

CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council
May 8, 1989

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember d'Eustachio	Deputy City Clerk Jewell
Councilmember Douglas	Community Planner Schwartz
Councilmember Elrich	Community Dev. Coordinator VinCola
Councilmember Martin	
ABSENT: Councilmember Hamilton	
Councilmember Leary	
Councilmember Sharp	

The Mayor and City Council convened at 7:40 P.M. on Monday, May 8, 1989 in Special Session at 7500 Maple Avenue, Takoma Park, Maryland. Mayor Del Giudice explained that the Special Session had been convened for the purpose of addressing a resolution drafted by staff regarding the Federal Capital Improvement Program for Fiscal Years 1990-1994; he noted a memorandum containing comments from staff was attached to the resolution.

Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Responding to query from Councilmember Martin, the Mayor said it was his understanding that the Postal Service was looking for and had advertised concerning new space for their facility; he said they were apparently being asked to vacate the space they were presently occupying -- the rumour was that the owner of the building wanted them to vacate. Councilmember d'Eustachio commented that the current location of the facility was simply not an acceptable site, and the steps being taken by the Postal Service to procure an acceptable site, which included putting \$25,000 in their budget to purchase a substantial commercial lot in the City of Takoma Park, were foolish at best. The Mayor noted, and staff confirmed, that the CIP referred to the option of using the \$25,000 to lease space for the post office in Takoma Park.

The resolution was passed by unanimous vote.

RESOLUTION #1989-43
(attached)

Upon motion, duly seconded, the Special Session adjourned at 7:44 P.M.

Introduced By: Councilmember Douglas
Drafted By: L. Schwartz

ADOPTED: May 8, 1989

Resolution No. 1989-43

WHEREAS, the National Capital Planning Commission ("NCPC") has issued the proposed Federal Capital Improvements Program for the National Capital Region for fiscal years 1990-94 ("Federal CIP") ; AND

WHEREAS, the NCPC has forwarded this document to the City for review and comment; AND

WHEREAS, it is in the City's interest to submit comments on the Federal CIP, as plans outlined by the U.S. Postal Service in this document are of direct concern to the City; AND

WHEREAS, the comments contained in the attached letter from the Mayor concerning the U.S. Postal Service's plans for locating a branch post office in the City of Takoma Park have been prepared for submittal to the National Capital Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Mayor and Council hereby express their support of the comments on the Federal CIP as contained in the attached letter from the Mayor to the National Capital Planning Commission.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate authorities of the National Capital Planning Commission.

ADOPTED THIS 8th DAY OF MAY, 1989, IN SPECIAL SESSION.

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CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
May 15, 1989

CITY OFFICIALS PRESENT:

Mayor Pro Tem d'Eustachio	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Elrich	Deputy City Clerk Jewell
Councilmember Hamilton	Cable Coordinator Smith
Councilmember Leary	Code Enforcement Supervisor McMinn
Councilmember Martin	Public Works Director Giancola
Councilmember Sharp	

The Mayor Pro Tem and City Council convened at 8:00 P.M. on Monday, May 15, 1989 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Mayor Pro Tem d'Eustachio explained that Mayor Del Giudice was representing the Metropolitan Council of Governments at a meeting in Texas, so would not be present for the Council Meeting.

Following the pledge, a moment of silence was observed in commemoration of Ellery Dennison, a longtime resident and active community member, who Mayor Pro Tem d'Eustachio explained had passed away about a week previously. He noted Mr. Dennison had been a very active participant in the 4th of July Parade, as well as other community activities, and would be sorely missed.

The Minutes of the April 12, 1989 Budget Hearing; April 17, 1989 Special Session; April 18, 1989 Budget Hearing and April 24, 1989 Regular Council Meeting were presented for approval. Councilmember Hamilton moved approval of the Minutes, collectively and as written, duly seconded by Councilmember Sharp; the motion carried by unanimous vote.

Captain Jarboe of the Takoma Park Volunteer Fire Department briefly summarized the course content of the Babysitters' Course sponsored and presented by the fire department. Certificates were presented to 7 young people who had recently successfully completed the class.

ADDITIONAL AGENDA ITEMS:

Municipal Building Parking Lot Speed Hump Proposal

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

Wayne Upton, 7600 Maple Avenue: related having attended the NAACP ACT-SO (Afro-Academic, Cultural, Technological and Scientific Olympics) award ceremony in Rockville on May 12. He noted a number of award recipients attended Montgomery Blair High School; said the media too often focuses on teenagers involved in drug and alcohol-related violence, and thought the City's elected body should recognize those students who are academic achievers during June, which is the month in which most high school graduation ceremonies occur. He said he thought the City's cable channel should also recognize students who are making positive accomplishments and are not addicted to drugs or alcohol. Mr. Upton also noted recently attending a Mothers' Day service at the Washington Cathedral, and spoke concerning the heartache of those mothers whose children are addicts. He suggested that next year, Channel 54 present special programming honoring Mothers' Day, and noted that Fathers' Day was upcoming, and something special could be done on the channel in observance of that day. He said he felt the offerings on the cable channel should either be improved or the channel shut down, and that programming in observance of special events would improve the quality of what was being offered and might generate more public support. Mr. Upton disseminated handout material to the members of the Council.

Councilmember Hamilton noted that, as part of the 5th Annual Drug and Alcohol Abuse Prevention Conference, HBO would be presenting a half hour film at 10:00 p.m. the present evening on how to raise a drug-free child. He said the film featured Mary Tyler Moore, and it would also be shown on May 16 at the Municipal Building in conjunction with Appreciation Night for the Montgomery County Drug Task Force.

ITEMS FOR COUNCIL ACTION:1. Municipal Building Parking Lot Speed Hump Proposal.

Councilmember Leary summarized the history of the issue, noting that as a result of safety concerns raised by members of the Elementary School P.T.A., a trial program was instituted in January to try to eliminate cut-through traffic from the parking lots behind the Municipal Building and Library, so as to better ensure safety for children walking to and from school. He pointed out that the program had been publicized in the Newsletter, comment was solicited from citizens and also from City staff. He said the comments received were mixed, however, 2 City department heads, i.e., the Library Director and Director of Economic & Community Development, had submitted to the Transportation, Planning and Zoning Committee fairly extensive commentary strongly urging that some alternative means of controlling traffic in the rear lots be sought, and suggesting and strongly endorsing installation of some steep speed humps there in place of the barriers dividing the lots. He said the recommendation of the Transportation, Planning and Zoning Committee was to make permanent all the barriers now existing with the exception of the one that divided the back parking lots, and their suggestion would be to substitute a series of steep speed humps for those barriers (which would be removed) -- with the exact number of speed humps needed to be determined by the Director of Public Works and the Police Chief. He said he thought a minimum of three speed humps would be necessary, and that they should be steeper than those installed on City streets, designed to force traffic to a virtual halt. He said the committee thought that approach would eliminate complaints about inconvenience that were received. In addition, he noted that some had observed that the barriers dividing the rear lots did not eliminate all speeding from that area, and the speed humps should do so. Mr. Leary related that prior to the meeting, he had received a telephone call from the incoming president of the elementary school P.T.A., Mary Ellen Keening, and she had told him that the P.T.A. preferred the present barriers dividing the rear lots to the proposed speed humps. He said he had explained to her the rationale for proposing to remove the barriers and install steep speed humps, and her response had been that it appeared reasonable to her.

Councilmember Hamilton pointed out that Ride-On had been authorized by the City to turn the midnight bus around on the parking lot; he inquired how the steep speed humps would affect the buses. Mr. Leary responded that the speed humps would render it more difficult for the buses to turn around. Councilmember Douglas commented that what the committee had in mind were the sort of speed bumps used generally in parking lots everywhere; he said he did not think they would be much of a problem for the buses. Councilmember Leary said he had received a number of calls about the temporary barrier in front of the Municipal Building closing off the entry from Maple Avenue, and said the intent of the committee was to make that permanent by installation of some sort of very heavy barrier that could be moved, if necessary, by Public Works, but not by just anyone wishing to do so.

Mayor Pro Tem d'Eustachio noted the item would be placed on a worksession agenda for further discussion; he said it may also be discussed by a Council committee prior to being scheduled for worksession.

2. First Reading of an Ordinance Authorizing Installation of Two Speed Humps on Woodland Avenue.

Councilmember Douglas moved acceptance for First Reading, duly seconded by Councilmember Hamilton. Councilmember Sharp raised the question, which he reminded he had raised previously when speed humps were addressed, i.e., whether consideration was being given to not only a policy in terms of traffic flow and needs, but also in terms of paying for such installations. Councilmember Douglas said he recalled that question had been referred to the committee, but he was uncertain whether they had started work on it or not. Mayor Pro Tem d'Eustachio remarked that he had been contacted by a number of individuals concerning installation of a third speed hump on Woodland Avenue.

Karen Anderson, Woodland Avenue: said the concern of residents was to have the most effective speed control possible so as to protect

children; two bumps 500' apart may not be completely effective. She pointed out that the street was over 1,000' long; putting a bump 200' from the stop sign at East-West Highway would still allow for installation of several other bumps, still maintaining the criteria of being 300' apart. She said the neighborhood intended submitting a petition requesting 3 speed humps; they felt that the optimum placement would be across from 7113 Woodland, 7101 Woodland, and 7005 Woodland. She said the aforementioned petition for 3 speed humps would be submitted prior to Second Reading. Mr. d'Eustachio noted there had been some question of whether installation of 3 speed humps would be appropriate on Woodland within the guidelines; he asked whether Public Works Director Giancola could resolve that issue. Mr. Giancola read the appropriate City Code section, and affirmed that technically and within the guidelines, a third speed hump could be installed. He said, however, his recommendation had been that two be installed; he felt that number should be effective and adequate, particularly given the tight budgetary constraints -- of course, more would be that much more effective.

Patricia Lovdahl, 7007 Woodland Avenue: said she fully supported the prior speaker's request; she said neighbors had very carefully examined the situation and having 3 humps versus 2 was far more sensible if the intent was to protect the children in the area.

Suzanne Whitehead, 7103 Woodland Avenue: said while she did not have a strong opinion about the number of humps required to be effective, she could confirm that there was a real problem with motorists speeding on the street, and there were numerous children and pets in the area.

Responding to query from Councilmember Leary, Public Works Director Giancola stated that the cost of installing one speed hump was presently \$500-\$600.

Mayor Pro Tem d'Eustachio moved to amend the ordinance by the addition of one speed hump, to make a total of three speed humps; the motion was duly seconded by Councilmember Hamilton. Councilmember Elrich inquired which budget line item the funds would be taken from to pay for the speed humps; Mr. d'Eustachio responded that inasmuch as the appropriate line item was already over-expended, funds would have to be transferred from some other line item to cover the expenditure. Councilmember Sharp commented he would be voting against the third speed hump inasmuch as he was not persuaded that the proposed ordinance and the Public Works Director's judgment in the matter should be overruled. The motion to amend failed for lack of a clear majority; the vote was 3-3 with Councilmember Martin not voting. A second vote was taken which also failed; the vote was 4-3. The ordinance was accepted for First Reading.

ORDINANCE #1989-
(attached)

3. First Reading of an Ordinance Authorizing Installation of Five Speed Humps on Lincoln Avenue.

Councilmember Douglas moved acceptance for First Reading, duly seconded by Councilmember Elrich.

Wayne Upton, 7600 Maple Avenue: inquired concerning the location on Lincoln Avenue of the proposed speed humps. Mr. Upton was assured by the elected body that the portion of Lincoln Avenue where the speed humps would go was not in Ward 4 -- it was over near East-West Highway.

Kitty Donnelly, 415 Lincoln Avenue: said the street was very narrow, had no sidewalks, and parking was allowed on both sides of the street. She said people had to walk in the street, children play in the street, and drivers go fairly fast; cars had been struck and damaged, pets had been struck, and she said she considered the situation dangerous. She related that her dog had been struck and killed in front of her house, and she did not want the same thing to happen to her 2-year old child.

Brent Harshberger, 434 Lincoln Avenue: confirmed Ms. Donnelly's description of conditions on the street; he said whenever 2 cars met on the street, they had to come to a dead stop and allow one another

to pass because there was not room enough for 2 cars to pass each other if there were cars parked on both sides. Even so, he said, people drove very fast on that street and a couple of pets had been struck and killed, as well as cars having been struck and damaged.

Carol Demeter, 508 Lincoln Avenue: said the street had a blind hill on it, where you just could not see what was coming from the other direction; she said she had almost been hit many times in her car, and did not want her son to be struck on his bicycle.

Marsha Wilson, 426 Lincoln Avenue: said she had lived on the street for 10 years; thought the speeding problem had worsened considerably in the last few years, with commercial vehicles and school buses being the worst offenders. She said she had been opposed to speed humps for a long time, but the problem seemed to be insoluble without them.

Kathy Porter, 1002 Elm Avenue, Pres., South of Sligo Citizens' Assn.: said the executive committee of the association had met and discussed the issue; they endorsed the idea of speed humps on Lincoln Avenue, because speeding and commuter cut-throughs in that neighborhood had been a problem, and it was felt the speed humps would provide a solution.

John Wright, 519 Lincoln Avenue: said he had resided at his present address since 1971; the traffic volume had increased significantly since the stop sign was installed at Jackson and Elm Avenues. He said he thought a lot of people were using Lincoln Avenue as a shortcut, and speeding had become a real problem.

Councilmember Douglas noted that information had been received from both the Police and Public Works Departments regarding both the Lincoln Avenue and the Woodland Avenue speed hump proposals, and which he said should be incorporated into the public record.

The ordinance was accepted for First Reading.

ORDINANCE #1989-
(attached)

4. Special Exception Request for Accessory Apartment at 7113 Woodland Avenue.

Code Enforcement Supervisor McMinn related that DHS had inspected the property twice, had found it to be in compliance with one exception, i.e., the ceiling height, which was about 5-1/2" below standards. He said if it were within the discretion of the elected body to permit the Director of Housing to grant a variance on that item, she would willingly do so. He said the apartment had existed for some years, had been registered in 1953; there were nearby Special Exceptions and non-conforming units, which had been indicated on the information provided the elected body. He said DHS had not received a report from Park & Planning, however, one was received from Montgomery County DHCD.

Councilmember Martin referred to an accessory apartment request dealt with some time ago, which she reminded also had a problem with the ceiling height and which the Council had supported because for the owner to alter the height would have been prohibitively expensive. Mr. McMinn said the Director of DHS was researching ways in which this issue could be addressed; he said the apartment in question had been below standard for ceiling height for about 10 years and had been licensed for that period of time also; he said what they were hoping for was some sort of variance issued by DHS for units having a ceiling height below the required limits. He said the owner of the accessory apartment to which Ms. Martin had referred had been granted the requested Special Exception by Montgomery County. Responding to further query from Ms. Martin, Mr. McMinn explained that there was no way the owner of the apartment in question could alter the apartment so as to raise the ceiling height; he affirmed that the house was owner-occupied.

Mayor Pro Tem d'Eustachio moved to accept the Director of DHS's recommendation on the property, which was to support granting of the Special Exception; the motion was duly seconded by Councilmember Elrich. It was noted the property owner was present at the meeting,

however, had no comment to offer. Mr. McMinn noted he had been advised by Deputy City Clerk Jewell that a phone call was received on 5/10/89 from a neighbor residing at 7114 Woodland Avenue, who had said she had no problem with granting of the requested Special Exception. The motion to support granting of the Special Exception carried by unanimous vote.

