

CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council  
June 5, 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	Public Works Director Giancola
Councilmember Leary	Recreation Director Ziegler
Councilmember Martin	Corporation Counsel Silber

ABSENT: Councilmember Sharp

The Mayor and City Council convened in Special Session at 7:35 P.M. on Monday, June 5, 1989 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

ITEMS FOR COUNCIL ACTION:

1. Adoption of FY 1989-90 City Budget.

The Mayor noted copies of the proposed budget as accepted for First Reading and with the proposed amendment/revision were provided. The Mayor noted that in Section 1. of the amended budget there appeared to be a typographical error, i.e., the figure in parentheses immediately following \$7,494,040 appeared to be incorrect; it was affirmed that was so. Additionally, he noted that the amended version contained an additional clause, Section 7., which had been inserted at the request of Councilmember Douglas and would make an annual allocation of \$80,882 to the equipment replacement reserve fund.

Councilmember Douglas explained that the idea had been discussed several times in worksession of putting aside a certain amount each year into an equipment replacement reserve to act as a sinking fund for certain sorts of large items that were purchased infrequently. He said the criteria tentatively decided upon was that items purchased from that fund would be equal to or greater than 1/2% of the total budget and that the elected body would try to endow that fund entirely in the budget presently pending adoption, using some of the unappropriated reserves for that purpose. In the course of budget manipulations in the past few weeks, he said he felt some things regarding that fund had gotten changed in a way that was not consistent with the Council's original intent. He moved to amend the new Section 6. (printed on blue pages) so as to reflect \$287,019 as funding for equipment reserves, and inclusion of new Section 7. indicating a 1990 payment to that fund of \$66,349. He said that would leave an unappropriated reserve at the end of the year of \$14,151. Councilmember Elrich duly seconded the motion to amend.

The Mayor noted the ordinance had not been formally moved for adoption, however, Councilmember d'Eustachio asked that any proposed amendments be brought forth prior to such a move for adoption. Mr. d'Eustachio noted he had disseminated copies of some material to the elected body, and pointed out there were copies available for others. He said what he had done was a brief analysis of the City's projected cash flow position over the next 10 years; he said it was somewhat generalized inasmuch as numbers had not been calculated down to the penny, but it did indicate the City cash flow and net cash position for the coming 10 year period. He said, frankly, if it did not frighten those who viewed it, then they were much more willing to take risks than he was or else did not mind going into bankruptcy. Mr. d'Eustachio summarized the projections he had made, pointing out that personnel costs would exceed tax revenues, which meant that expenses were inflating faster than revenues and would put the City in a hole. At the end of 10 years, he said he projected there would be a shortfall of about \$1,500,000. He said his concern about the amended version of the budget that was before the elected body and which contained a proposal for a bond issue was that it involved a substantial interest payment on that bond. He said while Mr. Elrich had stated in his memorandum that he believed there was sufficient cash flow to cover the debt service for the bond issue, he personally disagreed with that contention. He said he frankly thought either an

increase in the tax rate or a substantial cutback in services, or both, were inevitable; the simple fact was that expenses were inflating at a more rapid rate than revenue, which was something the City Administrator had pointed out to the elected body a couple of months ago. He said putting the figures down on paper underlined the correctness of Mr. Wilson's original analysis -- and adding the debt service related to a bond issue would simply exacerbate the problem. Mr. d'Eustachio said he would argue that, in terms of the cash flow alone, it would not be prudent to proceed with creating an additional 3/4 of a million liability without some further fairly serious analysis. He pointed out that while putting the \$172,000 in unappropriated reserves in the bank and allowing it to draw interest was an integral part of Mr. Elrich's proposal, no one had any means of requiring subsequent Councils to do anything, and to predicate an action on a revenue stream the present Council could not guarantee would not be wise. He said basing the whole proposal on a net present value analysis and justifying it by that was a risky undertaking; net present value was a tool used primarily to analyze investments when one expects a return, and there would be no cash return from putting asphalt on a street. Finally, he said he felt the differences pointed up by what was reflected in Mr. Elrich's analysis and what was reflected in his own were an indicator that not enough analysis of the situation had yet been done; to proceed under that condition of inadequate analysis with something as momentous as a bond issue would be foolhardy. He said that most jurisdictions proceeded with a bond issue only after it had been approved by a referendum; unfortunately, the City's Charter did not make such a provision, however, the elected officials should recognize nonetheless that issuing bonds was a delicate issue. He said there was considerable furor, a lot of public input, some years ago when the bonds were issued to fund construction of the present Municipal Building, and it would be a disservice to the City's citizens for the elected body to proceed with the amended version of the budget.

Councilmember Elrich commented there were several different ways of viewing the issue; he said he was not relying solely on net present value in his proposal, though he felt it to be an important concept and felt it important to translate the dollars spent into real dollars. He said while it had been calculated that about \$243,000 in interest payments and costs would attach to the bond issue, if the interest loss on monies that would have to be spent out of reserves in the coming year and for the next 10 years were calculated, it would probably amount to around \$200,000 -- thus the difference between interest paid and that lost would be quite small. In addition, lacking a bond issue, he said about \$250,000 worth of road work would have to be deferred; the condition of the roads would continue to deteriorate and the nature and scope of the necessary work would expand; the ultimate cost, given the continuing rate of inflation, would be substantially more than were it done in the near future -- with the same scenario holding true for the Library. He said the bond issue would actually end up costing the City very little over a 10-year period, if the Council made optimistic assumptions about the future of construction costs. If the amount of interest lost versus the amount of interest paid were converted to 1989 dollars over the 10-year period, then the bond appeared even more favorably -- it became a net winner for the City to the extent a city in the sort of financial situation Takoma Park was could be considered a winner. He said it would certainly have a positive effect over the 10-year period. While the present Council could not dictate how future Councils would spend money, he said if the existing reserves were put at a higher level and a future Council had to dip into them, there would still be more there earning interest than there otherwise would have been. He said to reduce the reserves, as had been proposed, would result in a net loss of revenue to the City over a 10-year period, and there was no way of getting around that fact. Mr. Elrich said he did not view the bond issue as a panacea, but did view it as a means of bringing the City to the point where it could proceed with a program of road maintenance as opposed to continuing to try to pay out of revenues for reconstruction of infrastructure. He said he did agree with Mr. d'Eustachio's longterm analysis indicating that the City was facing difficult times and there would be pitfalls to be faced down the line; however, he would add that the elected body had knowledge of several commercial projects, not included in current

budget revenues, that would add over \$100,000 to the City's tax revenues. If that amount were taken, and the same 7% inflation rate added as Mr. d'Eustachio had used in addressing tax revenues, the scenario over the 10-year period would be altered. While it would not be wonderful, there would not be large surpluses, at least the large cumulative gap which Mr. d'Eustachio had depicted would be reduced to a small gap and perhaps no gap, depending upon circumstances. He said he felt the time was right to borrow money, the City could do so at about 7% interest rate, could save reserves and probably earn in the neighborhood of 9% on those savings, and he thought it would be a smart move to proceed in that direction.

Councilmember Hamilton commented he would not vote in favor of the amended budget -- that he had to vote not only in accordance with the dictates of his own conscience, but also in line with what he heard from his constituents. As a result, he said he could not support the bond issue because it had been added at the last minute -- at Second Reading of the budget ordinance, subsequent to publication of budget information in the Newsletter and to the public hearings on the budget. He pointed out that the entire Council had not been afforded the opportunity to participate in the decision-making about where money from a bond issue would be spent -- the proposal at hand had been formulated by one member of the body. He said he had raised the question of whether a worksession would be held to iron out that and other problems, e.g., the repayment process, can the City issue a bond, how does certification occur, and what would be done with the reserves remaining in City coffers as a result of a bond issue -- could additional programs be financed if a bond were issued. He said he had heard these issues raised by residents of his ward, understood they were the sort of thing generally addressed in public hearing accompanying the budget process. Acting on last minute budget proposals, presented when the entire Council was not even present, precluded the appropriate publicity, public input, and good solid decision-making due to built-in time constraints on budget adoption, such as the need to set the tax rate. He inquired, if bonding went through, whether the \$35,000 summer youth program could be funded -- pointing out that program had had more testimony and support than any other thing in the budget -- 16 out of the 25 people attending a budget hearing because of that item had testified in favor of it. He asked whether the youth of the city would be put at the same level of necessity as curbs and gutters in the city. Mr. Hamilton said he had had a lot of questions from constituents since the last Council Meeting regarding what was going on, and lacking answers to what he felt were necessary questions, he would not be ready to commit the citizens of the city to going into debt over \$70,000 a year for the next 10-year period, when the originally proposed budget had already been balanced. He granted that a small amount had to be taken from reserves in order to do so, but said that if the Council, including himself, had not made policy and program decisions that cost the City over \$200,000 that had not been budgeted for, the reserves would not have had to be gone into.

Councilmember Leary remarked that there appeared to have been two basic arguments offered in support of the bonding proposal, i.e., the need to replenish the depleted unappropriated reserves and the need to fund infrastructure repairs.

Regarding replenishing the reserves, he said that made little sense to him, pointing out that after numerous discussions in the past year, the Council had decided to allocate the unappropriated reserves because they presented an irresistible temptation to spend -- and to spend outside the discipline of the normal budgetary process. He said he would question how much reserves were enough, pointing out that there was close to \$1,000,000 worth of allocated reserves in the proposed budget. He said that under the latest proposal which included Mr. Douglas' amendment, only about \$110,000 of the \$172,000 would go into appropriated reserves and draw interest, the remaining \$60,000 of unappropriated reserve would most likely be spent over the next year or so when a need arose. Mr. Leary said that the originally proposed budget, according to his calculations, would yield around \$125,000 in additional revenue next year that could earn the same interest as the bond money -- about \$70,000 from the Capital Reserve (which was slated for abolishment), \$35,000 remaining from the

\$200,000 allocated for infrastructure repairs in FY 1989 and which was not spent because the winning contract was lower than anticipated, about \$20,000 to complete the Emergency Equipment Reserve and which Ms. Habada had assured him would be available by the end of the fiscal year. He said that would be adequate to fund the equipment reserve without bonding, or alternatively, would be enough to significantly increase the amount of money authorized for expenditure on infrastructure repairs in the coming year.

Mr. Leary said while all would like to be able to spend more as quickly as possible on infrastructure repairs, he had questions about whether the taxpayers should be saddled with \$750,000 worth of indebtedness in order to complete a list of medium priority repairs to city streets in one year rather than in two or three years. He said he thought the necessary repairs could be completed in a maximum of three years, but if the City reached a point in that time that \$100,000 a year could not be spent for that purpose, then he would more willingly and seriously consider a bond proposal. He said he had yet to see any hard evidence that spreading the work out over a three year period would significantly increase the total cost; he pointed out that at least \$125,000 worth of the work consisted of curb and gutter repairs, and that should not increase exponentially within two years. Additionally, he pointed out that a \$40,000 patching machine had been purchased for Public Works, which should help them to keep any bad resurfacing problems from worsening significantly. In conclusion, he pointed out that the \$200,000 estimate for highest priority infrastructure repairs had turned out to cost 25% less than originally estimated. He said the bond issue did not have majority support from the Council and was far too important an issue to rush into based on a decision made by a minority vote plus the Mayor's. He asked what the minority favoring bonding would do 2-3 years hence when the City Administrator and Public Works Director brought forth a \$350,000-\$650,000 proposal to enhance the Municipal Building -- an item that was already in the Public Works Director's 5-year program -- would another bond issue be floated, saddling taxpayers with 1-1/2 to 2 million dollars worth of bonds? He said he felt it fair to say that if the current bond proposal went through, there would be no Municipal Building enhancement or renovation in the next 10 years, and he would urge that the elected body proceed with caution.

Councilmember Martin said she was basically in favor of the bond, had supported the Council examining the issue of bonding in the past, but staff had been told not to prepare any figures or analysis because the issue had been voted down by the majority of Council and that was why Mr. Elrich's proposal came at a last-minute point in the process. She said the City had been playing catch-up on capital equipment items over the past 5-7 years, had been ignoring road improvements and other infrastructure type work, and it was now time that that be addressed. She said she would be opposed to bonding for the purpose of purchasing capital items that would have to be replaced, e.g., trash trucks, however, the equipment fund would take care of those sorts of things, and she felt it made sense to proceed with the infrastructure work and spread the cost out over a period of years.

Councilmember d'Eustachio pointed out that of the existing medium priority infrastructure repairs, \$73,000 worth of them were earmarked for Block Grant funding, approximately \$133,000 were curb and gutter work, so \$200,000+ of the work was either not deteriorating exponentially or else the City had another source of funding for the work -- so, basically, there were \$125,000 worth of such projects the City needed to do next year.

The Mayor referred to the questions raised by Councilmember Hamilton, and pointed out that under the circumstances those were not as applicable as they would be if the City were floating a bond issue, because what was actually being proposed was that the City participate in the State Bond Program. He pointed out that the bond issue would enable the City to proceed with the Library renovation as a single project, rather than breaking it down into three, which would add to administrative costs by having to put out three separate bids on three separate phases of work on a single building. Additionally, he said the bond issue would enable accomplishment of a major improvement to the leaf mulch system -- a service that all in the city would enjoy --

as well as the services provided by the Library. He said the improvements would be enjoyed for the next 10-20 years, and it made sense to him that the cost be spread out over the next 10 years and be borne by those who live in the city. He said there would be other major costs coming up, and he feared if the cost of the items mentioned were not financed now, then the City would not be able to do them. He said that while much had been made over the fact that an attempt was being made to address middle priority infrastructure work, such terms were relative -- what was essentially being looked at was a set of road improvements that were originally identified in 1982 and had gone essentially unattended since that time, except for the attempt made in the current year toward improvement. He pointed out that Mr. Giancola had mentioned recent examinations of City streets indicating that the original priorities had altered and worsened significantly in some cases due to the streets having been neglected. He said it could not be known for certain whether some of the streets indicated on the list as medium or low priority were still in fact in that category, considering that the streets had gone unattended except for Block Grant expenditures and the money spent in the current fiscal year. He said he did not think anyone could dispute the fact that there were serious infrastructure needs that the City had not been able to address.

