

Regular Meeting of the Mayor and Council
and
Public Hearing re Four Proposed Charter Amendments
July 27, 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	Corporation Counsel Silber
Councilmember Sharp	
Councilmember Williams (tardy)	
ABSENT: Councilmember Levy	

The Mayor and City Council convened at 8:10 P.M. on Monday, July 27, 1987 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, it was noted that the Minutes of April 23, 1987, which were previously presented and postponed, while on the agenda for approval, would again be postponed until the next meeting. Councilmember Iddings remarked on the substantial time lapse in getting minutes prepared for approval and inquired what corrective measures were planned. Mr. Wilson responded that staff had been directed to engage a series of potential minute takers who would be instructed to do summaries of minutes, which would be reviewed critically, and the process used as a rating procedure. He commented that interviews should be completed on the vacant Administrative Clerk II position within the week, and someone hired to fill the position within the next 2-3 weeks. Additionally, he remarked that a potential alternative would be approaching the individual who formerly did the minutes and ascertaining whether she would be willing to do them on a temporary part-time basis under contract. Councilmember Iddings commented that the latter alternative might be the best solution, inasmuch as the former employee did do a good job.

The Mayor noted two upcoming Special Sessions of the elected body, i.e., August 3, to consider award of a contract for a traffic study for the Takoma Park/Silver Spring area in connection with the Silver Spring development issues. He said an additional meeting may convene on September 8 to make a decision concerning the Silver Spring development and traffic issues that have been under discussion in recent months. He said additional items, e.g., agenda item (3) may also be continued to the August 3 Special Session.

Mayor Del Giudice presented a resolution expressing appreciation to certain members of the community who had served on the Commission On Landlord-Tenant Affairs, including Harold Alston, Eleanor Cortez, Patrick Hyde, Jerry Keker, and Dennis Seekins; he moved its passage, duly seconded by Councilmember Sharp. Councilmember Bradley commented that the time donated by these individuals really amounted to years of service -- that Mr. Alston was one of the original members of COLTA, had contributed a great deal to the City; she said she certainly appreciated the efforts of these individuals, and hoped they would become involved in other ways with City affairs. The resolution was passed by unanimous vote. It was noted individual Certificates of Appreciation had been prepared for presentation to the aforementioned persons. Mr. Patrick Hyde was present and accepted his Certificate from the Mayor.

RESOLUTION #1987-57

(attached)

Councilmember Sharp remarked that the placement of the barricades at Carroll Avenue had been changed, which had also changed the traffic pattern, and that part of the barricades were now actually within the City. He inquired whether D.C. had coordinated with the City and/or the Director of Public Works. Mr. Wilson related that Public Works Director Robbins would be at the meeting later and would be happy to respond to that inquiry. The Mayor commented he was aware that attempts were made to coordinate new detour signage and routes, however,

had not viewed the new barricade placement so did not know whether it was as had been discussed.

ADDITIONAL AGENDA ITEMS:

Update on 6801 Westmoreland Avenue
Request for 2' Variance at 42 Pine Avenue
Amendment to Personnel Classification System
Request for Extension of Injury Leave for Sgt. Robert Holford

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

Mike Davidson, Edinburgh House Apartments: related that there would soon be crucial challenges to the City's Housing Laws in court -- one in Prince George's Circuit Court of which Corporation Counsel was aware -- and another involving a rent increase case over which Mr. Hyde presided at the COLTA hearing. He stated that Edinburgh House was not a Section 8 controlled building, but did have a loan from the Housing Opportunities Commission; thus, it would be claimed in the appeal that the building fell under Montgomery County HOC jurisdiction and that Takoma Park Rent Guidelines were pre-empted by county law and did not apply to the subject property; he said it would be argued that COLTA acted without jurisdiction in the dispute and without jurisdiction over the parties involved, and that the findings of that body were contrary to law. Mr. Davidson said he would hope Corporation Counsel would defend the City's laws, that they would not be overturned; he suggested it might be advisable to have a representative of the Council, the Mayor's office, and the Housing Department present during the hearing(s) of these two cases, since they would apparently be important and would be test cases. Mr. Davidson commented that in COLTA cases, there did not appear to be a procedure for applying Exhibit stickers to all pieces of information entered into the record; he explained that the tenants' association was also appealing the rent increase decision and that in going through the record to pull and copy information for submission for their appeal, the lack of identifying stickers was noted (a situation which would lend itself to having items missing from the record, lacking that means of identification). He said he would ask that that process be addressed. Additionally, Mr. Davidson related having come home to find his apartment flooded the current date. He said he had called Housing Services, the phone rang ten times, and there was neither any response, nor was the recording with an emergency number on -- he asked why the recording was not on.

The Mayor responded that the City had aggressively enforced and upheld its laws in the landlord-tenant area, and would continue to do so; he said that was being done in the Hillwood Manor case, as well as the Edinburgh House case mentioned by Mr. Davidson. He remarked that the other two issues raised by Mr. Davidson should appropriately be addressed to the Director of Housing Services and to COLTA; the lack of Exhibit stickers was something that easily could and should be remedied. Concerning the recording on the Housing Services telephone line, Ms. Weiss stated that the answering machine had broken a few days prior; a part was purchased that it was thought would remedy the problem, however, it had not. She said attempts would be made the next day to have it repaired.

John Price, Roanoke Avenue (homeowner): thanked the Mayor and Council for the Proclamation that was passed two weeks prior concerning the local soccer team's upcoming trip to Wales, and apologized for not being present to receive it. Mr. Price said it would be a trip home for him, and that a full civic reception would be given for him and the team. He commented that the correct spelling of the Welsh names and terminology in the document would impress the officials, and thanked all involved for their efforts.

Alice Eve Hottle, 7513 Maple Avenue, Edinburgh House Apartments: said she felt she was paying too much rent for what she was getting in her building, had written a letter concerning the situation. She said she didn't have proper locks on her apartment doors, despite security problems in the building. She spoke concerning the lack of sidewalk along Sligo Creek Parkway -- no safe place for pedestrians to walk or jog, or for bicyclists -- as well as the need to slow down traffic

the curves (she suggested speed humps for the purpose). The Mayor commented that a number of people had long wanted a bike path along Sligo Creek, which is under the jurisdiction of Park & Planning, and that it appeared hopeful that there might be some progress on that in the near future. Additionally, Ms. Hottle commented on observing raw sewage running down a hillside to Sligo Creek during a recent heavy rain, noting that was an unsafe and unhealthy situation and should be investigated.

Wayne Upton, 7600 Maple Avenue: commented concerning the impact of the construction work on Carroll Avenue on four Ride-On bus routes, and reminded of a suggestion at a prior meeting that Mayor Del Giudice discuss the matter with Mayor Barry. He inquired how much longer the work would be continuing there and where the situation stood. The Mayor commented he had sent a letter to Mr. John Touchstone, D.C.'s Director of Public Works, with a copy to Mayor Barry and Councilwoman Drew-Jarvis. He said he had suggested a meeting to discuss the project, however, had not yet received a direct response. He said the situation of the barricades having been repositioned, as noted earlier by Mr. Sharp, might be in response to his communication, and some definite word should be forthcoming soon about how long the project was anticipated to continue. Mr. Upton inquired when the quieter Ride-On buses promised by the county for the Maple Avenue route could be expected to be put in service; the Mayor responded he understood the county was presently in the process of drawing up a Request for Proposals for the buses. Councilmember Bradley reminded that citizens had convinced the county to conduct a trial period for the buses and the RFP would be for someone to furnish the buses for that trial period under contract to the county. She pointed out there was nothing certain -- the county could conceivably reject the bids it receives to furnish the buses, so the process would have to be monitored. Councilmember Iddings commented that if the trial period did occur, it would probably be in January-February 1988; he said the county would be attempting to guarantee that the number of seats on the buses passing any given point on the affected routes would be equivalent to the current number, so that capacity would not be lost on the routes -- that would be accomplished by running the buses more frequently.

ITEMS FOR COUNCIL ACTION:

1. Public Hearing to Solicit Citizens' Comments Regarding Four Proposed Charter Amendments.

Councilmember Iddings raised questions concerning apparent inconsistencies regarding material furnished pertaining to Sec. 1.7 of the Charter; the Mayor noted it did not appear to follow what had been agreed upon in worksession. Ms. Silber responded that an error had been made in putting the material together for the packets; if the Council concentrated on the material related to the Powers section, placed at a later point in the packet, that accomplished what had been requested -- Sec. 1.7(f) only was dealt with, and not Sec. 1.7(b). She pointed out, however, that if all the resolutions were not passed at the current meeting, i.e., the amendment to the Powers section, then it would be best to go with the resolution earlier in the packet which amended both subsections (b) and (f) of Section 1.7.

Robert Mandel, 7003 Woodland Avenue: noted that the resolution entitled A. would permit the imposition of small fines as punishment for infractions; he suggested that provision be inserted allowing any person or corporation injured by a violation committed to sue the party guilty of committing the violation. He said he felt that would save the City time and money and would have a greater deterrent effect. The Mayor pointed out that one reason the amendments pertaining to penalties were being addressed was because the state law had been amended to streamline the municipal infraction provisions -- fines had been increased. He said once the Charter Amendments had been effected, all impacted City ordinances would be adjusted appropriately. During brief ensuing dialogue, it was noted the City did not have the authority to either grant or refuse people the right to file suit. Ms. Bradley pointed out that prior to the state amending its law, municipalities could not charge as much as counties could in enforcing municipal infractions.

Corporation Counsel Silber commented that the Powers section, which is the bedrock of the Charter, was fairly antiquated; she said what was being done was to try to bring that section up to date and into the 20th century; she pointed out the original section was written in the 19th century. The amendment to that section would bring the powers up to the maximum level allowed municipalities under state law, and would be comparable to levels of powers provided in the Charters of more recently incorporated municipalities. She said the amendment would benefit the City in court and in meeting challenges to its authority, particularly in such areas as Housing, Zoning, etc. The Mayor outlined the process for Charter Amendment, noting the amendments could be adopted by the Mayor and Council by resolution; said they were then subject to public notice, would not become effective until the 50th day after passage by the Mayor and Council. In the event there was public criticism or challenge concerning the amendments and/or an attempt to have them placed on a ballot, then the process would be suspended.

Mr. Mandel suggested City officials look into acquiring the right to quick take in gaining possession of property (specifically in relation to possible need for additional property for the post office); he noted that Baltimore City had that power. Ms. Silber stated that state law gave that power to counties and to Baltimore City specifically, but not to municipalities.

Resolution A., amending Section 1.7(f). Councilmember Bradley moved passage of the resolution, duly seconded by Councilmember Iddings. The resolution was passed by unanimous vote.

RESOLUTION #1987-58
(attached)

Resolution B., amending Section 1.12. Councilmember Bradley moved passage of the resolution, duly seconded by Councilmember Iddings. The resolution was passed by unanimous vote.

RESOLUTION #1987-59
(attached)

Resolution C., amending Section 1.3(w)(1). Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Councilmember Bradley commented this amendment had been discussed before, remarked she would not be voting in favor of an amendment that would change the amount by one cent. She said she felt the current maximum reporting amount for candidates to be appropriate, did not feel it had created any problems and that the amendment was unnecessary. Mr. Sharp disputed Ms. Bradley's contentions, pointed out that the state law reporting requirement was \$50.01. He said if there was any problem in connection with full disclosure, then a requirement should be imposed that all campaign contributions be reported, however, to his knowledge there had been no problems and the proposed change was very minor. The resolution was passed with Councilmembers Bradley and Iddings voting Nay, balance of Council voting Aye.

RESOLUTION #1987-60
(attached)

Resolution D., Section 1.3(u)(2)(i) and (ii). Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Mr. Sharp explained that the change would require that absentee ballots be acquired seven days prior to an election rather than the present ten days requirement. He said during the last election he was aware of a number of people not being able to vote because of their inability to get an absentee ballot seven days prior to the election; said he did not think removing 3 days from the requirement would add an undue burden on City staff who manage the election, and would expand the right to vote for citizens. The resolution was passed by unanimous vote.

RESOLUTION #1987-61
(attached)

Resolution E., amendment to Powers Section. Councilmember Iddings moved passage of the resolution, duly seconded by Councilmember Bradley. Ms. Silber suggested that the motion include what was to be done about the two footnotes -- i.e., whether they should be stricken or included as part of the resolution. Councilmember Iddings moved that footnote #1 on page 3 be stricken, duly seconded by Councilmember Sharp. Mr. Iddings additionally moved the striking of footnote #2 on page 4, duly seconded by Councilmember Sharp. The motions to amend by striking the footnotes carried with Councilmember Bradley Abstaining, balance of Council voting Aye. Ms. Bradley commented she felt more supportive regarding footnote #1, and felt that the issue of substantially following the Maryland Administrative Procedures Act could have been included. The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1987-62
(attached)

Councilmember Bradley commented that while Council had voted on these amendments some time back, she was glad that a public hearing had been held and that more of the Council were present for the vote. She said while the prior vote was completely legal, she felt much better about the process that had now occurred.

2. Presentation of Washington Adventist Hospital Plans to Construct Covered Walkway Between Hospital and Ambulatory Care Center.

Kilty Leach, Vice-Pres. for Support Services at WAH, gave a brief overview of the proposed construction, referring to a site plan drawing of the hospital area. He related that what they intended to build was an enclosed walkway from the second floor of the main hospital building to the fourth floor of the ambulatory care center, which would provide functional and protected access to both buildings. He related that the walkway would be constructed of material similar to that of both buildings -- a white exterior surface with ionized bronze window treatment. Mr. Leach stated it was hoped the construction could begin in the upcoming Fall, with completion prior to cold weather setting in.