5. Flag Committee Report and Selection.

Committee member Ed Hutmire of 7412 Holly Avenue spoke. He said the contest had been advertised; about 2 weeks ago, the submitted entries were examined and evaluated, and 4 were chosen for presentation to the elected body. He said a total of 80-81 entries were submitted, about 2/3-3/4 of those came from students in the schools. He said a number of the children submitted some very special ideas, and the committee hoped to present them with some sort of award or recognition. Mr. Hutmire commented that simplicity seemed to be a key factor in a flag design that would be lasting and would not become outmoded. Of those designs that were not submitted by school children, he said they appeared to be the work of either professional artists or people working in the commercial art and design field -- they tended to be very finished products -- and the 4 submitted to the Council were chosen from those. Mr. Hutmire noted that the contest advertisement had stated that entries became the property of the City, so if editorial changes were desirable in such things as color or composition, that would probably be possible; reproduction of the design would have to be considered as well. He said the examples before the Council were felt by the committee to best represent the combination of inspiration, originality, and expression of the artist's feeling for what the City represents; he noted that the committee had no inkling of who the artists were who had submitted the designs -- the entries were identified by number only for committee purposes. He pointed out it might be desirable to eliminate lettering on the flag design, since that could present a problem if the flag were hanging on a pole with sunlight filtering through it.

Mayor Pro Tem d'Eustachio raised the question of whether the committee's charge was to come up with a series of designs for the Council's examination, or a single recommended design chosen out of those submitted. Discussion ensued, with Mr. Hutmire commenting on the difficulty for the committee in reaching a consensus on any one particular design, primarily due to differences in individual taste. He said it had been somewhat surprising that there were not more entries received, considering the number of professional artists who reside in the city. Mr. d'Eustachio noted the Council had received information from Mayor Del Giudice indicating that a decision on the design could be reached as late as the week of May 22 and still have the flag ready for the 4th of July Parade. Councilmember Martin asked that the committee provide suggestions for editorial changes that might be desirable to either the design (or designs) that they recommend. Following brief additional dialogue, the Mayor Pro Tem asked that the committee come back to the Council with a more definitive recommendation, if possible. Councilmember Elrich commented that he felt it more important that a design be chosen that all could live with comfortably than that a flag bearing the design be ready for the 4th of July; he said he would prefer the contest be reopened if the committee could not agree on a recommendation out of the entries received to date. He said he would rather see a design chosen that generated enthusiasm in both the committee and the Council, and thought perhaps some additional designs should be solicited. Mr. Hutmire said the committee would meet, assess the situation, try to get a recommendation back to the Council by the following week, along with any suggested editorial changes; however, if they could not reach a decision, it might be necessary to reopen the contest.

Robert Mandel, 7003 Woodland Avenue: referred to Mr. Hutmire's remark about lettering on a flag perhaps being read backwards if the sun were shining through the flag hanging on a pole. He said he would refrain from sounding out how Takoma Park would read, if read backwards.

6. First Reading of an Ordinance Boycotting Shell Products.

Councilmember Elrich moved acceptance for First Reading, duly seconded by Councilmember Hamilton. City Administrator Wilson pointed out that on page 2, first paragraph, 1989 should read 1985; the change was

accepted as an editorial amendment. Mayor Pro Tem d'Eustachio noted that the ordinance recognized the role of Royal Dutch/Shell in South Africa and its close relationship with the South African government, and stated that the City would not purchase products produced by the corporation. Councilmember Douglas commented that the elected body had talked in worksession about what practical effect the City's boycott would have; staff had examined City buying practices, which were to buy jointly through COG. He said it was probably hard to predict what the practical effect of the ordinance would be. Mr. Wilson said he thought what had to be done was to inform COG of the problem -- he thought in terms of policy, they would be in agreement with the City. Mr. Douglas said he thought it would be a good idea to let other area municipalities know where Takoma Park stands on the issue, and ask them to take similar positions. The ordinance was accepted for First Reading.

ORDINANCE #1989-
(attached)

7. Resolution Supporting/Sponsoring Santa Marta Benefit Trek.
Councilmember Elrich moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Mr. d'Eustachio noted passage of the resolution would authorize a \$300 contribution to support the event. The resolution was passed by unanimous vote of those present (Councilmember Hamilton temporarily absent).

RESOLUTION #1989-44
(attached)

8. Resolution Appointing Newsletter Review Committee.
Councilmember Douglas moved passage of the resolution, with the blanks for members' names to be filled in with the following: Councilmember Leary, Chair; Linda Rabin, Lynne Bradley, Jay Bayerl, and Debbie Shagnon, Members. The motion was duly seconded by Councilmember Leary, and carried by unanimous vote.

RESOLUTION #1989-45
(attached)

Mayor Pro Tem d'Eustachio noted that a large response to the solicitation for applications to serve on the committee had been received, the Council had interviewed virtually all the applicants. He expressed thanks to all those who had applied, and said he hoped that those not appointed to membership on the committee would nonetheless participate in the process informally and submit their comments.

CONSENT AGENDA:

Councilmember Hamilton moved passage of the items on the agenda, collectively, duly seconded by Councilmember Douglas. City Administrator Wilson pointed out a correction to the resolution regarding the police vehicle, i.e., the VIN number should read 62665578014. The three consent agenda items were passed collectively by unanimous vote.

9. Resolution Authorizing Disposal of Police Department Vehicle.

RESOLUTION #1989-46
(attached)

10. Resolution Institutionalizing Priority System Status Report on Infrastructure.

RESOLUTION #1989-47
(attached)

11. Resolution Urging Governor's Veto of Inventory Tax Legislation.

RESOLUTION #1989-48
(attached)

Upon motion, duly seconded, the meeting adjourned at 9:05 p.m. to reconvene in Executive Session regarding a potential legal matter in connection with Takoma Junction. For the record, it was noted that Councilmember Elrich would not be participating in that meeting.

Introduced by:
(Drafted by: P. Jewell)

1st Reading: 5/15/89
2nd Reading:

ORDINANCE #1989-____

INSTALLATION OF TWO SPEED HUMPS ON WOODLAND AVENUE
(BETWEEN BEECH AVENUE AND ROUTE 410)

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

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of new subsection (r) to Section 1, as set forth below:

Section 1. That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Md., 1972, as amended, be installed at the following locations:

(r) Woodland Avenue, between Beech Avenue and Route 410, there will be two speed humps installed, one across from 7007 and 7008 Woodland Avenue, and the second hum across from 7106 and 7109 Woodland Avenue.

SECTION 2. THAT funds to cover this work be appropriated from the street repair materials, Account #889.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____,
1989, BY ROLL CALL VOTE AS FOLLOWS:

AYE:
NAY:
ABSTAINED:
ABSENT:

Introduced by:
(Drafted by: P. Jewell)

1st Reading: 5/15/89
2nd Reading:

ORDINANCE #1989-_____

INSTALLATION OF FIVE SPEED HUMPS ON LINCOLN AVENUE
(BETWEEN JACKSON AND ELM AVENUES)

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

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of new subsection (s) to Section 1, as set forth below:

Section 1. That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Md., 1972, as amended, be installed at the following locations:

(s) Lincoln Avenue, between Jackson and Elm Avenues, five speed humps to be installed; one across from 403 and 406 Lincoln, the second hump across from 405 and 416 Lincoln, the third across from 421 and 430 Lincoln, the fourth across from 501 and 502 Lincoln and the fifth hump located 236 feet from the stop sign entering Elm Avenue.

SECTION 2. THAT funds to cover this work be appropriated from the street repair materials, Account #889.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____,
1989, BY ROLL CALL VOTE AS FOLLOWS:

AYE:
NAY:
ABSTAINED:
ABSENT:

D R A F T 5/5/89

Introduced by:

First Reading : 5/15/89

Second Reading:

ORDINANCE #1989-__

TO BAN CITY PURCHASES OF SHELL PRODUCTS

- WHEREAS, the citizens of the City of Takoma Park, Maryland, recognize their collective responsibility as a community to express their repugnance of and moral outrage against the racist apartheid regime in South Africa and to take action to bring about the end of apartheid; AND
- WHEREAS, the system of apartheid in South Africa is a form of institutionalized racism which denies the majority of the population fundamental human rights including the right to participate in the political process; AND
- WHEREAS, apartheid further denies and limits the majority of the population's basic human and civil rights to employment, education, freedom of speech, press, and assembly, and a just legal system; AND
- WHEREAS, the City of Takoma Park, Maryland, asserts its rights to measure the moral character of its business relations in determining with whom it shall conduct business; AND
- WHEREAS, Royal Dutch/Shell is a key multinational oil company which supplies fuel to the South African police and military, the brutal enforcers of apartheid, and maintains investments and operations in South Africa; AND
- WHEREAS, Royal Dutch/Shell is the target of an international boycott of all of its subsidiaries and products because of its involvement in South Africa; AND
- WHEREAS, Royal Dutch/Shell and its wholly-owned subsidiaries, Shell South Africa and Shell Oil Company (U.S.A), does do business in and with South Africa and, thus, profits from the apartheid system; AND

WHEREAS, on September 9, 1985, the Mayor and City Council of Takoma Park, Maryland, adopted Resolution #1985-26, which called for the U.S. government to prevent private and public investment in South Africa and to end all forms of constructive engagement with South Africa until the apartheid system is ended and all human beings within their borders are restored to free and equal status under law.

NOW THEREFORE BE IT RESOLVED, THAT the City of Takoma Park, Maryland will no longer do business with Royal Dutch/Shell and Shell Oil Company until Royal Dutch/Shell completely withdraws from South Africa; AND

BE IT FURTHER RESOLVED, THAT the City of Takoma Park, Maryland and all of its departments and agencies are immediately prohibited from purchasing any Shell products until Royal Dutch/Shell completely withdraws from South Africa; AND

BE IT FURTHER RESOLVED, THAT the City of Takoma Park, Maryland from this day forward be declared "Shell-Free" until that time when Royal Dutch/Shell disinvests from South Africa.

ADOPTED THIS _____ DAY OF _____, 1989, BY ROLL CALL VOTE AS FOLLOWS:

AYE:
NAY:
ABSTAINED:
ABSENT:

Filename: SHELLBAN

Introduced by: Councilmember Elrich

(Drafted by P. Jewell)

Dated: May 15, 1989

RESOLUTION #1989-44

**SPONSORING THE BENEFIT TREK FOR CASA DE MARYLAND
AND TAKOMA PARK/SANTA MARTA COMPANION CITY PROJECT**

WHEREAS, Takoma Park is home to many Salvadorans who have fled their country's civil strife and on March 14, 1988, the City Council proclaimed the City of Takoma Park, Maryland, a companion city to Santa Marta, El Salvador; AND

WHEREAS, in June 1989, Lorena Spranger, past Executive Director of Casa de Maryland and Mr. Peter Marbach will undertake a Benefit Trek for Casa de Maryland and Takoma Park/Santa Marta Companion City project; AND

WHEREAS, this Benefit Trek will include a 2,700 mile walk along the Pacific Crest Trail from the Canadian to the Mexican borders of the United States; AND

WHEREAS, while quite a few worthy non-profit organizations come before the City Council for donations to their causes, this benefit trek in fact strengthens the relationship between the Takoma Park and Santa Marta companion cities and will bring recognition to the City of Takoma Park; AND

WHEREAS, the Mayor and Council desire to officially sponsor this worthy project by making a donation to help defray some of the costs of this project.

NOW THEREFORE BE IT RESOLVED, THAT the Mayor and City Council of Takoma Park hereby authorize the City Administrator to make a contribution in the amount of Three hundred dollars (\$300.00) to the Benefit Trek for Casa de Maryland and Takoma Park/Santa Marta Companion City Project; AND

BE IT FURTHER RESOLVED THAT funds to cover this donation will be taken from the Mayor and Council Expense Account, #502.

Dated this 15th day of May, 1989.

Introduced by: Councilmember Douglas

RESOLUTION #1989-45

APPOINTMENTS TO THE 1989 NEWSLETTER REVIEW COMMITTEE

WHEREAS, on February 27, 1989, the Mayor and Council re-established by Resolution #1989-24, the Newsletter Review Committee to consist of one member of the City Council and four citizens of Takoma Park; AND

WHEREAS, seven citizens of Takoma park have expressed an interest in serving on this Committee; AND

WHEREAS, after interview and consideration of the applicants, the Mayor and Council hereby appoint the following individuals to serve on the Newsletter Review Committee:

	<u>Name</u>	<u>Address</u>
1)	Councilmember Bill Leary	7301 Takoma Avenue
2)	Linda A. Rabben	8311 Roanoke Avenue, #3
3)	Lynne Bradley	8112 Flower Avenue
4)	Jay Bayerl	6733 Eastern Avenue
5)	Bevi Chagnon	7417 Holly Avenue

Dated this 15th day of May, 1989

Introduced by: Councilmember Hamilton
(Consent Agenda Item)

RESOLUTION NO. #1989-47

WHEREAS, The police Department obtained a 1976 Mercury two-door vehicle (VIN #62665578014) as the result of a drug seizure; AND

WHEREAS, The vehicle was subsequently used by the Police Department as a covert vehicle; AND

WHEREAS, The vehicle is no longer used because of extensive mechanical problems which would cost more to repair than the value of the vehicle.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT authorization is hereby given to dispose of the above-described vehicle during the official Police Department auction held May 16, 1989, on the premises of G & G Towing Company of Silver Spring, Maryland.

ADOPTED BY THE MAYOR AND COUNCIL ON May 15th, 1989.

Introduced by:
Drafted by: A. R. Giancola

(Consent Agenda Item)

RESOLUTION #1989-47

A RESOLUTION ADDRESSING THE INSTITUTIONALIZING OF A
PRIORITY SYSTEM AND STATUS REPORT ON INFRASTRUCTURE

- WHEREAS, the Mayor and Council have expressed their intent to improve and maintain the condition of the streets, curbs, and sidewalks of the City as well as other city infrastructure deficiencies; AND
- WHEREAS, \$200,000 has been appropriated for such purposes in fiscal year 1989 for the streets, curbs and sidewalks portion of this infrastructure; AND
- WHEREAS, additional amounts are anticipated for appropriation for 1990 and future years; AND
- WHEREAS, the application of standard criteria to assess priorities and need will result in the most efficient and equitable expenditure of public funds for the improvement of the street, curbs, and sidewalks of the City; AND
- WHEREAS, the Director of Public Works has developed such criteria for use in conducting the 1989 program and planning for the 1990 and future year programs; AND
- WHEREAS, the condition of streets, curbs and gutters change over time and new information about conditions becomes available from time to time.

NOW THEREFORE BE IT RESOLVED, THAT the City Administrator or his designee is to maintain an ongoing status report of potential street, curb and sidewalk construction, repair, or rehabilitation, including the location, priority and estimated cost of each, to be based on a standard set of criteria; Additionally this status report will include other infrastructure deficiencies in priority order in a five year capital improvement program; AND

BE IT FURTHER RESOLVED, THAT such report shall be updated periodically as necessary and appropriate, shall be available to the Mayor and Council and public upon request, and shall be the primary basis for planning and budget decisions by the City Administrator and the Mayor and Council.

Introduced by: Councilmember Hamilton

(Consent Agenda Item)

RESOLUTION # 1989-48

WHEREAS, many municipal governments rely upon the personal property inventory tax to raise revenues from commercial businesses which enjoy the benefit of municipal services; AND

WHEREAS, the loss of such a revenue source will place greater reliance upon real estate property tax, and a disproportionate burden upon residential consumers of municipal services; AND

WHEREAS, the Maryland Legislature has enacted S.B. 629 which will phase out over the next three years fifty percent of the revenue generated by the personal property tax upon the inventories of automobile dealerships, without providing a replacement source of revenue; AND

WHEREAS, S.B. 629 represents an assault upon the governing and taxing authority of municipal governments, and may lead to further erosion of personal property and inventory tax revenues generated by other businesses, without replacement revenues except for greater burdens upon residential property owners.

NOW, THEREFORE BE IT RESOLVED THAT the Mayor and Council of Takoma Park hereby urge Governor William Donald Schaefer to veto S.B. 629; AND

BE IT FURTHER RESOLVED THAT the Mayor shall send a copy of the attached resolution to the Governor and to the Senators and Delegates who represent Takoma Park.