Councilmember Elrich commented that his intention had been to designate which reserves the bond money should go into; he said he had never had any intention of money going into the unappropriated reserves, because he shared Mr. Leary's concern about such money being too much of a temptation to spend. He said he felt the City was going to have to live with a tight and disciplined budget and the unappropriated reserves should be kept as small as possible so as to remove any temptation to overspend. He said if he had to make a choice between doing the work necessary to repair and maintain the City's infrastructure and renovating and providing more office space for the Municipal Building, then the infrastructure work had a higher priority for him and he felt it to be more important in the overall picture, and the Municipal Building should be dealt with through some other means. He said the only reason \$100,000 worth of infrastructure work was done in the current year was because the reserves were dipped into -- the cash flow would not handle it, and there was no reason to assume that it would next year either. He said he felt the way in which the proposed budget had to be balanced made a case for the fact that it was an appropriate time to think about bonding. Mr. Elrich inquired whether Public Works Director Giancola would wish to rebut any of Mr. Leary's contentions regarding curb and gutter work or the priority status of the infrastructure work.

Mr. Giancola commented that by definition, infrastructure included buildings, such as the Municipal Building, and they were handled accordingly in the Public Works 5-year plan. He said he had gotten into more detailed inspections of the streets during preparation of the first task order, which would be issued to the contractor within the coming week or two. As mentioned at the May 30 Meeting, he said actual sub-grade damage was found on some of the streets, e.g., Kennebec, Houston and 14th Street, and those would have to be patched prior to being overlaid, so the costs would be higher. He said he had asked for revised estimates on the work on the priority list, and based on detailed estimates furnished by Mr. Guilford's staff, the original \$182,000 worth of high priority work now amounted to actually about \$209,000 worth, so the cost of the accelerating damage was already being seen. Regarding curb and gutter work, he said exponential damage occurred mainly on streets -- once curb and gutter was broken, it had to be replaced totally rather than patching. He said the streets contract was open-ended, no specific dollar amount had been set other than an intention to spend up to \$200,000, and he did not anticipate having money left over at the end of the year; his intention was to complete the high priority items on the list and then move on to the next grouping.

Responding to query from Mr. Elrich, Ms. Habada said that it presently appeared to her that there would be money remaining at the end of the year. She said more revenue had been received from State Income Tax than had been anticipated, as well as from highway tax, and the anticipated deficit in property taxes would be made up for because the State Assessment Office had given the City an incorrect figure for

certification of real property on the Montgomery County side. In addition, she said revenue from parking meters had tripled over what was budgeted based on the new meters that were installed; all in all, the City would do better revenue-wise than what was originally projected. She said she would be putting together a budget amendment for First Reading at the June 12 meeting, and would then have a better picture of what revenues versus expenditures would look like.

Councilmember Douglas remarked on the difficulty of following the numbers being cited by various speakers, however, he said while he felt sure Mr. Leary was well-meaning in his commentary, what the Public Works Director had just related appeared to indicate that the City's finances would not be in as good condition as Mr. Leary had projected. He said he felt Mr. d'Eustachio had done the elected body a service by his analysis and his observation that cash flow was an important consideration and he supported his position, however, also thought the City was in a terrible cash flow situation, trying to do a lot of things with savings, and if one looked ahead, the money was simply not there to do the things that either had to be done or needed to be done. He said the Council had made great strides in the last few months in terms of sound fiscal management with the emergency reserve and with establishing an equipment replacement reserve, and whichever way the vote went on the budget, he intended to ensure that the equipment reserve was as sound as possible; under Mr. Elrich's proposal, about \$14,000 would remain in unappropriated reserves at the end of the current fiscal year, and he said he would not feel comfortable with a lesser amount, so as to afford some flexibility in the event some unforeseen expense should arise. On the other hand, he said he was not persuaded Mr. Elrich's proposal provided a panacea. He said the cash flow analysis Mr. d'Eustachio had provided was frightening, and he wished it had been disseminated 2-3 months earlier -- perhaps a bit more discipline would have been used in the approach to the budget. He said while a little more revenue might be gained if more equitable rebates were vigorously pursued from the counties, even that would not solve the cash flow problems reflected by Mr. d'Eustachio's analysis; regardless of which path the Council elected to take on the budget, it would be only an initial step and there would be serious problems to address regarding what future route the City should take, e.g., whether to raise taxes or to consider which services were not absolute necessities and could be abolished. Mr. Douglas said he felt commitments had been made, however, to renovate the Library and to do some of the infrastructure repairs that had been long neglected, and the budget situation would be about the same whether those things were done this year or next year; he enumerated other things that could probably be postponed but would still have to be done eventually in order to keep operating, i.e., the boiler replacement, replacement of a roof, and getting the City in a good environmental situation with the leaf collection. He said he had agreed to support Mr. Elrich's proposal provided it were held over a week from the May 30 meeting to allow some time for examination and consideration, and he felt that had been both wise and beneficial; while he had wavered back and forth to some extent while listening to his colleagues at the present meeting, he had decided to support Mr. Elrich's proposal with the condition that the elected body deal seriously with structural budget problems prior to the 1991 budget cycle -- there was still time during the summer and early fall for the present Council to begin to examine alternatives, to talk about what policy priorities were, and the next Council would have to pick up and continue that work because they would inherit an enormous budgetary problem, and he did not think it would be made worse by taking care of problems that all agreed needed to be taken care of -- the underlying structural problems would remain. Mr. Douglas said that, at the appropriate time, he would introduce his amendments and would support the main motion.

Councilmember Elrich moved adoption of the amended version of the budget providing for a bond issue, duly seconded by Councilmember Martin. Councilmember Douglas moved his previously outlined amendments which would change the figure in new Section 6. to \$287,019, and insertion of a new Section 7. with a figure of \$66,349; Councilmember Elrich duly seconded the motion to amend. Mr. Douglas reiterated that these were basically technical amendments and conformed to some decisions made earlier by the Council. The motion to amend carried by

unanimous vote of those present.

Councilmember d'Eustachio said he would apologize in advance to staff for the trouble it would create, however, said he would not be part of a quorum of the Council that would pass a budget taking as serious a step as floating a bond without adequate public notice and passed by a minority of the Council. Councilmember Leary remarked he would second Mr. d'Eustachio's statements. Councilmember Hamilton stated he, too, would not be present for the vote.

Councilmember Douglas pointed out there was not now a quorum of the Council present. For that reason, the Mayor said the meeting stood adjourned and no further action would take place. The time was 8:55 p.m. He said the Council would reconvene in worksession, and, hopefully, sometime within the coming 15 days a quorum would be convened so as to take up the business of enacting the budget for the coming fiscal year.

After a brief interim, the members of the Council who had departed the meeting returned and the meeting reconvened at 9:10 p.m. Councilmember d'Eustachio moved to table the budget ordinance, duly seconded by Councilmember Leary; the motion carried by a 3-2 vote.

**2. Adoption of FY 1989-90 Tax Rate.**

Councilmember d'Eustachio moved to table the item, duly seconded by Councilmember Leary. The motion carried by a 3-2 vote (Councilmembers d'Eustachio, Leary and Hamilton voting Aye; Councilmembers Douglas and Elrich voting Nay; Councilmember Martin temporarily absent).

**3. Adoption of Amendment to Personnel Classification Plan.**

Councilmember Hamilton moved adoption, duly seconded by Councilmember d'Eustachio. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Hamilton and Leary; NAY: Councilmember Martin; ABSENT: Councilmembers Elrich and Sharp.

ORDINANCE #1989-20  
(attached)

Councilmember d'Eustachio moved to table agenda items #4, the FY 1989-90 Pay Plan, and #5, the FY 1989-90 Executive Pay Plan; the motion was duly seconded by Councilmember Hamilton and carried by a 3-2 vote.

City Administrator Wilson recommended tabling agenda item #6, Ratification of the Local 400 Collective Bargaining Agreement, explaining that the Pay Plan was an integral part of the bargaining agreement.

Susan Flashman, 8306 Roanoke Avenue, Apt. #5: spoke in favor of proceeding with ratification of the union contract; said she saw no reason the agreement could not be ratified without the Pay Plan, since they would be voted upon separately. She said it appeared to her the union contract was a labor agreement, independent basically of the pay plan, although it would be ineffective lacking that. She stated she was a member of Local 26 I.B.E.W., strongly supported Local 400's efforts to organize the City, and commented it would benefit both the City and citizens to have the City employees represented by a union to ensure their rights were accorded them, which might not occur lacking unionization.

Councilmember d'Eustachio commented it was his opinion, and he believed his colleagues concurred, that the Council would proceed with the ratification. He said he did, however, move to table the item.

The Mayor explained that in the absence of a City budget ready to go forward on July 1, the City would not be able to meet the commitments required by the Collective Bargaining Agreement, particularly the increases in pay provided for therein. For that reason, he said he concurred with Mr. d'Eustachio that the item should be tabled for the present. He said he thought all the elected officials agreed that having Local 400 representing City employees was a positive thing, a very successful set of negotiations had taken place, and the resulting agreement was good. He said tabling of the item was simply a reflection of the very unfortunate circumstances the elected body was in vis-a-vis the City budget. Mr. Wilson pointed out that the

contract had not yet been formally signed due to both the principals being out of town; he said he and Corporation Counsel Silber had completed their review of the agreement only earlier in the day, and a one week delay would have no adverse effect.

Councilmember Hamilton duly seconded Mr. d'Eustachio's motion to table; the motion carried with Councilmember Douglas voting Nay, balance of those present voting Aye.

**7. First Reading of an Ordinance Authorizing Purchase of a Copier Machine for Public Works.**

Councilmember d'Eustachio moved acceptance for First Reading, duly seconded by Councilmember Leary. Councilmember Douglas noted that this was not an item for which funds were originally allocated in the budget; he inquired how it would be accommodated within the budget. Mr. Wilson explained that it would have to be purchased from Contingency funds or else be included in a forthcoming Budget Amendment before the end of the fiscal year. The Mayor noted that First Reading of the Budget Amendment would be scheduled for June 12, with adoption on June 26. Mr. Douglas commented he would support acceptance for First Reading, but would wish to examine the Budget Amendment prior to adoption of the ordinance to buy the copier. The ordinance was accepted for First Reading by unanimous vote of those present.

ORDINANCE #1989-  
(attached)

The meeting adjourned at 9:24 p.m., to reconvene immediately thereafter in Executive Session and subsequently in Worksession.



CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

June 12, 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	Community Planner Schwartz
Councilmember Martin	Housing Services Director Weiss
ABSENT: Councilmember Leary	Public Works Director Giancola
Councilmember Sharp	Recreation Director Ziegler

The Mayor and City Council convened at 8:11 P.M. on Monday, June 12, 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 22, 1989 Special Session, as written; Councilmember d'Eustachio duly seconded the motion, and the minutes were approved by unanimous vote of those present.

The Mayor noted that, at the request of one of the members of the Council, the elected body would meet briefly in Executive Session following adjournment of the regular meeting.

Mayor Del Giudice referred to his 6/8/89 memorandum to the Council regarding production of the City flag; he explained the committee was seeking authorization to proceed with production of 1 large flag primarily for indoor use and 500 small hand-held flags for sale/distribution at the Independence Day activities. He noted that the cost, in addition to the cost of certificates and prizes to be awarded, would run slightly over the \$2,000 originally budgeted, however, it was anticipated that a portion of the money would be recouped through the sale of the small hand-held flags. Consensus was that the City Administrator was authorized to sign the necessary purchase orders to proceed with production of the flags.

