substantial change because, I had accommodated the 36% in the lower recommendation. Those changes are reflected in the notes which indicate that, first of all there were certain position in that 36% that did not get increase by simple definition under the plan. So that meant it was a much lower impact because of that. The other had to do with the crossing guards which were outside of that plan so therefore those particular job slots were not impacted by that 36% of pay plan. Then there were down on adjustments that could be accommodated because of a more recent turnover which allowed for not much change \$400 each, but that

was another accommodation based on most current situation. Then there was the PFC at \$26,700 which was replaced again, because of a turnover and the recommendation was to move that turnover position not at the A step but the C step that's still accommodated as significant reduction. The C step would be in the proposed new plan not the old one. There was one position vacant and that was budgeted at \$19,400 by virtual of my recommendation of increasing the steps. In the new plan to see one position which was new which was proposed by the chief was a lieutenant position and I recommended against that and then finally the last recommendation which has no immediate impact had to do with the future potential deletion of a sargent position upon vacancy. I also reacted to the promotion scenario that was incorporated in the chief's budget and I made a stipulated recommendations as to dealing with that. Because that promotion scenario made assumptions of positions that are not in the position table at this point and I wanted to show a scenario that reflected my recommendations and that's what came out in this comparative promotion scenario situation. Finally, one crossing guard position was deleted because of the diminish standards that were applicable to this particular crossing and I believe that was something that was already in the police chief budget. I am also relying on the standard here, I did not check it myself but I assumed that is correct. That's essentially the basis for my recommendations and any questions about it, I will attempt to answer it.

Iddings: Is the same observation true for this budget as it was for the housing department budget that your recommendation includes the 36% pay plan and the chief's recommendation does not pay plan.?

Wilson: As it relates to the salary line the chief's budget did accommodate the 3% by making reduction in other areas of the budget, I guess you will notice that the bottom line in the first two columns are almost exactly the same. Remembering generally that 36% was 36% applied to far fewer net positions overall than would be the case in other areas where the 36% plan were not there.

Iddings: In terms of staffing levels are you recommending the same current staffing levels?

Wilson: Yes.

d'Eustachio: I would be interested in hearing your response to the administrators proposals to not fund one of the two lieutenant position that we have had for the last couple of years.

Wilson: Approximately, two and a half years ago, I think the council requested that I propose to them an organizational chart that would have the accountability and could impact on the reduction and complaints and availability of command level present at night. In that proposal concluded a captain and a lieutenant in charge of criminal investigation and I certainly feel that it is important unit as well as a lieutenant in charge of patrol. It was a tremendous amount of documentation involved in that and it was approved by the council and accepted and as a result we proceeded with our promotional system. As a result of that we promoted an individual into one of the lieutenant slots and based on his evaluation he did not work out. He returned to his original position which was the level of sargent that was just prior to the 1987 budget. Just prior to that apparently,

there was a misunderstanding if there was a conscience attempt to remove the lieutenant, I was never told that. Initially, when that slot was not in the new budget it was because that lieutenant prior to the budget going into effect was then a sergeant. There was never a discussion whether we needed or whether to take it out, it just happened to wind up out of the budget, but, it's still a part of the organizational chart of the Police Department other than the fact it did not show up last year. As a result of our two year rotation plan for promotional opportunities centers and testing. We've just now at a level and should be finished by Friday of all levels going through the process and we'll be prepared to publish promotional eligibility list. Up to this point, everybody is assuming that slot still exist.

Mayor: What is going to happen, if that slot doesn't exist?

Wilson: First of all, I think that the system will be comprising the fact that it was at one time approved. There has not been any explanation as to why it does not exist anymore. We proceeded with our current process assuming that position still would exist.

Mayor: How about a parallel discussion of the City of Administrators proposal not to fill an additional sergeant position when that position is vacant by retirement?

Wilson: There are pros and cons both ways. I think that the extra sergeant has historically worked in our crime prevention unit. I think that one of the concepts we have to recognize is to be very understanding in a agency. In Takoma Park the number of people we have and the number of opportunities that they have in either to be promoted or to work in one unit verses another unit. I think that crime prevention is exceedingly important to the overall number one image; reputation as well as the prevention of crime. It is one of the few times that we get good confident people out in front of groups of people to deal with the various crimes on how to prevent the crime.

Chief Fisher: I wonder if that position has to be filled by an officer at all, if it could be filled by a civilian person? One of the areas, we do have sloted two officers in this community outreach area. One of whom is a school coordinator who supervises the crossing guards and the other who is a crime prevention officer who does the crime prevention so on and so forth. It seems to me perhaps another way of responding to that issue is to civilianize that slot and place both of those people by a civilian officer who would serve as a coordinator and supervisor and train your police officers in conducting crime prevention whatever. Either inspections or presentations and allow the civilian person to be the coordinator of that as well with the schools. What you then do, you have two officers that you can shift back into control or one officer that if you eliminated an officer, but you would be able to beef up patrols, detectives and reduce cost by civilianizing what was two officer slots and making it into one civilian slot.

Wilson: That would have to be researched and determined just how it would work within our agency and how effective it would be. I would still want an officer very much involved in that. As you may know now a great deal of that coordination is currently done by a lot of volunteers. The on-hands visitation and presentation in classrooms, when we talk about sending an officer out to our schools, I think the effect and the impact of the presence of an

officer and the additional monies that we may pay for an officer to do that outweighs the presence of a civilian doing that. We have a number of programs that currently exist that are exceedingly good for the City of Takoma Park and the schools in which they have to present. I would like to see that continue.

Statement: If we labelled the position as PFC or a private, we have some very very competent intelligent young people. I also think that because they are exceedingly good in that position of crime prevention, that should not be a place they should have to die. There should be some place of flexibility of promotional opportunities if, they are, functioning at that level and are doing an exceedingly good job. But, to answer your question, Yes, I think it is how the position is labelled. Whether, if, it's a position for private and must he continue to be a private. This should be some discussion as to how the position itself would be rated and the opportunities there in.

Statement I would be much more willing to continue the program, if there was that flexibility and we can bring in a lower ranking officer. We may be able to grow; I can understand the argument for allowing growth in rank in that position but, I frankly, would like to see that particular position not tied into that particular rank of sergeant.

Haney: I know that some of the communities around the country have auxillary police officers involved in crime prevention programs. In that context you could have a civilian in that type of role who is not a sworn officer, but an auxillary officer. In that status when there is a need to give a presentation and it would be helpful to be in uniform to show the presence of the department. I know that we have at least one assistant officer.

Wilson: Maryland State Police Training Commission, there is a mandate that anyone acting in any position, auxillary or reserve must now have state certification. So alot of agencies who historically have had auxillary and "reserved" have now stopped or it no longer exists. I would like to have it researched and see how that function would tie into state mandate of regulations.

Comment: To brutalize some of the younger citizens of the city who in the law enforcement role. I know that at least one individual who is with a law enforcement agency who does some volunteer activities here in the community. I know some other officers who live in town who are with some federal agencies and also D.C. Police who watch out for things in their neighborhood. Maybe there is a way that I can follow-up and talk at a greater length rather than this evening. About looking into a volunteer program in that regard to do the nighttime crime prevention and presentations in the residential areas and department and such. That is another way of fulfilling that need.

Levy: All our questions center around your number one observation. I haven't received many letters about the Police Department but, I have in recent times received one letter and two complaints about these lowering of standards of school in surveys in the neighborhood watch. I don't know how it got around that you were eliminating this position or you were reducing it but apparently, it has.

Comment: No there is no current intent to reduce it or to eliminate it.

Chief Fisher: We currently have five vacancies which is not necessarily unusual from time to time, but to couple those vacancies with three additional disabilities. One female who is out pregnant, Sgt. Holford and Cor. Hernandez was involved in an accident last week so you couple that. Generally, our primary responsibility is emergency service. Citizens calling the police still in Takoma Park expect to see the police at his best. The first people to go would be crime prevention back to patrol until staffing is back up to the level to re-enhance that.

Levy: If you were to eliminate this police officer position would that also be critialled if not eliminated?

Wilson: That officer would just have additional responsibility for the schools as well as the neighborhood apartment watch and the business watch.

Levy: There are definitely still parts of the city that seem to be the apartment areas that are the hardest hit. When I look at the police blotters people are leaving their windows and doors open and the two seem to really work together. In some ways, whether it be Paul's suggestion or others, I think that this is a very necessary part of the police department makes our Takoma Park Police Department kind of special.

Comment: At least, since I have been here, we really have not funded the services that the Police Department is providing. The existing volunteers, if they all walked out tomorrow we would fall flat on our face. We just simple do not have a personnel to keep up with federal requirements for national crime information center and it has to be done monthly. The statistic that has to be done and sent to the State each month, the finger print cards each time the person is arrested. We have to do five finger print cards on each individual that has to be typed and ultimate sent each citation that has to be written. All of that work and largely a great deal of that work is really being done by volunteers. We are very happy and very fortunate for that but by no way does it really reflect our funding of it.

Bradley: Regarding community outreach, the school program, walking beat, and crime watch person, are these less status position or functions? Is there a reason why it can't be rotated through all officers?

Answer: First, of all the officer have to have fairly decent communication skills. The officer have to be very enthusiastic about the program. There are still some of us in law enforcement and within various agencies who feel the same as you questioning a crime prevention officer is a waste of time. I think that it's an exceedingly important position. The amount of contact whether it's in the school, personal contact in the home and what it contributes to the department is immeasurable. If, you are asking, response from me, I think it is absolutely necessary. In particularly in an area of Takoma Park which some 22 civic associations who many times have a daily request. Whether it's crime figures or information and somebody who has to be knowledgable has to be available to provide that information to them and be very sensitive to that.

Bradley: Is it in terms of an officer point of view, for example crime prevention officer is that considered that you out of the main stream so that you are not eligible for promotions or is there a status?



Answer: Our whole promotional practices is Civil Service merit or whatever you want to call it. It is written down it excludes no one based on the position that they may be in the police department. It has certain basic eligibility factors time versus time second is whether you receive an above average on your previous rating. It has nothing to do with .

Bradley: I guess the part that I am wondering about is the walking beat. I assume this thing about the sap team is a wish list thing it is not integrated in any of these cost that we are looking at in any of the other page, right? In terms of that sap team I guess I am trying to think about an X-number size floater group. We have more burglars in the spring than in the summer right? I am starting to hear bitches about our tax bill.

Wilson: The output and the revenue for the police department our budget has gone down.

Statement: In 1985 we budgeted \$1.28 million and last year we budgeted \$1.427 million dollars. \$1.4 million 2 years ago.

Bradley: Whether they went down or stayed the same there is still the concept of how do we figure out how we can be more efficient and save money when we got these increase pressures. When the personnel cost keep going up and most every local agency in the county and elsewhere would hurt to if all their volunteer left. Since local government has to rely on that. I don't have an answer, it is not a question but a frustration in terms of..... Are there ways to gain efficiencies and still have everything we want the walking patrol.

Comment: We responded to 11,000 calls last year. Secondly, we have made adjustments--we changed the overlap from 1:00 until 10:30 to improve visibility during the hours of metro. We still have a slight night overlap, if there is a series of incidents that happens during a particular given time or pattern. Then we made arrangements for that in terms of pulling personal. So those adjustments for efficiency are constantly being made many of which we have discussed with you as we have made them. Ideally, the two man unit which you are talking about would be exceedingly important in terms of aggressive attack on crime. Tom, just mentioned we are having a number of commercial burglars at night time and an officer in a white car riding down the street, we are not going to catch that individual. So obviously some people have to be in civilian clothes or make some other adjustments. There are other things that we identify that we have to make adjustments to make an impact in those particular areas. But, we don't, have that one or two preferably two man team who may attack a particular drug problem on Flower Avenue. Who may attack larceny from vehicle in the parking lot of Maple Avenue. We need that access to do that versus taking away from our emergency response; it is exceedingly important to have that.

Bradley: What happens if you, dismantle your Detective Department to do that and let the County do Detective Services?

Comment: We work a great deal with both counties and D.C. and I am very pleased with the cooperation that we receive from both of them. We've have the counties canine has been down 2 or 3 times this week. We utilize them and visa versa. If you ask me for a recommendation, my recommendation would be to keep it independent as it is. It's up to you to make a decision to the extent of kinds of services that you want to provide. I suppose there would be pros and cons.

Iddings: At the end of the budget process last year, I proposed that in preparation for the budget this year we discuss some of these matters and maybe come to decision on them. So that when the budget started this year those assumptions could be built into the budget. We didn't do that, we're doing it now and I think it is too late to come up with sensible policy discussion that can be put into this budget. I suspect what will happen is that we will go onto other things and those kind of things really won't be looked at very much. When the next budget come up next year the same process will occur again. I really think those are very important policy discussions that can't be done in context of the budget. They have to be done ahead of time so that we can arrive at some conclusions; the kind of research that you are talking about. Therefore, after the budget comes in we can put those features into the budget. I would be interested in getting some numbers from you with regard to the school average programs that you do. Prince George's are also receiving the same kind of services, but I have never really had a good sense of how many visits are made, children talk to you or which schools you have been to, private or public. I will be interest in seeing those reports.

Comment: Technically, speaking there are no public schools in the Prince George's part of the city. Although, obviously C. Hylander served residents in our community.

Comment: I assumed that not all of the students who go to the schools on the Montgomery side are Takoma Park residents.

Comment: The federal tax reduction wasn't entirely rebated to citizens. Taxes are going up from both Montgomery and Prince George's county. I personally think that in terms of the rebates of the monies that we may be getting the \$50,000 or whatever it is, I think we've have got to look to reducing the tax rate a little bit, maybe not the full amount. The assessments will result in people paying more taxes to the City of Takoma Park. In line of all the other taxes increases, I just don't find that to be a desirable situation.

Abbott: How many sworn officers are authorized?

Answer: Authorize 33 and currently 28.

Abbott: Why is there a shortage of officers? Why aren't officers replaced? The money is there to replace

Answer: Where there is an option and I think that within a police department we are closely beginning to monitor the number of greensheeters that we have verses training people. I think that during Tom's tenure we drew up a contract for entry level people, that we brought in off the street in order to insure that we would retain them for a period of time. There is a different school of thought of hiring people from other agencies verses hiring young people and and training them yourself. We have the number of vacancies that we have, but our intention is to send at least four new people to the first school which will be the Univ. of Maryland Police Academy, May 18, 1987. I think the ability to retain them and train them in the way that we want to train them would be much better to hire them from the street as young people and send them through.

Tom Gagliardo: I believe that the goal was going to be to develop a no increase budget. I will like to think that there

will be that effort made despite what has been shown so far which is definitely a budget with some increase and a need for rethinking the way City money is spent. The question isn't what did we spend last year or how much are we going to increase this year, but, how can we deliver the service most efficient. I have received the services of Takoma Park's Police Department Crime Prevention 3 times. In none of those times were the services performed by the designated crime prevention officer. In all three of those cases it was performed by other officers with regular patrol duties. I realize that doesn't tell the whole story, story and I think that the chief did mention that alot of these are volunteer/compensated services from other officers. The question has to be asked, whether the department can deliver a crime prevention service without a full time position. I honestly, believe the answer is, yes, and at another time it can be talked and discussed and figured how that can happen. I think, if, you look at the annual report it begins to give you data that would answer the question of how many hours have to be devoted for the service and whether it really requires the budgeting and the filling of a full time position, I don't think it does. In that context all of these questions in my mind revolve around central relationship between the city and the two counties and this is something that the revenue task force is discussing and eventually will be brought to you. If for example with the school outreach program; there is a problem with the City's budget and therefore, that position is deemed to be eliminated. If that service can't be provided by rotating other officers including those who can't return to full active duty because of partial disability but can clearly do administrative and other kinds of work. Which I think is another area in which we have to look. My view is that Montgomery County Public Schools or Prince George's Public Schools, they are going to find a way to get a county police officer in the program because they want the program for their students. The movement is from the school to the police department not the other way around. If the county isn't going to give us the full reimbursement that we deserve for the police and I think that we all agreed that their not from either or both counties, then cut it and go to the counties and tell them fine, you provide the service. That is a relatively low risk option because, I think that the school system is going to find a way get a cop in there to teach the kids crime prevention and whatever is needed and whatever is being done in the past. The discipline and the obligation of the council is to say, we are going to cut. First, you've got to look at places where you can cut without reducing services and I offer that as one example. Secondly, if, need be to reduce services because sometimes you want a cadillac and can only afford a chevy (excuse the automobile analogy) you buy what you can afford. In the administrative budget there is a question mark next to legal was that filled in earlier tonight?

Answer: No it was not.

Iddings: I think that there has been some specific recommendations here and I would hope between now and a worksession with the Police Department that you do some of the analysis on some of the suggestions that were made in terms of being able to save money to reduce staff. We have an opportunity given the vacancies that we have to look at some alternative ways of delivering service at less cost without having to impact on actual hires. I would like to see an analysis of suggestions eliminating detectives to fold those into patrol and to fiddle around with community services.

Frank (?): The kind of thing that you are requesting in order for us to come back with competent responses and to continue our functions is almost impossible. I truly feel that what we do with detectives is a policy discussion as it relates to what the City Council. I DON'T MIND DOING THE WORK, we do an annual report each year that's ready in January as it relates to our work. At that opportunity anything that you want all you have to do is ask for it. All too often the questions that raise bring me this and bring me that..... 1. We don't have a computer system. 2. We have to tap into the resources of other people. I don't like arguing points where there are not data. If you want the police department cut by two people then it becomes my responsibility to find out how to do that and provide the services THAT'S THE QUESTION, not whether we cut in crime prevention or whether we cut detectives that's my responsibility.

Iddings: I do want to follow-up on something, I do think is a little bit short of a major policy discussion like the detectives because I attend to agree that you don't do that in this short of time period. The suggestion concerning the use of a civilian personnel in the community services program as a school coordinator and as a coordinator. I hope that you can take a look at this in the next month. Can we fill that community services with a civilian personnel having various officers working with them as the ones who go out to the neighborhoods who go to the schools I think that Tom's suggestion about what we do in response to the counties answer to the current negotiations on additional funding is something else to look at. If in fact, the county is not going to reimburse us for certain type of services then maybe we should cut them and maybe then they will be more willing to talk to us the next time. I also, would like a little more concrete response on the sergeant question. Do we need to fill that sergeant position or can we use that to increase the number of promoting in house. We can no longer ignore the Capitol needs of this city of its impecunious needs and other things as we've done for 10 to 20 years. This time we need to do something about the streets out there which is an issue we haven't even addressed yet.

Wilson: One of the areas over the past several years we have consistently requested additional full time help and that's in the administrative category. Fortunately, we're going to get a new \$11,000 grant this year for traffic enforcement, radars. Over the past 3 or 4 years you will consistently see things that we are doing within the police department to at least reduce what we are requesting. There is really a serious need for additional help in the administrative office. One of problems we are faced with now is that we do not have people to keep track of paper work; there are mountains of paper work based on our contacts that we make and we have to have competent staff. So I think that is something to be considered. I'm not so sure that I understand exactly for the city of Administrative or you may be as it relates to the lieutenant. The accountability on the police department is very important. As it The relationship that we have with this community is exceedingly important. The position for lieutenant was approved, and I never discussed with anyone as to why it was taken out and I certainly urge you that its certainly remaining. The sergeant position is the direction of the council is to cut back one sergeant then as administrator then I certainly will go back and do what I can to make the appropriate adjustments absent the sergeant. I think that we produce the kind of evidence yearly or otherwise that provides you the information to make the analysis. Mr. Sharp may have been a little upset earlier regarding the crime commercial code. It

wasn't that the police was getting rid of anything but, I think there was a like discussion as to who would have the responsibility when the code was implemented and that's the reality as it relates to legislation in the future. The question becomes who's responsible for the legislation. Those things have to be very definite at the conclusion of any kind of legislation and to be implemented and dealt with. As it relates to the sergeants tonight was the first time I've got an opportunity to see that they perhaps will be adversely impact upon a new scale. Obviously, there will be adverse impact tomorrow, because they will obviously see it for the first time tomorrow. I would hope that in your additional deliberation that looking at the opportunities for the few people at that level have that are here. If there is any kind of compensation associated with that particular grade that you will proceed with providing it. It's very difficult when you're dealing with small agency and mobility. We would hope in some way there is a degree of appreciation that is shown for their commitment and what they do. Probably we are not doing the best we can, but, I do know for a fact that they are out there 24 hours and they respond to someone's need and they are faced with the perils of Takoma Park as it would be in D.C., Silver Spring or elsewhere. I would hope that the pay scale would be explained that this is not at your level is getting paid too much something needs to be said, other than you're getting paid too much, forget it. They still are employees of the City.

