

CITY OF TAKOMA PARK, MARYLAND

PROPERTY OF  
TAKOMA PARK MD. LIBRARY

Special Session of the Mayor and Council  
June 6, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Elrich	Cable Coordinator Smith
Councilmember Hamilton	Ec. & Comm. Dev. Director Neal
Councilmember Leary	Housing Services Director Weiss
Councilmember Martin	Police Chief Fisher
Councilmember Sharp	

The Mayor and City Council convened at 8:02 P.M. on Monday, June 6, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Mayor noted that a resolution concerning a Gypsy Moth Program for next year, as mentioned in the May 31 meeting, would be addressed as agenda item 4(a), in conjunction with the Budget Ordinance.

ITEMS FOR COUNCIL ACTION:

1. Second Reading of Tax Rate Ordinance.

Councilmember Douglas moved adoption of the ordinance, duly seconded by Councilmember Hamilton. For the record, the Mayor noted that the tax rate set by the ordinance was \$1.84/\$100. assessed valuation; \$.30 of that amount was for fire service, to be reimbursed to Montgomery County, \$.04 was for storm water management and would be paid to WSSC. For City services provided, the amount was \$1.50/\$100. -- the same as last year. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, and Sharp; NAY: None; ABSTAINED: None.

ORDINANCE #1988-18

(attached)

The Mayor noted, for the record, that the Special Session had been duly advertised in the City's Newsletter, and a regular agenda mailing was sent out.

2. Second Reading of Executive Pay Plan Ordinance.

Councilmember d'Eustachio moved adoption, duly seconded by Councilmember Hamilton. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, and Sharp; NAY: None; ABSTAINED: None.

ORDINANCE #1988-19

(attached)

Councilmember Sharp questioned whether it was really necessary for the ordinance to go into such detail each year in order to effect salary adjustments. Following brief commentary, the Mayor said he felt it would be acceptable in future to use a simple percentage rate adjustment, referring to prior legislation, which would be less cumbersome.

3. Second Reading of Pay Scale Ordinance.

Councilmember Hamilton moved adoption, duly seconded by Councilmember d'Eustachio. Councilmember Sharp pointed out that the salary line for the City Administrator had not been developed under the quartile system, and suggested that be referred to a committee for accomplishment. Consensus was that would be done. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, and Sharp; NAY: None; ABSTAINED: None.

ORDINANCE #1988-20

(attached)

4. Second Reading of Budget Ordinance.

Councilmember Hamilton moved adoption, duly seconded by Councilmember Sharp. The ordinance was adopted by roll call vote as follows: AYE:

Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, and Sharp; NAY: None; ABSTAINED: None.

ORDINANCE #1988-21  
(attached)

4(a). Resolution Regarding Gypsy Moth Program.  
Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember Leary. Councilmember Douglas noted that the resolution formalized a decision made in worksession that the City would be prepared next year to supplement the state's program, if necessary, with funds to be taken from the City's reserves. He pointed out that it charged the City Administrator and the Gypsy Moth Taskforce with continuing vigilance, maintaining contact and cooperation with the state and counties, and making recommendations concerning the necessity for a supplementary program next year. Councilmember Martin expressed support for the resolution, and commended the cooperative effort the past spring to accomplish a second spraying in the city, which she said had been very effective. Councilmember Leary commented he would hope staff would work closely with the taskforce in coordinating and planning, so that necessary steps could be decided upon and taken in a timely fashion next year. The Mayor noted that the staff position of Gypsy Moth Coordinator would likely be filled by a volunteer, and should be formalized by a resolution at the appropriate time. Responding to inquiry from Councilmember Elrich concerning timing, Ms. Martin stated that egg masses were counted in the late fall, the state determines in January/February what areas it would be spraying; she said depending upon the number of egg masses found in the city, it might be decided it was wise to spray whether or not the state did. She noted that Montgomery County's criteria for spraying required a lesser number of egg masses than did the state's. Mr. Leary commented that he had supported appropriation of the necessary funds during budget deliberations with the full expectation that the money would be spent to spray next year, and he would be voting for the resolution with that thought in mind. He said some had favored the addition of a line item in the budget for the purpose, however, had agreed with setting forth the intent in the form of a resolution inasmuch as there was some remote possibility that the money would not have to be spent. He reiterated, however, that it was his full expectation that the money would have to be spent for spraying and other control measures. The Mayor noted that a portion of the money would be expended for citizen education and sticky tape, as well as spraying. The resolution was passed with Councilmember Elrich voting Nay, balance of Councilmembers present voting Aye (Councilmember d'Eustachio temporarily absent).

RESOLUTION #1988-47  
(attached)

5. Second Reading of an Ordinance Authorizing Purchase of Semi-automatic Weapons for Police.

Councilmember Hamilton moved adoption, duly seconded by Councilmember Sharp. Responding to questions raised by Councilmember d'Eustachio concerning recent newspaper articles on the semi-automatic weapons, Chief Fisher said the Washington Post article clearly gave him reasons for concern, and as a result of that article, he had spoken directly with the manufacturer. He said he had been assured that all of the weapons that had developed mechanical difficulties after a period of use were ones that had been sold to the military, and in excess of 3500 rounds of ammunition had been fired through the weapons prior to the problem surfacing. He said the problem appeared to be the metal fatigue as a result of the numerous firings. In addition, he said he had spoken with the Air Force Police at Bolling A.F.B., who currently carry the Beretta 9mm weapons, and they had no intentions of returning them to the manufacturer as defective. Chief Fisher pointed out, also, that the ammunition used in tests of the weapons was rated at twice the pressure of the ammunition Takoma Park Police officers would be using in the guns, so they would not be subjected to the same stress factor. He said it was likely that 300-500 rounds per year would be fired through Takoma Park officers' guns during training, qualifying on the range, etc., and all the firings were logged. He said that problems with weapons most often surfaced during range training sessions; armorers were present and were generally able to

correct them. He said he would certainly not want to give the impression that he knew all there was to be known about the weapons, however, the Army and Air Force were still buying Berettas and were working out the problems they had encountered to date. Addressing the Journal article on the subject, Chief Fisher said he felt Montgomery County's decision about the use of semi-automatics was primarily a personal decision, and that other jurisdictions had made decisions in favor of their use. He said his decision was based on his belief that the semi-automatic 9mm weapon was more efficient, and the fact that it provided a greater number of rounds that could be fired at one time without reloading, rather than any other rationale that had been cited in the media. Responding to Councilmember Leary, he stated there was nothing in the current day's Journal article that would lead him to change his mind on the subject. For the record, the Mayor noted portions of the May 31 discussion, including the fact that officers would receive training in the use of the weapons prior to carrying them, and it would be the individual officer's personal choice whether or not he/she wished to use the semi-automatics. Chief Fisher affirmed that officers would receive very intensive training in the use and care of the weapons. He said, while some departmental personnel already carried the weapons and had done so for some time, the new weapons would probably be received sometime in July and there would be an approximate 6-month phase-in period in the use of them.

Robert Smith, 8507 Flower Avenue: said if issuance to police officers of the semi-automatics would make citizens feel safer and keep them from buying their own handguns, then it would be a good idea. However, he said mention was often made of the City's leadership role, and in that context, approval of the weapons made him uncomfortable. He reminded that the current date was the 20th anniversary of Robert Kennedy's assassination with a handgun. He said he was proud that Maryland had taken a step toward outlawing "Saturday Night Specials," but was concerned about challenges to that law that some organizations were making. He said it would be his hope that in approving the semi-automatics for use by the police force, messages could also be sent to the state, to the White House, and, particularly to the State of Virginia which has extremely lax handgun laws, that the elected body's action was not an advocacy of handgun use in the U.S. He said while he would not want to discourage approval of whatever tools the police department required to successfully accomplish their work, he would encourage that elected officials examine the issue seriously before casting their votes.

Councilmember d'Eustachio commented that while he would be voting in favor of the ordinance, he supported a number of Mr. Smith's comments and would be drafting a resolution in support of handgun laws in Maryland, which he said he felt could be made even stricter than they are. Councilmember Douglas thanked Mr. Smith, saying he felt he had articulated sentiments shared by a number of elected officials very well; he referred to the reservations expressed during the initial worksession discussion of the legislation. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, and Sharp; NAY: None; ABSTAINED: None.

ORDINANCE #1988-22  
(attached)

6. Special Exception Requests for Accessory Apartments.

Housing Services Director Weiss noted that the elected body had been furnished a staff report, based on the department's inspection of the properties, as well as information provided by the Park & Planning Commission and the Montgomery County Department of Economic and Community Development. She commented that the units were in compliance with City Codes, however, some items would need to be accomplished in order to bring them into compliance with either guidelines recommended by the county or standards adopted by the county.

8004 Maple Avenue:

The Mayor noted that staff's recommendation was endorsement of the petitioner's request for approval of the accessory apartment; Councilmember Elrich so moved, duly seconded by Councilmember Hamilton. Responding to inquiry from Councilmember Douglas, Ms. Weiss stated that the lot size was sufficient for all of the properties that

would be addressed. The property owner affirmed that the lot size was in excess of the minimum requirements. Responding to further inquiry, Ms. Weiss stated that the property had been registered for the past year as having 2 rental units and 1 owner-occupied unit; she said the intent of the owner was to combine the 2 rental units into one large rental unit. Councilmember Leary pointed out that a part of the documentation provided indicated that the property contained 3 rental units in the cellar of a two-story home. The property owner affirmed that there were 3 complete apartments located in the basement of the dwelling; she said one of them was not rented and was used only by family members, however, the inspector had indicated that certain kitchenette facilities, such as 2 burners, would have to be removed. She said she intended to pursue the matter because the space was used solely for family purposes, the burners were used for craft projects, etc. She explained that while that unit currently had access from outside the house only, the intent was to reopen the stairwell so the family would have access to the space from inside the house. Ms. Weiss remarked that the subject of second kitchens in owner-occupied homes was discussed at length at a County Council meeting which she and Councilmember Hamilton attended, and the consensus was that those were permissible. She said, however, that some instances were being encountered in Takoma Park in which zoning officials were giving owners a hard time about those facilities -- many of which were used for entertainment purposes, canning, etc. -- there was a lot of skepticism when the home was located in Takoma Park, the idea being that the true use would be for multi-family housing purposes. The Mayor commented that perhaps there was a need for the City to communicate with the appropriate county official concerning the problem. Councilmember Elrich commented that he could confirm that since the present owner had acquired the property, the number of rental units had been reduced from 3 to 2, the 2 would be combined into 1, and the extra unrented unit's kitchen facilities were used by the owner's daughter for science experiments and by other family members.

By way of explanation, the Mayor noted that his earlier comment about writing to the county concerning their policy on second kitchen facilities in owner-occupied homes was for purposes of clarification about their existing policy.

Councilmember Martin inquired concerning off-street parking; the owner affirmed that there was sufficient off-street parking in accordance with the standards of Park & Planning. At the request of Mr. Wilson, Ms. Weiss explained that were the property to change ownership in future, the new owner, while he/she would not have to go through the same Special Exception process, would have to request that the Special Exception apply to the new owner as it had to the previous owner. Councilmember Douglas commented he had no problem with the second kitchen, however, his supporting vote would be based on the presumption that it would be truly integrated into family use by providing access from the rest of the house. The motion to endorse staff's recommendation of approval of the petitioner's request was passed by unanimous vote.

Deputy City Clerk Jewell noted that two phone calls had been received expressing support for the petitioner's request.

7313 Cedar Avenue:

Ms. Jewell noted a phone call from June Welsh expressing no objection to the request. Councilmember Douglas moved to accept DHS's recommendation of endorsement for the petitioner's request, duly seconded by Councilmember Hamilton. Ms. Weiss commented that the property was in very good condition, there were minor violations that would be easy to remedy. She noted a letter from Leroy and Carolyn Adams, 7312 Maple Avenue, in support of the petition.

Catherine Simpson, 7300 Cedar Avenue: said she had been a neighbor of the property owner since 1953; she spoke in support of the request.

The motion to endorse the petitioner's request was passed by unanimous vote.

7520 Carroll Avenue:

Mr. Wilson noted receipt of a telephone message from Dr. and Mrs.

Frank Hussong, 7518 Carroll Avenue, expressing support for the request. Councilmember Douglas moved to accept DHS's recommendation, duly seconded by Councilmember d'Eustachio. The Mayor noted that DHS's recommendation was for endorsement, contingent upon abatement of certain interior and exterior code violations. Ms. Weiss explained that the property was in the process of being rehabbed; she said there were a number of existing violations, but it was expected, and there was every reason to believe, that those would be abated prior to the unit being rented. She said this was a very large home -- besides the rental unit, the home had 7 bedrooms and 4 bathrooms. She said while there was insufficient off-street parking, the size of the home and property, and the sufficiency of off-street parking on Jefferson Avenue, led DHS to believe that the Special Exception should be granted.

David Mitchener, son-in-law of property owner: affirmed the house was very large and rambling, required a lot of work to be done. He said it had been formerly occupied by 6 unrelated adults, and it was felt the change of ownership had benefitted the neighborhood. He said it was fully intended to bring the property, and the rental unit, into compliance with all code requirements; a number of improvements both to the house and property had already been effected.

Responding to Councilmember Hamilton, Ms. Weiss affirmed there were still code violations outstanding that would require abatement prior to the rental unit being occupied. Responding to inquiry from Councilmember Martin concerning denial by the county of a Special Exception for the property in 1986, she said while the record did not indicate the county's reason, she thought it probably had something to do with the number of units and the configuration of the dwelling, noting the house was previously divided up into a number of units. She remarked it may also have had something to do with the previous owner's reputation, as the record indicated there were a number of violations both internally and externally on the property.

The motion to accept DHS's recommendation of endorsement of the petitioner's request, contingent upon abatement of existing violations, was passed unanimously.

7310 Maple Avenue:

The Mayor noted that DHS recommended endorsement of the petitioner's request, contingent upon provision of one designated off-street parking space for the tenant's use. Councilmember Elrich moved approval of DHS's recommendation, duly seconded by Councilmember d'Eustachio.

Dana Czipansky, property owner: stated he and his wife had owned the property since 1970; when they purchased it, there were 3 legally registered rental units in the property, they reduced it to one unit in the basement, which they planned to retain. He said there was a designated off-street parking space for the tenant of the unit, and noted the unit was legally registered with the City.

Ms. Jewell noted receipt of a message from Mrs. Sheaffer, 7314 Maple Avenue, who expressed objection to the petitioner's request, stating that having a landlord there had not improved the property, the house looked bad, and she would request that a housing inspector examine it. The Mayor noted that there was a housing report on the property which indicated minor violations. Mr. Czipansky explained that a porch facing Mrs. Sheaffer's property needed painting, which he was in the process of doing. Responding to Councilmember Douglas, Ms. Weiss briefly addressed various items under the county's guidelines and their requirements regarding accessory apartments. She noted receipt of calls from 2 individuals who had asked that their names remain anonymous and who had voiced objections to the request and complaints about the property; however, she pointed out that one of those persons had apparently called Ms. Jewell also, so she would wish to clarify for the record that there was a total of 2 callers; in addition, she noted one letter had been received expressing support for the request. The Mayor noted there was one additional objection from an individual wishing to remain anonymous, however, the reason for their objection was not clear in the note received.

Councilmember Hamilton noted an inspection had been done on June 2,

and inquired concerning reinspection of the subject property; Ms. Weiss stated a reinspection was scheduled for July 2. Councilmember Douglas noted concerns had been expressed by one neighbor regarding adequate off-street parking; the property owner affirmed there was an off-street space designated for use by the tenant, however, the tenant did not have a car so did not make use of the space at present. The property owner pointed out there was adequate parking space on the property for 4-5 vehicles. The motion to adopt staff's recommendation of endorsement of the petitioner's request, contingent upon provision of one off-street designated parking space for the tenant, was passed by unanimous vote.

