

CITY OF TAKOMA PARK, MARYLAND

PUBLIC HEARING

on

Silver Spring/Takoma Park Traffic Study and Impact

and

SPECIAL SESSION

September 8, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Mayor Pro Tem Iddings	Deputy City Clerk Jewell
Councilmember d'Eustachio	Div. of Ec. & Comm. Dev. Dir. Neal
Councilmember Haney	Police Chief Fisher
Councilmember Levy	
Councilmember Sharp	
ABSENT: Councilmember Bradley	
Councilmember Williams	

The Mayor Pro Tem and City Council convened at 8:05 P.M. on Tuesday, September 8, 1987, in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of conducting a Public Hearing and Special Session. Following the pledge, Mayor Pro Tem Iddings related that Mayor Del Giudice was detained teaching a class and was expected to arrive at a later point in the meeting, and that Councilmember Bradley was out of town due to family illness. He explained that testimony would be heard during the Public Hearing segment of the meeting, but no Council decisions would be made; the testimony would then be considered and discussed in worksession, with a decision made concerning the City's position on the issue and direction given to staff for the preparation of appropriate documents and resolutions. He said those resolutions would then be adopted at the September 14 regular meeting.

PUBLIC HEARING:

Silver Spring/Takoma Park Traffic Study and Impact.

Daniel Neal, Director of the Economic and Community Development Division, related background of the issue, explaining that County Executive Kramer had put forth a package of proposals related to the revitalization/redevelopment of Silver Spring which would increase the development capacity of the area and create other changes. He commented the program was complex, however, noted several significant segments, including the amendment to the adopted FY 1988 Annual Growth Policy, which he explained was the way the county implements its Adequate Public Facilities Ordinance and one of the ways it controls growth in the county. He noted the amendment had been proposed in several forms, all of which were pending before the County Council. Additionally, he made note of an amendment to the Sector Plan for the Silver Spring Central Business District and Vicinity, which would do several things, including raising transportation staging ceilings -- altering the number of jobs, or the amount of office space which could be built, in certain areas of the Silver Spring Business District. Mr. Neal also noted a bill proposed by the County Executive to implement a Transportation System Management Program in the Silver Spring Business District which would entail incentives for transit riders, enhancements for car-pooling, ride-sharing, etc. He said a fourth key component, the proposed Road Plan, Mr. Neal said was considered by some as a means of mitigating some of the increased traffic volume that would be generated by increased development. Mr. Neal said what was proposed amounted to an overall increase in commercial density in the Silver Spring area, as well as some increase in housing, which would mean a very substantial increase in the number of vehicles traveling through Takoma Park. He explained that the Planning Board and County Planning staff had reviewed and worked over the various documents of the proposal and those were now before the County Council in several forms; the County Council would be holding Public Hearings to receive public input on September 15 and 17, prior to making any decision. He commented that the County Council's decision would impact the lives of everyone living in neighboring communities, such as Takoma Park, and the purpose of the present hearing was for the City Council to receive community input which would then be carried forth to the County Council. Mr. Neal related that the County Execu-

tive's proposal had not been put forth as a complete package, had been presented piecemeal, and as it became increasingly clear that what was being proposed would seriously impact neighboring communities, pressures were brought to bear on the City to sit up and take notice. At that time, the decision was made to allocate \$5,000 for the purpose of hiring a traffic consultant to perform an impact study; an RFP was sent out and 3 bids were received, with Erdman & Associates offering not only the best price, but a proposed study that appeared to be in the best interest of the City. He noted that the price of the study was higher than originally anticipated, amounting to \$8,340; and that a copy of the complete study would be available for public examination at the Library, as well as copies available for a nominal fee at the Treasurer's window in the Municipal Building.

Mr. John Erdman, Erdman & Associates:

Mr. Erdman commented it had been a pleasure undertaking the study for the City and remarked that, from a professional traffic engineer's point of view, the questions involved were very complex. He said while the study contained a lot of numbers and figures, he would be available to citizens and the City to explain those, as well as the results of his study, in detail. Mr. Erdman explained that his major charge had been to examine proposed mitigations to the Silver Spring CBD which would increase the number of jobs and determine what the severity of their impact would be on the road system through Takoma Park; he said that involved measuring the magnitude and severity of the impact of traffic on the City's road system. He pointed out the issue was two-sided in that officials would have to consider not only the results of his study, but the merits of redevelopment in Silver Spring. As a matter of personal judgment, he said he felt there were benefits to the proposed redevelopment. He pointed out there was a lot of confusion concerning transportation management; that numbers were cited without explaining what they really meant, and that assumptions were made and treated as factual. He explained that the Transportation Management District would use a set of strategies to try to control the level of traffic that would result from redevelopment, and pointed out that he had done a reverse analysis setting forth what would happen if those strategies were not effective, e.g., if transit use did not increase from 20% to 25%, for each percent that that goal was not achieved, a one percent increase in traffic would occur on the City's streets. Concerning auto occupancy, for each 1% that was not achieved, there would be a .6-.7% lack of achievement. Thus, he said, if neither of these goals were achieved, there would be an 11.4% increase in traffic. Assuming the goals of the strategies were achieved, he said his numbers would be lower than if the goals were not achieved, and to the degree that they were not achieved, factors in his report could be used to measure what the impact would be on the City. He said while diversion of traffic had been talked about, specifics had not been defined; he had had to make assumptions, very conservative ones, in doing his study. Mr. Erdman touched briefly on various points of the study, pointing out he felt the incentives proposed for changing people's travel mode and generating ride-sharing were marginally economically advantageous and he expressed doubt that they would achieve the desired results. He summarized the adverse impact of anticipated increased traffic volume on key City intersections during rush hours that would result from the proposed redevelopment and accompanying 13,500 increase in jobs. Responding to Councilmember d'Eustachio, he explained that Level F, referring to intersections, basically indicated that one wouldn't have much chance of getting through that intersection on one cycle of the light -- it indicated a high level of congestion; 7 out of 12 key intersections in the City would likely go to that level during the p.m. rush hours and 6 in the a.m., based on 13,500 additional jobs in the area (currently, 2 out of the 12 intersections are at Level F in the p.m., 1 out of 12 in the a.m.).

Silver Spring/Takoma Park Traffic Coalition:

Jim Douglas, Chair of the group, introduced himself and explained that when the proposed Silver Spring redevelopment first surfaced, two groups formed -- one in Silver Spring, and one in Takoma Park -- those had since merged, however, numerous subgroups remained within the coalition, including the Takoma Park Working Group. He noted that the

position that would be presented in testimony was essentially a consensus of citizens and citizens' associations in the City, and that Bill Leary and Marc Elrich, both of whom had done an enormous amount of work on the issue, would be presenting testimony at the present hearing, as well as before the County Council the following week.

Bill Leary, Vice-President of the Silver Spring/Takoma Park Traffic Coalition, stated that the coalition, along with the Takoma Park Working Group, represented every civic association in the area that had taken a position on the issue. He said what he and Mr. Elrich hoped to do was explain briefly why so many people had contributed thousands of dollars and thousands of hours, during the worst summer in recent memory, to the effort. He said he wanted to emphasize at the outset that Sidney Kramer was not the issue -- that the proposal that had been made on behalf of the County Executive to massively overdevelop Silver Spring was the issue. Additionally, he strongly emphasized that the groups did not oppose redevelopment of Silver Spring, in fact, supported such revitalization; however, said the consensus was that the massive overdevelopment proposed by the County Executive, rather than revitalizing Silver Spring, would choke to death the restoration that was already well under way. He noted the groups had endorsed the Petrie Development proposed for the Hecht Company site, which would bring 85 new shops, theaters, restaurants, etc., to downtown Silver Spring -- what they wished to prevent was turning the area into another Tyson's Corner or Crystal City. He commented that the rationale for the County Executive's proposal appeared to be that virtually unlimited development equated with revitalization, which was simply not true. He pointed out that similar situations were being debated in other areas across the country, and that what massive overdevelopment amounted to was gridlock in the streets of both the area being redeveloped and the surrounding communities, leading inexorably to the deterioration of the surrounding residential neighborhoods. He said the basic, inescapable fact was that the entire transportation system, including Metro, would not be able to handle the additional level of traffic that would be generated by the County Executive's proposal. Referring to a graph and citing statistics from the County Executive's proposal, Mr. Leary pointed out, based on extrapolation from that information, that a 60% increase in the number of automobiles trying to get into and out of Silver Spring daily was anticipated -- they would not be able to use Colesville Road or Georgia Avenue, as they would want to do, because those roads were already operating at capacity; thus, the logical routes those vehicles would find would be through surrounding neighborhoods. He quoted from a Park and Planning report which stated that the County Executive's proposal "would give Silver Spring the worst level of service for vehicular traffic, on the average, of any policy area in the county." Mr. Leary noted that even Mr. Kramer recognized that his proposal would create traffic problems, so had made 3 basic proposals for dealing with those problems, i.e., 1) to create in the middle of downtown Silver Spring a brand new Group 6 policy area which would, essentially, state that since the problem will get much worse, what is acceptable must be redefined -- in other words, a new level of what is acceptable in the way of traffic congestion will be formulated -- something comparable to mid-town Manhattan; 2) a group of incentives embodied in a Transportation Management System, the purpose of which is to persuade people to use public transportation and carpools; he said the problem is that the County Executive is making a lot of assumptions about this and asking the County Council to make irrevocable decisions about the future of the area based on the assumption that the incentives will work, despite the fact they have not been demonstrably effective elsewhere; 3) a road plan, which he said was sometimes referred to as the "fugitive road plan," because it had been some time before it was made available to the public and had been changed a number of times. He commented that Marc Elrich would be explaining that plan.

Mr. Elrich remarked that Mr. Leary's comments about the road plan were quite apt; he said that plan was so changeable that Planning Staff had recommended it not be included with the AGP, but that it be a part of the Sector Plan amendment process. He said it appeared the County Executive thought his proposal would be bringing to fruition

the goals set forth in the 1975 Sector Plan for Silver Spring, a compact between the community, the business sector, and the government to provide a level of development in the area that was compatible with certain standards in the community. He pointed out major deviations from the goals of that original plan, including the fact it recommended that all through traffic should be contained to Colesville Road and Georgia Avenue; diversion routes were specifically rejected because those would bring an unacceptable level of traffic into residential areas surrounding the Central Business District. Additionally, the Sector Plan stated that whatever development occurred should be tied to adequate public facilities, i.e., development should be compatible with the road system and not grossly exceed its capacity -- maintaining the balanced relationship between public facilities and development was the intended means of protecting the community. Referring to charts and other visual depictions, Mr. Elrich pointed out that when the Sector Plan was formulated, its authors built in incentives for developers to gather large parcels, however, it was envisioned that the area would be developed to 50% of its capacity -- not 100% -- the plan envisioned a total of 6.7 million square feet of office space (6.1 square feet of office space is currently existing, if the Petrie Project is approved, the level will be at 6.4 million square feet of office space -- pretty close to what was originally intended). However, if the County Executive's proposal for 13,500 jobs is approved, that will equate with another 2 million square feet of office space, which will substantially exceed the original vision of the Sector Plan. He pointed out there was currently a deficiency in both the type and quantity of retail space envisioned in the Sector Plan, and as far as multi-family housing, that was virtually non-existent in the CBD. He said the original intent of the planners was to incorporate enough housing in the CBD that there would be life in the area after office hours; what the County Executive was proposing would provide lots and lots of office space and street-life death after 5 P.M.; the possible additional 1,000 housing units would not bring the level even close to the 12,000 called for in the Sector Plan. He said he hoped to dispel the notion that those who oppose the County Executive's proposals oppose the either Sector Plan or bringing it to its intended fruition. Mr. Elrich referred to having met Mr. Kramer and members of his staff the prior week, at which time a new version of the road plan was unveiled which would make Fenton Street a diversion route for Colesville Road traffic -- bringing vehicles from Colesville onto Fenton, around the CBD, and out the other end. He pointed out that proposal had been specifically rejected during formulation of the 1975 Sector Plan because it would bring traffic out into the residential neighborhoods that abut the Central Business District, and that would directly oppose the plan's goal of maintaining the integrity of the community. He noted that traffic from Fenton Street would leak into the East Silver Spring/Takoma Park neighborhoods and over to Piney Branch Road, with resulting increased traffic volume and intersection congestion. Addressing cordon capacity points on a map, Mr. Elrich pointed out that to the south, toward the District, the capacity of the roads and intersections was virtually untouched because those using the Silver Spring area do not live in that direction, while Colesville Road and Georgia Avenue northbound sustain very heavy use, and housing development out those roads continues to escalate. Were the County Executive's proposals approved, he said he did not see any alternative to traffic overflowing into and through residential neighborhoods. Mr. Elrich said Mr. Christeller and a couple of members of the County Council had been approached by the coalition with a request that group felt to be reasonable, i.e., that the Sector Plan review scheduled to begin in the Fall and be presented to the County Council on July 1, 1989, should go forward first. He said when that review was done, all the neighborhoods that were a part of the plan would have an opportunity for input about the use of their roads; when the actual capacity of the road network was determined, then assumptions could be made about the development capacity of the Central Business District. On the other hand, if it were decided to proceed with what the County Executive was proposing, then the road plan would ultimately have to conform with, and be capable of supporting, that level of development and the amount of additional traffic that would be generated -- a clear case of the tail wagging the dog. He stated that the consensus of the coalition was that a deter-

mination should be made concerning the level of development the infrastructure would support, and then the core area appropriately zoned so that the core would not be overbuilt and the surrounding infrastructure would not be overtaxed. He said, had the county ensured that the Sector Plan review was done in a timely and orderly way, development could have occurred more as envisioned and they would not be in a position to be pressed by the developer to accept additional office space in order to get the retail space that was desirable. He said that while some claims had been made that the County Executive's proposal would reduce the vehicular volume in the area, if a totally accurate comparison were made, the 16,560 vehicle capacity cited in the 1975 Sector Plan would be increased by 1,440 by Mr. Kramer's proposal.