Sharp: There is a pay plan that is subject to negotiation as you should well understand in collective bargaining. At this point, I don't think it's advisable for anyone to speak about details because negotiations are underway. There are more positions in that grade and just the sergeants. In fact there has been a request for reclassification of sergeants and that's an entirely different matter. It's not a matter of pay scale it's a matter classification which is really being raised here and that has to be dealt with separately. The pay recommended for that grade affects all the employees and the sergeant. I think that in some of types of things we haven't had the policy discussion, we haven't discussed whether we want to keep the detective force, we want to do something along the lines that Cpt. suggested in terms of putting more pressure on the counties to do some of those things. It occurs to me that part of the suggestion to have a emergency review last winter that one of the things that we could to force you to come in with a budget that is 5% under the budget last year. Then, you will decide in context of that budget where you are going to have to make your cuts to accomplish as to what you felt to be the most important goals. Now we may disagree with that when you come in with it but that's fine. At least, that would start the discussion and we can well you dropped this out we don't want you to drop this out. Put is back in take something else out. I still recommend there is a way of proceeding, I think it would among other things bring the departments to making some of those choices and framing out a program. Which one of those things we want to see the department heads do. Instead of coming in later on micro-managing the departments.

Statement: Each volunteer that we have serves a significant function. The responsibilities each of them have are directly related to a requirement that we have to fulfill, whether it's connected to the state or federal government. It's very difficult to paint a very vivid picture of the situation that exists in the police department as it relates to the kind of services that think this council expects and wants.

Ques: So what you are saying, your responses that you are at a staffing level where you can't really afford to reduce that.

Answer: We are totally at rock bottom. We have a volunteer who on several occasions, on his own initiative, is raising the revenue of the city. Now if you are suggesting, regardless, of how measurable those things that have been done, I don't feel you are at rock bottom being cut.

Abbott: I think what's being discussed now is only part of the problem. To get a handle on the increased, what's happening is the examination of the expenses that the only way to look at it. You can look at it in a certain degree. The possible revenues haven't been addressed. When we have the fight to arrange double taxation, we succeeded to run this at a level to change the word MAY confirm to SHALL confirm, but to confer to arrive at an equitable payments. By You think our citizens would want that to happen. We are right on the outskirts of Takoma, people in Montgomery County can go a year without seeing a vehicle come down the street. I think that several officers can handle Takoma Park.

Answer: Staff members of the both the police department and the Administrative office have met with representatives from Montgomery County. There is reason to hope that at least to the police department we have made some inroads in convincing them that the figures that they were using were wrong. In fact, they can't do what we do with eight officers. We haven't received any definite indication that they are going to increase the amount of reimbursement. We are making some efforts; we met with them, we conferred, we challenged their figures and they told us they got them from the Montgomery County police. We went to Montgomery County police who said they don't know where they got it from. So we caught them in the middle of a mess. We are in the process now of hopefully of getting a better reimbursement on the police. It's not money we can count on but we are hopeful that we are going to make an improvement. I agree with your basic point. That's part of the question we have to face. Can we continue to prove this level of service. We have to get better compensation from the counties and the police department is probably our most vivid example.

Statement: There has also been discussion of two man strike force. Are you thinking about simply restructuring the existing 33 officers? What kind of fiscal impacts are we talking about of reorganization.

Answer: Yes, to question one and ideally, if there is additional money. I think we'll have two extra people for that, however with what we have now. One of the options we talked about was reducing crime prevention down to one person at one time. That's ideally having 33 people. With 33 people on the books in many cases you have two or three that may be on leave.

Chief: I suppose that one of the things I find appealing about a two man strike force is that it does provide you with a certain amount of flexibility. You've got to have X number of officers on the streets at a particular shift that's not flexible and you got to have an officer running that shift. You don't have to have those two additional officers which allows you flexibility appealing those officers off that detail if somebody is injured or somebody get pregnant or resigns so that it does provide you with certain amount of flexibility. The only concern is that you

may flex that two man detail right out of existance.

Iddings: I think on a consistant we gave several years ago that it existed in Takoma Park and talked about a number of arrest that resulted from that. The success of burgular and robbery investigations in the downtown area of Silver Spring is a direct result of having a two man unit in old clothes driving around sitting and seeing concept of law enforcement whether it be in D.C. or Montgomery County the jumpout squad. Even though we are 2.2 square miles we cannot not afford not to do alot of those other things that other people do if we want to function and be effected at doing it. All of those things we have to do perhaps at a more moderate rate, but, I think they still have to be incorporated in a very good police department.

Bradley: In my neighborhood that's an issue in our neighborhood that hass been discussed. One of the things that irritates me is that when the counties do not provide the service just outside of our city we end of having to do more. We pay for their services and they still don't provide into the edge of the city, which means there are more problems (for example) on our side of Flower & Piney Branch or our officers see things on the otherside and have to respond for backup. The police department is not the only area the library that happens all the time and other examples we could go into. There is that delimit if they don't provide the service there or if we can't leverage them to provide crime prevention in the schools or sat teams on our edge of town. Then, we end up paying for it and they should be providing it.

Chief: We are available. One thing that I say and with a degree of committment that we are available for all the scroony that you can give us. Just ask us the questions and we'll probably answer them. If we are not doing something the way you expect for them to be done, let us know. We have not problem with that and as I said, one before, if there is something that you want us to research a little bit call us before we get to the meeting.

ADJOURNED

gew.tph6

(Transcribers Note: Minutes were transcribed by a non-City Employee, so voices were not always identified).

*inpress*

PLEASE NOTE THAT THE AGENDA ITEM TIMES INDICATED BELOW ARE SUGGESTED TIMEFRAMES. ITEMS MAY BE TAKEN UP SOONER OR LATER THAN THE TIMES INDICATED, BASED ON COUNCIL DELIBERATIONS.

MEMORANDUM

TO: Mayor and Council  
FROM: James S. Wilson, Jr., City Administrator  
SUBJECT: Council Worksession, Monday, April 20, 1987, 7:00 PM

AGENDA

EXECUTIVE SESSION:

- 7:00 (1) COLTA Interview with Elizabeth Kozel, General Public Applicant
- 7:30 (2) Personnel Matters

WORKSESSION:

- 8:30 \* (1) Takoma Junction Streetscape Improvements: Discussion of Proposed Bid Award and Budgetary Considerations (Dan Neal)
- 9:00 (2) Discussion of referendum for Nuclear Free Zone Ordinance (Haney/Sharp)
- 9:30 \* (3) Discussion of Code Revisions: "Municipal Infractions - Enforcement" (Sue Silber)
- 10:00 (4) Recommendation for Charter/Code Review, Beginning with "Tillie Frank" Review for opt-in/opt-out of County (Bradley)
- 10:30 \* (5) Discussion of Technical Amendment to Collective Bargaining Ordinance (on page 6)

11:00 ADJOURNMENT

\* Pertinent information attached.



Called, left  
message 4/17/87  
drs

APPLICATION  
for the  
CITY OF TAKOMA PARK, MARYLAND  
COMMISSION ON LANDLORD-TENANT AFFAIRS

Takoma Park

EXECUTIVE  
SESSION  
ITEM # 1

In accordance with Section 6-80.2, Article 7, of the  
Takoma Park City Code, please complete the following:

1. NAME: Elizabeth Kozel
2. ADDRESS: 7804 Hildwood Drive Tak. Pk. 20912
3. HOME PHONE: 431-0941 OFFICE PHONE: 439-4127
4. OCCUPATION: Attorney
5. Are you a landlord , tenant , or homeowner ? Please check the appropriate box.
6. Are you a resident of Takoma Park? yes. If yes, how long? 33 years
7. Will you be available for evening meetings about twice a month? yes
8. Briefly state why you are interested in serving on the Commission?  
I believe that landlords/tenants, particularly the latter, need a concerned, unbiased, low-cost alternative to the now over-loaded Courts system for dispute resolution.
9. How did you find out about the Commission? Councilman Mike Haney

INTERVIEW TIME: 7:15 - 7:30 p.m.

FRI.PKG.  
4-17-87

MEMORANDUM

TO: Mayor and Council

VIA: James S. Wilson, Jr. City Administrator

FROM: Daniel J. Neal, Economic and Community Development  
Coordinator

RE: Takoma Junction Streetscape Improvements

DATE: 17 April 1987

In response to our advertisement three (3) bids have been received for construction of the streetscape improvements in Takoma Junction. These are summarized as follows:

	<u>Contractor</u>		
	<u>Hess Construction Company</u>	<u>District Paving</u>	<u>Palmiero Construction Co.</u>
Base Bid	\$355,904.80	\$375,914.70	\$381,482.00
Alternates (City options)	\$ 23,768.00	\$ 23,065.00	\$ 24,855.00
Line Items (Privately funded construction items)	<u>\$ 93,999.00</u>	<u>\$ 93,874.00</u>	<u>\$137,346.00</u>
TOTALS	<u>\$473,671.80</u>	<u>\$492,853.70</u>	<u>\$543,683.00</u>

The all-around lowest bidder, Hess Construction Company, is being thoroughly investigated and evaluated by staff, but given information gathered to date it is anticipated that this is the contractor to which staff will recommend the contract be awarded.

The budget for the Takoma Junction Streetscape Improvement project has been revised based upon the lowest construction bid received; it is attached for your review.

The bids we received were higher than originally anticipated. This is due to two factors. First, the project was supposed to be under construction in Spring, 1986. It was held up a year as a result of various negotiations with the State Highway Administration. Second, the market for this type of construction is flooded with work; prices have been bid up substantially as a result.

Due to the higher-than-expected bids, projected (or potential) expenditures exceed our revenue sources for the project by \$50,812.43. This 'deficit' is not a foregone conclusion; it is a potential deficit that depends upon our actual expenditures, the field conditions we encounter, contingencies, etc.

Everything possible will be done to contain costs. However, some additional funds will be needed. The precise amount is uncertain, as this will depend in large part on how much of our contingency line item we need. I would propose to the Mayor and Council that it budget additional revenues of between \$35,000.00 and \$40,000.00 to ensure that the project can be implemented on sound fiscal footing. I would recommend that this be done in conjunction with the contract award (set for 27 April 1987, with your approval). Furthermore, I recommend that these funds be appropriated from the City's unappropriated capital reserve account, as needed. The balance of the City's unappropriated capital reserve now stands at \$196,000.00 (this is in addition to our general reserve of about \$445,000.00). I see no other revenue source to cover a potential project deficit and submit that infusion of some capital reserve funds is justified in a project of this magnitude that currently has no City capital funds allocated to it.

I'll brief you in more detail on the bids and budget at Monday's worksession. At that time I can also answer any questions you may have.

DJN:Imr  
Attachment

## CONSTRUCTION BUDGET

EXPENDITURES					REVENUES				
USE	AMOUNT BUDGETED	SPENT TO DATE	BALANCE	% OF TOTAL	SOURCE	AMOUNT BUDGETED	AMOUNT RECEIVED	BALANCE	% OF TOTAL
BASE BID-CONSTRUCTION	\$355,904.80	\$0.00	\$355,904.80	.45	CDBG	\$285,000.00	\$27,824.50	\$257,175.50	.39
ALTERNATES	\$23,065.00	\$0.00	\$23,065.00	.03	COUNTY GEN'L FUNDS	\$70,000.00	\$0.00	\$70,000.00	.10
LINE ITEMS	\$93,999.00	\$0.00	\$93,999.00	.12	SHA REIMBURSEMENT	\$150,000.00	\$0.00	\$150,000.00	.20
SUBTOTAL	\$472,968.80	\$0.00	\$472,968.80	.60	POS REIMBURSEMENT	\$132,400.00	\$0.00	\$132,400.00	.18
FIXTURES					PRIVATE FUNDS				
BENCHES	\$5,530.15	\$5,530.15	\$0.00	.01	SERVICE ENTRY PORTS	\$3,862.50	\$0.00	\$3,862.50	.01
TRASH RECEP.	\$3,400.00	\$3,400.00	\$0.00	.00	LINE ITEMS	\$93,999.00	\$0.00	\$93,999.00	.13
LIGHT POSTS	\$43,740.00	\$21,682.50	\$22,057.50	.06	OTHER				
BIKE RACKS	\$355.06	\$355.06	\$0.00	.00	PLAN SALES	\$240.00	\$240.00	\$0.00	.00
TREE GRATES, GUARDS, FRAMES	\$5,670.00	\$0.00	\$5,670.00	.01	M-NCPPC REIM. (BENCH)	\$499.00	\$0.00	\$499.00	.00
PEDESTAL POLES	\$3,124.00	\$0.00	\$3,124.00	.00					
ENGINEERING (ADD'L)	\$8,395.00	\$8,395.00	\$0.00	.01	TOTAL	\$736,000.50	\$28,064.50	\$707,936.00	1
CONSTRUCTION MANAGEMENT	\$6,980.00	\$0.00	\$6,980.00	.01	EXPENDITURES	\$786,812.93	\$103,590.15	\$683,222.78	1.07
PERMITS	\$0.00	\$0.00	\$0.00	0	SURPLUS (DEFICIT)	(\$50,812.43)	(\$75,525.65)	\$24,713.22	-.07
ELECTRICAL/PEPCO									
RELOCATION	\$50,000.00	\$0.00	\$50,000.00	.06					
STREETLIGHT ELECTR.	\$15,000.00	\$0.00	\$15,000.00	.02					
SERVICE ENTRY PORTS									
CONSTRUCTION	\$7,725.00	\$3,862.50	\$3,862.50	.01					
MANAGEMENT	\$2,125.00	\$2,125.00	\$0.00	.00					
TEST/MANRY	\$300.00	\$0.00	\$300.00	.00					
C & P	\$1,659.08	\$0.00	\$1,659.08	.00					
SISTER CITY PROPERTY									
ACQUISITION	\$53,200.00	\$53,200.00	\$0.00	.07					
DESIGN/ENGINEERING	\$5,100.00	\$1,880.00	\$3,220.00	.01					
CONSTRUCTION	\$60,000.00	\$0.00	\$60,000.00	.08					
OTHER									
REPRODUCTION	\$833.24	\$833.24	\$0.00	.00					
BID ADS	\$371.70	\$271.70	\$100.00	.00					
PARKING LOT POLLARDS	\$995.00	\$995.00	\$0.00	.00					
METER ADJ. -BLIFF	\$384.00	\$0.00	\$384.00	.00					
CONTINGENCY	\$37,896.90	\$0.00	\$37,896.90	.05					
TOTAL	\$786,812.93	\$103,590.15	\$683,222.78	1					

THE LAW OFFICES OF  
**SUSAN SILBER**

PRINCIPAL OFFICE AND MAILING ADDRESS  
 LANGLEY PROFESSIONAL BUILDING  
 7676 NEW HAMPSHIRE AVENUE, SUITE 416  
 LANGLEY PARK, MD 20783

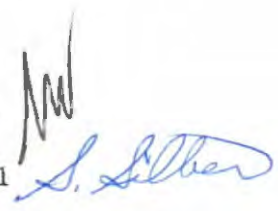
(301) 445-5400

MEMORANDUM

April 17, 1987

TO : Mayor and Council

VIA : James Wilson, City Administrator

FROM : Susan Silber, Corporation Counsel 

SUBJECT: Proposed Changes to the Laws on  
 Enforcement of the City Code

As you know, the General Assembly has changed the law regarding municipal infractions. (A copy of the current law is attached.) In general, those changes give the City more power and make it easier and less expensive to collect fines. To bring the City Code up to date regarding these changes and other changes over the years, three types of legislative actions are necessary.

1. Amend the Charter. Section 1.7 contains two subsections ((b) and (f) attached) that set maximum penalties for violations of the City's laws. These penalties are \$50 plus 30 days in jail and \$500 plus 90 days in jail. Under State law, the City may impose penalties of up to \$400 for municipal infractions (civil offenses) and \$1,000 plus 90 days in jail for misdemeanors (criminal offenses). I suggest changing Section 1.7 of the Charter to repeal (b) and replace (f) with language like the following:

The Council has the power to adopt ordinances to provide for the punishment of a person for violating a provision of the Charter, Code, or regulations of the City. The maximum penalty for any violation is the maximum penalty allowed by the laws of Maryland. All violations shall be enforced as either a municipal infraction

SATELLITE OFFICES

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 ††DC BAR ONLY  
 \*\*DC, MD AND ALSO NY

or a misdemeanor. The City may also enforce its laws by any other legal methods, including obtaining an injunction.

The Charter also contains an obsolete provision on the collection of fines, Section 1.12. That section provides for jailing people who are delinquent in paying their fines. The Supreme Court has rules that this practice is unconstitutional.

State law now covers the collection of fines.

A draft resolution to amend the Charter will be prepared shortly.

2. Amend the General Provisions on Violations. Section 1.17 of the Code contains general provisions on misdemeanors and municipal infractions. Many of these provisions must be changed because of State law or should be changed because they are not written clearly. I have attached a draft ordinance which establishes new general provisions that are consistent with State law and make a few other changes. This ordinance should not be introduced until the Police and Housing Departments have an opportunity to comment.

The significant changes not required by State law are:

a. Currently, a violation is a misdemeanor unless the Code specifically states that it is a municipal infraction. The draft ordinance makes every violation a municipal infraction, but allows the City to prosecute a violation as a misdemeanor instead if the Code specifically states that the violation is a misdemeanor.

b. The Code contains various requirements for giving warning notices before issuing citations. To avoid any ambiguity, the draft ordinance states that a warning notice is not necessary (although it is always allowed) unless the Code specifically requires it. When the Code requires a warning notice but does not give details, the draft ordinance provides those details. The notice must be given in person or by mail 48 hours before a citation is issued. It must describe the violation, corrective action, and penalty.

c. In the draft ordinance, police officers and code enforcement officers are both authorized to issue citations for municipal infractions. The City Administrator decides which department has primary responsibility. Only police officers

(with appropriate assistance from code enforcement officers) may issue citations or make arrests for misdemeanors.

d. If the Code does not specify the amount of a penalty, the penalty is \$400 for a municipal infraction and \$1,000 plus 90 days in jail for a misdemeanor, under the draft ordinance.

e. Under the draft ordinance, citations must be delivered in person or by mail. This provisions should be looked at carefully to see if it creates any special problems on certain types of violations.

f. The effective date in the proposed ordinance is blank because it would probably be best to coordinate the effective date with a Charter amendment.

The draft ordinance also repeals Section 1.18. Like Section 1.12 of the charter, State law now covers this matter and the Supreme Court has ruled some of the provisions unconstitutional.

The current language of Sections 1-17 and 1-18 are shown as repealed in the draft ordinance.

3. Amend the Specific Provisions on Violations. My office has identified almost 350 different violations in the Code. Many, if not most, of these are obsolete or covered by State law. Department heads have been asked to comment on whether these violations are needed and whether the penalties are appropriate. When Corporation Counsel receives responses (expected shortly), it will propose four types of changes:

- a. Repeal unnecessary provisions.
- b. Change any penalties that do not fit the offense.
- c. Establish three or four classes of violations.

Each class would have a different size penalty. This would simplify the wide range of different fines and penalties that are imposed without making major substantive changes. Montgomery County has used this system since 1983 with success.

d. Eliminate unnecessary warning requirements and make the others more uniform.

Attachment  
SS/bjb

Introduced: \_\_\_\_\_

Enacted: \_\_\_\_\_

Effective: \_\_\_\_\_

ORDINANCE NO. 1987-

Short Title: Violations of Charter, Code, and Regulations

Draft 4/15/87

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AN ORDINANCE TO:

- (a) Establish uniform provisions that are consistent with State law for enforcing City laws;
- (b) Authorize police and code enforcement officers to issue citations;
- (c) Provide that all violations are municipal infractions and that some violations may also be enforced as misdemeanors;
- (d) Provide for issuing warning notices;
- (e) Provide for information that must be included on a citation;
- (f) Provide for penalties by default where the Code does not specify a penalty for a municipal infraction (\$400) or a misdemeanor (\$1,000 and 90 days incarceration);
- (g) Provide procedures for serving citations; and
- (h) Generally to update Code provision on code enforcement.

THIS ORDINANCE amends the Code of the City of Takoma Park by repealing existing Sections 1-17 and 1-18 and enacting new Sections 1-17, 1-18, 1-19, and 1-20.

NOTE: In this ordinance  
[[double brackets]] indicates that existing language  
being deleted from the Code.

Underlining indicates new language being added to the  
Code.



SECTION 1. AMENDMENTS TO THE CODE.

Sections 1-17 and 1-18 are repealed and new Sections 1-17, 1-18, 1-19, and 1-20 are added as follows:

[[Sec. 1-17. General penalties; continuing violations.]]

[[ (a) Whenever in this Code or in any other ordinance of the city, or rule, regulation or order promulgated by any law officer or agency of the city under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is declared to be unlawful, where no specific penalty is provided therefor, and except where the violation of a specific act is expressly designated as a municipal infraction [Sec. 1-17(b)], the violation of any such provision of this Code or of any other ordinance of the city or any rule, regulations or order as aforesaid shall be punished by a fine not exceeding five hundred dollars (\$500.) or by imprisonment for a term not exceeding ninety (90) days, or be punished by both such fine and imprisonment; provided, however, that where the penalty for any particular offense is limited by state statute then such limitation shall be applicable to the provisions of this Code and other ordinances of the city or rule, regulations or order as aforesaid notwithstanding the provisions of this section. Each day any violation of this Code or of any other ordinance of the

city or any rule, regulation or order continues shall constitute a separate offense.]]

[[b) Municipal infractions.]]

[[1) The City Council may provide that violations of certain municipal ordinances shall be a municipal infraction by specifically declaring such violation to be a municipal infraction, unless such violation is otherwise declared to be a misdemeanor or felony by ordinance or law.]]