Councilmember Bradley inquired whether this would be considered a part of the earlier Special Exception and what sort of review, hearings, etc., were required by the Planning Board. Mr. Leach responded that the hospital believed this should be considered a minor modification to the Special Exception which would not require a hearing and had contacted their legal counsel who had so advised the county. Responding to query from the Mayor, Mr. Leach affirmed that the original plans called for a ground-level covered walkway; however, that walkway simply did not provide the comfort or controlled climate necessary for the transportation of patients to and from the buildings. He noted that the 4th floor of the ambulatory care center housed a cardiac catheter unit and patients were transported to that unit from the main hospital; at present the transport sometimes had to be done by vehicle, and sometimes patients could be transported using the walkway when weather permitted. Responding to questions raised by Ms. Bradley, Mr. Leach explained that making the walkway above ground would facilitate access to the 4th floor lab and would minimize the length of transportation for patients -- additionally, this approach would eliminate the need to reduce parking space in the area, other than two spaces required for structural support. Mr. Leach stated those two spaces would not have to be made up in some other location, inasmuch as hospital staff had been reduced over the past 9 months by about 50 positions and it was presently felt that parking facilities were adequate and criteria for parking were met. Councilmember Haney inquired whether the hospital had checked with the local fire department to ascertain whether fire apparatus would be able to pass under the structure adequately. Mr. Leach stated all of the county's requirements had been met, however, he would check to ascertain whether Takoma Park Fire Department had been contacted and to verify whether their requirements differed in any way from the county's. Mr. Leach affirmed that the hospital had not yet received written documentation from the Planning Board verifying the hospital's view that the modification was minor and would not require a hearing. Ms. Bradley com-

mented concerning the lack of any notification to the surrounding neighborhood and community associations regarding the hospital's plans and lack of opportunity for input; she asked that that process take place regardless of whether the change was minor and despite the tardiness of its occurrence. The Mayor remarked that Mr. Leach had contacted the City through himself approximately a month prior requesting an opportunity to make the hospital's presentation; he said it was due to a failure on the part of the City that citizens' associations had not been notified and that the hospital had made notification to a number of concerned individuals. He thanked Mr. Leach for coming and giving the presentation, and reminded him that if the Planning Board did decide there was need for any formal action, the City should receive notification of such inasmuch as the City now had a right to adopt a formal position under the new Zoning law. He commented that Ms. Bradley's comments concerning notification to the community were well taken and the City would ensure that was done. Mr. Leach apologized for the oversight in not making notification to Ms. Bradley and the pertinent citizens' associations and volunteered that the hospital would be happy to make those notifications.

9. Action by Resolution on Contract for Use and Reclamation of Austin Place.

Councilmember d'Eustachio related having been contacted by some of the parties involved in the issue and subsequently meeting with them; he referred to his past support for access to the property in question. He said in discussion with Ms. Shoepach and the individuals renovating the house at Willow and Valley View, a solution acceptable to both had been reached. He said he would be making a motion that the City Administrator be authorized to enter into the contract, provided an amendment was effected to require that Ms. Shoepach refrain from use of the right-of-way until after the property had been taken to settlement (or November 1, 1987, whichever should occur sooner) -- thereafter, the City would be imposing complex terms on the use of the right-of-way and substantial recourse would be provided for both the City and neighboring property owners in the event of damage. The Mayor suggested that language setting forth those limitations be added to the final resolve clause of the resolution. Mr. d'Eustachio moved passage of the resolution with the stated amendment, duly seconded by Councilmember Sharp. Mr. d'Eustachio additionally moved insertion in the agreement of the requirement that Ms. Shoepach notify property owners whose property abuts the right-of-way ten days prior to construction commencing on her property. Councilmember Haney inquired whether, in light of restricting construction prior to the renovated house at Willow and Valley View going on the market, there would be any requirement to disclose to prospective purchasers of the house that construction would be going on essentially in their backyard after settlement. Mr. d'Eustachio affirmed that it was required by law that that be disclosed to a prospective purchaser prior to settlement on the house, at least in a general way -- it would have to be made known that a City right-of-way abuts the property and that it might be put to use.

Fred Berman, 8 Valley View Avenue: stated he was one of the investors in the house under discussion; said they had spoken to Karen Maury, a real estate agent in the City, and that she had advised them that they would have to state the situation in writing to the buyer of the house in order to protect themselves from trouble down the road. He said that was what they expect and intend to do.

The Mayor noted that in the contract, the amount designated that Ms. Shoepach would put in escrow to cover any liability that might be incurred as a result of her construction was \$500; he inquired whether there was any way that could be interpreted as a limit on Ms. Shoepach's liability and, if so, said he would want to see a proviso inserted clarifying that that was not intended to be a limit on her liability. Ms. Silber suggested the language state "...\$500 toward any liability..." The Mayor concurred that would clarify the intent. The maker and seconder of the motion for passage of the resolution accepted that as an amendment.

Ned Young, 7320 Willow Avenue: inquired whether Ms. Shoepach's use of

the right-of-way would be limited to the term of the building permit. The Mayor affirmed that was the case, and that a building permit is for a one-year period. He said his interpretation would be that Ms. Shoepach would have that use for one year from the date she gets her building permit. Ms. Shoepach commented that that did not mean she could not walk down the right-of-way prior to being given use of it inasmuch as it is a public right-of-way, however, that she could not make use of it with vehicles and construction equipment prior to the effective date of the contract.

Matthew Zalichin, 7407 Maple Avenue: thanked the Council for postponing the vote on the issue from the prior meeting which he was unable to attend so that he could be present. He said inasmuch as his property adjoins the right-of-way, he would be very interested in having language inserted in the contract that would cover liability for damage to any adjoining property. He said he did not feel very confident about the care with which the proposal had been studied because some members of the Council seemed to think such language was in the contract, which it was not. He said Austin Place was a very steep unimproved piece of land and, while he was pleased that the Council was taking such care to safeguard the interests of the property investors who would be selling the house at Willow and Valley View at a profit, he felt not much trouble had been taken about safeguards for longterm residents and their property adjacent to Austin Place. He said the City and the Council (as well as Ms. Shoepach) had made no effort to inform him of plans to make use of Austin Place -- that he learned about it entirely by accident. He said he did feel it the City's province and responsibility to notify neighbors of such situations, and did feel the proposed use placed his property at risk. Mr. Zalichin remarked that projections and opinions about the consequences of using Austin Place and of building on Ms. Shoepach's property seemed to vary substantially from one expert/consultant to another. He contended Ms. Shoepach initially claimed a couple of years ago that she would not be making use of Austin Place during construction of her house, and said she now claimed she had never so stated but had stated she would not be using it for access to the house. Mr. Zalichin said she had emphatically stated both to himself and the elected officials that she would not be making any use of Austin Place, and that there was no need for concern about it on anyone's part. He continued speaking, saying in effect that Ms. Shoepach had deliberately misled people about her intentions, and stated that she had played them for suckers. He reiterated concerns about potential damage to his property, and said it was his opinion the Council should not agree to the proposed use being made of Austin Place, and commented they should also take note of the precedent they would be setting by allowing it. He said Ms. Shoepach had advised him she would probably need to bring a cement mixer, a bulldozer and a backhoe down Austin Place to her property -- versus the claim he said she made a few years ago that she would build the house with her own hands and no heavy equipment would be needed. For the record, the Mayor inquired whether Mr. Zalichin had received notice from the City of the current meeting's proceedings; Mr. Zalichin responded in the affirmative. He said he had spoken the prior week to Ms. Jewell, the Deputy City Clerk, on the phone and wished to commend her for her kindness and helpfulness, and said he had also received written notification of the meeting. The Mayor commented that while, in the past, errors had sometimes been made concerning proper notification, he believed all persons owning property adjoining Austin Place had received written notification of the present meeting. Mr. Zalichin reiterated that, should Council approve use of Austin Place, provision should be included in the contract for protection of adjacent properties, and also properties not immediately adjacent but downstream toward Valley View should be included because those properties could be somewhat at risk as well.

Ms. Silber suggested that one way to meet Mr. Zalichin's concerns would be to have the contract reflect one of the Therefore clauses of the resolution that seemed to have been omitted from the contract itself, i.e., that Ms. Shoepach should prove to the satisfaction of the City that she had sufficient insurance to cover any liability, rather than just liability to the City, incurred through her use of

Austin Place. She said that clearly would cover damage to adjoining, or other, property owners. Councilmember d'Eustachio moved so amending the contract, duly seconded by Councilmember Sharp; the motion to amend carried with Councilmember Haney Abstaining, balance of Council voting Aye.

Ms. Shoepach spoke, stating that while initially she had said she would only be using a backhoe, she had found she would also have to use a bulldozer, however, had been assured by cement contractors that cement trucks would not have to be driven down Austin Place. She said the only alteration to what she had said from the beginning was that rather than a backhoe only, there would also be a bulldozer on the property. Insofar as any statement that she would never use Austin Place, she said what she believed she had stated was that she would never develop Austin Place -- which to her meant pavement, curbing, etc. -- not use during the construction phase for her property. She said she had never intended to mislead anyone, had much earlier spoken with Public Works Director Robbins about getting the existing cement pad on Austin Place broken down so that it would be possible to drive a vehicle down it; she noted that was conversation with a public employee concerning her intentions, and that the cement pad was subsequently torn down some time ago. Ms. Shoepach related that a trailer on her property that was referred to by Mr. Zalichin had been rolled down Austin Place by hand -- a vehicle was not driven down to tow it -- she noted it was a small 2-wheeled camper. She noted there were tire tracks on Austin Place indicating that someone had driven a vehicle down it at some recent time, however, said she did not know or care who had done so. Responding to questions raised by Mr. Haney, Ms. Shoepach stated that an argument previously raised was that emergency vehicles, such as fire trucks, would not be able to respond down Austin Place and there were questions about her driveway being wide enough to accommodate same; she explained that after a gravel truck entered her property to deliver gravel, she measured that truck and took the measurements to the fire station and ascertained that the fire apparatus was no larger. Ms. Shoepach remarked that while Mr. Zalichin may not have deliberately done so, he had misconstrued and twisted her words altering their intent and content.

Michelle Carroll, 7318 Willow Avenue: expressed support for Mr. Zalichin's comments; said her property was directly in front of where Ms. Shoepach intends to build her house, and that she had been involved in the situation from its inception. She said she supported Mr. Zalichin's recollections concerning statements made, and said it was unfortunate and sad that developers could come in and bring officials around to seeing things from their perspective and allowing what the neighbors had feared from the beginning.

Councilmember Haney commented he would be voting against the resolution, which he had opposed from the beginning based on the fact that 16 of the 17 adjoining property owners opposed Ms. Shoepach's proposed development of her land. In light of his role as a municipal official in a relatively small community, Mr. Haney said he felt it important to act in conformance with the wishes of constituents, particularly those that impact the quality of life and the neighborhood, environmental concerns, etc. He said had the majority of neighbors expressed support for Ms. Shoepach's proposal, he would have acted accordingly. Councilmember d'Eustachio commented that at some point in the discussion, the renovators of the house at Willow and Valley View had been characterized as land speculators, rather than city residents; he asked that Messrs. Berman and Weisman state their residential addresses, which were 8 Valley View and 7701 Takoma Avenue, respectively. A second Mr. Weisman stated that he resided at 629 Ritchie Avenue, just outside the city line. It was clarified that these 3 individuals were the purchasers/renovators of the aforesaid property.

Councilmember Iddings commented that he would be voting in favor of the contract, but not happily because he felt Ms. Shoepach had been very careful both in what she did and did not tell the City; however, he said he felt it was time to allow her to proceed with building the house. He said he felt the initial vote of the Council which allowed

Ms. Shoepach to proceed with getting the necessary zoning variance from Park & Planning was a mistake, and he had been opposed to it; however, said that was now past history, and she now had to be allowed to proceed with the victory she had won from the City and the Planning Board which gave her the right to build a single-family house on the property. He said he believed proceeding with the contract would allow Ms. Shoepach the flexibility to get the necessary equipment for building onto the property and would do the least possible amount of damage. He noted the issue had been divisive for the neighborhood and said there was a need to allow Ms. Shoepach to accomplish building of her house so the neighborhood could recuperate.

The Mayor commented that while he did not vote the night the Council took a position on the issue of allowing Ms. Shoepach to build on the property, he did speak in opposition to its development. He said he was sorry the discussion had come down to varying recollections of what individuals had represented in the past, because those were bound to differ from person to person. He pointed out there could be no dispute about what was presently occurring because there would be a contract setting forth the temporary development and temporary use of Austin Place -- with no intent to allow for any permanent development of that right-of-way. He asked that the record reflect that Ms. Shoepach was sitting in the second row nodding her head in affirmation of his statements concerning the temporary development and use of the paper street Austin Place. Also for the record, the Mayor noted that his own sense was that once Ms. Shoepach's use was terminated and the street was reclaimed, the City should seriously consider abandoning it. Councilmember Bradley concurred with Mr. Iddings' remarks concerning it now being time to move on with the contract so the house could be built and the healing process could commence. Ms. Bradley referred to extraneous remarks made by Mr. Zalichin concerning considerable expense he suffered in connection with building an addition onto his house, due to requirements imposed by its location in an Historic Preservation District. She pointed out she did not believe the City Council had any legal right to question the Preservation Committee, however, said she had heard other similar complaints related to the autonomous nature of that group and its decisions. She said it raised questions concerning the balance of individual property rights versus the rights of (x) number of people having an opinion, and hoped Mr. Zalichin would sometime bring up the issue again for discussion and consideration. The resolution, as amended, authorizing the City Administrator to execute the contract, as amended, was passed with Councilmember Haney voting Nay, balance of Council voting Aye.