Dated this 15th day of May, 1989

CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council
May 22, 1989

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember d'Eustachio	Deputy City Clerk Jewell
Councilmember Douglas	Recreation Director Ziegler
Councilmember Elrich	
Councilmember Hamilton	
Councilmember Leary	
Councilmember Martin	
Councilmember Sharp	

The Mayor and City Council convened in Special Session at 7:50 P.M. on Monday, May 22, 1989 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

1. Swearing in of New Code Enforcement Officers.

Following the pledge, Mayor Del Giudice administered the Oath to new Code Enforcement Officers James Morgan and Kevin Clemens. He briefly summarized the credentials and employment history of each, and congratulated them on their appointment.

2. Appointments to COLTA.

Councilmember Sharp moved to table agenda item #2, duly seconded by Councilmember Hamilton. The Mayor explained that the elected body had not yet finished personal interviews of all those who had applied to serve, and that appointments would be effected once that was completed. The motion to table carried by unanimous vote.

3. First Reading of City Budget Ordinance, Tax Rate Ordinance, Pay Plan, and Personnel Classification System Amendment.

Asst. City Administrator Habada explained that the Pay Plan was not before the elected body for consideration as it had been held up pending ratification by one of the unions. Councilmember Douglas moved acceptance for First Reading of the Budget Ordinance, Tax Rate Ordinance, and Personnel Classification System Amendment, collectively; the motion was duly seconded by Councilmember Hamilton.

Ms. Habada pointed out that on page 2 of the Budget Ordinance, the Recreation Department appropriation should read \$278,256, rather than \$243,904, which would also change the total to \$7,209,209. She noted that that increase also resulted in an increase in the General Fund Unappropriated Reserve, as reflected on page 1 of the Ordinance; the \$138,258 shown would become \$172,610, and the total would again change from \$7,174,857 to \$7,209,209. Ms. Habada thanked Councilmember Hamilton for pointing out to her that the salary line for Recreation Department was lower than what it should have been.

Councilmember Leary commented that the proposed budget now under consideration appeared to contain increases over the original budget proposal in excess of what had been discussed in worksession. Ms. Habada explained that the original budget proposal had amounted to \$7,101,000, the elected body had proposed \$93,000-\$95,000 in increases in their worksessions, the budget at hand totalled \$7,209,209 -- which was fairly close to what had been agreed upon.

Councilmember Douglas noted that the cover memorandum accompanying the proposed budget made mention of the Emergency Reserve Fund, or sinking fund, about which the Council had talked; he inquired whether provision was made for that fund in the budget. Ms. Habada explained that the City Charter made provision for the 1% Capital Reserve Fund and the 2% General Contingency Fund, as well as allowing for a fund such as had been proposed; however, there would be need to effect a Charter Amendment in order to set up such a fund on an ongoing basis, and to establish the floor of 8.5% to be set aside. She affirmed that the monies to do so were presently in unappropriated reserves.

Moses Karkenny: expressed appreciation for the job Code Enforcement is doing; he said he had had a lot of personal contact with them in

recent months and they had been most helpful and cooperative. He commented favorably as well on assistance received from DHS, on the current political administration in the City and the conduct of the elected officials. He said it was a good change from the climate of the prior administration.

Councilmember Douglas moved to amend the Budget Ordinance by the addition of language that would establish the 8.5% Emergency Reserve Fund within that budget and that would include language formulated in worksession defining "emergency"; the motion to amend was duly seconded by Councilmember Hamilton. The Mayor noted that the 8.5% would be taken from what was presently unappropriated reserve. Mr. Douglas noted that the 1% Capital Reserve provided for by the Charter would be subsumed into the 8.5% Emergency Reserve Fund, which was intended for use in replacing specific designated items of equipment. He pointed out that setting up this fund would not affect the amount of the budget in either an upward or downward direction, but would simply preserve a minimum of 8.5% of monies that the Council would have to take special action on in order to spend, so that that amount would be held in reserve for emergencies. Councilmember d'Eustachio commented that Mr. Douglas' amendment would memorialize the Council's lengthy discussions and resulting decision prior to casting it in stone by effecting the Charter Amendment. The motion to amend carried by unanimous vote. City staff was directed to amend the ordinance prior to Second Reading, by insertion of language in the appropriate place and renumbering of subsections as required.

Councilmember d'Eustachio moved to amend the Tax Rate Ordinance, effecting a slight increase, so as to make provision for the cost of participating in a program that would cap the City's property tax and provide a credit back to individuals of low and moderate income on a sliding scale. He explained that it would be tied into a similar program currently operated by the state, which tied a person's property tax in with their income. Ms. Habada pointed out that her cover memorandum accompanying the Tax Rate Ordinance noted provision of \$.01 in the proposed tax rate for the tax rebate program. In the course of ensuing discussion, Mr. d'Eustachio commented it should be pointed out that the proposed tax rate of \$1.525 was \$.025 higher than last year's rate of \$1.50 -- \$.01 of the increase was for the tax rebate program and \$.015 for the Phase I Library renovation. Mr. Douglas noted that the Council's intention, as discussed in worksession, was that the \$.015 increase for the Library renovation would remain in effect for a 2-year period and then revert back to the former level. Councilmember Leary pointed out that while the present Council could express its intent, the succeeding elected body might not choose to fund the renovation in that way and money to do so could probably be found through alternative measures. The Mayor affirmed that was so; pointed out that the incoming Council following the November election may or may not choose to adhere to the present Council's intent, but remarked that floating a bond issue would be a means of funding the project and ensuring its completion, if that were the majority's desire.

Responding to query from Councilmember Douglas, Ms. Habada stated that WSSC's \$.04 stormwater management rate had been certified to the City; however, the Montgomery County Council would not be adopting the 1990 fire tax rate until the end of June, so the amount projected for that service (\$.283) could ultimately go up or down somewhat.

In connection with the Personnel Classification System Amendment, Councilmember Martin commented she had some unanswered questions about the proposed upgrading of the Executive Secretary position; the Mayor commented he, too, had some question about that and suggested that any Councilmembers having comments or questions put them in writing and ask that the City Administrator respond prior to Second Reading, i.e., in one week's time.

Responding to query from Councilmember Sharp, the Mayor affirmed that this would be the last year that WSSC would be handling stormwater management for the City. He explained that the Stormwater Task Force would be required to report their recommendation to the legislature, both the Prince George's and Montgomery-County delegations. He said they had met not long ago, there were still some outstanding questions, some responses were being awaited from Prince George's

County representatives. He said he felt quite confident that WSSC would not be providing the City stormwater maintenance after the coming fiscal year, so there would be a change in the budget structure in that the City would not be applying the \$.04 tax and paying it to WSSC. He said the City was the only remaining jurisdiction to whom WSSC had been providing such service, and discontinuance of that would leave Takoma Park with the options of going with one or both of the counties or taking over stormwater management itself. He said while a final decision on the recommendation had not been made, the leaning was more and more toward recommending that the City assume the responsibility for the stormwater system itself.

Councilmember Douglas noted reference to \$2,100 for skates for use at the Municipal Gym on page 2 of the cover memo regarding the Budget Ordinance; he inquired whether that amount was included in the proposed budget. Ms. Habada affirmed that it was. Additionally, Mr. Douglas inquired whether the City had any assurance of receiving the Police Department Drug Crime Prevention grant mentioned in the same memo, same page, for which \$11,355 was allocated as matching funds. Ms. Habada responded that it was presently an unknown whether the grant would be received; if it were not, then the funds would be freed up for some other use.

The motion to accept for First Reading the Budget Ordinance, Tax Rate Ordinance, and Personnel Classification System Amendment, collectively and as amended, carried by unanimous vote.

ORDINANCES #1989- , #1989- , & #1989-
(attached)

The Mayor noted that the next meeting would be Tuesday, May 30, and these ordinances would be scheduled for Second Reading and adoption at that time.

4. Resolution Adopting City Flag.

The Mayor noted the request at the May 15 meeting that the Flag Committee come back to the elected body with their recommendation on the design, along with any suggested amendments to color or composition. He said the committee had had difficulty making a final choice out of the 4 designs; they took a poll and there was considerable division, so a point value was assigned to the choices with committee members indicating their preferences in a descending order. He said the oak leaf design came up with 17 points, the single azalea design had 16 points, the group of 4 azaleas had 14 points, and the silhouette had 13 points. Ed Hutmire, Chair of the committee, reminded that should the elected body wish to make changes to the color, particularly, of any of the designs, that was the sort of thing that could be worked out with the artist of whichever design was chosen. The Mayor commented that the red corners of the oak design appeared to detract from the design and suggested that perhaps one of the colors of the center portion be picked up and used in the corners, e.g., white, green or yellow. He pointed out as well that the design, as submitted, had 5 colors, which would be expensive to reproduce. The Mayor commented he had shown the oak leaf design with the proposed change to the border to a number of people earlier in the evening and they seemed to think it the most appealing of the 4 finalists. Councilmember Elrich commented he could not detect any great enthusiasm from either the committee or the Council for any particular one of the designs; he said it would be something the city would have to live with for quite awhile and he would prefer taking the time to wait for a design people could get excited about rather than rushing into something so it could be ready for the 4th of July. He said if a flag were going to be created, it should be something that people could get enthused about. Councilmember Martin remarked she agreed wholeheartedly. Councilmember Hamilton commented that the Council had made a decision to initiate and sponsor the contest and he did not think it would be fair to all those who had participated in the contest to reopen it. He said he felt it was time for the elected body to make a decision now and live with it. Councilmember Martin said when she had been polled about her choice, only 3 of the designs had been mentioned to her -- the small azalea one, which she tended to favor had not been mentioned. The Mayor pointed out that the single azalea was the second choice in the committee's poll. Responding to query from

Councilmember Sharp, the Mayor affirmed that if the oak leaf design were chosen by the Council, the artist would be approached regarding color coordination.

Councilmember Hamilton moved to accept the oak leaf design, with the understanding that the artist be asked to reconsider the color scheme; the motion was duly seconded by Councilmember Sharp. Councilmember Martin said it bothered her that there was only a 1 point difference in the committee's poll between the oak leaf and the azalea designs; she moved that they be asked to reconsider and come up with a single recommendation; the motion failed for lack of a second. The motion to accept the oak leaf design which had received the most points in the committee's poll passed by a 4-3 vote (Mayor Del Giudice voted in the affirmative to break a 3-3 tie, with 1 abstention). The Mayor noted that the name of the artist who had submitted the design would be announced at the May 30 meeting, and asked that, in the interim, Ms. Ziegler and Mr. Hutmire represent the elected body in discussions about the color scheme with the artist.

RESOLUTION #1989-49
(attached)

Upon motion, duly seconded, the Special Session adjourned 8:40 p.m. to reconvene in worksession, following a short break.

1st Reading: 5/22/89
2nd Reading:

Introduced by:

ORDINANCE NO. 1989-

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 1989 AND ENDING JUNE 30, 1990.

WHEREAS, in accordance with Section 1.14 of the Charter of the City of Takoma Park, it is the determination of the Mayor and City Council that the annual appropriation Ordinance should be enacted to budget and appropriate funds for the several objects and purposes for which the City must provide in the fiscal year beginning July 1, 1989 and ending June 30, 1990;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, at least four of the total elected membership concurring:

SECTION 1. THAT from and out of the monies and balances known to be in the General Fund of the City of Takoma Park, Maryland, and from all monies anticipated to come into all funds during the twelve (12) month period ending June 30, 1990, there shall be, and hereby are appropriated General Fund revenues of SEVEN MILLION, THIRTY SIX THOUSAND, FIVE HUNDRED AND NINETY NINE DOLLARS (\$7,036,599) and a transfer of Unappropriated Reserve balance to the FY 90 budget as follows:

Taxes-Local	\$4,075,852
Taxes-State Shared	\$ 880,690
License & Permits	\$ 10,300
Revenue from other Agencies	\$1,617,035
Service Charges	\$ 222,300
Fines & Forfeitures	\$ 97,000
Miscellaneous	\$ 133,422
SUBTOTAL	\$7,036,599

General Fund Unappropriated Reserve \$172,610

TOTAL \$7,209,209

SECTION 2. THAT the City Administrator is hereby authorized to transfer funds to the 1989-90 budget from the Unappropriated Reserve in the amount of \$172,610.

SECTION 3. THAT there shall be, and hereby are appropriated the following sums for use by the several departments and offices of the City, and for the objects and purposes for which the City must provide during the 1989-90 Fiscal Year:

Public Works	\$1,901,471
Police Department	\$1,744,019
Non-Departmental	\$1,559,057
Government Administration	\$ 744,083
Library	\$ 328,043
Housing	\$ 314,558
Recreation	\$ 278,256
DECD	\$ 167,039
Debt Service	\$ 161,328
General Fund Transfer to Special Revenue Fund	\$ 11,355
	<hr/>
TOTAL EXPENDITURES	\$7,209,209

SECTION 4. THAT in accordance with City Charter section 1.14(b) there is included in the NonDepartmental Budget, a General Contingency Account appropriation of ONE HUNDRED FORTY THOUSAND, THREE HUNDRED TEN DOLLARS (\$140,732);

SECTION 5. THAT in accordance with City Charter Section 1.14(b) there is a Capital Improvement Reserve Fund appropriation in the amount of SEVENTY THOUSAND, ONE HUNDRED FIFTY FIVE DOLLARS (\$70,365) as designated Unappropriated Reserve;

SECTION 6. THAT a Special Revenue Fund is authorized for receipt of and expenditure of Federal or State funded projects with Revenues of FOUR HUNDRED EIGHTY NINE THOUSAND THREE HUNDRED THIRTY THREE DOLLARS (\$489,333) inclusive of a General Fund Transfer of ELEVEN THOUSAND THREE HUNDRED FIFTY FIVE DOLLARS (\$11,355) and an Expenditure appropriation of FOUR HUNDRED EIGHTY NINE THOUSAND THREE HUNDRED THIRTY THREE DOLLARS (\$489,333); AND

SECTION 7. THAT the City Administrator is hereby directed to establish and incorporate in the accounting system of the City a Reserve for the purpose of replacing any equipment subject to depreciation or obsolescence, as authorized by Section 1.14 (c) of the City Charter, such fund to be known as the EQUIPMENT REPLACEMENT RESERVE with an appropriation of \$258,316 as designated unappropriated reserve.

SECTION 8. THAT there is established an EMERGENCY RESERVE in the amount of \$592,890 as designated unappropriated reserve for the purpose of providing a dedicated reserve; funds which are to be used only for emergencies that may arise, with emergencies defined as actions necessary for the preservation or protection of property or the health, safety or welfare of persons, or actions necessary to perform essential governmental functions.

SECTION 9. THAT Federal Revenue Sharing Funds of \$6,700 be earmarked for the following capital equipment items:

Library	- Copier Replacement	\$5,300
Library	- Media File Cabinets	\$1,400

SECTION 10. THAT the approved FY 90 Approved Budget Document is to be made a part of this Ordinance by reference.

SECTION 11. THAT should any section of this Ordinance be determined to be invalid, such invalidity shall not effect any other sections.

SECTION 12. THAT this Ordinance shall become effective July 1, 1989.

Adopted this _____ day of _____, 1989.

ROLLCALL VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

1st Reading: 5/22/89
2nd Reading:

Introduced by:

ORDINANCE NO. 1989-

AN ORDINANCE TO ESTABLISH THE TAX RATE FOR THE FISCAL YEAR 1990 BEGINNING JULY 1, 1989 AND ENDING JUNE 30, 1989.

WHEREAS, in accordance with Section 1.9 of the City Charter, the City Council is mandated to establish a tax rate on or before the last day of June of each year;

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

SECTION 1. THAT Section 11A-1, Chapter 11A, "Taxation", of the City Code of Takoma Park, Maryland, 1972 as amended, be further amended as follows:

Sec. 11A-1. Definitions.