Daniel Neal inquired what impact, if any, the proposed development was expected to have on D.C., and whether it was thought that government should be brought into the discussions; Mr. Elrich responded that D.C. had chosen to follow a path traffic-wise that protected their residential neighborhoods. He pointed out that on 16th Street, which formerly had a swing lane, they had eliminated that lane and put in a median strip with two lanes of traffic in each direction, and had taken similar measures on other major thoroughfares. He said they had shown no propensity for widening their streets to accommodate inbound suburban Maryland traffic; however, that question was not addressed at all by the County Executive's plan. He remarked the county's attitude appeared to be philosophically consistent with a comment made by Mr. McGarry, Transportation Director for the county, when he was asked about the problem that would be created for areas like Takoma Park as a result of the diversion of traffic generated by Silver Spring development -- i.e., that was not the county's problem, it was outside their jurisdiction; their problem was the CBD. Mr. Elrich said there was nothing to indicate that the county had coordinated or planned with the D.C. government at all.

An unidentified male member of the audience inquired whether the increase in traffic would be sufficient to be noticeable to those driving to and from D.C. to work each day, for instance, on Piney Branch Road; he asked whether parking would be sufficient to handle the anticipated number of cars in the CBD and whether anyone had thought of limiting the amount of parking as a means of limiting vehicular traffic. Mr. Leary responded that the coalition would be proposing rigid limitations on provisions for longterm parking in the CBD; he commented that parking restrictions were mentioned in the Transportation Management District proposals submitted, but it was very unclear how stringent they intended to be on the number of long-term parking places provided. Concerning how noticeable the additional traffic would be, he said Park & Planning had stated what could happen in relation to Colesville Road and Georgia Avenue, for instance, would be 1 mile backups/10 minute delays just to get through one traffic light on Georgia Avenue, and 1/2 mile backups/5 minute delays on Colesville Road. He said he had no doubt at all in his mind that people would find ways of circumventing those bottlenecks, and those ways would be through the residential neighborhoods -- and that would be despite whatever "No Right Turn" signs or other traffic control measures the county chose to impose -- it wasn't likely they would assign a policeman 6 hours a day at each intersection. Mr. Elrich concurred with Mr. Leary's comments, and remarked that developers were not happy with limitations on parking suggested in the Transportation Management District proposals, thus, he doubted they would respond favorably to any proposal for more stringent limitations on parking. He said while he would favor very limited or no parking, and it would do away with the need for incentives for Metro ridership and carpooling, he did not think the concept would be accepted.

Mr. Leary summarized the coalition's position, which he said they felt to be reasonable and hoped the City Council would support and carry forth to the County Council. He reiterated the request that the Sector Plan Review which should have been done several years ago be accomplished prior to the making of any major, irrevocable decisions about development of the area, and that full citizen participation and a careful, objective analysis of all aspects of the situation be a

part of the process. He said he felt confident that working through such a process with the County Executive and the experts at the Planning Board, a revision of the plan for Silver Spring could be formulated that would put an end to the discord and anger that had been generated by the County Executive's proposals. In the meantime, he said the coalition would ask that the County Council reaffirm the standards of what was acceptable traffic congestion in Silver Spring and Takoma Park -- the same standards set forth in the 1975 Sector Plan, which have been in Silver Spring since that time, and are still in effect in every other urban area in the county. He commented the peculiar rationale seemed to be that since Silver Spring has the best transportation system in the county, they should suffer the worst level of traffic congestion. Even if the County Council adhered to the existing standards of what was fair and reasonable, there would remain 4,763 jobs unallocated and available to stimulate new development during the period of time required to complete the Sector Plan update -- those would amount to a 16% increase over what is already approved but not completed. Mr. Elrich commented that the reason the coalition had not come up with an alternative proposal concerning the number of jobs was that they want that figure to be the result of a real process and appropriate zoning, and not just a compromise number picked out of the air. Mr. Leary pointed out that the 4,763 jobs were more than enough to accommodate the Petrie proposal, which would bring new retail to the area, as well as the new NOAA buildings, which many in the county bureaucracy think are essential. He said the coalition also felt the County Council should reaffirm the existing standards for local area review which the County Executive's proposal, in effect, would gut; those standards should be reaffirmed so that the Planning Board would continue to have the ability to assess the impact of proposed development on the local traffic situation. He said the proposal for construction of additional housing in downtown Silver Spring was strongly supported by the coalition -- that it was the sort of redevelopment they felt should occur; it would generate far fewer traffic problems than any other kind of development and would truly revitalize the area. In general, he said they endorsed the proposal for the use of incentives to increase use of public transportation and carpools, however, felt those could be improved upon to some extent. In conclusion, Mr. Leary noted 2 upcoming events in which he hoped people would participate, including, a demonstration at the corner of Georgia Avenue and Colesville Road on 9/10/87, and County Council hearings on the issue on 9/15/87 and 9/17/87; he emphasized the importance of a good turnout at the hearings, particularly, in order to demonstrate support for the coalition's position.

Testimony from Citizens:

Nancy Nickell, 6710 Westmoreland Avenue: said she had resided in the City for ten years; spoke against the redevelopment proposed in Silver Spring, saying it would lead to gentrification and displacement in housing, particularly for those renting. She addressed the upcoming 1988 phaseout of multi-family units in residences zoned for single-family occupancy -- said she and a number of others in her neighborhood would lose their homes when that deadline occurred. She said if there were any way possible, she hoped those on the City Council would recognize the unfairness of the situation and try to stop the county from enforcing the phaseout. She said while the City faces a number of threats, they do not come from people living quietly in accessory-type apartments.

George Leventhal, 710 Erie Avenue: addressed concerns people in his neighborhood, which is close to Flower Avenue, have about how the County Executive's plan would impact traffic on Flower Avenue, which is a state road. He asked that the City Council particularly pay attention to that roadway in the course of events, inasmuch as it is 2-lane, heavily traveled, residential and, he understood, would be slated to receive no protection at all under the County Executive's neighborhood protection plan. He said the neighborhood felt that traffic problems on that road were already severe enough to warrant some assistance from the state in terms of mitigating traffic, particularly at the intersections of Erie, Domer and Hudson Avenues. He said his neighborhood, in general, supported the position the coalition had adopted.

Kay Dellinger, 7333 New Hampshire Avenue: said Mr. Kramer's proposal would be a disaster for Takoma Park; the City's neighborhoods would be destroyed. She suggested that the Mayor and Council adopt a unanimous position against that proposal, and carry that forward in testimony before the County Council. She said she had called Prince George's County Councilman Tony Ciccoria, who represents the Prince George's section of the City on that county's Council, and she suggested that Mayor Del Giudice write him a letter asking for his help and support in opposing the proposed overdevelopment in Silver Spring. Before the Montgomery County Council hearings on the issue, she said the Mayor and Council should hold a press conference with all the local media to make public the City's unified opposition to Mr. Kramer's proposal. She said it should be made very clear that the City would never allow a diversion route around the Silver Spring Central Business District that would put additional traffic onto the streets of Takoma Park, nor should the acceptable standards for this area be any different from those for the rest of the county.

Andrew Euston, 501 Albany Avenue: commented he had listened to some of the meetings at Park & Planning concerning the issue; said the District's view of the situation would probably be that Georgia Avenue in their jurisdiction could benefit from having more traffic, and they would probably also like to see development around the Takoma Metro Station maximized, so he said he felt uncertain that much support could be expected from them. He noted that any consideration regarding D.C. had been omitted and the entire process, in his estimation, was flawed. He said he thought that going back to the point where there was a citizen review of the process was basic, and that the City Council in their testimony should point out the obvious flaws in the process to the County Council. Mr. Euston related that he had followed the transit station planning process since its inception and had participated in forming guidelines for HUD and DOT. He said the entire process through which the transit authorities had to proceed included front-end urban design analysis. He said that for Montgomery County was fairly watered down, and when it took place, a fairly important group of people reviewed the plan for Silver Spring, and they came up with a vision of what could be done that had some fairly reasonable parameters. However, he said, in that process they fell short of describing what the land uses should be; they essentially assumed that such things as traffic, job base, etc., would control the development but not be overly restrictive of what took place. He said in some jurisdictions, the County Executive's proposal could probably be categorized as criminal activity due to the lack of process, and that what was being perpetrated was really an outrageous form of decision-making -- was contrary to any sort of democratic process. He said while there appeared to be pressure to accept the redevelopment being proposed due to a perception that the developers might give up and go away, that there was no excuse for not going through an appropriate process and still getting the solid sort of retail development that was desirable.

Gregory Hamilton, 7600 Maple Avenue: said he was somewhat disturbed when he got a letter concerning the issue that was disseminated by the county government -- that he was not a resident of Silver Spring. The Mayor pointed out that even those in the City who live in the Prince George's sector, were identified as Silver Spring residents and received the letters. Mr. Hamilton said one of his concerns would be how the increased traffic volume and resulting delays would affect school buses, which already require children riding them to leave very early in the morning. He said the fact that people are opposed to the County Executive's proposal should not be construed that they are against jobs, but that the overall situation needed to be examined. He remarked that the statement had been made in hearings that anywhere there was a Metro station, development would occur, and noted that when the Prince George's Plaza Metro Station opened, the City would be facing serious problems with regard to traffic on Route 410 -- Metro runs north/south, but no one had examined what happens with traffic east/west.

The Public Hearing adjourned at 9:45 P.M., and upon motion made by Councilmember Sharp, duly seconded by Councilmember Iddings, the

elected body reconvened in Special Session.

SPECIAL SESSION:

1. Action on Folk Festival Insurance.

The Mayor explained that the Folk Festival Committee had approached the City asking that the elected officials deal with the matter of insurance to cover that event, which would be taking place the upcoming weekend. He said his recommendation would be that the City follow the committee's request, which would entail two actions. First, the City's policy would be extended to cover the event. He said Ms. Habada had informed him that could be done at no cost to the City. Another alternative which he said was suggested and which he would support, was to assist the Folk Festival in buying their own insurance. He commented that the Folk Festival Committee had recently revived their Articles of Incorporation; the corporation had no insurance and, if someone were injured at the event, the individuals who had helped organize and conduct the event might be subject to liability. He said it had been found through the City's insurance agent that the committee could buy about \$500,000 worth of liability insurance coverage for approximately \$250. He said his suggestion would be that the City give the committee a grant to enable them to purchase the policy. He noted that the proceeds of the event go to the Boys' and Girls' Clubs, and other worthy groups. Responding to inquiry, he stated that the extended coverage of the City's policy would cover the City in the event of legal suit, but not those on the committee who might be held liable. Councilmember Sharp remarked that, while he had not had a lot of time to consider the matter, he would favor the committee paying for their policy out of the proceeds of the event; the Mayor concurred that Mr. Sharp's point was a good one, and that perhaps in the future the committee could plan ahead and consider the insurance as an expense, however, it had not been anticipated and money budgeted to do so for the upcoming festival. Councilmember d'Eustachio moved that the City's policy be extended to cover the event and that a \$250 grant be given to the festival committee for the purpose of purchasing liability insurance to cover that body for the upcoming festival; duly seconded by Councilmember Levy. The motion carried, with Councilmember Sharp Abstaining, balance of Council voting Aye.

2. G & G Towing Company Contract (expires 9/8/87).

Ms. Habada explained that she and representatives of the Police Department had met with the contractor; she noted their first year contract with the City would be expiring soon, and that under the terms of the renewal, they had come up with certain costs that would amount to an additional \$2,600, which would reduce the amount the City has cleared annually in the auction sale of impounded vehicles (generally around \$5,000). She said she suspected that the contractor bid low in order to get the contract and now was coming in with adjustments for the second year. She pointed out that one way citizens would be impacted would be in their towing bill -- what the towing contractor had done was take the Montgomery County standard fee and increase it. She said, however, the relationship had been good with the company and she felt the Police Department's preference would be to continue the contract with G & G. Brief discussion ensued, during which Councilmember d'Eustachio expressed concern about the amount of towing charges for citizens, as well as substantial storage charges. Attorney Tom Gagliardo concurred with Mr. d'Eustachio's comments, noting that as far as the citizens would know, it would be the City charging them the exorbitant fees and not the towing company. He related having represented a client in a lawsuit whose car had been towed by the subject towing company, and said the company had displayed a lack of good judgment, as well as total disregard for individual rights, in that situation, which was settled out of court in favor of his client. He said he thought it should be investigated whether this was the particular towing company's usual way of conducting business. Additionally, he inquired whether the contract was put out to bid and, if so, what the results were. The Mayor responded that the renewal of the contract had not been put out to bid; Ms. Habada explained that the original contract made provision for continuation. Councilmember d'Eustachio commented that while he empathized

with the Police Department's desire to extend the contract because of their good working relationship with the company, he felt, given the scope of the increase in charges, that the contract should be sent out for rebid; Ms. Habada suggested that, if that were done, the current contract be extended at the increased rate for some specific period of time, e.g., 60 days. Councilmember Sharp remarked that any new contract should contain a provision that if renegotiation were going to occur, it be brought up a couple of months in advance of expiration so that the elected body would have some time to consider it, rather than being hit with it at the last minute. Attorney Brint Dillingham commented he, too, had been involved with the case mentioned by Mr. Gagliardo, and asked that if it were decided to continue with G & G, a stipulation be included in the contract to the effect that they cannot simply tow a car on a landlord's word without ascertaining that its owner has been given warning by the Police Department -- he said they should be sternly reminded of that fact.