The Mayor noted he would be presenting the Council with copies of a proposed amended Charter, including a report from the Charter Review Committee outlining the process through which they had gone and their findings. He explained that he, Councilmember d'Eustachio and Councilmember Douglas had worked with the committee over the last several months, in conjunction with the Institute for Government Services at the University of Maryland, to come up with the recommended amendments. He said his hope was that the elected body would conduct a review and public hearing on the proposed new Charter in July, with final adoption within that same month. He noted a mandatory period would follow within which citizens could petition and/or review the Charter, could challenge the Charter or any of its provisions, and it was hoped that could be completed by early September, so that provision could be made should the Charter or any portion of it have to go to referendum at the general election in November. He remarked that the Institute for Government Services had been very helpful, as had the citizen members of the committee, who were very diligent in the work they did. Mayor Del Giudice summarized the proposed Charter changes, i.e., the Mayor would serve as liaison between the Council and the City Administrator and would be a full voting member of the Council, would recommend appointments to standing and ad hoc committees, and would serve as official representative to bodies outside the City unless he/she named a designated alternate. He said it was envisioned that the provisions which would make the Mayor a voting member of the Council would not go into effect until 1991, following completion of the 1990 Census and the redistricting that would occur. Regarding the role of the City Council, he said that group would serve as the policy-setting body of the City, would not be involved in routine decisions on implementation of policy and management of staff and resources, and that would be reflected in provisions giving the Council oversight of policy implementation and management through appointment of 3 City officers, i.e., the City Administrator, Clerk-Treasurer, and Corporation Counsel. The City Administrator would function as the chief administrative officer of the City, serving to

implement policy direction, manage City resources, and recommend policy to the Council. He should have control over all employees, except for the authority to appoint and dismiss the other two officers. The Clerk-Treasurer would assure an accurate and fair record of the City's finances and files, and the Corporation Counsel would provide legal advice to the Council as well as the City Administrator. It was noted that although there might be more than one side to any legal issue, the City's interests were not divisible among the Council, the City Administrator, nor any boards, commissions or committees; ultimately, it would be the Council who would decide what the City's interests and position were on any legal matter. It was noted that the committee had found the existing Charter to be overly specific in a number of areas, e.g., conduct of elections, and to contain materials not relevant, e.g., the status of Poplar Avenue; the proposed Charter would delete a great deal of material from what currently existed therein. They had found the existing Charter to be poorly organized, with unrelated subjects covered within the same overall sections and paragraphs; in addition to deleting materials arcane and overly-detailed, the proposed Charter would reorganize materials into 16 Articles set forth in a clearly-delineated and logical sequence. The proposed Charter would reflect budgetary decisions reached by the current elected body, e.g., establishment of an emergency reserve and an equipment replacement reserve, with considerable detail on those included so as to provide little flexibility. He said the committee had raised several questions they would wish the full Council to examine, i.e., whether to lengthen the Mayor's term of office to 4 years so as to increase the stature of that office, the number of affirmative votes required for adoption of an ordinance, recall provisions for elected officials, and the level of money involved in a borrowing decision which would require public notice and public hearing. The Mayor said he would raise one issue not included in the committee's report, i.e., that a future Mayor and Council might wish to consider a revision of Article II in which the corporate boundaries of the City are set forth. He pointed out that in order to change that provision, a thorough survey would have to be done, and that would cost some money. He pointed out that description was very old and outdated, not at all readily understood, and needed to be updated. He said the elected body would begin some initial discussion of the proposed Charter on June 26, would address it at least twice more during the month of July, and several copies of the document would be placed at the Library for public review.

Councilmember d'Eustachio commented on his participation in the process, saying it had been a remarkable experience and had restored his faith in committees. He said there was a wide variety of people on the committee, and they all did a vast amount of work. He said while a substantial number of changes to the existing Charter were proposed, the committee, by and large, seemed to be confident and comfortable with the changes and to feel they were an improvement. He said he felt what had been accomplished served as a testimony to the work and time that the committee members had invested; he said he had been very impressed with the efforts of those who participated and thought the product was excellent -- far superior to the best he had hoped for. Councilmember Douglas echoed Mr. d'Eustachio's comments, expressing thanks to the citizens and IGS staff who had participated. He said he felt they had succeeded beyond what they had originally hoped to do, and that the presence of interested and committed citizens was an important factor in the process. Mr. Douglas said IGS staff had been the grease that kept the process going -- they took the rough decisions reached and turned them into final language, going through draft after draft during the process. He said it had been a great committee, but he felt it demonstrated the fact that such a committee could only succeed when it had the appropriate staff to do the sorts of things that IGS staff had done. He said he hoped that at some point there would be an opportunity to more formally recognize the contributions of all members of the committee, as well as IGS staff.

The Mayor noted that the elected body would not be meeting in worksession on June 19 as they would be out of town attending the Annual MML Convention in Ocean City.

Councilmember Hamilton announced that on Saturday, June 24, from 12 to 4:00 p.m., there would be a grand reopening of the Municipal Gym at

the Firehouse. The Mayor remarked that Mr. Hamilton had worked very hard, along with City staff and the VFD, to turn the facility around. He said it had been a tremendous accomplishment and hoped residents would come out and attend the opening ceremony.

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

Wayne Upton, 7600 Maple Avenue: referred to a 12-page article from a recent issue of The Progressive Review regarding policies and issues related to drugs in the community. He said while the article referred particularly to D.C., a number of the suggestions could appropriately be utilized in Takoma Park. Mr. Upton noted June 17 was "Drug and Alcohol Awareness Day" in the City, and the annual activities would take place as they had in the prior two years.

ITEMS FOR COUNCIL ACTION:

1. Second Reading of an Ordinance Authorizing Purchase of a Copier Machine for Public Works.

Councilmember Hamilton moved adoption of the ordinance, duly seconded by Councilmember d'Eustachio. Councilmember Douglas commented that he fully supported the purchase, however, as a matter of principle, felt that the necessary budget amendment to transfer funds for the purchase should properly have occurred prior to adoption of the ordinance. He said he recognized the end of the fiscal year was imminent, but felt it important that things be done in an orderly fashion. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, and Martin; NAY: None; ABSENT: Councilmembers Leary and Sharp.

ORDINANCE #1989-21  
(attached)

2. Resolution re City Position on Montgomery County Preliminary Subdivision Application No. 1-89107 (122 Ritchie Avenue).

Councilmember Hamilton moved passage of version 2 of the resolution, duly seconded by Councilmember Elrich. Mr. Hamilton remarked that it appeared what the applicant wanted to do met all the pertinent criteria, and staff recommended support for the subdivision. For the record, the Mayor noted that the resolve clause imposed a condition on the City's approval, i.e., that the applicant locate any new structure on Lot 25 at least 10' from the lot line on the north side. The resolution was passed by unanimous vote of those present.

RESOLUTION #1989-59  
(attached)

3. Resolution re City Position on Montgomery County Preliminary Subdivision Application No. 1-89114 (157 Ritchie Avenue).

Councilmember Hamilton moved passage of version 2 of the resolution, duly seconded by Councilmember Elrich. Mr. Hamilton remarked that it appeared what the applicant wanted to do met all the pertinent criteria, and staff recommended support for the subdivision. The resolution was passed by unanimous vote of those present.

RESOLUTION #1989-60  
(attached)

4. Resolution Ratifying the Collective Bargaining Agreement Between Local 400 and The City of Takoma Park.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember d'Eustachio. The Mayor commented the elected body was happy that Local 400 would be representing a portion of City employees and thanked City Administrator Wilson for working with the Police Department in successfully completing the negotiations. Mr. Wilson remarked he would also wish to thank Chief Fisher for his cooperation both with him and with the leadership of Local 400. The resolution was passed by unanimous vote of those present.

RESOLUTION #1989-61  
(attached)

5. Adoption of FY 1989-90 City Budget.

The Mayor noted that the elected body remained significantly divided regarding certain issues pertaining to the proposed budget, however.

pointed out the need for adoption of a budget and tax rate at the current meeting. Lacking that, he said the City could face serious expenses -- tax bills would not be printed and distributed in a timely manner, tax revenues would not be forthcoming in a timely manner, and the City could face the prospect of having to exhaust reserves in order to meet payroll, with short-term borrowing becoming a necessity. He said for those reasons, he hoped some sort of compromise could be reached, particularly regarding the tax rate, so that the City could continue to operate normally at the beginning of the new fiscal year.

Councilmember Elrich moved to remove the (blue) amended version of the budget from the table, duly seconded by Councilmember Martin. The motion carried by unanimous vote of those present. Councilmember Elrich moved adoption of the (blue) amended version of the budget, duly seconded by Councilmember Martin.

Councilmember Douglas moved, and Councilmember Elrich duly seconded, to technically amend the ordinance by replacement of the figure reflected in Section 6. with the figure \$287,019, and addition of new Section 7. reflecting an allocation of \$66,349 for the equipment replacement reserve. The amendments passed by unanimous vote of those present.

Councilmember Hamilton moved to amend the proposed budget by deletion from the Capital Budget of the \$1,900 for rollerskating, with application of that amount to Recreation's budget to make up the \$4,000 necessary to fund installation of a ventilation system for the Municipal Gym; the motion was duly seconded by Councilmember d'Eustachio. For the record, Councilmember Douglas noted that this matter had been discussed to some extent among members of the Council; he explained that conditions were not optimum for rollerskating at the Gym, there was concern regarding liability, and there was also need to address a ventilation problem in the facility. The Mayor noted the absence of rails around the perimeter of the facility, which some individuals not experienced in skating would need for safety purposes. Mr. Wilson related he had spoken with the LGIF Risk Manager and, although there was no strict prohibition against rollerskating, they did express a whole range of concerns which they would want one of their risk control people to check out before making any recommendation that the City proceed with rollerskating at the facility; those included padding installation, maintenance of the gym and the skates, first aid availability, training of staff, etc. The proposed amendment passed by unanimous vote of those present.

Councilmember Martin commented she had some concern about Police Department policy issues, what they were intending to do in the coming year, and wondered if those could be discussed in worksession. The Mayor suggested she submit a short memo outlining her concerns, and said they would be scheduled for worksession discussion.

Councilmember d'Eustachio commented that while the members of the elected body were by now quite familiar with his arguments, he would reiterate them briefly for members of the public who may not have been present at earlier meetings. He explained that his major concern was that the proposed amended version of the budget contained a proposal that the City participate in a state bond pool to the tune of \$525,000; while the City would not itself be issuing bonds, they would be a part of a pool doing so and would be borrowing money. Over a 10-year period, an additional 1/4 of a million dollars worth of liability would be created, bringing the total tab to 3/4 of a million dollars worth of liability in round numbers over the aforementioned time period. He said he had a number of objections to the way in which the proposal was brought before the Council, and some substantial concerns about the issuance of the bonds themselves. He referred to the several month process, including public hearings, through which the elected body had gone in order to come up with a proposed budget, which was accepted for First Reading, and then subsequently amended at Second Reading to include a bond issue. He said while that was certainly legal, it raised certain procedural questions -- the elected body was proposing to create a substantial liability, a substantial indebtedness for the City, without ever having publicly announced the intention -- which he said was unthinkable to him. He noted neither a Newsletter article, nor any sort of public announcement, had occurred

to let the public-at-large know that such a move was being considered. He pointed out that many jurisdictions require a referendum before elected officials can make such a commitment, and said if it was the will of the Council that the City enter into the bond pool, he felt there was a way that could be done within the coming year in a procedurally correct way that included adequate public notice. Mr. d'Eustachio said he would propose that the Council adopt the budget as developed in worksessions and originally accepted for First Reading with plenty of public notice, and he would agree and pledge in good faith to consider and continue to discuss the possibility of issuing a bond and would not procedurally or in any other way block passage of a budget amendment should a majority of the Council decide that the bond issue was an appropriate measure. Additionally, he said he would agree to a deadline on the issue, which should put to rest some of the charges lodged earlier. He pointed out that to date, no majority of 4 members of the Council had voted in favor of the bond proposal or had expressed any intention of doing so. He said he thought that those Councilmembers who would urge proceeding without delay should think about the ramifications, should consider the validity of a process that would put forward such an important document without having the considered and public support of 4 Councilmembers. He said that the 2 members of the Council who were not present at the meeting were absent for what he felt to be valid reasons, but the fact remained they were not present. Mr. d'Eustachio contrasted the City's position of having no substantial indebtedness at present with that of other cities, as well as Montgomery County and the federal government. He said there was a very real problem in the gap between revenues and expenses, and that should be examined and addressed prior to entering into borrowing a large sum of money. The primary purpose of borrowing money under the bond program would be to fund deferred maintenance on infrastructure and he said that borrowing money to meet operating expenses was not a sound fiscal management practice -- worse yet, what was being proposed was to borrow money to meet operating expenses that should have been paid 10 years ago, and by doing so, the City would be put deeper into the hole. While it might not be necessary to raise taxes in the coming year, until the fundamental problem of the operating expenses growing faster than the revenue was addressed, no headway would be made; he said he would strongly urge that the Council consider that problem, noting that the City Administrator's cover memo to the proposed budget had fairly graphically set forth the situation. He said if the elected body perceived a need to spend money on infrastructure and a need to put forth more programs, both of which he recognized and supported, then he felt they should be paid for in the year in which the money was spent. While it might be an aberration for a politician to suggest raising taxes, perhaps the members of the Council should have the guts to do so, rather than keeping in mind the November election and elections thereafter. He said he frankly had a great deal of respect for the intelligence of the City's citizens, they had willingly supported programs and were willing to spend money for them -- during budgetary public hearings, a very substantial number of people turned out and, of those who spoke, not a single one asked that taxes be cut, that services be curtailed, or that programs not be funded. He said he supported those things too, but recognized that they cost money and that it was not right to borrow money to pay for them or to borrow money to repair roads. If there was agreement that the roads needed fixing, then he would support levying a special one-time assessment in conjunction with taxes and setting the money aside in a specific fund for use solely in making infrastructure repairs, with the tax rate to revert back after a one or two year period. He said while that might not be done in the tax rate to be adopted at the present meeting, he would urge that the Council consider it for future years because he felt it to be a wise course of action in the circumstances.

Mr. d'Eustachio moved to amend the amendment on the floor so as to move for adoption the originally proposed version of the budget, but to include the technical amendments put forth by Mr. Douglas and passed, and the amendment proposed by Mr. Hamilton and which had been passed. The motion was duly seconded by Councilmember Hamilton. Responding to the Mayor who had queried what Mr. d'Eustachio would propose regarding the tax rate, Mr. d'Eustachio explained that he would essentially propose returning to the originally proposed \$1.848/\$100, a \$.025 increase over the previous rate, with \$.01 pro-

posed to fund a tax credit program for low and moderate income homeowners based on their income. He explained that program would cap the taxes of those who qualified, protecting them against rising assessments and tax rates. He said that would help to ensure that such homeowners as elderly persons on fixed incomes would not lose their homes because they could not pay the taxes. The additional \$.015 special assessment which was intended for use in renovating the Library, he said he did not feel was connected to a bond issue, but as a concession to those favoring a bond issue which would cover funding of that project, he would not oppose deletion of that special assessment from the tax rate. The Mayor noted that the budget had provided a \$36,000 line item in the Capital Expenditure portion for Library renovation; he asked whether Mr. d'Eustachio would include deletion of that item in his motion, which Mr. d'Eustachio affirmed and the second accepted.