The terms used in this Article shall have the following meanings:

[(a) Situs county shall mean the county in which the property subject to the tax is located in whole or in part.

(b) Situs county payments shall mean any payment made by Prince George's County, Maryland, or Montgomery County, Maryland to the City of Takoma Park in accordance with Article 81, 32A(a)(2), of the Annotated Code of Maryland.]

[c] (a) Assessable and taxable base shall mean the assessed value of all real property subject to the tax called for which is located in one (1) particular county and the City of Takoma Park, as value is determined by the State of Maryland Department of Assessments and Taxation and [reported] certified annually to the City of Takoma Park.

[d] (b) Adjusted assessed value shall mean the assessed value of any real or personal property, as determined by the State Department of Assessments and Taxation, divided by one hundred (100) and rounded off to the nearest hundredth.

Section 2. THAT Section 11A-2, Chapter 11A, "Taxation", of the City Code of Takoma Park, Maryland, 1972 as amended, be further amended as follows:

Section 11A-2. Annual tax levy on real and personal property.

(a) Effective July 1, 1989, all real and personal property which is subject to taxation by the City of Takoma Park shall be subject to a tax on the assessed value of such real and personal property as such value is determined by the State Department of Assessments and Taxation, at the rate of \$1.848 per \$100.00 assessed valuation, including an equivalent of 28.3 cents per \$100.00 assessed valuation for fire service reimbursement to Montgomery County and 4 cents per \$100.00 assessed valuation for storm water management to be distributed to the Washington Suburban Sanitary Commission (WSSC).

SECTION 3. THAT Section 11A-3, Property Tax Credit, Chapter 11A, "Taxation", of the City Code of Takoma Park, Maryland, 1972 as amended, is hereby repealed.

SECTION 4. THAT this Ordinance shall be effective July 1, 1989.

Adopted this _____ day of _____, 1988.

AYES:
NAYS:
ABSTAIN:
ABSENT:

Introduced by:

1st Reading: 5/22/89

2nd Reading:

ORDINANCE NO. 1989-

An ordinance to amend the Personnel Classification System

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

SECTION 1. Class title change and grade change. The grade structure adopted by Ordinance No. 1986-53, Section 2, as amended, is amended, to change a class title and reallocate a class to a certain grade:

GRADE JOB CLASSES

- GRADE 1 :
- GRADE 2 : Custodian
- GRADE 3 : Laborer; Clerk Typist I;
- GRADE 4 : Account Clerk I; Library Shelver; Communications Dispatcher; Assistant Driver; Police Records Clerk;
- GRADE 5 : Recreation Aide; Tool Library Attendant; Equipment Operator I;
- GRADE 6 : Account Clerk II; Secretary; Personnel Clerk; Library Assistant; Recreation Specialist; Driver Foreman; Equipment Operator II; Clerk Typist II;
- GRADE 7 : Administrative Clerk I; Playground Coordinator; Equipment Operator III; Code Enforcement Officer I; Police Private; Clerk Typist III;
- GRADE 8 : Administrative Clerk II; [Executive Secretary;] Gym Supervisor; Police Private First Class; Tree Maintenance Foreman; Building Mechanic; Mechanic; Community Development Coordinator;
- GRADE 9 : Account Supervisor; Administrative Supervisor; Deputy City Clerk; Executive Secretary; Police Affairs Specialist; Police Corporal; Parks Foreman; Street Foreman; Master Mechanic; Housing Rehabilitation Construction Coordinator; Code Enforcement Officer II; Community Planner I; Youth Outreach Assistant;
- GRADE 10 : Librarian; Police Sergeant; Sanitation Supervisor; [Street Supervisor] Street-Parks Supervisor;

GRADE 11 : Youth Outreach Worker; Recreation Supervisor;
Code Enforcement Supervisor; Housing Coordinator;
Recycling Coordinator; Supervisor of Administrative
Services (Police)

GRADE 12 : Assistant Library Director; Police Lieutenant;
Cable TV Coordinator;

Executive 1: Assistant Public Works Director; Director of
Economic & Community Development;

Executive 2: Library Director; Recreation Director; Housing
Services Director; Police Captain (Deputy Chief);

Executive 3: Assistant City Administrator;

Executive 4: Police Chief; Public Works Director

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

NOTE: Underlining indicates new matter to be added to existing
code language.

[] indicates matter to be deleted from existing code
language

Adopted this ____ day of _____, 1988 by Roll Call Vote as follows:

AYE:

NAY:

ABSTAINED:

ABSENT:

O-PYPL.WP

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CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
May 30, 1989

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	Accounting Supervisor McKenzie
Councilmember Leary	Public Works Director Giancola
Councilmember Martin	Corporation Counsel Silber

ABSENT: Councilmember Sharp

The Mayor and City Council convened at 8:13 P.M. on Tuesday, May 30, 1989 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Councilmember Hamilton moved approval of the Minutes of the May 8, 1989 Special Session and May 15, 1989 Regular Council Meeting, collectively. Councilmember d'Eustachio duly seconded the motion and pointed out the need to correct the spelling of Bevi Chagnon's [Debbie Shagnen] name on page 6 of the 5/15/89 Minutes. The Minutes, as corrected, were approved collectively by unanimous vote.

As a part of his comments and presentations, Mayor Del Giudice related that the Postal Service had requested that the project to construct a new post office in Takoma Park be dropped from the Federal C.I.P.; he said they had advertised to lease a facility and had received a number of bids that were presently under consideration. However, if none of those bids were successful, they would again advertise to lease or construct a facility in the area, and would not be constrained by the Federal C.I.P. because they do not get their funding directly from Congress. He said he and staff had prepared letters on the subject, particularly confirming conversations he had had with Mr. Maxwell, the postal official in the Philadelphia office having most direct jurisdiction over the local area, and, unless any members of the Council had objections, the letters would be dispatched.

The Mayor noted that the Charter Review Committee appointed by the Council had met frequently over the last several months and were close to finalizing their report and recommendations for revision of the City Charter. He said they hoped to present their report and recommendation to the elected body on June 12, it would then be scheduled for the 6/26 worksession, with consideration and enactment to occur in July. He pointed out that a Public Hearing would need to be scheduled, as well, in July prior to actually changing the Charter, and should there be need for it to go to referendum, that could occur in November in conjunction with the general election.

Mayor Del Giudice noted that the Stormwater Taskforce, created by State Law, was required by that same law to make a report by July 1, 1989 to the State Legislature. He said the taskforce had scheduled its last meeting for June 14, and a recommendation would be adopted at that time. He said he hoped to bring before the Council at the June 5 worksession, and again at the June 12 Regular Council Meeting, information received from Prince George's County, so that the Council could make some recommendations to the taskforce on how to best resolve the stormwater issue.

ADDITIONAL AGENDA ITEMS:

Resolution Effecting Appointments to COLTA (Del Giudice)

Regarding original agenda item #6, the Mayor related that a request had been made by Mr. Garlow, the homeowner who had submitted the petition for use of the right-of-way off of Colby Avenue, as well as by his attorney and his Council representative, Councilmember Sharp, to withdraw the petition. He noted that there might be interested citizens who had attended in order to address that issue, and they would be afforded an opportunity to do so. Councilmember Douglas commented he would wish to address some of the larger policy issues which that item had raised.

Councilmember Douglas requested that Consent Agenda item #14C be

removed from that agenda and placed at the end of the regular agenda. The Mayor noted that the policy was that that could be done at the request of any member of the Council, and so doing would allow for discussion of the item.

CITIZENS' COMMENTS: (not directed at items for Council Action)
Wayne Upton, 7600 Maple Avenue: distributed handout materials to the elected body; he spoke briefly regarding an article from The Montgomery Journal, "A Poetic Look at Black Life," which did not indicate that county high schools had become models of integration; he referred to Central High School in Little Rock, Arkansas, which he said had become such under the outstanding leadership of its second black principal. He said city residents should constantly remember that rhetoric in favor of equality of opportunity and against racism had to be balanced with accomplishments and real proof that Takoma Park was a melting pot where people in a multi-racial suburb work together to accomplish specific goals. Mr. Upton noted receipt of a letter from Congressman Morella and referred to a draft resolution, HJ-RES-217, which was pending before the Committee on Post Office and Civil Service, and would designate September as National Alcohol and Drug Treatment Month. He said a significant portion of the crime that occurred in Takoma Park was alcohol and/or drug-related. In conclusion, Mr. Upton inquired whether there was any intention of putting a question regarding unification on the ballot in the November City Election.

Mayor Del Giudice said the Mayor and Council could decide to put such a question on the ballot; however, he said there was a bill before the legislature in the last session which requested that the legislature provide for a referendum -- it would amount to a request that they sanction such a referendum -- the legislature chose not to enact the bill. He said it died in the legislative process before the Prince George's Bi-County Delegation; however, he did not think that would prevent the City from having a non-binding referendum on the subject as a part of the City Election. The Mayor said there were substantial hurdles to be overcome before there could be much hope for unification, and he did not think there was much likelihood any effort would have much chance of success prior to completion of the next Census when there was a clearer picture of the population strength of the two counties in relative terms, and in terms of how many Senators and Delegates each delegation would get to represent them -- he said he thought that was a significant factor in the unification issue -- that Prince George's County did not want to lose population because it could result in loss of a Delegate or even a Senator in the state legislature.

ITEMS FOR COUNCIL ACTION:

1. Second Reading of an Ordinance Authorizing Installation of Speed Humps on Woodland Avenue.

The Mayor noted receipt of a petition signed by residents of the street, asking for installation of 3 speed humps rather than 2, so as to make the street as safe as possible. Councilmember Douglas said he would be moving to table the item, as well as the one following, which also dealt with speed humps. He said the citizens had raised 2 issues, i.e., that because of the configuration of the street, 3 humps would provide a greater degree of protection/safety, and that, if budget constraints were a factor, perhaps the directly-affected residents could raise the money to pay for the third speed hump. Mr. Douglas said that, regarding the first issue, the guidelines were somewhat ambiguous and unclear, particularly for streets such as Woodland, where blocks and cross streets were not clearly defined. Additionally, he said the criteria had not always been followed to the letter, to the extent that was possible. He said the issue of how the installations should be funded had arisen from time to time, had been pondered and discussed to some extent, but had not to date been directly addressed. He pointed out the elected body had a memorandum from Public Works Director Giancola clarifying his position on the issue, and noted that communication indicated that, given the present workload, it would not be possible to install the speed humps on Woodland until sometime after July 1. Inasmuch as a delay need not affect when the speed humps were installed, Mr. Douglas said he would propose to table both Speed Hump Ordinances and direct the Traffic Committee to examine both issues, i.e., the appropriateness of the criteria and the issue of funding, with a report back to the elected

body in early July so that possible revisions to the criteria could be considered and a position could be adopted on the issue of funding; thereafter, the Woodland Avenue and Lincoln Avenue speed hump petitions could be addressed. Mr. Douglas said he had checked with the Chair of the Traffic Committee, who had said the committee could consider the issues stated within the next month or so. He said while he favored what had been accepted at First Reading, that perhaps after due consideration and clarification/revision of the guidelines, 3, or possibly more, speed humps would be approved for Woodland Avenue.

Councilmember d'Eustachio commented that he would want to ensure that by tabling the items, the installation of the speed humps would not in any way be delayed. Given Public Works' pressing workload, he said it appeared that would not be the case, however, if the Traffic Committee were not able to make a recommendation within the given time period, then he would move that the elected body proceed and install the speed humps so that there would not be any delay in the installation, which he said was the first and foremost concern. He said Mr. Douglas' point that the criteria were unclear was legitimate, and it did make sense to examine a more general approach to how the City should proceed in such cases. Mr. d'Eustachio said that if the motion to table moved forward, he would ask that a straw vote be taken on proceeding with the installations; he pointed out that the residents of both Woodland Avenue and Lincoln Avenue had done a great deal of work toward getting the humps authorized for installation and he felt they deserved some sort of assurance that that would occur.

The Mayor related the restrictive meeting schedule projected for the elected body in July, and commented that if the motion to table were made, that should be taken into consideration. Councilmember Elrich commented that after having opposed the third speed hump on Woodland at the May 15 meeting, he had driven around the area some and had to concur with Mr. Douglas that there appeared to be little rhyme or reason to the criteria for the number of speed humps on a given street. He said he was somewhat concerned about possibly changing the guidelines in midstream for the two groups of residents who had petitions pending, agreed there was need for a policy review, but thought perhaps the two at hand, having already had a First Reading, should proceed. At the same time, he said he would want the policy review to proceed as well.

Councilmember Leary inquired whether a literal reading of the existing guidelines and criteria would prohibit a third speed hump on Woodland; Public Works Director Giancola responded in the negative, pointing out that what the criteria did was more in the way of establishing what would be an optimum. He suggested that if the issue of funding for speed humps were examined, the possibility of levying an additional amount on property owners' taxes on speed hump streets should be considered. Responding to further inquiry, Mr. Giancola said he would not change his original recommendation of 2 speed humps inasmuch as he felt that to be the optimal number for that street, however, should the decision be to install 3, that would not in any way violate the dictates of the guidelines. Councilmember Martin commented that this was the first time the speed hump issue had come up since the Traffic Committee had been in full operation; she said it was probably an oversight not to have referred it to them earlier, and she felt it should now be referred to that group for their recommendation.

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Elrich. Mr. d'Eustachio moved to amend the ordinance by changing the word two to three wherever it appeared; the motion was duly seconded by Councilmember Leary. Additionally, Mr. d'Eustachio noted that since the ordinance specified locations of the humps by addresses, there would be need for those addresses to be changed to reflect the appropriate siting of three humps rather than two. The Mayor suggested that the ordinance be adopted without any locations specified, leaving that to the discretion of the Director of Public Works in conjunction with residents' wishes, and subject to review by the elected body. He noted the specific locations could be a sensitive matter with some residents. Mr. d'Eustachio asked that language be inserted stating that the specific placement of the three humps shall be developed by the Director of Public Works in conjunction with the appropriate parties. Councilmember Douglas suggested

that the ordinance be amended at a later date as a consent agenda item, inserting the exact locations at that time.

Councilmember Martin related having driven up Woodland Avenue to examine the situation; she said she did not envision being able to get a car up to sufficient speed to be problematic or hazardous between two speed humps, given the curves on that street. She said she would vote in favor of two speed humps, but not three.

Karen Anderson, 7007 Woodland Avenue: confirmed that 3 speed humps on Woodland would not violate the criteria of the guidelines; she said the petition submitted bore signatures of residents of 26 out of the 32 houses on the street -- 4 residents were not at home. Contrary to Ms. Martin's observation, she said she had gotten her car up to 40 mph in the distance between where the two humps were proposed to be located; she said if two humps were installed, it would leave the option to install a third at a later time, because the criteria called for them to be 300' apart. She said the humps had been very effective on Sycamore Avenue, however, a lot of people cut through Woodland from 410 to get to New Hampshire Avenue. She said if the third hump, which was wanted by the residents, was a budget problem, the residents could raise half, and perhaps more, of the cost. However, she said even if they ended up getting only two, they would still be grateful.

Ted Simms, 7009 Woodland Avenue: said he had 3 children, had noted an increase in the number of speeding vehicles on the street -- not only during the day, but at night as well. He said traffic was using the street as a shortcut, and spoke in favor of three speed humps.

John Alexander, 7109 Woodland Avenue: said he would take issue with Councilmember Martin's comments about speed on Woodland -- with 500' between speed humps, he said he thought one could accelerate to 40 mph fairly easily, and those using the street as a cut-through were doing so to save time.