RESOLUTION #1987-63
(attached)

4. Variance Petition of Carey Hoobler for Construction of New Home on Lake Street.

The Mayor pointed out it was noted on the agenda that any action on this item might be postponed until August 3, inasmuch as the Council had not had opportunity to consider it in any detail. He noted the petitioner had a hearing scheduled with the county for August 5, and asked that the individual clarify his request.

Carey Hoobler: explained that what he was seeking to do was to go back to the original Variance, which only affected one lot. He said there would be no other variances possible because no others would be needed -- there would be only four houses (rather than five proposed at an earlier point in time). In response to query, he said the Variance pertained to Lot 16. Mr. Hoobler distributed copies of a subdivision map and another information sheet. He related background history and information concerning his Variance request, as well as subdivision history of the property. He said he had originally proposed putting 5 houses on the lots, hoping that 4 would be approved, however, had decided to change the Variance and ask for what he actually wanted to begin with. Mr. Hoobler said the City had offered to support resubdivision that would provide 3 lots, however, he already had 3 lots and what was proposed would push the lots further toward the creek. He related that the City's Engineer had walked over his property with him and had commented that Mr. Hoobler's problem was not technical, but

political, and his suggestion was that Mr. Hoobler ensure that his neighbors were in agreement with what he wished to do. Mr. Hoobler stated that he had signatures from all of his contiguous neighbors, with the exception of one present at the meeting who had not made a decision at the time Mr. Hoobler had last spoken with him. Additionally, he said he had signatures from a number of other neighbors whose properties were close to Lot 16. He asked that the Council consider his request fairly, and that in considering they ask themselves whether or not he really met the requirements for a Variance -- which he said he felt he did. In response to query, Mr. Hoobler stated he resided at 8816 Hawkins Lane, Chevy Chase, Maryland. He related he lived next door to Ella Hawkins, whose grandfather originally purchased the lots he now owns. He said his home was very small and modest, similar to many in Takoma Park, despite rather high taxes due to the zip code address.

Kathy Backer, 214 Spring Avenue: inquired concerning the names of those neighbors who had signed Mr. Hoobler's petition in support of the Variance. At the request of the Mayor, Mr. Hoobler agreed to provide a copy of the petition to be made a part of the public record.

Michael Manyak, 6706-B Poplar Avenue: identified himself as the remaining neighbor who had not signed the petition, explaining that he had only recently moved into his home and was not aware of what Mr. Hoobler proposed to do until Mr. Hoobler visited him and explained. He said, having discussed the situation with his wife, he would oppose the Variance based on the density that would occur. He pointed out a precedent had been set by other Variances having been granted -- both his lot and the one next to his had been enlarged. He said he felt that placing four houses in a space the size that he and his neighbor have would be very crowded. He said he had concerns about the road that would be put in because of the steep grade and possible erosion. Additionally, he said granting of the Variance would open up the question of the lots opposite Lake Street; he said that whole area was a very nice wooded area and was one of the things that attracted him to moving into the area. He said the houses Mr. Hoobler intended to build would be smaller in size than those owned by him and his neighbor and he had concerns about how that would affect the financial value of his property.

Ken Savota, 6706-A Poplar Avenue: identified himself as the neighbor of the previous speaker and also a new resident of the area. He remarked on the beautiful woods behind his home, and said he felt it was a mistake years back when someone decided that residential blocks should be laid out to cross a low creek area. He said he would oppose the Variance and the four houses because he did not wish to see any houses built there, however, would have to accept three because that appeared to be inevitable. He asked that Council limit their consideration to three houses on Mr. Hoobler's property.

Kathy Backer, 214 Spring Avenue: commented on the beauty of the wooded area and the view of it from her home. She said in speaking with Mr. Hoobler earlier, she had understood from him that he was a "neighbor" and felt that was somewhat misleading in that he did not apparently actually reside in the area. She said she was opposed to any sort of development in the wooded area, referred to all the wildlife and birds that live there, and said there was a great need to preserve such open spaces. She expressed concern that any houses built there would have water problems and also that water problems would be created for existing homes that have not had such problems. Councilmember Iddings inquired whether Ms. Backer and other neighbors had considered collectively buying the property from Mr. Hoobler; Ms. Backer responded she had thought of that, but was not in a financial position to make other than a small contribution to such an effort. Mr. Iddings pointed out that while the City had funds to purchase properties through Project Open Space in the Montgomery County portion of the City, the same was not true in the Prince George's section; however, what had been suggested in some other similar situations was that neighbors band together and buy such property.

The Mayor raised questions concerning whether WSSC considered Lots 13

and 14 to be developable, as well as questions about Lots 12 and 15; he said he understood Mr. Hoobler was in the process of hiring an engineer to do a flood plain study. Mr. Hoobler responded that an engineering firm had already been hired and was presently working on the study. The Mayor inquired whether the Planning Board had given Mr. Hoobler any indication that they would go forward with the Variance proposing 4 houses, or whether they were interested in first getting the engineer's study and WSSC's report. Mr. Hoobler stated he honestly felt that could go either way, however, that body had rescheduled a hearing on the Variance so he felt it possible they would approve the 4 houses. The Mayor inquired whether WSSC officials had suggested there might be any sort of drainage problem on Lot 16, to which Mr. Hoobler responded in the negative, stating the impression that he got when he reapplied for the Variance was that they would not want to grant a Variance for a Lot that was situated in a flood plain and since the letter WSSC had given him did not include Lot 16, that may have satisfied any concerns on the part of the Planning Board.

Councilmember Haney reminded that Mr. Hoobler had backed off from his proposed project at an earlier time because of the City's unwillingness to develop Lake Street, i.e., pave and put in curbs and gutters, stormwater drains, etc.; he inquired whether Mr. Hoobler was now intending to do that himself. Mr. Hoobler said he was not afraid of so doing, that he could probably have it done at less expense than the City could; he said if he had to, he would take responsibility for having that work accomplished. He said he believed the prior estimate for that work was \$46,000. Councilmember Haney remarked that one issue the Council should consider would be, in light of the probable disbanding of WSSC's stormwater management authority with subsequent turnover of that responsibility to either the county or the City, if the elected body were to approve Mr. Hoobler's variance, what liability could be incurred to the City at some future time if there were a serious flood and resulting property damage. The Mayor commented it was clear there were issues to be considered, and while the Variance was for Lot 16 only, there were questions about some of the other lots and those needed to be looked at; he recommended postponing any action until the August 3 meeting and said he felt it important to get some clarification on the flood plain problems. Ms. Silber suggested requesting a continuance of the scheduled hearing, inasmuch as it seemed apparent that the necessary engineering study and WSSC's opinion would not be completed and available for either the City's August 3 meeting, nor for the scheduled county hearing on the Variance; she suggested the City take the position that that information was essential for the City to be able to take a position on the issue. Councilmember Iddings opined that that information was necessary to the Council only if it were in support of development on the property; he said the first question that needed to be decided was whether or not the City wished to support such development. Councilmember Bradley concurred, stating that question had never been decided despite the many hours spent on the issue and the many times Mr. Hoobler had come before the City.

Mr. Hoobler noted that the study would be very comprehensive, that a lot of the worst case scenario questions would be addressed; he said that, in accordance with the Prince George's County Zoning Ordinance, he would not be allowed to build within 25' of the hundred year flood plain; he said much of this ground had been covered before and he was fairly certain the City was already protected in relation to liability. Concerning requesting a continuance of his hearing, he pointed out he had been very cooperative about having hearings continued twice the prior year, however, said he felt it was not right or fair to him at the current point in time.

Mary Gabardi, 6607 Cockerille Avenue: noted her property abutted Mr. Hoobler's; she said her position was unchanged from that expressed at earlier meetings on the subject. She pointed out that there were new neighbors in the community, two of whom spoke earlier, and who had been unaware of proposed development until after they had moved in. She spoke in favor of the City requesting a continuance of Mr. Hoobler's scheduled hearing.

Catherine Smith, 209 Spring Avenue: stated her property adjoined one of Mr. Hoobler's lots; she noted Paul Gentile owned the property where she lives and he could not attend the present meeting -- for that reason, she said she would support the continuance so that Mr. Gentile could attend because he had been well aware of the situation and followed it from the beginning. She commented on the change in the number of houses being proposed and on behalf of Mr. Gentile asked that the Council not support any change in the Variance. She spoke concerning traffic concerns on Spring Avenue and the additional traffic that would be generated by development on Mr. Hoobler's property, as well as concerns about who would pay for developing and maintaining Lake Street. She echoed Ms. Backer's comments about the trees and environment and their preservation. She expressed support for requesting a continuance of the county hearing to allow the community an opportunity to organize and address the situation and possible options. Following brief discussion, the Mayor directed that City staff contact the Board of Appeals prior to the August 3 meeting and ascertain whether, if WSSC's report and the engineering study were not complete and available for the scheduled August 5 hearing, the matter would at that time be continued to a later date.

Councilmember Williams, having arrived at the meeting, requested that original agenda item #8 concerning establishing the rent stabilization ceiling be postponed to a later meeting at which adequate time could be allowed for discussion, particularly inasmuch as it would have a serious effect on so many people. He pointed out that when the item was discussed at worksession, it was last on the agenda, and at the current meeting the hour was already late. The Mayor explained the item was at a late point on the present agenda because it was for First Reading only -- items for Second Reading are customarily placed first on the agenda. He said if the item were postponed, it would not likely come up for Second Reading until sometime in September. Councilmember Williams moved that item #8 be tabled until the August 10 meeting, duly seconded. The motion carried with Councilmembers Haney and Iddings voting Nay, balance of Council voting Aye. The Mayor noted that inasmuch as the item would be scheduled for First Reading at the August 10 meeting, it would not have priority on the agenda over those for Second Reading.

5. Second Reading of an Ordinance re Executive Pay Plan.

Councilmember d'Eustachio moved adoption, duly seconded by Councilmember Haney. Councilmember d'Eustachio moved to amend the ordinance to include the 35% pay plan as outlined in amendment #1 in the Council packets (and as discussed in worksession), duly seconded by Councilmember Haney. The Mayor noted there might be an error in the exact percentage reflected in the amendment, however, all present were aware of what was proposed. Councilmember Sharp commented he would be voting in the negative concerning both the ordinance and the amendment; he said he had talked extensively with staff and was not convinced of any need for the Executive Pay Plan to be tied into the grades 2-12 pay plan passed earlier. He said he felt there were a lot of different options for the structure of the Executive Pay Scale, among which would be non-monetary elements that would take the place of some monetary attractions. He said he felt there had been a rush to get this issue through without talking it through thoroughly and did not see a need to adopt it hastily. Councilmember Iddings moved to table the item indefinitely, duly seconded, carried unanimously.

The Mayor noted that when original agenda item #5 pertaining to the Second Reading of an Ordinance to fund a Silver Spring/Takoma Park traffic study was addressed, he would be recommending that it be tabled definitely. Councilmember Iddings so moved.

6. Post Office Resolution Authorizing Agreement With Takoma-Carroll Association and U.S. Postal Service.

Councilmember d'Eustachio briefly summarized some of the provisions of the resolution; he moved passage of the resolution, with an amendment to subsection (j) which would add instruction to the City Administrator to insert the parameters (a) through (i) in the basic negotiating agreement that is presented to the developer. He said while he recog-

nized that the developer might drag his feet on some of those, the final agreement would be open to negotiation and public comment prior to being entered into. Councilmember Iddings recommended that the amendment be added to the first "Whereas" clause with the language "and sections (a) through (i) below" inserted following "...the attached draft agreement..." with which Mr. d'Eustachio concurred. The motion for passage and the motion to amend were duly seconded by Councilmember Iddings.

Robert Mandel, 7003 Woodland Avenue: noted that the 2nd "Whereas" clause pointed out that there were really two tracts of land, one of which was owned by Takoma-Carroll Associates, the other by Clarence J. Dawes. He outlined concerns about the Dawes property and said he did not think the project would ever move forward until another place was found where Mr. Dawes could park his trash trucks. He asked that the City consider whether arrangements for Mr. Dawes to park his trucks somewhere behind Public Works could be made; however, he noted objections might be raised by residents of that area unless there were a site that would not seriously impact the community. Councilmember Iddings commented he believed Mr. Dawes owned another location -- an industrial property in Beltsville. He said the reason Mr. Dawes was asking such a high price for his property was that it would cost him that much to construct a building for his trucks. The Mayor remarked he understood Mr. Dawes was hoping for cash to develop his industrial site from which he could operate his business; he said the City had tried to help Mr. Dawes explore avenues that would assist him in developing his Beltsville site.

David Pollack, 7118 Poplar Avenue: on behalf of the B. F. Gilbert Citizens' Association, stated support for the resolution, thanked the Mayor and Council for their efforts to address community concerns, and expressed support for the Post Office development provided that it did not unduly disrupt the community. He urged that the Council follow up and ensure that relevant points were included in the final agreement with Takoma-Carroll Associates and the Post Office, should agreement be reached.

The resolution, as amended, was passed by unanimous vote. The Mayor commended the citizens' association for their ongoing participation in the process.

RESOLUTION #1987-64
(attached)

Brint Dillingham raised questions about the scheduling of the Washington Adventist Hospital presentation as the first item on the agenda in light of the Mayor's earlier explanation concerning scheduling of agenda items, and appeared to feel the situation was not equitable to all parties.