[[2) Declaration as infraction; fine. The Council shall, by official act, declare the violation of which ordinance or ordinances shall be an infraction or infractions, and for each such violation a specific fine shall be set. This fine shall never exceed one hundred dollars (\$100.) for any single, initial violation, or two hundred dollars (\$200.) for each repeat or continuing violation. The fine shall be expressed as a discrete amount rather than being expressed in terms of a maximum or minimum amount. The authority to declare infractions and set fines shall not be delegated by Council to any any other administrative or legislative body.]]

[[3) Issuance of citation. Those code enforcement officials authorized by the Council to enforce this Code may deliver a citation to any person alleged to be com-

mitting an infraction. A copy of the citation shall be retained by the city and shall bear the certification of the enforcing official attesting to the truth of the matter set forth in the citation. The citation shall contain at a minimum the following information:]]

[[ (A) The name and address of the person charged. ]]

[[ (B) The nature of the infraction. ]]

[[ (C) The location and time that the infraction occurred or was observed. ]]

[[ (D) The amount of the infraction fine assessed. ]]

[[ (E) The manner, location and time in which the fine may be paid to the city. ]]

[[ (F) The right of the accused to stand trial for the infraction. ]]

[[ (4) Payment of fine. The fine for an infraction shall be as specified in the law violated. The fine is payable by the recipient of the citation to the City Treasurer within twenty (20) calendar days of receipt of citation. ]]

[[ (5) No formal hearing by city. The City of Takoma Park shall not conduct any formal hearing for those persons in receipt of a citation of infraction. Any offender so cited may pay the fine as indicated in the citation or elect to stand trial for the offense. This provision shall not prevent an offender from requesting,

either personally or through an attorney, additional information concerning the infraction.]]

[[ (6) Election to stand trial. A person receiving the citation for an infraction may elect to stand trial for the offense by notifying the city in writing of his intention of standing trial. The notice shall be given at least five (5) days prior to the date of payment as set forth in the citation. Upon receipt of the notice of the intention to stand trial, the city shall forward to the District Court of Maryland for Montgomery County or the District Court of Maryland for Prince George's County, as determined by venue, a copy of the notice from the person who received the citation indicating his intention to stand trial. Upon receipt of the citation, the appropriate District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties or forfeitures collected by the District Court for violations of infractions shall be remitted to the general fund of the City of Takoma Park.]]

[[ (7) Failure to pay fine. If a person receiving a citation for an infraction fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of his intention to stand trial for the offense, a formal notice of the infraction shall be sent to the offender's last known address. If the citation

has not been satisfied within fifteen (15) days from the date of the notice, he shall be liable for an additional fine not to exceed twice the original fine. If after thirty-five (35) days the citation has not been satisfied, the City of Takoma Park may request adjudication of the case through the appropriate District Court.]]

[[ (8) Conviction not criminal offense. Conviction of a municipal infraction, whether by the District Court or by payment of the fine to the city, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.]]

[[ (9) Court proceedings and rights of accused. In any proceeding for a municipal infraction, the accused shall have the right to cross-examine witnesses against him, to testify or introduce evidence in his own behalf and to be represented by an attorney of his own selection and expense.]]

[[ (10) Enforcement. Unless expressly stated to the contrary in an ordinance carrying an infraction penalty, the Takoma Park Police Department shall be responsible for the enforcement of this subsection.]]

[[Sec. 1-18. Payment of fines in installments by indigent persons]]

[[ (a) In the case of indigency of the defendant (a person without means to pay the fine), the imposition of any fine in this Code shall be payable by the defendant to the Treasurer in equal monthly installments of five dollars (\$5.) beginning thirty (30) days after the imposition of the fine until the fine is satisfied in full. ]]

[[ (b) Upon default by the defendant of any such monthly installments, the entire balance of the fine shall immediately be due and payable by the defendant. ]]

[[ (c) The court, upon receipt of a report of such default from the Treasurer, shall set a date and place of hearing with proper notice to the defendant ordering the defendant to appear and show cause why he should not be imprisoned until the fine is satisfied in full. Such notice shall be made either by personal service or by registered mail to the defendant at the last known address, at least five (5) days prior to the date set for the hearing. ]]

[[ (d) After hearing thereon, if the evidence warrants, the court shall sentence the defendant to imprisonment in the county jail or other place of legal incarceration for a term not to exceed ninety (90) days for any one (1) offense until the fine is fully paid. ]]

[[ (e) Such defendant shall be allowed a credit of five dollars (\$5.) for each day's work within such place of

incarceration on account of such fine subject to the provisions of the Annotated Code of Maryland 1957, as amended, Article 38, Section 4.]]

Sec. 1-17. Prosecuting violations of the Charter, Code and regulations.

If a person violates a provision of the Charter, Code, or regulations of the City of Takoma Park, the City may prosecute that person for committing a municipal infraction. Alternatively, the City may prosecute the person for committing a misdemeanor if the Charter, Code, or regulations state that a violation of that provision is a misdemeanor. Each day that a violation continues is a separate offense.

Sec. 1-18. Warning notices.

(a) When a warning notice is required. Unless the Charter, Code, or regulations require the City to issue a warning notice before issuing a citation, the City is not required to issue a warning notice. However, the City may issue a warning notice before issuing a citation.

(b) Delivery and contents of a warning notice. Unless the Charter, Code, or regulations are inconsistent with this subsection, when a warning notice is required:

(1) the City must issue the notice 48 hours before the citation is issued;

(2) the notice must describe what:

(A) the violation is;

(B) the person can do to correct the violation;  
and

(C) the penalty is for the violation; and  
(3) the City must give the person charged with the  
violation a copy of the citation in person, or by mail at the  
last known address of the person.

Section 1-19. Municipal infractions.

(a) Issuing citations. The City Administrator determines  
whether the Police Department or the Housing Department has pri-  
mary responsibility for issuing citations. A police officer or a  
code enforcement officer may issue a citation for a municipal  
infraction if the officer:

(1) observes a violation of the Charter, Code, or  
regulation of the City; or

(2) receives an affidavit citing the facts of an  
alleged incident.

(b) Contents of citations. The citation must contain:

(1) a certification by a City official that the infor-  
mation in the citation is true;

(2) the name and address of the person that the City  
is prosecuting;

(3) a description of the nature of the violation;

(4) the location and time of the violation;

(5) the amount of the fine;



(6) the manner, location, and time in which the fine may be paid;

(7) an explanation of the person's right to elect to stand trial; and

(8) an explanation of the consequences of failing to pay the fine or demand a trial on time.

(c) Serving citations. The officer who issues a citation must deliver the citation in person or by mail.

(d) Paying a fine. Within 20 days after receiving a citation, a person may pay the fine to the City Treasurer.

(e) Demanding a trial. Instead of electing to pay the fine, a person may notify the City in writing that the person demands a trial. The person must notify the City within 15 days after receiving the citation.

(f) Effect of failing to pay the fine or demand a trial. If a person fails to pay the fine or demand a trial within 20 days, fines of less than \$200 automatically double. Larger fines increase to \$400.

(g) Amount of fine. If the Charter, Code, or regulations do not specify the size of a fine, the fine is \$400.

Sec. 1-20. Misdemeanors.

(a) Responsibility for enforcement. The Police Department is responsible for issuing citations or making arrests for violations that the City prosecutes as misdemeanors. A police officer

has the discretion to issue a citation or arrest a person for a misdemeanor. Code enforcement officers will assist the Police Department as directed by the City Administrator.

(b) Amount of penalty. If the Charter, Code, or regulations do not specify the penalty for a misdemeanor, the maximum penalty is \$1,000 and 90 days in the County Detention Center.

(c) Serving citations. A police officer may deliver a citation in person or by mail.

SECTION 2. SEVERABILITY.

If a court holds that part of this ordinance is invalid, that invalidity does not affect the other parts of the ordinance.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect on \_\_\_\_\_,  
1987.

**CITY OF TAKOMA PARK**

**CHARTER §1.7**

\* \* \*

(b) For the purpose of carrying out the powers, conferred by this Charter, and for the preservation of the cleanliness, health, peace and good order of the community, and for the protection of the lives and property of the citizens, and to suppress, abate, or discontinue, or cause to be suppressed, abated or discontinued, all nuisances within the corporate limits of said city, they may pass all ordinances or by-laws from time to time necessary; and to insure the observance of such ordinances, in addition to the action of debt or such other civil remedies as may exist in such cases by law for the recovery of the penalties thereunto affixed, they may affix thereto such reasonable fines, not exceeding fifty dollars in any case, as to them may appear right, and in default of the payment of any fine imposed, they may provide for the imprisonment of the offenders for a period not exceeding thirty days, or until the fines are paid; provided, that no ordinance shall be adopted except by a yea and nay vote, and the names of the members of the council voting for and against the same shall be entered in the minutes.

\* \* \*

(f) The said Council shall have power by ordinance to provide for the punishment of any person, persons or corporations who shall violate any of the provisions of this section by a fine not to exceed five hundred dollars (\$500.) in any one case, or imprisonment in the county jail of the county in which said offense shall be committed for a period not exceeding ninety (90) days, or both.

\* \* \*

Current Maryland Law on the Authority  
of Takoma Park to Enforce its Laws

Article 23A, Section 3  
Annotated Code of Maryland

**§ 3. Violations of ordinances and resolutions.**

(a) *Penalty.* — The legislative body of any municipality shall have power to provide that violations of ordinances and resolutions authorized by this article shall be punishable as misdemeanors, but no penalty shall exceed a fine of \$1,000 and imprisonment for 6 months. Imprisonment in default of fine and costs shall be regulated by the provisions of Article 38, § 4 of the Code.

(b) *Municipal infractions.* — (1) The legislative body of a municipality may provide that violations of any municipal ordinance shall be a "municipal infraction" unless the violation is declared to be a felony or a misdemeanor by law or ordinance. In addition, the legislative body of a municipality may classify as a "municipal infraction": (i) a violation of any zoning or land use ordinance or regulation authorized to be adopted or enacted by that municipality; and (ii) littering within the municipality as prohibited under Article 27, § 468, of the Code. For purposes of this article a municipal infraction is a civil offense.

(2) (i) Those officials authorized by the legislative body of the municipality may deliver a citation to any person whom they adjudge to be committing a municipal infraction or on the basis of an affidavit submitted to an appropriate official of the municipality, to be named by the municipality, citing the facts of the alleged incident.

(ii) The issuing authority shall retain a copy of the citation which shall contain:

1. The issuing authority's certification attesting to the truth of the matter set forth in the citation;
2. The name and address of the person charged;
3. The nature of the infraction;
4. The location and time that the infraction occurred;
5. The amount of the infraction fine assessed;
6. The manner, location, and time in which the fine may be paid to the municipality;
7. The person's right to elect to stand trial for the infraction; and
8. The effect of failing to pay the assessed fine or demand a trial within the prescribed time.

(3) A fine not to exceed \$400 may be imposed for each conviction of a municipal infraction. The fine is payable by the recipient of the citation to the municipality within 20 calendar days of receipt of the citation.

(4) A person receiving the citation for a municipal infraction may elect to stand trial for the offense by notifying the municipality of his intention of standing trial. The notice shall be given at least 5 days prior to the date of payment as set forth in the citation. Upon receipt of the notice of the intention to stand trial, the municipality shall forward to the District Court having venue a copy of the notice from the person who received the citation indicating his intention to stand trial. Upon receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the District Court for violations of municipal infractions shall be remitted to the municipal government.

(5) If a person receiving a citation for an infraction fails to pay the fine for the infraction by the date of payment set forth on the citation and fails to file a notice of his intention to stand trial for the offense, the person is liable for the assessed fine. The municipality may double the fine to an amount not to exceed \$400 and request adjudication of the case through the District Court, including the filing of a demand for judgment on affidavit. The District Court shall promptly schedule the case for trial and summons the defendant to appear. The defendant's failure to respond to such summons shall result in the entry of judgment against the defendant in favor of the municipality in the amount then due if a proper demand for judgment on affidavit has been filed.

(6) If any person shall be found by the District Court to have committed a municipal infraction:

(i) The person shall be required to pay the fine determined by the District Court, not to exceed the limits under paragraph (3) of this subsection;

(ii) The person shall be liable for the costs of the proceedings in the District Court; and

(iii) The court may permit a municipality to abate any such condition at the person's expense.

(7) Adjudication of a municipal infraction, as defined in § 3 (b) (1) of Article 23A, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(8) In any proceeding for a municipal infraction, it shall be the burden of the State to prove the guilt of the defendant to the same extent as is required by law in the trial of criminal causes, and in any such proceeding, the court shall apply the evidentiary standards as prescribed by law or rule for the trial of criminal causes.

(9) In any proceeding for a municipal infraction, the court shall ensure that the defendant has received a copy of the charges against him and that he understands those charges. In such proceedings the defendant shall be entitled to cross-examine all witnesses who appear against him, to produce evidence or witnesses in his own behalf, or to testify in his own behalf, if he elects to do so.

(10) In any proceeding for a municipal infraction, a defendant shall be entitled to be represented by counsel of his own selection and at his own expense.

(11) In any proceeding for a municipal infraction a defendant may enter a plea of guilty or not guilty, and the verdict of the court in such case shall be (i) guilty of a municipal infraction, or (ii) not guilty of a municipal infraction, or the court may, before rendering judgment, place the defendant on probation, in the same manner and to the same extent as is permitted by law in the trial of a criminal case.

(12) The court cost in a municipal infraction case in which costs are imposed are \$5. A defendant shall not be liable for payment to the criminal injury compensation fund.

(13) When a defendant has been found guilty of a municipal infraction and a fine has been imposed by the court, the court may, at its discretion, direct that the payment of said fine be suspended or deferred under such conditions

as the court may establish. Whenever any defendant has been found guilty of a municipal infraction and willfully fails to pay the fine imposed by the court, that willful failure may be treated as a criminal contempt of court, for which the defendant may be punished by the court as is provided by law in such cases.

(14) A defendant who has been found guilty of a municipal infraction shall have the same rights to file a motion for a new trial or a motion for a revision of a judgment as are now provided by law or rule in the trial of a criminal case. The said motions shall be made in the same manner as is now provided in the trial of criminal cases, and the court, in ruling on said motions, shall have the same authority as is now provided in the trial of criminal cases.

(15) The State's Attorney of any county is authorized to prosecute a municipal infraction in the same manner as he is now permitted by law to prosecute a violation of the criminal laws of this State. The State's Attorney is authorized to enter a nolle prosequi in such cases or to place such cases on the stet docket, and he shall exercise that authority in the same manner as is now prescribed by law or rule for violation of the criminal laws of this State.

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MEMORANDUM

April 17, 1987

TO: Mayor and Council  
VIA: James Wilson, City Administrator  
FROM: Susan Silber, Corporation Counsel *S. Silber*  
SUBJECT: Proposed Ordinance to Correct Technical Errors

Paula Jewell, Deputy City Clerk has brought to my attention a clerical error in the Collective Bargaining Law adopted by the Council last December. The attached ordinance corrects the error.

Attachment  
SS/ln

Introduced: \_\_\_\_\_

Enacted: \_\_\_\_\_

Effective: \_\_\_\_\_

ORDINANCE NO. 1987 -

Short Title: Technical Correction to Collective Bargaining Law

AN ORDINANCE to correct a technical error in Ordinance No. 1986-47.

THE ORDINANCE amends Section 8B-202 "Definitions" of the Code of the City of Takoma Park.

Note: In this Ordinance

[[double brackets]] indicate existing language being deleted from the Code.

Underlining indicates new language being added to the Code.

\*\*\* indicate language in the Code that is not included in the ordinance.

SECTION 1. AMENDMENTS TO THE CODE.

Section 8B-202. Definitions.

In this article, the following terms have the meanings indicated.

\* \* \*

(k) Terms and conditions of employment: All terms and conditions which establish, affect or control: pay, fringe benefits, retirement and pension benefits, attendance and leave,



promotions, transfers, layoffs, demotions, termination, discipline, evaluation, professional development, workload, work [[and those items which both parties agree to negotiate,]] schedule, or health and safety, and those items which both parties agree to negotiate. Terms and conditions must be consistent with federal, state, and local law, and must not be excluded under the prerogative of "Employer Rights", under this section.

SECTION 2. EFFECTIVE DATE.

This Ordinance shall take effect upon enactment and apply to any negotiations already in progress.

THE CITY OF TAKOMA PARK, MARYLAND

Public Hearing: Proposed Budgets for the Recreation, Library  
and Public Works Departments  
April 23, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Haney	Library Director Arnold-Robbins
Councilmember Iddings	Public Works Director Robbins
Councilmember Sharp	Deputy City Clerk Jewell
	Public Works Acting Dir. Torres
	Recreation Supervisor Claytor
	Youth Outreach Worker Avant

The Mayor and Council convened at 7:46 P.M., Thursday, April 23, 1987 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Mayor Del Giudice indicated that the procedure at the last Public Hearing was that the City Administrator made a brief introduction of each of the Department Budgets. The Department Directors then presented their review of the proposed budget and the additional budget items they would wish to consider in the event that additional monies were available. This was followed by questions and answers from the Council to the department heads with citizens comments and questions as well. The order of presentation will be the Recreation Department, Library and then Public Works.

PUBLIC HEARINGS:

RECREATION

Mr. Wilson presented a summary of the Recreation Department budget, highlighting line-item changes from last year's budget. All budgets were prepared with zero increases as mandated by the Mayor and Council. The budgets were prepared with the instruction to include the proposed new pay plan, the so-called 36% plan, which is designed to adjust the pay scale so it is internally consistent with the classification plan. The increases in the salary lines in all 3 departments will reflect the pay plan adjustments and the 36% plan. The overall City budget includes \$250,000 in capital budget which will be discussed in detail at the next meeting. The City budget was developed at a tax rate of \$1.785. The budget excludes recommendations for increases for senior staff and the allocation for legal services for Corporation Counsel.

The Recreation Department's budget was submitted at \$206,089 by the department head. It is the same in each major category as last year's budget. The City Administrator made adjustments in several line items: salaries were increased from \$144,445 to \$171,559, and fringe benefits from \$32,000 to \$36,000. These changes reflect the 36% pay plan adjustments. Telephone costs were reduced in anticipation of savings from the new telephone system. The budget for special activities was reduced because during the last two years expenditures were closer to \$7,000 than the \$9,100 that was budgeted. Photo supplies were trimmed down by 10% and the figure for recreation expendable supplies was simply rounded off. The youth worker expenses were also lowered, based on actual expenditure history. This particular budget includes the three positions at the fire station and the gym, although the gym has not actually been operational the last 3 years. There is no adjustment for the Director's position. The bottom line is \$232,813, as opposed to \$206,089 submitted by the department director.

Edward Sharp questioned what has happened in the past with the money that was in the salary line for the positions at the gym. Mr. Wilson responded that in effect it was dropped into the general fund and carried over.

Mayor Del Giudice announced that there were Recreation Department representatives at the meeting who could present an analysis of the Department's recommended budget. Mrs. Ziegler, the Director, was out of town at a State Recreation Conference.

Carol Claytor, Recreation Supervisor: Ms. Claytor indicated that the Recreation Department has two concerns. The first is the Special Activities account (#910), which was decreased by \$2,141. This account provides for expenses related to classes throughout the year. A fee is charged for each class which produces revenue to pay for class expenses. Also included in this account are repairs for roller skates and skate maintenance; the summer dance theatre, which is seasonal (3 months out of the year); the pom pom groups' supplies and costumes, etc. The Department feels this money is needed to initiate and implement new classes that the Department hopes will start in the fall. These include pre-school classes, exercise and gymnastics classes, arts and crafts for children, ballroom dancing, golf lessons and sign language, senior exercise classes, senior swimming lessons, and senior walks at the plaza. Next summer we would like to initiate a day care program in the playgrounds that would extend 2 weeks beyond August 1st. (This would be in addition to the summer playground programs which last 6 weeks and end on the 1st of August). Other programs we would like to offer are financial planning and computer classes.

The second concern of the Department is the SSI After School Program. This was eliminated from the budget in order to comply with the zero based budget. The SSI gymnasium program costs approximately \$6,000. We feel it is imperative that this program be continued to provide the North Takoma Park children with the recreational programs they deserve. One of the recreational trends that is changing rapidly is the latch-key program. More and more elementary children are left on their own after school because more parents are working. As recreationists, we feel it is our duty to supply these programs to fit the needs of the community.

Paul d'Eustachio, referring to the special activities funds, noted that we're anticipating spending \$2,000 less this year than the City Administrator recommended, and \$4,000 less than was requested. If you would like this budget line item to remain above \$9,000, why has only a little more than one-half of that sum been spent so far in this fiscal year? Ms. Claytor responded that this line includes the Municipal Gym roller skating program, etc. We would like to keep this money in the budget to use at a later time when the gym is reopened.

Mayor Del Giudice commented that we're all hopeful that the gym will be open within the next year, but given the Fire Department's position, it would be easier to make a budget amendment in the event the gym were reopened and provide additional funds for programs once they were actually ready to begin. Ms. Claytor responded that with all the new classes the Recreation Department would like to initiate it's important to keep the money where it is, if it can be arranged that way.