The Mayor referred to the earlier question raised concerning the county's policy regarding second kitchens in residential homes; consensus was that staff would proceed with ascertaining the county's current policy on the matter. Councilmember d'Eustachio remarked that Montgomery County appeared to be operating in a state of massive confusion, and the situation was not beneficial to either the county or municipalities located within it. He cited a case concerning application for an accessory apartment Special Exception which had been brought to his attention by a constituent, wherein the applicant was given conflicting information, both written and verbal, e.g., concerning the application fee, which was stated in one letter as being \$50. and in another letter as \$300. He said he felt the matter should be brought to the county's attention. The Mayor commented it would be placed on a July worksession agenda for discussion.

7. Resolution Authorizing City Administrator to Execute the Police Rebate Contract.

Councilmember Leary moved passage of the resolution, duly seconded by Councilmember Douglas. Councilmember Leary commented he wished to commend the City Administrator and his staff for his handling of the difficult negotiations and bringing them to a successful conclusion. Mr. Wilson related he was awaiting final word from the county regarding minor changes effected in the contract and confirming June 13 as the date for signing the document. The Mayor commented he would also wish to commend the Assistant City Administrator, Chief Fisher and Captain Wortman for their efforts in the matter. The resolution was passed by unanimous vote.

RESOLUTION #1988-48  
(attached)

8. Resolution Authorizing City Administrator to Execute Lease Financing Documents for Purchase of Vehicles Authorized in FY 88 Capital Budget.

The Mayor noted the resolution would authorize the signing of documents for the lease purchase of 4 Police patrol vehicles, 2 Housing administrative vehicles, 1 trash truck, 1 heavy dump truck, and 1 small dump truck. The resolution was passed by unanimous vote.

RESOLUTION #1988-49  
(attached)

9. Resolution Authorizing Transfer of Funds to 7611 Maple Avenue Tenants' Association for Feasibility Study.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Following brief discussion, consensus was that the designated use of the funds would be accomplished by resolution, with a budget amendment to occur thereafter. Councilmember Martin said that while she basically favored what was proposed, she had concerns about precedent, inasmuch as she had learned that a large apartment complex in her ward was going on the market and the tenants might wish to purchase it. She said she was concerned that what the City did for one group, it would also be expected to do for another, and she was not certain the City could afford to do that. Mr. Neal stated that the TAP program was originally funded with \$25,000, with a limit of \$10,000 to any one applicant; funds from that program were limited to relatively small buildings of 21-99 units, however, the 99-unit limit could be waived, so the building to which Ms. Martin referred could qualify for \$10,000, if that were done. Councilmember Elrich commented that the \$10,000 was not really an adequate amount to enable tenants to carry through the purchase of a

building, particularly those housing a number of low and moderate income people. He said he thought Ms. Martin's point was good, and his choice would be to roll the \$5,000 under consideration into the TAP program and alter the guidelines for that program in an upward direction. He remarked he also intended to submit a Block Grant request for the TAP program for funds, so that \$15,000-\$20,000 could be allowed for larger buildings so the tenants could realistically accomplish what had to be done in order to purchase a building. Mr. Elrich said his suggestion would be that the \$5,000 be put into the TAP revolving fund, so that the money would be returned and could be used by other tenants. Councilmember Douglas commented he supported Mr. Elrich's suggestion, and would amend the motion to provide that the money would be repayable in the same way as was TAP money. Following brief discussion clarifying that what would be done was a transfer of the \$5,000 into TAP funds, with subsequent amendment of the TAP guidelines to allow tenants up to \$15,000 from that program rather than the current \$10,000, Councilmember Elrich duly seconded the motion. Councilmember Leary commented that inasmuch as the guidelines refer to exceptional cases, it would be his preference that the 7611 Maple Avenue case be considered as such and authorized the loan of \$15,000; however, inasmuch as the total amount of funds in the program would now be \$30,000, he would not want it to be automatic that a tenants' association was allowed \$15,000. Ms. Martin suggested that the tenants be required to come up with matching funds for the extra \$5,000 before it was allocated for their use.

Councilmember Hamilton said he would support Mr. Leary's position, if a consensus could be gotten on it. He reiterated the history of the \$5,000 in question, pointing out that it was originally allocated with the idea in mind that not only the tenants, but the City, would benefit from its use, inasmuch as it would give the City an education in what a feasibility study involved and how such money could best be used in future. Responding to inquiry from Ms. Martin, Mr. Neal stated he had never done a feasibility study, so doing so would certainly be educational. He said he had seen some of the work the firm doing the study for the 7611 tenants had accomplished, both for those tenants and other buildings, so had an idea of what some of the paperwork looked like, but was not knowledgeable about the execution of the process. He said that observing the process was certainly educational and would give City staff and elected officials a better basis for future evaluations.

The Mayor clarified that the motion on the floor was to transfer the subject \$5,000 into the TAP program, with Mr. Neal authorized to recognize the 7611 Maple Avenue property as an exception to the guidelines, which would permit exceeding the usual \$10,000 limit. Mr. Neal reminded that a 4-member board was set up as a TAP Loan Approval Committee, and asked that the elected body consider carefully setting any precedent for making decisions for the board. The Mayor said he would rephrase the motion to put the \$5,000 into TAP funds, and encourage that staff and the board consider granting special exception status to the 7611 Tenants' Association, so that they might have access to more than the usual \$10,000, but not more than \$15,000.

Following additional brief discussion, all prior motions and seconds were withdrawn. Mr. Neal suggested that the resolution, as written, be amended to read as follows: the four "Whereas," clauses would be retained, as written. Section 1. would read: "NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of Takoma Park, Maryland, hereby authorize the City Administrator to reprogram and expend up to \$5,000 of the City's CDBG Contract No. 659208-A for use by the tenants under the Tenant Awareness Program and to request that the TAP Loan Approval Committee consider the 7611 Maple Avenue Tenants' Association's additional application for funds." Councilmember Douglas moved passage of the resolution with the amendment as stated, duly seconded by Councilmember Hamilton. The resolution was passed by unanimous vote.

RESOLUTION #1988-50  
(attached)

Upon motion, duly seconded, the Special Session adjourned at 9:42 p.m., to reconvene in worksession immediately thereafter.

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
June 13, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Elrich	Cable Coordinator Smith
Councilmember Hamilton	Div. of Ec. & Comm. Dev. Dir. Neal
Councilmember Leary	Housing Services Director Weiss
Councilmember Martin	Spec. Asst. to City Admin. Robbins
Councilmember Sharp	

The Mayor and City Council convened at 8:08 P.M. on Monday, June 13, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of the May 16 Regular Meeting and Public Hearing were presented for approval. Councilmember d'Eustachio pointed out that on pages 3 and 5, Fay Stern should read Faith Stern. Councilmember Hamilton moved approval of the Minutes with the noted correction, duly seconded by Councilmember d'Eustachio; the motion carried by unanimous vote. For the record, Mr. Hamilton noted that the tapes for the May 16 meeting had not recorded properly through the sound system; Deputy City Clerk Jewell had done the Minutes transcription from video tapes in the Cable TV office.

Mayor Del Giudice reminded of festivities on June 14 in observance of National Flag Day, to include a ceremony at 7 p.m. in front of the Municipal Building, with entertainment provided thereafter by D.C. Motors. He also remarked on having visited the prior week with the delegation from Kanagawa, Japan, that was visiting Maryland. He explained that area of Japan was a sister state to Maryland; the delegation particularly had wished to visit Takoma Park because of the City's involvement in peace movements and the Nuclear Freeze movement. He related the group had performed an historic folk lore dance and musical rendition at Piney Branch Elementary School, which was well-received and enjoyed by all. He said a token remembrance of their visit, a little bell, was presented and would be left on display in the Office of the Mayor. He noted a delegation from Maryland would later be visiting Kanagawa.

The Mayor commented he would be presenting as an additional agenda item a resolution declaring June 19 International Peace Marchers Day in Takoma Park. He explained that the International Peace Movement had grown since the days of the initial Peace March across the U.S., which had terminated in D.C. and had set up a base camp in Takoma Park. He said that same group had sponsored a peace march across the Soviet Union last year, and this year was sponsoring a group of 200 Soviet citizens who would be departing D.C. on June 19, walking to Takoma Park, where they would participate in festivities that evening before commencing their walk across the U.S.

The Mayor noted receipt of a notice from the Chairman of the Board of Trustees of the Local Government Insurance Trust informing the City that the board had presented the City a plaque in recognition of initial participation and commitment to the Local Government Insurance Trust. He related briefly some of the history of the trust, particularly noting the role City Administrator Wilson had played in conjunction with MML, in getting the trust underway, pointing out that it made the insurance needed by municipalities affordable to them.

Councilmember Elrich, having requested an opportunity to make some comments, noted that the Takoma Park/Silver Spring Co-Op where he was employed would be submitting a contract to the partnership owning the Zarpas property in Takoma Junction, with the hope of acquiring that parcel of land so that the co-op and cafe could be relocated to that site. He said due to his position on the Council, he would wish to make his involvement with the co-op openly known, would want it known that should the Council be voting on anything concerning the piece of property, he would recuse himself from participating in the vote, so as to avoid any perception of his using his office to better his



personal position. Mr. Elrich stated he was an hourly employee of the co-op, worked shifts there, had no stock ownership or any other stake in financial ownership of the business, which was worker/community owned. He said he did, however, hope that the co-op would be successful in acquiring the site and concluding negotiations with Mr. Zarpas.

Mr. Elrich noted his membership on the Silver Spring Sector Plan Review Committee; he said at a recent meeting of the group, he was given a copy of revisions to the road plan, which include some references to Takoma Park. He said the county was proposing to widen eastbound Rt. 410 at its intersection with Piney Branch Road to provide a 2-lane approach, which would allow left/through and through/right traffic flow. He said the problem would be that on the other side of the intersection, there was only one lane for through traffic in that direction. At Carroll and Philadelphia, he said, the plan was to widen Philadelphia to provide an eastbound left turn lane. On Maple and Philadelphia, at the intersection, he said the plan was to widen Philadelphia to provide an eastbound left turn lane; and also widening Piney Branch at University was being discussed, to provide an eastbound right turn lane. Mr. Elrich said it seemed apparent the plan was to draw a lot more traffic through Takoma Park. He said he was provided no diagrams, only short descriptions of what was planned. He urged that citizens contact Mr. McGarry at the County Department of Transportation and express their views without delay, because once plans were formalized and implemented, the results would be felt for a long time to come. The Mayor asked that the Planning, Transportation and Zoning Committee examine the information Mr. Elrich had, and request any needed additional information from the county without delay. He said he would like the elected body to adopt a position on the matter as soon as possible, hopefully by July 1.

**ADDITIONAL AGENDA ITEMS:**

Resolution re International Peace March (Del Giudice)  
Original agenda item #10 withdrawn due to need for further legal research (Wilson)

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

Wayne Upton, 7600 Maple Avenue: inquired concerning the status and impact of the county's enforcement of the phaseback law. The Mayor explained that the county had agreed to proceed slowly, not to press enforcement during the period that a lawsuit was pending before the Federal District Court. He noted that suit had been resolved, however, was uncertain what the county would now be doing, and much would probably depend upon whether additional lawsuits were filed. Housing Services Director Weiss said DHS was aware of some situations wherein landlords, after receiving notice from the county, had sent 60-day notices to vacate to tenants; a number of tenants had been assisted in locating alternative housing, and information was received from the county that they were assisting some of the tenants in finding alternative housing. The Mayor asked that DHS provide a status report on the situation sometime in early July, including any statistics available and what the county was doing now that the lawsuits were semi-resolved for the present.

Mr. Upton inquired concerning ridership statistics since implementation of the smaller Ride-On bus routes in the city and route changes, as well as possibilities of extension of service during late-night hours. Responding to the Mayor, Councilmember Hamilton pointed out he had explained the situation to Mr. Upton several times, as well as providing him with a copy of a letter the City had received from Transportation Director McGarry. He pointed out a committee was to be formed to evaluate the situation 60 days after implementation of the changes, however, that had not yet taken place. Councilmember Leary pointed out that the evaluation committee had been formed and would probably meet sometime toward the end of June; at that time, the county would have the first month's statistics on ridership available.

Mr. Upton inquired whether any information or workshop summaries from the April 27 COG Drug Summit were available. The Mayor related that a general report concerning what had come out of each of the workshops had been received; the 2 principal COG committees that would be dealing with the matter had set a summer agenda to work on some of the recommendations; an official report, including a videotape, would

later be forthcoming. Councilmember Hamilton remarked he had done an article for the Takoma Voice on the drug problem and how the City should change its priorities; a copy of New Jersey's legislation on the comprehensive drug act had been received and the Community Services Committee would be reviewing that and talking to the Police Chief, Councilmembers, City staff and others to see whether that legislation offered anything regarding enforcement that the City might make use of. The Mayor commented things were occurring in the area of law enforcement concerning the drug problem, but they were not appropriate for discussion at a public meeting.

ITEMS FOR COUNCIL ACTION:

1. Resolution Authorizing City Administrator to Execute Storm Water Survey Contract.

The Mayor explained that the resolution was presented with the recommendation of the taskforce established by the State Legislature to study the stormwater system in Takoma Park. He said one of the problems encountered had been that of 2 counties handling the stormwater system in the City. The goal was to try to find a solution to the problem, and the commission felt that the first step would be to get a better idea of the actual existing situation in Takoma Park with regard to stormwater, which the technical study authorized by the resolution would accomplish.

Richard Robbins, Special Assistant to the City Administrator, introduced Cliff Oliver, the Project Manager assigned to the project by Prince George's County, Stan Wilderson, a member of the technical subcommittee, and Jeff Hutchins of Engineering Technology Associates, recipient of the contract, if awarded. He explained that these individuals were present to respond to any questions posed. At the request of the Mayor, Mr. Robbins explained that approximately 11 months ago, the taskforce had met and developed the technical committee, comprised of himself, along with representatives from both counties and WSSC, and that group had developed an expression of interest which was mailed to over one hundred contractors, later followed by a Request For Proposals. Ultimately, he said, four contractors were interviewed, and Engineering Technology Associates was chosen for recommendation. He said they would, if the contract were awarded, map all the storm drains in the city down to 10", noting 6" connections where possible. They would then establish a map and update WSSC's drawings accordingly. He explained they would divide the area into segments, predicting where storm drains should be, so they would have a good idea of what should exist before going out into the field. In addition, he said, assistance would be requested from residents in the way of what they were aware of on their property that might be related to the stormwater system. He pointed out that prior to 1950, while many storm drains were installed, they were not documented -- perhaps as much as 40% of the existing storm drain system was not documented. He said what would result from the survey would be complete documentation of the system in the city. Responding to inquiry, he said condition of the drains would be observed visually from manholes, and in instances where such drains 40" and larger could be entered, however, the primary purpose would be inventory, not condition assessment. Mr. Robbins affirmed that WSSC would be paying the total cost of the survey contract; bills would go to the project manager for review and inspection, then to WSSC, who would pay the contractor directly. It was noted the resolution required correction in one instance where and had been erroneously inserted in the contracting firm's name. Mr. d'Eustachio again raised the question of whether it was anticipated that a later assessment would be made of the condition of the city's storm drain system. Mr. Robbins stated that the technical subcommittee wished to proceed with a phase B, and would be submitting plans for such, however, it was unknown whether funds would be provided because such an effort would probably cost in excess of \$250,000. The Mayor commented that the results of the study at hand should be available in January, at which time a second study would probably come up for consideration. He said it was hoped that some idea of the condition of the system generally could be gotten in the course of the study, and then it would be better known how to proceed. Responding to inquiry from Councilmember Douglas, Mr. Robbins stated the contractor had 180 days for completion from the date of receipt of an order to proceed. The Mayor noted it was anticipated the taskforce would have a final report back by January 1.

The Mayor moved passage of the resolution, duly seconded by Councilmember d'Eustachio; the motion carried by unanimous vote. The Mayor noted that all residents would be notified, the survey would be publicized in the Newsletter; he pointed out there might be some instances in which entry onto private property might have to be made in the course of following and locating all the storm drains.