7. Second Reading of an Ordinance to Fund Silver Spring/Takoma Park Traffic Study.

The Mayor related that staff's recommendation was that the item be tabled until the August 3 meeting pending receipt of responses to the RFP's sent out, so that a more accurate funding amount could be furnished. He asked whether Councilmember Iddings, who had earlier moved to table the item, would accept its tabling until that meeting; Mr. Iddings responded in the affirmative. The motion was duly seconded and carried by unanimous vote.

8. Resolution Accepting Revenue Advisory Committee Report.

Passage of the resolution was moved by Councilmember Sharp, duly seconded by Councilmember Iddings. Councilmember Sharp commented he felt the committee had done a good job of making a number of suggestions, which he would like to see addressed, e.g., making appointments to certain ongoing committees. The Mayor concurred that the committee had done an excellent job in making recommendations which were certainly worthy of consideration. He said he had recently responded to one of those recommendations by way of having sent requests to both

County Executives that they work with the City to look into a refuse recycling program. The resolution was passed by unanimous vote.

RESOLUTION #1987-65
(attached)

9. First Reading of an Ordinance Establishing a City Caucus and Election.

Councilmember d'Eustachio moved acceptance for First Reading, duly seconded by Councilmember Iddings. The Mayor noted the Ordinance set the Caucus for September 29, 1987, at 8:00 P.M. in the Municipal Building Council Chamber, and the Election for November 3, 1987, from 7:00 A.M. to 8:00 P.M. Councilmember Sharp inquired when the Rules governing the nominating process would be promulgated; Mr. Wilson responded that the time table governing all aspects of the election process would be provided to the Mayor and Council on July 29. Councilmember Haney remarked that following the last election, Election Judges and Pollwatchers had some suggestions for improvement of the process; he suggested it would be beneficial for the City Clerk and his Deputy to meet with those individuals. Mr. Wilson commented he had begun that process, had already met with one of the longtime Judges and would be meeting with others. He said he would like to form a committee to assist and advise during this election process. The Mayor urged that experienced individuals be contacted and meetings be set up without delay. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1987-
(attached)

10. First Reading of an Ordinance Exempting Takoma Park from Montgomery County Chapters 26 & 29.

Councilmember Sharp moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio. For the record, the Mayor noted these two provisions of the County Code deal with Housing matters, and the intent was to exempt the City from those provisions because it has its own. Councilmember d'Eustachio commented he did not believe it was necessary that the City enact this ordinance, but doing so could be considered a good will measure inasmuch as certain county officials felt that it was necessary. Accordingly, he said he would be voting affirmative on the ordinance. Councilmember Iddings stated he would be voting against the ordinance because he did not feel it necessary that the City keep county officials happy concerning this issue. He said if, indeed, the reason for the ordinance was to satisfy any county official, then he felt an additional clause should be added to the ordinance so stating very clearly; he said he felt the legislation to be both silly and unnecessary. The Mayor commented that legally it was probably best to clarify that the City did not consider itself to be subject to the provisions of Chapters 26 and 29, so that the point would not be arguable. The ordinance was accepted for First Reading with Councilmember Iddings voting Nay, balance of Council voting Aye.

ORDINANCE #1987-
(attached)

11. Nomination to Montgomery County Community Development Advisory Committee.

The Mayor referred to a memorandum from staff stating that Ms. Nancy Stefanski of 709 Auburn Avenue had been nominated by the Citizens' Advisory Committee to represent the City on the county's CDCAC. Councilmember Sharp moved that Ms. Stefanski be appointed, duly seconded by Councilmember d'Eustachio. It was noted that apparently an Alternate had not yet been identified for appointment. The resolution effecting the appointment was passed by unanimous vote.

RESOLUTION #1987-66
(attached)

12. Update on 6801 Westmoreland Avenue.

Councilmember d'Eustachio moved to table the item until the August 10 meeting, duly seconded, carried unanimously.

13. Request for a Variance at 42 Pine Avenue.

The Mayor noted this request was for a 2' side lot variance. Ensuing discussion revealed there was confusion concerning the accurate address of the property. Councilmember d'Eustachio commented he had checked the addresses on Pine Avenue and they went only to number 30; he moved the item be tabled until the confusion was cleared up, duly seconded by Councilmember Iddings. The motion to table carried by unanimous vote. Mr. Wilson commented that consideration should be given to whether variances of this sort should require full Council consideration, or whether perhaps appropriate staff should contact the Councilmember for the ward and ascertain that individual's opinion concerning the need for presentation to the Council. The Mayor noted that the staff member who provided information on this issue had not identified themselves and, in future, such persons should do so and their report should go through the appropriate department or division head before presentation to the Council.

14. First Reading of an Ordinance Amending the Personnel Classification Plan.

It was noted the amendment would add two positions to the plan, i.e., Clerk Typist II and Housing Rehabilitation Construction Coordinator, the latter position being formalization of a past part-time contract which would soon be expiring, with the position becoming a staff position. Councilmember Iddings moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio. Mr. d'Eustachio referred to earlier discussions concerning Mr. Morris who had performed the work under contract and inquired whether he had made any decision about the matter. Mr. Wilson responded that Mr. Morris had decided not to extend his contract and the decision was amicably met; the City would now move toward the less risky ground of having an employee position rather than a contract, which could be challenged on several grounds. The Mayor suggested the matter be pursued at the next worksession for further discussion. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1987-
(attached)

15. Request for Extension of Injury Leave for Sgt. Robert Holford.

Councilmember d'Eustachio moved approval of the request for an extension, duly seconded by Councilmember Iddings. For the record, the Mayor noted that Sgt. Holford was injured on duty in an incident of which many were well aware. The motion carried by unanimous vote. Mr. Wilson noted that the recommendation included that the extension continue until release for return to duty by Sgt. Holford's physician.

Upon motion, duly seconded, the meeting adjourned at 11:45 P.M., to reconvene in regular session at 8:00 P.M. on August 10, 1987.

Introduced By: Lynne Bradley

PROCLAMATION

WHEREAS, the City of Takoma Park acknowledges the visit of its local soccer team to the County of Wales in August 1987; AND

WHEREAS, this team consists of Takoma residents and homeowners plus others from adjacent regions who are prominent in Washington, D.C. area soccer including many current and former members of the Takoma Wolves Soccer Team; AND

WHEREAS, the City of Takoma Park is geographically similar in size to that of the Welsh town of Abertillery, and is pleased to establish this contact over thousands of miles; AND

WHEREAS, Takoma Park and its soccer team, in true American tradition, is composed of myriads of nationalities, races and ethnic groups blended together; AND

WHEREAS, the City of Takoma Park acknowledges a "Welsh hospitality" unique to the people of that nation.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of Takoma Park, Maryland, USA, extends its cordial greetings and best wishes to the Council members and the citizens of the Town of Abertillery in the Borough of Blaenau Gwent, in the County of Wales, in the hopes of fostering strong bonds between our peoples, between our respective towns and between our opposing sportsmen; AND

BE IT FURTHER RESOLVED, we thank you for participation with, and the hospitality to, our visiting soccer team from Takoma Park. "Diolch Yn Fawr" from America.

Dated: _____

Stephen J. Del Giudice, Mayor

ATTEST:

James S. Wilson, Jr.
City Administrator

Item # 1

Introduced By:

RESOLUTION #1987-__

A RESOLUTION ACCEPTING THE REPORT OF THE RENTAL HOUSING TASKFORCE

WHEREAS, on May 27, 1986, the Mayor and Council adopted Resolution #1986-46, establishing the Rental Housing Taskforce which established specific membership and responsibilities for the Taskforce; AND

WHEREAS, on July 28, 1986, the Mayor and Council appointed by Resolution 1986-53, thirteen members to serve on the Taskforce; AND

WHEREAS, the Rental Housing Taskforce has worked diligently since last Fall, identifying problems and recommendations related to limited decent housing availability and other issues, and conducted two public hearings in December 1986 to share its' views with the public and offer interested parties the opportunity to contribute to the processes of the Taskforce; AND

WHEREAS, in May, 1986, the Taskforce presented its Final Report, "Toward Equal Access To Decent Housing" to the Mayor and City Council.

NOW THEREFORE BE IT RESOLVED, that the Rental Housing Taskforce Final Report is hereby accepted; AND

THEREFORE, BE IT FURTHER RESOLVED, that the report's recommendations be further discussed at appropriate meetings and public hearings as determined by the Mayor and Council, in order to develop strategy for implementing feasible recommendations; AND

BE IT FURTHER RESOLVED, that the Mayor and Council do hereby extend their appreciation to the members of the Taskforce for their work in preparing the report.

Dated: _____

Item #2

Introduced By:

RESOLUTION #1987-___

A RESOLUTION EXEMPTING THE CITY OF TAKOMA PARK, MARYLAND
FROM MONTGOMERY COUNTY CODE CHAPTERS 26 AND 29

WHEREAS, in 1975, the Takoma Park City Council decided by resolution not to adopt the Montgomery County Landlord-Tenant Relations Act regarding rental unit licensing and inspection programs and rent control; AND

WHEREAS, Mr. Richard E. Ferrara, Director of the Montgomery County Department of Housing and Community Development informed the Mayor and Council of Takoma Park that the City must take an action to exempt itself by resolution from Chapters 26 and 29.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of Takoma Park, Maryland, prefers to continue to operate its own landlord-tenant and housing code enforcement programs; AND

BE IT FURTHER RESOLVED, that Takoma Park hereby exercises its right to be exempted from the applicability of Montgomery County Chapter 26, The Housing Code and Chapter 29, the Landlord-Tenant Relations Act; AND

BE IT FURTHER RESOLVED, that the City Administrator is hereby authorized to forward this Resolution of Takoma Park's position to exempt itself to Mr. Al McArthur, Assistant City Administrative Officer of the Montgomery County Government.

Dated: _____

Introduced By:

Item #3
1st Reading:
2nd Reading:

ORDINANCE #1987-__

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

SECTION ONE: AMENDMENTS TO THE CODE. The following subsection
of Section 6-80.4(a) of the Takoma Park Code (1972)
is amended to read as follows:

(a) Be offered for an initial a term of
one year ...

SECTION TWO: That crossovers denote deletions and that
underlining denotes additions.

SECTION THREE: That this Ordinance shall become effective _____
_____, 1987.

Adopted this _____ day of _____, 1987.

MEMORANDUM

TO: Mayor and Council

VIA: Beverly K. Habada, ~~Acting~~ City Administrator

FROM: Daniel J. Neal, Director, Division of Economic and
Community Development

RE: Silver Spring Traffic Study

DATE: 3 August 1987

I have reviewed in depth the three proposals received in response to the City's Silver Spring Traffic Study RFP. The qualifications of the three consulting firms that responded appear to be equally good; each firm is certainly capable of performing the study.

With respect to price, the proposal submitted by Erdman and Associates, Inc., at \$12,720.00, is the least expensive. A cost comparison chart is attached for your information. Mr. Erdman's references are highly favorable. Hence, I would recommend awarding a contract to Erdman and Associates, Inc. on the basis of price.

The study need not cost \$12,720.00. I have spoken with Mr. Erdman about the need to economize and the following options are available:

<u>Option</u>	<u>You Save</u>
1) eliminate Task 4	\$1,530.00
2) eliminate Task 5	\$ 960.00
3) hire someone part time to do traffic counts under Erdman's supervision; he will train them	\$ 630.00
4) eliminate one meeting in Task 7	\$ 480.00
5) reduce Task 8 to one day (8 hours) of testimony	\$ 480.00
6) reduce time budgeted for working with other consultants by 50%	<u>\$ 300.00</u>
TOTAL POSSIBLE SAVINGS	<u>\$4,300.00</u>
CONTRACT AMOUNT WITH SAVINGS	<u>\$8,340.00</u>

Tasks 4 and 5 are not critical to the City's needs, according to Mr. Erdman. These tasks could possibly be undertaken independently by the citizens organizations already working with Mr. Erdman. Hiring our own (inexpensive) traffic counter will save us some money; Mr. Erdman assures me

that this will not undercut our study's legitimacy or weight. Mr. Erdman must charge \$27.50/hour for such counts. The second meeting under Task 7 may not be possible in any event given the tight schedule we're on. The elimination of a day of testimony may or may not work. We could, however, always add it back later, if we need it. The same holds true for the scaling back of Task 9.

In sum, there are a number of options for structuring a useful contract with Mr. Erdman and Associates, Inc. The scope can be scaled depending upon how much you are willing to spend. However, I would not recommend paring the cost below \$8,340.00

I have attached selected pages from the proposal of Erdman and Associates, Inc. Please let me know if you wish to see more of it and/or the other two proposals.

Finally, two draft ordinances are attached. The first - which was already read once - would allocate the funds needed for the study. The second awards a contract, establishes the contract's upset figure and authorizes staff to execute the appropriate contract documents.

I will be on hand tonight for your discussion and will be happy to address any questions you have at that time.