Police Chief Fisher, having arrived at the meeting, was advised by the Mayor of what the consensus was concerning temporary extension of the contract and sending it out for rebid. The Chief said he did not anticipate that being a problem and hoped G & G would go along with that process. He commented that by and large the department had been very pleased with the professional service provided by G & G, particularly based on some prior unfortunate experience the City had had with towing service. He said he had nothing negative to say about the company's performance, and the very few citizen complaints that had been received were settled amicably. Councilmember Iddings moved that staff be authorized to extend the contract for 60 days at the increased rates and send the contract out for rebid; the motion was duly seconded, and carried by unanimous vote.

3. Police Consultant Services Contract (expires 9/4/87).

The Mayor explained that the Police Department had had a consultant working under contract, putting together some computer software and training packages, and the contract was due to expire shortly. Inasmuch as renewal/extension of the contract would involve an amount exceeding \$1,000, it would require the elected body's approval. Chief Fisher explained that a little over a year ago, his department had received a grant that allowed them to purchase the hardware and software required for inputting data on traffic accidents and its subsequent retrieval. He said training was provided for one of the police clerks and she did an admirable job, but there were some problems with data retrieval, and a consultant was brought in under contract to review the software and make some recommendations. He said that individual had had substantial success in getting data from the system that no one else in the department had the necessary knowledge to retrieve and, as she reviewed the software, she would be compiling a user-friendly manual so that others could also access data easily. Councilmember Sharp moved that authorization be given to extend the consultant's contract, duly seconded by Councilmember Haney; the motion carried by unanimous vote.

Upon motion by Councilmember Sharp, duly seconded by Councilmember d'Eustachio, the Special Session adjourned at 10:18 P.M.

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
September 14, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice
Councilmember Bradley
Councilmember d'Eustachio
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
ABSENT: Councilmembers Haney and Williams

Deputy City Clerk Jewell
Div. of Ec. & Comm. Dev. Dir. Neal

The Mayor and City Council convened at 8:10 P.M. on Monday, September 14, 1987 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Council Minutes of April 27, April 29, and May 6, 1987 were presented for approval. Councilmember Sharp noted a number of misspellings of names in those minutes, particularly Marc Elrich's, as well as typographical errors which he said he had indicated on his copy, which he would submit to the Deputy City Clerk for incorporation of corrections into the documents. He moved approval of the minutes, collectively and with the noted corrections, duly seconded by Councilmember Iddings. The minutes, with corrections, were approved by unanimous vote.

Mayor Del Giudice noted a vacancy on the City's Personnel Appeals Board, which hears grievances and other disputes raised by employees. He said it was hoped that seat could be filled quickly, and anyone interested in doing so should contact him. The Mayor extended thanks for the excellent job done by the organizers, committee members and volunteers who participated in the Folk Festival which was held the previous day.

The Mayor referred to the earlier creation by the City of a Gypsy Moth Task Force, and noted that Janice Martin who had coordinated efforts had submitted a list of names of individuals willing to serve. Based on that list, he nominated for appointment Herb Kaufman, David Lanar, Jane Lazon, Walter Nissen, Elly Porter, Fred Schultz, Mickie Riley, and Patricia Vitkovic; with Nancy Schultz and Charles Riley to serve as alternates. He remarked it was hoped that citizens' associations not already represented in the membership would submit names for appointment, inasmuch as the task force was considered to be an open organization and would like to have wide representation. The Mayor moved appointment of the aforementioned nominees, duly seconded by Councilmember d'Eustachio; the motion carried by unanimous vote.

The Mayor moved appointment of nominees Philip Boyer and Jay Bayerl to the Nuclear Free Zone Committee to serve two-year terms, duly seconded by Councilmember Iddings. Councilmember Sharp commented that while he had no objections to the aforementioned nominees, perhaps the Council should have some time to consider the appointments inasmuch as Mr. Bayerl was unknown to him and he would wish to examine and consider his application. The Mayor noted that Mr. Bayerl had applied for the position some time ago, however, his application was forwarded directly to Mr. Alpern who was out of the country for some time. Councilmember Sharp moved division of the appointments; the motion failed for lack of a second. Mr. Sharp stated he would be voting in the negative, based not on anything personal concerning either of the individuals, but because he did not feel it appropriate to appoint an individual whose application he had not had an opportunity to properly review. The motion to appoint both aforementioned individuals carried, with Councilmember Sharp voting Nay, balance of Council voting Aye.

RESOLUTION #1987-74
(attached)

The Mayor noted that while it had been intended to present an Award of Excellence in Accounting to the City's Accounting Division at the present meeting, due to logistical problems that presentation would be postponed until the next regular meeting.

ADDITIONAL AGENDA ITEMS:

Petition for block party on First Avenue (d'Eustachio)

Councilmember Sharp commented he would, at some point, be moving to postpone the vote on the Rent Stabilization level. The Mayor remarked perhaps that should be done presently. Mr. Sharp explained that Councilmember Haney was unavoidably absent due to work commitments and had requested postponement of a vote. Mr. Sharp moved postponement of the vote until the next regularly scheduled meeting. Councilmember Bradley inquired whether postponing the vote would alter the effective date of the ordinance, particularly if there were a change in the rent ceiling percentage. It was noted that the Council would be meeting prior to September 30, thus the effective date should not be affected. The motion to postpone carried with Councilmember Bradley voting Nay, balance of Council voting Aye.

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

Brint Dillingham, 7018 Carroll Avenue: inquired what agenda item #10, Budget Amendment No. 1, was about. It was pointed out there were copies available for the public in the information rack. He inquired whether any communications concerning rent stabilization had been received from landlords since the last Council discussion on the subject; the Mayor responded in the affirmative, stating that copies of those communications could be gotten from the Administrative Offices.

ITEMS FOR COUNCIL ACTION:

1. Presentation Regarding Pre-Admission Testing FLASH Addition to Washington Adventist Hospital.

For the record, the Mayor noted photographs and a blueprint pertaining to what was proposed had been received.

Mr. Kiltie Leach, Vice-President for Support Services at Washington Adventist Hospital, thanked the Mayor and Council for the opportunity to give his presentation reviewing the proposed expansion, which would be located adjacent to the hospital's main entrance. He said the addition would accommodate, centralize and facilitate the admitting process and would afford a pre-admission testing area. Referring to site plan drawings of the hospital and its campus, Mr. Leach explained the exact location of the proposed 1,450 sq. ft. expansion. He pointed out that the addition would not be visible to surrounding neighborhoods, and the construction would be of materials similar to those used in the main hospital building and canopy. He explained the hospital's reasons and rationale for construction of the facility, based primarily on overall changes in the health care industry and the shift in its focus from in-patient to out-patient care, the extent to which the change would facilitate the process for patients. Responding to the Mayor, Mr. Leach confirmed that the addition would be a single-level structure; there would be no underground excavation and upward expansion could not occur at a later point because so doing would block windows in existing rooms. Councilmember Bradley noted this would be the third change in the facade of the building on the main entrance side. She pointed out the drawings did not indicate the elevated walkway from the main hospital to the ambulatory care center and asked that Mr. Leach show where that would be in relation to the buildings, which he did. Ms. Bradley referred to her phone conversation earlier in the day with Mr. Leach, noting that while the two recently proposed changes were relatively minor, she had wanted assurance that the hospital did not have plans in the making for any upcoming major construction or changes. Mr. Leach explained that with the changes that are quickly and constantly coming to the health care industry, it was necessary to continually re-evaluate; he noted that the shift from in-patient to out-patient care had dramatically affected the use of space within the hospital facility, noting that bedspace in the institution had been reduced by 50 over the last couple of years, from a total of 350 to 300. He said the only other issue he was aware was being examined by the hospital was the possible combination of two of the intensive care units, which might possibly generate slightly more expansion; however, he said that had not gone through the system to the point that he would feel comfortable making any sort of presentation on it, however, said he was confident it would be

upcoming. Responding to Ms. Bradley, he said the intent of the changes were both to provide more comfort for patients and for ease of operation for the hospital. He said the addition, including some internal renovation to support it, would cost in the neighborhood of \$200,000. Ms. Bradley referred to the Family Health Clinic formerly located in the hospital, prior discussions that had occurred about it, and remarked she hoped it would at some point be reopened. Mr. Leach said there was not expected to be any increase in traffic or use at the hospital, but the traffic flow would be relocated to the main entrance. Ms. Bradley reiterated comments about the elevated covered walkway, said she did not like it because it intruded on the skyline, and was sorry the Planning Board considered it to be a minor change to the Special Exception. For the record, the Mayor noted receipt of a copy of a letter disseminated by the hospital to numerous citizens' associations and groups throughout the city. He thanked Mr. Leach for the presentation. Ms. Bradley commented that the storm drain repair project on Maple Avenue between Maplewood Avenue and the rear hospital entryway was nearing completion; she noted that project required the tearing up and replacement of sidewalks and was very costly to the City and WSSC, and that hospital users and employees use those areas, as well as the general public. She asked that Mr. Leach pass on a request to the hospital to share in those costs.

Brint Dillingham: commented that during discussions a couple of years ago about a hospital bond issue, it was stated that health care costs might possibly go down; he inquired whether those costs had gone down any within the last year. Mr. Leach stated that he believed WAH was about the norm as health care costs go, and costs had not gone down. Councilmember Iddings remarked that what he believed was said at the time of the bond issue discussions was that the rate of increase of health care costs might decrease -- not that health care costs would go down. Mr. Dillingham inquired whether health care costs at the hospital had gone up; Mr. Leach responded that he did not handle finances, however, such costs are set by a regulatory agency and he did not believe they had gone up, but was not qualified to respond unequivocally in that area. Mr. Dillingham inquired why the WAH presentation was the first item on the agenda; said he wondered what process placed that as the first item to be addressed. The Mayor responded that, generally, when there are people coming to make presentations, particularly if they are largely informational and will not require Council action, he tries to place them early on the schedule for the convenience of those people. He said that same process had been followed in relation to a number of presentations that had been made from time to time. Following that, he said items for second reading were generally placed next in priority, with first readings and resolutions following thereafter. The Mayor noted it was also a courtesy to guests who visit the City for the purpose of making presentations to place them early on the agenda. Mr. Dillingham stated he would wish to clarify, to avoid any future misrepresentations or misunderstandings, that his question was in no way directed at WAH, but at the City's internal process for setting priorities concerning the agenda.

2. Resolution - Council Action on Silver Spring/Takoma Park Traffic Impact.

The Mayor noted a rough draft of testimony he intended to present the following evening had been prepared; however, pointed out that due to time restraints, the draft was very rough and would be reworked the following day prior to presentation. He said what he wished to do was to go over points to be made concerning what the City did and did not support in relation to the issue. He read verbatim as follows:

"We favor the establishment of a Transportation Management District provided that the Silver Spring Transportation System Management Advisory Committee is expanded to include more citizen representation and is not given authority to develop or approve any road plans. We support the reservation of one thousand trips for commercial development outside the central business district in the remainder of the policy area. This will enable Takoma Park to continue its successful smaller scale commercial revitalization projects

in Takoma Old Town and Takoma Junction. We strongly oppose the amendment of the Silver Spring Central Business District Sector Plan and other plans at this time, favoring instead utilization of the sector plan review process already scheduled to begin this Fall. We strongly oppose the increase of transportation ceilings in the Silver Spring/Takoma Park Policy area through amendment of the annual growth policy. We support creative efforts to encourage the development of more housing and retail businesses in downtown Silver Spring. We support development of a plan of road improvements in the context of the sector plan update process. We oppose any road plan developed outside the sector plan and any diversion of traffic through residential neighborhoods. We support the linkage of increases in transportation ceiling to an achievement of transportation useage and auto ridership goals and the development and funding of an appropriate plan of road improvements in the sector plan. We oppose elimination of local area review in the Silver Spring Central Business District and we support the use of proposed incentives to increase the use of transit services in Silver Spring."