Mr. d'Eustachio asked about the \$300 budgeted for transportation (account #906). It seems minimal in light of the new vehicle that the Recreation Department has. Will it be adequate? Does it cover gasoline? Mr. Wilson responded that gasoline for the vehicle will come from the Public Works budget. Mayor Del Giudice questioned if the new van will diminish costs of travel reimbursements and personal expenditures of the staff.

Mr. Haney, referring to the proposed new classes, asked if these were in addition to the usual ongoing year-to-year classes, or if they were replacement classes. Would all new classes be eliminated if only \$7000 were available? Ms. Claytor responded that the classes she listed are the ones Recreation would like to start, possibly this fall, in addition to the regular classes. This could be done with \$9,141. \$7000 would allow the addition of approximately half the classes proposed.

Mr. Iddings asked how many children attend the SSI after school program; whether it is something that Montgomery County Recreation also supplies; and whether the Recreation Department has asked Montgomery County to supply additional staff. Finally, why was the program cut if it is such a priority? Ms. Claytor responded that the SSI program is open 3 days a week and serves between 25 and 40 children per day. The Piney Branch program is slightly larger. Montgomery County supplies one staff person and the City supplies two staff people for a

total of 7.5 hours per week. The Recreation Department is lucky to have one person from Montgomery County. We have a total of 122 registered children. Three-fourths of those registered are Takoma Park residents. The program was cut to comply with the zero balance budget, because it was the only thing which could be cut.

Mayor Del Giudice asked how the Recreation Department would use additional funds, if available, and what would be the top priority of the Recreation Department for use of those funds. Ms. Claytor responded that the SSI gym program would be the top priority because it is in the Northern Takoma area and it is important that the kids there get the same attention as the kids in this area. The Mayor also asked the Youth Outreach Worker about the cut in youth worker expenses: the City Administrator's recommendation, \$5,000, is approximately what is going to be spent this year. What reduction, if any, might this require of your program? Mr. Calvin Avant responded that one of last year's new objectives was to bring in more minorities from the Spanish and Asian populations. With the other kids in the community there was more money available -- either from the households or from the lawn services project. Because these kids were working, a great deal of the money they used eventually went back into the households, so that they were essentially funding much of their activities themselves. But in order to continue to keep the minority kids involved, their activities will have to be supported financially. Keeping the budget is going to make it hard to expand the program.

Mayor Del Giudice asked about involvement of the kids in the distribution of the Newsletter. If the kids were reimbursed for this, would that make it easier to live with the \$5,000 budget? Mr. Avant said that he has spoken with Mr. Wilson about increasing the amount the kids would be paid. At the moment the amount that is received only pays for the kids to do the work. If they were paid more, involvement in newsletter distribution could generate approximately \$1,200.

#### CITIZEN'S COMMENTS

Edward Hutmire, President, Takoma Park Recreation Council referred to the plan to expand some of the City's class offerings. It is in the interest of the Recreation Council that this expansion proceeds. In previous years fees from class attendance were recycled to cover the class expenses. Now we estimate the cost of running the classes and then set fees that will compensate for this cost, given the proper number of registrants. The Recreation Department would like an additional \$2,141 from the general fund, but this would eventually come back to the City through the class attendance fees. Although it may not be apparent, and it is different from previous years, this is a self-funding process. In this case, it's not really a request for an increase in general fund allocation to Recreation, but a direct reimbursement from the people who apply for the courses.

Mayor Del Giudice noted that the capital budget will be discussed next week. The gym will be the major subject. Paul D'Eustachio asked whether more specific figures about the costs of renovation will be available; the Mayor responded that the Recreation Department had requested \$40,000 for the Municipal Gym renovation and at this point the City Administrator has simply noted that a cost estimate is needed. It is not in the recommended budget at this time. This does not mean that it will not be considered, but we do need a cost estimate.

Ms. Claytor: Ms. Ziegler estimated that the total cost of renovation of the gym will be 40,000. Of this, \$25,000 will be for the gym floor and balcony. Ms. Ziegler will have exact figures at the next worksession.

Mr. Haney suggested to Mr. Hutmire that it is important to look at costs incrementally: to look first at what it would take to bring the gym up to code and meet liability requirements of the City insurance policy, simply so that the gym could be used; and secondly to examine at the costs of more elaborate restorations. Mr. Hutmire replied that at this point we haven't yet established a list of what needs to be done. We would like Mr. Dave Weissman to take a look at the obvious things -- such as the floor restoration, wall repairs, plumbing in the restrooms, and a number of carpentry repairs -- and establish a total cost. It may be a two-step process, involving deferring some less pressing repairs that may not be necessary for simply opening the gym.

Mayor Del Giudice suggested that this year we might want to again consider looking for support from foundations in the restoration of the Municipal Gym. We can find the money to get the Gym open; maybe private sources can help us with some of the other things we'd like to have done. Mr. Hutmire commented that a breakdown is needed that separates tasks into those which are important and those which are deferrable, so that we might select those which could be presented to a foundation.

Gregory Hamilton, 7600 Maple Avenue commented that the floor of the gym may not have to be completely replaced; there may be other cheaper options. For example, the balcony could be carpeted. The Fire Department should also have made plans for their work several years ago. Mr. Hamilton also asked what was going to happen with the swimming pool at the Piney Branch School since the loss of a lifeguard last year. We could consider supplementing minimum wage for lifeguards. Could the Recreation Department consider this now? He would like to have all-day pool service. Mayor Del Giudice asked that the Recreation Director raise this issue with the County. Will we have the problem again this summer; is the County addressing this issue in their budget? He further asked that an inquiry be made at the Fire Department to determine whether they performed code inspections during their rehabilitation work in the gym 2 years ago.

Abbey Mandel, 7003 Woodland expressed her exasperation with the zero based budget; she wished the Mayor and Council wouldn't be afraid to raise taxes. It is imperative that Recreation has the SSI program, with 2 staff persons. If the parents aren't paying some extra taxes for that program, they're going to have to pay for babysitters for the afternoons and people without kids are going to have the exasperation of having kids run all over their gardens and streets. She pointed out that the Recreation Department is the first line of defense of the Police Department -- a program such as ours should pay dividends in cutting down on juvenile delinquency. Takoma Park has a strong program, which not only improves the quality of life but improves our kids.

Mr. Abbott asked whether the Boys and Girls Club was distributing the Newsletter. He felt the problem was the lack of adult involvement and participation. The Youth Worker should make distribution of the newsletter a priority. Mr. Wilson responded that the Boys and Girls Club were no longer interested in carrying out the responsibility of distributing the newsletter.

Mr. Iddings noted that the budget doesn't show receipt of any payment from any of the counties in lieu of the recreation activities that we provide. They do cooperate with us in the summer, but not as much as might be expected. Why doesn't Montgomery County provide payment for recreational services? Mr. Wilson replied that Montgomery County sees our program as an extension of theirs, not a replacement. They consider that the services they provide are sufficient. Anything we want above and beyond that, we should pay for. Mr. Iddings commented that clearly this attitude is preposterous. It is clear that we spend more money than we're reimbursed for from the Counties. Prince George's County's formula allows us to receive at least a little in each category. Montgomery County's formulas tend to be arbitrary, they tend not to be indexed for inflation and they tend to substantially understate the true cost of the services. We need to discuss this with the County. Our people pay taxes to support these services and we need to be recouping some of those funds.

Mayor Del Giudice: If Montgomery County were properly funding recreation in the South County area, they would not have to close the Takoma Park pool. Montgomery County clearly spends more in White Oak and Bethesda than it does in the South County area. Mr. Iddings noted that if we're able to get money back for the Library, we ought to be able to get it for the Recreation Department. This should be raised during the upcoming budget year.

Gregory Hamilton, Revenue Advisory Committee: The Revenue Advisory Committee has been discussing many of the services the City provides and we hope to produce a recommendation for the Council.

Robert Mandel, 7003 Woodland Avenue commented that he has attended budget hearings for many years. This is the first time there hasn't been a display copy of the proposed budget. This makes citizen input difficult. (Summary pages of the Recreation, Library and Public Works Department budgets were made available. It was noted that there is a full copy of the proposed budget in the

Library).

#### LIBRARY BUDGET

Mr. Wilson stated that this year's proposed budget of \$270,401 submitted by the Library Director is the same as last year's budgeted amount. In order to accomplish that, there were some adjustments and reductions: Salary and fringe adjustments reflected implementation of the new 36% pay plan, mentioned above. Also absorbed in that adjustment was the 3% wage increase. Initially there was also an adjustment in the Director's salary; this was removed, since it will be handled separately later. The Library Director had reduced temporary assistance to absorb the zero base restriction -- we restored it in our recommendation. Telephone costs were adjusted downward, anticipating savings from the new system. We concurred with reductions in the contingency and postal budgets; association dues were restored; the supplies recommendation was rounded off. The adult and children's books reductions were restored. We concurred in the records reduction, but we restored the rebinding reduction. The program outreach services were maintained as per the Director's recommendation, as was the service rental. The bottom line figure of \$295,128 was roughly \$24,727 above the zero base budget and a vast majority of that in the adjustment. This represents a 9.12% increase over last year's base.

In answer to a question about telephone expenses, Mr. Wilson responded that telephone equipment costs are listed in the capital budget, but use and service costs of telephones are listed separately in each department budget.

Ms. Ellen Robbins, Library Director, requested that a total of \$1,000 be restored in two line items. The supply account has been reduced by \$1,300 (line item #945). She would like \$500 to be restored to cover additional costs of book processing, special publicity materials planned for next year, and a summer quest kick-off event for children's programming. She also requested that \$500 be restored in account #949 for phonograph records. This would bring the total back to the FY87 level (\$1,400). She had planned to purchase recreational audio cassettes to compliment the collection of educational audio cassettes purchased with CDBG funds. With a \$900 budget, it would be difficult to diversify the collection. The budget for library material had not been reduced for 5 years. This is the most difficult kind of reduction for a library to absorb and one which has an impact on levels of service. Finally, Ms. Robbins urged the Council to consider meeting with Michaels Associates to discuss their recommendations for library renovation. It is important to include Library renovation in any long-term plan for public buildings or for strengthening City services. Mayor Del Giudice noted that perhaps we need a general discussion of the Capital Budget before consulting with Michaels Associates.

Mr. D'Eustachio asked whether the Library is seeking outside funding. Ms. Robbins responded that the library has no concrete plans other than continuing the book sales. Since the Takoma Park Library is not part of the county library system we are ineligible for state funds. The Library also can not receive federal money since it is distributed through the state. Any change in this would require a change in state legislation. Mr. Haney asked about a public library in College Park which did not appear to be a Prince George's County library. Ms. Robbins said she would inquire.

Mr. Iddings asked whether any thought has been given to reinstating the Friends of the Library group. Other departments receive volunteer support (i.e., the Recreation and Police Departments). Perhaps the Library could obtain similar volunteer support for shelving, fundraising efforts, etc. Similarly, a program might be developed to encourage donations. The library provides a good service but Councilmembers are finding it difficult to provide the money needed to turn it into an excellent service. An active Friends of the Library group could make this difference. Ms. Robbins noted that the original library planning group still meets at least once a year. They will be enlisted in work surrounding the book sales. The library group needs to be organized around a specific activity, unless there is an individual citizen who feels strongly about taking a leadership role. There are library volunteers who occasionally shelve when necessary. She also noted that the Book Sale this year produced \$1,000 which is being used to create a file for audio cassettes. Mayor Del Giudice commented that with the increase in the use of compact disks, people might be willing to donate records. Ms. Robbins replied that even if the library didn't need records, they might be sold at the book sale. Eventually the library itself may

be more interested in purchasing CDs than records.

Mr. Haney commented that the library serves as a resource center, not just for books and magazines, but also for audio cassettes, records, as well as bus passes and information on community activities, etc. He asked whether the Library Director has considered educational tapes e.g., for home do-it-yourself projects and many more educational tapes. Ms. Robbins replied that County libraries are already developing these services. However, they are expensive, and any new media program involves many decisions regarding storage, cataloguing, etc. If these things were donated, they could certainly be loaned out.

Mr. Iddings commented that given the library's limited financial resources we need to focus on the things that our library does well. He would be sceptical of new programs and services which are already being developed by other libraries, and to which our library might only be able to contribute minimally. It might be more beneficial to share catalogues or services with other libraries, rather than attempting to satisfy all needs independently. He noted that our library is community service-oriented and this is what we need to focus on. Ms. Robbins agreed that we could provide access to catalogues of resources in other libraries.

CITIZEN: Mrs. Mandel stressed again the need to increase taxes, if necessary, so that the library would be better able to serve the public. The Library should not be the agency that has to "scrounge" for money. Mr. d'Eustachio commented that there is a rationale behind the suggestion that the library look for grants, since private foundations are willing to spend money to buy books for youngsters, whereas they are not willing to spend money to install new curbs on Sycamore Avenue, for example. A number of local foundations give grants to non-profit organizations in the City. They may be willing to buy books and offer programs to children who otherwise would not have access to those programs. The City must provide the funding for basic library services, but these services can be improved with outside support.

Mr. Abbott commented that we do pay taxes for the county library system. We have our own facility here yet we pay the same tax as a non-municipal taxpayer does for the County system. The only equitable solution would be to have Montgomery and Prince George's Counties reimburse us for every man, woman and child who use our services.

#### PUBLIC WORKS BUDGET

Mr. Wilson presented the Public Works Department budget, highlighting those areas where adjustments were made in the budget proposed by the Director. In the office budget, both the Director and the Assistant Director were inadvertently included in the 3% adjustment. That was taken out because it will be dealt with separately. Aside from the telephone, we concur with everything the Director put into the budget. The Government Buildings Budget salary line includes the restoration of one position which the Director had recommended omitting, as well as the adjustments resulting from implementation of the new pay plan. Repair materials were reduced to the FY87 amount, and custodial supplies were reduced based on current expenditure figures. We restored the reduction in the subcontracts area back to \$15,000 and concurred with the electricity recommendation. Mr. Wilson commented that the repair shop figures were difficult to estimate without knowing what the management audit was going to recommend or the disposition of staff in that area. \$3,000 was added to accommodate any changes due to potential personnel adjustments. The overtime budget was increased; uniforms, repair parts, tires and batteries were all kept at the level recommended by the Director. It was agreed with the increased budget for wipes and fendor covers. Spending on outside parts and labor was reduced based on actuals. Fuel costs were left unchanged to cover possible changes in prices and Equipment repairs were increased. Mr. Wilson further commented that in the Parks Division adjustments in salary were modest. Everything else remained unchanged, except for the tools account, which was restored to last year's level. In the Sanitation Division, the basic change in the salary line is the pay plan adjustment. A small amount was added to overtime and everything else remains the same (except that burlap supplies were reduced). The refuse disposal fee is being kept at \$170,000, although there has been some discussion of increasing these fees in both Montgomery and Prince

George's Counties. Altogether, the Sanitation budget was increased by 9.25% over last year. The bulk of this (\$40,000) is in the refuse disposal fee. In the Streets Division overtime costs were reduced by \$2,000, but \$1,000 was restored; spending on uniforms was also reduced and has been restored. The total Public Works budget is approximately \$51,000 above the Director's recommended budget and another \$20,000 over the FY87 budget. The overall increase over FY87 is about 3.3%.

Mr. Robbins requested that the Burlap Account (#879) be increased by \$500. These are supplies for refuse service and 4,500 was spent in the previous year. He also requested an increase in the Laundry account because of a new contract being developed which would involve new uniforms for all employees. The objective is a system with mandatory uniforms, some to be changed daily. Uniforms will have names and the City emblem on them so the public will recognize Public Works employees. Next year they are hoping to increase this budget to allow for short sleeve shirts so that uniforms could be mandatory year round. Repair Shop parts should be restored back to the FY87 level (\$44,100). This had been reduced to \$39,000. Also requested was restoration of the present level of the account for outside parts and labor and that the Equipment Operator II be placed back into the Streets Division. Street Division has seven (7) people to take care of 30 miles of road. Street workers are still cleaning up storm damages from the last snow storm. Due to the zero growth budget Public Works was unable to fill a new position this year and would like that position to be restored. Storm damage has demanded the bulk of staff time. Mr. Robbins noted that this has been an unusual year and should not be used as a reference for future budgets.

Mayor Del Giudice noted that the laundry/uniforms project is a major initiative and questioned if this take precedence over the burlap. Mr. Robbins replied that without the burlap the workers can't do their job. The Mayor asked for an estimate of the total laundry/uniforms cost and commented that it makes sense to make an effort to make our employees recognizable.

Mr. Iddings questioned how much are we reimbursed from Montgomery County for the services provided through Public Works. When you add it up, we get a total of around \$400,000 for the Police from Montgomery County. We only get \$200,000 for Public Works, which is for things like street lights. It pays for road maintenance but no more. Montgomery County taxes separately for Sanitation. But this must include some administrative costs, for which we should be reimbursed. Montgomery County's double taxation remedy really ends up penalizing a full service (as opposed to supplemental service) city. There are still areas in which we ought to be receiving more money. Assistant City Administrator Habada responded that Montgomery County is tied to an arithmetic formula which hasn't changed for some time. (This applies to refuse, though not streets, which is tied to street mileage).

Mr. d'Eustachio raised the question of the two major park renovations planned for this spring and summer. He noted that it is anticipated that at least a portion of this work will be done by Public Works and questioned if that is included in this budget? Mr. Robbins responded that we are not allocating personnel for these efforts and there have been no specific discussions regarding equipment and materials.

Mayor Del Giudice suggested the the Director meet with Dan Neal soon to plan for this work. Spring Park is on the Council agenda for the 11th [of May].

Mr. Sharp noted that the Department Head's recommendation for salaries is about \$31,000 higher than that of the City Administrator's recommendation. He questioned how much higher is the salary level because of the pay plan. Mr. Wilson responded that he will provide Mr. Sharp with this figure. Mayor Del Giudice added that clearly the City Administrator restored a number of things which the Director had cut. Would the Director prefer to have certain things not be restored if, for example, this would make it possible to have the equipment operator or the uniform program. He suggested that the Director present the Mayor and Council with his specific priorities and options. Mr. Robbins replied that this would still not allow for enough to compensate for the Equipment Operator.

Mr. Sharp asked about the vegetation code work. Mr. Robbins replied that they would like to see vegetation in code enforcement come back to Public Works and



would also like to use that person to inspect street curbs. Mr. Sharp pointed out that there is a request in the Housing Department for doing that work as well. He would like to see the work done but if it is in both budgets, perhaps this could be better coordinated.

Mayor Del Giudice stated the Housing Department requested 5 Code Enforcement Officers: 4 who would work in the housing area and one to work in the other areas -- essentially trash, vegetation and zoning (plus a supervisor not included). The City Administrator has recommended 4 (an increase of one). There was discussion about the job description of the vegetation code officer. Public Works would like to take over all vegetation and trash codes (including abandoned vehicles), i.e., all public code violations. Mayor Del Giudice summed up the discussion by noting that the position of the vegetation code officer appears in the City Administrator's budget. The question is whether to leave that position in the Public Works budget or whether to put it in the Housing budget, so that there is a coordination of the five persons in the code enforcement office. At this point no one has been assigned the responsibility for zoning matters. Mr. Robbins pointed out that previously these functions were separate and this worked well.

Mayor Del Giudice directed a question to the Housing Director: the four Housing Code Enforcement Officers and the supervisor would only have responsibility for the housing code and the zoning code; and if this made it more reasonable to have all four code enforcement officers and the supervisor under Housing. He further stated that this makes it more reasonable and more practicable for the Housing Department to proceed with the 4 code enforcement officers and that clearly defines responsibility plus the supervisor. There was a residence where housing, zoning, vegetation, trash and abandoned autos were found to violate every code in the book. In that kind of situation there would definitely have to be a coordination between Housing and Public Works if they were separated. Mr. Sharp noted that one rationale for keeping all code officers in one department is that probably a code officer could perform inspections of several codes.

Mr. Robbins commented that when a code officer comes to Public Works and does these inspections they will for the first time be implementing a risk control program. A person has no control over risk outside of the structures. This person could be looking for faulty street patches which are not being responded to in a timely fashion; this person could get letters out to utility companies to force them back here and take care of these patches. A paper trail could be set up to show a documented situation where the City has taken a reasonable effort to resolve a problem -- ~~which~~ will be the first time we've had an opportunity to do this.

Mr. Sharp asked whether the Sanitation people report back when they detect something. For example, there has been a water heater out on Ethan Allen for several weeks -- the trash people can hardly be unaware of it. It would help if they could notify us of such things.

Mayor Del Giudice asked about involvement in COG's cooperative purchasing agreement and what efforts are being made to participate in the purchase of consumables and paper products? Mr. Robbins replied that we have purchased copier paper through COG. We have participated in almost all of COG's programs. There have been occasions when we have found cheaper prices in the spot market, although this admittedly defeats the purpose of a cooperative agreement. Takoma Park is not part of a contract but has a rider agreement, which leaves us free to have the best of both worlds. Mayor Del Giudice further noted that COG has recently instituted a flat fee for participation, (approximately \$750) rather than a fee based on amount purchased. This may mean we need some cost-benefit analysis. Mr. Robbins responded that when Takoma Park first joined COG, participation saved the City \$4000 on fuel alone. With lower costs, this figure would probably fall to \$2,000. He is confident that even at a cost of \$750.00, there would still be savings.