In the course of ensuing discussion, Ms. Habada pointed out that under Mr. d'Eustachio's proposal, there would not be funds available to make the \$66,349 annual payment into the equipment replacement reserve, as reflected in Mr. Douglas' technical amendment adding a new Section 7. to the ordinance. Mr. d'Eustachio commented that the figure could be reamended; Mr. Douglas had suggested to him that the figure revert to that amount reflected prior to his technical amendment. He said that would be acceptable to him, that there would probably be need for a thorough reexamination of the reserves and the state of finances, and he did not have qualms about either funding or not funding the sinking fund in the coming year because a substantial amount was being put into it anyway.

Councilmember Elrich commented there appeared to be arguments for both sides -- that the cost and interest on a bond issue over a period of time could be cited, but the lost interest on \$172,000 taken out of reserves could also be talked about. He said that over a 10-year period about \$200,000 worth of interest would be lost -- which would be fairly equal to the amount of interest that would have to be paid on a bond issue over the same time period. In addition, he said that some of the infrastructure repairs that were on the list would only get more expensive with time, noting that those repairs on the list were not something generated recently, but that many dated back into the early 1980's and had long been deferred and allowed to worsen. Some had reached a point where they could no longer be considered deferred maintenance, but would actually require reconstruction. As an analogy, he cited the steel industry as reflecting capitalism at its very worst, commenting that they had consistently refused to invest in infrastructure, had refused to modernize plants, to keep up with what was needed to make the industry viable. In the end, he said that approach led to such costs that much of the industry could no longer survive. He said that industry had deferred to stockholders -- had preferred to pay their money out in high dividends to stockholders rather than investing in their plants. He said the City had probably failed in earlier years to charge a tax rate that would have allowed for proper maintenance of the infrastructure, but that point had now been passed and it was time to face the problem. He said what he hoped his amendment to the budget would do would be to allow completion of all the repairs that needed to be done, with a routine maintenance program instituted thereafter -- infrastructure needed to be intact and in decent condition prior to moving to a maintenance program. Mr. Elrich said he did not think the City should be chasing after Block Grant money to do major road repairs. He said he noticed in a letter received from Montgomery County that \$43,000 of the City's CDEG money had gone into roads and the balance into social programs; he said he believed that social programs were what the money was truly intended for, and did not know if the Council would be willing to dictate to the Block Grant Committee that nothing other than roads be proposed for funding over the next 2-3 years so that the road situation could be addressed once again without spending taxpayers' money. He said admittedly, bonding had been discussed in worksession, which meant it had also been discussed in public, and when he introduced his amendment, he did not count on getting the required number of votes for it to pass. However, he said he felt that the additional \$.025 on the tax rate, the need to go into reserves, which he had belatedly realized would cost the City money in interest, might alter some Councilmembers' original sentiments and he felt it would be worthwhile

to consider the proposition of bonding once again. Mr. Elrich said payments on the bond would amount to around \$71,000 a year (which would equate with \$.03 on the current tax rate, with the amount decreasing as taxes increased). He said that would not be putting the City under some enormous, onerous burden that would be impossible to pay off. He remarked that in the next fiscal year, there would be \$12,000 in leases expiring, \$36,000 would be paid out to a liability account and that would be non-recurring; additional leases would be expiring in subsequent years. Thus, he said, the debt service on the bond would not exceed that which the City was and had been paying. He said it would not automatically require a tax increase next year; he would not support floating a bond if it were to pay operating expenses or if he thought it would necessitate a tax increase next year. On the other hand, he said he would not necessarily oppose a tax increase next year if projects came in that had a clear, demonstrated need and they could not be funded any other way in the City budget. Mr. Elrich said the road repairs and the magnitude of work they involved were not usual or annual business; a lot of work had been done to put the City on a sound financial management basis over the last few years, and it was time to apply that management to the infrastructure and put it into reasonable shape, time to do the bond issue so that those responsible for fixing the streets could proceed with doing so. He said he had frequently heard questions from his constituents about when the roads would be repaired; some wards had worse problems in that regard than others; and he felt it was time that the work be done.

Councilmember Hamilton commented he had to give all his colleagues a lot of credit for the amount of time they had spent in considering the bonding issue and Mr. Elrich's proposal. For the record, he pointed out that the reason it was necessary to go into the reserves in the amount of \$172,000 was because the Council had made policy and program decisions to spend over \$300,000 that was not budgeted for. He referred to the City Administrator's 4/12/89 cover memo accompanying the originally proposed budget and read verbatim portions of that document which pointed out he had recommended no new programs, cuts in the operating and capital budgets in order to reduce the deficit, and set forth basic expenditure questions the elected body needed to address. Mr. Hamilton said his concern was that the Council had not addressed a single one of the issues Mr. Wilson had raised; he said before he was willing to consider bonding, there was an additional item he felt had to be considered and that was the handling of stormwater management. Regarding deferred maintenance and deferred problems, Mr. Hamilton pointed out that \$60,000 had been allocated in the proposed budget to deal with a problem that had been existing in the city for several years, i.e., the leaf pile at Public Works. He said it created a very foul odor, caused an environmental problem, and he did not want to wait to bond in order to correct the situation. He pointed out that the report of the Charter Review Committee presented earlier in the evening recommended public notice on borrowing decisions -- their proposal would require a public hearing at least 14 days in advance of any decisions being made on borrowing money, public discussion was recommended. He said he supported that and hoped it would be done not only henceforth but in the present situation as well. He said he, as had Mr. d'Eustachio, would make a commitment to sit down and discuss bonding over the next 90 days; he said he would like to talk with someone knowledgeable about bonding from the state who could explain how the state bond program worked, so that he would be enabled to make a rational determination about what bonding would cost the taxpayers and for how long. Regarding CDBG funds, he affirmed the City had been using some of those monies for infrastructure on the Montgomery County side, but pointed out that on the Prince George's side it was all for curbs and gutter work, had been so used for years, and that was what the system targeted it for. He said he could not presently support a bond proposal because he did not feel he had sufficient information, particularly when determinations had yet to be made about stormwater management and the issues raised by the City Administrator's aforementioned memorandum. He said it appeared to him that in order to afford to borrow money, 10% would have to be cut from the budget and he did not see where that cut could be made. Mr. Wilson responded that he would refer to his April memo in which he had targeted those areas most vulnerable to potential reductions and reprioritizing; he said he had tried to be even and fair by considering every department and area of operation of the City in making his determinations. Mr. Wilson

pointed out there were two sides to the situation -- one being the question of where to get the money to do the things that had not been done, and the other being how one could anticipate getting the money to pay for those things with a budget that did not have sufficient cash flow in additional revenues to meet the normal increase in level at its present size. He explained that if the budget were at a \$6,500,000 level and the City were looking at making a \$380,000-\$400,000 increase, it would still be within the revenues generated; however, what had started out as a \$6,500,000 budget had evolved into \$6,800,000, and then when COLA's and other things were added, the final figure was in the area of \$7,200,000. He said that was significantly higher than where the City started out last year at budget adoption time, and at that time, \$144,000 had been added from reserve. He said it was only in recent times that the practice of adding from the reserve to balance an immediate budget had been looked at closely, it was only relatively recently that the fund balance had been studied and a determination made that it should be secured in some way so as to protect future years in relation to operating cost and equipment. He said he felt the proposal before the Council to set up and annually fund the sinking fund was a sound way of approaching that, but the bottom line was that the City had a budget that current revenues could not support at normal increases. He said there would be increases, and the options he saw were to increase taxes, cut the budget, or do both -- borrowing money at present would simply postpone a question that had already been put before the Mayor and Council. He said the City could go ahead with the borrowing, could find the \$71,000 a year; the figures concerning the indebtedness that would be terminating from the budget were correct and money was being saved in other areas, e.g., the insurance pool, but until the basic problem was addressed, it would continue.

Councilmember Douglas referred to the events at the June 5 meeting, at which time several members of the Council chose to absent themselves from the meeting rather than participate in a vote on the budget proposal containing provision for a bond issue. He said that was a privilege of every Councilmember, and at one time or another, any might decide to do so. He said he fully supported those individuals in the fact that they did what they felt was right under the circumstances; however, he said he felt some comments voiced both at that meeting and in the interim, required some correction. Mr. Douglas said he shared some of the concerns Mr. d'Eustachio had expressed, as well as those set forth by the City Administrator, had wavered back and forth to some degree; however, did feel that the proposal put forth by Mr. Elrich was the right proposal, for both some process reasons and some substantive reasons. He said worksession discussions about bonding did occur, a proposal was put forth but it was not the right one and was not favored by a majority of the Council. He said in the 2-week period that had elapsed since Mr. Elrich brought forth his proposal, it had gotten a lot of media attention, both written, TV and radio, and a number of constituents had contacted him to suggest that bonding was the right move, some said they did not feel they were in a position to advise him but felt it was an issue the Council should take seriously -- none expressed opposition. He said while it was unfortunate the issue did not get coverage in the City Newsletter, that was not the only way in which people in the city got information -- for instance, the present meeting was being broadcast on cable TV, as were the prior two at which the issue was addressed -- and to date, no one had come forward from the citizenry and asked to publicly comment on the matter. While the full Council was not present at the current meeting, Mr. Douglas pointed out that it was known long in advance by all that 2 members would be absent from the current meeting due to plans to be out of town that pre-dated the issue at hand -- that sort of thing was just something one had to live with within a volunteer governmental structure. Regarding the matter of a minority of the Council becoming a tyranny on that body, Mr. Douglas noted that one member of the Council had not had an opportunity to comment publicly on the particular proposal; however, he said that individual, Mr. Sharp, had reviewed most of the materials that had been presented, had talked with most members of the body, and everyone had a pretty good idea where he stood on the issue -- as did some of those who chose to not participate in the earlier meeting on the budget proposal. For those reasons, he said he thought it was unfair for anyone to characterize what was occurring as an action of the minority of the



Council. Regarding substantive issues, Mr. Douglas said it was simply not true that the City would be funding operating expenses by borrowing the money -- what would be funded would be a boiler, a roof, a facility to hold the leaf collection, and renovation of the Library -- as well as a significant amount of work on city streets -- and none of those were operating expenses. He pointed out that the Public Works Director had 2 separate lists of street work -- one which was routine maintenance and the other which was infrastructure construction and renovation -- and the money would be used for the latter, not for patching streets. He said all of the items that would be addressed were necessities, they were not luxuries, and they were things that at one time or another had enjoyed unanimous support of the Council.

Mr. Douglas pointed out that under the proposed budget that was accepted for First Reading, there would have been a severe drain on reserves; technically, it was a deficit budget. He said conceptual decisions had been made by the Council prior to discussing the budget in detail, i.e., to set aside a reserve for emergency purposes, a minimum amount suggested by the City auditors, and to begin to set aside a certain amount of money for replacement of certain kinds of capital equipment in a sinking fund. Under the budget passed for First Reading, the sinking fund could not be fully funded, nor could a dime be paid toward it in 1990. For those reasons and to be able to fully fund the budget that was accepted for First Reading, \$172,000 would have to be taken from reserves -- and that would not be prudent. Regarding comparisons made of the City with the federal government, New York City, and Montgomery County, he said he would suggest that was a red herring and that Takoma Park was not in the situation that any of those other entities were in. Taking a step to avoid spending the City's reserves past the last dime, that would enable setting aside money for emergencies and for longterm capital equipment purchases, and to fund at little or no actual cost over the long run things that were urgently needed, seemed to him to be the essence of prudence he said. In conclusion, Mr. Douglas said he concurred with those who had stated that the City faces serious budget problems; he said the City would continue to face those problems if it continued to spend past its last dime and defer repair of the road system -- or one step could be taken at present to get a handle on certain things and make a commitment to deal with fundamental problems in the operating budget within the next year. He said he would oppose the substitute motion currently on the floor.

Councilmember Martin expressed concurrence with Mr. Douglas' position. She commented that prior to sitting on the Council, she had been a citizen member of the Block Grant Committee, and pointed out that there were longstanding infrastructure problems in her neighborhood. She said 5 years ago, it was estimated that the cost of the needed repairs in her ward would cost in the area of \$300,000; during the process, it was found that her neighborhood would not qualify for CDBG funds under the Prince George's program because the median income was too high. Fortunately, she said, thereafter, monies were allocated to address the area and there were a few things slated for correction in her neighborhood, but there were a lot that would not be. She said there were many roads, curbs and gutters in the city that needed replacement and she felt there was need to make a real commitment to getting that work accomplished -- doing it \$100,000 at a time would never get the job done and the condition of the infrastructure would not get any better.

The Mayor referred to a recent newspaper article which had said that the City was floating a bond to balance its budget and said that was not the case. He reiterated that the budget accepted for First Reading would have taken \$172,000 out of reserves in order to balance the budget; if the amended budget were adopted, money would be borrowed to pay for some of the projects that would otherwise have been paid for with cash or with money from the reserve. He said Mr. d'Eustachio's philosophy was essentially that it was proper to pay as you go; he said that was a good philosophy, by and large, and one with which he generally agreed. However, he said, in certain instances, where major capital improvements were being made that would have longterm useful lives, then it was not fair for those living in the City at present to bear the whole financial burden, when those who came after them would continue to reap the benefits for a long time. He pointed out that

there was a certain amount of transiency in the community, and in all communities today, and it would be neither reckless nor financially imprudent to spread the cost of improvements to all those who enjoyed the benefits. Regarding the street repairs, he said those had been long deferred. He said when he came into office, the City was 2 years away from being in the red, however, the budget and finances had been handled well, and the City was now at a point where it had some reserves, which, hopefully, would ensure that money would never again have to be borrowed simply to pay employees, as had been the case in 1983, and also that the City would never again fall behind in its capital equipment. He said 3 years ago, the City had one of the worst capital equipment stocks of any municipality and enumerated examples, pointing out that money had to be borrowed through lease-purchasing in order to catch up in that area. He said none of the elected officials wanted to have to borrow money in order to catch things up to the point they should be, however, that was sometimes a necessity, and he felt the situation at present was one of those times, noting that an engineer hired by the City in 1982 had formulated a substantial list of streets requiring repairs. Contrary to what Mr. Hamilton had suggested, he said that by and large, until 3 years ago, CDBG money was not used for street repairs, but to revitalize commercial centers, e.g., Old Town and Takoma Junction. Additionally, he said Ms. Martin was correct in her statement that there were some areas of the city where CDBG money could not be used for street repairs. He said there was a critical need to catch up on repairing the streets, and in that situation, felt it entirely appropriate to consider an alternative means of paying for the repairs.