Concerning the development of more housing in Silver Spring, Councilmember Iddings commented he had concerns about the kind of housing that would be brought into Silver Spring; said his concern was that it would be upper income luxury type housing, which he did not think would fit in with the idea of a vibrant community that would be best served by a diverse mix of housing stock insofar as there is housing in downtown Silver Spring. He said he would like to see the language amended to suggest that the City supports housing for all income levels in Silver Spring CBD, not just the upper end of the income scale. Following additional discussion, Economic and Community Development Division Director Neal suggested inserting language stating that the City supported efforts to encourage development of more retail businesses and housing for people of all income levels. Councilmember Iddings concurred that wording addressed his concern. He commented he felt that what the City would not want to see would be a ghetto of Mercedes and Wine and Brie stores.

The Mayor moved adoption of the resolution that had been prepared, with an amendment that would authorize the delivery of the testimony set forth, particularly in reference to the major points that would be presented to the County Council. He noted that, as indicated earlier, there would be some editing of that testimony prior to its presentation. Councilmember Sharp duly seconded the motion.

Councilmember Iddings expressed concerns about some of the language in the testimony, stating he felt it to be unnecessarily cute and detracting from the kinds of points to be made. He said he felt some of the language wouldn't serve the City's interests in a lot of other issues besides the Silver Spring issue, pointing out that a number of people who had followed this issue thought that the County Executive was likely to prevail at some level, perhaps not the level that he was seeking. Mr. Iddings said it did not appear to him that many of the substantive positions that the City would be articulating were going to be highly successful. Based on that, and given the fact that there were many other issues on which the City needs to deal with Montgomery County, such as the size of rebates, additional services, additional development -- particularly at Flower and Piney Branch -- zoning issues, unification issues, a whole range of issues where it was necessary to seek cooperation, he said he felt that in any instances in which the language was unduly antagonistic, it should be toned down. Mr. Iddings commented that one of the things that Mr. Erdman's study indicated was that the City was in difficult straits with regard to the Philadelphia Avenue/Ethan Allen Avenue corridor; he noted the study showed that any kind of development on either end of the city -- either at Prince George's Plaza or in Silver Spring, would tip the level of service on a number of critical intersections on that route. He said that posed a difficult problem because, while the City was not opposed to the redevelopment of downtown Silver Spring, and many had at one point or another indicated support for some kind of redevelop-

ment there, that redevelopment would impact negatively on that major route through Takoma Park. He said he did not see any obvious way for the City to avoid that problem. Mr. Iddings said he felt one of the benefits of the traffic study was that it really outlined the scale of that problem, which was something that would have to be faced in the not too distant future. He pointed out that Philadelphia Avenue/Ethan Allen Avenue was inadequate to handle the level of traffic that presently travels it, and any development would significantly exacerbate its problems.

Councilmember Bradley commented that while she had been very curious about Mr. Erdman's final results, she felt it was known Philadelphia Avenue had problems. She said the whole issue really raised the question of tradeoffs and whether the City would always be against any development because of the impact on certain roadways, such as Philadelphia Avenue. Ms. Bradley remarked that she felt one of the major omissions from the whole scenario was the proper public relations -- the right kinds of information and education concerning what was proposed. She said those just did not come out soon enough, and what did come out was piecemeal and incomplete, such that people felt fearful, threatened and insecure. Ms. Bradley stated she did not believe that the County Executive or other personalities were the issue, but that what was wanted in Silver Spring was at issue and she was confident that some sort of development would take place. She said she understood that some years ago, Silver Spring was a thriving commercial area which served much of the lower county. She stated she would be voting in the affirmative; was perhaps not as much opposed to all of the proposals presented as some other members of the Council. She said that in her own neighborhood many people were concerned with the positive aspects of the redevelopment, such as increased jobs, potential for better housing and more housing opportunities in the nearby part of the county, especially if it were moderately priced. Despite the increasing awareness of the positive aspects of development, Ms. Bradley said people were very concerned about its impact on traffic, and that had been the issue that had mobilized and coalesced a number of people who don't normally agree. She said she believed she had remarked some time ago that if something like the proposed Silver Spring redevelopment occurred, the pressures to expand Route 410 from New Hampshire to Georgia Avenue would be like nothing the City had felt before when freeways and other things had been fought in Takoma Park. She said it was most unfortunate that traffic details and other in-depth explanatory material had not been presented to people, which would have probably relieved at least a part of the anxiety and fear being experienced, however, said she understood the National Oceanographic and Atmospheric Administration, whose construction was already underway and who would have 4,500-5,000 of the potential new jobs in the area, had handed out parking information to their present employees in Gaithersburg and Germantown and only very minimal mention was made in those handouts of public transportation. She emphasized how important it would be for employers to put serious pressure on their employees to utilize public transportation, however, said she personally questioned how effective that would be unless gasoline prices became prohibitive. She commented that while there had been talk about increased use of public transportation, the county's capital improvements budget did not call for increased purchases of buses, and nothing had been heard about adding new bus routes and/or increasing the frequency of buses during rush hour. She said she felt those sort of specifics would have to be addressed before people could feel comfortable enough to support the redevelopment, and a lot more answers would have to be provided than had been to date. In terms of the language of the Mayor's testimony, Ms. Bradley said inasmuch as he would be the one presenting it, she would not attempt to tell him what words to use; however, did think the specific substantive points should be emphasized, and she would suggest the addition of language indicating that depending upon what happens in the upcoming few weeks, the City would remain available to pursue discussions about how development could occur and still minimize negative impacts -- or at least have some understanding of what tradeoffs were going to be involved.

The Mayor pointed out that one of the more unfortunate aspects of the

situation would be that he would have only approximately 5 minutes to present his testimony, which would not allow for much elaboration, and the City's expert would only be allowed 3 minutes. Ms. Bradley commented that the process would continue, however, in terms of the lobby of specific Council people and the followup discussion. The Mayor agreed, noting there would be two worksessions -- one scheduled at the end of September, and one scheduled in the beginning of October, which he said would be very meaningful sessions, and the City would have to remain available to talk about the specifics of their traffic study and of other documents that would be studied by the County Council.

Jim Douglas: noted he was representing the Silver Spring/Takoma Traffic Coalition and the working group of Takoma Park citizens' associations. He said he was happy to support the position that the City Council appeared to be ready to take, that it seemed consistent with the position they had been asked to take and that the groups he was representing would be taking at the hearings. Mr. Douglas said he thought it was important to note somehow in the testimony that places like Takoma Park had particularly gotten short shrift in the whole planning process by the county, and that they may have tried to mitigate some of the effects of development in the immediate Central Business District and right around the Central Business District, but really did not address at all the effects on further out areas like Takoma Park, as well as the District and Prince George's County. He said he felt it important that the point be made that the county had simply done an inadequate job of analyzing the situation. Mr. Douglas emphasized the importance of people attending the upcoming hearings, particularly one at Northwood High School, and said energetic efforts had been made to notify the community. He requested permission for the posting of signs at two key intersections, on what he believed to be City-owned property -- by the Library at the corner of Maple and Philadelphia, and at the northwest corner of Philadelphia and Piney Branch. He explained the signs would not endorse a particular position, but simply notify people that there were upcoming hearings and to encourage attendance. He said the signs would be erected probably Wednesday, and would be taken down right after the Thursday night hearing, or early the following morning. The Mayor remarked that the posting of the signs was discussed in pre-Council session and consensus appeared to be that it would be alright, however, he said it seemed to be primarily an administrative decision and if someone would contact him the following day, a final decision could be reached.

Alice Eve Hottle: suggested that when Council was considering the way that the traffic was going, if two lanes were placed one above another, one direction one way and one the other, that would conserve space and keep the pollution in one direction, and large trees could be planted to keep the pollution from spreading out into the community. Additionally, she suggested that there not be outlets onto every street from major arteries.

The question was called; the resolution was passed by unanimous vote.

3. Consideration of Streetscape Plans for Erie/Flower/Piney Branch Commercial Revitalization.

Economic and Community Development Division Director Daniel Neal introduced Chuck Beard of the Montgomery County Department of Housing and Community Development and John Cusick of Greenhorne & O'Mara, whose firm was a consultant to the county on the project. Mr. Neal explained that this particular project dated back a long way, however, the portion lying within Takoma Park was the last to be addressed, and, largely due to some lobbying from the city sometime ago, the Erie/Flower area was to be included. He said final streetscape drawings for the areas within the city would be presented and it was hoped the Mayor and Council would vote their approval; the other component of the project would be facade improvements to the area, for which legislation was enacted at an earlier date. He commented that a tremendous amount of effort on the part of many had gone into plans for the project, noting the outstanding effort and cooperation from

Mr. Beard's department, numerous community meetings and citizen input, as well as the invaluable assistance from Councilmember Bradley of Ward 5. Mr. Neal pointed out that two types of drawings would be displayed -- i.e., streetscape drawings for which consent/approval would be sought, and facade drawings. He related that the streetscapes were a public improvement project, funded primarily by the county, and would be going out to bid; the facade designs were the product of Greenehorne & O'Mara under county contract, and their purpose was to provide a concept for the property owners in making facade renovations that would coordinate with the streetscape improvements. He commented the facade drawings were plans only at present, that firm commitments had not yet been made by the property owners.

Mr. Beard spoke, stating that the project was now ready to go to bid and that construction could probably commence late Fall-early Winter, but probably for the convenience of the area merchants it would not begin until Winter. He said his department's experience with the City government, as well as Ward 5 residents had been marvelous, very positive; everyone had been extremely supportive, and Councilmember Bradley and Mr. Neal had been a pleasure to work with.

Mr. Cusick explained that one of the goals of the project was that each individual area, Erie/Flower for instance, have its own unique character -- as well as the Takoma Park quadrant at Piney Branch and Flower; the intent was not to tie the separate areas into a unified whole with the Montgomery County side of the Piney Branch/Flower intersection. He said it was intended not only that the project revitalize businesses financially, but that the areas be made an enhancement to the community and that further growth be facilitated. Mr. Cusick said vehicular circulation and parking was considered carefully, as well as pedestrian access not only through the area but to each individual establishment within the area. He remarked that the approach taken had been total replacement of existing surface, rather than merely a coat of whitewash to patch up what existed. Referring to drawings, Mr. Cusick explained in detail what was proposed, commencing with the Erie/Flower area, and noting those things that would hinge on the cooperation and participation of property owners. He noted that the design for that area had been based on trying to keep it in a residential tone in character with the surrounding area. He noted that in all the areas of the project, including the county portion, everything possible had been done to enhance parking and make it the best it could be, but none of it would meet the standards the county would impose for new development. He proceeded to the Piney Branch/Flower area, noting aesthetic and practical improvements to be effected, including a bus shelter, and pointing out that he thought former stormwater problems, as well as pedestrian walkway problems had been addressed. The Mayor inquired whether any problem was anticipated with the narrowing of Flower Avenue mentioned at an earlier point; Mr. Cusick responded in the negative, stating that the street was designed such that at both sides of Piney Branch it could at some point in time go to 4-lanes for the intersection; he said the entire situation had been reviewed by both the State Highway Administration and the county. Councilmember Bradley commented that the alleyway that goes through Globe Auto Body and beyond had been mentioned in a memo from the Public Works Director concerning lighting, and, certainly lighting needed to be increased there; she said that area was an example of some still needing to be addressed. Ms. Bradley remarked that all comments she had heard on the designs were very positive, and that people were very enthusiastic; she noted the need to move forward and lobby the property owners for specific commitments. Mr. Cusick, in concluding, commented that the estimate for completion of the entire project as planned was \$375,000 -- 50% of that figure was involved in the pretty major area outside the city, and the other 50% was for the two smaller areas within Takoma Park. He said the project had not been costed out separately, but said he would estimate that about 25% of the cost would be spent on the public right-of-way for total replacement of what was there, with the remaining 75% spent on improvement of privately held properties at no cost to the property owner. Councilmember Sharp inquired whether there were any plans concerning maintaining

such areas as greenspace and plantings in the revitalized areas. Mr. Neal responded that maintenance was primarily determined by whose property the greenspace was on; for example, in Old Town, the greenspace on Laurel Avenue is on public right-of-way and is the responsibility of the city; if it were on private property, it would be the responsibility of the property owner to maintain it. Mr. Sharp commented on the need to incorporate the upkeep of greenspace in commercial areas on public property into the Public Works park maintenance program in some systematic manner. Councilmember Iddings reminded that during earlier discussions regarding both Takoma Old Town and Takoma Junction, the hope was expressed that the business associations in those areas would assume some responsibility for maintaining those areas, either collectively or with business owners assuming the care of the strip in front of their locale. Ms. Bradley commented on the situation in her ward, remarking that the improvements had to be made prior to people having the incentive to maintain areas, but said improvements should be made with ongoing upkeep also in mind. The Mayor concurred with Mr. Sharp's point, however, noted the City was having a difficult time even maintaining its own parks. He said from discussions with the Takoma/Langley Business & Professional Association, they saw ongoing maintenance as one of the areas where the CDMA could be of assistance, particularly in regard to greenspace on other than public property. Mr. Neal remarked that Mr. Beard's office was considering preparing to file application for a grant to establish a CDMA in the Flower/Piney Branch area as a means toward unifying management of the area.