Mr. Iddings noted that there had been a proposal to contract out the repair shop. Roughly half of the Repair Shop budget is for salaries and the rest is strictly for fuel and parts and some outside labor. Is this cost effective? Mr. Robbins responded that some parts are purchased through COG contracts (filters, batteries, bulbs, gasoline, etc.). The remainder is purchased at wholesale prices.

Mr. Iddings commented that several years ago a study was done on what it would cost on a per household basis for the households actually receiving sanitation services. He noted that citizens of Takoma Park who live in large apartment buildings are taxed for a service which they do not receive. More specifically, the routes of the Sanitation Department do not appear to be very balanced. Crews work on a task basis, and therefore may not work for the full 8 hours for which they are paid. Mr. Robbins responded that Public Works is doing a route study on this. The average crew should work about 5 1/2 hours per day, and spend 2 hours travelling to and from the land fill.

Mayor Del Giudice asked about the newspaper pickup service. Mr. Robbins noted that the monthly tonnage for the month prior to the adoption of the ordinance was 37.95. It only increased to 42.97 after the ordinance. Articles were placed in the paper, but the program hasn't been well received. We need more citizen participation. Mayor Del Giudice questioned if we could the Code Enforcement officer coordinate an effort to contact citizens to remind them to put out their newspapers for separate pickup. This year the tipping fees increased by \$40,000 -- this was one of the largest increases in this year's budget. Mr. Robbins responded that this could certainly be looked into. Perhaps new brochures could be printed.

Marc Eldridge, 8110 Roanoke Avenue asked whether the Capital Budget will address the necessary repairs to the infrastructure of the City. Mayor Del Giudice responded that unless we can take advantage of some state program, we will not be able to address our infrastructure needs -- which at the bare minimum will require half a million or a million dollars. The state program now has a new director, so that perhaps it will now begin to function. We have money in our unappropriated capital reserves. This might be tapped into in the future. All of this will be discussed at the next meeting, but this is one of the main reasons we sought a zero-based budget this year.

Mr. Sharp asked if the Revenue Task Force addressed the bond issue. It was noted that there are differences within the Council on the questions of both bonds and lease financing.

Marc Eldridge questioned whether refuse could be separated. Mayor Del Giudice noted the possibility of setting up recycling centers within the City for cans and bottles. Citizens could also be encouraged to set up compost bins in their back yards.

Mr. Mandel commented whether there would be a problem again with the lack of money and resources to maintain and repair the new police cars in the repair shop and that there doesn't appear to be enough money to maintain the new parks. He further commented that if we can't foresee sufficient revenues for maintenance, we might as well save ourselves the expense of the purchases.

Greg Hamilton asked about City involvement in the Council of Government's cooperative purchasing program for Building Maintenance as needed for repairs and janitorial services provided to the recreational council. Mr. Hamilton also commented that Public Works is asking for a inspector to handle the van car and one inspector and the Housings Department would have 4 inspectors and one person to do the trees and vegetation, trash and zoning. Mr. Hamilton stated that there has never been any cross training in the Housing Department. He suggested that when a staff person is gone on vacation, or out sick, an inspector could help keep up with the other workload; the inspectors should be able to rotate and do a little bit of everything.

Mayor Del Giudice stated that as for the future schedule, there will be one additional public hearing next week and three work sessions to put together a final budget which will be up for adoption in the last week of May 1987. Some of these will be scheduled during the regular work sessions and others during extra worksessions as well during the month of May, particularly in the first half towards final adoption of the budget.

ADJOURNED 10:50 P.M.

CITY OF TAKOMA PARK, MARYLAND

Public Hearing on Sherman Avenue Speed Humps and  
Regular Meeting of the Mayor and Council  
April 27, 1987

CITY OFFICIALS PRESENT

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Deputy City Clerk Jewell
Councilmember d'Eustachio	Corporation Counsel Silber
Councilmember Haney	Public Works Director Robbins
Councilmember Iddings	
Councilmember Levy	
Councilmember Sharp	
Councilmember Williams (Absent)	

Mayor's Comments

Mayor Del Giudice announced with regret that Police Chief Fisher has tendered his resignation effective June 30, 1987. The Mayor commended Chief Fisher for his good work while serving the City as police chief.

Congratulations were extended to Mr. Lou d'Ovidio a resident of Takoma Park and a former councilmember, who has been appointed to the Montgomery County Executive Staff as a Public Advocate.

Mayor Del Giudice acknowledged guests in the audience from the Takoma Park Veterans of Foreign Wars, Post 350. Commander Sam Ferrin and the Post's Buddy Poppy Queen for the Post were on hand to accept the proclamation declaring May 1987 "Buddy Poppy Month". Following the reading and presentation of the proclamation, the Buddy Poppy Queen distributed for sale, the Buddy Poppies to the Council and audience. This fund raising effort includes the selling and wearing of Buddy Poppies which signify appreciation in mute evidence of those who lost their lives defending our nation. The organization was founded for the disabled and needy veterans and the widows and orphans of deceased veterans.

Mr. Ferrin, Commander of VFW Post 350 commented that the Post 350 celebrates their 66th Anniversary Continuous Charter which is the fourth oldest charter in the state of Maryland. He then distributed pens commemorating this Anniversary to the Council and audience. A Memorial Service is planned for May 25, 1987 at 2 PM in Memorial Park.

PROCLAMATION  
(Attached)

Citizens Comments

Wayne Upton, 7600 Maple Ave., expressed his concern over the number of Police Department position vacancies in the City. He noticed that there are at least six vacancies out of 33 positions. He noted two possible reasons for the vacancies; one, the Takoma Park City government has not done a good job in recruiting, and two, the salary is too low, not only in relationship to Montgomery County and possibly Prince George's County but the District of Columbia as well. His feeling is that starting salaries shouldn't be more than five percent under other local jurisdictions; these continued vacancies mean that response time is going to be longer for victims of crime. Councilmember Haney expressed appreciation for Mr. Upton's concern and explained that the reason for such police vacancies is that the officers go outside of the area to compete for higher pay; however, that immediately upon a resignation, steps are initiated to replace those officers as timely as possible. Mr. Upton continued with his comments by complimenting Councilmembers d'Eustachio, Iddings, Haney and Sharp for taking the position of not having a tot lot on the Siegler Property. He felt that the other councilmembers voted against the Committee's report without taking in the opinions of Ward 1, Ward 4 and Ward 5 citizens. Councilmembers Bradley and Levy responded that their decision was based on a minority opinion not a political one.

Darryl Stevens, 6800 Westmoreland Avenue asked about the status of WSSC legislation regarding the stormwater taskforce. He submitted a letter to the Mayor and Council about a week prior on this issue. Mayor Del Giudice responded that the legislation has not yet been signed; as soon as the legislation is signed, he will be establishing a taskforce to study alternative solutions to the stormwater management issue.

## PUBLIC HEARING ON SHERMAN AVENUE SPEED HUMPS

Mayor Del Giudice gave a brief introduction of the matter and announced two proposals the City Council is considering; one to place two humps on Sherman Avenue and the other to place three on Sherman Avenue. City Administrator Wilson officially entered into the public record communications received in the mail during the last few days from parties who could not be present but who wished to express their views: Jim Douglas, Sherman Avenue, indicated support for 3 humps; Patrick Keyes, 113 Sherman Avenue, indicated strong objections to speed humps, Martha Christian, 112 Sheridan Avenue, indicated she changed her mind since signing the petition for speed humps and expressed opposition to them; Bruce Hathaway and Karen Sagstetter, 125 Sherman Avenue, indicated opposition to installation, citing that speed humps were not a good use of taxpayers' dollars; Mrs. Lenore Lady, 108 Sheridan Avenue, opposed the installation of speed humps on Sherman Avenue. Councilmember Iddings received a letter from Miriam Holland, 7505 Hancock Avenue, who supports the installation of 3 or more speed humps.

Richard Robbins, Director of Public Works gave an overview of what each proposal would involve regarding placement, distance from the intersections and clearance of all driveways. The original recommendation provided by Mr. Robbins included elimination of the Hancock Avenue stop sign but the new proposal will not eliminate the stop sign and will be in compliance with all other City guidelines for installation. Councilmember Bradley questioned the cost of installation and if it is inconvenient (staff time-wise) for Public Works employees to come back to the same street in a few months to put in an additional hump or take out a hump. Mr. Robbins responded that the cost of installing speed humps is approximately \$400.00 and to do away with speed humps costs approximately \$700.00.

Roger McGary, Chief, Takoma Park Fire Department expressed opposition to the installation of any additional speed humps in the City. The Fire Department has found that the use and addition of speed humps continues to slow down response time for apparatus and ambulance services in the City; they are experiencing increasing maintenance costs on the apparatus; and the increase in time, particularly in a fire situation and a medical emergency is going to result in greater damage. Chief McGary asked the Council for statistical data for what speed humps have done for the community. Councilmember Levy asked about the speed at which the vehicles travel when responding to an emergency and the kind of apparatus maintenance troubles the Department is experiencing. Chief McGary responded that the vehicles travel about 25-30 mph; maintenance problems have included problems with drive trains, suspensions, springs and shackles. In response to further comments from Ms. Levy, Chief McGary stated that the speed humps might cut down on accidents involving children but parents living in busy thoroughfares need to also take more control over their children. Councilmember d'Eustachio questioned route planning by the Fire Department and asked if Sherman was one of the through-routes to reach the lower Ward 4 area. Councilmember Bradley referred to the need for specific alternative proposals in lieu of speed humps, e.g., one-way streets. Councilmember Iddings commented that other solutions, such as making the street one-way, sometimes increase the rate of speed rather than reduce it. He further commented on other alternatives such as increased traffic enforcement in the City, which costs the City more money, so you're left with what this City has, which is speed humps.

David Meade, resident of Southwest corner of Hancock and Sherman, expressed his support for the 3 speed humps. Mr. Meade spoke of the radical change in the amount of traffic on Sherman Avenue, mainly as a result of the traffic on East West Highway using Manor Court. He pointed out that Sherman Avenue is 23 feet wide; with one lane of parked cars, this leaves 16 feet for two lanes of traffic. He stated that he wants speed humps because he does not want the congestion of non-Takoma Park residents to radically change his life style. He appreciates that speed bumps are difficult on cars and emergency vehicles but agrees this is the best alternative. Mr. Meade further stated that he would be at ease with 2 speed humps.

Dave Starve, 115 Sherman Avenue, expressed his concern for the young children living on the street and the excessive speeding of vehicles in the neighborhood; he would support either a 2 or 3 hump system.

John Petes, 111 Sherman Avenue commented that he and his wife would be in support of either 2 or 3 humps and he raised the issue of removing the stop sign if you had the speed humps on the street. He suggested that if the stop signs were used to slow traffic down, they should be replaced with yield signs. He also raised the issue of speed humps that are designed for a 10-mile speed rather than a 5-mile speed; particularly if the Council goes for 3 humps, a less severe hump would be reasonable. He indicated that the 3 hump solution would mean a hump just about in front of his house which he would not be too thrilled about, but he thinks it's necessary.

Mr. Iverson, 110 Sherman Avenue, born and raised in Takoma Park about 61 years ago and has seen a good bit of change--some good--some not so good. He asked who instigated the

request for speed hump installation because he is not in favor of them at all. Mayor Del Giudice explained the City ordinance guidelines for this process and explained that the City can't put speed humps on state highways such as Carroll Avenue. Mr. Iverson noted that the people who instigated the speed humps for Sherman Avenue have long since moved away.

Debra Redman, 121 Sherman Avenue stated that the "instigators" who started the petition for speed humps have since moved out; but that one day a neighboring dog ran into the street and one of the children ran into the street after it and the dog got hit. This incident alarmed everyone about the speed at which the car was traveling down the hill. She is in support of 3 humps to slow the traffic down because there are a lot of little children who live at the bottom of the hill.

Albert Nunez, 8 Sherman Avenue spoke in favor of actually closing the street instead of putting speed humps on it. Mr. Nunez felt it would be cheaper to do it this way and noted that the fire department could go right through the flexible poles that would be right at the end of the street, at Hancock and Sherman--they would not have to even slow down at those poles, they could drive right over them! This would stop the flow of through traffic without stopping the emergency vehicles. In lieu of this suggestion, Mr. Nunez indicated that he would vote for 2 speed humps and the stop sign.

Matthew McWilliams, 9 Sherman Avenue commented that Sherman Avenue is an accident waiting to happen; it might be a child or an adult--anyone wanting to cross that street during rush hour. He would like to find out exactly how many cars go down the street during rush hour; he estimates about 80 cars an hours. These numbers are startling and what is more startling is the velocity at which the cars travel--he sees this as he is home during the day. He feels that it is the responsibility of parents to watch their children and its also the responsibility of the City and the safety officials of the City to make sure that the streets are safe; he supports the installation of speed humps.

Merle Leffler, 15 Sherman Avenue, has lived there since 1979 and has 2 children who have survived living on the street, mainly because he has had them under control, and that he has had to run after speeding cars; he would go along with the suggestion for speed humps designed for 10 miles per hour. He thinks 3 speed humps plus the stop sign is a minimum. Those bumps would remind all of us to be cautious.

Cathy Anderson, 7 Sherman Avenue, reminded everyone that the street at issue here is two blocks long--it's silly--with 1200 cars going at major speeds, if it takes speed humps to slow them down, then that's what should be done.

Alice Eve Hardle, 10 Sherman Avenue, stated that the street should be closed off because the children need a place to play and skate.

Ed Irish, 110, Sherman Avenue, stated that he grew up on Sherman Avenue; none of his dogs have been run over because he obeys the leash laws of Takoma Park. However, the issue of speeding still stands. He suggested that radars be posted during the rush hours to slow the vehicles down. He indicated that he originally expressed his opposition to speed humps, but the idea of a sign saying "Children Playing" or "Children Crossing" is another alternative to speed humps.

Michael Israel, 260 North Manor Circle, commented that while crossing over a speed bump, his muffler caught on it and tore it off. This cost him \$286.00 to be repaired. He also suggested that the black top used for the speed bumps should be put on Carroll Avenue to fill some of those holes up.

Wayne Upton, 7600 Maple Avenue, said he is familiar with the proposed speed bump area as he walks down from the Carroll Avenue bus stop. He expressed opposition to any more speed humps in Takoma Park and wished for other alternatives so that emergency vehicles would not be slowed down. What has happened is that speed humps on one street have diverted unfavorable traffic conditions onto other streets; and it goes on and on. He also feels that speed humps have caused the buses to make even more noise and increased the air pollution.

Henry Daniels, 19 Sherman Avenue, commented in favor of 3 speed humps and the stop sign; his family was one of the "instigators" of the petition and will continue to fight to stop some of the speedway going down that particular street. Stop signs don't even stop some vehicles.

Brian McLaughlin, 22 Sherman Avenue is President of S.S. Carrolls Citizens Association and happens to be manager of the Takoma Park Speed Hump Softball Team. He indicated he is strongly in favor of the 3 speed hump proposal, including the stop sign. In regards to the concern over slowed emergency response time, he feels that another straightforward route could be developed for these vehicles.

Councilmember Haney stated that he was basically in favor of the 2 hump proposal and keeping the stop sign and adding a solution to cut down on the commuter traffic problem by putting up DO NOT ENTER signs during the evening rush hour at Grant, Sherman and Lee and on the inner circle. This would force every non-resident commuting along Ethan Allen Avenue and going up Philadelphia to continue their route up to the traffic signal and go down East West Highway. The volume is not going to change, the signs are needed to help reduce the volume during rush hour. Mayor Del Giudice suggested that the Council would need some discussion on this; this could be put before the Traffic Committee. Councilmember Iddings responded that the study should show that traffic volume on the unit block of Sherman Avenue changes the residential character of the street and residents are concerned because they lose control over their community space. Thereupon a motion was made by Councilmember Iddings that staff return to the Council in 2 weeks with an ordinance to adopt a 3 speed hump proposal; seconded by Councilmember Levy. Councilmember Bradley emphasized Mr. Haney's proposal and said that in one sense it makes no difference how many speed humps there are because of the rush hour issue. Without the actual statistics, she does support the neighborhood for physical and psychological reasons, it's appropriate to support speed humps. Ms. Bradley stated that she is in favor of 2 humps, keeping the stop sign and considering other ways, e.g., re-routing or analyzing the traffic flows for speed and volume to accommodate heavy rush hour problems. Councilmember d'Eustachio commented that he is not in favor of 3 humps; the City has clear, outlined procedures as to how speed humps shall be installed--and if the Council sets up a series of steps, it is important that these steps are observed and he feels that no more than 2 is appropriate unless the Council is going to go back and amend our procedures. Commenting further on the issue of parental control over children--children who suffer enough from neglect don't need to spend 3-4 months in Children's Hospital as a result of further neglect. Mr. d'Eustachio also commented, citing this as perhaps the deciding factor in the speed hump debate, that some time ago, the Police Department very much opposed them for basically the same reasons as the Fire Department. He noted that there were no representatives present tonight opposing them; by and large he's heard that the Police think they're ok. He also feels that the added danger of slow response time is offset by the added safety of slowed down vehicles. Mr. d'Eustachio made a formal amendment to the motion to direct staff to bring back an ordinance for a 2 hump proposal instead of 3; seconded by Councilmember Sharp; the question being called, with all present voting "Aye". The Chair ruled on Mr. Haney's suggestion of an analysis of the traffic flow in terms of direction and time, and noted that this will not delay bringing forward the ordinance. The Traffic Committee was directed to proceed. Councilmember Haney suggested that the Traffic Committee look at the prospect of changing the timing of the light at the Ethan Allen and Carroll intersection.

John Petes, 111 Sherman Avenue, in thinking the matter over since hearing the comments about excessive traffic during rush hour, wondered if consideration could be given to putting up signs limiting through traffic at all times; trying this prior to putting up speed humps. He suggested that this would be an ideal situation. The Mayor noted that a prohibition of this type would be very hard.

Motion was carried to direct staff to bring back an ordinance for installation of 2 speed humps installation; all voted in favor. Mayor Del Giudice thanked the citizens for coming forward and speaking on this issue.

2. Second Reading of an Ordinance: "Abandonment of City Streets". Councilmember Iddings moved adoption, duly seconded by Councilmember Levy. Councilmember Iddings noted for the record that the initial impetus for the ordinance was to address the issue of the Sheridan/Hancock Park, although it was recognized there are a variety of streets throughout the City and it would be useful to have a general policy addressing the issue of abandoning streets within the City. The ordinance was adopted by unanimous vote.

ORDINANCE #1987-13  
(attached)

3. Second Reading of an Ordinance: Authority of school crossing guards. Councilmember d'Eustachio moved adoption; duly seconded by Councilmember Bradley. For the record, Councilmember Iddings noted that this ordinance was requested by the Police Department and was reviewed and prepared by the Deputy City Clerk; it clarifies what authority, legally, school crossing guards have to control traffic in performing their duties. The ordinance was adopted by unanimous roll call vote.

ORDINANCE #1987-14  
(attached)

4. Second Reading of an Ordinance: SOVRAN Lease-Purchase Agreement. Councilmember Haney moved adoption, duly seconded by Councilmember Sharp. Councilmember d'Eustachio noted that in previous budget cycles, there has been debate over whether it is appropriate

for the City to borrow money to meet current operating expenses due to lack of foresight by previous councils; he has grudgingly come around to support this action because it is not a tremendous expenditure of funds. Mr. d'Eustachio further commented that the City is operating with derelict equipment and that he is voting in favor of the ordinance. Councilmember Bradley concurred with Mr. d'Eustachio's statements. The ordinance carried by unanimous roll call vote.

ORDINANCE #1987-15  
(attached)

5. Single Reading Ordinance: Takoma Junction Streetscape Improvements. Councilmember Iddings moved adoption; duly seconded by Councilmember Levy. The Mayor noted that the Economic and Community Development Coordinator, Dan Neal could not be present this evening; however the Council did receive a presentation at the last worksession. Councilmember Iddings noted that this is the culmination of years of hard work with Takoma Junction and gave a brief history of this project which originally came before the Council approximately \$50,000 over-budget. Mr. Neal was asked to identify cuts which were then brought before the Council. These cuts proposed to defer \$24,000 worth of items and if there were money in the budget at the end of the cycle, the Council would be able to pick up these items. Councilmember Iddings noted that there was not a lot of room to cut items without having to go back and re-do substantial pieces of design. He urged the Council to support the proposal with this recognition. The ordinance to award the contract to Hess Construction Company, Inc. was unanimously adopted by roll call vote. Mr. Iddings noted for the record that Mr. Fleming, the City's principal consultant on the design for this project is in attendance. There will be a pre-construction meeting April 30 with Hess Construction; work will begin on May 4th.

ORDINANCE #1987-16  
(attached)

6. First Reading of an Ordinance on Violations of Charter, Code, and Regulations and Resolution. Councilmember d'Eustachio moved the ordinance for first reading, duly seconded by Councilmember Haney. Councilmember Sharp questioned whether there would be several charter amendments at the same time as part of the same process. Mayor Del Giudice noted that there were resolutions before the Council to amend the charter for a number of purposes and suggested that Councilmember Sharp offer any other charter amendments as additions to resolutions, or they could be taken up separately. Councilmember Bradley commented that the Council is bringing the current City Charter into line with the request made in State Law a couple of years ago to increase penalties, allow for third party testimony, etc. She further explained that bringing our local law into compliance with the State Law will allow us to better enforce our municipal infractions. The ordinance was accepted for first reading by unanimous roll call vote.