Clarence Boatman, 133 Ritchie Avenue: spoke in support of Councilmember d'Eustachio's position; he said he favored pay as you go. He said if there were need to raise taxes a few cents for some period in order to accomplish what needed doing, he felt he and a majority of taxpayers could go along with that, but did not think the amount needed was sufficient to necessitate borrowing.

Robert Mandel, 7003 Woodland Avenue: said he agreed with every word Mr. d'Eustachio had spoken. He said he recalled some years back when WSSC suddenly raised their rates substantially, and the explanation was that they had been spending more than they were taking in, had been floating bond issues to make up the difference, realized they had to stop that practice and balance their budget, raise rates in order to make up for their past inconsistency and failure to meet their obligations as they went along. He said he hoped the present elected officials would not inflict a painful adjustment such as WSSC had on future residents of the city. He said he could see the arguments on the other side, but felt very strongly that the way out was to raise taxes in order to meet the obligations.

The question was called on Mr. d'Eustachio's motion to amend by returning to the originally-proposed budget minus the Library renovation project; the motion failed by a 3-2 vote.

Councilmember d'Eustachio reiterated his position, commenting that it appeared that he and Mr. Douglas, perhaps based on their occupations, had a differing opinion on what constituted operating expenses; he pointed out that the things bonding would fund would be recurring expenses and not one-time expenditures. He said he, too, had been approached by constituents regarding the issue, and felt almost compelled to stage another walkout in respect of what those individuals had expressed to him. He spoke in favor of special assessments to fund large special projects, which he pointed out could preserve the City's reserves and the interest they would be earning, but said some individuals on the Council were not willing to examine that as an option.

Councilmember Hamilton inquired whether the intent was that money from the proposed bond issue would be used to fix streets in those areas that were not eligible for Block Grant funds. Councilmember Douglas said that the Council had made a major effort to set up an infrastructure program, primarily street repair/reconstruction, that would be free of political interference; he said the Public Works Director had been asked to set up some criteria and those had been respected in the course of the 1989 streets program. He explained the P.W. Director

8. Second Reading of FY 1989-90 Executive Pay Plan.

Councilmember Hamilton moved adoption of the ordinance, duly seconded by Councilmember Elrich.

Abby Mandel, 7003 Woodland Avenue: said she did not like to see percentage increases -- that they are bad because they extend the gap between the top and bottom of the pay scale. She said she would much prefer to see a flat figure increase, and hoped the elected body would think about that for future budgets.

Responding to Mrs. Mandel, Mr. Wilson explained that the Executive Pay Plan contained a built-in 5% increase, but those on that plan would not receive COLA increases, nor were there specific step increases such as in the regular pay plan. He said the total percentage amount for those on the regular pay plan was higher because of the combination of COLA and step increases.

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

ORDINANCE #1989-25  
(attached)

9. Public Session and Adoption of Thomas/Siegler Garden Landscape Plan.

Dave Van Horn, a landscape architect stated that he lived at 7336 Piney Branch Road and had been working for the past 6 months or so with the Friends of the Thomas/Siegler Garden to come up with an appropriate landscape plan for the property surrounding the original home. He said their focus had been on how to best help preserve the property and promote its public use. He noted the plan mandated calling in an arborist who could assess the condition of the older oak trees on the property and formulate a plan for their maintenance, as well as calling for continuing restoration of the lawn, appropriate plantings to afford screening of neighboring properties, establishment of appropriate signage throughout the property, and separation of the public and private areas of the property through the use of appropriate planting. He said those plantings would be primarily Japanese Yew -- with modest fencing in those areas that were too shady to support plant life well. He said he hoped the Council would vote approval of the general plan, which would clear the way for use of Open Space funds to meet some of the expenses of the proposed renovation and adapted use. He noted that the carriage house on the property was in need of stabilization and that Public Works had been working with the county in repairing the roof and stabilizing the exterior of the structure. Responding to query from Councilmember Douglas, he affirmed that it was the intent under the present plan to address the exterior of the carriage house, but not to address any possible future use of the interior.

Responding to query from a member of the audience, the Mayor explained that it was not anticipated that the project would accrue any direct cost to the City -- the Friends of the Thomas/Siegler Garden had raised some funds for their project, he was uncertain just how much; and there was a line item allocation of up to \$50,000 in the current budget for the project which would come from Project Open Space funds channeled to the City from the state -- that would be used as matching funds. He said it was expected that the Friends group would be paying a significant part of the cost of whatever was done to the property. Councilmember Douglas pointed out that approval of the landscape concept would not commit the City to any particular funding, but said it would be reasonable to expect that certain things would be done. He said the budget just enacted contained \$15,000 from Open Space earmarked as matching funds for \$5,000 provided by the Friends group with the total to be used in the coming year to undertake some initial steps, e.g., restoration of plantings, definition of the property line, etc. He said the intent regarding the carriage house was to stabilize it structurally so as to protect a city resource and make it an asset to the property; he said the Public Works Director was negotiating with the county to provide the labor on that structure under an apprenticeship program they have, with the City providing the

had been asked to maintain an ongoing list of street repair and other infrastructure projects, based on the criteria, and one of the aspects of that was whether or not the projects were eligible for Block Grant funding, which was an important factor when making decisions about which projects to include in a given contract. He said he did not think, however, that the elected body should try to pull out certain kinds of projects from the list and stipulate that they must be funded with CDBG funds. To the extent possible, however, he said he thought the City ought to make use of that money.

Councilmember Hamilton said he understood that if the City went with the bond issue, it would take 6-9 months before the money was available; he inquired whether that meant that the \$60,000 leaf pile project would be delayed for that period of time. Asst. City Administrator Habada explained that June 23 was the deadline to make application to participate in the next bond issued by the state program, which was set to take place in August. She said if the City did not meet the June deadline for application, the state would be doing another bond issue at some later point in the year, but no specific date was known -- and that would entail a 6-9 month delay in getting the money. She said if a decision were made at the present meeting to go with the bond issue, then staff could immediately proceed with making application, which would then go before a state committee on July 10, at which time eligibility to participate would be assessed, and the bond would then be issued in August. Public Works Director Giancola, responding to query, explained that his time frame on the leaf mulch pile indicated an estimated 6-8 week construction period, with a contract for that to be awarded in mid-August. He said it appeared if everything went smoothly, the bond could cover that.

Abby Mandel, 7003 Woodland Avenue: said she wished the elected body had the guts to raise taxes by \$.50/\$100 to pay for what they proposed doing if they thought it was important, rather than thinking that people 10 years hence would be happy paying for it. She said she would like to know whether the Council proposed raising taxes next year in order to pay the interest on the bond or whether they would cut services. She said they were simply making trouble for themselves -- by raising the tax rate now, the next Council could get kudos for cutting it.

The question was called on the amended version of the budget, as further amended at the current meeting. Asst. City Administrator Habada pointed out that the wording of both the amended and the original version of the budget ordinance made mention of "at least 4 of the total elected membership concur." She said if there were not 4 concurring votes on the ordinance, that reference needed to be deleted so as to ensure validity. The amended version of the budget ordinance was adopted by roll call vote as follows: AYE: Councilmembers Douglas, Elrich and Martin; NAY: Councilmembers d'Eustachio and Hamilton; ABSENT: Councilmembers Leary and Sharp.

ORDINANCE #1989-22  
(attached)

**6. Adoption of FY 1989-90 Tax Rate.**

Councilmember Elrich affirmed in response to query from the Mayor that he would move adoption of the tax rate at \$1.828/\$100, which would include \$.238 for fire service and \$.04 for stormwater management to be paid to WSSC. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Douglas, Elrich and Martin; NAY: Councilmembers d'Eustachio and Hamilton; ABSENT: Councilmembers Leary and Sharp.

ORDINANCE #1989-23  
(attached)

**7. Second Reading of FY 1989-90 Pay Plan Ordinance.**

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

ORDINANCE #1989-24  
(attached)

necessary materials. In addition to approving the landscape concept, he said what the Council would be approving was a fairly minimal outlay of funds in the short term so that steps could be begun toward making the property truly accessible and useable by the public, and the carriage house could be protected from further decay. He said there would be further decisions to be made, both by the Council and the Friends group, but those would be further down the line and budget decisions would be made as necessary. Mr. Douglas said he had hoped to have an appropriate resolution on the matter for presentation, however, lacking that, he would move that the Council accept and approve the Friends of the Thomas/Siegler Garden's landscape concept and direct that the City Administrator work with that group to begin implementation of the plan within the available funding; Councilmember Hamilton duly seconded the motion. The Mayor noted that the Public Works Director would be representing the City Administrator in the majority of the work that would occur. The motion carried by unanimous vote of those present. Responding to query from Councilmember Hamilton, Mr. Giancola explained that the county's Conservation Corps would be providing the bulk of the labor force who would do the work; he said they were very capable and worked on a fairly flexible schedule; work would probably commence in the fall and continue over whatever period was required. The Mayor asked that Mr. Douglas draft a formal resolution reflecting the Council's action on the matter for the permanent record.

RESOLUTION #1989-62  
(attached)

**10. Resolution re Stormwater Management.**

The Mayor noted this subject had been before the elected body a number of times; he explained that he, Mr. Giancola and Ms. Habada, as well as a number of citizens, represented Takoma Park on a taskforce created by the state legislature in 1987 to review the city's stormwater system, as a result of the creation of the Prince George's County Stormwater District through which WSSC went out of the business of stormwater system maintenance and management. At that time, he said they agreed to continue to maintain the system in the City of Takoma Park for a period of 3 years. He said the taskforce was due to report back to the state legislature on July 1, 1989 with their recommendation regarding the management of the City's stormwater system; they would be meeting the upcoming Wednesday evening for the purpose of finalizing their recommendation. He said they had met at least a dozen times in the course of the past 2 years, had commissioned a study of the city's stormwater system which everyone, including members of the Council, had had an opportunity to review and consider. He noted that there were 4 possible options, i.e., that the City go with Prince George's County's stormwater management district, with Montgomery County, that the two portions of the city go with whichever county was appropriate, or that the City assume responsibility for stormwater management. He said, however, the taskforce and the City had been advised by Montgomery County that they had no interest in assuming the responsibility in any portion of Takoma Park; that county's stormwater management district was created many years ago, the City had the option of joining in at that time and chose not to do so, so the county was not currently interested in assuming any added responsibility for municipalities who had chosen not to opt in during the initial period for doing so. In addition, he said, Prince George's County had expressed a preference that the City assume its own responsibility; they had a concern about whether they could assume the responsibility within the entire city. The Mayor said the study the taskforce had had done came back with an analysis indicating that the stormwater system was in good working order -- the rating was not perfect, there was around \$60,000 worth of maintenance items that needed to be attended to, and according to the Public Works Director, it would cost about that amount annually to maintain the system properly. He pointed out that the City was currently paying in excess of \$80,000 annually for maintenance on the system and had learned it was not getting its money's worth because of that entity's overhead charges. Given the circumstances, he said he did not think the City had much choice in the matter, but felt that it would be taking over a system that was basically in good condition despite needing some maintenance and perhaps in the longterm, some capital improvements would have to be made. He said the resolution that had been presented

and which he would like to take back to the taskforce recommended that the City assume responsibility for the stormwater system, with a number of stipulations, which he enumerated. In the course of explanation, he pointed out that if the City chose to go with Prince George's County's program, citizens would pay approximately \$.08/\$100 toward debt service on prior bonds issued by WSSC and the county -- by going it alone, that debt service charge would be avoided. While it might at some future time be necessary for the City to assume some debt in regard to the system, it would be going into it without any pre-existing debt. He moved passage of the resolution, duly seconded by Councilmember Hamilton.

In the course of ensuing discussion, Councilmember Douglas commented he felt the obvious conclusion had been reached; however, said he thought from a public policy standpoint it did not make a lot of sense to have a small municipality in a sea of large civilized counties doing its own stormwater management -- both from the standpoint of economic efficiency, of drainage basin management, etc. -- however, he said he thought the proposal at hand blunted that somewhat by allowing the City to piggyback on things the counties would be doing. He said, however, he felt the City would be competent at managing its system and he hoped that over the long run someone would get a handle on managing such things on a more regional basis rather than splitting it up as seemed to be the case at present.