Councilmember Iddings stated he was very impressed with the work that had been done on the project, with the designs and the cooperative attitude on behalf of the county and all involved. Councilmember Bradley moved that the Council pass the resolution endorsing the designs as presented for the Flower/Erie and Flower/Piney Branch Development Project, duly seconded by Councilmember Iddings. Mr. Neal thanked Mr. Cusick for the fine work he had done and his presentation. Ms. Bradley commented that the areas she viewed as remaining critical would be the parking for Wuerstlin and Roy Shields and its impact in terms of what had to be paved over, and the impact on delivery at Flower/Erie to G & H, Wuerstlin, Oliff and Shields. Also, she expressed concern about the alleyway alongside Globe Auto Body and what would be done there. She said she was very excited to see something finally taking place with the commercial areas in her ward. The resolution was passed by unanimous vote.

RESOLUTION #1987-75
(attached)

The Mayor noted that at an earlier point, original agenda item #4 concerning Rent Stabilization had been continued to the next regular meeting and would also be discussed at the next worksession on September 21.

4. Resolution Establishing a Recycling Taskforce.

The Mayor noted this item was a direct outgrowth of one of the recommendations of the Revenue Advisory Taskforce, and initial steps had already been taken, e.g., a trip to New Jersey to inspect a recycling facility there. He moved passage of the resolution, duly seconded by the Council unanimously. The resolution passed by unanimous vote.

RESOLUTION #1987-76
(attached)

5. Adoption of Citizens' Advisory Block Grant Committee's FY 1989 Recommendations.

Gregory Hamilton explained that he chaired the committee assigned to examine projects from prior fiscal years that were to be incorporated into FY 1989 requests. He noted decisions had to be made whether to stay strictly with Montgomery County on this program as that contract was coming up for renewal for the next three years, or whether to split the program and also opt in with Prince George's County for that part of the city. He explained that if the decision were made to split the program, the City would still get \$102,000 from Montgomery

County, and last year in Prince George's County, nobody got less than \$50,000; if the decision were to stay strictly with Montgomery County, the City would get a total of \$145,000, possibly minus 10%. He said the committee's report had broken down figures based on both possible options. The Mayor noted that the committee's recommendation was major, in that it proposed changing how the City had opted into the Block Grant Program in the immediate past, i.e., it recommended splitting the program between the counties versus going with Montgomery County only. He said he felt discussion should focus on that issue, and noted he had recently met with the City Engineer concerning street work proposals for the current year and that, as always, the cost estimates exceeded the estimates put forth by the citizens' committee last year for the work. He explained that what the City was facing was a situation wherein not even half of the work it had hoped to accomplish in the way of street repairs was going to be able to be completed. He noted this situation would be discussed at the next worksession. During ensuing dialogue, it was noted that the counties' timetables for their CDBG Programs were different. The Mayor remarked that was why it was important to address first which approach the City would want to take -- whether to retain the status quo, or to change the process -- so it would be known what deadlines would have to be met. Mr. Neal commented that in reviewing figures with Mr. Guilford, the City's Engineer, some discrepancies in the City's favor had been found, and it now appeared likely that about 85% of the street work could be completed, which was not as gloomy a picture as originally thought. He stated he had a feeling that more money than anticipated could be gotten from Prince George's County, provided that a City representative attended all 12 meetings in Upper Marlboro to fight for the money; he said the major question was how the elected officials felt splitting counties CDBG-wise would affect such issues as unification. He said signals from Mr. Glendening's staff indicated that county would be very comfortable with the City splitting the program as they once did. Mr. Iddings noted the City received CDBG monies from Prince George's up until 1978-1979, when the decision was made to go solely with Montgomery County's program.

Councilmember d'Eustachio commented that it had been anticipated that the question of splitting the program was going to arise, it had been mentioned earlier in worksession, and over a period of time he had come to feel the City ought to go with both counties, despite some concern about doing so. He pointed out, however, that CDBG would not be the only program for which the City went to both counties for money. He said he did not think Montgomery County would view such a move negatively, and commented that he felt earlier problems between the county and the City were primarily bureaucratic in nature.

The Mayor commented he thought there had been some problems in the past getting money from Montgomery County for the Prince George's portion, which was why the City went to a pass-through system that would allow them to get the money and then make decisions how to spend it. He said he felt it was clear there would be redevelopment in the Takoma/Langley area and that money from the City and Prince George's County would be required to help with it; based on that, he said he would support the CAC's recommendation that the City go with both counties for CDBG funding. Councilmember d'Eustachio moved that the Council instruct City Administration to proceed with the necessary groundwork to approach Prince George's County about funding through the Block Grant Program, in addition to finalizing any work to continue the City's association with Montgomery County for Block Grant, with the City Administrator and/or his duly appointed representative authorized to execute agreements with both counties to that effect. Councilmember Sharp duly seconded the motion; the motion carried by unanimous vote. Brief discussion ensued concerning time table requirements in the two counties for submission of information/documentation.

6. Second Reading of an Ordinance Amending the Personnel Classification System.

Councilmember d'Eustachio moved adoption, duly seconded by Councilmember Iddings. Mr. d'Eustachio commented that while perhaps, technically, Council needed to address the subject issue, the more he studied

it, the more he felt it was a matter of management prerogative and that Council should proceed with it as recommended by management. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, d'Eustachio, Iddings, Levy and Sharp; NAY: None; ABSTAINED: None; ABSENT: Councilmembers Haney and Williams.

ORDINANCE #1987-43
(attached)

7. First Reading of Technical Amendment Ordinance for the Executive Pay Plan.

Councilmember Sharp moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio. The Mayor noted that the effective date of the Pay Plan Ordinance was being changed by the amendment from August 1 to July 1, 1987. The motion to accept for First Reading carried by unanimous vote.

ORDINANCE #1987-
(attached)

8. First Reading of an Ordinance - FY 1988 Budget Amendment No. 1.

Councilmember Iddings moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio. Responding to inquiry from Mr. d'Eustachio, the Mayor noted that Mr. Wilson was still recovering from his earlier surgery and Ms. Habada had oral surgery within the last day, thus neither could be present for the meeting to respond to questions. The motion to accept for First Reading carried by unanimous vote; the Mayor noted the item would be discussed at worksession prior to Second Reading.

ORDINANCE #1987-
(attached)

9. Request to Close First Avenue Temporarily for WACO Block Party.

Councilmember d'Eustachio moved that the Westmoreland Avenue Community Organization be permitted to close First Avenue, between Allegheny and Cockerille, on October 3, 1987, from approximately 5 P.M. to 9 P.M., for the purpose of holding their annual block party. The motion was duly seconded by Councilmember Iddings. Mr. d'Eustachio confirmed that the matter had been coordinated with the Police Department, pointing out that the street was, in essence, a closed street with only one resident living thereon, who supported the request. The motion carried by unanimous vote.

10. Resolution accepting COLTA Proposed Rules of Procedure.

Councilmember Iddings moved passage of the resolution, duly seconded by Councilmember Bradley. The Mayor noted that COLTA, particularly the Rules Committee, had put a great deal of time and effort into rewriting the Rules of Procedure for the commission. He related the process the document had undergone, as well as the publicity afforded it.

Mr. Norman Gleichman of COLTA spoke concerning the rules, pointing out that their formulation was based upon input from the community, as well as Corporation Counsel, the Mayor, and various members of the Council, and that a Public Hearing had been held to receive input. He commented he felt the new rules to be an improvement over the old, particularly in that they eliminated repetition of what was already in ordinances, and provided tighter guidelines for giving of notice in various kinds of cases, especially those concerning landlord petitions for increases above the rent stabilization level, which were a continual source of problems in COLTA's case handling. He commented he felt they were written in such a way as to be more comprehensible to those who would be referring to them for information and guidance.

Councilmember Sharp concurred with Mr. Gleichman's remarks; he referred to a section concerning attendance by Commissioners and inquired whether lack of attendance was a problem. Mr. Gleichman responded that while he did not think it was presently a critical problem, he thought there had occasionally been earlier problems, but thought that issue would probably have to be primarily a self-policing sort of

thing, but noted that availability for hearings was a critical matter. Councilmember Iddings referred to language that stated meetings would be open and public, other than when a majority of those voting decided that deliberations should be closed; he said that technically that could raise some questions in relation to the Maryland State Sunshine Law. Mr. Gleichman explained that subsequent to adoption of the rules by the commission, several suggestions had been received from Ms. Weiss, including one that a statement be inserted in that section indicating that the provision was consistent with the open meetings law. He said all of those suggestions had been referred back to the Rules Committee, along with a host of other proposals that came to COLTA after enactment of the Code changes. He explained the committee would be meeting to address those. He said his own view was that the rule to which Mr. Iddings referred did not need to be changed, because all of COLTA's meetings were open, except when cases were being decided, and under any open meeting statute, that sort of closure would be sanctioned. He said if actual practice of the commission were a problem, which it was not, then it would be a different matter. Mr. Iddings commented that perhaps when the rule was reconsidered, it should state the actual practice of the commission, i.e., the instance in which meetings might be closed. Councilmember Sharp commented he was aware of an instance in which a meeting was closed for the purpose of discussing personnel; he said inasmuch as that body did not handle personnel matters, it would seem there could be an argument that they could not close a meeting on that basis. He said he would endorse Mr. Iddings' suggestion and, if that were not followed, he said he still felt there was reason to include a reference to the State Open Meetings Law inasmuch as a lot of people may not be aware there is such a thing and that it might apply to them. He said that would also remove any uncertainty from anyone's mind about whether that law applied or not.

The Mayor raised questions about Rule 1(f), emergencies, and commented he felt there was need for insertion of some sort of standard regarding irreparable harm; additionally, he remarked that concerning subpoenas, if authority were going to be delegated to the Coordinator to issue those, it should be clarified that that individual would do so by order of, or upon the authority of, the commission or the panel. Mr. Gleichman assured the committee would examine those suggestions. Concerning Rule 24 regarding pre-hearing conferences, Mr. Sharp wondered whether there had been a change from an earlier version of rules and said he did not favor members of the commission being involved in informal adjustment, which the present rule appeared to prohibit. Mr. Gleichman commented he honestly did not recall, that there had been so many changes along the way. Councilmember Sharp referred to Rule 33 and noted that the power granted therein came from the Council and/or the Director of Housing Services, and was not really within the purview of the commission to grant. Mr. Gleichman concurred, however, said that the one overpowering message that came across from the Public Hearing was the desire, particularly of tenants, for materials to be made available to them so they could understand how the system works in the City; for that reason, he said while the commission recognized they had no direct line authority in that area, they felt it appropriate to leave the rule as it was, based on the input from the hearing. He said actually there were probably a number of statements in the rules concerning the Coordinator that the commission did not have baseline authority to dictate.

Greg Hamilton: pointed out that when individuals first come to the Housing Department to pursue a complaint, the rules are given to them; he said the rules are the basic guidelines, and in order for them to be totally clear, he felt they needed a little more work. The Mayor commented it was hoped that rather than the rules being the only guidance given complainants, that a fact/information sheet could be developed as well.

Mike Davidson, Edinburgh House Apartments: wanted assurance that the Mayor and Council had thoroughly read and understood the rules, and fully knew what they were voting on when they cast their vote. The Mayor commented he could speak only for himself, but that he had read the rules and had made some suggestions. He pointed out that while he

did not necessarily agree with every fine point of them, the elected body had created the commission and delegated authority for them to hear cases; he said he felt it appropriate that COLTA be the principal party to promulgate the rules, and the elected officials' role was to ensure that rules did exist and were fair. Mr. Davidson remarked that all he wanted was to avoid hearing later-excuses from any member of the Council that they were not clear about the rules at the time the vote was cast.

Mr. Sharp commented on the great deal of work involved in changing COLTA's rules and said he felt the individuals participating deserved a lot of credit. He reiterated comments made earlier by Mr. Gleichman about what the changes accomplished, however, said there appeared to be some issues still needing to be addressed and he hoped the committee would examine those. Councilmember Bradley commented on discussions that occurred at meetings of the Housing Taskforce concerning the need to change COLTA's Rules and also to educate commissioners concerning the use of those rules, as well as other discussions, and said she thought it was obvious that the need was to proceed with adoption of the rules and that the change process would likely be ongoing. She emphasized the importance of both commissioners and hearing participants being fully familiar with the rules and their use. Ms. Bradley commented that the process had become substantially more formalized than the informal adjudication process originally created. Mr. Gleichman related that one of the events that lent impetus to initiating the changes in the rules was a legal case challenging a COLTA decision and claiming that COLTA had not followed their own rules; he said a specific goal in making the changes had been to create rules the commission would follow and to eliminate things that were not being followed, so as to, hopefully, avoid any such future legal challenges. He affirmed that the process would be ongoing and that there would be an educational process as well. The question was called, the resolution was passed by unanimous vote.

RESOLUTION #1987-77
(attached)

Upon motion by Councilmember Sharp, duly seconded by Councilmember d'Eustachio, the meeting adjourned at 11:10 p.m., to reconvene in Regular Session at 8:00 p.m. on September 28, 1987.

RESOLUTION NO. 1987-74

WHEREAS, Section 8A-12, Nuclear-Free Takoma Park Committee, of the Takoma Park Code, 1972, as amended, sets forth the provisions for establishment and duties of a Nuclear-Free Takoma Park Committee, to oversee implementation of and adherence to the Takoma Park Nuclear-Free Zone Act; AND

WHEREAS, the Committee consists of seven (7) Takoma Park residents, who shall serve two (2) year terms, with the exception of three (3) members, who shall serve one (1) year terms; AND

WHEREAS, currently, there exist two vacancies, as a result of terms that expired March 1, 1987; AND

WHEREAS, certain individuals have submitted applications to the Mayor for appointment to the committee, to be confirmed by the City Council.