RESOLUTION #1988-51  
(attached)

2. Second Reading of FY 1988 Budget Amendment No. 4.

Councilmember Hamilton moved adoption, with certain changes that had been effected subsequent to First Reading, duly seconded by Councilmember d'Eustachio. Ms. Habada enumerated those amendments effected after the First Reading, i.e., \$4,000 was added for semi-automatic weapons for the Police Department, an appropriation was added in the Special Revenue Budget to recognize revenues received the current year for a project that occurred the prior year (the Maple Avenue Storm Drain Project), and an item was added to recognize some additional revenue funds received for the Takoma Junction project. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Martin, and Sharp; NAY: None; ABSENT: Councilmember Leary.

ORDINANCE #1988-23  
(attached)

3. Second Reading of Security Deposit Legislation.

Ms. Weiss noted the legislation was designed to provide criteria for COLTA's use in determining whether to award damages in excess of actual damages in security deposit cases. She noted the draft provided had been amended subsequent to First Reading in accordance with discussion that occurred in worksession, said it included actual language of the state legislation, and elaborated upon some of the provisions of the ordinance. Councilmember Elrich moved adoption of the ordinance, as amended at worksession, duly seconded by Councilmember Hamilton. For the record, Ms. Weiss noted that the amendments included language clarifying the meaning of "actual knowledge," and clarifying those specific instances in which award amounts could exceed actual damage amounts, and within what maximum limitations. Ms. Weiss affirmed that the amendments effected had been suggested by Corporation Counsel. The Mayor asked that, in future, legislation that was changed subsequent to First Reading reflect those changes by the use of double underlining so that amendments could be adopted technically and formally at Second Reading, prior to adoption of the legislation as a whole.

Councilmember Sharp moved to further amend the ordinance by the deletion on page 4, Sec. 6-80.21(c)(1), of the word "actual" in the language that reads "...that the landlord has actual knowledge, either express or implied..." The motion was duly seconded by Councilmember Leary, and carried by unanimous vote. The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, and Sharp; NAY: None; ABSENT: None.

Councilmember d'Eustachio moved that the legislation be brought back on the floor for the purpose of amendment by insertion of an effective date; the motion was duly seconded and carried by unanimous vote. Councilmember Douglas moved to amend the ordinance, making it effective July 1, 1988; the motion was duly seconded by Councilmember Sharp. The amendment was passed by unanimous vote. The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, and Sharp; NAY: None; ABSENT: None.

ORDINANCE #1988-24  
(attached)

4. Resolution on Zoning Application for 8 Grant Avenue.

The Mayor related that at the worksession, staff's report was discussed and the majority sentiment at that time was to bring forward a

resolution approving the proposed zoning application. The Mayor noted a considerable amount of time had been spent on consideration of the subject, a public hearing had been conducted, and said, in the circumstances, he felt the one hour time frame allocated for it on the present agenda was generous. He asked that those present who wished to speak confine themselves to the 5-minute limit as set forth in the City Code.

Mr. Neal said he had attempted, in drafting the resolution, to embody the spirit of the discussion of the matter at the last worksession, and incorporate not only staff recommendations for conditions to be imposed upon approval of the rezoning application, but also suggestions made by Councilmembers which had majority Council support. He enumerated the conditions that would be imposed on the Council's approval of the application. Mr. Neal noted that the applicant was present, as was Maggie Howard, Co-Chair of the Takoma Junction Revitalization Steering Committee.

Mayor Pro Tem d'Eustachio moved passage of the resolution, duly seconded by Councilmember Douglas. Councilmember Elrich commented he was troubled by the use of the phrase "inherent instability" in the document; he said he did not envision that terminology as being applicable to that particular block, saw no threat to that block's zoning or existing uses, either by changes or lack of changes in the zoning on the block. Actually, he said he foresaw more instability by introducing the ability to get a floating zone, like the O-M zone, than by saying that the City wanted the zoning held fast where it was. Mr. Neal remarked that the ability would not be introduced, that it already existed for any property owner on that block; he said what he was referring to by the phrase in question was the patchwork zoning that exists on the street. He said what traditional zoning attempted to do was set up a core and then spread out from that core with lessening density in the zoning; in that first block on Grant Avenue, he said, there was a mixture of zoning categories -- the zoning was not consistent, so there was potential for development that was not consonant one parcel with another. He said he felt that the property in question, in its present state, was evidence of instability in zoning. Mr. Elrich pointed out there had been other instances of properties in similar condition in the city, however, questioned whether they were evidence of instability in zoning. Mr. Neal said that while perhaps some blame could be placed on the owner of the property, given the visibility of the property and the market pressures for land and property, if it were attractive for development, someone would probably have made an offer and bought it long before now for residential use. He said he felt the property was not attractive for that use and it was left to decay. Responding to further inquiry from Mr. Elrich, Mr. Neal affirmed that the property had not been put on the market, had not been advertised or multiple-listed; the sale transaction had been a private one, which was not unusual in Takoma Park. Concerning the actual value of the property, he said the evaluation of the appraisers had been that it was worth whatever a willing buyer would pay a willing seller, which was noncommittal; apparently, however, the value of the property for residential use was \$70,000. He said the applicant had paid the market price for the property which is zoned R-60, however, had said he did not believe it would be economically feasible to develop the property for single-family use.

For the record, the Mayor noted receipt of letters concerning the application from Faith Stern, from Cindy Wells of 5 Grant Avenue, Mike Graul and Christine Hudak of 101 Grant Avenue, Thomas and Christine White of 7 Grant Avenue. He said those would be included in and made a part of the permanent record developed on the application. In addition, he said he had asked former Councilmember Lou D'Ovidio of the Public Advocate's Office for Assessment and Taxation if he could provide assessment information on the property, and the following had been forthcoming: fair market value of \$54,000.; land valued at \$24,000. and the improvements thereon at \$30,000.; the assessed value for tax purposes was \$23,360.

Councilmember Hamilton inquired whether, in the course of meetings he had held with citizens, Mr. Neal was aware of any alternatives presented or any offers from citizens to buy the property for residential purposes. Mr. Neal said the issue had been discussed at a Planning,

Transportation & Zoning subcommittee meeting, as well as at several Takoma Junction committee meetings; alternatives had been discussed, however, staff had not really become involved in the development of alternatives, which he had felt to be beyond the scope of the charge of City staff, whose primary concern was zoning and what the law would dictate. While alternatives had been discussed, he said, to his knowledge, none of the citizens had come forward with any alternatives, such as an offer to buy the property from the present owner.

Mike Groll, 101 Grant Avenue: said he had been in contact with four different non-profit organizations in Montgomery County who are active in setting up group homes, however, due to financial restraints, none of them could currently make any offer on the property. He said it was his understanding that a group home for the elderly or developmentally disabled with a maximum of 8 residents would be permissible under the present R-60 zoning designation. Responding to Councilmember Elrich, he said he had not looked into the state program that provides subsidizing for group homes, however, believed that while state and federal agencies would provide subsidies, it was left up to non-profit organizations to actually purchase and operate their facilities. Mr. Neal affirmed he had talked with the Association for the Developmentally Disabled, a state agency, but primarily about requirements rather than financing. The Mayor commented he understood that Montgomery County had a program that would provide loans and/or grants up to a maximum of \$35,000 toward the purchase of a group home by a private contractor. Mr. Groll said the residents of the neighborhood simply were not in a position to do the necessary research about such use of the property, did not have adequate expertise, and were amazed that the burden of such investigation had been put on them by City staff. Mr. Gross referred to Constructive Alternative's claim that it would not be economically feasible to develop the property for residential use, and referenced documentation provided at the worksession outlining the cost of so doing; he said it appeared the cost was somewhat exaggerated and the developer was looking to make an excessive profit. Additionally, he said a figure of \$20,000 was cited for marketing costs, however, Mr. Fleming had commented on several people being interested in renting the property subsequent to its development, so he did not see why such marketing costs would be involved. He said he had a lot of questions about figures that had been cited to substantiate the developer's claim that it would not be economically feasible to develop the property for residential use.

Anthony Targan, 108 Grant Avenue: said he had examined Mr. Neal's report, would like to focus on the supplemental recommendations, which he said set forth all the problems related to the property, e.g., parking, etc. He said there was a need to view the development from the aspect of what effect it would have upon exacerbating already-existing problems. Mr. Targan said it was his opinion that solutions to the existing problems should be sought prior to the Council voting approval for the rezoning application, rather than ignoring them and moving ahead. Should the elected body feel a need to move forward with the resolution, he urged that it be amended to include language acknowledging and setting forth the existing problems, so the county would be aware there were problems and that residents were concerned about them.

Ken Kusterer, 101 Grant Avenue: said he felt it to be an extraordinary turn of events for the City to be considering approval of turning a single-family home into an office building. He said there were 8 single-family residences on the block; of the 8, 2 had higher density on only one side of their lot, the other 6 had higher density on either 2, 3, or 4 sides of their lot; 3 out of the 8 had higher density around them than the property in question. He said if the Council decided that the circumstances justified a commercial zoning of the property at 8 Grant Avenue, that decision would have a highly destabilizing effect on the zoning of the entire area.

Dan Robinson, 120 Grant Avenue: referring to Mr. Neal's report which depicted the block as unstable, he said residents of the block wish the block to be more stable, which was why they oppose the zoning change. He said stability of the block equated with retention of the residential zoning, and that was important to residents. He asked that the elected body consider all the problems before moving ahead with the

resolution.

Tom White, 7 Grant Avenue: said he was concerned that the rezoning could create a perverse incentive for property owners similarly situated to allow their property to deteriorate to the point where they could claim it could no longer profitably be developed for single-family housing purposes, and they would be rewarded with commercial zoning of their property. He said he felt that passage of the resolution would be setting an incredibly dangerous precedent.

Margaret Howard, Co-Chair of Steering Committee for Takoma Junction: said that 4 years ago in a survey of Takoma Junction, Morton Hoffman Company had recommended that the property in question could probably best be used rezoned differently. She said that the committee did support the zoning application.

John Fleming, 6907 Westmoreland Avenue: referred to the decade-long dedication of the City to commercial revitalization and stabilization of both residential and commercial areas. He said he did not think the conversion of a property to commercial zoning inherently equated with destabilization of a neighborhood; he said in the particular neighborhood of 21 titled/platted properties, 9 of those, including 8 Grant Avenue, were zoned R-60, the balance were zoned commercial; that had been an important element in Montgomery County Park & Planning's support for the rezoning. Mr. Fleming summarized some of the history of the property, and the extensive and longstanding support for the rezoning from various citizens' organizations, governmental agencies and staff, and contiguous neighbors. Concerning the cost of redevelopment, Mr. Fleming pointed out he had rehabbed other buildings, knew what the costs involved were, and did not think the costs he had cited in relation to this property were particularly inflated. He said while it might be that the property was marketed without incurring the usual 5% marketing cost, it would not be good business practice to exclude the fact that that cost could apply. Concerning traffic impact, he pointed out Park & Planning had required a study be done by a professional traffic engineer, whose conclusion had been that there would be virtually no traffic impact on the neighborhood as a result of the rezoning and altered use; no parking would be taken away, and a parking space would be added. Mr. Fleming said he did not feel his development of the property would be destabilizing to the area, that the building as it currently was was an unstable factor. He pointed out that the prior property owner had long sought a buyer, however, no one had wished to buy it for residential use -- primarily because it was not suitable for that use. He said what he intended to do was create a sensitive environment for commercial development.

Responding to inquiry from Councilmember Elrich concerning a comparison made with the commercial property at the top of Westmoreland Avenue, Mr. Fleming said he envisioned no problem with traffic on Grant Avenue despite its one-way traffic flow versus Westmoreland's two-way traffic, particularly inasmuch as the professional traffic engineer had not foreseen any problems. He said he did not anticipate overflow parking from the building onto the street. Concerning the construction costs he had projected, he pointed out there were many ways to construct a building, many ways to cut costs; costs for a small panel home would certainly be less than for a commercial building.

Councilmember Douglas moved amendment of the resolution by the insertion of a new paragraph (h) in the second resolve clause, to read: the binding element of the SDF and covenants regarding permitted uses is revised to read as follows: "Offices, general, except that medical uses are prohibited." The amendment was duly seconded. Mr. Douglas explained that the reason for his amendment was to exclude medical use in the building, inasmuch as that sort of office would likely generate excessive traffic in the area, and exacerbate existing parking problems.

Mr. Fleming explained that the requirement for medical clinics was 5 parking places per 1,000 sq. ft. of gross floor area; which would require that the building have 17 parking spaces were a clinic to occupy it -- which would be impossible. For a medical practice, he said, the requirement was 4 parking spaces per practitioner -- if

available space were maximized, providing 8 parking spaces, that would allow for 2 practitioners to occupy the building. However, if the elected body were intent on not allowing a medical practice in the area, the amendment would probably accomplish that purpose. Councilmember Leary expressed support for the amendment; he said that the required numbers of spaces were based on rough estimates of actual need. The amendment was passed by unanimous vote.

Councilmember Douglas moved to amend the resolution by addition of a third resolve clause, to read: "Now, Therefore, Be It Further Resolved, that in recommending that the District Council grant the applicant's request, the Mayor & Council find that the subject property is a unique one on Grant Avenue, and do not intend to establish a precedent for any further changes to zoning in the Takoma Junction area." Councilmember Leary duly seconded the motion, which was passed by unanimous vote.

Councilmember Douglas moved to amend the resolution by addition of a fourth resolve clause, suggested by Mayor Del Giudice, to read: "Be It Further Resolved, that the Mayor & Council recognize that there presently exist parking and traffic problems on Grant Avenue which need to be addressed, and that measures to alleviate these problems will be explored and discussed by City staff and the Mayor & Council with the residents of Grant Avenue and the surrounding community." The motion to amend was duly seconded, and carried by unanimous vote.

Councilmember d'Eustachio commented at length, remarking that the amount of discussion about this property had been phenomenal; he said he felt that those who oppose the resolution needed to understand that those who support it did not do so lightly or without due study and consideration. He said he particularly took issue with a statement made to him in a letter, to the effect that a superficial job had been done on the report presented -- he said that simply was not true. He said he viewed the property as a sore on Grant Avenue, and were not something done to close the wound, the consequences could be severe; he referred to criminal acts that had occurred on the premises of other neglected properties, and while such had not occurred on the property at 8 Grant, it certainly could, and given time, probably would. Mr. d'Eustachio said that had a viable alternative been presented, he would have accepted it; however, he said he could not accept lack of time or expertise as an excuse for not coming up with alternatives, based on the wealth and variety of resources and what other citizens' groups had accomplished in various situations in the city. He said he did not wish to belittle the efforts of the citizens in that area, but that probably there was not a realistic alternative solution to the situation. Concerning the cost of developing the property, Mr. d'Eustachio said that while much had been made of Mr. Fleming's cost estimates, the cost of rehabbing a building could not in any way be compared to the cost of putting up a new house on a lot, which was a great deal simpler and easier to estimate.

Councilmember Douglas commented in support of the resolution, saying he felt it was as fair and good a solution as could be provided to a difficult situation. He said in the course of events, many people had spoken to him in support of Mr. Fleming and his expertise as a developer, however, he would want to make it clear that Mr. Fleming's reputation in no way influenced his decision on the issue, which, in his estimation involved land use and appropriate zoning. Concerning residential use of the property, Mr. Douglas said he and Mr. Fleming had gone over his estimates a few weeks ago, cutting out all costs possible, including marketing, and still came up with a figure that would be extraordinary for a residential house in that particular location. Regarding the question of creating an incentive for property owners to allow deterioration of their property to occur (as raised by Mr. White), Mr. Douglas pointed out that it was not the present owner who had allowed the property to deteriorate; he said if an owner let that happen and then came before the elected body requesting a zoning change, he would certainly vigorously oppose granting such a request. Mr. Douglas pointed out and emphasized that the O-M zone for the property was not commercial zoning; many uses were not allowed under that zoning which were permitted with commercial zoning, and the permitted uses had been reduced even further by the elected body, providing a very narrow spectrum of use. He said he felt that once

the property was no longer an eyesore in the neighborhood, it would actually contribute to the stability of the area. Mr. Douglas referred to the extensive amount of citizen input on the issue, the numerous meetings that had been held, and said that once resolution of the issue had occurred, he hoped the focus could return to other problems to be dealt with in the Takoma Junction area.