Larry Silberman, 7308 Birch Avenue, member of Stormwater Taskforce: said he had 20 years' experience in the environmental management field, particularly water and sewage from the municipal aspect; from his experience, he said he tended to hold a somewhat dark view of things, and wished to express some pessimism about the plan to take over responsibility for the city drainage system. He said he had a concern the system might have severe structural problems not really addressed by the study that was done, although it did note the system was built in the 1920's. He said his concern had been heightened by the recent incident in which the Glen Echo parking lot developed a tremendous sinkhole during heavy rains and swallowed up a lot full of cars -- that was a drainage problem -- unfortunately the media and authorities did not choose to view it that way, but he felt it was attributable to a drainage problem and was a good indication of what could happen to drains. He said he could envision Takoma Park having to deal with such a situation, and said something like that had not really been assessed and it would be a risk that would be assumed when the City took over the system. He said the study had noted that a lot of drains were clogged -- if they were clogged only with dirt, it would be relatively easy to clean them out; however, sometimes they were clogged with something else, e.g., toxic chemicals, and while that might seem far-fetched, a recent fish census done on all tributaries of the Anacostia River, of which Sligo Creek was one, indicated that of all those tributaries, Sligo Creek had the least amount of fish, which would make one wonder why -- and toxic chemicals coming from the sewers and going into the creek periodically would be a logical explanation. He said he felt that was something that should be explored; if such a problem did exist it would be a large dollar one, and cautioned against the City going on its own regarding stormwater management. He said he did not personally have much respect for Montgomery County's program, thought Prince George's County did a much better job but they would be spending a lot of money for new developments and the City would be required to help pay for them; he said he had no question about the City's ability to manage, but was hesitant about going it alone. He said he concurred with Mr. Douglas' comment that there ought to be a regional system. He said he would even urge that the City propose that if a part of the system in the Montgomery County portion required attention, that county be required to address it, and likewise for the Prince George's section. He said both counties were in something of a bind and perhaps the City's officials would be listened to in the state legislature.

Councilmember d'Eustachio commented that Mr. Silberman had raised some questions that a number of others had raised all along. He said he had started out with the views that had just been enunciated; had come about through the process to reluctant support of the resolution at hand, primarily because of the political realities the City was fac-

ing. He said he concurred with views expressed about the foolishness of breaking responsibility for management of the situation down into small jurisdictions -- clearly, the appropriate solution would be creation of a Chesapeake Bay Drainage Basin Stormwater Management Authority, which would be large enough to control the entire problem and address various aspects of the drainage basin. Such a body would have a vested interest in solving the problem, rather than in washing it away. He said it appeared that for the City to participate with either county would ultimately result in a remarkably expensive proposition -- would require an immediate \$.08-\$.09/\$100 tax increase. He said while he felt it was a calculated gamble, there was a clear risk in assuming responsibility for the stormwater system, it had to be balanced against a known cost and hopefully the City would put monies saved aside toward unforeseen costs related to the system.

Councilmember Elrich pointed out there would be important decisions regarding the tax rate that would accompany the City's assumption of responsibility for stormwater management. He said it would be the sort of issue where a conservative approach was required; money would have to be left in the reserves and the tax rate not simply based on previous experience with charges levied by WSSC -- a tax rate would have to be applied that would cover for contingencies.

The resolution was passed by unanimous vote of those present.

RESOLUTION #1989-63  
(attached)

11. Proposed Zoning Text Amendment 89013 (Accessory Apartments).

Councilmember d'Eustachio asked whether it was necessary that the item be acted upon at the present meeting. Mayor Del Giudice noted that the county would be conducting a public hearing on this issue between the present and the next regular City Council Meeting. He said he had called the county office and asked that they hold the record open for Takoma Park's comment, and they had agreed to do so. He said anyone wishing to comment would be permitted to do so, however, the item would be deferred for action on June 26.

Responding to query from Councilmember Douglas, Housing Services Director Weiss stated that information on the ZTA had been received by the City approximately a month previously. Mr. Douglas said the matter had not been referred to the Planning, Transportation & Zoning Committee, had not been provided to anyone in advance, had not been scheduled for worksession discussion; he said he did not believe that was fair, it was a major policy issue which should be discussed by all 8 members of the elected body, and if all 8 members were not present on June 26 he would support either deferring it again or taking no position because he would not be prepared to move forward on a matter of such significance based on a staff member's personal recommendation. The Mayor said he had referred the matter to the Housing Committee; he said while it was a Zoning Text Amendment and he agreed it required deliberation by the full body, it was his decision to refer it to the Housing Committee because it was primarily a housing issue, dealing with housing policy questions within a zoning context. He said he had originally hoped it would occupy a large segment of the current meeting's agenda, however, other matters had prevailed. Mr. Douglas suggested that a joint referral might have been more appropriate; he said there was no recommendation or any indication that the committee to which it was referred had even considered it. The Mayor noted that the elected body had a report prepared by Ms. Weiss, which he suggested all consider; he said in the interim, the committees could also consider the issue should they both wish to do so, and it would be placed on the June 26 agenda. He said he was not sure the county would hold the record open beyond that. Ms. Weiss said that the county would be enacting the ZTA in July, however, the record would be held open only until June 27.

Councilmember Martin commented that, having read the ordinance, she had a concern about whether there should be a requirement that a house be 5 years old before being approved for having an accessory apartment; otherwise houses could be built containing such a unit and perhaps not have to go through the process which would examine such things as whether there was adequate off-street parking and whether

other usual requirements were met. She said she had a concern about whether when a house with an accessory apartment was sold, the subsequent owner could gain approval simply because the unit already existed or whether the meeting of requirements would be assessed, including such things as density of such units in the area. She said she thought a problem could be posed by 4-5 people sharing an accessory apartment, but thought the language needed to be examined and addressed so that it did not restrict such sharing of a unit to persons related by marriage or blood only.

Councilmember Elrich referred to having worked with the county committee during the process of drawing up the legislation; he said he felt it represented a fairly conservative approach to dealing with accessory apartments. He said the basic goal was to be able to put approximately 1,000 additional units into the county to try to address the housing problem. He said the remaining concern he had was how to deal with separate facilities detached from the main unit, which was being allowed on certain large lots. He said he had thought of a recent case the City had where the woman wanted to put the apartment in the detached garage rather than in the basement, it appeared a more sensible location, and she was able to do so because there was a contiguous wall between the main structure and the garage. He said he felt there were probably other such cases, both in the city and elsewhere, where it made as much sense to put the unit in a detached structure as in the basement -- if not more sense. For that reason, he said he had hoped there would be some flexibility for the older areas of the county and would ask that people think about that prior to the June 26 meeting.

Councilmember d'Eustachio said while he empathized with Mr. Elrich's view, he also was aware of the problem posed regarding emergency access when there were multiple buildings one behind another -- by allowing detached structures scattered across a lot, there might not be adequate access for emergency vehicles and equipment -- particularly in areas such as Takoma Park where there were a lot of variances that could exacerbate the situation. He said there was need to be very certain regarding safety factors when considering allowing an increase in the density that could put an additional strain on building systems in older areas -- it would be asking for safety problems to simply turn an eye toward strict enforcement of housing codes.

Councilmember Douglas commented that, not having had an opportunity to read the documentation in detail, there were some things he found particularly objectionable, both in the proposed law and in the analysis by staff. He said, first of all, he did not think it was in the city's interest to eliminate public participation in the review of accessory apartments or any other land use, and he would hope that the eventual resolution would oppose that. Nor did he think it would be in the best interest of the city to eliminate the lot size requirement without some similar sort of provision that would ensure protection of neighborhoods from excessive population on tiny lots. He said there was already an enormous density problem in the city; there were many instances where people had built either prior to or in violation of zoning ordinances regarding setbacks, which exacerbated the problem. To eliminate square footage requirements that tended to provide some spaciousness would be wrong. In addition, he said he thought the resolution that had been drafted went well beyond the point and contained a lot of political rhetoric; it ground axes, made points that did not need making, and did not speak to the issues of zoning and land use. He said he would prefer to see something much simpler and more direct.

The Mayor noted the item would be scheduled for June 26 for action; however, pointed out that the Rent Stabilization Guidelines were also scheduled for that meeting, as well as discussion of the proposed Charter Amendment. Councilmember Douglas remarked that he had not received a rolling agenda for months, which would provide the Council with some idea of what would be coming up in advance. The Mayor concurred that dissemination of those had slacked off, but said he would encourage staff to recommence distribution to assist the Council in keeping track of what items would be coming up.



12. First Reading of FY 1988-89 Budget Amendment #3.

Councilmember Hamilton moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio. Responding to a request from Councilmember Douglas, Asst. City Administrator Habada summarized the status of the budget; she said she had examined financial statements to date and had done some projections for the end of June. Those indicated that the revenues would exceed the expenditures by \$150,000 -- including the state income tax monies that she anticipated receiving in the current fiscal year. However, the number could change somewhat between the present and the next time the Council addressed the Budget Amendment because she had not yet completed the review of Special Revenue, and was finding there were some instances where projects had gone over budget and the overrun costs would have to be picked up -- one item would be fairly large and she had not yet decided how that should be paid for. Otherwise, all other items out of the General Fund were covered as of the ordinance. The ordinance was accepted for First Reading by unanimous vote of those present.

ORDINANCE #1989-

(attached)

13. Resolution Appointing Members to CDEG CAC for FY16.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Elrich. The Mayor asked that Councilmembers talk with members of community associations in those wards that were not represented and ask them to come forward with persons interested in serving as representatives on the committee so that their names could be added to the membership list. He affirmed that membership had been solicited through the Newsletter, as well as letters having been sent to all community associations. Mr. d'Eustachio said he had been approached by a couple of individuals whose names were not up for appointment; he said he would ascertain whether they were interested in serving so that their names could be added if appropriate. Ma. Martin said she wished to note that 2 of the community associations in her ward were not represented because they could no longer receive Block Grant money from the county; she said Langley Park, however, was represented and she was glad to see that. The resolution was passed by unanimous vote of those present.

RESOLUTION #1989-64

(attached)

Upon motion, duly seconded, the meeting adjourned at 11:25 p.m., to reconvene thereafter in Executive Session, and at 8:00 p.m. on June 26, 1989 in regular session.

Introduced by: Councilmember Hamilton      Adopted: June 12, 1989  
Drafted by: A. R. Giancola

ORDINANCE NO. 1989- 21

An Ordinance to Procure a Public Works Copier Machine

WHEREAS, the Public Works Department has an existing three year lease/purchase agreement to purchase a Konica Copier Machine, AND

WHEREAS, the June 23, 1989 buy out cost for the machine is \$4,532.14; AND

WHEREAS, funds are available from the Public Works budget in FY-1989 to acquire the machine outright.

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

THAT, the Public Works Director be authorized to purchase the Konica Copier Machine; AND

THAT, the procurement shall not exceed FOUR THOUSAND FIVE HUNDRED THIRTY TWO DOLLARS AND FOURTEEN CENTS (\$4,532.14) and be charged to Public Works Account 895.

Adopted this 12th day of June 1989.

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

NAY: None

ABSTAIN: None

ABSENT: Leary, Sharp

Introduced By: Councilmember Hamilton  
Drafted By: L. Schwartz

ADOPTED: June 12, 1989

Resolution No. 1989-59

WHEREAS, Mr. David Conner has applied to Montgomery County for the resubdivision of Lot 9, Block 62, B.F. Gilbert's Addition to Takoma Park into proposed Lots 25 and 26 (Preliminary Subdivision Application #1-89107), and for a four foot side yard variance for proposed Lot 26 (Variance Appeal #A-2584); AND

WHEREAS, this property is located in the City of Takoma Park and the applications have therefore been referred to the City for review and comment; AND

WHEREAS, the applications have been reviewed by City staff, which has recommended CONDITIONAL APPROVAL of the applications on the basis of analysis contained in the pertinent staff report dated June 2, 1989; AND

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

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 subject preliminary subdivision application and variance application, and encourage the Montgomery County Planning Board and the County Board of Appeals to APPROVE the subject application, with the following CONDITION:

--THAT the applicant locate any new structure on proposed Lot 25 at least 10 feet from the north side lot line.

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 12th DAY OF JUNE, 1989.

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Introduced By: Councilmember Hamilton

Drafted By: L. Schwartz

ADOPTED: June 12, 1989

Resolution No. 1989-60

WHEREAS, Mr. Harold Weinberg has applied to Montgomery County for the resubdivision of Lot 8, Block 63, B.F. Gilbert's Addition to Takoma Park into proposed Lots 31 and 32 (Preliminary Subdivision Application 1-89114); AND

WHEREAS, this property is located in 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 has recommended APPROVAL of the application on the basis of analysis contained in the pertinent staff report dated June 2, 1989; 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 express their support of the subject preliminary subdivision application, and encourage the Montgomery County Planning Board to APPROVE the subject application as submitted.

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 12th DAY OF JUNE, 1989.

lss:zonsub1  
157ritch.res

Introduced By: Councilmember Hamilton

RESOLUTION # 1989 - 61

SHORT TITLE: RATIFICATION OF COLLECTIVE  
BARGAINING AGREEMENT - LOCAL 400

**WHEREAS,** the City of Takoma Park and the Union representing employees of Unit One (1), United Food and Commercial Workers Union, Local 400, AFL-CIO, have culminated negotiations with a three-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, 1992 between the City of Takoma Park and the United Food and Commercial Workers Union, Local 400, AFL-CIO; **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 12th day of June 1989

1st Reading: 5/22/89  
2nd Reading: 6/12/89

Introduced by: Councilmember Elrich

ORDINANCE NO. 1989-23

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

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 Assesments 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 \$1.828 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 12th day of June, 1989.