NOW, THEREFORE, BE IT RESOLVED THAT the application(s) of the following individual(s) is/are hereby accepted by the City Council and the following individual(s) is/are appointed to serve on the Nuclear-Free Takoma Park Committee, with a term of office to expire

	COMMITTEE MEMBERS	TERM EXPIRES
(1)	<u>Philip Boyer</u>	<u>March 1, 1990</u>
(2)	<u>Jay Bayerl</u>	<u>March 1, 1990</u>

Introduced by:

RESOLUTION #1987- 76

**A RESOLUTION ESTABLISHING A CITY
RECYCLING TASKFORCE**

WHEREAS, on July 27, 1987, the Mayor and Council accepted the Revenue Advisory Committee's June 1987 Report; this report recommended the initiation of a comprehensive recycling program; AND

WHEREAS, the City has experienced increasing costs in tipping fees for depositing trash in both counties' waste landfills; AND

WHEREAS, recycling would reduce the costs of tipping fees and is also environmentally desirable; AND

WHEREAS, the City of Takoma Park has already taken steps to raise the prospects of a pilot project recycling program.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council hereby establish a Taskforce on Recycling whose purpose will be to formulate a City proposal for recycling; AND

BE IT FURTHER RESOLVED, that the Taskforce shall consist of nine citizens of the City; with at least 1 citizen from each Ward; AND

BE IT FURTHER RESOLVED, that the Assistant City Administrator and representatives from the Department of Public Works will provide technical assistance as needed to the Taskforce.

Dated: September 14, 1987

Introduced by:

1st Reading: July 27, 1987

2nd Reading: September 14, 1987

ORDINANCE NO. 1987- 43

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.

RESOLUTION #1987-75

Upon Motion, duly made and seconded, a Resolution to endorse the Streetscape Plans for Erie/Flower/Piney Branch Commercial Revitalization was unanimously passed.

Dated: September 14, 1987

BY: Paula S. Jewell, Deputy City Clerk

1st Reading:
2nd Reading:

ORDINANCE NO. 1987-

(Technical Amendment to Executive Pay Plan Ordinance 1987-41)

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 as a result of the initial implementation of this pay plan.

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

(a) 1st Quartile - Hiring Bracket:
Individuals are generally 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	=	28,005 - 34,885
	2nd. Quartile	=	34,900 - 37,780
	3rd. Quartile	=	37,800 - 40,640
	4th. Quartile	=	40,650 - 43,527

Executive 2: 1st. Quartile = 30,005 - 37,000
 2nd. Quartile = 37,100 - 40,100
 3rd. Quartile = 40,200 - 43,290
 4th. Quartile = 43,300 - 46,790

Executive 3: 1st. Quartile = 32,986 - 40,300
 2nd. Quartile = 40,310 - 43,640
 3rd. Quartile = 43,645 - 46,970
 4th. Quartile = 47,000 - 50,300

Executive 4: 1st. Quartile = 35,760 - 43,338
 2nd. Quartile = 43,350 - 46,900
 3rd. Quartile = 46,915 - 50,490
 4th. Quartile = 50,500 - 54,074

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
 to take effect on ~~[[August 1, 1987.]]~~ July 1, 1987.

Note: ~~[[double brackets]]~~ indicate deleted language and Underlining indicates new language being added.

1st Reading: 9/14/87
2nd Reading:

Upon motion by _____, duly seconded by _____,
the following ordinance was introduced.

ORDINANCE NO. 1987-

FY 88 BUDGET AMENDMENT NO. 1

AN ORDINANCE TO AMEND THE FISCAL YEAR 1988 BUDGET.

SECTION 1. BE IT ORDAINED AND ENACTED by the City Council of Takoma Park, Md. that the Fiscal Year 1988 Budget be amended as follows:

REVENUE AMENDMENTS

- a. Special Revenue Budget: A revenue line item 3008.000, State Addictions/Prevention Program Grant is created with an appropriation of \$5,960.
- b. Special Revenue Budget: A revenue line item 3009.000, State Livability Code Implementation Grant, is created with an appropriation of \$4,241.
- c. Special Revenue Budget: A revenue line item 3010.000, Montgomery County Cable Grant is created with an appropriation of \$10,000.
- d. Special Revenue Budget: Delete appropriation of \$1,300 for revenue line item 3006.000, Farmer's Market.
- e. Special Revenue Budget: Increase revenue line item 3003.000, General Fund Transfer, by \$1,122.
- f. Decrease appropriated surplus of \$34,468 by \$1,122 and increase Special Revenue Fund Transfer from the General Fund by \$1,122.
- g. Special Revenue Budget: A revenue line item of 3011.000, House & Garden Tour-Siegler Garden Fund is created with an appropriation of \$1,500.
- h. Special Revenue Budget: A revenue line item 3012.000, Enhanced Traffic Safety Enforcement (ETSE) Grant, is created with an appropriation of \$_____.

EXPENDITURE AMENDMENTS

- a. Special Revenue Budget: An expenditure line item 3700.000 State Addictions/Prevention Program is created with an appropriation of \$5,960.
- b. Special Revenue Budget: An expenditure line item 3800.000, Livability Code Implementation, is created with an appropriation of \$4,241.
- c. Special Revenue Budget: Appropriate \$10,000 to Account # 3600.000, Cable TV equipment.
- d. Special Revenue Budget: Appropriate \$1,500 to Account # 3500.707, Thomas/Siegler Gardens
- e. Special Revenue Budget: An expenditure line item 3900.000, Enhanced Traffic Safety Enforcement (ETSE) is created with an appropriation of \$_____.
- f. An expenditure line item, (Police) Contracts, is created with a budget Account number of 635.
- g. Transfer \$3,000 from Police Salaries, Account number 600 to Account number 635, Contracts.

Introduced By: —

ITEM #7
Dated: September 14, 1987

RESOLUTION #1987-77

A RESOLUTION RATIFYING THE COMMISSION ON LANDLORD
AND TENANT AFFAIRS PROPOSED RULES

WHEREAS, the Commission on Landlord and Tenant Affairs ("COLTA") at its regular meeting on August 5, 1987, adopted proposed regulations ("the rules") deemed necessary to administer the Landlord-Tenant Relations Article; AND

WHEREAS, in brief, the proposed Rules simplify and clarify the filing, service and return of complaints and petitions, require public hearings, and eliminate duplicative code language; AND

WHEREAS, the Rules have been subject to exhaustive study, comment and discussion as well as a public hearing during the past year; AND

WHEREAS, in accordance with Takoma Park Code Sec. 6-80.1(a), these rules are subject to review and approval by the City Council.

WHEREAS, notice of these proposed rules and their availability was placed in the September Takoma Park Newsletter to invite additional citizen comment, prior to Mayor and Council approval of the rules; AND

WHEREAS, to date, no comments have been received to these proposed rules.

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council do hereby ratify the Commission on Landlord and Tenant Affairs Regulations.

Dated: September 14, 1987

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Public Hearing on Budget Amendment #1
September 28, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember Bradley	Deputy City Clerk Jewell
Councilmember d'Eustachio	Cable Coordinator Smith
Councilmember Haney	Housing Services Director Weiss
Councilmember Iddings	Asst. Public Works Director Torres
Councilmember Levy	
Councilmember Sharp	
Councilmember Williams	

The Mayor and City Council convened at 8:10 P.M. on Monday, September 28, 1987 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of the May 11, 1987 Council Meeting were presented; Councilmember d'Eustachio moved their approval, as written, duly seconded by Councilmember Haney; the motion carried unanimously. Councilmember Iddings noted the lengthy time lapse in getting the Minutes prepared and inquired what plans had been made to bring them up to date. The Mayor directed that staff provide the elected body at their next worksession with an update on the situation and specific plan for catching up with preparation of the Minutes.

Mayor Del Giudice commented that the City's Accounting Division had received, for the second consecutive year, a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers' Association. He presented the award to Accounting Supervisor Linda McKenzie, along with a bonus for her excellent work.

The Mayor read a Proclamation concerning the 5th National Adventist Womens' Conference, scheduled to be held at Sligo Adventist Church on October 8-11, and the designation of the week of October 4-11 as Womens' Week in the City of Takoma Park. Councilmember Iddings moved passage of the Proclamation, duly seconded by Councilmember Bradley, carried unanimously. A copy of the Proclamation was to be presented to officials at the conference.

PROCLAMATION
(attached)

The Mayor commented concerning recent media reports about the City's policy regarding rats. He said he was particularly disturbed by the coverage given the subject by the Washington Post, pointing out that they had misstated facts, had failed to distinguish between the City's policy and what might be the interests and policy of a private interest group, and had handled the entire matter in a lighthearted, if not mocking, way. He noted that rodents are a very serious problem in any urban community, and said he felt the elected body had acted in a responsible way when they decided to stop providing citizens with poison traps in the effort to eradicate rats, with glue traps to be provided as an alternative. Based on a communication from PETA raising objections to the use of glue traps, he said a decision was made to purchase two Havahart traps for use by those who might prefer them. He emphasized that at no time was anyone encouraged to transport and release rodents trapped in the Havahart traps in any other jurisdiction; he noted they could be taken to the Humane Society where they could be disposed of in a humane way. He said he felt the Washington Post owed the City an apology for its handling of the matter, and he would be taking steps to have the situation evaluated.

Councilmember Bradley announced that she had made a decision not to run for office in the upcoming election. She commented she had mixed feelings about the matter, but realized she needed to spend more time with her family, including her husband, 2 young children, and elderly parents who live out of town. Ms. Bradley remarked she would miss working on the Council and was proud of what she had accomplished

during her tenure. She said she would not be retiring from activism in City affairs in a citizen capacity, and noted some of the issues requiring attention in the near future. Ms. Bradley commented she had heard it rumoured that several Council seats, as well as the Mayor's office, would be unopposed in the election, and said she hoped the lack of challenge did not indicate citizen apathy or a feeling that city government was irrelevant. Ms. Bradley expressed special thanks to her neighbors in Ward 5 for electing her to represent them for three terms, as well as gratitude to other friends throughout the City for their encouragement and their progressive ideals. She voiced thanks to family friends who had given both personal and political support, and to people such as Sam Abbott who had raised consciousness and accelerated changes. Ms. Bradley thanked her husband Kenny for his support, and expressed her best wishes to those who would continue to serve on the Council, as well as those who would be incoming members of the elected body. She said she would look forward to continuing to work with them.

Councilmember Sharp explained he had been speaking earlier with one of his constituents who was relating the dumping of substantial amounts of trash and debris, as much as ten truckloads, on the Salvation Army lot on Ethan Allen Avenue. He noted it had been hoped that lot would be cleaned up and developed in some desirable way, and that a stop would have to be put to such dumping of trash in a residential area. He said he had asked the Police Department to ensure that no further dumping occurred the next day, and he would be pursuing the matter with the City Administrator and others to see what could be done to put a permanent halt to it.

ADDITIONAL AGENDA ITEMS:

Appointment to fill vacancy on COLTA (Mayor)

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

Wayne Upton, 7600 Maple Avenue: distributed copies of a poem concerning cocaine use and addiction; spoke concerning the 30th anniversary of the racial insurgence in Little Rock, Arkansas, when federal troops had to be brought in to restore order, and changes that had occurred since that time. He spoke in opposition to Robert Bork's nomination to the Supreme Court, and encouraged that people write their Senators and ask them to vote against Mr. Bork's appointment. Concerning the upcoming City election, he said he hoped the focus would be on the issues and that there would be no mudslinging; he expressed regret that Ms. Bradley would not be running for reelection.

Nina Civey, 7214 Spruce Avenue: commented there was a burgeoning population on her street of children, skateboarders, speeders, and the residents had submitted a petition requesting speed humps. She pointed out Spruce was surrounded by streets with speed humps and people had been using it as a cut through. She said she understood the City ordinance required traffic amounting to at least 500 cars/day and said while Spruce would not meet that criteria, there was serious concern about the blind curve, speeding, and the fact that there are handicapped children who reside on that street, as well as many small children. She asked that the Mayor and Council give the petition fair and due consideration, despite the fact it might not meet all of the criteria. The Mayor pointed out that traffic volume would be only one of a number of factors to be considered, and assured that the petition that had been submitted would be given due consideration.

Brint Dillingham, 7018 Carroll Avenue: expressed thanks to Councilmember Bradley for her service to the City and for her speech.

ITEMS FOR COUNCIL ACTION:

1. Resolution of Participation in National Employ the Handicapped Week.

The Mayor read the resolution and moved its passage, duly seconded by Councilmember Sharp. The resolution was passed by unanimous vote.