The motion to amend by insertion of the word three in place of two throughout, and to delete identification of locations by address with insertion in its place of the language indicating that exact placement would be worked out by the Public Works Director in cooperation with residents carried, with Councilmember Martin voting Nay, balance of those present voting Aye. The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary and Martin; NAY: None; ABSENT: Councilmember Sharp.

ORDINANCE #1989-16
(attached)

The Mayor asked that the Traffic Committee be directed to review the policy issues raised earlier regarding speed humps; Councilmember Leary said they should be asked to report back by the end of July.

2. Second Reading of Ordinance Authorizing Installation of Speed Humps on Lincoln Avenue.

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Douglas.

David Pearce, 424 Lincoln Avenue: regarding the criteria, he said residents of the street had met the existing criteria and felt that the speed humps were needed on Lincoln Avenue. He expressed a concern about whether the installation would be delayed due to the requested policy review by the Traffic Committee. Mayor Del Giudice said that moving forward with the two ordinances indicated a wish not to delay those particular installations; he pointed out, however, that the Public Works Director had advised that due to the existing workload, the installations would probably not occur until after July 1. Mr. Pearce pointed out that Lincoln Avenue had no sidewalks, with school soon to be out for the summer, it would be dangerous for children on that street.

Carol Demeter, 508 Lincoln Avenue: inquired whether the fact of doing the work in the next fiscal year would cause any delay; the Mayor assured it would not in any way affect when the installation occurred.

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

ORDINANCE #1989-17
(attached)

Councilmember Douglas moved that the Traffic Committee be directed to formally review the guidelines and criteria for installation of speed humps, with the review to include public participation on some level and to be completed by the end of July 1989; the motion was duly seconded by Councilmember Leary.

David Pearce, 424 Lincoln Avenue: remarked it would appear that would delay installation of the speed humps on his street, which could be done in early July. Councilmember Douglas reassured Mr. Pearce that examination of the existing law would not delay or affect installation of the speed humps on Lincoln, which had already been authorized by adoption of the ordinance.

Councilmember Martin commented that during review of the criteria, the aspect of how speed humps affect/impact neighboring streets should also be examined, and the question of whether the petitions should require signatures of (x) number of residents of those streets should be addressed. The Mayor remarked that it had been some time since the guidelines were formulated and adopted, and it would be sensible to review the entire process. Ms. Martin commented that perhaps the process for installation of stop signs should also be reviewed; the Mayor suggested she submit that as an agenda item and it could be scheduled for worksession discussion.

The resolution was passed by unanimous vote.

RESOLUTION #1989-50
(attached)

Addressing members of the audience interested in original agenda item #6, the Mayor reiterated his earlier explanation that Mr. Garlow had requested withdrawal at the present time of his petition for use of the right-of-way off Colby Avenue for permanent vehicular access to his property. Mayor Del Giudice said he anticipated a motion would be made to table the item indefinitely at the appropriate point in the agenda; he related that Mr. Garlow had discussed the situation with his Council representative, Mr. Sharp, who concurred it would be appropriate to table the matter for the present, which would allow Mr. Garlow more of an opportunity to meet and discuss the situation with the community. He said if those interested wished to wait, they would be afforded an opportunity to speak on the matter at the appropriate point in the agenda.

3. Second Reading and Adoption of FY 1990 City Budget Ordinance.

Councilmember Douglas moved adoption of the ordinance, duly seconded by Councilmember Hamilton. Councilmember Elrich remarked he wished to propose some amendments to the ordinance; he said what he intended to ultimately propose was that the City float a bond issue for \$502,000. He said the tax rate would ultimately be lowered from \$1.848 to \$1.818 as an end result of his proposed changes. He explained he wished to change local taxes to 4,008,855; service charges to \$246,109; subtotal to \$6,991,676; transfer \$368 from General Fund Unappropriated Reserve (tentatively); total budget would then be \$6,992,044, rather than \$7,209,209, as proposed. In Section 3. of the ordinance, he said he would want to reduce Non-Departmental Expenses to \$1,306,892; increase Debt Service to \$196,328; with Total Expenditures to equal \$6,992,044. In Section 7., he said he would wish to increase the Equipment Replacement Reserve to \$385,316; the Emergency Reserve in Section 8. to \$612,890. Mr. Elrich said he would propose to float a bond issue for \$300,000 for road improvements, which was the amount Public Works Director Giancola had estimated would be required to accomplish all necessary major road repairs in the city; \$86,000 would be designated for completion of all 3 phases of the Library Renovation; \$21,000 for the roof that had been discussed; \$35,000 for the boiler; and \$60,000 for leaf and stormwater management systems. He said the actual changes to the Capital Budget would be to remove \$100,000 from Roads;

\$36,165 from the Library; \$21,000 for the roof; \$35,000 for the boiler; \$60,000 for the leaf and stormwater systems -- amounting to a total reduction in the Capital Budget of \$252,165 -- \$35,000 would be added to the budget under Debt Service to cover the cost of issuing the bond in the first year. He explained that additions to revenues would come from interest gained on the \$176,000 not transferred out of Capital Reserves. Additionally, the City would earn about \$10,000 in interest if it could get 8% interest on 50% of the bond money, i.e., \$250,000 -- assuming that a balance of that amount was held for a period of 6 months, which appeared to be realistic. He said the City should have a net increase of about \$23,809. All things considered, Mr. Elrich said it should be possible to reduce the tax rate by approximately \$.03. For the use of the untransferred reserve of \$172,000, which he said he was now proposing not be transferred, he said he would add \$20,000, which would complete the requirement for the Emergency Reserve, for which there was originally a slight shortage. He said he would add \$127,000 to the Equipment Reserve, which would bring that funding to the level the Council had originally wished it to be. He said that would leave about \$25,000 in an unappropriated balance, for which he could submit some proposals if there were interest in using the money. Mr. Elrich said that he had examined Ms. Habada's projection sheet for a 10-year bond with a \$535,000 principal, and if the situation were viewed on the basis of the dollar value at present, the bond issue would end up costing the City about \$85,000 in 1989 dollars, spread over a ten-year period. In addition, he said if the reserves remained \$172,000 higher because the monies were not expended and the money continued to earn 8%, and if that were calculated over a ten-year period using the same adjustments for inflation and the 1989 dollar worth, and then the overall ten-year cost of the bond issue (in 1989 dollars) were compared with the monetary gain of retaining the reserve and allowing the interest to compound, the City would actually end up with a small surplus of about \$21,000 -- though in truth somewhat more dollars would be spent than what otherwise would have been. However, Mr. Elrich said it would be a different matter if one were talking about 13-18% interest rates, but the City would be able to borrow the money at about 7%, which would be fairly close to what the level of inflation would probably be -- and that seriously reduced the cost of the money to the City. Having money in reserve drawing interest also further narrowed the gap in the cost of the bond issue to the City. He said he feared that by delaying necessary repairs to roads and infrastructure, the nature and amount of the needed work would be increased substantially and there would be a quantitative change in the amount of money required to accomplish the work. He said a bond issue would be a fairly prudent and fairly conservative means of getting the work done if the costs were considered over a ten-year period. Councilmember Martin duly seconded Mr. Elrich's proposed amendments.

Councilmember Hamilton moved to table the ordinance; he pointed out that the ordinance was scheduled for Second Reading and said a consent vote of the Council had been taken in worksession rejecting the bond proposal. Mr. Hamilton said he had questions about what was being presented, e.g., from whom would the City borrow the money, what would the process involve, what decisions would have to be made. He said he appreciated the amount of work Mr. Elrich had gone to to formulate his proposal, but unless the budget process were going to be delayed, the decision had been that a bond proposal would not be considered in conjunction with the FY 1990 budget and the proposed budget reflected that consensus. He said if the Council wished to go through and redo the entire budget based on some figures presented only within the last hour, he would not vote on the matter because the Council had made considered decisions on capital items and whether or not to get into a bond issue. He said he moved to table the proposed amendment, duly seconded by Councilmember d'Eustachio. The Mayor pointed out that in order to table the proposed amendment, which had been duly seconded, the ordinance would have to be tabled as well. Councilmember Hamilton withdrew his motion to table.

Councilmember Douglas commented that Mr. Hamilton had raised valid points; he said the issue was complex, was being discussed for the first time, and while he felt it to be worthwhile for the elected body to enter into discussion of the proposal which he thought was interesting, he would not support any sort of final action at the present

meeting. He said if it were felt that some of the questions raised were worth more indepth consideration and examination, he would suggest tabling final action definitely until June 5 to allow for final review and for any public participation that might be warranted. Mr. Douglas said that to the extent he could support any of what Mr. Elrich had proposed, it would be conditional upon tabling final action on the ordinance for a week.

Responding to Councilmember Hamilton, the Mayor affirmed that the following Monday, June 5, was the regularly-scheduled worksession, at which time a Special Session could be convened to take final action on the proposed budget.

Councilmember d'Eustachio commented that it would be questionable practice to take up consideration of a bond issue at Second Reading of the budget ordinance, when Council had been presented with the numbers only during the meeting and had not had any opportunity to check them over carefully, let alone examine the underlying premises which were fairly substantial and the numerical computations/shenanigans that would allow the City to borrow money and still come out \$23,000 ahead. He said he did not feel it would be prudent to vote on such an issue immediately, given the information that had been provided. He said he would, in fact, argue against delaying adoption of the proposed budget, because the bond proposal could certainly be considered subsequent to budget adoption, and a budget amendment effected, if that were desirable. Mr. d'Eustachio said that if what Mr. Elrich was proposing would, in fact, effect a substantial savings to the City, then it would probably be prudent for the Council to amend the budget and proceed with it, however, he did not think to do so precipitously would be well-advised. He remarked that if Mr. Elrich's scheme would, indeed, work, it would be the answer to the politician's dream of being able to reduce taxes in an election year -- something perhaps all would like to do, however, he said he was not willing to put the City's finances at risk to do so. He said he felt he and his colleagues should all be confident and willing to run on the strength of their accomplishments rather than the strength of some fiscal sleight-of-hand which permitted a reduction in taxes a few months before the election. Mr. d'Eustachio said he felt the bond proposal to be questionable, and it was certainly something that could be accomplished after the fact of budget adoption.

Councilmember Leary concurred with Mr. d'Eustachio that what Mr. Elrich had proposed was very complicated and the Council had had only about an hour in which to peruse it, while concurrently participating in other portions of the meeting. He said he did not think even a week was sufficient time in which to fully examine such a proposal, let alone allow for public input on it, and he did not think that wise. He said he thought it would be ill-advised to take such a momentous approach to budgeting in the city based on a 4-3 vote. He said his basic objection to the substance of Mr. Elrich's proposal was that he saw no urgent purpose in taking such action during the present budget cycle -- he said he did not oppose, in principle, the idea of bonding, but did think the step of putting out a quarter of a million dollars in interest in order to get a half million dollars should be taken only when there was an urgent, overriding purpose that could be funded in no other way. He said what would be funded with the \$500,000 gained by Mr. Elrich's proposal, with two exceptions, were things that were already budgeted for without floating a bond issue -- two additional phases (which the Library Director had not requested) in the Library renovation would be provided for, and an additional \$200,000 worth of infrastructure repair work. He said if the situation were so desperate on certain city streets that they would virtually fall apart completely if they were not fixed within the next 12 months, he would want to see evidence of that conclusion. He said he did not dispute the priorities set by the Director of Public Works, but what was being proposed was to increase the amount of money that might be spent on a budget line item on which a substantial amount would be spent anyway ad infinitum into the future. Should there be absolutely no money available in the next budget to continue the infrastructure repair program initiated last year, then he said he would certainly seriously consider and be inclined to support a bond issue at that time in order to continue the program. He noted a substantial amount had been provided in the proposed budget for that

program, and there was no hard evidence to indicate that it could not be continued at a similar level in the next fiscal year's budget.

Councilmember Martin said that the Library Director had asked for Phase I of the renovation during the current budget cycle because she had previously asked for all 3 phases and had been discouraged by the elected body from getting the necessary funding approved in a lump sum. Concerning road improvements, she said she understood that, up until the past year, no City money had been spent for that purpose -- it had formerly all come from CDBG funds. She said she felt the situation was becoming critical because tax monies citizens thought were used for that purpose had not been, and she felt it was time the elected body took the initiative and ensured that service was provided by the City. Additionally, Ms. Martin said that while she might not concur with lowering the tax rate as much as Mr. Elrich had suggested, perhaps it could be kept at its former level (rather than raising it \$.025) by looking at floating a bond issue.

The Mayor commented he was unaware of any rule governing any legislative body anywhere that would prevent a member of that body from moving an amendment to a piece of legislation because it had been turned down in a worksession. He said the proposal that the Council had turned down in worksession was a different bond proposal involving a lesser amount of money -- one of the complaints voiced at that time was that it was not the right package, did not do enough. He said while the proposal at hand was somewhat different, the basic issues were not that different, the policy considerations were not that different. He said he was a bit tired of the fancy footwork by some, which was relying now on the numbers not working. He said if a week was needed to check out the numbers, that was fine, but a policy decision had to be made. He said there was no reason not to examine the policy, and he felt there was solid evidence that the bond issue would be needed -- both at present and in future. He pointed out that in order to balance the proposed budget, \$174,000 would have to be taken out of reserves, and if that reserve did not exist, then taxes would have to be raised by \$.08/\$100. While money was allocated for road work last year, \$200,000 had to be taken out of reserves in order to do so. He said the elected officials' successors would inevitably face budget shortfalls unless something were done. He said while some cuts could probably be made, unless major capital improvements were financed on a longterm basis, then taxes would have to be raised significantly in order to balance the budget. He said he felt that to be good enough reason to consider a bond issue now; a lot of hard work had gone into building some reserve since 1983, when the City went into the red, and that should not be depleted carelessly. The Mayor said that how a bond issue would be done had been discussed a number of times -- it would be done through the State Infrastructure Bond Program which allows all sorts of local governments to participate and offers low rates and costs. Referring to Ms. Martin's comments, he said renovation of the Library had been delayed for 2 years because funding could not be found to enter into it and a policy decision could not be made on a bond issue.

Councilmember Elrich commented he realized it was late in the process to be making his proposal, however, said he felt a serious and intelligent discussion of the issue of bonding had been avoided during his tenure on the Council. He said staff had not been asked to do a longterm analysis that would provide net present value calculations so that a considered decision could be made on the subject. He said while Councilmember Leary had talked about next year's budget and the security of the budget then, he frankly found the budget discussions during the present year somewhat depressing; it was frustrating that everyone was faced with enormous property tax assessment increases, which should produce a substantial increase in revenues for the City, and yet the budget could barely be met -- and that could not be done without dipping into reserves. For that reason, he could not view the next budget year with any great optimism; unless and until a better situation could be worked out with the counties, the problems were likely to magnify. Regarding the roads in the city, he said he did not think they were going to disintegrate any time soon, but did know that the qualitative condition of the roads would change and conditions would worsen, particularly depending upon weather severity, and the cost of repairs would escalate. He pointed out that the elected

body had voted favorably on lease-purchasing, had spent a lot of money that way, and it had made it possible to do things that might otherwise have not been done. Thus, he said he did not think bonding would be stepping into new and uncharted territory since it was not entirely different from lease-purchasing. He said he did not oppose taking a week so that staff could examine the calculations, project the true costs to the City, and so that the Council could make a considered decision. He said he did think the proposal merited serious examination and that the existing money problems were grave enough that bonding should be seriously considered.