DJN:imr
Attachments a/s

Silver Spring Traffic Study Proposals
Cost Comparison By Task
For Basic Services

	Erdman & Associates, Inc.	STS, Ltd.	Daniel Consultants, Inc.
Task 1	\$1,200	\$1,840	\$1,320
Task 2	960	1,800	1,320
Task 3	480	870	480
Task 4	1,530	2,750	960
Task 5	960	1,725	1,200
Task 6	5,190	4,945	6,060
Task 7	840	960	480
Task 8	960	1,280	960
Task 9	600	800	600
Plus Traffic Counts	included	1,500	included
TOTALS	<u>\$12,720</u>	<u>\$17,930</u>	<u>\$13,380</u>

Additional Peak Hour Counts (per intersection)	\$82.50	\$250	N/A
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Erdman and Associates, Inc.
Consulting Engineers

Suite 306, Chester Building
8600 LaSalle Road
Baltimore, MD 21204
301 / 339-7140

July 30, 1987

Division of Economic and Community
Development
Municipal Building
7500 Maple Avenue
Takoma Park, Maryland 20912

Attention: Mr. Daniel J. Neal
Director

Subject: Traffic Impact Study
Silver Spring Development
Proposals, FY 1987-88

Gentlemen:

Erdman and Associates, Inc. is pleased to submit hereby its proposal to perform a study of traffic-related matters in connection with Montgomery County Government proposals to increase the development ceilings in the Silver Spring/Takoma Park Policy Area in Montgomery County, Maryland.

Erdman and Associates, Inc. understands that the purpose of this study is to determine the impact of these proposals on traffic patterns and levels of service in and around Takoma Park. The Scope of Services for this study is defined on pages 3 through 8 of the Request for proposals dated 17th of July 1987; that scope will not be repeated in this proposal but rather is included by reference.

This proposal is based upon a schedule of hourly rates for the personnel necessary to perform the Scope of Services; that schedule of hourly rates is attached to and made part of this Proposal. A Manhour Estimate by task, including an estimated cost for each task, and a Fee Derivation for the total "Not-to-Exceed" cost for the Basic Services identified in the Scope of Services are included with this proposal. It is understood that the contract will provide for billing on an hourly basis in accordance with the rate schedule and "Not-to-Exceed" amount specified in this proposal. The Manhour Estimate indicates which personnel are allocated to the performance of each task and the approximate number of hours each person will work on each task. Forty-seven (47%) of the total time allocated for performance of the Basic Services will be that of a Senior Professional Traffic Engineer, Mr. John W. Erdman, P.E..

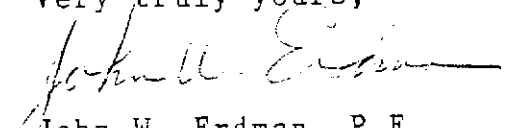
Erdman and Associates, Inc.
Consulting Engineers

Proposal-Takoma Park
Traffic Impact Study
July 30, 1987
Page 2

If the city awards a contract for this study by August 3, 1987, all Basic Services provided hereunder will be completed by September 1, 1987.

Erdman and Associates, Inc. appreciates the opportunity to submit this proposal, pledges to dedicate the effort required to accomplish this project within the established schedule, and desires to be selected to provide these services to the City of Takoma Park.

Very truly yours,


John W. Erdman, P.E.
President

alj

MANHOOR ESTIMATE

<u>TASK</u>	<u>DESCRIPTION</u>	<u>MANHOOURS*</u>			<u>COST</u>
		<u>S</u>	<u>E</u>	<u>T</u>	
1	Review Documents	20	0	0	\$ 1,200.00
2	Prepare Commentary	16	0	0	\$ 960.00
3	Attend Meeting	8	0	0	\$ 480.00
4	Analyze cordon line vs remote intersections	4	24	12	\$ 1,530.00
5	Verify Trip Generation, Distribution, and Assignment estimates	8	12	0	\$ 960.00
6	Prepare report; critical lane analysis; consider commercial development; consider traffic trends; perform six (6) traffic counts; consult with MSHA; and evaluate accident increase.	30	60	36	\$ 5,190.00
7	Attend two (2) Meetings	14	0	0	\$ 840.00
8	Testify at Public Hearing	16	0	0	\$ 960.00
9	Advise other Consultants	10	0	0	\$ 600.00
	Total	126	96	48	\$12,720.00

*S: Senior Engineer
 E: Engineer
 T: Technician

SCHEDULE OF HOURLY RATES

<u>CLASSIFICATION</u>	<u>EMPLOYEES INCLUDED</u>	<u>HOURLY RATE</u>
Senior Engineer	John W. Erdman, P.E.	\$60.00
Engineer	Daniel B. Dobry, Jr., P.E.	\$40.00
Technician	Vigen Youssefian	\$27.50

FEE DERIVATION

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>	<u>#OF HOURS</u>	<u>COST</u>
Senior Engineer	60.00	126	\$ 7,560.00
Engineer	40.00	96	\$ 3,840.00
Technician	27.50	48	\$ 1,320.00
	Total		\$12,720.00

Cost for additional Peak Hour Counts

\$82.50

Cost for 2 hour peak
hour manual count
(including travel
time for counter)

TRAFFIC IMPACT STUDIES

SUPERVISED AND PREPARED BY JOHN W. ERDMAN, P.E.

While with Erdman and Associates, Inc.

Maryland Nut & Bolt Property
Dorchester Corporate Park: Appeal
Halle Property: Appeal
Arlington Hospital Retirement facility: Appeal
Birch Manor, Waldorf
Liberty Baptist Church: Appeal
Fairmount Green: Appeal
Kent Plaza, Chestertown
Chapin Golf Course Special Exception
Cabot, Cabot and Forbes: Appeal
Bel Air Plaza
Germantown Development Corporation
Harford Mall
Timonium State Fair
Wildon Residential Development
Delaware State College
Fitness Unlimited
Pre-Medical: Rolling Road
Durett-Sheppard: Truck access
Marriot "Courtyard" Hotel: Appeal
Waterspout Residential Development

Erdman and Associates, Inc.

Consulting Engineers

While with other consultant firms

L.A. Benson Company

MARC Station Impact Study: Bowie and Seabrook

Charleston Apartments: Loyola College

Maryland Cup Corporation

Westridge Shopping Center

National Arboretum

Stony Beach Residential Development

Montgomery Mall Auto Park: Parcel H

Brandon Shores Industrial Park

Brandon Woods Residential Community

Bonnie Blink Industrial Development

Harbor Exchange

Dumbarton Square

Vantage House Health Care Facility

Lutherville Supply Redevelopment: Appeal

Saddle Run: Marstellar Property

US 30 Traffic Study

Valentine Property

Harford County Resource Recovery Facility

Annapolis Resource Recovery Facility

Germantown East Office Development: Churchill/Milestone

CSX Property: Peninsula Expressway and Merritt Boulevard

Middle River 7-11

Surguy Property: Ebenezer Road

BG&E Rossville Property

Erdman and Associates, Inc.

Consulting Engineers

Gore Property: Hart Road

Royco Addition

Bon Secours Health Park

Sussex County Landfill

Northwest Airlines Corporate Headquarters

Shell Oil: Old Harford Road and Joppa Road

Masonville Marine Terminal

Schoenemen Property

Big Elk Mall

Montgomery County Airpark Industrial Park: Parcel No. 8

Rock Spring Park: Parcels 11 and 13

Rock Spring Park: Parcel 12

Computer Entry Systems

C&P Telephone Fairland Office Center

Montgomery Industrial Park: Lot 21

Item #4

Introduced By:

RESOLUTION #1987-55

WHEREAS, the City of Takoma Park has a rat problem; AND

WHEREAS, the City finds it beneficial to assist residents/property owners controlling rat infestations through community education and extermination materials; AND

WHEREAS, the current practice of supplying residents/property owners with free rat bait presents some health and safety problems to the community (particularly children and pets) and subsequent liability to the City.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council endorse a rat abatement program where the City will provide community education and free rat traps; AND

BE IT FURTHER RESOLVED, that the City will no longer provide residents/property owners with free rat bait.

Dated: July 13, 1987

Item #5

Introduced By:

RESOLUTION #1987-__

WHEREAS, Joyce Schoepach is the owner of certain property located in the City of Takoma Park, Maryland, wishes to use an unimproved right-of-way known as Austin Place for construction access.

WHEREAS, the City of Takoma Park is willing to permit Joyce Schoepach to use this unimproved right-of-way, pursuant to an approved agreement (copy attached) submitted to the City and upon conditions of approval; AND

WHEREAS, the City is willing to enter into a Public Right Of Way Access Indemnity Agreement with Ms. Schoepach, stipulating that in the event of damages to Austin Place, the same will be restored to equal or better condition at the sole cost and expense of Joyce Schoepach; AND

WHEREAS, the City wishes to be protected and indemnified against any and all harm as a result of lawsuits or actions arising in whole or in part out of Ms. Schoepach's use of the right-of-way.

NOW THEREFORE, BE IT RESOLVED, that the language of the Public Right of Way Access Indemnity Agreement reflects that Joyce Schoepach will agree to place into escrow a security deposit in sufficient amount to cover any damages which might be incurred as a result of Schoepach's construction and to prove to the satisfaction of the City that she holds sufficient insurance to cover any liability which might be incurred as a result of such construction; AND

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize the City Administrator, on behalf of the City of Takoma Park, to enter into the Public Right of Way Access Indemnity Agreement with Joyce Schoepach.

Dated: _____

PUBLIC RIGHT OF WAY ACCESS
INDEMNITY AGREEMENT

This Agreement is made and entered into this _____ day of _____, 1987 by and between Joyce Schoeppach and the City of Takoma Park, Takoma Park, Maryland.

WHEREAS, Joyce Schoeppach is the owner of certain property as shown on a map attached hereto and Schoeppach wishes to use an unimproved right-of-way known as Austin Place for construction access.

WHEREAS, Joyce Schoeppach agrees to indemnify and hold harmless the City of Takoma Park from any damage.

NOW, THEREFORE, the parties agree as follows:

1. The City of Takoma Park shall permit access for construction through Austin Place right-of-way, pursuant to an approved agreement submitted to the City of Takoma Park and the length of time for such construction shall be completed within the time frame specified by the building permit excluding any extensions; and

2. In the event there is any damage to Austin Place, the same will be restored to equal or better condition at the sole cost and expense of Joyce Schoeppach; and

3. In the event such damage is not promptly repaired by Schoeppach, the City may undertake to make repairs itself or may contract to make such repairs and the entire cost thereof shall be charged to Schoeppach, and such charges may be collected through the imposition of a tax lien against Schoeppach or any property owned by her; and

4. Schoeppach agrees that she shall indemnify and hold harmless the City of Takoma Park (including attorneys fees) in any lawsuit or action against the City arising in or in part out of Schoeppach's construction; and

5. Schoeppach agrees to place in escrow in the amount of \$500 to cover any liability which might be incurred as a result of her construction; and

IN WITNESS WHEREOF, the parties hereto do hereby execute this Agreement on the day and year first above written.

Joyce Schoeppach, Owner

By: James S. Wilson, Jr.
City Administrator
City Of Takoma Park

STATE OF _____

COUNTY OF _____

On this ___ day of _____, 1987, before, me _____, Notary Public in and for the State of _____, County of _____, personally appeared Joyce Schoeppach, known to me to be the person described in the foregoing instrument, and acknowledged that he executed the same in thee capacity therein stated and for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

(seal)

On this _____ day of _____ 1987, Joyce Schoeppach and
and the city of Takoma Park enter into the following
agreement.

In exchange for use of the right of way, called Austin Place,
during construction, Joyce Schoeppach agrees to put down
stone 2" in diameter to the property line of said right of
way. She further agrees to remove all stone after construc-
tion is complete and then to sod or seed and mulch, restoring
the right of way to equal or better condition.

Signed:

Joyce Schoeppach
Property Owner

City of Takoma Park (Title)

Enacted: July 27, 1987

Resolution 1987- 65

WHEREAS, the Mayor and City Council did establish a Revenue Advisory Committee by Resolution No. 1986-43 whose purpose was "to seek out and accumulate information about additional sources of income for the City"; AND

WHEREAS, the City Council by adoption of Resolutions 1986-74, 1986-82 and 1987-5 did make eleven appointments to the Committee as follows:

Richard Bernardi
Louis D'Ovidio
Larry Dzieza
Joseph Faulkner
Thomas Gagliardo
Gregory Hamilton
Cindy Kahan
Beth Ann Kyle
Arjun Makhijani
Bruce Moyer
Milford Sprecher; AND

WHEREAS, the Committee proceeded with its work and analysis over a period of several months under the leadership of Mr. Milford Sprecher and Mr. Thomas Gagliardo and completed a report which has been submitted to Mayor and Council for acceptance and discussion of recommendations that the City should implement;

NOW THEREFORE BE IT RESOLVED that the Mayor and City Council accept the June, 1987 report submitted by the Committee and offer appreciation for the hard work and amount of time put into the study and report by the Committee.