AYES: Douglas, Elrich, Martin  
NAYS: d'Eustachio, Hamilton  
ABSTAIN: None  
ABSENT: Leary, Sharp

Introduced by: Councilmember Hamilton

Introduced: 5/30/89  
Second Reading: 6/12/89

Effective: July 1, 1989

ORDINANCE NO. 1989-24

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 12th day of June, 1989 by rollcall vote as follows:

AYES: Douglas, Elrich, Hamilton, Martin  
NAYS: None  
ABSTAIN: None  
ABSENT: d'Eustachio, Leary, Sharp

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	\$6.63	\$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	\$22,609.98	\$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	\$20,408.77	\$21,245.92	\$22,042.64	\$22,814.13	\$23,555.58	\$24,262.26	\$24,929.47	\$25,552.71	\$26,127.64	\$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	\$21,951.07	\$22,839.51	\$23,695.98	\$24,525.34	\$25,322.42	\$26,082.09	\$26,799.35	\$27,469.33	\$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	\$30,828.29
	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	\$488.05	\$507.57	\$526.61	\$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	\$27,291.59	\$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	\$566.10	\$586.91	\$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	\$16.72	\$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	\$35,790.35	\$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	\$721.36	\$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	\$31,529.27	\$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	\$15.15	\$15.75	\$16.34	\$16.91	\$17.45	\$17.96	\$18.44	\$18.89	\$19.31	\$19.70

Introduced by: Councilmember Hamilton

1st Reading: 5/30/89  
2nd Reading: 6/12/89  
Effective: 7/1/89

ORDINANCE NO. 1989-25

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 12th day of June 1989, to take effect July 1, 1989.

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

NAY: None

ABSTAINED: None

ABSENT: Leary, Sharp

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

Introduced by: Councilmember Douglas

**RESOLUTION #1989-62**

Upon motion duly made and seconded, the City Council unanimously accepted and approved the Friends of the Thomas/Siegler Garden's landscape concept and directed the City Administrator to work with the Friends to begin implementation of the plan within the available funding.

A formal resolution reflecting the Council's action on the matter, will be drafted by Councilmember Douglas will be forthcoming for the permanent record.

Attest: Paula S. Jewell  
Deputy City Clerk

Introduced by: Councilmember Douglas

RESOLUTION #1989-62

Upon motion duly made and seconded, the City Council unanimously accepted and approved the Friends of the Thomas/Siegler Garden's landscape concept and directed the City Administrator to work with the Friends to begin implementation of the plan within the available funding.

A formal resolution reflecting the Council's action on the matter, will be drafted by Councilmember Douglas will be forthcoming for the permanent record.

Attest: Paula S. Jewell  
Deputy City Clerk



Introduced By: Councilmember Hamilton

Adopted: 6/26/89

Drafted By: V. VinCola

Resolution No. 1989 - 65

A resolution to nominate four additional members to the existing Washington Suburban Sanitary Commission (WSSC) Citizens Advisory Committee (CAC) for the Sligo Creek Trunk Sewer Reconstruction and Hiker/Biker Trail projects for the purpose of broadening the representation of the CAC.

WHEREAS, WSSC has established and maintained a CAC in connection with the Sligo Creek Trunk Sewer Reconstruction Project; AND

WHEREAS, WSSC has agreed to expand the existing CAC from six (6) members to ten (10) members in order to broaden its representation by including citizens further upstream and from Montgomery County; AND

WHEREAS, WSSC has agreed to allow the Mayor and Council to nominate four (4) individuals to fill the four (4) newly-created positions on the CAC; AND

WHEREAS, the purpose of the CAC is to provide citizen input on the WSSC Sligo Creek Trunk Sewer Reconstruction and the Sligo Creek Hiker/Biker Trail projects; AND

WHEREAS, the names of nominees to the CAC have been submitted by community associations and received by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the following individuals are hereby nominated to fill the four (4) vacant newly-created positions on the CAC relating to the WSSC Sligo Creek Trunk Sewer Reconstruction Project and the Hiker/Biker Trail Project:

<u>NAME</u>	<u>REPRESENTING</u>
Dan Robinson	S.S. Carroll Citizens' Association
Ramona Gross	Colby Avenue Citizens' Association
Drake Cutini	Between-the-Creeks Neighborhood Assn
Mary Thorpe	Ritchie Avenue Citizens' Association

ADOPTED THIS 26th DAY OF JUNE, 1989.

HB/Fourmore.Res

HF: Hiker/Biker Path: Sligo Creek

Introduced by: Councilmember Sharp

RESOLUTION NO. 1989-66

WHEREAS, Mr. David M. Agro, a resident of Takoma Park, has been selected to participate in the People to People Youth Science Exchange; AND

WHEREAS, the People to People Youth Science Exchange provides the opportunity for 300 high school students from the United States to travel to the Soviet Union and China and spend several weeks working under the direction of Scientists in that country on research projects of interest to them; AND

WHEREAS, Mr. Agro who will travel to Moscow and Leningrad, is the only resident of Takoma Park to participate in the Exchange Program and one of six students from Maryland.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park congratulates Mr. Agro on his selection for this program and expresses its pleasure at his participation; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council fully expects that Mr. Agro will be an excellent representative of Takoma Park and the United States; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council expresses its good wishes towards the People to People Youth Science Exchange and its hope for their continued success.

Dated this 26th day of June, 1989

Introduced By: Councilmember Hamilton

RESOLUTION # 1989 - 61

SHORT TITLE: RATIFICATION OF COLLECTIVE  
BARGAINING AGREEMENT - LOCAL 400

WHEREAS, the City of Takoma Park and the Union representing employees of Unit One (1), United Food and Commercial Workers Union, Local 400, AFL-CIO, have culminated negotiations with a three-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, 1992 between the City of Takoma Park and the United Food and Commercial Workers Union, Local 400, AFL-CIO; 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 12th day of June 1989

Introduced By: Councilmember Hamilton

Drafted By: L. Schwartz

ADOPTED: June 12, 1989

Resolution No. 1989-60

WHEREAS, Mr. Harold Weinberg has applied to Montgomery County for the resubdivision of Lot 8, Block 63, B.F. Gilbert's Addition to Takoma Park into proposed Lots 31 and 32 (Preliminary Subdivision Application 1-89114); AND

WHEREAS, this property is located in 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 has recommended APPROVAL of the application on the basis of analysis contained in the pertinent staff report dated June 2, 1989; 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 express their support of the subject preliminary subdivision application, and encourage the Montgomery County Planning Board to APPROVE the subject application as submitted.

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 12th DAY OF JUNE, 1989.

lss:zonsub1  
157ritch.res

Introduced By: Councilmember Hamilton  
Drafted By: L. Schwartz

ADOPTED: June 12, 1989

Resolution No. 1989-59

WHEREAS, Mr. David Conner has applied to Montgomery County for the resubdivision of Lot 9, Block 62, B.F. Gilbert's Addition to Takoma Park into proposed Lots 25 and 26 (Preliminary Subdivision Application #1-89107), and for a four foot side yard variance for proposed Lot 26 (Variance Appeal #A-2584); AND

WHEREAS, this property is located in the City of Takoma Park and the applications have therefore been referred to the City for review and comment; AND

WHEREAS, the applications have been reviewed by City staff, which has recommended CONDITIONAL APPROVAL of the applications on the basis of analysis contained in the pertinent staff report dated June 2, 1989; AND

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

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 subject preliminary subdivision application and variance application, and encourage the Montgomery County Planning Board and the County Board of Appeals to APPROVE the subject application, with the following CONDITION:

--THAT the applicant locate any new structure on proposed Lot 25 at least 10 feet from the north side lot line.

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 12th DAY OF JUNE, 1989.

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Introduced By Mayor Del Giudice

RESOLUTION # 1989 - 63

TITLE: WSSC Stormwater Task Force

WHEREAS, the Maryland General Assembly in 1987 enacted HB-754, which establishes the Prince George's Stormwater District, provided that W.S.S.C. continue to operate and maintain the Stormwater System in Takoma Park until July 1, 1990, and created a Task Force to study and recommend to the legislature a permanent solution to the authority for and operation of the Stormwater System in Takoma Park, AND

WHEREAS, the Task Force has met, obtained a study of the Takoma Park Stormwater system, studied and discussed the issues within its charges, and must report its recommendation by July 1, 1989, AND

WHEREAS, the Mayor and Council have been informed of the Task Force's deliberations and discussed the condition and the options for operation of the stormwater system within Takoma Park.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Takoma Park hereby endorse the concept of the City assuming authority for the stormwater system in Takoma Park upon the following general principles:

1. That a Stormwater District for the City of Takoma Park will be created authorizing the City to operate and maintain the stormwater system in Takoma Park, allowing the City to raise revenues necessary for that purpose;
2. That City residents and taxpayers will no longer be obligated to pay debt service on any currently outstanding stormwater bonds that had been issued by W.S.S.C. or either county;
3. That the City will be permitted to co-issue stormwater bonds at any time Prince George's County issues stormwater bonds, subject to approval of the bond counsels for both jurisdictions;
4. The City may contract with Prince George's County for stormwater maintenance services on a cost basis;

5. The City may participate in any stormwater maintenance contracts that Prince George's County enters into with service providers; and
6. That Prince George's County remains willing to discuss, and to work toward resolution of any issues raised by any future proposal for the City of Takoma Park to join the Prince George's County Stormwater District.

Dated this 12th day of June, 1989.

Introduced By: Councilmember Hamilton  
Drafted By: Valerie VinCola

ADOPTED: June 12, 1989

Resolution No. 1989-64

A resolution to establish a committee for the purpose of reviewing and evaluating proposals for the use of Community Development Block Grant (CDBG) funds received during Fiscal Year 1990-91 and for recommending CDBG funding proposals and priorities to the Mayor and Council.

WHEREAS, the City anticipates receiving federal Community Development Block Grant (CDBG) funds through Montgomery and Prince George's Counties for Fiscal Year 1990-91 to use for eligible projects; AND

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

WHEREAS, to achieve maximum citizen input, it is the practice of the City government to form each year a Community Development Block Grant Citizens' Advisory Committee (CAC) composed of representatives of all citizen, tenant, civic, neighborhood and business organizations and groups who submit the names of nominees to review and evaluate CDBG proposals, and to recommend proposals to the Mayor and Council; AND

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the FY 1990-91 Community Development Block Grant Citizens' Advisory Committee is hereby formed for the term of one (1) year of the following individuals:

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

NAME	REPRESENTING
Ira Amstadter (P)	Between the Creeks Citizens Assoc.
Drake Cutini (A)	Between the Creeks Citizens Assoc.
Uri Yokel (P)	Longbranch-Sligo Citizens Assoc.
Julie Matthews (P)	Mutual Housing Assoc. of Suburb. MD
Ronald Waldron (A)	Mutual Housing Assoc. of Suburb. MD
Pat Rumbaugh (P)	North Takoma Citizens Assoc.
James Benfield (A)	North Takoma Citizens Assoc.
Karen Mitchell (P)	Park Ritchie Tenants' Assoc.
Dorothy E. Starke (P)	Ritchie Ave. Citizens Assoc.
Clarence Boatman (A)	Ritchie Ave. Citizens Assoc.
Mike Stokes (P)	Takoma/Langley Crossroads Dev. Auth.
Dan Robinson (A)	Takoma/Langley Crossroads Dev. Auth.
Tom Harrison (P)	Westmoreland Area Community Org.
Susanne Fleming (A)	Westmoreland Area Community Org.



BE IT FURTHER RESOLVED THAT the Citizens' Advisory Committee formed herewith is charged with reviewing, evaluating and prioritizing all FY 1990-91 CDBG proposals received by the City for the purpose of submitting funding recommendations to the Mayor and Council for final action.

BE IT FURTHER RESOLVED THAT the Citizens' Advisory Committee shall submit its FY 1990-91 CDBG funding recommendations to the Mayor and Council no later than Thursday August 3, 1989.

BE IT FURTHER RESOLVED THAT the City Administrator shall be, and hereby is empowered to appoint additional representatives from recognized citizens' associations which made known to the City their wish to participate on the committee and are recommended for participation by the Council representative for the ward; such additional appointments to be effected on or before July 1, 1989.

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

ADOPTED THIS 12th DAY OF JUNE, 1989.

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Introduced By Mayor Del Giudice

**RESOLUTION # 1989 - 63**

**TITLE: WSSC Stormwater Task Force**

**WHEREAS,** the Maryland General Assembly in 1987 enacted HB-754, which establishes the Prince George's Stormwater District, provided that W.S.S.C. continue to operate and maintain the Stormwater System in Takoma Park until July 1, 1990, and created a Task Force to study and recommend to the legislature a permanent solution to the authority for and operation of the Stormwater System in Takoma Park, **AND**

**WHEREAS,** the Task Force has met, obtained a study of the Takoma Park Stormwater system, studied and discussed the issues within its charges, and must report its recommendation by July 1, 1989, **AND**

**WHEREAS,** the Mayor and Council have been informed of the Task Force's deliberations and discussed the condition and the options for operation of the stormwater system within Takoma Park.

**NOW THEREFORE BE IT RESOLVED,** that the Mayor and Council of the City of Takoma Park hereby endorse the concept of the City assuming authority for the stormwater system in Takoma Park upon the following general principles:

1. That a Stormwater District for the City of Takoma Park will be created authorizing the City to operate and maintain the stormwater system in Takoma Park, allowing the City to raise revenues necessary for that purpose;
2. That City residents and taxpayers will no longer be obligated to pay debt service on any currently outstanding stormwater bonds that had been issued by W.S.S.C. or either county;
3. That the City will be permitted to co-issue stormwater bonds at any time Prince George's County issues stormwater bonds, subject to approval of the bond counsels for both jurisdictions;
4. The City may contract with Prince George's County for stormwater maintenance services on a cost basis;

5. The City may participate in any stormwater maintenance contracts that Prince George's County enters into with service providers; and
6. That Prince George's County remains willing to discuss, and to work toward resolution of any issues raised by any future proposal for the City of Takoma Park to join the Prince George's County Stormwater District.

Dated this 12th day of June, 1989.