Councilmember d'Eustachio remarked that the Council had seriously discussed bonding a number of times, had spent several hours discussing it during recent budget worksessions -- it was the prime item on the agenda at one worksession less than a month and a half ago. He said staff had been asked to look at the issue and information had been gotten back from them; there simply was not sufficient support among members of the Council for the issue to move forward. While it was true that reserves were being dipped into, he said he did not understand how borrowing money and paying interest on it would be better -- to cite taking money from the reserves as a basis for borrowing simply flew in the face of sound accounting and common sense. He said while it was true that the City had entered into lease-purchasing, the proposal to do so was not presented at 9:30 on the night of the Second Reading of the budget ordinance -- it was brought up months prior to the First Reading. He pointed out that lease-purchasing was costing about \$.025/\$100 on the tax rate in the presently-proposed budget; had prior Councils budgeted more prudently and provided for timely equipment replacement rather than allowing it to deteriorate, the present tax rate could probably be somewhat lower. He said to choose to go back into the expensive hole of paying interest was not something that should be done without a very careful examination, and each time the matter had been examined to date, the Council had apparently not thought it prudent to proceed. He said he was willing to continue to examine and discuss the matter, but was not willing to go along with it and then discuss it later -- nor was he willing to delay adoption of the budget in order to discuss it. He said he did not think examining the matter for one week was affording it adequate consideration.

Responding to query from Councilmember Douglas, Public Works Director Giancola stated he would confirm Mr. Elrich's commentary about the worsening condition of certain city streets and the increased cost of dealing with the problems if they were allowed to progress. He said he had recently been examining some of the streets with the City Engineer and some, such as Kennebec, Houston, and 14th Street, were going to require reconstruction of some portions prior to being overlaid, whereas had they been taken care of earlier, the cost and amount of work would both have been less. Mr. Giancola affirmed that the three streets mentioned were going to be repaired with money provided in the current year's budget; he said there were others in similar condition, and the point was that serious damage was already being seen in streets that had been neglected for such a long time. Following brief dialogue with Mr. Giancola regarding his ongoing prioritized list/summary of streets requiring work, Mr. Douglas said while he was concerned about the point in the process at which the bonding issue had been raised, he did think Mr. Elrich had presented a reasonable proposal. He said while there had been some general discussions about bonding in worksession, no proposal had been presented that would have focussed the discussion on specific questions. He commented he felt Mr. Elrich should be commended for coming up with such a proposal, however, regretted it had not been presented earlier. Mr. Douglas said he shared the Mayor's concerns about future budgets; based on the 5-year capital budget projection that had been prepared for the Council, he said he foresaw having to dip into reserves each coming year and having to dig deeper and deeper in order to fund the budget without any relief in sight. In that context, he said he thought the time was appropriate to consider bonding; he said he did not think borrowing was bad, per se, if it were done on the right terms and when it was worth the cost. He said he would personally like to proceed with adoption of the budget ordinance and then take up the bonding issue as a budget amendment. He noted, however, the need to set the tax rate and said perhaps that would simply have to be set

without regard for the bonding proposal. He said perhaps staff could consult with the auditors in the coming week and examine the proposal, resolving any technical problems, and report back to the Council on June 5, at which time the merits could be considered. He said he would be willing to vote in favor of accepting the proposal for First Reading as a budget amendment, so that Second Reading/adoption could occur, if appropriate, on June 5. The Mayor noted that Assistant City Administrator Habada had advised him that the state was intending to put out a bond issue in July 1989; if the City should decide it wished to participate in that issue, a decision would have to be made within 2-3 weeks so that the state could be notified accordingly. Ms. Habada pointed out that the state would probably do another issue sometime within the coming year, but the timing would probably depend upon the bond markets and whether a favorable rate could be obtained.

In the interests of accommodation, Councilmember Elrich said he would be willing to separate his proposal from the budget adoption, provided it could be accepted for First Reading with an analysis to be done by staff in the coming 1-2 weeks and subsequent Second Reading. Councilmember d'Eustachio pointed out there would be another bond issue put out by the state within the coming fiscal year, so he did not see the point in rushing into anything; aside from possibly participating in the July issue, the only other benefit would be to adjust the tax rate, and given the time constraints related to adoption of ordinances, that did not appear likely. Councilmember Leary asked whether a straw vote could be cast to indicate whether or not there was a majority favoring bonding so as to enact a tax cut. Mr. d'Eustachio remarked he felt it was obvious without any vote that in Councilmember Sharp's absence, who was a staunch opponent of bonding, the Mayor and Councilmember Elrich had brought the issue forward knowing that Mayor Del Giudice would cast the necessary vote in favor of bonding to break a 3-3 tie. Mr. Douglas said he was not prepared to vote; he moved to table the budget ordinance and proposed amendment definitely until June 5, with a Special Session to be convened at that time. Councilmember Leary duly seconded the motion. The motion to table carried by a 3-3 vote, with the Mayor voting in the affirmative to break the tie, and commenting he was doing so in order that there might be further discussion and time for staff to evaluate Mr. Elrich's proposed amendment and report back to the elected body. Councilmember d'Eustachio commented that if the Council voted in favor of encumbering the City with a bond issue without any formal notification to the public, outrageous miscarriage of justice and an unconscionable act. The Mayor remarked on the willingness of some members of the Council to raise taxes by \$.025, but said they were lucky that the Newsletter was able to fit notice of that in before printing deadline; otherwise, there would have been no public notice about that either. Mr. d'Eustachio pointed out that notice of the proposed tax rate increase was also published in The Montgomery Journal.

The Mayor said he would recommend that original agenda items #4 and #5, the Tax Rate Ordinance and the Amendment to Personnel Classification Plan Ordinance, also be tabled definitely until the June 5 Special Session when the budget ordinance would be addressed. Councilmember Douglas reminded that at First Reading, some question had been raised about the reclassification of the Executive Secretary; he asked that the Council be apprised of that situation. City Administrator Wilson said he had been advised verbally that Ms. Martin had some question and had responded by memorandum to her, with a copy to the Mayor. Mr. Douglas suggested that other members of the Council might be provided with copies of that memo, which would resolve the question; Mr. Wilson affirmed that would be done.

Councilmember Douglas moved to table the Tax Rate Ordinance and the Amendment to Personnel Classification Plan Ordinance definitely until the June 5 Special Session. The motion carried with the Mayor voting in the affirmative to break a 3-3 tie. It was noted that the Personnel Classification Amendment had no impact on the budget, but was being held over so as to allow Mr. Wilson to provide the requested information to members of the Council. Councilmember Leary asked that in the one week interim, information also be provided the elected body by the Public Works Director regarding which \$300,000 worth of street work repairs could not be delayed beyond the end of the next fiscal

year and why that was the case. The Mayor said he felt sure Mr. Giancola could update the elected body on those streets he had hoped to repair.

4. Resolution of Council Position re Use of Colby Avenue Right-of-Way as Permanent Vehicular Access.

The Mayor, for the record, noted receipt of a letter addressed to City Administrator Wilson and Councilmember Sharp from a citizen who was in attendance. He reiterated his earlier statement regarding a request to withdraw the petition for access off of Colby Avenue and said that, under the circumstances, he felt it would be appropriate for the elected body to table the item indefinitely. Councilmember d'Eustachio so moved, duly seconded by Councilmember Hamilton; the motion carried by unanimous vote. The Mayor commented that the issue would not be brought back before the Council unless and until the community had received appropriate notice that the petitioner was again proceeding with his request.

Councilmember Douglas commented that the Colby Avenue issue had raised the repetitive question of a City policy regarding paper streets; he said he would ask that such a policy become a priority for the Council and that the Traffic Committee be requested to again take up the issue of under what circumstances development of paper streets should be allowed and how funding for improvement of such streets should occur. He so moved, duly seconded by Councilmember Elrich. Councilmember Martin commented that, as a member of the Open Space Committee which was not currently active but slated to reactivate soon, she envisioned the question as being one of access to open space -- properties that are not presently developed -- and that was one of the issues that the Open Space Committee intended to address. She said she would ask that the question either be referred to that committee or else to them in addition to the Traffic Committee. Councilmember Douglas remarked that if it could be demonstrated to him that that committee was functional, he would have no problem with joint jurisdiction regarding the policy question on paper streets. He said he had no argument that there were not other legitimate issues related to the question, but said he felt the Traffic Committee was the place where the process should begin. The motion, which the Mayor remarked he would interpret as a resolution and which should include a report to the Transportation, Planning & Zoning Committee prior to reporting to the elected body, carried by unanimous vote.

RESOLUTION #1989-51
(attached)

Mr. Wilson related that, having opened the letter that had been delivered earlier and had been indicated as being made a part of the record, it contained a petition from the Colby Avenue Citizens' Association bearing 19 signatures and strenuously opposing development on the existing pedestrian path.

5. Resolution of Council Position Regarding Proposed Closing of Division Street.

Mayor Pro Tem d'Eustachio noted that the resolution stated the Council would take no position on the proposed closure. Councilmember Elrich moved passage of the resolution, duly seconded by Councilmember Hamilton. The resolution was passed by unanimous vote of those present (Councilmembers Leary and Martin temporarily absent, Councilmember Sharp absent).

RESOLUTION #1989-52
(attached)

6. Resolution Endorsing Establishment of Takoma Park Symphony Orchestra.

Mayor Pro Tem d'Eustachio moved passage of the resolution, duly seconded by Councilmember Hamilton. The resolution was passed by unanimous vote of those present (Councilmembers Leary and Martin temporarily absent, Councilmember Sharp absent).

RESOLUTION #1989-53
(attached)

7. Resolution re Takoma Park Parent Child Resource Center Closing.

Mayor Pro Tem d'Eustachio moved passage of the resolution, duly seconded by Councilmember Douglas.

Nina Seavey, 7214 Spruce Avenue: said she was a parent of small children; she explained that the center was located in the old elementary school, sharing space with the refugee center, and was run by Montgomery County. She said the center was being forced to vacate due to the opening of an alternative high school at that location, and interested parties were recently informed that another Takoma Park site for the parent child resource center would not be sought, but that it would be moved to New Hampshire Estates. She said concerned parents had researched statistics kept on use of the center -- over the past 9 months over 5,000 people had made use of it, which equated to about 35 people a day. She said it had been used by a variety of people in the community; it was situated at a strategic location to the Maple Avenue corridor and the Historic District of the city, as well as other surrounding neighborhoods, and was right on a bus line. However, the majority of users were day care providers traveling to the facility on foot. She said the concerned parents were requesting support from the Council in asking the Area I Superintendent, Dr. Lewis, to find another site within the city rather than moving the location of the center. She said a final decision about moving the location of the center had not been made, but would be within the next couple of weeks; the parents were presently engaged in a petition drive and had gathered 100 signatures, hoping to double that amount in the coming week. She urged that the elected body assist in keeping the center in Takoma Park to serve the ever-burgeoning numbers of small children in the city. Responding to query from Councilmember Elrich, she said she had had some discussion of the matter with the Administrative Assistant in Dr. Lewis' office, who had advised her that any site having running water could be considered a potential -- mention was made of the old post office building, the county had had some discussions with the owner of that building, however, there was a concern about the amount of money wanted for use of that site. She said they had not at that time looked at other potential sites in the area, but had basically decided to move the facility to the New Hampshire Estates location because it was convenient -- there was available space there in the school to do so and it would remove the need to seek another site. She affirmed that the county was apparently willing to pay to lease a site and pointed out that one way they fund the facility was by requesting parents who regularly send their children there to make a small donation; there had not been a discussion of whether parents would be willing to pay more to ensure keeping the facility within Takoma Park. The Mayor indicated that he would send a letter along with the resolution to Dr. Lewis and said if copies of the citizens' petitions were provided they could be included in the transmittal. The resolution was passed by unanimous vote of those present.

RESOLUTION #1989-54
(attached)

8. Resolutions Ratifying Local 400 and AFSCME 3399 Union Contracts.

It was noted that the two resolutions were separate documents. Councilmember Hamilton moved passage of the resolution regarding the AFSCME contract, duly seconded by Councilmember d'Eustachio. Mr. Wilson commented that that contract had been formally signed with the union, had undergone sufficiency review by Corporation Counsel Silber and no potential requirement had been found for changes to the existing Code or ordinances. He said he was comfortable with the elected body proceeding with the AFSCME contract resolution. Councilmember Douglas commented that in reading through the pertinent documents he had noticed a number of typos, misspellings, etc., which he would assume would be corrected. Mr. Wilson said that the unions understood that not only the City, but they, also, had to address that problem and there had to be a meeting of minds prior to final printing of the contract. The resolution was passed by unanimous vote of those present.

RESOLUTION #1989-55
(attached)

Mr. Wilson remarked that he wished to thank Mr. Giacomola and his

management team for the work they did in leading the negotiations.

Councilmember Hamilton moved passage of the resolution ratifying the Local 400 union contract, duly seconded by Councilmember d'Eustachio. Mr. Wilson commented that this contract had presented more difficulty in reaching a point where he could feel comfortable recommending that the City proceed with it; he said he still had reservations, primarily based on the fact that earlier in the evening ratification of the contract by all affected employees had not been completed and he had no way of knowing whether that was accomplished. He said he foresaw no problem in waiting a week to proceed with the resolution. He noted that in addition to the problem of typos and misspellings such as Mr. Douglas had mentioned, there was also need to examine the impact of the Local 400 contract on several existing Code sections. Councilmember Douglas moved to table consideration of the resolution definitely until June 5, duly seconded by Councilmember Martin; the motion carried by unanimous vote.

9. First Reading of FY 1989-90 Pay Plan Ordinance.

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

ORDINANCE #1989-
(attached)

10. First Reading of FY 1989-90 Executive Pay Plan Ordinance.

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

ORDINANCE #1989-
(attached)

11. Resolution Effecting COLTA Appointments.

The Mayor noted that the resolution would be amended, striking the second "Whereas" clause; thus, it would have only two total such clauses. He said appointments effected by the "Resolve" clause would be those of Norman Gleichman and Bill Batko as General Public Representatives, Gloria Iposu as a Tenant Representative. Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Leary. The resolution was passed by unanimous vote.

RESOLUTION #1989-56
(attached)

12. First Reading of Ordinance to Purchase Copier Machine for Public Works.

The Mayor noted Councilmember Douglas' earlier request to move the item from the consent agenda to the regular agenda. Councilmember Leary moved acceptance for First Reading, duly seconded by Councilmember Martin. Councilmember d'Eustachio commented that some questions had been raised about the item and he had concern about proceeding with it lacking some discussion; he suggested perhaps it would be appropriate to have such a discussion in Executive Session, rather than in a public session. He said he would not be willing at present to vote in favor of the purchase because he did not feel he would be voting with all available information in hand. Councilmember Douglas said he, too, felt an Executive Session would be in order prior to voting on the matter. Councilmember d'Eustachio moved to table the item indefinitely, duly seconded by Councilmember Hamilton. The motion carried by unanimous vote.

CONSENT AGENDA:

Councilmember Hamilton moved passage of items 13A and 13B, collectively; duly seconded by Councilmember d'Eustachio. The resolutions were passed by unanimous vote.

13A. Resolution Removing City Administrator from TPVFD Board of Directors.

RESOLUTION #1989-57
(attached)

13B. Resolution re LGIT Excess Insurance.

RESOLUTION #1989-58
(attached)

Councilmember d'Eustachio moved adoption of items 14A and 14B, collectively; duly seconded by Councilmember Douglas. The items were adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Hamilton, Leary, and Martin; NAY: None; ABSENT: Councilmembers Elrich and Sharp.

14A. Second Reading of an Ordinance Boycotting Shell Products.

ORDINANCE #1989-18
(attached)

14B. Single Reading Ordinance for PW89-90 Contract for Street Drainage Improvements.

ORDINANCE #1989-19
(attached)

Prior to adjournment, Mayor Del Giudice said he wished to enter into the record a letter received from a citizen expressing support for the closure of Division Street, and asking that the elected body give consideration to the speed limit on Greenwood Avenue and possible posting of some signage there regarding it. He said she had asked that the letter be entered into the record, and apologized for not having noted it at the point in the agenda when the item was addressed.

Upon motion, duly seconded, the meeting adjourned at 10:40 p.m., to reconvene in Executive Session regarding a personnel matter and a legal matter.