RESOLUTION #1987-78
(attached)

2. Council Action on 7309 Flower Avenue Appeal to Construct Addition.

Councilmember Sharp moved that the Council adopt a position of support for the requested variance, duly seconded by Councilmember Haney. Mr. Sharp commented there had been some confusion due to the wording of the Board of Appeals' notice, i.e., it was thought the addition would be built on the back and would be right on the property line, which was not the case. He explained the addition would be on the right side of the house, as one faced it from the street, and would be 7' from the property line. He remarked on improvements made to the property during the last several years since its present owner acquired it, and said it had become a benefit to the neighborhood. In response to query, Ms. Habada stated no expressions of opposition and one letter of support (from Mr. Patrick Hyde) had been received from neighbors. The motion to support the variance carried by unanimous vote.

3. Public Hearing and Second Reading on FY 1988 Budget Amendment #1.

Asst. City Administrator Habada explained that, primarily, the amendment added to the budget a number of grants received from federal government, the state, and Montgomery County, and also reappropriated funds to cover capital expenditures not accomplished in the last fiscal year. She noted the need for amendment to the ordinance to include a number of items not included in the legislation at its First Reading, i.e., under Revenues, items (i) and (j), under Expenditures, items (h) through (m), and under Capital Budget, item (a). The Mayor recognized and commended the Police, Recreation and Housing Departments for pursuing and getting various grants. Councilmember Sharp noted that \$1,500 had been donated by the House and Garden Tour for use on the Siegler Property; he said he was aware that in the past a contingency had been placed on donations by that group, and said it was his feeling that if that were the case in this instance, so long as the money were expended on the specified property, he did not think the City should be held to some specific purpose or project. Councilmember Haney commented there were precedents for so doing, and cited one concerning donations for planting of a tree and placement of a plaque on the library grounds commemorating Martin Luther King, Jr.; he said a specific line item was set up in the budget for that purpose. Mr. Sharp clarified that what he meant was that the City could not ensure that whatever the money was earmarked for would require the entire amount, and that it should be permissible to use the remainder on whatever purpose the City saw fit so long as it was used to benefit that specific property. Councilmember d'Eustachio commented briefly on the legal and moral obligations of accepting money, and pointed out that if the moral obligations were not fulfilled, then in future additional monies would not likely be forthcoming. He moved passage of the proposed amendments cited by Ms. Habada, duly seconded by Councilmember Haney; the amendments were passed by unanimous vote. Councilmember d'Eustachio moved adoption of the ordinance, as amended, duly seconded by Councilmember Iddings. Mr. d'Eustachio expressed appreciation for Ms. Habada's memorandum explaining the budget amendment in detail. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy, Sharp and Williams; NAY: None; TEMPORARILY ABSENT: Councilmember Bradley.

ORDINANCE #1987-44
(attached)

4. Second Reading of Rent Stabilization Ordinance.

The Mayor noted that the ordinance, as accepted for First Reading, would set the rent increase cap at 4% for the upcoming year. Councilmember Haney moved adoption of the ordinance, duly seconded by Councilmember d'Eustachio. Councilmember Williams noted that 4% had been COLTA's and Housing's recommendation and obviously tenants had not appeared to oppose that figure because they felt it was hopeless to try to fight City Hall. He inquired what the rationale was for the City adopting that figure when D.C.'s level was set at 1.6%.

Housing Services Director Weiss stated that her staff had analyzed Consumer Price Index information, rents for neighboring jurisdictions, and other pertinent factors. She said an attempt was also made to forecast cost of living for the upcoming 12-month period, inasmuch as

that would be the time to which the rent cap would apply. She related that the data was reviewed by the COLTA Rent Stabilization Committee, and that group agreed with Housing's calculations; COLTA subsequently also concurred with the figures and recommended level of permissible rent increase. In response to query, she said to her recall, COLTA's vote on the matter was a majority but not a unanimous vote. Mr. Williams noted that tenants had spoken out at an earlier meeting in favor of a 0% increase and provided information to substantiate that request, as they had also done the preceding year. Based on that, and the fact that the neighboring jurisdiction of the District of Columbia had set their level at 1.6%, he said he would be voting in the negative on the issue.

Ginja Carter, Neighborhoods Together: stated NTI was in agreement with the 4% level, however, said the real tragedy currently was not rent increase percentages but the fact that those landlords who allow their properties to deteriorate can get the same increase as those who properly maintain their buildings. She noted that such a double standard was unfair to tenants and homeowners alike, and said this occurs because people are unaware that rent increases are not automatic, but that the landlord is required to maintain his property in compliance with the Code in order to qualify for the increase. She said Housing needs to better publicize the requirements of the Rent Stabilization Ordinance, and NTI would continue to assist in doing so through its tenant organizing project in the City -- however, the primary responsibility lay with the City. She said NTI had refrained from exerting pressures on Housing, realizing that the new Director had inherited a very difficult situation; however, she noted a need for that department to make public information about its progress and plans for the future and said NTI was particularly concerned about the Licensing program and about small (4 units or less) buildings which are not addressed by City legislation. Ms. Carter congratulated the Mayor and Council on progress made, however, stated it would be lost if loose ends were not tied up, particularly in the areas of administration and enforcement. She asked that Housing be closely monitored by the elected body and that the Housing Task Force's recommendations be implemented without delay.

A. J. Mitchell, 7600 Maple Avenue: inquired whether COLTA and Housing had a standard formula they used to come up with their recommendation, or whether it varied from year to year depending upon those persons involved; he said there should be a set formula to deal with the issue. He expressed agreement with Ms. Carter's comments about the need to address small buildings of 4 or less units, and said some tenants residing in such buildings were being treated most unfairly.

The Mayor concurred with Mr. Mitchell's comments concerning need for a set of factors to be examined each year by Housing and COLTA in making their recommendation(s); he complimented Ms. Weiss on the sincere effort made this year to come up with a fair and accurate figure.

Brint Dillingham, 7018 Carroll Avenue: referred to his testimony on the issue, which he gave at First Reading of the ordinance, along with a copy thereof. He noted the importance of the decision at hand, pointing out that for every percentage point rents were increased, tenants would have to delay or omit purchase of needed items for their homes. Additionally, he said some tenants would simply find they could no longer afford the rent on their apartments given the rent increases. He said he would want to reemphasize the point in his earlier testimony that tenants have had less buying power each year since 1980. Also, he said it was known and admitted by the City that data simply was not available concerning license status of rental buildings and condition of units therein, and said there should be no further rent increases until that data was assimilated and available. In conclusion, he urged that the 4% figure not be adopted but, preferably, a 0% increase imposed, or alternatively, 1.6% in conformance with D.C.'s level, which a number of Councilmembers used last year as a basis for the City's rent increase cap.

Greg Hamilton, 7600 Maple Avenue: said in order for the system to be fair, all renters, including those in small buildings, would have to

be covered by the applicable legislation; otherwise, a form of discrimination was in existence. He concurred with comments concerning the need to set up a solid and unquestionable process for setting the rent increase level, and the need to fill in missing gaps, such as the Licensing program.

Councilmember Bradley commented she would be voting against the ordinance, noting that while the 4% level might be appropriate in some buildings, there were others in which 0% or even rent rollbacks would be called for. She concurred with comments concerning the need for a formula to come up with a fair and accurate rent increase figure. She remarked there was a real need for the problems of low and moderate income renters to be addressed on a regional basis in the metropolitan area. The Mayor pointed out that COG was planning a series of regional conferences on housing, and said that elected officials from various jurisdictions had expressed interest.

Councilmember Iddings noted a change in the language of the ordinance concerning the effective date; the Mayor commented that an attempt was being made to regularize September 30 as the effective date of the legislation each year.

Councilmember Levy commented she would not be voting in favor of the ordinance; she said among apartment dwellers in her ward with whom she had spoken, none felt they could afford a 4% rent increase. She said she agreed that the rent increase level should be comparable with that of D.C.; said she felt rental units in the City were more similar/comparable to those in D.C. than those in other neighboring jurisdictions. She commented she was aware through her work in the elementary school of the financial hardship imposed on many families by high rents and said she felt continuing the 4% increase level would affect the diversity of the community, which she would not wish to see happen.

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

ORDINANCE #1987-45
(attached)

5. Second Reading of Technical Amendment Ordinance - Executive Pay Plan.

Ms. Habada explained that the amendment would make salary increases retroactive to July 1, 1987, as was done for other employees. Councilmember d'Eustachio moved adoption, duly seconded by Councilmember Haney. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Iddings, Levy and Williams; NAY: None; TEMPORARILY ABSENT: Councilmember Sharp.

ORDINANCE #1987-46
(attached)

6. Resolution Authorizing Lighting Improvements in Alleyway off Piney Branch Road and Flower Avenue.

Councilmember Bradley moved passage of the resolution, duly seconded by Councilmember Williams. Mayor Pro Tem Iddings explained that 5 lighting fixtures would be erected in the alleyway. Ms. Bradley commented the lighting had been sorely needed for a long time; she explained that the alleyway ran from near the Tropicana Restaurant on Flower Avenue to Piney Branch Road, and that area residents had asked for the lighting. The resolution was passed by unanimous vote.

RESOLUTION #1987-79
(attached)

7. First Reading of an Ordinance Authorizing Lease Purchase of Konica Royal Photocopier.

Ms. Habada pointed out that in Sec. 1, the word "authorized" should read authorize. Councilmember Iddings noted that also the copier being replaced was not referred to correctly. Councilmember Iddings

moved acceptance for First Reading, duly seconded by Councilmember Sharp, carried unanimously.

ORDINANCE #1987-
(attached)

8. First Reading of an Ordinance to Award Bid for Public Works Paint Sprayer.

Asst. Public Works Director Torres explained that the sprayer would be used for painting crosswalks and other street markings, would greatly facilitate work now manually performed. He commented the money for the purchase was received through a State Highway Administration grant. The Mayor congratulated Public Works on seeking and receiving the grant. Councilmember Bradley remarked on the need for clearer demarcation of parking spaces, intersections, lanes, etc., and said she would be expecting to see that following purchase of the sprayer. Councilmember d'Eustachio moved acceptance for First Reading, duly seconded by Councilmember Sharp, carried unanimously.

ORDINANCE #1987-
(attached)

9. First Reading of an Ordinance Authorizing Placement of Stop Signs at Jackson and Ethan Allen Avenues.

Councilmember d'Eustachio moved acceptance for First Reading, duly seconded by Councilmember Iddings. Mr. d'Eustachio explained that this would create a 3-way stop at the intersection, which is a dangerous one; he explained speeding is a problem and there have been a number of accidents. He said the proposal had come before the Traffic Committee, had been publicized, and a number of enthusiastic comments were received from residents of the area. He noted that originally a 4-way stop had also been proposed at Ethan Allen and Elm, however, the Police Department had vetoed that for a number of reasons. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1987-
(attached)

10. Appointment to Fill Vacancy on COLTA.

The Mayor noted that 4 candidates had been interviewed to fill the landlord vacancy on the Commission, including Larry Ravitz, Martin Ellman, David Weiss and Lou Winkerstein. He noted that Mr. Ravitz resided in the City, the others did not. Councilmember Sharp moved appointment of Mr. Ravitz to serve based on his residency, as well as the fact that he owns a relatively large building; the motion was duly seconded by Councilmember Haney. The Mayor noted that the appointment would be for a 3-year term. The resolution to appoint Mr. Ravitz was passed with Councilmembers Bradley, Levy and Williams Abstaining, balance of Council voting Aye.

RESOLUTION #1987-80
(attached)

Councilmember Sharp referred to the May 11 Minutes approved earlier, in which the subject of parking meters was addressed. He inquired whether the ordinance related to those meters was adopted, and asked, if so, why there was no evidence of anything being accomplished. The Mayor directed that staff ascertain the status of that work from the Police and Public Works Departments. Mayor Del Giudice, for those who would be viewing the cablecast of the current meeting on Tuesday afternoon, September 29, reminded that the City's Nominating Caucus would take place that date at 8:00 P.M. in the Municipal Building, and would also be shown subsequently on the City's Cable TV channel.

Upon motion by Councilmember Sharp, duly seconded by Councilmember d'Eustachio, the meeting adjourned at 10:50 P.M., to reconvene in regular session at 8:00 P.M. on October 13, 1987.

Item # 4

Introduced by: Councilmember Haney

1st Reading: August 10, 1987
2nd Reading: September 28, 1987

ORDINANCE NO. 1987 - 45

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

SECTION 1. THAT Sections (c) (2), of Section 6-80.17, "Rent Guidelines," of the Code of Takoma Park, Md., 1972, as amended be further amended to read as follows:

Sec. 6-80.17 Rent guidelines

(c) (2) It shall be unlawful for the landlord or anyone acting on behalf of a landlord to charge or collect any rent for any dwelling unit which exceeds the lawful rent chargeable for such unit on ~~October 31, 1986~~ September 30 of this calendar year, by more than four percent (4%) unless the landlord has first obtained a determination from the Commission on Landlord-Tenant Affairs that a rent in excess of four percent (4%) ~~than the lawful rent chargeable on October 31, 1986~~ September 30 of this calendar year is justified in accordance with this section of this article.

(~~Strikeover~~) denotes deletions.
(Underlining) denotes new language.

Adopted by the City Council of Takoma Park, Maryland on September 28, 1987.

1st Reading: September 14, 1987
2nd Reading: September 28, 1987

ORDINANCE NO. 1987-46

(Technical Amendment to Executive Pay Plan Ordinance 1987-41)

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 as a result of the initial implementation of this pay plan.