Councilmember Hamilton said the whole process had been a learning experience for him and many others involved; he compared the situation, on a smaller scale, with what is occurring in Silver Spring, noting that there weren't a whole lot of viable alternatives in either case. Councilmember Leary commented that it had been a difficult decision for him to make, because there were strong arguments on both sides. He said Dan Neal had summarized the arguments in favor of Mr. Fleming's proposal in a thorough and objective way, and, while he agreed with many points made, he would be voting against the resolution, for three basic reasons, i.e., because the citizens of the area had spoken emphatically against the rezoning, in the belief, with which he concurred, that residential zoning was preferable on the site. He said while he wholeheartedly supported redevelopment/revitalization of commercial properties, he did not support commercial expansion, even on a small scale; while prospects for residential redevelopment on the site were not very promising, he said he was not convinced it was hopeless, pointing out that the property had never been publicly advertised for sale, had been owned for a number of years by an individual who made no effort whatsoever to pursue possibilities of residential use. Mr. Leary pointed out that, additionally, residential use of the property would prevent Mr. Dawes from using the backyard area as a repair shop for his trash trucks; he said if Mr. Fleming pursued redevelopment of the property, he would hope he would make a firm commitment to keeping Mr. Dawes' vehicles off the property. He said there was no doubt in his mind that rezoning to O-M of the property would create some pressure to rezone property across the street as well, which was one concern residents of the area had. He said, should that happen, he would vociferously oppose any further rezoning of property on Grant Avenue. Concerning parking and traffic problems, he said he did not think the rezoning of 8 Grant Avenue would significantly add to the already existing problems, but did think there were specific improvements that could be made to the situation and would hope residents would agree to meet soon with elected officials to examine those. Mr. Leary commented that if there were going to be commercial development on the site, he was glad it would be in the hands of Mr. Fleming, who had a well-deserved reputation for high-quality work. He commended both Mr. Fleming and City staff for the development of a schematic plan that would make the most of the positive incentives involved in O-M zoning.

Councilmember Elrich commented he would echo Mr. Leary's remarks, and would also be voting against the proposal. Mr. Elrich remarked that in the course of addressing this issue, some fairly sinister accusations had been leveled at members of the Council, and he would wish it clearly known that there were no hidden agendas or relationships going on, nor was anyone involved being shown any favoritism. He said he was uncomfortable with the notion that it was up to citizens to come up with alternatives, remarking that was one of the difficulties encountered in dealing with the proposed development in Silver Spring -- the idea that unless citizens could provide other options, they had no right to oppose a proposed use. Mr. Elrich said he felt it was unfair to use that as an argument. He said he, too, would have wished to see the property remain zoned for residential use, and was not convinced that could not have occurred, had not Mr. Fleming paid an exorbitant price for it in its current state, based on speculation that it could be rezoned. He said if the Takoma Junction Committee supported the rezoning proposal, he would wish that they had presented it to the Council as being in the best interests for the future of Takoma Park and as a product of their vision of what would be appropriate in Takoma Junction, independent of any particular redevelopment project. He said that had not happened, and he felt that a lot of other issues that should not be involved with the proposed rezoning had gotten intermixed with it. Mr. Elrich said he would be voting against the resolution because of the process the proposal had gone through, because he did not support the market assumptions, thought housing could be built on the site if the lot price were appropriate.



Councilmember Martin commented she had thought long and hard about the issue, would be voting in favor of the proposal. She said what had helped in making her decision was her visit to the property, actually viewing the uses related to commercial establishments that abut the backyard of the property; she said she did not think anyone would want to buy the property and put money into it for a residence with those sorts of uses going on adjacent to their backyard. Ms. Martin noted the use restrictions that had been imposed on the property; she said what Mr. Fleming proposed would be in character with the residential homes in the neighborhood, would not detract from those and would not worsen parking or traffic problems, and she felt his proposal to be the best solution to the problem. She said she thought it would be a very long wait before anyone came along wishing to buy the property for residential use.

The Mayor commented that ultimate use of the property was really in the beginning stages of a process, pointing out that a county hearing would be held on the rezoning application, the Hearing Examiner would make a recommendation to the District Council; this would probably take a minimum of 60-90 days. He said Mr. Fleming was not certain what he would do with the existing building, there was always the chance that once he got into it, he could find it was in such terrible condition that it had to be razed. He said he had personally been involved in a number of discussions with a variety of individuals about possible use of the property as a group home, because of the need for housing in general, and the need for group homes; at one point in discussions, Mr. Fleming had remarked that such a use would probably be the only alternative to its use as office space. He said he felt an open mind should be kept by all involved as the process went forward, that he did not think it could be definitely anticipated what would ultimately be on the site, despite a plan having been presented. The Mayor explained that there were not a lot of resources readily available in the realm of group homes, it was not an easy subject to explore as an alternative either for staff or for citizens, however, if the process hit snags, he said he would suggest that perhaps staff, the elected body, and Mr. Fleming collectively explore the possibility of a residential facility on the site as an alternative. He said, however, he had found in his own explorations that, given some of the potential problems in the site, there might not be sufficient public money available to turn it into a residential facility for a needy group. If that were the case, he said, it would then depend upon finding a very strong philanthropic group willing to back such a venture. He said if he were voting on the matter, he would be voting in support of Mr. Fleming's proposal, because he saw it as the only viable option.

The resolution, as amended, was passed with Councilmembers Elrich and Leary voting Nay, balance of Council voting Aye.

RESOLUTION #1988-52  
(attached)

The Mayor expressed thanks to the many citizens who had participated in the process, to Mr. Fleming, who he said had been very cooperative in providing information, and to City staff for the good job done in preparing a report on the rezoning application.

5. Review of Staff Comments re: Preliminary Master Plan for Langley Park, College Park and Vicinity, for transmittal to M-NCP&PC.

Mr. Neal explained he had not completed drafting of his comments, would have those for the next regularly scheduled meeting on June 27; he asked that action be deferred until that time. Mr. Neal said he had sent a letter to the Chairman asking that comments be accepted until July 1. At the request of the Mayor, Mr. Neal affirmed he would get his report to the elected body by the end of the current week.

6. Resolution to Establish the Citizens' Advisory Committee to Review Community Development Block Grant Proposals for Fiscal Year 1990.

Councilmember Hamilton moved passage of the resolution, duly seconded. Councilmember d'Eustachio noted editorial amendments as follows: former Councilmember Bradley's given name was Lynne; at the bottom of the page, Kevin Katz should read Cavin Katz. For the record, the Mayor

noted it had been past practice to add names of citizens to the committee as they came in, which Mr. Neal affirmed, noting a name for addition, i.e., John Emmler, Primary Representative, from Hillwood Manor Citizens' Association. Responding to inquiry, Mr. Neal explained that continuity was achieved in the CAC by having representatives from ongoing citizens' organizations in the city as members of the committee; he said past practice was to include several at-large representatives in the group. The resolution, with corrections, was passed by unanimous vote.

RESOLUTION #1988-53  
(attached)

**7. Resolution Disposing of City Vehicles.**

Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Douglas. Responding to inquiry, Mr. Wilson explained that the generator listed was the twenty-year-old one that was formerly outside the building in the back, and which had been replaced. Responding to inquiry from Councilmember Martin, Mr. Torres explained that the Chevrolet Nova vehicle was one formerly used by Recreation; he said its value was approximately \$800., and the cost to effect necessary repairs would be about \$1,300., with a life expectancy of less than a year. He said the Ford Mercury was an unmarked car formerly used by the Police Department. The resolution was passed by unanimous vote.

RESOLUTION #1988-54  
(attached)

**8. First Reading of Ordinance Awarding Contract to Auditing Firm to Conduct the City's Audits through FY 1992.**

Councilmember Douglas moved acceptance for First Reading, duly seconded by Councilmember Hamilton. The motion carried by unanimous vote. Councilmember d'Eustachio, for the record, noted that the committee making the recommendation had done a substantial amount of work, had gone through a fairly complicated and intensive process to reach a decision.

ORDINANCE #1988-\_\_  
(attached)

**9. First Reading of an Ordinance Technically Amending Annual Leave Rollover Policy.**

The Mayor noted the amendment would make the ordinance effective retroactive to January 1, 1988. Councilmember Douglas moved acceptance for First Reading, duly seconded by Councilmember Hamilton. The ordinance was accepted for First Reading with Councilmember Sharp voting Nay, balance of Council voting Aye.

ORDINANCE #1988-\_\_  
(attached)

**10. Resolution Welcoming International Peace Marchers.**

The Mayor moved passage of the resolution, duly seconded by Councilmember Hamilton. The Mayor noted he would be personally welcoming the marchers, and would present them with a copy of the resolution at that time. The resolution was passed by unanimous vote.

RESOLUTION #1988-55  
(attached)

**11. Discussion of Purpose and Protocol of MML Convention.**

The Mayor explained the convention afforded the elected officials an opportunity to meet others in a similar position from around the state, offered participation in a number of conferences and meetings on a variety of subjects. He said he felt some of the exhibits were excellent, and those, too, were quite varied. It was noted dress was quite casual, with the exception of the banquet, which was generally semi-formal. The Mayor noted elections for certain MML slots would occur at the convention. Accommodations were discussed briefly.

Upon motion, duly seconded, the meeting adjourned at 10:37 p.m., to reconvene in Regular Session at 8:00 p.m. on June 27, 1988.

Introduced by: Mayor Del Giudice  
Drafted by: R. Robbins

Adopted: 6/13/88

RESOLUTION NO. 1988- 51

- WHEREAS: The State Legislature through enactment of House Bill Number 754 created a Task Force consisting of representatives from Prince Georges and Montgomery Counties, from Washington Suburban Sanitary Commission and the City of Takoma Park to develop solutions to various issues that could provide for the transfer of storm water management in the City of Takoma Park from the Washington Suburban Sanitary Commission to the two counties by a certain date, AND;
- WHEREAS: the Task Force met on July 28, 1987 and determined that an inventory assessment should be made of the City's storm water system before any decisions regarding its future were made and subsequently appointed a Technical Sub-committee to ascertain how the inventory assessment should be conducted, AND;
- WHEREAS: the Technical Sub-committee consisting of representatives from Prince Georges and Montgomery Counties, from Washington Suburban Sanitary Commission and the City of Takoma Park determined that a private firm should be contracted to locate and map all unknown storm drain systems in the City, and that a plan was provided and accepted by the Task Group, AND;
- WHEREAS: through a special meeting of the Task Group and the Washington Suburban Sanitary Commission leaderships, they determined that Washington Suburban Sanitary Commission would compensate the contractor for this work up to a maximum limit of \$100,000, AND;
- WHEREAS: the Technical Sub-committee developed an Expression of Interest which was provided to over 100 contracting companies of which 6 were selected to receive a Request for Proposal, and of the 6 selected, one withdrew and another was considered non-responsive, and following an extensive evaluation process of the remaining four companies by the Technical Sub-committee, Engineering Technologies Associates, Inc. was determined to be most qualified.
- NOW, THEREFORE, BE IT RESOLVED by the City Council of Takoma Park, Maryland that the City Administrator is authorized to execute a contract with Engineering Technologies Associates, Inc. to locate the unknown storm drains and to map all their findings in accordance to the specifications in the Mapping of City Wide Storm Drains, Request for Proposal 88-1; AND
- BE IT FURTHER RESOLVED THAT this is done with the understanding that Washington Suburban Sanitary Commission will compensate the contractor for this work.

Adopted this 13th day of June, 1988.

1st Reading: 5/31/88  
2nd Reading: 6/13/88

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

ORDINANCE NO. 1988-23

FY 88 BUDGET AMENDMENT NO. 4

AN ORDINANCE TO AMEND THE FISCAL YEAR 1988 BUDGET

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

EXPENDITURE AMENDMENTS

- a. Transfer [\$84,000] \$88,000 from Account 991, General Contingency to the following accounts:
- (1) \$35,000 to Account 995 to cover the costs of Carroll Avenue Street improvements; total project costs which are reimbursable by the State Highway Administration.
  - (2) \$15,000 to Account 506, Engineering Services, to cover general engineering cost overruns and engineering services for the Carroll Avenue street improvement project.
  - (3) \$7,000 to Account 535, Contracts.
  - (4) \$14,000 to Account 858, Fuel.
  - (5) \$10,000 to Account 968, Leave-Unfunded Liability to cover costs of leave payment disbursements to certain police officers designated by the Chief of Police.
  - (6) \$3,000 to Account 644, Service Radio, Police Department.
  - (7) \$4,000 to Account 995, to cover costs of purchase semiautomatic weapons for the Police Department.

- b. Transfer \$4,000 from Account 510, Salaries/City Administration and staff to Account 522, Publications/Subscriptions.
- c. Transfer \$35,000 from Account 600, Salaries, Police Department, to Account 601, Overtime, Police Department.
- d. Transfer \$55,000 to Account 972, Special Multi-Peril Insurance, from the following accounts:
  - (1) \$18,000 from Account 977, Excess Liability
  - (2) \$6,000 from Account 978, Public Official Liability
  - (3) \$31,000 from Account 979, Police Professional Liability

**TECHNICAL AMENDMENT**

- a. Decrease appropriations to Account 995, Capital Expenditures by \$66,000 for Municipal Building roof project.
- b. Special Revenue Fund: Increase expenditure appropriations by \$90 to Account 3500.100, General Administration.

**SPECIAL REVENUE BUDGET**

**a. Revenue Amendments:**

- (1) Increase appropriation of Account 3000.150 CDBG Year 11 Contract #65920AA by \$133,000 for Takoma Junction revenues.
- (2) Increase appropriation of Account 3007.00, Miscellaneous Revenue, by \$58,233 for the Maple Avenue storm drain project.
- (3) Increase appropriation of Account 3000.160, CDBG Year 12 Contract #75616AA by \$6,869 to recognize increased revenue received from Montgomery County towards Administration costs of the Division of Economic and Community Development.

b. Expenditure Amendments:

- (1) Appropriate \$21,000 to Account 3500.401, Takoma Junction, Design: Streetscape & Facade.
- (2) Increase appropriation of Account 3500.403, Construction: Capital Outlay (Takoma Junction) by \$112,000.
- (3) Increase appropriation to Account 3500.300, Street Construction, by \$65,102 for the Maple Avenue Storm Drain project.

CAPITAL BUDGET - AMENDMENTS

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- a. Authorize purchase of semiautomatic weapons by the Police Department at costs not to exceed \$4,000.

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

Adopted this 13th day of June, 1988 by roll call vote as follows:

AYE: d'Eustachio, Douglas, Elrich, Hamilton, Martin, Sharp  
NAY: None  
ABSTAIN: None  
ABSENT: Leary

NOTE - [Brackets] denotes deletions; Underlining denotes additions.

Introduced by: Councilmember Elrich

1st Reading: May 16, 1988

2nd Reading: June 13, 1988

Enacted: June 13, 1988

Effective: July 1, 1988

ORDINANCE NO. 1988-24

Short Title: Security Deposit Legislation

PURPOSE: The purpose of this Ordinance is to provide criteria with which the Commission on Landlord-Tenant Affairs of the City of Takoma Park can adjudicate disputes between landlords and tenants regarding the return of security deposits. It incorporates Section 8-203 Real Property Article of the Annotated Code of Maryland, as amended, into the Code of the City of Takoma Park, and specifies when the Commission on Landlord-Tenant Affairs may award a tenant up to threefold the amount of damages caused by a landlord's violation of Section 8-203 Real Property Article of the Annotated Code of Maryland plus reasonable attorney's fees. The Ordinance also prevents rent increases being disguised as security deposits, and prohibits the assessment of any security deposit that is retaliatory, discriminatory, arbitrary or capricious.

WHEREAS, the Commission on Landlord-Tenant Affairs of the City of Takoma Park is authorized to adjudicate disputes between landlords and tenants regarding the return of security deposits;

and WHEREAS, Section 8-203 of the Real Property Article of the Annotated Code of Maryland, as amended, states the following:

§ 8-203. Security deposits.