7. Resolutions to amend the Takoma Park Charter. Mayor Del Giudice suggested the Council take each charter amendment resolution singly.

(a) Charter Amendment to adjust penalties for violating laws. (Sec. 1.7). The Resolution was moved by Councilmember d'Eustachio, duly seconded by Councilmember Levy. Motion carried with all present voting "Aye".

(b) Motion was made by Councilmember Sharp, who introduced an additional Charter Amendment that would change the deadline for filing applications for absentee voting ballots from 10 days to 7 days before the election. This was duly seconded by Councilmember d'Eustachio. Mr. Sharp cited examples from the last campaign of citizens who were not able to vote but would have been able had they had additional days to vote. The resolution was passed by unanimous vote.

(c) Motion was made by Councilmember Sharp to change the amount of campaign contributions reported from \$25.00 or more to \$25.01 or more, duly seconded by Councilmember d'Eustachio. Mr. Sharp noted that State law provides that contributions be reported if they are \$50.01 or more. Councilmember Bradley spoke against the campaign contribution amendment, arguing that Takoma Park is a small community and it is the Council's responsibility to share campaign information with the public. Councilmember Sharp responded that the Charter doesn't require candidates to report everything, just those amounts up to \$25.00, not received from relatives. The resolution was passed; Councilmember Bradley voted "Nay".

(d) Charter Amendment to adjust penalties for violating laws. Motion made by Councilmember d'Eustachio and duly seconded by Councilmember Bradley. Councilmember d'Eustachio noted that he was glad to see that these certain portions of the City's Charter were being written in English. The resolution was passed by unanimous vote of

all Councilmembers present.

(\*TRANSCRIBERS NOTE - These resolutions were re-enacted at a meeting of the Mayor and Council on July 27, 1987 to allow for sufficient advertising notice requirements and posting as required by State law.

8. First Reading of an Ordinance: Technical Correction to Collective Bargaining Law, Ordinance No. 1986-47. Moved by Councilmember Sharp, duly seconded by Councilmember d'Eustachio. Accepted for first reading by unanimous vote. For the record, the Mayor noted that there was a technical error in Section 8.b-202(k) of the Collective Bargaining Law; this technical correction simply moves the location of a clause within the paragraph, it adds no substance to the law itself.

9. Resolution adopting Market Rules for 1987 Season for Takoma Park Farmer's Market. Councilmember Sharp moved to adopt the resolution, duly seconded by Councilmember d'Eustachio. Councilmember Bradley asked whether crafts fall under the category of "other items offered for rent space." Are these the kind of special items that Mr. Neal or the designated staff person would allow to be sold in the Farmer's Market. City Administrator Wilson responded that the guidelines for the 1987 Market are the same as for previous years and the only change was the formalization of Rural G, which is an allocation of space, by lottery. Specific language in the guidelines speaks only of produce that must be grown or produced by the vendor -- unless there is a specific request and a specific response to that request is given by the Economic and Community Development Director. To clarify, the Mayor noted that this authority is specifically delegated to the Director. The resolution was passed by unanimous vote.

RESOLUTION #1987-28  
(attached)

Upon motion, duly seconded, the meeting adjourned at 10:26 P.M. Suggestion was made that the Mayor and Council meet in Executive Session to continue earlier discussions regarding the Collective Bargaining Agreement



Public Hearing  
Item 1

TO: Mayor and Council  
VIA: James S. Wilson, Jr.  
City Administrator  
FROM: Richard L. Robbins  
Public Works Director  
SUBJECT: Sherman Avenue Speed Humps  
DATE: April 15, 1967

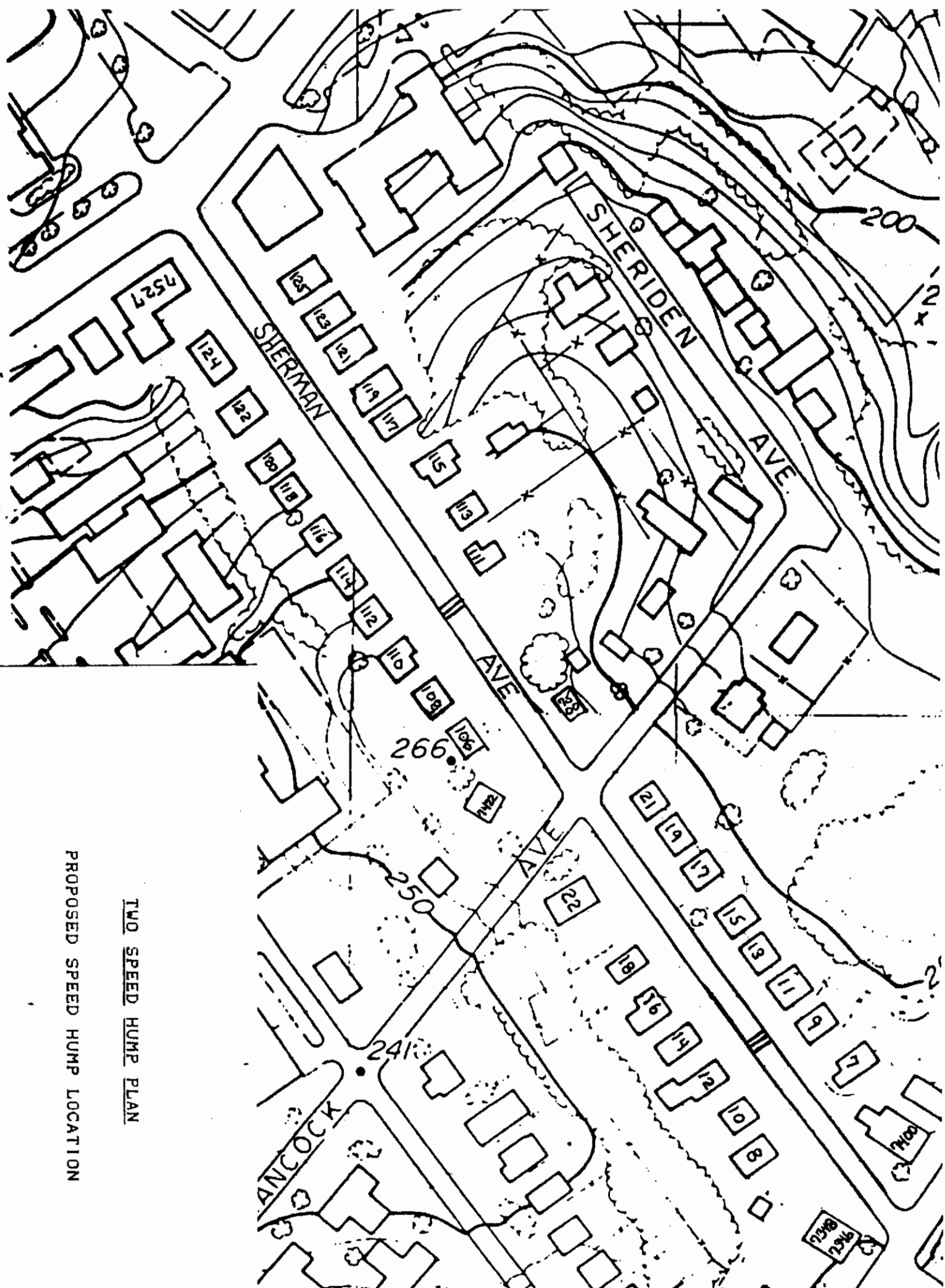
Attached are two drawings depicting two and three speed hump configuration plans for Sherman Avenue.

Two Speed Hump Plan:

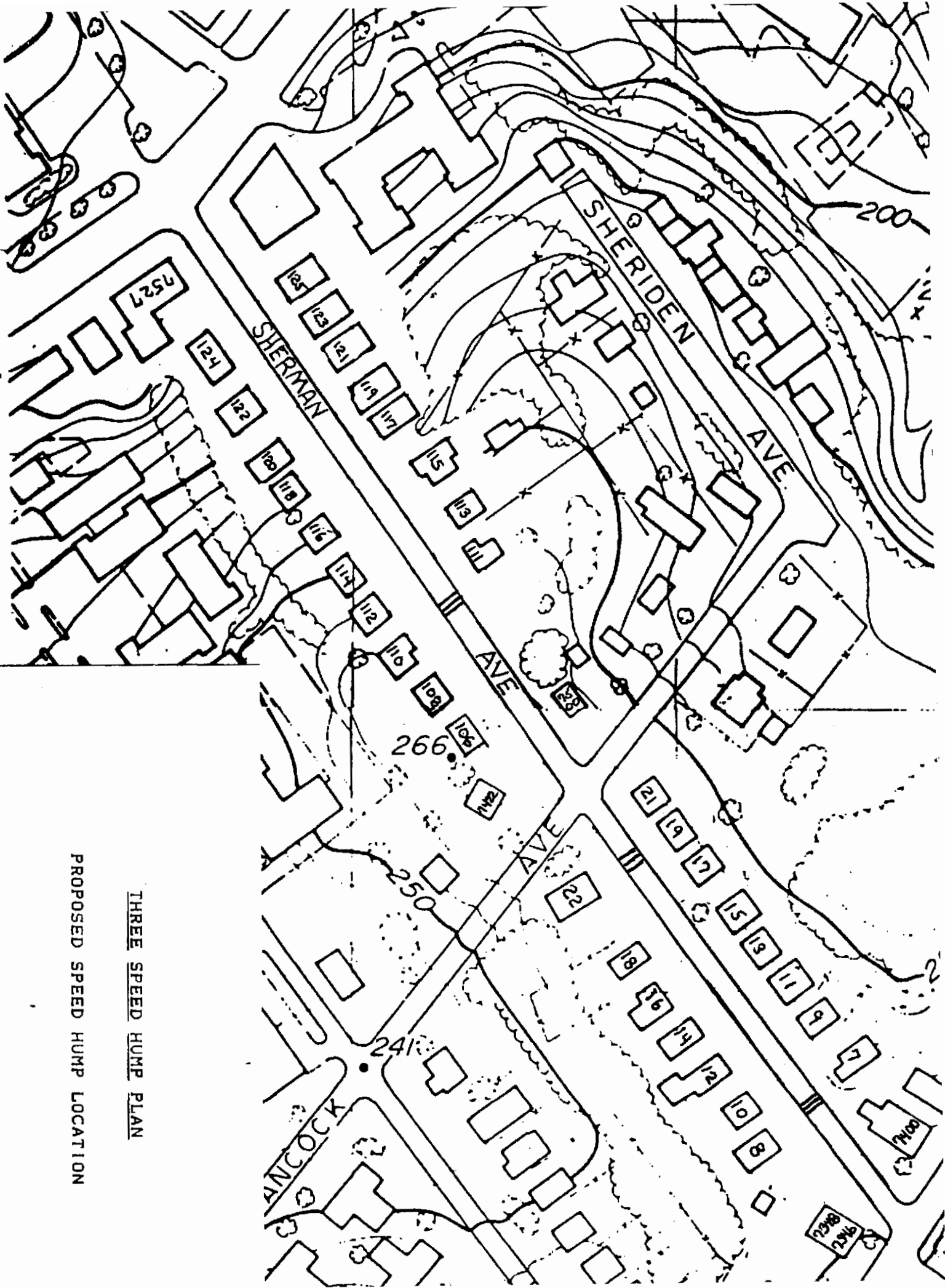
- Between Carroll and Hancock Avenues there will be one speed hump installed at No. 12. This will place it 244 feet from Carroll Avenue and 296 feet from Hancock Avenue. The driveways at this location will be cleared by more than 15 feet.
- Between Hancock and Maple Avenues there will be one speed hump installed at No. 110. This will place it 212 feet from Hancock Avenue and 506 feet from Maple Avenue. The driveways at Nos. 110 and 112 will be cleared by 12 feet.

Three Speed Hump Plan:

- Between Carroll and Hancock Avenues there will be two speed humps installed, one at No. 8 and the other at No. 19. The one at No. 8 will be 152 feet from Carroll Avenue and 306 feet from the speed hump located at No. 19. The speed hump at No. 19 will be 64 feet from Hancock Avenue. Driveways at Nos. 7, 8, 9 and 10 will be cleared by 7 or more feet, and the driveway at No. 19 by 5 feet.
- Between Hancock and Maple Avenues there will be one speed hump installed at No. 110. This will place it 212 feet from Hancock Avenue and 506 feet from Maple Avenue. The driveways at Nos. 110 and 112 will be cleared by more than 12 feet.



TWO SPEED HUMP PLAN  
PROPOSED SPEED HUMP LOCATION



THREE SPEED HUMP PLAN  
PROPOSED SPEED HUMP LOCATION

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

WHEREAS, the Veterans of Foreign Wars of the United States annually conduct a fund-raising campaign by the selling of **Buddy Poppies**; AND

WHEREAS, VFW Buddy Poppies are assembled by disabled veterans, and the proceeds of their sales are used exclusively for the benefit of disabled and needy veterans and the widows and orphans of deceased veterans; AND

WHEREAS, the wearing of a Buddy Poppy is mute evidence of our appreciation of those who have risked or lost their lives in defense of the principles upon which our Nation was founded; AND

NOW, THEREFORE, I, Stephen J. Del Giudice, Mayor of the City of Takoma Park, Maryland, join with the City Councilmembers to proclaim the month of **May 1987** as

**BUDDY POPPY MONTH**

which has been set aside for the official distribution of these symbols of sacrifice in the City of Takoma Park by the members and Auxiliary of Takoma Park Post No. 350 of the Veterans of Foreign Wars.

**April 27, 1987.**

\_\_\_\_\_  
Stephen J. Del Giudice  
Mayor

ATTEST:

\_\_\_\_\_  
James S. Wilson, Jr.  
City Administrator

MEMORANDUM

TO: Mayor and Council

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

FROM: Daniel J. Neal, Economic & Community Development Coordinator

SUBJECT: Takoma Junction Streetscape Improvement Project: Bid Award Recommendation

DATE: 24 April 1987

As I described to you in my memo of 17 April 1987, we received three bids on this project, summarized as follows:

	<u>CONTRACTOR</u>		
	<u>Hess Const. Co.</u>	<u>District Paving</u>	<u>Palmiero Const. Co.</u>
Base Bid	\$335,904.80	\$375,914.70	\$381,482.00
Alternates (City options)	23,768.00	23,065.00	24,855.00
Line Items (Privately funded const. items)	93,999.00	93,874.00	137,346.00
<b>TOTALS</b>	<b>\$473,671.80</b>	<b>\$492,853.70</b>	<b>\$543,683.00</b>

I have personally researched the references, experience and capabilities of Hess Construction Company, Inc., the low bidder. This company gets extremely good recommendations. I have also investigated Hess' critical subcontractors, which also get good reviews. I have reviewed these reference checks with our design/engineering consultants, Richard Robbins and Beverly Habada. All those consulted are comfortable with awarding the contract to Hess Construction Company. I recommend that the Mayor and Council award the contract to Hess Construction Company. A contract award ordinance has been drafted and is attached.

With respect to the overall project budget which we discussed last week, I have consulted with our design/engineering team and with the Takoma Junction Committee; as a result of these consultations, I recommend that we defer constructing all of the "alternate" items. This means that the brick paver trim along the 7300 block buildings would be eliminated altogether, as it cannot be installed after we've begun the sidewalk. The remaining alternates - curb, gutter and sidewalk improvements at the head of Sycamore Avenue and storm drain improvements to the rear of the 7300 block of Carroll Avenue - would be performed toward the end of the project and only if funding permits. The impact on the project budget of deferring these alternates, assuming we need to spend our full 10% contingency line item (\$37,896.90) is as follows:

Current <u>potential</u> deficit:	\$50,812.43
Deferral of alternate items:	<u>23,768.00</u>
Proposed <u>potential</u> deficit:	<u>\$27,044.43</u>

Again, the actual deficit is determined by contingency funds we need. If we can get away with \$10,000 in contingencies, we will have no deficit. The completion of alternates can be decided upon later, depending upon actual project costs.

I do not find that any other items in the project are expendable.

As I said before, every effort will be made to contain costs on this project. The Mayor and Council should be aware, however, that any actual deficit must be covered by the City. As previously discussed, the source of such funds could be unallocated capital reserves.

In sum, I recommend awarding the bid to Hess Construction Company and proceeding with the project as expeditiously as possible, doing the "alternates" only as funding permits.

Attachments a/s

TEXT OF DRAFT ORDINANCE

ORDINANCE #1987-13

Chapter 11. Streets

Article 7. Closing and abandoning rights-of-way

Section 11-51. Scope of this article.

(a) Definition of right-of-way. For purposes of this article, the term "right-of-way" includes streets, roads, alleys, pedestrian walkways, water mains, sanitary sewers, storm sewers, storm drainage rights-of-way, or any other rights-of-way that are under the jurisdiction of the City.

(b) Proceedings covered by this article. This article applies to the closing or abandoning of all rights-of-way. The provisions are the same for rights-of-way that have been used and those that have never been used. This article determines how the City must exercise its authority if the City:

- (1) has the authority to close or abandon the right-of-way, or
- (2) has been asked to comment on the closing or abandoning of a right-of-way.

Section 11-52. Requests to close or abandon a right-of-way.

(a) Who may make a request. If a person has an interest in the closing or abandoning of a right-of-way, the person may request that the City consider the closing or abandoning of a right-of-way. The request must be in writing. The Mayor and

Council may also initiate a consideration of whether or not to close or abandon a right-of-way.

(b) Contents of a request. The request must state:

(1) exactly what the person would like the City to consider closing or abandoning; and

(2) whether Montgomery County or Prince George's County has begun proceedings to close or abandon the right-of-way within the last year.

Section 11-53. Hearings and notices.

(a) Hearing required. The City must hold a hearing within 45 days if the City:

(1) receives a request to consider the closing or abandoning of a right-of-way; or

(2) initiates a consideration of whether or not to close or abandon a street.

(b) Notice of the hearing. The City must give notice of the hearing to the public at least 14 days in advance by:

(1) sending a written notice to every person who has a financial interest in property or lives on property within 200 feet of the right-of-way;

(2) publishing a notice in the City newsletter or another publication that is widely distributed in the City; and

(3) posting a notice at the right-of-way.

(c) Emergency hearings. If the Mayor and Council determine that an emergency exists, they may hold a hearing without giving



notice 14 days in advance. However, they must give as much notice as practical and they must leave the record of the hearing open until a decision is made.

(d) Effect of failing to receive notice. If a person fails to receive notice of the hearing under this section, the City's action is still valid unless there are other defects in the proceeding.

Section 11-54. Requesting comments from other entities before closing or abandoning a right-of-way.

(a) Request of comments required. If the City has the authority to abandon or close a right-of-way, the City must ask the following entities to comment before closing or abandoning the right-of-way.

- (1) The County in which the property is located.
- (2) Maryland National Capital Park and Planning Commission.
- (3) Washington Suburban Sanitary Commission.
- (4) Chesapeake and Potomac Telephone Company.
- (5) Potomac Electric Power Company.
- (6) Maryland Natural Gas Company.
- (7) Washington Metropolitan Area Transit Authority.
- (8) Any other person who owns or operates property or a public franchise or license if:
  - (A) the property is located in the right-of-way; or

(B) the operation of the public franchise or license involves regularly scheduled use of the right-of-way.

(b) Failure to receive comments. If an entity does not respond to the City's request for comments within 30 days, the City may assume that the entity has no comments.

Section 11-55. Action by the Mayor and Council.

The Mayor and Council may only close or abandon a right-of-way or advise Montgomery County or Prince George's County that the City consents to the closing or abandoning of a right-of-way if:

(a) the City has requested comments as required under Section 11-54;

(b) the right-of-way is not necessary for current or anticipated public use in the foreseeable future;

(c) the closing or abandoning is necessary for the health, safety, and welfare of the residents of Takoma Park; and

(d) the right-of-way does not provide the only means of access to a property.

Section 11-56. Withdrawing a request.

A person may withdraw the person's request to consider the closing or abandoning of a right-of-way at any time before the Mayor and Council take action.

Introduced By: Councilmember Iddings

First Reading: April 13, 1987

Second Reading: April 27, 1987

ORDINANCE 1987- 14

(AN ORDINANCE GIVING TAKOMA PARK SCHOOL CROSSING GUARDS AUTHORITY TO REGULATE TRAFFIC AT SCHOOL AND CHURCH CROSSINGS)

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

SECTION 1. THAT Chapter 13 ("Vehicles and Traffic") of the Code of Takoma Park, Maryland, be amended by adding at the end of Article 1 ("General Provisions"), Section 13-3, ("Regulation of traffic by traffic officers"), the following new subsection:

Sec. 13-3.1 Authority of School Crossing Guards

(a) School crossing guards, hired by the City of Takoma Park and appropriately uniformed so as to be identified as guards of the City by motorists and pedestrians who can recognize and respond to their signals, are authorized to be assigned traffic control duties which include directing traffic at school and church crossings and such other traffic control duties as may be designated by the Mayor, City Administrator, police Chief or his or her designee(s).