Introduced by: Mayor Del Giudice

RESOLUTION #1987- 78

WHEREAS, Each year the President of the United States proclaims October 1-7 as "National Employ the Handicapped Week"; AND

WHEREAS, The Montgomery County Executive issues a similar proclamation through the Montgomery County Committee for the Employment of Handicapped Persons, AND

WHEREAS, The Committee has developed programs and activities during the week of October 1-7, including an arts and crafts display of the work of handicapped citizens at Lake Forest Mall; AND

WHEREAS, The City of Takoma Park has been invited to participate in observing Handicapped Week.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of Takoma Park have recognized the importance of providing equal employment opportunities for all persons and has always practiced affirmative action principals; AND

BE IT FURTHER RESOLVED, that the City Council encourages the continued practices of its Affirmative Action policy in hiring the handicapped within Takoma Park City government; AND

BE IT FURTHER RESOLVED, that all Takoma Park citizens, employees and employers are encouraged to participate in Montgomery County's activities in observance of "National Employ the Handicapped Week".

Dated this 28th day of September, 1987

1st Reading: September 14, 1987
2nd Reading: September 28, 1987

Upon motion by d'Eustachio, duly seconded by Haney,
the following ordinance was introduced.

ORDINANCE NO. 1987-44

FY 88 BUDGET AMENDMENT NO. 1

AN ORDINANCE TO AMEND THE FISCAL YEAR 1988 BUDGET.

SECTION 1. BE IT ORDAINED AND ENACTED by the City Council of Takoma Park, Md. that the Fiscal Year 1988 Budget be amended as follows:

REVENUE AMENDMENTS

- a. Special Revenue Budget: A revenue line item 3008.000, State Addictions/Prevention Program Grant is created with an appropriation of \$5,960. *Youth Grant*
- b. Special Revenue Budget: A revenue line item 3009.000, State Livability Code Implementation Grant, is created with an appropriation of \$4,241.
- c. Special Revenue Budget: A revenue line item 3010.000, Montgomery County Cable Grant is created with an appropriation of \$10,000.
- d. Special Revenue Budget: Delete appropriation of \$1,300 for revenue line item 3006.000, Farmer's Market.
- e. Special Revenue Budget: Increase revenue line item 3003.000, General Fund Transfer, by \$1,122.
- f. Decrease appropriated surplus of \$34,468 by \$1,122 and increase Special Revenue Fund Transfer from the General Fund by \$1,122.
- g. Special Revenue Budget: A revenue line item of 3011.000, House & Garden Tour-Siegler Garden Fund is created with an appropriation of \$1,500.
- h. Special Revenue Budget: A revenue line item 3012.000, Enhanced Traffic Safety Enforcement (ETSE) Grant, is created with an appropriation of \$9,700.

- i. Special Revenue Budget: Revenue line item 3013.000, Federal Highway Safety Project Grant is created with an appropriation of \$6,000.
- j. Increase Account 476, Loans Receivable by \$11,244.

EXPENDITURE AMENDMENTS

- a. Special Revenue Budget: An expenditure line item 3700.000 State Addictions/Prevention Program is created with an appropriation of \$5,960.
- b. Special Revenue Budget: An expenditure line item 3800.000, Livability Code Implementation, is created with an appropriation of \$4,241.
- c. Special Revenue Budget: Appropriate \$10,000 to Account # 3600.000, Cable TV equipment.
- d. Special Revenue Budget: Appropriate \$1,500 to Account # 3500.707, Thomas/Siegler Gardens
- e. Special Revenue Budget: An expenditure line item 3900.000, Enhanced Traffic Safety Enforcement (ETSE) is created with an appropriation of \$9,700.
- f. An expenditure line item, (Police) Contracts, is created with a budget Account number of 635.
- g. Transfer \$3,000 from Police Salaries, Account number 600 to Account number 635, Contracts.
- h. Special Revenue Budget: An expenditure line item 4000.000, Federal Highway Safety - Paint Sprayer is created with an appropriation of \$6,000.
- i. Transfer \$11,722 from Account 990, Employee Bonus/ Unit 2, to the following accounts:
 - (1) \$ 243 to Account 510, Salaries, City Administration
 - (2) \$1,814 to Account 540, Salaries, Accounting
 - (3) \$1,900 to Account 600, Salaries, Police
 - (4) \$ 255 to Account 800, Salaries, Public Works - office
 - (5) \$ 501 to Account 830, Salaries, Public Works - Govt. Bldgs.
 - (6) \$ 623 to Account 865, Salaries, Public Works - Parks

- (7) \$3,739 to Account 875, Salaries,
Public Works - Sanitation
- (8) \$ 353 to Account 885, Salaries,
Public Works - Streets
- (9) \$ 54 to Account 900, Salaries, Recreation
- (10) \$1,492 to Account 930, Salaries, Library
- (11) \$ 748 to Account 650, Salaries,
Crossing Guards

j. Transfer \$10,000 from Account 989, Employee Bonus, and \$3,278 from Account 990, Employee Bonus/Unit 2 and \$2,468 from Account 991, General Contingency to the following Accounts:

- (1) \$ 74 to Account 510, Salaries,
City Administration
- (2) \$ 372 to Account 540, Salaries, Accounting
- (3) \$14,596 to Account 600, Salaries, Police
- (4) \$ 496 to Account 875, Salaries,
Public Works - Sanitation
- (5) \$ 208 to Account 885, Salaries,
Public Works - Streets

k. Appropriate \$11,548 to Account 995, Capital Expenditures for installation of street lights and reduce unappropriated funds by \$11,548.

l. Appropriate \$11,244 to Account 995, Capital Expenditures for purchase of a copier.

m. Appropriate \$1,258 to Account 935, (Library) Contingency and reduce unappropriated funds by \$1,258.

CAPITAL BUDGET

A. Add street light installation and a photocopier to the Capital Budget as authorized and approved Capital Budget items.

Adopted: September 28, 1987

AYE: d'Eustachio, Haney, Iddings, Levy, Sharp, Williams

NAY: NONE

TEMPORARILY ABSENT: Bradley

Item #6

Introduced by: Councilmember Bradley

RESOLUTION #1987-79

WHEREAS, The City of Takoma Park wishes to make certain street lighting improvements in the alley area of Piney Branch Road; AND

WHEREAS, Potomac Electric Power Company ("PEPCO") proposes to install such equipment as needed, to five street lights at the subject locations, for a flat sum cost of \$9,748.00; AND

WHEREAS, PEPCO's cost is based upon receipt of a signed copy of their proposal dated August 20, 1987.

NOW THEREFORE, BE IT RESOLVED, that the City Administrator is hereby authorized to acknowledge acceptance of PEPCO's proposal by signing such proposal on behalf of the City of Takoma Park, and forward a copy of the contract to Paul Wilson, PEPCO Representative, Montgomery County Region.

Dated: September 28, 1987

1st Reading: 9/28/87
2nd Reading:

ORDINANCE NO. 1987-

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

- SECTION 1. THAT the City Council authorized the purchase of a photocopier machine to replace the Canon copier purchased in 1983; AND
- SECTION 2. THAT bids were solicited from qualified vendors, a bid notice was advertised in newspapers of local circulation two weeks prior to the bid opening date and a bid solicitation notice was sent to BidNet; AND
- SECTION 3. THAT bids were publicly opened at 2:00 PM, September 10, 1987, with two bids having been received; AND
- SECTION 4. THAT the bid of Konica Business Machines, USA, Inc., for one Royal Copier Model 5503ZMR, is deemed to be most responsive to the City's photocopying needs by virtue of product capability, company service operations and consumer information substantiating product quality; AND
- SECTION 5. THAT Konica Business Machines, USA, Inc., has submitted the required notarized statements certifying that the company is not involved in the nuclear weapons industry or the sale of merchandise produced by companies so involved; AND
- SECTION 6. THAT the bid of Konica Business Machines USA, Inc., for one Royal 5503ZMR copier in the amount of ELEVEN THOUSAND TWO HUNDRED AND FORTY FOUR DOLLARS (\$11,244).
- SECTION 7. THEREFORE THAT the City Administrator is directed to obtain lease purchase financing to cover the costs of the copier purchase at a term not to exceed three years.

Ayes:
Nays:
Abstentions:

Adopted this _____ day of _____, 1987.

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

(a) 1st Quartile - Hiring Bracket: Individuals are generally 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	=	28,005 - 34,885
	2nd. Quartile	=	34,900 - 37,780
	3rd. Quartile	=	37,800 - 40,640
	4th. Quartile	=	40,650 - 43,527

Executive 2:	1st. Quartile	=	30,005 - 37,000
	2nd. Quartile	=	37,100 - 40,100
	3rd. Quartile	=	40,200 - 43,290
	4th. Quartile	=	43,300 - 46,790
Executive 3:	1st. Quartile	=	32,986 - 40,300
	2nd. Quartile	=	40,310 - 43,640
	3rd. Quartile	=	43,645 - 46,970
	4th. Quartile	=	47,000 - 50,300
Executive 4:	1st. Quartile	=	35,760 - 43,338
	2nd. Quartile	=	43,350 - 46,900
	3rd. Quartile	=	46,915 - 50,490
	4th. Quartile	=	50,500 - 54,074

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 28th day of September, 1987
to take effect on ~~[[August 1, 1987.]]~~ July 1, 1987.

Note: ~~[[double brackets]]~~ indicate deleted language and Underlining indicates new language being added.

1st Reading: 9/28/87
2nd Reading:

ORDINANCE NO. 1987-

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

- SECTION 1. THAT the City of Takoma Park has been awarded a \$6,000 Federal grant for a Paint Stripping project as an approved highway safety project; AND
- SECTION 2. THAT bids were solicited from five qualified vendors and advertised with BIDNET for the purchase of an airless highway paint stripper; AND
- SECTION 3. THAT bids were publicly opened at 2:30 PM on September 2nd, with two bids having been received; AND
- SECTION 4. THAT S.M. Christhilf & Son, Inc. has submitted the lowest responsive bid at \$5,688; AND
- SECTION 5. THAT S.M. Christhilf & Son, Inc. has submitted the required notarized statement certifying that company is not involved in the nuclear weapons industry or the sale of merchandise produced by companies so involved; AND
- SECTION 6. THEREFORE THAT the bid of S.M. Christhilf & Son, Inc. for one airless paint sprayer in the amount of FIVE THOUSAND SIX HUNDRED AND EIGHTY-EIGHT DOLLARS (\$5,688) is hereby accepted; AND
- SECTION 7. THAT funds in the amount of \$5,688 are authorized for this expenditure from Special Revenue Budget Account 4000.000

Adopted this _____ day of _____, 1987

Introduced by: Councilmember d'Eustachio
First Reading: September 28, 1987
Second Reading:

ORDINANCE #1987-

WHEREAS, the intersection of Ethan Allen Avenue and Jackson Avenue is under the jurisdiction of the City of Takoma Park, and

WHEREAS, the effective control of vehicular speed at the intersection of Ethan Allen Avenue and Jackson Avenue will greatly improve the safety and well being of the residents of neighborhoods through which Ethan Allen Avenue passes as well as that of the residents of the City at large, and

WHEREAS, stop signs are known to be an effective means for controlling vehicular speed on streets.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Takoma Park that a three way stop sign shall be erected so that all traffic entering the intersection of Ethan Allen Avenue and Jackson Avenue, be it westbound on Ethan Allen, eastbound on Ethan Allen or southbound on Jackson Avenue shall be required to come to a full stop at that intersection, and

BE IT FURTHER ORDAINED that the City of Takoma Park Department of Public Works shall be directed to install the appropriate signs in a manner so as to conform to all existing State and City regulations, and as soon as is practicable subsequent to the passage of this ordinance.

Introduced by: Councilmember Sharp

RESOLUTION #1987-80

WHEREAS, there exists a vacancy for Landlord Representative on the City's Commission on Landlord-Tenant Affairs that needs to be filled; AND

WHEREAS, four (4) candidates, Martin Ellman, David Weiss and Lou Winkerstein, and Larry Ravitz were interviewed to fill the landlord vacancy on the Commission.

NOW THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland hereby appoints Mr. Larry Ravitz to the vacant seat on the Commission on Landlord-Tenant Affairs; AND

BE IT FURTHER RESOLVED THAT, Mr. Larry Ravitz is hereby appointed to a 3-year term on the Commission.

Dated: September 28, 1987

Let the record show d'Amotachio - absent

Introduced by: Councilmember Lynne Bradley

RESOLUTION #1987-79

WHEREAS, The City of Takoma Park wishes to make certain street lighting improvements in the alley area of Piney Branch Road; AND

WHEREAS, Potomac Electric Power Company ("PEPCO") proposes to install such equipment as needed, to five street lights at the subject locations, for a flat sum cost of \$9,748.00; AND

WHEREAS, PEPCO's cost is based upon receipt of a signed copy of their proposal dated August 20, 1987.

NOW THEREFORE, BE IT RESOLVED, that the City Administrator is hereby authorized to acknowledge acceptance of PEPCO's proposal by signing such proposal on behalf of the City of Takoma Park, and forward a copy of the contract to Paul Wilson, PEPCO Representative, Montgomery County Region.

Dated: September 28, 1987