(a) *Definition.* — In this section "security deposit" means any payment of money, including payment of the last month's rent in advance of the time it is due, given to a landlord by a tenant in order to protect the landlord against nonpayment of rent or damage to the leased premises.

(b) *Maximum amount.* — (1) A landlord may not impose a security deposit in excess of the equivalent of two months' rent, or \$50, whichever is greater, per dwelling unit, regardless of the number of tenants.

(2) If a landlord charges more than the equivalent of two months' rent, or \$50, whichever is greater, per dwelling unit as a security deposit, the tenant may recover up to threefold the extra amount charged, plus reasonable attorney's fees.

(3) An action under this section may be brought at any time during the tenancy or within two years after its termination.

(c) *Receipt.* — (1) The landlord shall give the tenant a receipt for the security deposit. The receipt may be included in a written lease.

(2) The landlord shall be liable to the tenant in the sum of \$25 if the landlord fails to provide a written receipt for the security deposit.

(3) The receipt or lease shall contain language informing the tenant of his rights under this section to receive from the landlord a written list of all

existing damages if the tenant makes a written request of the landlord within 15 days of the tenant's occupancy.

(d) *List of existing damages.* — (1) If the landlord imposes a security deposit, on written request, he promptly shall provide the tenant with a written list of all existing damages. The request must be made within 15 days of the tenant's occupancy.

(2) Failure to provide the tenant with this written statement renders the landlord liable to the tenant for threefold the amount of the security deposit. The total amount of damages shall be subject to a setoff for damages and unpaid rent which reasonably could be withheld under this section.

(e) *Bank account for maintenance of deposits; liability of successor in interest; exemption from attachment.* — (1) The landlord shall maintain all security deposits in a banking or savings institution in the State. The account shall be devoted exclusively to security deposits and bear interest.

(2) A security deposit shall be deposited in the account within 30 days after the landlord receives it.

(3) In the event of sale or transfer of any sort, including receivership or bankruptcy, the security deposit is binding on the successor in interest to the person to whom the deposit is given. Security deposits are free from any attachment by creditors.

(4) Any successor in interest is liable to the tenant for failure to return the security deposit, together with interest, as provided in this section.

(f) *Return of deposit to tenant; interest.* — (1) Within 45 days after the end of the tenancy, the landlord shall return the security deposit to the tenant together with simple interest which has accrued in the amount of 4 percent per annum, less any damages rightfully withheld.

(2) Interest shall accrue at six-month intervals from the day the tenant gives the landlord the security deposit. Interest is not compounded.

(3) Interest shall be payable only on security deposits of \$50 or more.

(4) If the landlord, without a reasonable basis, fails to return any part of the security deposit, plus accrued interest, within 45 days after the termination of the tenancy, the tenant has an action of up to threefold of the withheld amount, plus reasonable attorney's fees.

(g) *Withholding of deposit — Generally, tenant's right to be present at inspection of premises.* — (i) The security deposit, or any portion thereof, may be withheld for unpaid rent, damage due to breach of lease or for damage to the leased premises by the tenant, his family, agents, employees, or social guests in excess of ordinary wear and tear. The tenant has the right to be present when the landlord or his agent inspects the premises in order to determine if any damage was done to the premises, if the tenant notifies the landlord by certified mail of his intention to move, the date of moving, and his new address. The notice to be furnished by the tenant to the landlord shall be mailed at least 15 days prior to the date of moving. Upon receipt of the notice, the landlord shall notify the tenant by certified mail of the time and date when the premises are to be inspected. The date of inspection shall occur within five days before or five days after the date of moving as designated in the tenant's notice. The tenant shall be advised of his rights under this sub-



section in writing at the time of his payment of the security deposit. Failure by the landlord to comply with this requirement forfeits the right of the landlord to withhold any part of the security deposit for damages.

(ii) The security deposit is not liquidated damages and may not be forfeited to the landlord for breach of the rental agreement, except in the amount that the landlord is actually damaged by the breach.

(iii) In calculating damages for lost future rents any amount of rents received by the landlord for the premises during the remainder if any, of the tenant's term, shall reduce the damages by a like amount.

(h) *Same — Notice to tenant.* — (1) If any portion of the security deposit is withheld, the landlord shall present by first-class mail directed to the last known address of the tenant, within 30 days after the termination of the tenancy, a written list of the damages claimed under subsection (g) (1) together with a statement of the cost actually incurred.

(2) If the landlord fails to comply with this requirement, he forfeits the right to withhold any part of the security deposit for damages.

(i) *Tenant ejected or evicted or abandoning premises.* — (1) The provisions of subsections (f) (1), (f) (4), (h) (1), and (h) (2) are inapplicable to a tenant who has been evicted or ejected for breach of a condition or covenant of a lease prior to the termination of the tenancy or who has abandoned the premises prior to the termination of the tenancy.

(2) A tenant specified in paragraph (1) may demand return of the security deposit by giving written notice by first-class mail to the landlord within 45 days of being evicted or ejected or of abandoning the premises. The notice shall specify the tenant's new address. The landlord, within 30 days of receipt of such notice, shall present, by first-class mail to the tenant, a written list of the damages claimed under subsection (g) (1) together with a statement of the costs actually incurred. Within 45 days of receipt of the notice, the landlord shall return to the tenant the security deposit together with simple interest which has accrued in the amount of 4 percent per annum, less any damages rightfully withheld.

(3) If a landlord fails to send the list of damages required by paragraph (2), the right to withhold any part of the security deposit for damages is forfeited. If a landlord fails to return the security deposit as required by paragraph (2), the tenant has an action of up to threefold of the withheld amount, plus reasonable attorney's fees.

(4) Except to the extent specified, this subsection may not be interpreted to alter the landlord's duties under subsections (f) and (h).

(j) *Waiver of section's provisions.* — No provision of this section may be waived in any lease. (Am. Code 1957, art. 21, § 8-213; 1974, ch. 12, § 2; 1974, ch. 476; 1979, ch. 550; 1980, ch. 536.)

and WHEREAS, the Commission on Landlord-Tenant Affairs must have criteria to follow in adjudicating disputes between landlords and tenants regarding security deposits;

and WHEREAS, the Mayor and Council of the City of Takoma Park find that the provisions of Section 8-203 of the Real Property Article of the Annotated Code of Maryland, as amended, should be included in those criteria,

NOW THEREFORE BE IT ORDAINED, that the Mayor and Council here by amend Section 6-80.21 of the City Code to read as follows:

PART I

Sec. 6-80.21 Security Deposits

(a) The provisions of section 8-203 of the Real Property Article of the Annotated Code of Maryland, as amended, are hereby incorporated by reference and adopted as an ordinance of the City of Takoma Park.

(b) In addition to any other means of enforcement provided by law, the Commission on Landlord-Tenant Affairs is authorized, to the extent such authorization is not prohibited by state law, to enforce the provisions of Subsection (a) above.

(c) If a landlord materially violates any provision of section 8-203 of the Real Property Article of the Annotated Code of Maryland, as amended, the Commission on Landlord-Tenant Affairs may award the tenant up to threefold the amount of the security deposit which has been withheld plus reasonable attorney's fees. In order to award the tenant an amount in excess of the amount of the security deposit which has been withheld, COLTA must find one or more of the following:

*Sharp moved  
dear  
2nd* (1) that the landlord has had ~~Actual~~ knowledge, either expressed or implied, of his/her obligations pursuant to this section or to section 8-203 of the Real Property Article of the Annotated Code of Maryland, as amended; or

(2) that the landlord unlawfully has failed to refund all or part of a security deposit after not having deposited it in an interest bearing account devoted exclusively to security deposits in a bank or savings institution in Maryland, but has instead kept, deposited, or invested it in a manner either not guaranteed by the State or federal government, and thereby subjecting the deposit to undue risk of loss or in a manner where the security deposit is subject to attachment by creditors; or

(3) that the landlord has failed to return all or part of the security deposit, plus accrued interest, within 45 days after the

termination of the tenancy and the Commission on Landlord-Tenant Affairs finds that the list of damages or statement of costs actually incurred that the landlord has offered to justify such withholding is so unreasonable as to have not been made in good faith; or

(4) that the landlord has failed to return all or part of the security deposit, plus accrued interest, within 45 days after the termination of the tenancy and the landlord has refused to accept tenant's certified mail notice of his intention to move, the date of moving, and his new address; or

(5) that the landlord has failed to return all or part of the security deposit, plus accrued interest, within 45 days after termination of the tenancy and the Commission on Landlord-Tenant Affairs finds that some illegal or discriminatory motive exists for such withholding; or

(d) If a landlord fails to provide the tenant with a written list of all existing damages, when the tenant has made a written request for such written list within 15 days of the tenant's occupancy, then the Commission on Landlord-Tenant Affairs may award the tenant up to threefold the amount of the security deposit, subject to a setoff for any damages and unpaid rent which could reasonably be withheld under the provisions of Section 8-203 of the Real Property Article of the Annotated Code of Maryland.

~~(e)~~ (e) Any increase in the amount charged as a security deposit, as provided in section 8-203(b) of the Real Property Article of the Annotated Code of Maryland [said section being a part of section 8-203, as provided in Subsection (a) above], shall be deemed to be a rent increase subject to the notice, limit, frequency of increase of any other provisions of Section 6-80.17(c) of this Code, unless said sum:

(1) Is expressly designated as a security deposit;

(2) Is deposited as provided in section 8-203(e) of the Real Property Article; and

(3) Is charged at the beginning of a tenancy.

~~(d)~~ (f) Any assessment of a security deposit shall not be retaliatory, discriminatory, arbitrary or capricious.

~~(e)~~ (g) The provisions of this section are severable.

## PART II

### Severability

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

PART III

Effective Date

This ordinance shall take effect on: July 1, 1988, 1988.

NOTE: In this Ordinance ~~strikeout~~ indicate language deleted from the Code and underlines indicate new language being added to the Code.

ROLL CALL VOTE:

AYE: d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin and Sharp

NAY: None

ABSENT: None

Introduced by: Councilmember d'Eustachio

Drafted by: Daniel Neal

RESOLUTION NO. 1988-52

WHEREAS, The owner of certain property located at 6 Grant Avenue, Takoma Park, MD (hereinafter referred to as "the property") has submitted an Application for a local Map Amendment to the Montgomery County Zoning Ordinance (Application No. G-599) that would change the Property's zoning from R-60 to O-M; AND

WHEREAS, this application has been referred by Montgomery County to the City of Takoma Park for review and comment; AND

WHEREAS, the Mayor and Council of Takoma Park held a Public Hearing at 8:00 p.m. on 16 May 1988 regarding Application No. G-599 at which public comments about Application G-599 were offered and heard; AND

WHEREAS, the staff of the Takoma Park Division of Economic and Community Development have prepared a report on the subject application, which report has been reviewed and considered by the Mayor and Council.

NOW THEREFORE, BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland hereby find that Application G-599 satisfies the purposes of the O-M zoning classification as outlined in Section 59-C-4.310 of the Montgomery County Zoning Ordinance; AND

BE IT FURTHER RESOLVED THAT on the basis of Public Testimony and information and analysis provided by City Staff the Mayor and Council hereby recommend that the District Council for Montgomery County GRANT the Applicant's request for rezoning under Application No. G-599 PROVIDED THAT

a) the following uses are deleted from the list of permitted uses proposed by the Applicant in the Application:

i. fire stations, publicly supported; and

ii. educational institutions.

b) the binding element of the Schematic Development Plan (SDP) and covenants regarding "Bulk" is revised to read as follows:

"Compatible with other single family residential buildings in the surrounding neighborhood."

c) the binding element of the SDP and covenants regarding "Architectural Style" is revised to read as follows:

"Single family residential in character."

d) a new binding element is added to the SDP and covenants to read as follows:

"Development or redevelopment of the subject property shall require site plan review by and approval of the City of Takoma Park and Montgomery County in accordance with established site plan review procedures."

e) the proposed covenants are revised as follows:

i. Paragraph 3:

These covenants and restrictions made hereunder are granted for the benefit of and shall be enforceable by Montgomery County, Maryland, the Maryland-National Capital Park and Planning Commission, and the Mayor and Council of the City of Takoma Park, Maryland."

ii. Paragraph 4:

"These covenants may be amended from time to time upon approval of the amended covenant by the Declarants, their heirs, successors or assigns, Maryland-National Capital Park and Planning Commission, Montgomery County, Maryland, and the Mayor and Council of the City of Takoma Park, Maryland."

f) a new binding element is added to the SDP and covenants to read as follows:

"Facade -

The Applicant agrees to the extension of the geographical area covered by the Takoma Junction Facade Ordinance (City of Takoma Park Ordinance No. 1985-30) to include the subject property."

g) a new binding element is added to the SDP and covenants to read as follows:

"Screening -

The applicant agrees to provide appropriate screening along the perimeter of the property, including the driveway and parking area, in a form and fashion that complies with applicable Montgomery County standards and that meets with the approval of the City of Takoma Park."

h) the binding element of the SDP and covenants regarding Permitted Uses is revised to read as follows:

"Offices, general, except that medical uses are prohibited."

BE IT FURTHER RESOLVED THAT in recommending that the District Council grant the applicant's request, the Mayor and Council find that the subject property is a unique one on Grant Avenue and do not intend to establish a precedent for any further changes to zoning in the Takoma Junction area; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council recognize that there presently exist parking and traffic problems on Grant Avenue which need to be addressed and that measures to alleviate these problems will be explored and discussed by City staff and the Mayor and Council with the residents of Grant Avenue and the surrounding community; AND

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to forward a true copy of this resolution to the Montgomery County Hearing Board, the Montgomery County Hearing Examiner, the District Council for Montgomery County, and the Applicant.

PASSED THIS 13TH DAY OF JUNE, 1988, BY A MAJORITY VOTE OF THE COUNCIL.

Introduced By: Councilmember Hamilton  
Drafted By: L. Schwartz

Adopted: June 13, 1988

Resolution No. 1988-53

A resolution to establish a committee for the purpose of reviewing and evaluating proposals for the use of Community Development Block Grant (CDBG) funds received during Fiscal Year 1989-90 and for recommending CDBG funding proposals and priorities to the Mayor and Council.

WHEREAS, the City anticipates receiving federal Community Development Block Grant (CDBG) funds through Montgomery and Prince George's Counties for Fiscal Year 1989-90 to use for eligible projects: AND

WHEREAS, it is the policy of the City to maximize citizen input into how CDBG funds received by the City are spent: AND

WHEREAS, to achieve maximum citizen input, it is the practice of the City government to form each year a Community Development Block Grant Citizens' Advisory Committee (CAC) composed of representatives of all citizen, tenant, civic, neighborhood and business organizations and groups who submit the names of nominees to serve on the CAC for the purpose of reviewing and evaluating proposals for the use of available CDBG funds and to recommend proposals to the Mayor and Council: AND

WHEREAS, the names of primary and alternate nominees have been submitted and received:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the FY 1989-90 Community Development Block Grant Citizens' Advisory Committee is hereby formed for the term of one (1) year of the following individuals:

[Note: (P) indicates primary representative; (A) indicates alternate]

NAME	REPRESENTING
Nancy Stefanski(P)	South of Sligo Citizens Assoc.
Dan Farrow(A)	South of Sligo Citizens Assoc.
Jake Guinn(P)	Takoma Park Elementary PTA
Joan Simons(P)	S.S. Carroll's Citizens Assoc.
Albert Nunez(A)	S.S. Carroll's Citizens Assoc.
Manuel Palau(P)	Old Takoma Park Citizens Assoc.
Karen Mitchell(P)	Park Ritchie Tenants Assoc.
A.J. Mitchell(A)	Park Ritchie Tenants Assoc.
Drake Cutini(P)	Between the Creeks Citizens Assoc.
Lynne Bradley(A)	Between the Creeks Citizens Assoc.
Arthur Karpas(P)	Westmoreland Area Community Org.
Cavin Katz(A)	Westmoreland Area Community Org.