(b) School crossing guards shall have the power to control vehicular traffic as necessary and consistent with the safety of school children and pedestrians, including the power to signal, stop or otherwise direct vehicular traffic so as to permit safe crossing of persons in the school or church crossing area. In the control of vehicular traffic, they should pick opportune times to create a safe gap. At these times, their presence in the roadway serves as an easily recognized indication that pedestrians are about to use the crosswalk and that all traffic must stop.

(c) It shall be unlawful for any person to fail to obey or comply with the lawful signal or order of a school crossing guard.

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

Adopted this 27th day of August, 1987.

Introduced by: Councilmember Haney

ITEM 3

ORDINANCE NO. 1987-15

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

- SECTION 1. THAT the City Council approved the purchase of a telecommunications system (Ordinance 1987-8) and authorized the City Administrator to obtain lease financing to cover the cost of the purchase; AND
- SECTION 2. THAT the City Administrator obtained a proposal from Sovran Leasing Corporation for lease financing at a quotation of 7% interest per annum or 1.981% of the Equipment cost, contingent upon the City entering into additional lease financing by 10/31/87 so that the aggregate investment by Sovran Leasing Corporation totals a minimum of \$100,000; contingent upon formal commitment by both parties on mutually acceptable terms, conditions by appropriate documents; AND
- SECTION 3. THAT the proposal from Sovran Leasing assumes that the interest portion of the monthly lease payments will be exempt from Federal and Maryland State income tax.
- SECTION 4. THEREFORE THAT the proposal of Sovran Leasing to provide additional lease financing is accepted at an amount not to exceed \$100,000 without further Council action and conditioned upon approval by Council of those Capital budget items that would be purchased by the lease financing method.

Ayes: All present

Nays:

Abstentions:

Absent: Williams

Adopted this 27 day of April, 1987

# ITEM 4

4-24-87

Introduced by: Councilmember Iddings  
Drafted by: Daniel Neal

Adopted: April 27, 1987  
[Budget Item - only  
one reading required;  
non-codified ordinance]

## ORDINANCE NO. 1987- 16

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

- SECTION 1. THAT the City's FY 1986-87 Budget contains funds for the construction of the TAKOMA JUNCTION STREETScape IMPROVEMENT PROJECT (Contract No. CD8604); AND
- SECTION 2. THAT bids were solicited from qualified contractors to perform this project by advertising in The Washington Post, The Journal Newspapers, The Washington Afro-American, and several private construction news services; AND
- SECTION 3. THAT a pre-bid opening conference was held on 18 March 1987 at 9:00 a.m. at the Takoma Park Municipal Building; AND
- SECTION 4. THAT the bids received were publicly opened on 3 April 1987 at 3:00 p.m. at the Takoma Park Municipal Building; AND
- SECTION 5. THAT three (3) bids were received, with Hess Construction Company, Inc. of 6476 Sligo Mill Road, Takoma Park, Maryland 20912 submitting the lowest bid of THREE HUNDRED FIFTY FIVE THOUSAND, NINE HUNDRED FOUR DOLLARS AND EIGHTY CENTS (\$355,904.80); AND
- SECTION 6. THAT City staff has thoroughly investigated the references, experience, expertise and capabilities of Hess Construction Company, Inc. and its critical subcontractors and is satisfied that the bid of Hess Construction Company, Inc. is responsive and responsible.
- SECTION 7. THEREFORE, THAT the bid of Hess Construction Company, Inc. for the TAKOMA JUNCTION STREETScape IMPROVEMENT PROJECT (Contract No. CD8604) as described in the applicable plans and specifications is hereby accepted and the contract for same awarded to Hess Construction Company, Inc.; AND
- SECTION 8. FURTHER, THAT, the City Administrator is hereby authorized to execute on behalf of the City of Takoma Park all necessary and appropriate contract documents required to effect this award and to charge the costs hereof to the appropriate budget accounts.

Adopted this 27th day of August, 1987.

ITEM 6

Introduced: \_\_\_\_\_

Enacted: \_\_\_\_\_

Effective: \_\_\_\_\_

ORDINANCE NO. 1987 -

Short Title: Technical Correction to Collective Bargaining Law

AN ORDINANCE to correct a technical error in Ordinance No. 1986-47.

THE ORDINANCE amends Section 8B-202 "Definitions" of the Code of the City of Takoma Park.

Note: In this Ordinance

[[double brackets]] indicate existing language being deleted from the Code.

Underlining indicates new language being added to the Code.

\*\*\* indicate language in the Code that is not included in the ordinance.

SECTION 1. AMENDMENTS TO THE CODE.

Section 8B-202. Definitions.

In this article, the following terms have the meanings indicated.

\* \* \*

(k) Terms and conditions of employment: All terms and conditions which establish, affect or control: pay, fringe benefits, retirement and pension benefits, attendance and leave,

promotions, transfers, layoffs, demotions, termination, discipline, evaluation, professional development, workload, work [[and those items which both parties agree to negotiate,]] schedule, or health and safety, and those items which both parties agree to negotiate. Terms and conditions must be consistent with federal, state, and local law, and must not be excluded under the prerogative of "Employer Rights", under this section.

SECTION 2. EFFECTIVE DATE.

This Ordinance shall take effect upon enactment and apply to any negotiations already in progress.

4-24-87

Introduced by: Councilmember Sharp  
Drafted by: Daniel Neal

Adopted: April 27, 1987

RESOLUTION NO. 1987- 28

WHEREAS, the City of Takoma Park has sponsored the Takoma Park Farmers Market in Takoma Old Town for the past five years; AND

WHEREAS, the Takoma Park Farmers Market has proven to be a tremendous success that benefits the Takoma Old Town economy and the community as a whole; AND

WHEREAS, the Mayor and Council of the City of Takoma Park are therefore desirous of continuing to sponsor and coordinate the Takoma Park Farmers Market.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Takoma Park, Maryland that the document entitled "TAKOMA PARK FARMERS MARKET GUIDELINES, 1987 SEASON," attached hereto and made a part of this resolution by reference, is hereby adopted and approved.

Attachment: TAKOMA PARK FARMERS MARKET GUIDELINES, 1987 SEASON

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1987.



FRIDAY PACKAGE

4-24-87

MEMORANDUM

TO: Mayor and Council

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

FROM: Daniel J. Neal, Economic & Community Development Coordinator

DATE: April 24, 1987

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Attached for your review and approval are the proposed guidelines for the 1987 season of the Takoma Park Farmers Market. These guidelines are fundamentally the same as those adopted and used by the City last year. The only change proposed in our guidelines is under Rule G, which, instead of permitting vendors to allocate their own spaces, will provide for space allocation by a lottery conducted by the Division of Economic and Community Development. This method of space allocation was instituted last year at the vendor's request and worked extremely well.

Market guidelines have traditionally been approved and adopted by resolution of the Mayor and Council. This has proved to be a reasonable, workable and appropriate way to govern the market. Therefore, I am requesting that the proposed guidelines for the 1987 market be adopted with the attached resolution.

There is no doubt that the market has become a local institution that all look forward to each spring. It has been good for the Takoma Old Town business district and the community at large. I highly recommend our continued support and sponsorship of the market.

Presently, revenues generated by the market (in the range of \$1,200 - \$1,400 per year) go into our General Fund, ostensibly to offset general expenses such as extra police patrols, etc. The market, if it is to be really successful, requires these funds for promotional activities, and, of course, staff support from this Division. Hence, I have proposed that the FY 1987-88 budget be adjusted to channel these revenues into administration and promotion under the Special Revenue Fund, where they will offset costs of running the market, such as our Farmers Almanacs, flyers and advertising. The market is valuable enough to the community to merit such expenditures and our vendors expect to receive administrative and promotional support for the money they pay in rent each week. I hope that this request receives favorable consideration.

I look forward to having a terrific market this year. I will be happy to answer any questions you may have about the market and its operations. Thank you for your consideration.

Attachments: Proposed Resolution and Guidelines

TAKOMA PARK FARMERS MARKET  
GUIDELINES  
1987 SEASON

I. ELIGIBILITY REQUIREMENTS:

- A. All persons who actually produce the fruits, vegetables, plants, herbs, flowers, baked goods, jellies, jams, honey and/or other products that they intend to sell in the Takoma Park Farmers Market are eligible to sell at this market.

II. GENERAL RULES:

- A. All products sold must be grown or produced by the vendor. The resale of items purchased by the vendor shall not be permitted.
- B. Items allowed for sale shall include fruits, vegetables, berries, nuts, plants, herbs, flowers, baked goods, honey, jams and jellies. Other items may be allowed for sale only with explicit authorization, in writing, of the City of Takoma Park's Economic and Community Development Coordinator.
- C. All persons intending to sell in the Farmers Market must, prior to participation in the Market, file an application with the City's Economic and Community Development Coordinator verifying that they are the actual grower or producer of the specific items which they intend to sell in the Farmers Market. Professional farmers must submit written verification of their grower/producer status from their Cooperative Extension agent with their application form. All vendors shall allow the Economic and Community Development Coordinator to inspect their production facilities as necessary. Only persons with an approved application shall be permitted to sell in the Farmers Market.
- D. All vendors participating in the Farmers Market must comply with the sanitary rules and regulations imposed by the Montgomery County Health Department and are responsible for obtaining whatever licenses and/or permits are necessary to comply with County, State and Federal rules and regulations.
- E. All approved applicants who sell goods in the Farmers Market are required to pay rent for the market space which they utilize. This rent shall be paid to the City of Takoma Park in accordance with the schedule of rents set forth below. Rent shall be assessed on a per diem basis and shall be due and payable on each market day. Rents from each approved vendor shall be collected by the designated Market Manager, who shall be responsible for the recording of all rent due and all rent paid. The designated Market Manager shall, on each Monday following a market day convert all rent collected on the previous market day into the form of a check payable to the City of Takoma Park and shall forward this check to the City's Economic and Community Development Coordinator for deposit in the appropriate City account. The Market Manager's records of rent due and rent paid shall be open to inspection by the City at all times. Vendors who do not pay their rent may be denied the right to sell in the Farmers Market in the future.
- F. All authorized vendors participating in the Farmers Market shall be individually and severally responsible to the City for any loss, personal injury, deaths, and/or any other damage that may occur to the City as a result of the vendors' negligence or that of its servants, agents, and employees, and all vendors hereby agree to indemnify and save the City harmless from any loss, cost, damages, and other expenses suffered or incurred by the City by reason of the vendors' negligence or that of its servants, agents and employees; provided that the vendors shall not be responsible nor required to indemnify the City for negligence of the City, its servants, agents and employees. No insurance is provided by the City of Takoma Park to participants in the Farmers Market. It is recommended that each vendor be self-insured.
- G. The Farmers Market will operate on the north side of Laurel Avenue, along the side of the Seventh-day Adventist Church. The designation and allocation of vending spaces shall be the responsibility of the Takoma Park Division of Economic and Community Development. The allocation of vending spaces shall be by lottery. The lottery shall provide for the breaking of ties on the basis of vendor participation during the previous year, with the most active vendor(s) having first preference. The vendors shall pick up and set up the barricades for blocking the street from traffic and shall return the barricades after each market day to where they found them.
- H. The Farmers Market will operate from 10:00 a.m. to 2:00 p.m. every Sunday from May 17, 1987 until November 22, 1987.
- I. The setting up of the market may begin at 9:30 a.m. on market day, and no earlier. Selling may not begin before 10:00 a.m.

(Continued on Reverse Side)

CITY OF TAKOMA PARK, MARYLAND

Public Hearing on Proposed Budgets for the  
Administration, Debt Service, Non Departmental Special Revenue  
and Capital Improvement Budgets  
April 29, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Assistant City Administrator Habada
Councilmember Haney	Deputy City Clerk Jewell
Councilmember Iddings	Economic & Community Development Coordinator Neal
Councilmember Sharp	Cable Television Coordinator Smith
Councilmember Bradley	Newsletter Editor Baron
Councilmember Levy	Recreation Director Ziegler
Councilmember Williams (Absent)	

The Mayor and Council convened at 7:44 P.M., Wednesday, April 29, 1987 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Councilmember d'Eustachio moved that the Capital Budget start no later than 10:00; duly seconded by Councilmember Haney; the question was called and carried with all present voting "Aye". Mayor Del Giudice then described the process in which the budget public hearings have followed.

ADMINISTRATION BUDGET

City Administrator James Wilson presented the Administration Budget. There is \$250,000 set aside for the Capital Budget; nothing has been allocated for legal services and increases for senior staff in this budget. This budget is the same as last year's with a few differences--engineering services are recommended to be increased by \$2500 and there are adjustments to accommodate the pay plan which impacts all budgets in varying amounts depending on the number of eligible employees and amounts of adjustment the pay plan requires. The temporary assistance line was reduced because the City is presently at full staff. Association dues went up about \$1,978 due to the major organizations' (MML and COG) formulas (assessable base) which have changed resulting in increased dues. The Accounting Department budget shows no changes; there is an adjustment for accounting automation and maintenance. The independent audit has gone up about 3 percent. For the Cable Department, there are absolutely no changes (except for accommodations required under the pay plan). The Economic and Community Development Division budget has gone up to accommodate personnel changes. The grand total line has actually gone down about \$11,000. No changes were made in the bottom line of the Newsletter. The legal budget is projected to go to about \$160,000 for this current year. Mr. Wilson noted that he has received from Corporation Counsel a detailed set of figures for the billings occurring since May 1st through the end of February. Although analysis on this is not complete, it is intended to break down the cost by department and to separate out personnel matters.

Councilmember Sharp questioned if the legal expense includes the Park Ritchie bankruptcy. Mr. Wilson responded that it did not; it is a separate expense. Mayor Del Giudice inquired how long has the firm that has conducted the audit been with the City and whether there is a standard policy on switching auditors on a periodic basis; Mr. Wilson responded that they have been with the City for two years. He further responded that three to five years is the normal time to invoke the bid process for new auditors.

Councilmember d'Eustachio commented that engineering services were budgeted under what was estimated to be spent this year and questioned if this is a realistic figure. He cited that a couple of major projects were being looked at--going into the bond market, engaging fairly major infrastructure. Mr. Wilson responded that these projections have not been anticipated in the number presented--using past experience, assumptions were made that there would not be another Maple Avenue and a couple of other matters not anticipated in this particular year; it is not a foregone conclusion as a matter of policy as to who would get engineering service contracts from the City on major capital improvement events--it is not an exclusive contract. Councilmember d'Eustachio asked for re-affirmation on the salary line items--and that

the line item contemplates no new positions. Mr. Wilson noted that of the \$3600 increase in the budgeted amount for FY'87; the actual is coming in lower due to partial filling of jobs and there is nothing new added. Mr. Wilson noted that there is strong sentiment on his part, having spent the last three weeks surrounded by contract negotiations that a recommendation is needed for establishment of a personnel officer position; the time and investment in the City's contract negotiations represents about 10 percent of the time it takes to administer a contract; he doesn't anticipate the present staff will be able to manage the detail that will be involved.

Councilmember d'Eustachio commented on the Accounting Budget. He noted that for years the City has been talking about automating the accounting systems; he noted that he did not see anything in this budget that indicates the City is moving towards that ultimate goal. Mr. Wilson noted that there is a \$45,000 line item for that purpose, and a micro has been purchased for that division.

Councilmember Sharp questioned why were tax bills going to be doubled this year. Assistant City Administrator Beverly Habada responded that the City is running out of tax bill forms. Councilmember Haney questioned what rental office equipment is the City renting as of July 1st. Mr. Wilson responded that the last of equipment is coming off of rental, except for the copying machines and a couple of IBM typewriters that have not been replaced on maintenance contracts. Assistant City Administrator Habada added that the supply rental line item is mainly for typewriters that they're hoping to replace once they've worn out enough. (Sam Abbott asked that the Mayor and Council kindly refer to the code numbers on the items being discussed).

Councilmember Iddings noted that the legal fees are rather breaktaking. He questioned whether there is anything that can be done between now and the end of the fiscal year to control costs. Mr. Wilson noted that a fairly harsh control was implemented at the end of last calendar year; the first two months of this year have decreased; but the next few months' bills will go up due to collective bargaining. Mayor Del Giudice noted that the legal expenses borne by the City this year resulted from a number of costly matters; once the sale of the Park Ritchie goes forward, the City will re-coup about \$20,000 in legal expenses; in addition, there have also been major costly legislative initiatives, one being the personnel dispute with employees settled in December 1986. He projected that the City should anticipate a legal expense of approximately \$8,000 a month in the next budget so the overall legal expense for the next fiscal year should be budgeted at approximately \$96,000. The Mayor continued that the City is attempting to review the legal expenses and where they fall in various department categories and other particulars; this will give us some basis to project for next year. Mr. Wilson noted that Ms. Weston developed a summary format for billing according to general administration, personnel, housing, police, etc., no totals were figured as of yet, and exact figures and totals will be available at the end of the week. Councilmember Iddings noted that once the Council gets the information, policy needs to be established and adhered to about what goes to Corporation Counsel and what does not. He noted that our legal fund is in far excess of what other municipalities pay for legal services. The Mayor noted that because Takoma Park is a full service city, there are going to higher than usual legal expenses. Councilmember Bradley noted that it has been questioned before; where are staff able to do some of the work the lawyers are asked to do; there will have to be an analysis done to show where the trained administrators and department heads can and should be responsible for. Councilmember Haney noted that not all of the work is work that staff should be handling; most is straight out legal work--the activity of the Council is going to be reflected in the workload of the administrative office and the Corporation Counsel.

Councilmember Levy questioned whether Ms. Silber's office has made any use of paralegals and law students to cut down costs. Ms. Silber responded that cost containment is working; her offices weren't able to get interns last fall but they hope to have summer interns although they may wind up hiring law clerks for pay because the response to advertising for summer interns has been low. Councilmember d'Eustachio in following up to Councilmember Haney's comments, commented that the Council needs to recognize that many legal costs have very much to do with their own doing, the council's activism and the City's policies. He cited as an example, turning the Maple Avenue corridor buildings into condominiums that would not only add to the City's tax base and a savings in the City's legal costs and the City's policy towards allowing union collective bargaining; he noted that the Council needs to recognize the costs of these decisions. Councilmember Sharp agreed with

Councilmember Iddings comment on establishing policy as to things the Council wants Corporation Counsel to do; however at the same time we drifted into some expenses, e.g., the personnel policy; that could have been accomplished without spending \$7500--the Council needs to do some long term planning to anticipate this type of policy. Mayor Del Giudice noted that there will be additional changes to the City's personnel laws and his own anticipation is that the City's Assistant Clerk, as a trained paralegal, can make efforts to try to draft appropriate changes in legislation to implement the changes embodied in the collective bargaining agreement and with the assistance of Corporation Counsel, finalize those efforts so Corporation Counsel won't be doing all of the drafting. When the legislative initiatives were implemented last fall, the City did not have someone on staff. The Mayor noted that the final legal budget will be taken into consideration at the Council's worksessions.

Brint Dillingham, 7018 Carroll Avenue, questioned whether there was a breakdown of the \$165,000 legal figure; how much if any went to Stolker, Fred Joseph and Anne DeNovo. Mayor Del Giudice responded that the amount paid roughly is approximately \$20,000 for Park Ritchie; and out of the settlement, Mr. Joseph received something for representing the employees.

#### ECONOMIC AND COMMUNITY DEVELOPMENT

Councilmember Sharp raised questions regarding the salary that the Tool Librarian is paid. Mr. Neal responded that this position is currently paid at the level of 6C; hourly this comes to approximately 6.5 dollars. Councilmember Sharp questioned what was the situation regarding liability insurance for this area now; Mr. Wilson noted that the City is still at risk. Councilmember d'Eustachio questioned if the City still loaned chain saws; he noted that the Tool Library provides an incredible service, however there are certain items that exposes the City to potentially massive liability. Mayor Del Giudice requested that staff look into whether the state established liability pool covers the tool lending library. Mr. Wilson suggested that the same limitations will be imposed in terms of risk on this as it is now on the regular insurance.

Councilmember d'Eustachio asked for an explanation regarding Mr. Neal's departmental structure and staff. Mr. Neal explained that this is a division within the Government Administration Department and he reports as Head of this small division to the City Administrator. Working under him are a full time community development coordinator, Phyllis McDonough, a part time construction coordinator, the tool librarian (at 12 hours per week), an occasional intern provided by the Council of Governments who does planning and research, and lastly the division gets clerical support from the Department of Government Administration. The budget is called a special revenue fund because funding from various sources is patched together, federal block funds, state program open space money, private funds, general city funds are used to pay for special projects. Mr. Neal further explained that in his work, personally, he provides assistance to the Takoma Langley Business and Professional Association on strategies to revitalize Langley crossroads area, and using grant money were able to hire a manager to work for the association; this position is currently occupied by Matt Dorman, who stretches the capacity of the E & CD division.