Introduced by: Councilmember d'Eustachio

1st Reading: 5/15/89
2nd Reading: 5/30/89

ORDINANCE #1989-16

**INSTALLATION OF THREE SPEED HUMPS ON WOODLAND AVENUE
(BETWEEN BEECH AVENUE AND ROUTE 410)**

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

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of new subsection (r) to Section 1, as set forth below:

Section 1. That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Md., 1972, as amended, be installed at the following locations:

(r) Woodland Avenue, between Beech Avenue and Route 410, there will be three speed humps installed. Specific placement of the three locations shall be determined by the Director of Public Works.

SECTION 2. THAT funds to cover this work be appropriated from the street repair materials, Account #889.

ADOPTED BY THE CITY COUNCIL THIS 30th DAY OF May, 1989, BY ROLL CALL VOTE AS FOLLOWS:

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

NAY: None

ABSTAINED: None

ABSENT: Sharp

Introduced by: Councilmember d'Eustachio

1st Reading: 5/15/89

2nd Reading: 5/30/89

ORDINANCE #1989-17

**INSTALLATION OF FIVE SPEED HUMPS ON LINCOLN AVENUE
(BETWEEN JACKSON AND ELM AVENUES)**

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

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of new subsection (s) to Section 1, as set forth below:

Section 1. That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Md., 1972, as amended, be installed at the following locations:

- (s) Lincoln Avenue, between Jackson and Elm Avenues, five speed humps to be installed; one across from 403 and 406 Lincoln, the second hump across from 405 and 416 Lincoln, the third across from 421 and 430 Lincoln, the fourth across from 501 and 502 Lincoln and the fifth hump located 236 feet from the stop sign entering Elm Avenue.

SECTION 2. THAT funds to cover this work be appropriated from the street repair materials, Account #889.

ADOPTED BY THE CITY COUNCIL THIS 30th DAY OF May, 1989, BY ROLL CALL VOTE AS FOLLOWS:

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

NAY: None

ABSTAINED: None

ABSENT: Sharp

Introduced By: Councilmember Elrich
Drafted By: L. Schwartz

ADOPTED: May 30, 1989

Resolution No. 1989-52

WHEREAS, William Loveless, President of Columbia Union College, has petitioned Montgomery County to close Division Street, AND

WHEREAS, this street is located adjacent to the City of Takoma Park and the application has therefore been referred to the City for review and comment; AND

WHEREAS, the application has been reviewed by City staff, which analysis is contained in the pertinent staff report dated May 19, 1988; AND

WHEREAS, the Mayor and Council have taken into consideration public comments received on the subject application;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Mayor and Council hereby take NO POSITION on the petition to close Division Street.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate Montgomery County authorities.

ADOPTED THIS 30th DAY OF MAY, 1989.

lss:zonsub1
divstcl.res

Introduced by: Councilmember d'Eustachio
(Drafted by: P. Jewell)

Dated: May 30, 1989

RESOLUTION #1989-53

ENDORISING THE ESTABLISHMENT OF A
TAKOMA PARK SYMPHONY ORCHESTRA

WHEREAS, the City of Takoma Park is a City rich in the cultural arts, and is home to many talented persons of the cultural arts; AND

WHEREAS, two local citizens, Nevilla E. Ottley and Ellen L. Spatz Bunyan, have come before the Mayor and Council with a proposal to establish a non-profit organization, the Takoma Park Symphony Orchestra (TPSO); AND

WHEREAS, the proposal seeks the City's recognition that the TPSO is a bonafied organization of the City, established to provide professional concerts and performances of symphonic music for the youth and adult music-loving citizenry of Takoma Park and its surrounding areas; AND

WHEREAS, the TPSO wishes to take advantage of publicity arrangements, technical assistance and locations to practice and perform that are enjoyed by other groups recognized by the City of Takoma Park; AND

WHEREAS, the TPSO is requesting no funding from the City of Takoma Park to carry out their goals and objectives.

NOW THEREFORE BE IT RESOLVED, THAT the Mayor and Council hereby endorse the proposal to establish a Takoma Park Symphony Orchestra; AND

BE IT FURTHER RESOLVED, THAT the City of Takoma Park Recreation Department will provide the TPSO with reasonable assistance and guidance in promoting the Symphony; AND

BE IT FURTHER RESOLVED, THAT the Recreation Department will provide reasonable publicity assistance to the TPSO for symphony concerts that are performed at no cost to the citizens of Takoma Park; AND

BE IT FURTHER RESOLVED, THAT the Mayor and City Council hereby express their appreciation to the TPSO for offering to help foster the musical knowledge and appreciation of the citizens of Takoma Park, Maryland.

Dated this 30th day of May, 1989.

Introduced by: Councilmember d'Eustachio

RESOLUTION #1989-54

WHEREAS, the Takoma Park Parent Child Resource Center has been located in the City of Takoma Park for over four years; AND

WHEREAS, an average of 588 parents, daycare providers, and children use the Center in any given month, or an average of 35 a day; AND

WHEREAS, the Center is located in an area densely populated with a wide mix of children of all races, cultures, and social classes; AND

WHEREAS, the Center has become an integral part of the education of the children of Takoma Park; AND

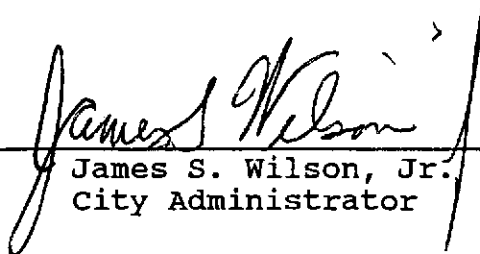
WHEREAS, other sites within the downtown Takoma Park area are available.

NOW THEREFORE BE IT HEREBY RESOLVED, THAT the Mayor and Council of the City of Takoma Park opposes any move out of Takoma Park of the Parent Child Resource Center by Montgomery County; AND

BE IT FURTHER RESOLVED, THAT the Mayor and Council of the City of Takoma Park encourages the County to seek alternative sites within the central Takoma Park area to keep the Center in a locale in which it is needed and well used.

Dated this 30th day of May, 1989.

ATTEST:


James S. Wilson, Jr.
City Administrator

Introduced By: Councilmember Hamilton

RESOLUTION # 1989-55

SHORT TITLE: RATIFICATION OF COLLECTIVE
BARGAINING AGREEMENT - AFSCME

WHEREAS, the City of Takoma Park and the Union representing employees of Unit Two (2), American Federation of State, County, and Municipal Employees, AFL-CIO, have culminated negotiations with a two-year collective bargaining agreement; AND

WHEREAS, both parties have executed the written Agreement; AND

WHEREAS, both parties request that funds necessary to implement the Agreement be approved by the Council pursuant to Section 8B-206(g) of the Takoma Park Code; AND

WHEREAS, both parties request Council approval of any provisions of the Agreement which conflict with City code, rule, or regulation, pursuant to Section 8B-206(g) of the Takoma Park Code.

NOW, THEREFORE, BE IT RESOLVED, that the Council ratifies the Collective Bargaining Agreement, effective July 1, 1989 to June 30, 1991 between the City of Takoma Park and the American Federation of State, County, and Municipal Employees, Council 67, Local 3399; AND

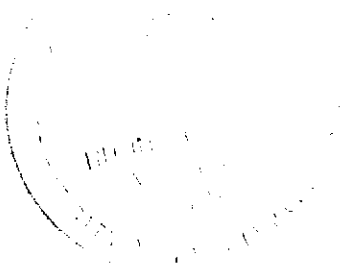
BE IT FURTHER RESOLVED, that the City Administrator or his designee is authorized to budget the funds necessary to implement this agreement and to propose any ordinance that may be necessary for this purpose; AND

BE IT FURTHER RESOLVED, that the City Administrator or his designee is authorized to recommend whatever legislation is necessary to comply with the collective bargaining agreement.

Dated this 30th day of May, 1989

ATTEST:


Paula S. Jewell
Deputy City Clerk



1st Reading: 5/30/89

2nd Reading: _____

Effective: _____

ORDINANCE NO. 1989-

Short Title: An ordinance to amend the Executive Pay Plan

AN ORDINANCE TO:

- (a) Change the Executive Pay Plan to provide for a 5% adjustment to the Pay Plan for FY 90.

BE IT ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT THIS ORDINANCE amends the Executive Pay Plan as adopted by Ordinance 1988-29; this ordinance is to be effective July 1, 1989:

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 = [29,125 - 33,758]	<u>\$30,581 - \$35,446</u>
	2nd Quartile = [33,759 - 36,556]	<u>35,447 - 38,384</u>
	3rd Quartile = [33,557 - 39,353]	<u>38,385 - 41,321</u>
	4th Quartile = [39,354 - 42,149]	<u>41,322 - 44,256</u>
Executive 2:	1st Quartile = [31,205 - 36,280]	<u>32,765 - 38,094</u>
	2nd Quartile = [36,281 - 39,276]	<u>38,095 - 41,240</u>
	3rd Quartile = [39,277 - 42,271]	<u>41,241 - 44,385</u>
	4th Quartile = [42,272 - 45,266]	<u>44,386 - 47,529</u>
Executive 3:	1st Quartile = [34,305 - 39,000]	<u>36,020 - 40,950</u>
	2nd Quartile = [39,001 - 42,222]	<u>40,951 - 44,333</u>
	3rd Quartile = [42,223 - 45,442]	<u>44,334 - 47,714</u>
	4th Quartile = [45,443 - 48,662]	<u>47,715 - 51,095</u>
Executive 4:	1st Quartile = [37,190 - 41,928]	<u>39,050 - 44,024</u>
	2nd Quartile = [41,929 - 45,386]	<u>44,025 - 47,655</u>
	3rd Quartile = [45,387 - 48,849]	<u>47,656 - 51,291</u>
	4th Quartile = [48,850 - 52,312]	<u>51,292 - 54,928</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).

Page Four
Executive Pay Plan Ordinance

Adopted this _____ day of _____ to take effect July 1, 1989.

AYE:

NAY:

ABSTAINED:

ABSENT:

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

Introduced: 5/30/89
Second Reading:

Effective:

ORDINANCE NO. 1989-

Short Title: Pay scale for employees.

AN ORDINANCE TO:

(a) Amend the pay scale for employees for FY 90, tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended.

WHEREAS, the City has negotiated a union contract with AFSCME Local 3399, and Local 400 of the United Food and Commercial Workers Union that includes a 5% cost-of-living adjustment for FY 1990;

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

SECTION 1. PAY SCALE PLAN.

Ordinance No. 1988-28 is hereby amended and the following pay scale is adopted as the new Pay Scale Plan for the City for the Fiscal Year beginning July 1, 1989 and ending June 30, 1990. This Pay Scale Plan will become effective July 1, 1989, and will remain in effect until amended or repealed by the City Council:

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

STEP:	A	B	C	D	E	F
	<u>38,700</u>	<u>40,148</u>	<u>41,650</u>	<u>43,210</u>	<u>44,829</u>	<u>46,509</u>
	G	H	I	J	K	
	<u>48,251</u>	<u>50,062</u>	<u>51,944</u>	<u>53,892</u>	<u>55,940</u>	

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

STEP	A	B	C	D	E	F
	<u>10,654</u>	<u>11,037</u>	<u>11,477</u>	<u>11,844</u>	<u>12,269</u>	<u>12,714</u>
	G	H	I	J	K	
	<u>13,173</u>	<u>13,651</u>	<u>14,145</u>	<u>14,660</u>	<u>15,217</u>	

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

STEP:	A	B	C
	<u>3,636</u>	<u>3,927</u>	<u>4,241</u>

(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, 1988.

Adopted this _____ day of _____, 1989 by rollcall vote as follows:

AYES:
NAYS:
ABSTAIN:
ABSENT:

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

FY 90 PAY PLAN

		A	B	C	D	E	F	G	H	I	J	K
GRADE	Starting Pay	ANNUAL	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	\$13,650.00	\$14,196.00	\$14,799.33	\$15,354.31	\$15,891.70	\$16,408.18	\$16,900.42	\$17,365.19	\$17,799.32	\$18,199.81	\$18,582.00
	Weekly	\$262.50	\$273.00	\$284.60	\$295.28	\$305.61	\$315.54	\$325.01	\$333.95	\$342.29	\$350.00	\$357.35
	Hourly	\$6.56	\$6.83	\$7.12	\$7.38	\$7.64	\$7.89	\$8.13	\$8.35	\$8.56	\$8.75	\$8.93
2	Annual	\$14,673.20	\$15,296.81	\$15,908.69	\$16,505.27	\$17,082.94	\$17,638.14	\$18,167.29	\$18,666.89	\$19,133.55	\$19,564.06	\$19,974.91
	Weekly	\$282.18	\$294.17	\$305.94	\$317.41	\$328.52	\$339.20	\$349.37	\$358.98	\$367.95	\$376.23	\$384.13
	Hourly	\$7.05	\$7.35	\$7.65	\$7.94	\$8.21	\$8.48	\$8.73	\$8.97	\$9.20	\$9.41	\$9.60
3	Annual	\$15,773.94	\$16,444.33	\$17,102.11	\$17,743.44	\$18,364.45	\$18,961.30	\$19,530.14	\$20,067.21	\$20,568.89	\$21,031.69	\$21,473.36
	Weekly	\$303.35	\$316.24	\$328.89	\$341.22	\$353.16	\$364.64	\$375.58	\$385.91	\$395.56	\$404.46	\$412.95
	Hourly	\$7.58	\$7.91	\$8.22	\$8.53	\$8.83	\$9.12	\$9.39	\$9.65	\$9.89	\$10.11	\$10.32
4	Annual	\$16,957.67	\$17,678.37	\$18,385.50	\$19,074.96	\$19,742.58	\$20,384.21	\$20,995.74	\$21,573.12	\$22,112.45	\$22,619.98	\$23,084.80
	Weekly	\$326.11	\$339.97	\$353.57	\$366.83	\$379.67	\$392.00	\$403.76	\$414.87	\$425.24	\$434.81	\$443.94
	Hourly	\$8.15	\$8.50	\$8.84	\$9.17	\$9.49	\$9.80	\$10.09	\$10.37	\$10.63	\$10.87	\$11.10
5	Annual	\$18,228.76	\$19,003.48	\$19,763.61	\$20,504.76	\$21,222.42	\$21,912.15	\$22,569.51	\$23,190.17	\$23,769.92	\$24,304.74	\$24,815.14
	Weekly	\$350.55	\$365.45	\$380.07	\$394.32	\$408.12	\$421.39	\$434.03	\$445.96	\$457.11	\$467.40	\$477.21
	Hourly	\$8.76	\$9.14	\$9.50	\$9.86	\$10.20	\$10.53	\$10.85	\$11.15	\$11.43	\$11.68	\$11.93
6	Annual	\$19,595.94	\$20,428.77	\$21,245.92	\$22,042.64	\$22,814.13	\$23,555.58	\$24,262.26	\$24,929.47	\$25,552.71	\$26,137.64	\$26,676.31
	Weekly	\$376.85	\$392.86	\$408.58	\$423.90	\$438.73	\$452.99	\$466.58	\$479.41	\$491.40	\$502.45	\$513.01
	Hourly	\$9.42	\$9.82	\$10.21	\$10.60	\$10.97	\$11.32	\$11.66	\$11.99	\$12.28	\$12.56	\$12.83
7	Annual	\$21,065.77	\$21,961.07	\$22,839.51	\$23,695.98	\$24,525.34	\$25,322.42	\$26,082.09	\$26,799.35	\$27,449.33	\$28,087.40	\$28,677.23
	Weekly	\$405.11	\$422.33	\$439.22	\$455.69	\$471.64	\$486.97	\$501.58	\$515.37	\$528.26	\$540.14	\$551.49
	Hourly	\$10.13	\$10.56	\$10.98	\$11.39	\$11.79	\$12.17	\$12.54	\$12.88	\$13.21	\$13.50	\$13.79
8	Annual	\$22,645.90	\$23,608.35	\$24,552.69	\$25,473.40	\$26,364.98	\$27,221.84	\$28,038.49	\$28,809.54	\$29,529.79	\$30,194.20	\$30,828.28
	Weekly	\$435.50	\$454.01	\$472.17	\$489.87	\$507.02	\$523.50	\$539.20	\$554.03	\$567.88	\$580.66	\$592.85
	Hourly	\$10.89	\$11.35	\$11.80	\$12.25	\$12.68	\$13.09	\$13.48	\$13.85	\$14.20	\$14.52	\$14.82
9	Annual	\$24,343.96	\$25,378.57	\$26,393.71	\$27,383.49	\$28,341.89	\$29,263.02	\$30,140.90	\$30,969.77	\$31,744.02	\$32,458.26	\$33,139.89
	Weekly	\$468.15	\$489.05	\$507.57	\$524.61	\$545.04	\$562.75	\$579.63	\$595.57	\$610.46	\$624.20	\$637.31
	Hourly	\$11.70	\$12.20	\$12.69	\$13.17	\$13.63	\$14.07	\$14.49	\$14.89	\$15.26	\$15.60	\$15.93
10	Annual	\$26,169.78	\$27,291.99	\$28,373.27	\$29,437.28	\$30,467.58	\$31,457.77	\$32,401.51	\$33,292.55	\$34,124.85	\$34,892.67	\$35,625.41
	Weekly	\$503.27	\$524.65	\$545.64	\$565.10	\$585.91	\$604.96	\$623.11	\$640.24	\$656.25	\$671.01	\$685.10
	Hourly	\$12.58	\$13.12	\$13.64	\$14.15	\$14.65	\$15.12	\$15.56	\$16.01	\$16.41	\$16.78	\$17.13
11	Annual	\$28,133.20	\$29,328.86	\$30,502.01	\$31,645.83	\$32,753.44	\$33,817.93	\$34,832.46	\$35,750.35	\$36,685.12	\$37,510.53	\$38,298.26
	Weekly	\$541.02	\$564.02	\$586.58	\$608.57	\$629.87	\$650.34	\$669.85	\$688.28	\$705.48	\$721.76	\$736.50
	Hourly	\$13.53	\$14.10	\$14.66	\$15.21	\$15.75	\$16.26	\$16.75	\$17.21	\$17.64	\$18.03	\$18.41
12	Annual	\$30,242.94	\$31,528.27	\$32,789.40	\$34,019.00	\$35,209.66	\$36,353.98	\$37,444.60	\$38,474.32	\$39,436.17	\$40,323.49	\$41,170.28
	Weekly	\$581.60	\$606.31	\$630.57	\$654.21	\$677.11	\$699.12	\$720.09	\$739.89	\$758.39	\$775.45	\$791.74
	Hourly	\$14.54	\$15.16	\$15.76	\$16.36	\$16.93	\$17.48	\$18.00	\$18.50	\$18.96	\$19.39	\$19.79