Clarence M. Boatman(P)	Ritchie Ave. Citizens Assoc.
Mary Thorpe(A)	Ritchie Ave. Citizens Assoc.
Marilyn Park(P)	North Takoma Citizens Assoc.
Jane Lawrence(A)	North Takoma Citizens Assoc.
Katherine Hemmerdinger(P)	Tak./Lang. Park Bus. & Prof. Assoc.
Phyllis McDonough(P)	At Large
John Emier(P)	Hillwood Manor Citizens Assoc.

BE IT FURTHER RESOLVED THAT the Citizens' Advisory Committee formed herewith is charged with reviewing, evaluating and prioritizing all FY 1989-90 CDBG proposals received by the City for the purpose of submitting funding recommendations to the Mayor and Council for final action.

BE IT FURTHER RESOLVED THAT the Citizens' Advisory Committee shall submit its FY 1989-90 CDBG funding recommendations to the Mayor and Council no later than August 26, 1988.

BE IT FURTHER RESOLVED THAT the City Administrator shall be, and hereby is empowered to appoint additional representatives from recognized citizens' associations which made known to the City their wish to participate on the committee and are recommended for participation by the Council representative for the ward; such additional appointments to be effected on or before July 1, 1988.

BE IT FURTHER RESOLVED THAT the activities of the Citizens' Advisory Committee shall be conducted in accordance with the "Standards of Participation for the Citizens' Advisory Committee" attached hereto and made a part hereof by reference.

ADOPTED THIS 13th DAY OF June, 1988.

Introduced by: Councilmember Douglas

1st Reading: 6/13/88  
2nd Reading: \_\_\_\_\_

ORDINANCE NO. 1988-

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

SECTION 1. THAT proposals were solicited as advertised in the Montgomery and Prince George's Journals and the publication CPA PROPOSAL ALERT, in accordance with City Code provisions, for qualified firms to serve as the City's auditor for a five year period, beginning in Fiscal Year 1989; AND

SECTION 2. THAT seven CPA firms submitted proposals, which were subsequently reviewed by an ad hoc Auditor Selection Panel convened by the Assistant City Administrator; AND

SECTION 3. THAT upon review by the Panel, City staff conducted reference checks and upon completion recommend the retention of the firm Wooden & Benson, based on their submitted proposal.

SECTION 4. THEREFORE THAT the proposal of Wooden & Benson to perform the City's auditing functions for a five year term beginning in Fiscal Year 1989, for the quoted amount of \$94,700 over the five year term is hereby accepted.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1988 to become effective upon adoption.

AYES:  
NAYS:  
ABSTAIN:  
ABSENT:

Introduced by: Councilmember Douglas

1st Reading: 6/13/88  
2nd Reading:  
Effective:

ORDINANCE #1988-\_\_\_\_\_  
A TECHNICAL AMENDMENT TO ORDINANCE #1988-17  
(VACATION LEAVE ROLLOVER POLICY)

BE IT ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT THE FOLLOWING SECTION OF THE 1972 TAKOMA PARK CITY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 8B-133

(e) Beginning with the effective date of this Article, employees are not permitted to accumulate unused annual leave in an amount [not] exceeding thirty (30) days at the end of any calendar year. [two hundred forty (240) hours]. However, if management has denied an employee the opportunity to use accrued leave that would exceed the maximum allowable accumulation during that leave year if not taken, such an amount may be carried over for a period of no more than one year, even if it is in excess of the maximum allowable. An Employee must make application to carry over his annual leave in the following manner:

- (1) Employees must make requests to carry over annual leave in writing.
- (2) Such requests must be accompanied by written documentation that annual leave was denied.
- (3) Requests to carry over annual leave into the next calendar year must be approved by the City Administrator or his designee.

(No change to subsections f, g, h, i, j, and k)

Underscoring indicates new language to be added  
[brackets] indicate existing language to be deleted

Effective Date: This Ordinance becomes effective upon enactment, retroactive to January 1, 1988.

Adopted this \_\_\_\_ date of \_\_\_\_\_, 1988 by Roll Call Vote as follows:

AYE:  
NAY:  
ABSTAINED:  
ABSENT:

• • Introduced by: Councilmember d'Eustachio

RESOLUTION NO. 1988- 54

WHEREAS, permission has been requested by the Department of Public Works to dispose of a 1976 Chevrolet Nova, a 1978 Ford Mercury and a Generator; AND

WHEREAS, all the above are in a state of disrepair and the cost to repair these would far exceed their worth and also any parts that are in operable condition are of no value to the Public Works Department Repair Shop; AND

WHEREAS, the Department of Public Works wishes to dispose of these vehicles and equipment by way of the next Police Department auction.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council do hereby authorize the disposal of the following vehicles and equipm,ent for the reasons listed above:

(R-2) 1976 Chevrolet Nova, Serial No. 1X2706W169945  
(401) 1978 Ford Mercury, Serial No. 8Z64S566132  
Generator, Serial No. 236-L142131

BE IT FURTHER RESOLVED THAT the vehicles and equipment listed above shall be removed from the City's insurance policies.

Adopted this 13th day of June, 1988

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
June 27, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Elrich	Div. of Ec. & Comm. Dev. Dir. Neal
Councilmember Hamilton	
Councilmember Leary	
Councilmember Martin	
Councilmember Sharp	

The Mayor and City Council convened at 8:06 P.M. on Monday, June 27, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of the April 25, 1988 Regular Meeting were presented for approval. Councilmember d'Eustachio moved approval, as written, duly seconded by Councilmember Hamilton; the motion carried by unanimous vote.

The Mayor noted a resolution expressing the City's opposition to a proposed repeal of the ban on "Saturday Night Specials" would be added to the agenda. In addition, he said, a resolution effecting appointments to COLTA would be added, as well as one concerning Montgomery County's Traffic Management Program, and an ordinance providing a pay scale for employees.

Councilmember Leary related that the Planning, Transportation & Zoning Committee had scheduled a public meeting at 8 p.m. on Wednesday, July 13, which would be announced in the City Newsletter. He said citizens' comments would be solicited about ways of handling traffic in the Takoma Junction area, particularly on Grant Avenue, as well as Carroll and Columbia Avenues.

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

Wayne Upton, 7600 Maple Avenue: related the fire alarm having sounded recently in his building, and that it was a false alarm; he inquired concerning statistics on false alarms. Councilmember d'Eustachio commented that 2/3-3/4 of calls on which the fire department responded were false alarms, some called in with good intent but mistakenly, the others deliberate false alarms. He said the perpetrators of deliberate false alarms were almost never caught, because there were simply not enough police resources to track them down, and little or no evidence to investigate. Councilmember Hamilton remarked that when the fire alarm went off in the Park Ritchie the prior week, and also the current day, there was smoke in the trash chute; the maintenance man had cut off the alarm when he realized the location of the fire, and the fire department was displeased with him for doing so because it did not ring long enough to warn people to evacuate their units.

Mr. Upton referred to the recent Drug and Alcohol Awareness Day held in the city; he said he attended and had seen Mayor Del Giudice there. The Mayor commented he felt the event was a success, attendance was better than at the one held earlier, however, he was somewhat disappointed not to see more adults in attendance. It was noted attendance grew after the band started playing. The Mayor said he thought attendance by young people was good, and that the event got good radio coverage.

Mr. Upton inquired concerning the status of 7611 Maple Avenue going co-op; the Mayor related that a feasibility study had been completed and the results delivered to the tenants, they would be meeting with the company that did the study for a briefing. He said they were very busy raising funds, meeting with a measure of success, and he thought the effort would go forward.

Mr. Upton related having noticed improvements effected to the Siegler property, however, pointed out that there were no signs advising people that the property was public or encouraging the use of it. He asked why that was. The Mayor said there still needed to be a use

plan developed, which would include hours of operation, signage, prohibitions in use, etc. He said citizens of the area had been working with the City, had been putting together proposals and recommendations, and those would probably be presented in the near future for consideration. He said, however, the property was open to the public and available for public use. Mr. Upton inquired concerning anticipated use of the carriage house; the Mayor said there were a number of different proposals, the most immediate need was to restore the structure before it deteriorated beyond repair. He said it was hoped private monies would fund the restoration, and citizens were busy trying to raise the necessary funds.

**ITEMS FOR COUNCIL ACTION:**

**1. Resolution in Remembrance of Opal Daniels.**

Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Councilmember Douglas commented he felt the resolution was a good one; he said a petition addressed to the county was circulating in his neighborhood, asking that the county park at Sheridan & Hancock, which was nearing completion, be named in honor of Ms. Daniels. He said he feared the county would not favor the proposal, because they preferred naming parks by location rather than after people, however, he would request that the City ask that the park be dedicated in her memory, if not named for her. He said he would present a resolution to that effect at the next meeting. The resolution was passed by unanimous vote.

RESOLUTION #1988-56  
(attached)

**2. Second Reading of an Ordinance Awarding Contract to Auditing Firm to Conduct the City's Audits through FY 1992.**

Councilmember Sharp moved adoption, duly seconded by Councilmember d'Eustachio. The Mayor inquired whether the contract could be terminated after a few years if the City were dissatisfied with the service provided. Mr. Wilson explained that any contract could be gotten out of if service was not satisfactory, but negotiations would probably have to occur, depending on the severity of the problem. The Mayor commented on past practice of shorter term contracts for auditing; Mr. Wilson said while 3 years had been the contract period for awhile, in the interests of stability and continuity, he thought 5 years would be better than 3. Councilmember d'Eustachio remarked on the savings to the City in keeping the same firm, due to the requirement for the auditing firm to examine the City's procedures; if those were not changed and the same firm was doing the audit, they would not have to examine them with such great thoroughness. Also, he said he thought the firm's price to the City was tied to the fact that it was a 5-year contract. Mr. Wilson noted that the prior auditor had been with the City for 17 years. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, and Sharp; NAY: None; ABSTAINED: None.

ORDINANCE #1988-25  
(attached)

**3. Second Reading of an Ordinance Technically Amending Annual Leave Rollover Policy.**

Councilmember d'Eustachio moved adoption, duly seconded by Councilmember Hamilton. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, and Martin; NAY: Councilmember Sharp; ABSTAINED: None.

ORDINANCE #1988-26  
(attached)

**4. Resolution Opposing Repeal of Ban on Sale of "Saturday Night Special" Handguns.**

Councilmember d'Eustachio referred to a movement among Prince George's County municipalities to present a unified front against repeal of the legislation; he said he felt Takoma Park should be a part of that effort in addition to passage of the resolution at hand. The Mayor said that the resolution was, in fact, patterned on one drafted and passed by the City of Bowie, who was encouraging other municipalities

statewide to join in the joint effort. The Mayor related having recently had a conversation with Bruce Bereano, formerly employed by the City as a lobbyist on the issue; he said though Mr. Bereano had been approached and solicited by a number of interests favoring repeal of the law, he had thus far chosen not to represent any of them. The Mayor moved passage of the resolution, duly seconded by Councilmember d'Eustachio. The resolution was passed by unanimous vote.

RESOLUTION #1988-  
(attached)

The Mayor commented on having noted a full-page advertisement featuring the president of one of the law enforcement associations, taking a stand against the N.R.A. and in support of federal legislation on certain types of guns, particularly automatics and small machine guns, plastic guns and teflon bullets.

5. Review of Staff Comments re: Preliminary Master Plan for Langley Park, College Park and Vicinity, for transmittal to M-NCP&PC.

The Mayor suggested that on page 4 of Mr. Neal's report, the City might not wish to be so specific about particular bus routes, that perhaps the counties could be persuaded to agree to additional routes, possibly one looping from Langley Park down to Riggs Road, up E-W Highway and then down E-W Highway, which would tie in some of the commercial areas on University Boulevard that are not easily accessible by the Metro system. Additionally, he said there was a need to tie in public transportation to the post office facility. Referring to the strip of vacant land between the new commercial development on University Boulevard and Hechinger Plaza, the Mayor noted the plan called for residential development there; he said the land was allegedly dedicated for a bird sanctuary, however, he would want Mr. Neal to add to his report the fact that, regardless of what occurred on the property, there was serious need for a public sidewalk.

Councilmember Martin commented that the plan stated that the numbers of school-age children would be declining over the next few years, reducing school system needs. She said she did not believe that to be correct; in her neighborhood alone, the majority of schools were operating at over-capacity. She said, based on the 1990 Census, those assumptions should be reexamined. The Mayor suggested it could be requested that a reevaluation be performed once data was received from the 1990 Census. Councilmember d'Eustachio said perhaps it could be commented that the 1980 Census showing a decline in school-age population should not be used as a planning basis for the next 20 years, without more reliable data; the City's elected body's anecdotal observation was that there was a population boom in school-age children.

At the suggestion of Councilmember Leary, the Mayor said the Council would deal with topic areas rather than trying to draft specific language; Mr. Neal could then compose appropriate language, incorporating those areas on which there was a consensus. Councilmember Douglas expressed a concern that the City's comments focus on those issues that would directly affect or impact upon Takoma Park. Ms. Martin commented that a number of issues she would wish to raise were community service types of things provided by the county, which the City did not provide, but upon which residents of the city did rely. She pointed out that population in that corner of the city was very dense, however, the county did not seem to recognize that in their provision of services. She noted a pressing need for an accessible health clinic, pointing out that the county listed Takoma-Langley as a health clinic serving the area, however, what they provide is two health fairs a year -- which is not adequate health services. Consensus was that a comment would be included about the need for the county to develop better health care clinical services for that area, and means of access to the services.

Ms. Martin commented there was need for a community center in the New Hampshire Avenue/Ray Road area; she said that area had tended to rely on the Takoma/Langley center, but it had been restructured to not include people from the densely-populated area of Belcrest Towers and vicinity, which lacks any sort of recreational facilities for the young people. Councilmember d'Eustachio remarked he had a concern about including comment on that subject, inasmuch as he was most

uncertain anyone from the city would use such a facility; in addition, he said, to his knowledge, no one had conferred with residents of that area, particularly the large Chillum-Adelphi residential area, which had vigorously fought having any public facilities located in their neighborhood. For those reasons, he said he would be hesitant to make any recommendation on that particular matter. Additionally, he said he felt there would be a strict limit on the number of parks/recreational facilities that Prince George's would locate close to its borders. He related that there was a piece of property at Allegheny and Kansas Avenues which would be ideal for a park with some recreational facilities; such facilities were severely lacking in that area, and he would hope the county would put in a park there. Councilmember Leary commented that he could empathize with Ms. Martin's point of view, however, felt Mr. d'Eustachio's arguments to be persuasive. The Mayor suggested perhaps a fairly non-specific comment could be made concerning the need for community recreational facilities in the Takoma/Langley/Chillum area, south of East-West Highway; Ms. Martin concurred with that suggestion. Mr. Neal commented that there was a concept plan for the property to which Mr. d'Eustachio had referred in the Takoma Park Master Plan; he said the property was partly inside and partly outside the city, and owned by Park & Planning. He said he would need to examine further whether or not there were concrete plans for that site, and that perhaps the subject of a park/recreational facilities should be looked at in conjunction with both Master Plans. The decision was to defer transmittal of any comment about recreational facilities for that area.

Ms. Martin said a comment should be made pointing out that on page 23 of Takoma Park's Master Plan, reference was made to certain commercial areas at New Hampshire Avenue and East-West Highway; she said the area referred to, including the Allen Theater and the Shoppers' Food Warehouse, was not within the City's boundaries and that should be brought to the attention of Park & Planning, so that the area could correctly be referenced in the Master Plan under consideration.