D R A F T #2

RESOLUTION NO. 1987--- 64

- WHEREAS, the United States Postal Service is seeking an appropriate site within the City of Takoma Park for a new Takoma Park Post Office; AND
- WHEREAS, a potential site for a new City Post Office has been identified at the intersection of Carroll and Ethan Allen Avenues in the area known as the Takoma Junction Business District, which site comprises properties owned by the Takoma-Carroll Associates Limited Partnership ('Takoma-Carroll Associates') and Mr. Clarence J. Dawes ('the Site'); AND
- WHEREAS, the Mayor and Council of Takoma Park and the United States Postal Service have found that the Site is the best potential site for the new Takoma Park Post Office given the needs of the Takoma Park community, the requirements of the Takoma Park Master Plan, the requirements of the U.S. Postal Service, the available siting options and other relevant factors; AND
- WHEREAS, Takoma-Carroll Associates has submitted a formal proposal to the U.S. Postal Service to construct for and lease to the U.S. Postal Service a post office building on the Site; AND
- WHEREAS, the City of Takoma Park is working cooperatively with the United States Postal Service, Takoma-Carroll Associates, the Takoma Junction Revitalization Steering Committee and other members of the community to coordinate the development of the Site for the new Post Office; AND
- WHEREAS, it is in the best interests of the health, welfare, safety and well-being of the citizens of Takoma Park to spell out the precise terms and conditions under which the City will cooperate with Takoma-Carroll Associates and the U.S. Postal Service in a formal agreement between the City of Takoma Park and Takoma-Carroll Associates; AND
- WHEREAS, a proposed agreement ('the Agreement') with Takoma-Carroll Associates, has been developed for this purpose, a copy of which is attached hereto and made a part hereof by reference;
- NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND,

THAT, the City Administrator or his designee(s) are hereby authorized to proceed to negotiate the precise terms and conditions of a development agreement with Takoma-Carroll Associates on the basis of the attached draft agreement, provided that such an agreement shall not be executed until finally approved by the Mayor and Council; AND

FURTHER, THAT, due to important specific community concerns and matters of the public health and welfare, the City Administrator or his designee is directed to immediately communicate to the U.S. Postal Service, in writing, that of the two proposed site plans so far developed for the Site by Takoma-Carroll Associates' architect the City strongly prefers that plan which would preclude access from the Site onto Columbia Avenue, at the same reserving the City's right of approval of a final site plan for the Site until some later date, as appropriate; AND

FURTHER, THAT, the City Administrator is hereby directed to communicate to Takoma-Carroll Associates and the U.S. Postal Service that any site plan developed for the proposed Takoma Park Post Office should

- a) provide an adequate buffer area between the Site and the surrounding residential properties;
- b) provide good pedestrian access to and circulation through the Site;
- c) provide for appropriate storm water management such that the surrounding neighborhoods shall in no way be negatively affected by normal storm water runoff from the Site;
- d) provide for adequate on-site landscaping in compliance with applicable sections of the Montgomery County code;
- e) be designed so as to minimize the negative impacts of increased traffic on the surrounding neighborhoods and road network;
- f) provide on-site lighting that does not produce glare in the surrounding residential neighborhoods;
- g) ensures that the Site's architectural features are compatible with the character of surrounding buildings and are acceptable to the City of Takoma Park;
- h) ensures that traffic generated by the new post office does not interfere with the operations of the Takoma Park Volunteer Fire Department; AND
- i) ensures that any loud noises resulting from loading and unloading do not disturb the neighbors surrounding the Site.

Introduced By:

RESOLUTION #1987-_____

WHEREAS, former U.S. Senator Charles Mathias created a Task Force on the Organization of the United States District Court for the District of Maryland; AND

WHEREAS, the Task Force solicited written briefs from all interested parties, held a public hearing in Annapolis, and reached the unanimous finding that "the arguments are just too compelling in support of the need and right of the public to have a Southern Division with an accessible courthouse and an available judge or judges to conduct the daily business of a federal court...."; AND

WHEREAS, there is now legislation before the U.S. House of Representatives, namely H.R. 1596, which would establish a Southern Division of the U.S. District Court for the District of Maryland, to be composed of Montgomery, Prince George's, Calvert, Charles and St. Mary's Counties; AND

WHEREAS, H.R. 1596, was introduced by Congressman Steny H. Hoyer and co-sponsored by Representatives Beverly Byron, Helen D. Bentley, Constance Morella and Thomas McMillan; AND

WHEREAS, it is the sense of the City Council that creation of a Southern Division would enhance greatly the accessibility of the federal judicial system to the citizens of the City and thus further the interests of justice.

NOW THEREFORE, BE IT RESOLVED, that the City publicly state its support for the creation of a Southern Division of the U.S. District Court for the District of Maryland and for swift passage of H.R. 1596, which would establish such a division; AND

BE IT FURTHER RESOLVED, that the Clerk send copies of this resolution to all members of the Maryland delegation to the U.S. Congress.

Dated: _____

Item #9

First Reading: June 29, 1987

Second Reading:

Adopted:

b Introduced by:

ORDINANCE NO 1987 -

- WHEREAS, In accordance with Takoma Park Code Chapter 2, Article 4, Sections 2-49 bids were solicited from qualified bidders; an invitation to bid having been published two times each in The Montgomery Journal and The Prince George's Journal; AND
- WHEREAS, the three bids received in response to the City's invitation were opened publicly at 2:00 P.M. on May 14, 1987 at the Takoma Park Municipal Building; AND
- WHEREAS, the Police Department and City Administrator have determined that the Radio Maintenance Bid received from MetroCom, Inc., is a qualified compliant, responsive and responsible bid meeting the requirements set forth in the bid documents, and that it is in the best interests of the City to award the contract for Radio Service to MetroCom, Inc.
- NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND
- SECTION 1. Bid awarded to MetroCom, Inc., in the amount of six thousand nine hundred and thirty six dollars (\$6,936.00) be accepted and a contract consistent with the bid documents be awarded to MetroCom, Inc.; AND
- SECTION 2. that the contract with Metro-Com, Inc., begin July 1, 1987 and end June 30, 1988; AND
- SECTION 3. that the contract be renewable with one-year options and consistent with the bid documents; AND
- SECTION 4. that the fee for the service contract be appropriated from Account 6644; AND
- SECTION 5. that the City Administrator is hereby authorized to enter into a contract with Metro-Com, Inc., to provide the City Police Department with professional services as outlined in the bid document.

Item #10

Introduced:
Enacted:
Effective:

ORDINANCE NO. 1987-

Short Title: Executive Pay

AN ORDINANCE TO:

(a) establish a separate compensation schedule for the executive employees of the City based on the position classification schedule as adopted by Ordinance No. 1986-53; AND

(b) provide for implementation of said pay plan.

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

SECTION 1. PAY SCALE PLAN

Positions listed in Ordinance No. 1986-53, designated as Grade 14 shall be compensated at the level of Executive 1; those listed in Grade 15 shall be compensated at the level of Executive 2; those listed as being in Grade 16 shall be compensated at the level of Executive 3; and those listed in Grade 17 shall be compensated at the level of Executive 4.

SECTION 2. IMPLEMENTATION OF PAY SCALE PLAN

(a) Effective July 1, 1987, Senior Management staff in Grades Executive 1 through Executive 4 will be paid in accordance with the pay scale for:

(1) the grades that their job classifications have been allocated;

(2) with the exact amount to be determined by the City Administrator with the provision that none of the executives will receive a salary decrease at this time.

SECTION 3. GUIDANCE FOR PLACING EXECUTIVE STAFF IN THE PAY SYSTEM.

(a) 1st Quartile - Hiring Bracket:
Individuals are hired within this quartile

with the exact place to be determined by the City Administrator based on the experience and subject matter knowledge of the appointee. Subsequent merit increases should continue within the quartile with the amount depending upon the results of performance evaluation(s). Further guidance to the City Administrator for differentiating between amounts will be given in the Personnel Regulations.

(b) 2nd Quartile - Performance Step: Individuals are granted raises into this area for average and above average performance after they have learned to perform their functions thoroughly and have proven their ability to manage their units.

(c) 3rd Quartile - Performance and Longevity Step: Individuals are placed in this step normally after they have acquired many years of experience in managing their units and have received ratings of average and above consistently. Most executives will not ever be awarded pay greater than the maximum allowed for this quartile.

(d) 4th Quartile - Superior Performance Quartile: Individuals normally are awarded pay in this quartile only if they perform clearly in a superior manner and/or if they have been recognized by a national professional organization as one of the leaders in the field.

SECTION 4. EXECUTIVE PAY SCALE

36% PAY PLAN

Executive 1:	1st. Quartile	=	29,772	-	32,460
	2nd. Quartile	=	32,461	-	35,150
	3rd. Quartile	=	35,151	-	37,839
	4th. Quartile	=	37,840	-	40,528

Executive 2:	1st. Quartile	=	32,005	-	34,885
	2nd. Quartile	=	34,886	-	37,765
	3rd. Quartile	=	37,766	-	40,645
	4th. Quartile	=	40,646	-	43,525

Executive 3: 1st. Quartile = 34,406 - 37,500
2nd. Quartile = 37,501 - 40,598
3rd. Quartile = 40,600 - 43,694
4th. Quartile = 43,700 - 46,790

Executive 4: 1st. Quartile = 36,986 - 40,315
2nd. Quartile = 40,320 - 43,640
3rd. Quartile = 43,641 - 46,970
4th. Quartile = 46,975 - 50,300

SECTION 5. COST OF LIVING ADJUSTMENTS

(a) A cost of living adjustment is a percentage applied to Executive quartiles.

(b) The Mayor and Council determine whether the City will give a cost of living adjustment in any year and the size of the adjustment.

Adopted this _____ day of _____, 1987

Introduced: July 27, 1987Enacted: July 27, 1987

RESOLUTION # - 1987- 58

Short Title: Charter Amendment to Adjust Penalties
for Violating Laws

A RESOLUTION TO AMEND THE CHARTER OF THE CITY OF TAKOMA PARK TO:

1. Authorize the City Council to establish penalties for violating the charter, code, or regulations of the City in amounts up to the maximum permissible under state law.
2. Repeal provisions that limit the amount of penalties to less than the maximum allowed under state law.
3. Provide that all violations shall be enforced as either a municipal infraction or a misdemeanor.
4. Provide that the City may also enforce its laws by other legal methods.

THIS RESOLUTION AMENDS THE CHARTER of the City of Takoma Park, by amending Section I.7, subsection (f).

Note: In this resolution:

[[double brackets]] indicate matter to be eliminated from the existing charter.

Underlining indicates new matter to be added to the existing charter.

* * * indicates matter in the existing charter that is unchanged.

SECTION 1. Section 1.7 of the Charter of the City of Takoma Park is amended as follows:

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

* * *

[[(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.]]

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

SECTION 2. This amendment to the charter will take effect 50 days after the adoption of this resolution by the City Council, unless a petition is submitted under Section 13 of Article 23A of the Annotated Code of Maryland.

(Effective September 15, 1987)

TP42.AP1-3

VOTE:

COUNCILMEMBERS d' EUSTACHIO, HANEY, IDDINGS, SHARP-AYE
COUNCILMEMBERS LEVY, WILLIAMS - ABSENT

Introduced: July 27, 1987

Enacted: July 27, 1987

RESOLUTION # _____ - 1987 - 59

Short Title: Charter Amendment on Collecting Fines

A RESOLUTION TO AMEND THE CHARTER OF THE CITY OF TAKOMA PARK TO repeal the provisions on the procedure for collecting fines and the jailing of people who fail to pay fines.

THIS RESOLUTION AMENDS THE CHARTER of the City of Takoma Park by repealing and reserving Section 1.12.

Note: In this resolution:

[[double brackets]] indicate matter to be eliminated from the existing charter.

Underlining indicates new matter to be added to the existing charter.

SECTION 1. ⁷ Section 1.12 of the Charter of the City of Takoma Park is amended by repealing it as follows.

Sec. 1.12 [[Collection of fines.]] Reserved.

[[All fines, penalties and forfeitures imposed by the Charter, or by any ordinance of the council, may be collected in the name of the "City of Takoma Park," before the Mayor or any justice of the peace, in the same manner as small debts are collected, and the delinquent shall be committed to the City lock-up or county jail until the same are paid, with costs.]]

SECTION 2. This amendment to the charter will take effect 50 days after the adoption of this resolution by the City Council, unless a petition is submitted under Section 13 of Article 23A of the Annotated Code of Maryland.

(Effective September 15, 1987)

VOTE:

COUNCILMEMBERS d^t EUSTACHIO, HANEY, IDDINGS, SHARP - AYE
COUNCILMEMBERS LEVY, WILLIAMS - ABSENT

POSTED: 7/28/87

Introduced By: Edward Sharp

RESOLUTION 1987- 60

Charter Amendment Changing the Amount of Campaign
Contributions Reported
Sec. 1.3(w)

THIS RESOLUTION AMENDS THE CHARTER of the City of Takoma Park by amending Section 1.3, subsection (w)(1).

SECTION 1. Section 1.3 (w)(1) of the Charter of the City of Takoma Park is amended as follows:

Sec. 1.3 Elections--Generally

* * *

(w) Campaign Contributions.

(1) Report required. Each candidate for the office of Mayor or Councilmember or their designated campaign treasurer shall file with the city clerk reports as specified below which shall list the name and address and amount contributed of each and every contributor, other than the candidate or a member of his/her immediate family, who has contributed ~~[[twenty-five dollars (\$25.00)]]~~ twenty-five dollars and one cent (\$25.01) or more in furtherance of the candidate's nomination or election. The reports shall include all contributions received by the candidate him/herself, or, with the knowledge of the candidate or his/her treasurer, by any other person or groups of persons. All reports filed shall be available for examination by any member of the public during the normal office hours of the city clerk.

SECTION 2. This amendment to the charter will take effect 50 days after the adoption of this resolution by the City Council, unless a petition is submitted under Section 13 of Article 23A of the Annotated Code of Maryland.

NOTE: In this Resolution,

~~[[double brackets]]~~ indicate matter to be eliminated from the existing Charter;

underlining indicates new matter to be added to the existing Charter; and

* * * indicates matter in the existing Charter that is unchanged.

VOTE:

COUNCILMEMBERS d' EUSTACHIO, HANEY, SHARP - AYE.
COUNCILMEMBERS IDDINGS, BRADLEY NAY
COUNCILMEMBERS LEVY, WILLIAMS - ABSENT

RESOLUTION #1987- 61

Charter Amendment Changing the Deadline For Filing
Applications For Absentee Ballots
Sec. 1.3(u)(2)(i)

THIS RESOLUTION AMENDS THE CHARTER of the City of Takoma Park by amending Section 1.3, subsection (u)(2)(i).