Introduced by: Councilmember Hamilton

RESOLUTION #1989-56

WHEREAS, There currently exist 4 vacancies (1 tenant, 1 landlord, and 2 general public representatives) on the City's Commission on Landlord-Tenant Affairs that need to be filled; AND

WHEREAS, no Landlord Representative applications have been received to date.

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:

Norman Gleichman, General Public Representative

Bill Batko, General Public Representative

Gloria Iposu, Tenant Representative

BE IT FURTHER RESOLVED, that these appointments becomes effective July 1st, 1989.

Dated this 30th day of May, 1989.

Introduced by: Councilmember Hamilton
(Drafted by J. Wilson, P. Jewell)
(Consent Agenda)

Dated: May 30, 1989

RESOLUTION #1989-57

- WHEREAS, as a matter of practice, the City Administrator has been designated to serve on the Takoma Park Volunteer Fire Department Board of Directors; AND
- WHEREAS, designation of this role does not appear in the City of Takoma Park Code of 1972, as amended; AND
- WHEREAS, Section 5 of Ordinance 2315, adopted on 7/22/74, identifies the Assistant City Administrator as the designated Fire Marshall of the City of Takoma Park, Maryland; AND
- WHEREAS, the role of Fire Marshall is not designated as a required seat on the Takoma Park Fire Board; AND
- WHEREAS, it has been common practice over the past fifteen years for the City Administrator to serve on the Board of Directors for the Takoma Park Volunteer Fire Department; AND
- WHEREAS, there is no specific authority in the Takoma Park City Code for maintaining a position on the Fire Board.
- NOW THEREFORE BE IT RESOLVED, THAT the Mayor and Council hereby endorse the transfer of the Fire Board seat currently held by the City Administrator to be held by the Volunteer Fire Chief; AND
- BE IT FURTHER RESOLVED, THAT Councilmember Paul d'Eustachio and Councilmember Gregory Hamilton will continue to serve on the TPVFD Board, as Council Representatives until their 2-year terms expire on November 7, 1989, the City's Election Day.
- BE IT FURTHER RESOLVED, THAT the Takoma Park Volunteer Fire Department Board of Directors is encouraged to amend the official bylaws of that organization to reflect the change noted in this Resolution.

Dated this 30th day of May, 1989.

Filename: TPVFD.BRD

Introduced by: Councilmember d'Eustachio

First Reading : 5/15/89

Second Reading: 5/30/89

ORDINANCE #1989-18

TO BAN CITY PURCHASES OF SHELL PRODUCTS

- WHEREAS, the citizens of the City of Takoma Park, Maryland, recognize their collective responsibility as a community to express their repugnance of and moral outrage against the racist apartheid regime in South Africa and to take action to bring about the end of apartheid; AND
- WHEREAS, the system of apartheid in South Africa is a form of institutionalized racism which denies the majority of the population fundamental human rights including the right to participate in the political process; AND
- WHEREAS, apartheid further denies and limits the majority of the population's basic human and civil rights to employment, education, freedom of speech, press, and assembly, and a just legal system; AND
- WHEREAS, the City of Takoma Park, Maryland, asserts its rights to measure the moral character of its business relations in determining with whom it shall conduct business; AND
- WHEREAS, Royal Dutch/Shell is a key multinational oil company which supplies fuel to the South African police and military, the brutal enforcers of apartheid, and maintains investments and operations in South Africa; AND
- WHEREAS, Royal Dutch/Shell is the target of an international boycott of all of its subsidiaries and products because of its involvement in South Africa; AND
- WHEREAS, Royal Dutch/Shell and its wholly-owned subsidiaries, Shell South Africa and Shell Oil Company (U.S.A), does do business in and with South Africa and, thus, profits from the apartheid system; AND

WHEREAS, on September 9, 1985, the Mayor and City Council of Takoma Park, Maryland, adopted Resolution #1985-26, which called for the U.S. government to prevent private and public investment in South Africa and to end all forms of constructive engagement with South Africa until the apartheid system is ended and all human beings within their borders are restored to free and equal status under law.

NOW THEREFORE BE IT RESOLVED, THAT the City of Takoma Park, Maryland will no longer do business with Royal Dutch/Shell and Shell Oil Company until Royal Dutch/Shell completely withdraws from South Africa; AND

BE IT FURTHER RESOLVED, THAT the City of Takoma Park, Maryland and all of its departments and agencies are immediately prohibited from purchasing any Shell products until Royal Dutch/Shell completely withdraws from South Africa; AND

BE IT FURTHER RESOLVED, THAT the City of Takoma Park, Maryland from this day forward be declared "Shell-Free" until that time when Royal Dutch/Shell disinvests from South Africa.

ADOPTED THIS 30th DAY OF May, 1989, BY ROLL CALL VOTE AS FOLLOWS:

AYE: d'Eustachio, Douglas, Hamilton, Leary, Martin

NAY: None

ABSTAINED: None

ABSENT: Elrich (for vote); Sharp

Filename: SHELLBAN

Introduced by: Councilmember d'Eustachio
Drafted by: A. R. Giancola

Adopted: May 30, 1989
(Single Reading)

Ordinance No. 1989-19

An Ordinance to Provide Street and Drainage Improvements
throughout the City of Takoma Park

WHEREAS, the Council earmarked \$200,000 in FY-1989 and additional funds in FY-1990 for the use on high priority street and drainage improvements throughout the City; AND

WHEREAS, bids were solicited from qualified contractors by advertising in the Washington Post, the Blue Report and the Dodge Report; and

WHEREAS, a pre-bid conference was held on May 15, 1989 at 2:00 p.m. with 2 interested contractors present; AND

WHEREAS, bids were publicly opened at 2:00 p.m., May 23, 1989 with five bids received; AND

WHEREAS, NZI Construction Corporation has submitted the lowest bid which is considered both responsive and responsible.

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

THAT the bid received from NZI Construction Corporation is hereby accepted; AND

THAT work orders under this procurement be charged to the Capital Expenditures Account #995.

Adopted this 30th day of May 1989.

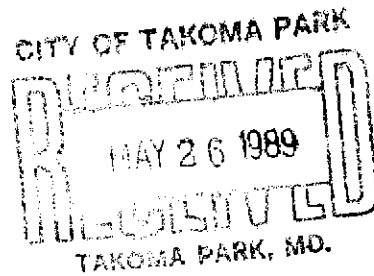
AYE: d'Eustachio, Douglas, Hamilton, Leary, Martin

NAY: None

ABSTAIN: None

ABSENT: Elrich (for Vote); Sharp

City of Takoma Park Maryland
7500 Maple Avenue
Takoma Park, Maryland 20912
Office of City Administration



Sirs;

This is in answer to a letter sent to residents at 7715 and others on Greenwood Avenue. I am one of the residents in the dwelling 7715. I am a mature citizen and employed at Columbia Union College. I have to use the Greenwood avenue stretch as I go to and from school, and the church on the corner - the Sligo church.

Many young persons live in the houses on this street, and many drive very, very fast. Many a time I have had to jump curb to keep from getting hit. Since this is a through way, cars drive by all night, and sometimes at a terrific speed.

I would be in favor, and I think others in my building of closing the Division Street, and putting SLOW signs, Speed 25 MP Hr. (However) at the end of Greenwood on Carroll, and at the end of the school property going toward Maple. This will allow residents here to get in and out of their dwellings, and on Sabbath's church day, members to use all the parking lots on school property, and the one side of the avenue. The congregation is very large. I suggest this as a first step, and with the slow signs many problems would be solved. A few arrests of the high speed would also be effective ~~and~~ possible. The Division closing is long overdue. Children sometimes play in the Division street and Greenwood. So slowing down the traffic and closing Division Street would be ideal.

Mrs. Malissa Buybaid
Part-time employee-Staff
Columbia Union College.

WE THE RESIDENTS OF WOODLAND AVE. FEEL THAT 3 SPEED BUMPS INSTEAD OF 2 WOULD PROVIDE US WITH THE SAFEST STREET.

Signature	Address	Phone
Laura E Ekstrand	7106 Woodland Tr. Pk. Md	270-4814
Michael Meredith	7006 Woodland Av. " "	270-3157
Karin Anderson	7007 Woodland Ave Takoma Pk	270-4774
Susan Weitz	7017 Woodland Tak Pk	270-5481
Zingee C. Whitely	7103 Woodland Takoma Pk.	270 270-8366
Bill Pasnik	7107 Woodland Takoma Pk	270 8520 270-2414
John A. [unclear]	7109 Woodland Takoma Pk, MD	
Thomas McPherson	7113 Woodland Ave Takoma Pk, MD	270 0156
Robert M. Oleson	7120 Woodland Ave Takoma Pk, MD	20912
Nelen Saxenian	7005 Woodland Ave Takoma Pk, MD	20912
William A. Eget	7106 Woodland Ave Takoma Pk, MD	20912
Stephen Duffell	7104 WOODLAND AVE TAKOMA Pk, MD	20912
Kathleen [unclear]	7105 WOODLAND AVE TAKOMA Pk, MD	20912
Jeffrey [unclear]	7102 WOODLAND AVE TAKOMA Pk, MD	20912
Paul Seaborn	7016 Woodland Ave Takoma Pk MD	20912
Leop Leder	7014 Woodland Ave Tak. Pk MD	20912
Ted Sims	7009 Woodland Ave Tak. Pk MD	20912
Walt May	7010 Woodland Ave Takoma Park MD	20912
Bill Addy	7008 Woodland Ave Takoma Park, MD	20912
Darlene K. Burnett	7004 Woodland Ave. Takoma Park	20912
[unclear]	7012 Woodland Ave. Takoma Pk	20912
Douglas Paul Chadwick	7000 WOODLAND AVE TP. 20912	270-4532
Barbara [unclear]	7110 Woodland Ave. TP 20912	270-6819
Carol Triegenberg	7114 Woodland Ave T.P 20912	270-9455
Luis P. Torres	7118 Woodland Ave TP 20912	270-3165
Mary Louise Sisk	7117 Woodland Ave T.P 20912	270-4921

M+C
5/24/89 PCK.

WHERE AS MR CHARLES GARLOW (et al) SEEKS A PERMANENT RIGHT-OF-WAY

VIA COLBY AVE. AND;

WHEREAS WE THE UNDERSIGNED EMPHATICALLY OPPOSE GRANTING SUCH PERMANENT

RIGHT-OF-WAY, WE HEREBY LIST SOME OF THE RELEVANT CONSIDERATIONS

WHICH EXACERBATE AN ALREADY HEAVILY IMPACTED NEIGHBORHOOD.

TO WIT:

1. Colby Ave. and Cherry Ave. do not have sidewalks
2. the above narrow streets are utilized not only for vehicular traffic and on-street parking, but also pedestrian passage and bicycles
3. the Right-of-Way would cross directly over the newly installed footpath to Hayward Ave. and Larch Ave.
4. the east end of Colby does not have a turn-around area
5. the newly installed footpath is the sole means of passage from Colby Ave. and Cherry Ave. as well as Aspen Ave and Aspen Ct. for:
 - a. students catching their school bus at Larch and Elm
 - b. people taking the Metro-bus along NewHampshire Ave. or Ethan Allen Ave.
6. the only alternative for pedestrian traffic, Sligo Creek Parkway, is neither suitable nor safe
7. having vehicular access via a street exclusively, other than the listed address of the property presents confusion if not potential catastrophe for Police, Fire and other Public Service agencies
8. Mr Garlow was fully cognizant of the condition of his mother-in-law and the exceptionally challenging topography of his lot prior to siting the house upon it
9. the citizens of the Colby/Cherry Neighborhood Association favor an extension of, rather than an impingement upon any precious Green Space

NAME

ADDRESS

NAME	ADDRESS
- Florence Ross	- 811 Colby Ave, Takoma PK. MD ²⁰⁹¹²
- Theodore Rooda	706 Colby. 891-2344
- Ramsey C. Shaw	813 Colby ave 270-1518
- Albert H Gross	" " " "
- Dana Kariem	816 Colby ave 270-6870
- Lynn Hayes	815 Colby Ave 270-0799

NAME

ADDRESS

- Katherine Rozee 812 Colby Ave. J.P., MD 20911
- Lorraine & Cecil Brown 805 Colby Ave. J.P., MD
- Ernest & Nell 811 Colby Ave 20912
- Dorothy Russell - 811 Colby Ave Takoma Park, MD
- Rebecca & James M. Robinson 711 Colby Ave Takoma Park, MD 20912
- James Robins 711 Colby Ave
- William & Alice Matthews 715 Colby Ave.
- John & Betty Smith - 817 Colby Ave.
- Barbara J. Brown, 804 Colby Ave.
- Loretta A. Lucker, 713 Colby Ave.
- Constance M. Brown 715 Colby Avenue
- Lucy J. Matthews 715 Colby Ave
- Dorothy Dickerson 806 Colby Ave.
- ~~Frank 800 Colby Ave~~