Ms. Martin referred to a site fronting on New Hampshire Avenue that was presently zoned commercial, but which the plan proposed to rezone for townhouses. She said she wondered whether the City might want to favor its retention as a commercial site, pointed out there were not a lot of houses in that area, and while there should probably be some sort of a buffer zone of townhouses or something between the commercial and residential areas, perhaps the site could be considered for a post office. Mr. d'Eustachio commented he would not favor that site for a post office, pointing out that the City had consistently favored location of a post office within the City limits and within one of its commercial areas, i.e., Old Town or Takoma Junction. He said, too, he was hesitant to recommend establishment of a commercial district in what was presently a predominantly residential area; he elaborated on the commercial situation presently existing there. The Mayor clarified that what was being proposed was to rezone some property presently zoned commercial to residential, and some zoned residential to more densely populated residential. Mr. d'Eustachio remarked he would particularly support the rezoning of lots 627, 628 and 629 from R-35 to R-55 -- noting they were located just outside the city in the lower Spring Park area. He said the area was predominantly single-family dwellings, and those properties appeared to be the most stable; it was an area in which it was most beneficial to maintain consistency in zoning. The Mayor pointed out that the plan made note that in that general planning area, there was a high density and a predominance of multi-family use, as opposed to single-family. He said probably there was a greater percentage of land devoted to single-family use, but in population, there was a higher percentage of residents who were multi-family unit dwellers. He said the plan called for rezoning in certain areas to provide more of a balance of single-family residents. Responding to inquiry from Councilmember Elrich, Mr. Neal said R-35 denoted single-family, semi-detached, or two-family detached residential dwellings; 3,500 sq. ft. lot size for single-family, semi-detached, 7,000 sq. ft. for two-family detached, and 12.4 dwelling units per net acre maximum. Mr. Elrich pointed out that two dwelling units was not very dense, such housing would tend to be in the affordable range, which was badly needed. He said single-family zoning tended to make it harder to produce that sort of housing. Mr. d'Eustachio remarked that while that was a generally valid point, he was not sure it was



applicable to the area in question. The Mayor noted the particular area under discussion involved 20 pieces of property proposed for rezoning, mostly from commercial and multi-family to single-family and less-commercial zoning. Following additional discussion, the Mayor summarized, noting that the consensus did not appear to support Ms. Martin's original suggestion that the City comment in favor of retention of commercial zoning for a part of the area discussed; there did not seem to be a majority sentiment for other than what the report suggested.

Councilmember Douglas asked that a cover letter under the Mayor's signature be sent to the county, along with comments on the plan, emphasizing several areas that were particularly important to the City, i.e., the configuration of East-West Highway, public transportation, and community facilities that serve Takoma Park residents as well as other residents of the county. The Mayor concurred, and said he would additionally mention the need for additional improvements in the Takoma/Langley shopping area. Mr. d'Eustachio commented it should be emphatically pointed out concerning Route 410, that the City controls that road within its boundaries and had no intention ever of making it anything other than a two-lane road.

Councilmember Douglas moved that the comments prepared by Mr. Neal, as amended and added to by the current meeting's discussion, be transmitted to the appropriate authorities in Prince George's County; the motion was duly seconded. Mr. Neal pointed out that a comment in the 6/24/88 memo on pg. 127, concerning the sidewalk network, was suggested by the principal of Carole Highlands School, Ms. Scott; he thanked Ms. Martin for the time and effort she had put in on examining the plan and helping him to work up comments. The Mayor also expressed thanks to Ms. Martin. The motion was passed by unanimous vote.

**6. Consideration of Staff Proposal to Authorize \$3,500.00 for the Repairing of a Portion of Erie Avenue in Conjunction With Montgomery County.**

Mr. Neal pointed out there was a little over \$3,000. left in CDBG Year 13 street money; all projects scheduled were completed, plus a few minor additional things. He explained the county was spending a good bit of money on Erie Avenue, however, new paving, curbs and gutters had not been included in the county work plan. He said they had costed that work out at about \$6,500, City staff estimated it at around \$8,500; the county was willing to do the work and pay the entire amount if the City would make a contribution -- they would pave Erie from Flower down to the last commercial property on the street. Mr. Neal pointed out that there was some water main work to be done, and a proviso should be that the county wait until that was accomplished prior to paving. Ms. Habada suggested that the City's contribution to the work be decreased to the remaining \$3,000 in Year 13 CDBG funds, which would require only a single-reading ordinance. It was noted that would require deletion of the last sentence of Section 2 of the ordinance. Councilmember Elrich moved adoption of the ordinance with the noted change, duly seconded by Councilmember Douglas. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin and Sharp; NAY: None; ABSTAINED: None.

ORDINANCE #1988-27  
(attached)

**7. Discussion of Carroll Avenue Bridge.**

The Mayor commented he had wished to get some citizen input on the matter; he related he had sent a letter to Father McKay at Our Lady of Sorrows, however, he was on vacation at present. Ms. Habada related that she had been in contact with Mike Snyder at State Highway Administration, and he was willing to attend meetings with the elected body and/or City staff within the next couple of weeks; in addition, he stated he had ordered that a design be accomplished for putting up barricades on the structure and would be prepared to go forward with so doing. Ms. Habada said she had asked that SHA hold off on that until discussing the matter with the elected body because there was some division as to what would be most appropriate, given the aesthetics of the bridge. Mr. Snyder had agreed to defer taking any action until he had further word from the Mayor and Council. The Mayor

suggested that staff meet with Mr. Snyder for the purpose of getting some idea of what sort of barricades SHA was proposing; he said he had heard of a number of approaches to the problem, e.g., netting that would catch objects dropped or thrown from the bridge, fencing. Councilmember Douglas commented he had a concern about rushing in and, in effect, closing the barn door after the fact. He said there were only 2 reported incidents on record of any problem on that bridge, one of which was, admittedly, terrible and tragic; however, there was some reason to suspect that both incidents were connected, and it seemed a shame to rush in and put something on the structure that would perhaps detract from the aesthetics of its design, unless it were deemed to be really necessary from a safety point of view. The Mayor pointed out there might be some question of liability if there were a repeat incident, inasmuch as it had been shown to be an extremely dangerous situation, which put the City on notice. Councilmember Leary commented that while he tended to agree with some of Mr. Douglas' observations, he felt it would be prudent to examine some of the preventive measures that could be taken, and would support staff proceeding with looking into what could be done and reporting back to the elected body. Councilmember Martin remarked on encountering large objects and debris at that location on the parkway at night, and the lack of lighting on the parkway, making such hazards not easily discernible. She said the objects were too large and heavy to have been dropped from the bridge by one person, suggested that perhaps Montgomery County could be approached about putting in some lighting along that particular stretch of Sligo Creek Parkway. The Mayor concurred that better lighting on the bridge itself, as well as on the parkway, would be a good approach. Mr. Douglas pointed out that bridge had problems in regard to its condition as well, particularly the pedestrian walkways. Mr. Wilson remarked he believed some renovation of that bridge was planned in the early 1990's, however, perhaps that could be expedited. The Mayor suggested that someone from the Police Department be included in discussions, noting Chief Fisher had remarked he was not sure what could be done in the way of fencing on the bridge wall, which was cracking and crumbling, that would not further damage its condition.

**8. First Reading of an Ordinance Providing Pay Scale for Employees.**

The Mayor pointed out that in accordance with previous discussions, on page 1, in the 4th "Whereas" clause, 3rd line, the phrase beginning "...with which..." should be deleted up to and including the semicolon, so that the statement setting a January-February timeframe for completion of negotiations would be deleted. Councilmember Douglas moved acceptance of the ordinance dated 6/27/88, as amended according to recommendations from Corporation Counsel and as a result of earlier discussions; the motion was duly seconded by Councilmember d'Eustachio. The ordinance was accepted for First Reading by unanimous vote, with the Mayor noting that Second Reading would be scheduled for the July 11 regular Council Meeting.

ORDINANCE #1988-  
(attached)

**9. First Reading of an Ordinance Providing Pay Plan for Executive Staff.**

Councilmember Hamilton moved acceptance for First Reading, duly seconded by Councilmember Elrich. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1988-  
(attached)

**10. Resolution re Montgomery County Traffic Management Program.**

Councilmember Elrich noted Park & Planning would be conducting a worksession on the Traffic Management Plan the following evening; he said he felt it imperative that the City present a position on the plan. He said the County Council had directed the County Executive to come up with a plan to manage traffic in connection with the development planned for Silver Spring, and Park & Planning would be approving the plan. Mr. Elrich said there were serious holes in the plan, whether one was looking at it from the aspect of Takoma Park, or from other areas. He said the presumption seemed to be that the problems in the Central Business District could be solved if they were pushed

off into the communities surrounding the CBD, and he felt there would be merit in the City Council making it clear that this was not a traffic plan the City would support. He said one thing the City might seriously consider in order to protect its citizens would be seeking to gain control of Route 410, as County Executive Kramer had done re Georgia Avenue. He said when he attended a hearing on the state's transfer of Georgia Avenue to the county, he discerned that the state was in a mode favoring transfer of control of roads from state authority to local jurisdictions. He said Councilmember Hamilton had suggested to him that getting control of Piney Branch Road through the city also be examined, and he would strongly suggest that a preliminary analysis be done of what would be involved in gaining control of the aforementioned roads. Mr. Elrich moved passage of the resolution, duly seconded by Councilmember Leary, who expressed concurrence with Mr. Elrich's suggestion. Responding to inquiry from Councilmember d'Eustachio concerning what such a study would cost the City, Mr. Wilson said his intent would be to assign the task to his Special Assistant, Mr. Robbins, for preliminary analysis; when hard numbers were required, some further assistance might have to be sought. Mr. Elrich said the state should be asked to bring the condition of the roads up to snuff, as was being done with Carroll Avenue, prior to any transfer, and then future maintenance would be up to the City, so that the City would not inherit any severe existing problems. Mr. Leary commented on the subject having come up at the MML convention in Ocean City, and the fact that an individual from the Secretary of State's Office was very encouraging and advised that something should be submitted in writing from the City and he would see that it got to the appropriate state authorities for consideration. The Mayor commented on having spoken with another person, as well, who would probably be of assistance to the City; he said there was a need also to clarify the status of Takoma Avenue.

Councilmember d'Eustachio suggested that in the last "Whereas" clause, the words ~~sefe alleged~~ be deleted, and primary stated substituted; additionally, he suggested striking the words ~~any and alleged~~, so that the statement would read "...that the development cannot be justified by public benefit derived from construction of a new shopping center." The suggestions were accepted as editorial amendments by the mover and seconder of the motion for passage. Councilmember Sharp suggested that the first resolve clause read: "Be It Therefore Resolved, that the City of Takoma Park opposes the implementation of the TMP." In the last resolve clause, 3rd line, he suggested the language read "were the City to seek to transfer control of those portions of Route 410 and Piney Branch Road..." Councilmember Martin raised the question of whether, inasmuch as the resolution would be going to Montgomery County, the last resolve clause should be included at all; discussion of that point ensued, with the consensus being that the last resolve clause would be stricken from the resolution. The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1988-57  
(attached)

The Mayor directed that a cover letter be prepared, and that Councilmember Elrich hand-deliver the letter and a copy of the resolution to Mr. Christeller at the following evening's meeting in the county.

**11. Resolution Effecting COLTA Appointments.**

The Mayor noted there were 4 vacancies on the commission, however, one, which was for a landlord, was being held in abeyance until additional candidates were interviewed. He said those appointed by the resolution would be serving 3-year terms; he moved appointment of Nancy Ricks, Landlord Representative, Susan McMillan, General Public Representative, and Yvonne Crooks, Tenant Representative. The motion was duly seconded by Councilmember Sharp. The resolution was passed by unanimous vote.

RESOLUTION #1988-58  
(attached)

Upon motion, duly seconded, the meeting adjourned at 9:59 P.M., to reconvene in regular session at 8:00 P.M. on July 11, 1988.

Introduced By: Mayor Del Giudice

RESOLUTION NO. 1988-59

OPPOSING LEGISLATION TO REPEAL THE BAN ON THE SALE OF  
"SATURDAY NIGHT SPECIALS"

WHEREAS, as stated in Maryland House Bill 1131, the sale of cheap handguns, "Saturday Night Specials" is illegal in the State of Maryland; AND

WHEREAS, the Saturday Night Special is made for no other purpose than to harm or take another life; AND

WHEREAS, due to the usual cheap quality of construction, the Saturday Night Special is often dangerous to the user; AND

WHEREAS, the Mayor and Council of the City of Takoma Park, Maryland supports the ban of the sale of cheap handguns, as stated in House Bill 1131; AND

WHEREAS, the Mayor and Council is opposed to the repeal of such a ban.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Takoma Park, Maryland that the Mayor and Council requests that all elected officials throughout the State of Maryland join the City of Takoma Park in denouncing this repeal attempt by various lobbyists and, furthermore, use all persuasive methods at their disposal to convince their constituents to uphold H.B. 1131 on the November ballot; AND

BE IT FURTHER RESOLVED that the City Administrator is directed to send copies of this resolution to the Governor and Attorney General for the State of Maryland, as well as the Senators and Delegates for the 20th and 21st Maryland Districts.

Dated this 27th day of June, 1988

(Adopted Unanimously)

Introduced by: Councilmember Sharp

1st Reading: 6/13/88

2nd Reading: 6/27/88

ORDINANCE NO. 1988-25

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

SECTION 1. THAT proposals were solicited as advertised in the Montgomery and Prince George's Journals and the publication CPA PROPOSAL ALERT, in accordance with City Code provisions, for qualified firms to serve as the City's auditor for a five year period, beginning in Fiscal Year 1989; AND

SECTION 2. THAT seven CPA firms submitted proposals, which were subsequently reviewed by an ad hoc Auditor Selection Panel convened by the Assistant City Administrator; AND

SECTION 3. THAT upon review by the Panel, City staff conducted reference checks and upon completion recommend the retention of the firm Wooden & Benson, based on their submitted proposal.

SECTION 4. THEREFORE THAT the proposal of Wooden & Benson to perform the City's auditing functions for a five year term beginning in Fiscal Year 1989, for the quoted amount of \$94,700 over the five year term is hereby accepted.

Adopted this 27th day of June, 1988 to become effective upon adoption.

AYES: d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin,  
Sharp

NAYS: None

ABSTAIN: None

ABSENT: None

jsr-d#O/R1  
O-CPAAU

Please use this to replace the copy  
you have attached to the 6/27/88  
Minutes

7/19/88

Thank you, Paula Jewell

Introduced by: Councilmember d'Eustachio

1st Reading: 6/13/88  
2nd Reading: 6/27/88  
Effective: 1/1/88

**ORDINANCE #1988-26**  
**A TECHNICAL AMENDMENT TO ORDINANCE #1988-17**  
**(VACATION LEAVE ROLLOVER POLICY)**

BE IT ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT  
THE FOLLOWING SECTION OF THE 1972 TAKOMA PARK CITY CODE IS HEREBY  
AMENDED AS FOLLOWS:

Section 8B-133

(e) Beginning with the effective date of this Article, employees are not permitted to accumulate unused annual leave in an amount [not] exceeding thirty (30) days at the end of any calender year. [two hundred forty (240) hours]. However, if management has denied an employee the opportunity to use accrued leave that would exceed the maximum allowable accumulation during that leave year if not taken, such an amount may be carried over for a period of no more than one year, even if it is in excess of the maximum allowable. An Employee must make application to carry over his annual leave in the following manner:

- (1) Employees must make requests to carry over annual leave in writing.
- (2) Such requests must be accompanied by written documentation that annual leave was denied.
- (3) Requests to carry over annual leave into the next calendar year must be approved by the City Administrator or his designee.

(No change to subsections f, g, h, i, j, and k)

Underscoring indicates new language to be added  
[brackets] indicate existing language to be deleted

Effective Date: This Ordinance becomes effective upon enactment, retroactive to January 1, 1988.

Adopted this 27th date of June, 1988 by Roll Call Vote as follows:

AYE: d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin  
NAY: Sharp  
ABSTAINED: None  
ABSENT: None

Introduced By: Councilmember Douglas  
Drafted By: D. Neal

Adopted: 6/27/87

ORDINANCE No. 1988-27

WHEREAS, Montgomery County Maryland ("the County") is performing certain streetscape improvements in the Erie/Flower Commercial district in the City of Takoma Park; AND

WHEREAS, These plans did not originally include the resurfacing of any part of Erie Avenue, but the County has proposed to resurface that section of Erie Avenue within the commercial district if the City contributes \$3,000.00 to the total cost of the work (estimated at \$6,000.- \$7,000.); AND

WHEREAS, The Mayor and Council find that it is in the City's best interests to accept this proposal;

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

SECTION 1. The City Administrator or his designee is hereby authorized to accept the proposal outlined above and to negotiate all the pertinent details of the proposal.