#### NEWSLETTER

Reid Baron, Newsletter Editor outlined a proposal he submitted to the City Administrator and Council. The current level of funding (\$23,000) pays for an 8 page paper which includes type and paste-up, editorials, printing and delivery. Mr. Baron pointed out that having delt with this for the past 15 months, 12 pages is more in tune to what the City needs. He contrasted this with a 12 page budget and the City might be able to get by with four 8-page newsletters and eight 12 page newsletters; this would total up more than the current annual figure. Mayor Del Giudice mentioned Mr. Baron's plan for the City to purchase a desk top publishing system and asked what this would allow the editor to do and what costs it would save. Mr. Baron explained that a desk top system with a laser printer would allow for linkage of computer inputs with a typesetting and page making capability to produce our own flats; all inputs from City departments could be made into pages without being re-typed; cut outs and paste-ups could be eliminated. Involvement in this type of system could pay for itself; flyers for Recreation could be produced as well. Councilmember d'Eustachio noted that this is something worthwhile looking at.

Councilmember Haney noted that the Newsletter Review Committee recently had its first meeting and this matter was brought up and the Committee would be in touch with Mr. Baron about this. Mr. Baron pointed out that the budget he submitted does not include the idea of going over to such a system. The Mayor noted that the only way the City could afford a larger 12 page paper on a regular basis would be with additional revenues coming from the newsletter itself. Councilmember Bradley questioned how much material is actually turned down by doing an eight page newsletter. Mr. Baron responded that he has had to deal with the budget for eight pages as well as a commitment to have an open access newsletter; his experience is that a 12 page newsletter does more justice; something will be lost with an eight page newsletter. Councilmember Bradley commented that delivery of the paper needs to be improved as well.

Judy Heatwall, 7802 Kenilwick Avenue, a typesetter, commented that she has a customer who had a newsletter done recently using the McIntosh system and it took 2-3 months to train themselves and the output was a fantastic job; for a newsletter, flyers, the laser printers are fantastic.

#### CABLE

Mayor Del Giudice asked Robert Smith to address where the City is at on what kind of funds the City will receive from the County. Mr. Smith responded to the Mayor's question. In FY'87, Cable received a grant for \$14,000 for purchase of equipment; right now the County Council is going over the FY'88 budget and we will be receiving an additional \$10,000 for equipment purchase. Cable will have a line of credit for maintenance costs now covered by grants from the County. Montgomery Community Television will be setting up a technical bench to develop a preventive maintenance program. There will also be cable franchise fees tied to the number of subscribers in the County; 5% of the franchise fees collected in Takoma Park are divided among the County and Takoma Park; with Takoma Park receiving 40% of that; we want to reverse this so Takoma Park receives 60%. The County estimation is that Takoma Park will get \$20,000 in franchise fees within the next five years. In response to a question from Councilmember d'Eustachio, Mr. Smith indicated that Takoma Park is presently reaching approximately 2,000 households. Councilmember Haney mentioned the Cable column in the newsletter and that it would be a newsworthy item to list the cable fees and who to contact for cable installation. Councilmember Sharp noted that the whole point in funding a cable budget is reaching the citizens of the City. Mr. Smith noted that the Cable Department participated in a cable television day at Wheaton Plaza towards promoting the City's cable television.

Sam Abbott (question not legible, Mr. Abbott did not approach the microphone). Mr. Smith in response to Mr. Abbott's question, stated that the sale of the franchise was considered an amendment to the original franchise; most of the provisions of the original franchise were carried over to the current agreement, most changes were a result of federal deregulation. Mr. Abbot questioned the suit the City was ready to embark on. Mr. Smith responded to the two issues Mr. Abbott referred to--one the board is in the process of changing their bylaws to approve a voting seat for Takoma Park on that board; the second issue--the location of public access facility in the down county area in Takoma Park, the status of this is that Bruce Moyer and Gail Strait accompanied Mr. Smith to a meeting with Steve Terrace, the principal of Takoma Park Intermediate School, a proposed site, to inspect it. No decision will be made on this until September; Takoma Park is one of four sites they are looking at. Councilmember Iddings asked for a description of what the Cable department is doing in terms of government programming this year and in upcoming years. Mr. Smith responded that regular meetings of the Council are now being taped; he hopes to show tapes of the Prince Georges County Council on alternate weeks. He hopes to go live with the City's Council meetings and public hearings once wiring is installed and production equipment is obtained. There are also plans to tape a mock COLTA hearing and plans are being made to film the remodeling of Spring Park, informational programming will be initiated as well as , public service announcements from the police and fire departments. Councilmember Haney noted that the Council should follow up on cable promotion at future Council worksessions; he sees this as a direct payback and benefit to promote cable. Councilmember Bradley suggested that the Cable Board report on a way to promote the reason the City supports this project to the Council.

Mr. Smith gave a estimated timetable of where the CTM Company is at in regards to the channel re-alignment; this to take place by May 1st and to begin in the Chevy Chase area. Work is expected to begin in Takoma Park in mid-November and finished by mid-May 1988. Mr. Abbott asked if there are any buildings in Takoma Park that have cable TV; Mr. Smith responded that the cable company is in the process of getting grants of access to wire the apartment houses; they will not construct them until the conversion is done along those particular streets. Councilmember Levy commented to Mr. Abbott that Mr. Alden attended a meeting in the City and he indicated his understanding the this was high priority for Takoma Park.

Marc Eldridge (did not approach the microphone) questioned the access law; does the City or County have provisions to prevent landlords from requiring tenants to take cable service. Mr. Wilson responded that our law is designed to prevent landlords from not allowing access and requiring that they do allow that access; once its in the building, its up to the tenant whether or not they want the service. (Rest of Mr. Eldridge's question is illegible). Mr. Abbott questioned whether the City has any indication that the big apartment owners agreed at all to allow service. Mayor Del Giudice responded that Tribune United never requested access. In November when the new company comes in, and the City will be able to monitor the requests for access.

Greg Hamilton mentioned that he questioned Mr. Alden on two exceptions to be looked at, Park Ritchie and Hampshire Towers, both that presently have HBO provided by Marque; is this a technical situation that landlords now provide cable or is Montgomery County cable access that you are referring to. He also questioned Mr. Alden that if Marque has a contract with existing landlords, what happens at that point. Councilmember Iddings responded that our ordinance addresses this--contracts between an individual landlord and a company like that insofar as they restrict cable access would be null and void within the city. Councilmember Haney noted that he asked is same question some years ago, when the Marque contract runs out on those two buildings and there are different conclusion dates, did they have to offer it to Hauser or the Tribune United. The Mayor noted that Mr. Hamilton's question raises an issue whether or not those contracts can be negated during the life of the contracts; however these are not budget related issues. Councilmember Iddings commented that these issues are related to the budget and are relative issues as to how the Council wants to treat this budget for the upcoming year.

William Squire, 711 Erie Avenue addressed the Council by commenting that Tribune United was reluctant to wire the highrisers due to the fundamental nature of the track system, its very expensive and awkward to wire highrisers with that system; he thinks it will be very difficult to get Montgomery Cable to install tracks in the highrisers and easy to get them to install the conventional system in the highrisers and he thinks this is part of the reason the City had problems in wiring the highrisers.

(A 10-minutes cable film was shown)

Greg Hamilton, (Volunteer Cable Producer) noted that this is now a Cable department, not a Cable office and there are some minor things that need to be - addressed as part of the budget--the volunteers are limited to a little room upstairs they share with playback equipment for editing, etc.; they know that space is limited but they are hoping the Council and City Administrator will approve the use of the two small closets for extra cable space for storage of equipment, information storage and editing room. They are hoping to make informational VHS tapes available to citizens. Mr. Hamilton also stated there should be a small amount of money set aside in the budget for vacation relief; volunteers are needed to come in to manage the station while Robert Smith is on vacation; its hard to get volunteers, however, by compensating them minimally for the responsibilities they're doing, you will keep them.

Virginia Fields, 7411 Holly Avenue, Chair of Cable Board stated that she supports the City Administrator's recommended budget; theres alot of community support for cable television and they'd like the Mayor and Council's confidence and support of a higher budget.

David Walstein, 713 Pebblestone Court stated that with the small amount of budget, little bit of room, and yet with the kind of programming cable television is putting out, they've got more than enough reason to be proud and to show they can use even more funding and do something with it. In response to Councilmember Iddings comment that there is a low use for a cable television station, he stated that we have a channel here, and that cable will get to the homes eventually.

Bruce Moyer commented that he is somewhat dissatisfied to see the discussion moving on when there are other citizens who want to comment on the matter. He suggested that maybe these citizens would be willing to bring their feelings and comments to the Council at another time, at a worksession perhaps devoted to Cable. The Mayor noted that the budget of the cable department will be reviewed in a worksession and he would be more than happy to put the general topic of cable on an additional worksession for discussion in length; the sentiment is there will be a cable office and the Council will continue to move forward, however, given the financial constraints, its going to take time to do more.

#### CAPITAL IMPROVEMENT BUDGET

Mr. Wilson presented his summary of the recommended capital improvement budget. He pointed out recommendations from the Housing Department's vehicles and phones, a third column was added suggesting a method for purchasing these various items. Also pointed out were the municipal gym renovations set at \$40,000; he recommended that cost estimates on this needed to be firmed up. The Library's basic needs included a second book drop, furniture and a typewriter; the Police Department in following a five year plan laid out last year, looking at three vehicles and vehicle accessories; for Administration, there is a \$45,000 request for lease financing of the automation system; in Public Works, another trash truck to bring the fleet up to decent standards; public improvements recommended at the moment are for Carroll Avenue and the municipal building roof. The summary at the bottom recommends approximately 60% of what was asked for; the breakout in terms of budget available is recommended at \$250,000; cash purchases are \$129,990 which leaves 3 year lease financing roughly at \$92,500. Additional figures at the very bottom line speak to three versus five year financing and how this impacts the cash flow; on the last page of this is a very detailed accounting of the Carroll Avenue street improvement project.

Councilmember Haney questioned whether the \$50,000 figure for Carroll Avenue is for repaving from Flower Avenue down to Long Branch Creek. Assistant City Administrator Habada confirmed that this is correct and indicated that this is cash from the City and another \$76,000 would be an advance funding from next year's block grant funding. Mr. Neal noted that there is also an outstanding request made to Mr. Kramer to see if the County would split the cost of Carroll Avenue, if they agree to this, the City would be able to request and get an advance on future monies. Councilmember Bradley mentioned that in terms of priority, Carroll Avenue has to be at the top; the City could be liable to the dangers and impact of the poor condition of this road. Councilmember Bradley asked Ms. Habada if the Revenue Advisory Committee addressed the bond issue and other revenues in regards to this matter. Councilmember Iddings commented that the reason the City is liable for \$126,000 of construction is that section of Carroll Avenue is City-owned; this gives us leverage in terms of any development plans the state may have in the future, but it also gives us this liability, he questioned is there a reason why the State Highway Administration couldn't contribute to this. Ms. Habada responded that they have been approached and have said no to this. Mayor Del Giudice noted that he just received a letter from Mike Snyder stating that Carroll Avenue is scheduled for repair work in FY'89 and that Piney Branch is scheduled for FY'90; he indicated that Mr. Snyder is interested in initiating discussions with us on the City assuming control over state roads, particularly Takoma Avenue.

Councilmember Iddings questioned if it would be cheaper to "piggy-back" on the state's plan. Mayor Del Giudice stated that the Council should consider the state's plan. Councilmember Bradley commented that she doesn't think the current condition of that particular roadway can withstand one or more winters. The Mayor noted that Public Works will need to be included in discussions as to whether there are specific things the City might do to improve that roadway between now and when the time a major project would be done.



Sue Weiss, Director of Housing, commented on the department's request for car phones. She indicated that the primary purpose for having these is for safety; when inspectors go out during normal hours and after hours emergencies, they are able to call for assistance of a police officer in a dangerous situation; it would also serve as a convenience and mechanism for scarce resources, inspectors would not need to go back to the office to find out why an owner did not show up for an inspection, or call for additional inspectors to help with inspecting. Councilmember Iddings questioned why police radios or additional hand held radios, could not be used. Ms. Weiss responded that they could not use the police band as this is limited to emergency use. Ms. Weiss further responded to Council queries concerning specific situations that might present dangerous situations for the Code Enforcement Officers. Councilmember questioned how Ms. Weiss came up with the idea to use cellular phones for this reason; Ms. Weiss responded that her initial idea was to try to use the police equipment now in Public Works; after discussions with the Police Chief and other evaluations regarding costs, this appeared to be the most cost efficient way to achieve the department's goals. Councilmember Haney added that he has talked with police officers who have come across situations--where needles and other drug paraphernalia have been found in apartment stairwells, etc., this is a very intense confrontation for officers.

A.J. Mitchell, 7600 Maple Avenue related an incident in the Park Ritchie where the apartment maintenance worker had come across a group of people who had set up "house" in a vacant apartment; had it been the Code Officer and the resident manager alone, this might have been a pretty bad situation.

Mark Eldridge, 8110 Roanoke Avenue questioned how many officers go out after hours to do inspections that would require the need for four phones; he questioned the amount of money involved and wondered if beepers or some other means might suffice. He also noted that an inspector wouldn't enter a potential dangerous situation, they would go back for police help, which is only 2-3 minutes away from any situation in Takoma Park, it seems expensive and not effective.

Councilmember Bradley questioned if in using the phones, does it mean the City will have the 24-hour on call year around which has not been the history here; also even with the telephones, the issue of security and safety; she asked if Ms. Weiss consulted with the police department who are trained professionals, on when you deal with altercations, or when you avoid them. Ms. Weiss responded that they have discussed this with the police and developed an emergency on-call policy, pushing one button and reaching the police department or the fire department, or call for back-ups of other code officers. She stressed after hours use because it is the number one priority and noted that the phones would be used for regular office hours as well. The amount of time an officer might be out at night ranges from zero to about 16 hours per week. Mayor Del Giudice questioned whether two phones would be sufficient to cover emergency situations; Ms. Weiss answered that in referring to non-office hour emergencies, yes that would be sufficient. She also pointed out an alternative suggested by a couple of councilmembers--having one car per code enforcement officer, that there are enough phones so that officers could be on different sites and share cars. Councilmember Iddings questioned what the operational expenses of the telephones would be; Ms. Weiss responded that this is included in the department's regular budget--a sample service using a base rate of calls per month would be \$40 per month, four phones would be \$1,920 per year. Mr. Iddings noted that this is expensive and is subject to abuse; a policy would have to be established to monitor the calls; he also requested a further explanation at some point of why police radios can't be used.

Councilmember Bradley questioned whether it is the housing department's policy that code officers use city vehicles out of town for personal reasons; she stated that she saw one over the weekend in a city car; Ms. Bradley stated that she will follow this point up with Ms. Weiss at a later time. Councilmember Sharp asked about the request for two cars in FY'88 and the projection of two cars in FY'89, and he questioned how the bidding was going for this; Ms. Habada responded that bid openings would be taking place Friday afternoon. Ms. Weiss mentioned that she also recommended new office furniture, and asked the Council to keep in mind that the increases in phones, cars and furniture are to accommodate new employees. Councilmember Sharp commented that he liked the fact the projected years have been updated; he suggested that in the future when the next year is added on after that, there be some explanations as to why things have changed to the projections.

Councilmember d'Eustachio questioned Recreation's need cost estimates. Recreation Director Belle Ziegler responded that she did have cost estimates and noted that there are still some figures needed on the gym floor, she pointed out the figures she is currently presenting is for work to be done on a fourth of the gym floor which would be mandatory to open the gym and have it safe; work includes labor to replace the floor, tile, sanding and finishing. Ms. Zeigler pointed out that this work would just be a "stop-gap"; a whole new floor would cost \$23,795. Councilmember d'Eustachio questioned what other kinds of minimum things would need to be done; Ms. Ziegler responded that the gym will need to meet fire code standards, other areas include treads needed for the wooden steps, one balcony side needs molding, new tile, paint, ceiling tiles, balcony sprinkler system, bathroom plumbing fixtures, and water fountains; the complete job with everything done would cost approximately \$56,823. Mayor Del Giudice questioned that the City may need to consider a complete new facility; if this were to be given serious consideration, it doesn't suggest the City should spend \$50,000 to restore this facility especially given the situation with the fire station; he wondered if this facility ever going to be adequate to address the needs of the community. The Mayor pointed out to the Council that the issue of the gym may have to be referred to Corporation Counsel given the position the fire department has taken. Gregory Hamilton informed the Mayor and Council of the recent meeting held with the fire department and what they presented their position to be. Further discussion on this matter ensued. The Mayor noted that the City will encounter some legal expenses on the matter; he hoped this would be able to be resolved politically; he suggested that Belle Ziegler get in writing to the Council, a copy of her estimates given orally so these can be taken up at a future worksession. Councilmember Iddings commented that the idea of a community rec center would be an ongoing commitment for however long it would take to pay off a 1/2 million dollar building plus the staffing and maintaining costs. Councilmember Iddings further commented on the needs for additional space; is it feasible in the capital budget to build into the back room space in the second floor meeting room area three, three meeting rooms; Ms. Ziegler responded that this might work. Mayor Del Giudice asked the City Administrator to check into the status of the space survey conducted by the consultant; he noted that other requests, e.g., staff lounges will need to be addressed.

Unidentified citizen commented that she has been paying taxes in Takoma Park for 27 years; and she has a 12 year old son who has only gotten use of the fire department half of one season; she'd like to see him get some use out of it as she's paid for that gym. She noted that she would like to see kids get some use out of the gym now; she wants to see the gym issue resolved soon. Councilmember Sharp suggested that the citizen let the fire department know her feelings; he noted that this is very bad public relations for them.

Ed Hutmire, Recreation Council commented that it was interesting to hear conversations about potentially building a new community center; he thinks that this is very remote at this time and so far away to not even to be viable to consider. He stated that the fire department was very indifferent to reach simple good faith of the original agreement. He pointed out that some kind of decision has to be made whether or not the City will stand behind enforcement of an agreement made a few years ago.

Mark Eldridge noted that last year, the block grant committee worked hard last summer with \$120,000 and less is anticipated this year. He pointed out that infrastructure repairs are not an appropriate use of block grant money, everybody stretches their collective imagination to prepare infrastructure with block grant money when its really supposed to be used for community economic development, he stressed the importance of the Council deal with infrastructure improvements with this year's budget in a meaningful way.

(unidentified citizen who did approach the microphone) commented regarding Carroll Avenue the stretch between Flower Avenue and the bridge; she noted that this area was in very good condition when the Church started their construction, the large trucks coming thru the area tore up that section, yet trucks traveling on the state road wasn't affected; she wondered whether materials used were "rotten". Mayor Del Giudice responded that the road surface the City owns is not as strong; the construction contributed to it.

Further discussion ensued concerning infrastructure problems and the need to go into some kind of bonding to deal with repairs. Mayor Del Giudice noted that the greatest priority the City has regarding infrastructure is the sidewalk on the west side of Carroll Avenue between Takoma Junction and Old Town; he stated that he receives letters from citizens about the deplorable state of this area, its a major pedestrian way with people walking to the subway, theres no curb in some sections, some sections undulate. The Mayor stated that the state may do the curb and gutters, but the City has the major project of doing the sidewalk--this is part of the problem. Councilmember Sharp noted there is probably a lot of curb work that has the same urgency as street work. Mr. Sharp stated that he doesn't in general terms view obtaining some bond money to be able to buy more things. He noted that this discussion hasn't focused on the City's program elements as well. He further stated that he doesn't feel examining programs has been done in the kind of detailed way that will allow the Council to come up with the money to do infrastructure repair. Councilmember d'Eustachio argued that the zero based budgeting program the City has has been time tested; this is a massive waste of time; he stated that any examination of any department is going to result in a substantial reduction in any department's needs. Mayor Del Giudice stated that the Council can and will make some program changes and make some cuts in the operating budget. Councilmember Bradley commented that the more time should be advanced in terms of the kinds of budget discussions that take place. She proposed two mechanisms--one to do concrete planning; for example, five year plans for each department; another way is to try to project whatever number of years, a three or five year operating budget; she noted that the Council will have to begin to do this type of planning. Councilmember Haney agreed with the basic concept; possibly Council retreats for planning; he stated that the direction helps more clearly.

#### DEBT SERVICE BUDGET

Mr. Wilson stated that this upcoming year, several items will be finalized. He pointed out that the bottom line for this has dropped in the last two years from \$133,937 to a proposed balance of \$107,716.

#### NON-DEPARTMENTAL BUDGET

Bev Habada pointed out that line item #972, the Special Multi-perril policy was budgeted at \$74,800 will decrease to about \$67,000; #977, Excess Liability figures came in at \$32,000 instead of \$50,000. Ms. Habada stated that this was renewed on April 27 for one year. Councilmember Bradley stated that she recently attended a MML board meeting where this was discussed and the implication was that there are a number of municipalities that had to start paying the premium on insurance pool in order to get into it--she suggested Mr. Wilson talk to Mr. Burrel about this. Ms. Habada responded to the Mayor's question regarding net savings--its \$25,000.

#### SPECIAL REVENUE BUDGET

Councilmember Bradley questioned line item #401, streetscape and facades. Dan Neal clarified that this is for Takoma Junction; he stated that Ward 5 commercial improvements could be included in this, and he just completed writing a contract for design work; but he stated that it was not included in this budget. Councilmember Bradley pointed out that she would want this firm in some way so that the Council does not forget about it. Mr. Neal responded that he would adjust this budget to include it.

In conclusion, the Mayor noted that these matters will be taken up further in worksession; the public hearing stood adjourned.