SECTION 1. Section 1.3 (u)(2)(i) and (ii) of the Charter of the City of Takoma Park is amended as follows:

Sec. 1.3 Elections--Generally

* * *

(u) Absentee Voting

* * *

(2) Voting by ill and disabled persons:
emergency absentee ballot:

(i) Application; procedure for voting. any qualified voter whose disability or confinement in or restriction to an institution prevents or will prevent him from being present and personally voting at the polls on any election, day shall also be entitled to vote as an absentee voter under this section. Such voter shall make application for an absentee ballot as provided in subsection (4) of this section. The application shall be filed in the office of the city clerk not later than ~~[[ten (10)]]~~ seven (7) days prior to any election. Upon receipt of the application the city clerk shall mail to the voter entitled thereto an absentee ballot. In all other respects, absentee voting as provided for in this section shall be similar to and controlled by the applicable procedures provided by law for absentee voting.

(ii) Emergency absentee ballot. Within ~~[[ten (10)]]~~ seven (7) days of an election and on the day of the election prior to the time the polls close, any person registered and otherwise qualified to vote may apply for an emergency absentee ballot if he is notified after the time for making applicaiton for an absentee ballot that, as a condition of his employment, he is required to be absent from the City of Takoma where he is registered to vote on the day of an election. (The rest of this subsection remains unchanged)

SECTION 2. This amendment to the charter will take effect 50 days after the adoption of this resolution by the City Council, unless a petition is submitted under Section 13 of Article 23A of the Annotated Code of Maryland.

NOTE: In this Resolution,

~~[[double brackets]]~~ indicate matter to be eliminated from the existing Charter;

underlining indicates new matter to be added to the existing Charter; and

* * * indicates matter in the existing Charter that is unchanged.

VOTE:

COUNCILMEMBERS BRADLEY, d'EUSTACHIO, HANEY, IDDINGS, SHARP - AYE
COUNCILMEMBERS LEVY, WILLIAMS - ABSENT

Enacted: July 27, 1987

CHARTER AMENDMENT

RESOLUTION NO. # - 1987 - 62

Short Title: Charter Amendment on Municipal Powers

WHEREAS, the Mayor and City Council have, after deliberation, concluded that Subsections 1.7(a), (b), (c), and (k) of the City Charter, contain an enumeration of the City's express powers which is antiquated and no longer accurately describes the present authority and responsibilities of the municipality; and

WHEREAS, it is in the best interests of the City to amend the above subsections of the City Charter to more accurately enumerate those powers expressly granted to the municipality under the laws of the State of Maryland; and to make it clear that the City Council will continue to exercise the full range of powers and functions not denied to it by the Constitution or Laws of the State of Maryland or by other provisions of its Charter;

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

SECTION 1. THAT Subsections 1.7(a), (b), (c), and (k) of the City Charter be repealed, and that new Subsections 1.7(a), (b), and (c), be enacted to read as follows:

Section 1.7 Powers; and other matters.

(a) General Powers. The City Council shall have the power to pass all ordinances and regulations not contrary to the

Constitution of the State of Maryland or prohibited by the laws of Maryland or its charter, which the council may deem necessary and beneficial to the citizens of Takoma Park and for the good government of the city, including, but not limited to, those designed;

1. To protect and promote the health, safety, comfort, convenience, welfare, happiness, education, employment, and the economic security of the citizens of Takoma Park;
2. To ensure democratic government and due process;
3. To preserve peace and good order;
4. To ensure equal access to justice;
5. To prohibit all forms of invidious discrimination;
6. To protect and preserve the property, rights and privileges of the City and of its citizens; and
7. To secure persons and property from violence, danger and destruction.

(b) Express Powers. Nothing in this Charter prohibits the City Council from exercising its powers under Subsection (a) to adopt ordinances or resolutions that delegate executive or administrative functions to the Mayor or the City Administrator.

(c) Examples of Specific Powers. The general power of the City Council under subsection (a) includes every specific power to adopt ordinances or regulations that the Constitution or the laws of Maryland have expressly or implicitly given to the City. The following list includes just some of the specific powers of

the City. These specific powers are subject to limitations imposed by state and federal laws.

1. Administrative agencies and procedures. To provide for the establishment of administrative agencies, boards and commissions, and for administrative procedures, including rule making and quasi-judicial decision-making by such agencies.

2. Advertising. To provide for advertising for the purposes of the City, for printing and publishing statements as to the business of the City.

3. Amusements. To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

4. Appropriations. To expend municipal funds for any public or community purposes deemed to be public and to affect the safety, health and general welfare of the municipality and its occupants.

5. Auctioneers. To regulate the sale of all kinds of property at auction within the City and to license auctioneers.

6. Band. To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.

7. Billboards. To license, tax and regulate, restrain and prohibit within the city the erection or maintenance of billboards, the placing of signs, bills and posters of every kind

and description on any building, fence, post, billboard, pole, or other place.

8. Bonds. To borrow money for any proper public purpose and to evidence such borrowing, if the City chooses, by the issue and sale of its general obligation bonds, industrial revenue bonds, or any other bonds or agreements securing such debt, subject only to the limitations of Federal law and the Constitution and laws of the State of Maryland.

9. Bridges. To erect and maintain bridges.

10. Buildings. To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the City, and to grant building permits; and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

11. Cable Communications Systems. To provide for the regulation, installation, operation and removal of cable television and other cable communications systems; and to operate a cable television station and studio.

12. Cemeteries. To regulate or prohibit the interment of bodies within the City and to regulate cemeteries.

13. Codification of ordinances. To provide for the codification of all ordinances.

14. Collective Bargaining. To provide for a system of collective bargaining for employees of the City.

15. Commercial or industrial redevelopment projects. To make use of federal or state financial assistance or other public or private funds for commercial or industrial redevelopment projects, for the purpose of making grants, loans or guaranteeing loans to private entities.

16. Commercial District Management Authority. To establish a commercial district management authority for any commercial district within the City's geographical limits, in accordance with the laws of the State of Maryland.

17. Community Services. To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the City.

18. Cooperative Activities. To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

19. Corporate Name. To change the corporate name of the municipality, provided that no such change shall affect any rights, duties or obligations held by the municipality; and provided further that such ordinance shall first be submitted to and approved by the qualified voters of the municipality at a regular or special municipal election.

20. Curfew. To prohibit the youth of the City from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

21. Dangerous Improvements. To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

22. Departments. To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this charter; to assign additional functions or duties to offices, departments, or agencies established by this charter.

23. Dogs. To regulate the keeping of dogs in the City and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of them; to provide for the disposition of homeless dogs and of dogs on which no license fee or taxes are paid.

24. Elevators. To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

25. Emergency Services. To provide for the recovery of costs of evacuation, rescue, emergency repairs and other emergency services necessitated by the negligent or intentional wrongful acts or omissions of any person or entity and to assess

the expenses thereof against any property within the municipal limits of the City and to record such charges as a lien upon such property to be collected in the same manner as municipal taxes.

26. Environmental Protection. To provide for the protection, promotion and preservation of the natural environment, including, but not limited to, trees, plants, animals, rivers and streams, watersheds and air.

27. Explosives and Combustibles. To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

28. Fees and Charges. Subject to the limitations imposed by the Constitution and laws of the State of Maryland, establish and collect reasonable fees and charges; (i) for the franchises, licenses, or permits authorized by law to be granted by a municipal corporation; or (ii) associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation.

29. Finances. To levy, assess and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the City and to designate by ordinance or resolution the banks or trust companies of this State in which shall be deposited all funds belonging to the municipality.

30. Fire. To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the City; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of City fire-hazard regulations are met; to install and maintain fireplugs where and as necessary, and to regulate their use and to take all other measures necessary to control and prevent fires in the town.

31. Foods. To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of, any food products.

32. Franchises. To grant franchises as provided under existing public general or public local laws; to grant one or more exclusive or nonexclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley, or bridge, to impose franchise fees, and to establish rates, rules, and regulations for franchises granted under this section.

33. Gargabe. To regulate or prevent the throwing or depositing of any dirt, garbage, trash, liquids or any unwholesome substance in any public place and to provide for the proper disposal of such material.

34. Grants-in-aid. To accept gifts and grants of federal or State funds from the Federal or State governments or any agency thereof and to expend the funds for any lawful purpose in accordance with the conditions under which the gifts or grants were made.

35. Hazardous Materials. To provide regulation of the manufacture, storage and transport of hazardous materials, including, but not limited to, toxic chemicals.

36. Health. To protect and preserve the health of the City and its inhabitants; to prevent the introduction of contagious diseases into the City; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate all buildings structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the State Secretary of Health and Mental Hygiene, the County Board of Health, or any public general or local law relating to the subject of health.

37. Historic Preservation. To provide for the preservation, maintenance, restoration, rehabilitation, and promotion of historic sites and structures.

38. House Numbers. To regulate the numbering of houses and lots and to compel owners to renumber them, or in default

thereof to authorize and require the work to be done by the City at the owner's expense, such expense to constitute a lien upon the property collectible as municipal taxes.

39. Jail. To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the City and other laws or to use the county jail for such purposes.

40. Legislation. To sponsor, promote and otherwise advance legislation at any level, including County, State and Federal; and to expend funds and resources for the same.

41. Library. To establish, operate and maintain a library.

42. Licenses. To exercise the licensing authority granted to municipalities by the Constitution and laws of the State of Maryland, and to establish and collect fees and charges for all licenses and permits issued under the authority of this charter.

43. Liens. To provide that any valid charges, taxes, or assessments made against any real property within the town shall be liens upon the property, to be collected as municipal taxes are collected.

44. Lights. To provide for the lighting of the City.

45. Markets. To own, construct, purchase, lease, rent or otherwise to obtain and to operate and maintain public markets within the City.

46. Merit System. To establish a merit system in connection with the appointment of all municipal officials and employees not elected or appointed under the Constitution or public general or public local laws of the State.

47. Minor Privileges. To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, handbills and advertisements, and the display of goods, wares, and merchandise.

48. Municipal Infractions. To provide that a violation of any ordinance shall be a municipal infraction.

49. Noise. To regulate or prohibit unreasonable emanations of sound or noise within the limits of the City.

50. Nuisances. To prevent or abate by appropriate ordinance all nuisances in the City which are so defined at common law, by this charter, or by the laws of the State of Maryland, whether they be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the City of all trading in, handling of, or manufacture of any commodity, or any other activity which is or may become offensive, obnoxious, or injurious to the public comfort or health, to compel the owner(s) or occupants(s) of any premises or building within the limits of the City to abate any nuisance and to repair and restore the property to its condition prior to the activity constituting a nuisance; and after reasonable notice to the owner(s) or occupant(s) to authorize such

abatement to be made and/or such work to be done by the proper City employees or officials and to assess the expenses thereof against the property; and to make such charges a lien upon such property, to be collected in the same manner as municipal taxes or to make such charges collectible against the occupant(s) of said property.

51. Obstructions. To remove all nuisances and obstructions from the streets, lanes, and alleys and from any lots adjoining thereto, or any other places within the limits of the City; to compel the owner(s) or occupants(s) of any premises or building within the limits of the City to abate any nuisance and to repair and restore the property to its condition prior to the activity constituting a nuisance; and after reasonable notice to the owner(s) or occupants(s) to authorize such abatement to be made and/or such work to be done by the proper City employees or officials and to assess the expenses thereof against the property; and to make such charges a lien upon such property, to be collected in the same manner as municipal taxes or to make such charges collectible against the occupant(s) of said property.

52. Parking Facilities. To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off-street parking.

53. Parking Meters. To install parking meters on the streets and public places of the City in such places as by

ordinance shall be determined, and by ordinance to prescribe rates and provisions for the use thereof.

54. Parks and Recreation. To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the town.

55. Pensions and Retirement Systems. To provide a retirement or pension system or a group insurance plan for its officers and employees in any retirement or pension system operated by or in conjunction with the State, on such terms and conditions as State laws may prescribe.

56. Police Force. To establish, operate and maintain a police force. All town police officers, within the municipality shall have the powers and authority of constables in this State.

57. Police Powers. To prohibit, suppress, and punish within the City all vice, gambling and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness; and to enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of the municipality and beyond those limits for one half mile, or for so much of the distance as does not conflict with the powers of another municipal corporation;

to offer and pay rewards for information relating to criminal activity committed within the municipality.

58. Property. To acquire by conveyance, purchase, or gift, real or leasable property for any public purposes, to erect buildings and structures thereon for the benefit of the town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect, and maintain public buildings, grounds, and property of the town; and to take by gift, rent, bequest, or devise and to hold real and personal property absolutely or in trust for parks or gardens, or for the erection of statutes, monuments, buildings, or structures, or for any public use, upon such terms and conditions as may be prescribed by the grantor or donor, and accepted by the municipality; to provide for the proper administration of the same; and to convey the same when such legislative body determines that it is no longer needed for public purposes, subject to the terms and conditions of the original grant.

59. Quarantine. To establish quarantine regulations in the interest of the public health.

60. Regulations. To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of

Maryland or with this charter.

61. Rental Housing and Landlord-Tenant Matters. to provide for the regulations of rental housing, including, but not limited to, the regulation and control of rents, evictions, security deposits, the contents of lease agreements, conditions of all tenancies, physical condition and maintenance of properties, the licensing of rental units and landlords, the conduct of regular and special inspections for the enforcement of the City's housing and related ordinances, and all other necessary and appropriate enforcement measures.