SECTION 2. \$3,000.00 of the cost of this work shall be charged to Special Revenue Fund Account No. 3500.300.

ADOPTED THIS 27th DAY OF June, 1988.

Adopted by roll call vote as follows:

AYE: Councilmembers d'Eustacio, Douglas, Elrich, Hamilton,  
Leary, Martin and Sharp

NAY: None

Abstained: None

Absent: None

Rehab #1,ord1.djn

	3rd Quartile = [39,182 - 42,169]	<u>39,277 - 42,271</u>
	4th Quartile = [42,170 - 45,157]	<u>42,272 - 45,266</u>
Executive 3:	1st Quartile = [34,223 - 38,906]	<u>34,305 - 39,000</u>
	2nd Quartile = [38,907 - 42,140]	<u>39,001 - 42,222</u>
	3rd Quartile = [42,141 - 45,227]	<u>42,223 - 45,442</u>
	4th Quartile = [45,228 - 48,545]	<u>45,443 - 48,662</u>
Executive 4:	1st Quartile = [37,101 - 41,827]	<u>37,190 - 41,928</u>
	2nd Quartile = [41,828 - 45,277]	<u>41,929 - 45,386</u>
	3rd Quartile = [45,278 - 48,731]	<u>45,387 - 48,849</u>
	4th Quartile = [48,732 - 52,186]	<u>48,850 - 52,312</u>

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.
- (c) A cost of living adjustment shall be effective on the first day of a new fiscal year.

SECTION 6. DATE OF PAY INCREASES

- (a) Notwithstanding provisions of Article 8B, Section 8B-124(a) of the City Code, the effective date for an executive employee(s) merit increase[s], if any, shall be on said employee(s) initial anniversary date of hire, and thereafter as the Mayor and Council deem appropriate upon evaluation of said employee(s).

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ to take effect July 1, 1988.

AYE:  
 NAY:  
 ABSTAINED:  
 ABSENT:

NOTE: Underlining indicates new language to be added. Brackets [ ] indicates language to be deleted.



Introduced by: Councilmember Elrich

Adopted: 6/27/88

RESOLUTION # 1988-57

Resolution Opposing the Montgomery County Traffic Management Program

WHEREAS, The Montgomery County Department of Transportation has developed a Traffic Management Program for the Silver Spring-Takoma Park area in order to accomodate large scale new development in Silver Spring; AND

WHEREAS, The Traffic Management Program suggests changes to Route 410 that the City of Takoma Park finds unacceptable in the area of community impact and in regard to their ability to better manage traffic; AND

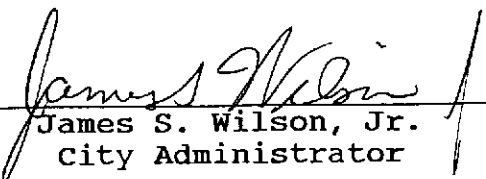
WHEREAS, The Traffic Management Program (TMP), as a whole significantly increases the traffic impact on the other residential neighborhoods around Silver Spring; AND

WHEREAS, The primary public benefit derived from this additional traffic will be the construction of a regional shopping mall in Silver Spring.

NOW, THEREFORE, BE IT RESOLVED, that the City of Takoma Park opposes the implementation of the TMP and the specific recommendations regarding Takoma Park; AND

BE IT FURTHER RESOLVED, that the Mayor and Council expresses its concern that the negative impact from this new development cannot be justified by any public benefit derived from the construction of a new shopping mall.

ATTEST:

  
James S. Wilson, Jr.  
City Administrator



Introduced by: Mayor Del Giudice

RESOLUTION #1988-58

WHEREAS, There currently exists 4 vacancies for Representatives on the City's Commission on Landlord-Tenant Affairs that need to be filled; AND

WHEREAS, Cheryl Chapman, Yvonne Crooks, Susan McMillan, Bill Batko and Dean Obaidy made application to serve on the Commission and Juanita Nunn, Nancy Ricks, and Claudine Schweber have requested re-appointment on the Commission.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND does hereby appoint to the vacant seats on the Commission on Landlord-Tenant Affairs:

Nancy Ricks, Landlord Representative  
Susan McMillan, General Public Representative  
Yvonne Crooks, Tenant Representative

BE IT FURTHER RESOLVED, that this appointment becomes effective July 1, 1988.

Adopted this 27th day of June 1988.

Version Dated 6/27/88 (As Amended)

Introduced: 6/27/88

Enacted:

Effective:

ORDINANCE NO. 1988-

Short Title: Pay scale for employees.

AN ORDINANCE TO:

(a) Amend the pay scale for employees for Fy 89, tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended.

WHEREAS, the City Administrator has made a careful study of cost-of-living indicators in the Metropolitan Washington, D.C. area;

AND

WHEREAS, based on these indicators, a 4% cost-of-living adjustment is a reasonable level to provide to City employees;

AND

WHEREAS, the City Administrator has recommended to the Mayor & Council a 4% cost-of-living adjustment, which the Mayor and Council have agreed to; AND

WHEREAS, union representatives have failed to respond to the City's attempts to negotiate on the wage opener in accordance with the requirements of Ordinance No. 1986-47, and union representatives have yet to complete any agreement on a negotiated wage opener.

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

THIS ORDINANCE amends the Code of the City of Takoma Park by  
repealing Ordinance No. 1988-20 and reenacting with amendments as  
noted; this reenacted ordinance to be effective July 1, 1988.

SECTION 1. PAY SCALE PLAN.

Ordinance No. [1987-32] 1988-20 is hereby [amended] repealed  
and the following pay scale is adopted as the new Pay Scale Plan  
for the City.

This Pay Scale Plan will become effective July 1, 1988, and will  
remain in effect until amended or repealed by the City Council.  
The City Council has the power to amend or repeal this Pay Plan  
and related laws, by ordinance, at any time.

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

STEP:	A	B	C	D	E	F
	<u>36,857</u>	<u>38,236</u>	<u>39,667</u>	<u>41,152</u>	<u>42,694</u>	<u>44,294</u>
	G	H	I	J	K	
	<u>45,954</u>	<u>47,678</u>	<u>49,470</u>	<u>51,326</u>	<u>53,276</u>	

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

STEP	A	B	C	D	E	F
	10,147	10,511	10,930	11,280	11,685	12,109
	G	H	I	J	K	
	12,546	13,001	13,471	13,962	14,492	

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

STEP:	A	B	C
	3,463	3,602	3,890

(d) All other employees. The pay scale for all other employees is as shown on the following 36 percent scale: (see next page).

(e) Special rule for employees who are represented by a certified employee organization.

All employees represented by a certified employee organization will be paid according to the terms of the collective bargaining agreement wage opener effective July 1, 1988, or as soon thereafter, when it is adopted pursuant to the provisions in Article 2 of Chapter 8B of the City Code.

Until such adoption, all such employees will continue to be

paid according to the pay plan in effect as of July 1, 1987.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1988 by rollcall vote  
as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

NOTE: Underlining indicates new language to be added. Brackets  
[ ] indicate language to be deleted.

(d) Other Employees

CITY OF TAKOMA PARK DISTRICT  
PAY SCALE

		A	B	C	D	E	F	G	H	I	J	K
GRADE		STARTING PAY	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL
	Percentage Increase		4.25%	4%	3.75%	3.5%	3.25%	3%	2.75%	2.5%	2.25%	2.10%
1	Annual	\$13,000.00	\$13,552.50	\$14,094.60	\$14,623.15	\$15,134.95	\$15,626.84	\$16,095.64	\$16,538.28	\$16,951.73	\$17,333.15	\$17,697.14
	Weekly	\$250.00	\$260.62	\$271.06	\$281.22	\$291.05	\$300.52	\$309.54	\$318.04	\$326.00	\$333.33	\$340.33
	Hourly	\$6.25	\$6.52	\$6.78	\$7.03	\$7.28	\$7.51	\$7.74	\$7.96	\$7.96	\$8.33	\$8.51
2	Annual	\$13,974.48	\$14,568.39	\$15,151.13	\$15,719.30	\$16,269.47	\$16,798.23	\$17,302.18	\$17,777.99	\$18,222.43	\$18,632.44	\$19,023.72
	Weekly	\$268.74	\$280.17	\$291.39	\$302.30	\$312.07	\$323.04	\$332.74	\$341.89	\$350.43	\$358.31	\$365.84
	Hourly	\$6.72	\$7.00	\$7.28	\$7.56	\$7.82	\$8.08	\$8.32	\$8.55	\$8.76	\$8.95	\$9.14
3	Annual	\$15,022.80	\$15,661.27	\$16,287.72	\$16,898.51	\$17,489.95	\$18,058.38	\$18,600.13	\$19,111.63	\$19,589.42	\$20,030.18	\$20,450.82
	Weekly	\$288.90	\$301.17	\$313.23	\$324.97	\$336.35	\$347.28	\$357.70	\$367.54	\$376.72	\$385.20	\$393.29
	Hourly	\$7.22	\$7.53	\$7.53	\$8.12	\$8.40	\$8.68	\$8.94	\$9.18	\$9.42	\$9.63	\$9.83
4	Annual	\$16,150.16	\$16,836.54	\$17,510.00	\$18,166.63	\$18,802.46	\$19,413.53	\$19,995.94	\$20,545.83	\$21,059.48	\$21,533.31	\$21,985.52
	Weekly	\$310.58	\$323.78	\$336.73	\$346.73	\$361.59	\$373.34	\$384.54	\$395.12	\$404.99	\$414.11	\$422.80
	Hourly	\$7.77	\$8.09	\$8.41	\$8.74	\$9.04	\$9.33	\$9.61	\$9.88	\$10.13	\$10.35	\$10.57
5	Annual	\$17,360.72	\$18,098.55	\$18,822.49	\$19,528.34	\$20,211.83	\$20,868.71	\$21,494.77	\$22,085.88	\$22,638.02	\$23,147.37	\$23,633.47
	Weekly	\$333.86	\$348.05	\$361.97	\$375.54	\$388.69	\$401.33	\$413.36	\$424.73	\$435.34	\$445.14	\$454.49
	Hourly	\$8.35	\$8.70	\$9.05	\$9.39	\$9.71	\$10.04	\$10.34	\$10.62	\$10.89	\$11.13	\$11.37
6	Annual	\$18,662.80	\$19,455.97	\$20,234.21	\$20,992.99	\$21,727.74	\$22,433.89	\$23,106.91	\$23,742.35	\$24,335.91	\$24,883.47	\$25,406.01
	Weekly	\$358.90	\$374.15	\$389.12	\$403.71	\$417.84	\$431.42	\$444.36	\$456.58	\$468.00	\$478.52	\$488.58
	Hourly	\$8.98	\$9.35	\$9.72	\$10.09	\$10.44	\$10.78	\$11.11	\$11.42	\$11.70	\$11.96	\$12.21
7	Annual	\$20,062.64	\$20,915.30	\$21,751.91	\$22,567.60	\$23,357.47	\$24,116.59	\$24,840.09	\$25,523.19	\$26,161.27	\$26,749.90	\$27,311.65
	Weekly	\$385.82	\$402.22	\$418.31	\$433.99	\$449.19	\$463.78	\$477.69	\$490.83	\$503.10	\$514.43	\$525.22
	Hourly	\$9.64	\$10.06	\$10.46	\$10.85	\$11.23	\$11.60	\$11.94	\$12.27	\$12.57	\$12.86	\$13.14
8	Annual	\$21,567.52	\$22,484.14	\$23,383.51	\$24,260.38	\$25,109.50	\$25,925.56	\$26,703.32	\$27,437.66	\$28,123.61	\$28,756.38	\$29,360.27
	Weekly	\$414.76	\$432.39	\$449.69	\$466.54	\$482.87	\$498.57	\$513.52	\$527.64	\$540.84	\$553.01	\$564.62
	Hourly	\$10.37	\$10.81	\$11.24	\$11.67	\$12.07	\$12.46	\$12.83	\$13.19	\$13.52	\$13.82	\$14.11
9	Annual	\$23,184.72	\$24,170.07	\$25,136.87	\$26,079.51	\$26,992.28	\$27,869.54	\$28,705.62	\$29,495.02	\$30,232.40	\$30,912.63	\$31,561.80
	Weekly	\$445.86	\$464.81	\$483.40	\$501.53	\$519.08	\$535.95	\$552.03	\$567.22	\$581.39	\$594.47	\$606.95
	Hourly	\$11.15	\$11.62	\$12.08	\$12.54	\$12.98	\$13.40	\$13.80	\$14.19	\$14.54	\$14.86	\$15.17
10	Annual	\$24,923.60	\$25,982.85	\$27,022.16	\$28,035.50	\$29,016.74	\$29,959.78	\$30,858.58	\$31,707.19	\$32,499.86	\$33,231.11	\$33,928.96
	Weekly	\$479.30	\$499.67	\$519.66	\$539.15	\$558.01	\$576.15	\$593.43	\$609.75	\$625.00	\$639.06	\$652.48
	Hourly	\$11.98	\$12.49	\$12.99	\$13.48	\$13.95	\$14.40	\$14.84	\$15.25	\$15.62	\$15.97	\$16.31
11	Annual	\$26,793.52	\$27,932.25	\$29,049.53	\$30,138.89	\$31,193.75	\$32,207.55	\$33,173.77	\$34,086.05	\$34,938.21	\$35,724.31	\$36,474.53
	Weekly	\$515.26	\$537.16	\$558.65	\$579.59	\$599.88	\$619.37	\$637.96	\$655.50	\$671.89	\$687.00	\$701.44
	Hourly	\$12.89	\$13.43	\$13.97	\$14.49	\$15.00	\$15.49	\$15.95	\$16.39	\$16.80	\$17.17	\$17.53
12	Annual	\$28,802.80	\$30,026.92	\$31,228.00	\$32,399.05	\$33,533.01	\$34,622.84	\$35,661.52	\$36,642.21	\$37,558.26	\$38,403.32	\$39,209.79
	Weekly	\$553.90	\$577.44	\$600.54	\$620.09	\$644.86	\$665.83	\$685.80	\$704.66	\$722.27	\$738.52	\$754.03
	Hourly	\$13.85	\$14.44	\$15.02	\$15.58	\$16.12	\$16.65	\$17.15	\$17.62	\$18.05	\$18.46	\$18.86
13	Annual	\$30,962.88	\$32,278.80	\$33,569.95	\$34,828.83	\$36,047.84	\$37,219.38	\$38,335.97	\$39,390.21	\$40,374.96	\$41,283.40	\$42,150.35
	Weekly	\$595.44	\$620.74	\$645.58	\$669.78	\$693.23	\$715.76	\$737.24	\$757.50	\$776.44	\$793.92	\$810.59
	Hourly	\$14.88	\$15.52	\$16.14	\$16.74	\$17.33	\$17.90	\$18.43	\$18.94	\$19.41	\$19.84	\$20.27

1st Reading: 6/27/88  
2nd Reading:  
Effective:

ORDINANCE NO. 1988-

Short Title: An ordinance to amend the Executive Pay Plan

AN ORDINANCE TO:

- (a) Change the Executive Pay Plan to provide for a [3.75%] 4% Cost-of-living adjustment for FY 89.

BE IT ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT THIS ORDINANCE repeals and reenacts with the following amendments, the Executive Pay Plan as adopted by Ordinance 1988-19; this reenacted ordinance to be effective July 1, 1988:

SECTION 1. PAY SCALE PLAN

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

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

Executive 1:	1st Quartile = [29,055 - 33,677]	<u>29,125 - 33,758</u>
	2nd Quartile = [33,678 - 36,468]	<u>33,759 - 36,556</u>
	3rd Quartile = [33,469 - 39,258]	<u>33,557 - 39,353</u>
	4th Quartile = [39,259 - 42,048]	<u>39,354 - 42,149</u>
Executive 2:	1st Quartile = [31,130 - 36,193]	<u>31,205 - 36,280</u>
	2nd Quartile = [36,194 - 39,181]	<u>36,281 - 39,276</u>