62. Rewards. To offer and pay rewards for information relating to criminal activity committed within the municipality.

63. Salaries. To fix the salary or compensation of all municipal officers and employees.

64. Seal. To make, have, and use, and from time to time, alter, a common seal.

65. Sidewalks. To regulate the use of sidewalks and all structures in, under, or above them; to require the owner or occupants of premises to keep the sidewalks in front thereof free from snow or other obstructions.

66. Taxicabs. To license, tax, and regulate public taxicab operations, drivers, porters and all other persons pursuing like occupations.

67. Voting Machine. To purchase, lease, borrow, install, and maintain voting machines for use in City

elections.

68. Ward Redistricting. To provide for the redistricting of the wards of the City; provided, however, that the number of wards shall be as set forth in this charter, wards shall be as nearly equal in population as is practicable and apportioned consistently with the principle of one person/one vote, wards shall be geographically contiguous, ward boundaries shall to the extent practicable recognize natural boundaries, and no ward shall be gerrymandered to ensure the election or defeat of any incumbent candidate or potential candidate.

69. Zoning. To exercise the powers related to planning and zoning conferred upon the City by the law of the State of Maryland.

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

(Effective September 15, 1987)

TP#9
TP48.PCA1-17

VOIE: COUNCILMEMBERS d' EUSTACHIO, HANEY, IDINGS-AYE ,
COUNCILMEMBER BRADLEY ABSTAINED
COUNCILMEMBERS LEVY, WILLIAMS - ABSENT

Introduced By:

RESOLUTION #1987-63

WHEREAS, Joyce Schoepach is the owner of certain property located in the City of Takoma Park, Maryland, wishes to use an unimproved right-of-way known as Austin Place for construction access.

WHEREAS, the City of Takoma Park is willing to permit Joyce Schoepach to use this unimproved right-of-way, pursuant to an approved agreement (copy attached) submitted to the City and upon conditions of approval; AND

WHEREAS, the City is willing to enter into a Public Right Of Way Access Indemnity Agreement with Ms. Schoepach, stipulating that in the event of damages to Austin Place, the same will be restored to equal or better condition at the sole cost and expense of Joyce Schoepach; AND

WHEREAS, the City wishes to be protected and indemnified against any and all harm as a result of lawsuits or actions arising in whole or in part out of Ms. Schoepach's use of the right-of-way.

NOW THEREFORE, BE IT RESOLVED, that the language of the Public Right of Way Access Indemnity Agreement reflects that Joyce Schoepach will agree to place into escrow a security deposit in sufficient amount to cover any damages which might be incurred as a result of Schoepach's construction and to prove to the satisfaction of the City that she holds sufficient insurance to cover any liability incurred through her use of Austin Place; AND

BE IT FURTHER RESOLVED, that Ms. Schoepach will refrain from use of the property until the time of settlement or November 1, whichever occurs sooner. The City Administrator is to notify property owners at least ten (10) days before construction is to begin; AND

BE IT FURTHER RESOLVED, that the City Administrator is not authorized to enter into Public Right of Way Access Indemnity Agreement with Joyce Schoepach until either the sale of the property has been concluded through settlement or November 1, 1987, whichever occurs sooner.

Dated: July 27, 1987

PUBLIC RIGHT OF WAY ACCESS
INDEMNITY AGREEMENT

This Agreement is made and entered into this ____ day of _____, 1987 by and between Joyce Schoeppach and the City of Takoma Park, Takoma Park, Maryland.

WHEREAS, Joyce Schoeppach is the owner of certain property as shown on a map attached hereto and Schoeppach wishes to use an unimproved right-of-way known as Austin Place for construction access.

WHEREAS, Joyce Schoeppach agrees to indemnify and hold harmless the City of Takoma Park from any damage.

NOW, THEREFORE, the parties agree as follows:

1. The City of Takoma Park shall permit Joyce Schoeppach access for construction through Austin Place right-of-way, pursuant to an approved agreement submitted to the City of Takoma Park, and the length of time for such construction shall be completed within the time frame specified by the building permit excluding any extensions; and

2. That Joyce Schoeppach agrees to install a stabilized construction entrance using filter cloth and two (2) inch stone, and a silt fence in accordance to the State of Maryland sediment and erosion control specifications; and that the location of the stabilized construction entrance and silt fence shall be determined by City of Takoma Park Public Works Director; and that these sediment controls shall be inspected by the City of Takoma Park Public Works Director or the Directors representative to ensure that they are properly maintained; and

3. That Joyce Schoeppach agrees upon completion of construction that all materials associated with the stabilized construction entrance and silt fence shall be removed; and all areas disturbed by the stabilized construction entrance and silt fence shall either be seeded and mulched and/or sodded as specified by the Director of Public Works; and

4. In the event there is any damage to Austin Place, the same will be restored to equal or better condition at the sole cost and expense of Joyce Schoeppach; and

5. In the event such damage is not promptly repaired by Schoeppach, the City may undertake to make repairs itself or may contract to make such repairs and the entire cost thereof shall be charged to Schoeppach, and such charges may be collected through the imposition of a tax lien against Schoeppach or any property owned by her; and

6. Schoeppach agrees that she shall indemnify and hold harmless the City of Takoma Park (including attorneys fees) in any lawsuit or action against the City arising in or in part out of Schoeppach's construction; and

7. Schoeppach agrees to place in escrow in the amount of \$500 towards any liability which might be incurred as a result of her construction; and

8. Schoeppach agrees to use only those contractors who can demonstrate proof to the City of Takoma Park that they have general liability insurance; and

IN WITNESS WHEREOF, the parties hereto do hereby execute this Agreement on the day and year first above written.

Joyce Schoeppach, Owner

By: James S. Wilson, Jr.
City Administrator
City Of Takoma Park

STATE OF _____

COUNTY OF _____

On this ____ day of _____, 1987, before, me _____, Notary Public in and for the State of _____, County of _____, personally appeared Joyce Schoeppach, known to me to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

(seal)

ORDINANCE #1987-

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

- SECTION 1. THAT the City Clerk shall call a meeting of the citizens for the nomination of candidates for Mayor and Councilmembers on Tuesday, September 29, 1987, at 8:00 PM in the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland; the said meeting shall be conducted as prescribed in the City Charter; AND
- SECTION 2. THAT a City Election shall be held at the Municipal Building on Tuesday, November 3, 1987, between the hours of 7:00 AM and 8:00 PM for the purpose of electing a Mayor and seven Councilmembers. The Mayor shall be elected at large, and one Councilmember from each ward shall be elected by the voters of that ward only. The election shall be conducted by voting machines and, as nearly as practicable, all laws and regulations governing the use of voting machines in Prince George's County elections shall apply. Absentee voting shall be available as set forth in the Charter; AND
- SECTION 3. THAT the City Clerk shall arrange with the Supervisors of Elections of Prince George's County for the use of eight voting machines at the said election, with a separate machine for the exclusive use of each of the seven wards, and an eighth for use only in the event of malfunction. The City Clerk shall place the names of the candidates nominated for Councilmember at the Citizens' Meeting on separate ward voting machines, with each machine displaying the names of candidates for one ward only, and shall place the names of persons nominated for the office of Mayor on all voting machines; all of the names of candidates nominated at the Citizens' Meeting shall be so placed, except any who within three days thereafter may have filed in writing with the City Clerk a declination; AND
- SECTION 4. THAT the Clerk shall cause a notice of the Citizens' Meeting and the City Election to be inserted in the Suburban Record and the Prince George's Post-Sentinel during the two weeks prior to September 29, 1987. In addition, the Clerk shall have inserted in Suburban Record and the Prince George's Post-Sentinel, during the week preceding the election, a facsimile of the arrangements of the names and wards which will appear on the voting machines; AND
- SECTION 5. THAT voter authority cards and lists shall be prepared for each ward separately, bearing the names, addresses and election wards of all eligible voters as certified by the Boards of Supervisors of Elections for Prince George's and Montgomery Counties, and supplied to the Judges of Election on election day; AND
- SECTION 6. THAT the Clerk shall recommend to the Mayor and Council the names of twenty-eight persons for designation by the Council as Judges of Election; AND
- SECTION 7. THAT the Judges of Election shall meet in the Municipal Building as a Board of Election at 7:00 PM, Wednesday, November 4, 1987, and shall determine and certify the results of the election, as provided in the City Charter; AND
- SECTION 8. THAT the Mayor and Council shall meet in Special Session at 8:00 PM, Wednesday, November 4, 1987, to receive the certification of the election from the Judges.

1st Reading: July 27, 1987
2nd Reading:

Introduced By:

ORDINANCE #1987-___

WHEREAS, in 1975, the Takoma Park City Council decided by resolution not to adopt the Montgomery County Landlord-Tenant Relations Act regarding rental unit licensing and inspection programs and rent control; AND

WHEREAS, Mr. Richard E. Ferrara, Director of the Montgomery County Department of Housing and Community Development informed Takoma Park's Mayor and Council that the City must take an action to exempt itself from Chapters 26 and 29.

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

SECTION 1. That the Mayor and City Council of Takoma Park, Maryland, prefers to continue to operate its own landlord-tenant and housing code enforcement programs; AND

SECTION 2. pursuant to the authority conferred by Article 23A of the Annotated Code of Maryland and by Section 2-96 of the Montgomery County Code, the City of Takoma Park, Maryland hereby exempts itself from Chapter 26, "The Housing Code" enacted by Montgomery County; AND

SECTION 3. pursuant to the authority conferred by Article 23A of the Annotated Code of Maryland and by Section 2-96 of the Montgomery County Code, the City of Takoma Park, Maryland hereby exempts itself from Chapter 29, "The Landlord-Tenant Relations Act" enacted by Montgomery County; AND

SECTION 4. that the City Administrator is hereby authorized to forward this Ordinance, upon adoption, to Mr. Al McArthur, Assistant County Administrative Officer of the Montgomery County Government; AND

SECTION 5. that this Ordinance becomes effective upon adoption.

Dated: _____

Introduced by:
Drafted by: Phyllis J. McDonough

Adopted: July 27, 1987

RESOLUTION NO. 1987-66

Resolution to nominate one primary and one alternate representative from the City of Takoma Park to serve on the Montgomery County Community Development Advisory Committee.

WHEREAS, Montgomery County is seeking applicants to serve on the Community Development Advisory Committee to assist the Department of Housing and Community Development in reviewing requests for Community Development Block Grant (CDBG) funds and making recommendations to the County Executive on use of the funds; AND

WHEREAS, Montgomery County is seeking representatives from a wide variety of sources to represent a broad cross-section of interest in Montgomery County's community development activities; AND

WHEREAS, the City of Takoma Park has received and anticipates receiving federal CDBG funds through Montgomery County for Fiscal Year 1988-89; AND

WHEREAS, the names of primary and alternate nominees have been submitted to the Mayor and Council by the Takoma Park CDBG Citizen's Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED THAT the following primary representative and alternate representative are hereby recommended by the Mayor and Council of the City of Takoma Park to serve on the Montgomery County Community Development Advisory Committee:

<u>Name</u>	<u>Address</u>	
Nancy Stefanski,	709 Auburn Avenue	Primary
		Alternate

BE IT FURTHER RESOLVED THAT this recommendation be communicated by the City Administrator or his designee to the Montgomery County Executive for his consideration.

Introduced by:

1st Reading: July 27, 1987

2nd Reading:

ORDINANCE NO. 1987-

An ordinance to amend the Personnel Classification System

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

SECTION 1. New Position classes and change in GRADE. The grade structure adopted by Ordinance No. 1986-53, Section 2, as amended is amended to add and delete the following positions:

GRADE JOB CLASSES

GRADE 1 :

GRADE 2 : Custodian

GRADE 3 : Laborer; Clerk Typist I;

GRADE 4 : Account Clerk I; Library Shelver; Communications Dispatcher; Assistant Driver; Police Records Clerk;

GRADE 5 : Recreation Aide; Tool Library Attendant; Equipment Operator I;

GRADE 6 : Account Clerk II; Secretary; Personnel Clerk; Library Assistant; Recreation Specialist; Driver Foreman; Equipment Operator II; Clerk Typist II;

GRADE 7 : Administrative Clerk I; Playground Coordinator; Equipment Operator III; Code Enforcement Officer I; Police Private;

GRADE 8 : Administrative Clerk II; Executive Secretary; Gym Supervisor; Police Private First Class; Tree Maintenance Foreman; Building Mechanic; Mechanic; Community Development Coordinator;

GRADE 9 : Account Supervisor; Administrative Supervisor; Deputy City Clerk; Police Affairs Specialist; Police Corporal; Parks Foreman; Street Foreman; Housing Coordinator; Master Mechanic; Housing Rehabilitation Construction Coordinator;

GRADE 10 : Librarian; Police Sergeant; Sanitation Supervisor; Street Supervisor;

GRADE 11 : Youth Outreach Worker; Recreation Supervisor; Code Enforcement Supervisor;

GRADE 12 : Assistant Library Director; Police Lieutenant; Cable TV Coordinator; ((Shop Supervisor));

GRADE 13 :

GRADE 14 : Police Captain (Deputy Chief); Assistant Public Works Director; Director of Economic & Community Development;

GRADE 15 : Library Director; Recreation Director; Director of Housing Services;

GRADE 16 : Assistant City Administrator;

GRADE 17 : Police Chief; Public Works Director;

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon enactment.

NOTE: ((double brackets)) indicate matter to be deleted from existing code language.

Underlining indicated new matter to be added to existing code language.