First Reading: June 12, 1989  
Second Reading:

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

ORDINANCE #1989-26  
FY 89 BUDGET AMENDMENT NO. 3

AN ORDINANCE TO AMEND THE FISCAL YEAR 1989 BUDGET

SECTION 1. BE IT ORDAINED and enacted by the City Council of Takoma Park, Maryland that the Fiscal Year 1989 Budget be amended as follows:

REVENUE AMENDMENTS

- a. A revenue line item, Account 475 (Norton Project) is created with an appropriation of \$10,000.

EXPENDITURE AMENDMENTS

- a. Appropriate \$10,000 to Account 964, Norton Project (Debt Service) for pass-through payment of the State MICRF loan.
- b. Transfer \$10,000 from Account 510, Govt. Administration salaries to Account 510.1 Temporary Assistance .
- c. Transfer \$6,000 from Account 991, General Contingency, to Account 513, Interns.
- d. Transfer \$33,000 from Account 600, Police salaries, to Account 601, Police Overtime.
- e. Transfer \$24,000 from Account 977, Excess Liability to the following accounts:
  - o \$6,000 to Account 506, Engineering Services.
  - o \$18,000 to Account 971, General Liability (insurance) to cover overlapping insurance costs.

- f. Transfer \$40,800 from Account 980, Fire Service, to the following accounts:
  - o \$3,300 to Account 834, Government Buildings, Repair Parts
  - o \$4,200 to Account 836, Government Buildings, Subcontracts
  - o \$5,300 to Account 857, Repair Shop, Outside Parts & Labor
  - o \$3,000 to Account 887, Streets Division, Fringe Benefits
  - o \$5,000 to Account 895, Streets Division, Subcontracts
  - o \$20,000 to Account 995, Capital Expenditures to cover costs of the Municipal Gym renovation
- g. Transfer \$25,437 from Account 991, General Contingency to Account 1000, General Fund Transfer to cover nonreimbursable expenditures for Takoma Junction Construction and advanced funding to complete Forest Park.

SPECIAL REVENUE BUDGET

REVENUE AMENDMENTS

- a. Increase General Fund Transfer, Account 3003.000 by \$25,437.
- b. Increase CDBG 12th Year, Account 3000.160 by \$19,000 for receipt of CDBG funds for Takoma Junction Streetscape Project.

EXPENDITURE AMENDMENTS

- a. Appropriate \$33,437 to Account 3500.403, Takoma Junction Construction - Capital Outlay to account for project completion.
- b. Increase appropriation for Forest Park, Account Number 3500.702 by \$11,000.

Page Three  
Budget Amendment Ordinance No. 3

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

Upon motion by \_\_\_\_\_, duly seconded by \_\_\_\_\_, the ordinance was adopted by roll call vote as follows:

AYE:  
NAY:  
ABSTAIN:  
ABSENT:

Introduced By: Councilmember Hamilton  
Drafted By: Valerie VinCola

ADOPTED: June 12, 1989

Resolution No. 1989-64

A resolution to establish a committee for the purpose of reviewing and evaluating proposals for the use of Community Development Block Grant (CDBG) funds received during Fiscal Year 1990-91 and for recommending CDBG funding proposals and priorities to the Mayor and Council.

WHEREAS, the City anticipates receiving federal Community Development Block Grant (CDBG) funds through Montgomery and Prince George's Counties for Fiscal Year 1990-91 to use for eligible projects; AND

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

WHEREAS, to achieve maximum citizen input, it is the practice of the City government to form each year a Community Development Block Grant Citizens' Advisory Committee (CAC) composed of representatives of all citizen, tenant, civic, neighborhood and business organizations and groups who submit the names of nominees to review and evaluate CDBG proposals, and to recommend proposals to the Mayor and Council; AND

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the FY 1990-91 Community Development Block Grant Citizens' Advisory Committee is hereby formed for the term of one (1) year of the following individuals:

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

NAME	REPRESENTING
Ira Amstadter (P)	Between the Creeks Citizens Assoc.
Drake Cutini (A)	Between the Creeks Citizens Assoc.
Uri Yokel (P)	Longbranch-Sligo Citizens Assoc.
Julie Matthews (P)	Mutual Housing Assoc. of Suburb. MD
Ronald Waldron (A)	Mutual Housing Assoc. of Suburb. MD
Pat Rumbaugh (P)	North Takoma Citizens Assoc.
James Benfield (A)	North Takoma Citizens Assoc.
Karen Mitchell (P)	Park Ritchie Tenants' Assoc.
Dorothy E. Starke (P)	Ritchie Ave. Citizens Assoc.
Clarence Boatman (A)	Ritchie Ave. Citizens Assoc.
Mike Stokes (P)	Takoma/Langley Crossroads Dev. Auth.
Dan Robinson (A)	Takoma/Langley Crossroads Dev. Auth.
Tom Harrison (P)	Westmoreland Area Community Org.
Susanne Fleming (A)	Westmoreland Area Community Org.

BE IT FURTHER RESOLVED THAT the Citizens' Advisory Committee formed herewith is charged with reviewing, evaluating and prioritizing all FY 1990-91 CDBG proposals received by the City for the purpose of submitting funding recommendations to the Mayor and Council for final action.

BE IT FURTHER RESOLVED THAT the Citizens' Advisory Committee shall submit its FY 1990-91 CDBG funding recommendations to the Mayor and Council no later than Thursday August 3, 1989.

BE IT FURTHER RESOLVED THAT the City Administrator shall be, and hereby is empowered to appoint additional representatives from recognized citizens' associations which made known to the City their wish to participate on the committee and are recommended for participation by the Council representative for the ward; such additional appointments to be effected on or before July 1, 1989.

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

ADOPTED THIS 12th DAY OF JUNE, 1989.

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CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
June 26, 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	Community Dev. Coord. VinCola
Councilmember Martin	Housing Services Director Weiss
Councilmember Sharp	Public Works Director Giancola

ABSENT: Councilmember Leary

The Mayor and City Council convened at 8:05 P.M. on Monday, June 26, 1989 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Councilmember Hamilton moved approval, collectively, of the Minutes of the May 30, 1989 Regular Council Meeting and the June 5, 1989 Special Session. Councilmember d'Eustachio duly seconded the motion and the minutes were approved, as written, by unanimous vote of those present.

The Mayor noted the Council would not be meeting in worksession on July 3; he related that there would be a public auction conducted in the Municipal Building at 7 p.m. on July 2, with the proceeds to help create an endowment to benefit the July 4 parade; it was hoped this would be an ongoing endowment to help defray costs of the parade. He urged that all come out and attend the 4th of July activities, noting that the City's newly-created flag would be presented and dedicated during the festivities.

Mayor Del Giudice noted there would be a public forum conducted on Thursday, July 6, for the Mayor and Council to hear public commentary and discussion regarding the proposed Charter change recommended by the Charter Review Committee. He said it was a major document, proposed some changes in governmental structure, but more than anything, brought the Charter into compliance with the way the government was currently operating.

Councilmember Hamilton noted he had served for the last year as a resource representative to the Montgomery County Drug Taskforce; he related that on June 28, that group would be presenting its final report to the County Executive. He said he would like to thank Calvin Avant and Ray Ballard, both of whom had participated with the Youth Committee. He said once the final report had been presented, copies would be made available to the City's elected body and to the public.

Councilmember Douglas commented he would like to publicly thank the Public Works Department for the work they had done in the last couple of weeks in response to the recent severe storm. He said he had received numerous comments from constituents regarding the department's responsiveness and the quality of the work they had done in clearing up debris.

The Mayor related that the City's newly-renovated municipal gymnasium, located in the fire house, had reopened the previous weekend and encouraged that all who had not attended the opening, visit the facility and see the results of all the hard work and efforts that had been put forth by a number of people, including Councilmember Hamilton. He said the floor was now in excellent condition, a ping-pong table and a pool table had been provided, as well as a number of other games for both young people and adults, and the City would be sponsoring various events at that facility in the future. He said he thought the community would get a great deal of enjoyment from the gymnasium and congratulated all who had participated on the success of their efforts.

The Mayor noted he wished to take up during worksession following the regular meeting a memo received from staff regarding the Program Open Space application for FY 1990; he said there was apparently a June 28 deadline on making any changes in the application.

ITEMS FOR COUNCIL ACTION:

1. Second Reading of FY 1988-89 Budget Amendment No. 3.

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Hamilton. The Mayor noted there would be need to amend the ordinance based on some changes that had occurred in the interim since First Reading.

Responding to query from Councilmember Douglas, Asst. City Administrator Habada stated that the City was caught up at the present in regard to reports due the county and federal government related to CDBG monies. She said there had been a great deal of activity over the past year, and while reports had been allowed to lapse at one point, they were now up to date and reimbursements were coming in.

Councilmember d'Eustachio referred to \$50,000 proposed for transfer to cover what the City considered to be the legitimate part of Pepco's bill for work in Takoma Junction; he said he was uncertain whether or not the auditors would view the remaining \$41,000 as a liability and which would necessitate an additional appropriation in the present fiscal year. Ms. Habada said the amount originally agreed upon between the City and Pepco was \$50,000, and they were advised to please let the City know if they found they were going to exceed that amount. She said no notice was received along the way, and then in August of 1988, the City received a bill from Pepco for \$91,000. She said she intended to advise the auditors that there was a dispute over the amount; the City would pay the \$50,000 and tell Pepco it felt that was the amount they were due. She said if the dispute continued in the next fiscal year, then there would be a need to either reprogram funds or find a way to cover the additional \$41,000 that had not been anticipated. She said Corporation Counsel was reviewing the matter and affirmed there was no need for the elected body to make any decision about the remaining \$41,000 in the immediate future. Mr. d'Eustachio said his concern had been that if there was need to reprogram Block Grant money, it should be done with the awareness of the Block Grant Committee; however, that apparently did not apply at present.

Responding to Councilmember Hamilton, Ms. Habada affirmed that the situation dated back to 1986 and the \$50,000 was payment for Pepco relocating utility poles in Takoma Junction. She related, as well, that there were some telephone calls regarding the \$91,000 bill when it was first received; however, there had been no subsequent correspondence or contact about it.

Following brief additional discussion regarding the Pepco situation, Ms. Habada, responding to query from Councilmember Douglas, affirmed that the Hess issue related to Takoma Junction had essentially been resolved; she said a final check had been cut, that was in the hands of attorneys who would release it as soon as a final release of liens was signed.

Councilmember Douglas referred to Forest Park and commented that it seemed things generally ended up costing the City more than what was initially anticipated; he asked whether there was something that could be done to ensure that projects ended up costing closer to what was projected and allocated. Ms. Habada said she thought that with Mr. Giancola handling the contracting henceforth, such things would be a lot tighter. She commented that Forest Park was an unusual case in that it involved 3 different sources of funding; more POS money could have been used, and the City would be applying for an additional amount to cover the cost overrun; she affirmed it was not anticipated that the City would be paying the overrun, but would be reimbursed. Mr. Wilson commented that aside from Mr. Giancola taking over basic management of such projects, it was planned that the fiscal side would be managed more closely as well, because that had not been done adequately in the past.

Councilmember Hamilton commented that inflation had not been figured into Block Grant calculations in the past; as an example, he said Ritchie Avenue had been estimated at \$43,000 in 1986 and the figure had not been changed up to the present. He said staff and/or the Block Grant Committee should look into that, inasmuch as the City gets such funds as much as a year in advance. Ms. Habada commented that an

engineering review of the Block Grant numbers would also be helpful because it would provide specific cost figures from an engineering perspective.

The Mayor noted need to amend Section 1., subsections g. and h. under expenditures; as well as subsections a., b. and c. under expenditures in the Special Revenue section. Councilmember d'Eustachio moved to amend the ordinance in accordance with the material that had been provided; Councilmember Douglas duly seconded the motion, which carried by unanimous vote of those present.

Responding to query from Councilmember Douglas regarding status of the budget as the end of the fiscal year neared, Ms. Habada said she felt that her prior statement about the City being \$150,000 better off than anticipated earlier still held; another letter was recently received from the state income tax people stating that another \$50,000 check would soon be forthcoming, and an additional larger check was expected in August. Regarding expenditures, she said given the recent storm and Police and Public Works overtime that had to be incurred as a result of it, she did not know the total amount that would add up to as yet.

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

ORDINANCE #1989-26  
(attached)

2. Resolution Nominating 4 Additional Members to WSSC Sligo Creek Sewer Reconstruction Citizens' Advisory Committee.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Elrich. The Mayor noted that the resolution would appoint a representative from the S. S. Carroll Citizens' Association, the Colby Avenue Citizens' Association, the Between the Creeks Neighborhood Association, and the Ritchie Avenue Citizens' Association. He affirmed that the individuals nominated had been selected by their respective organizations in response to a solicitation from the City. The resolution was passed by unanimous vote of those present.

RESOLUTION #1989-65  
(attached)

3. Discussion of Rent Stabilization Guidelines.

The Mayor noted that the item was on the agenda for discussion only; he said he anticipated that Council action, if any were taken, would occur in July or possibly August. He pointed out the Council had previously adopted a guideline of 4%, and that figure, under current procedure, would remain in effect unless the Council elected to change it. The City Code, however, did require an annual discussion of the Rent Stabilization Guidelines, and the purpose of the current meeting was to fulfill that requirement. He said he intended to try to limit individual comments to 5 minutes maximum because there were numerous people present who might wish to testify on this, as well as one other, issue on the agenda.

Councilmember Douglas inquired whether, if action were taken on the Rent Stabilization Guidelines in July or August, testimony would be limited at that time and the public record developed during the present meeting relied upon. The Mayor affirmed that, for the most part, that would be correct; he asked that members of the elected body refrain from getting into any debate/discussion, however, of the matter at present, other than any questions that might occur.

Housing Services Director Weiss referred to her memorandum of 5/24/89 in which she had detailed the information examined in order to come up with DHS's recommendation for a 5% Rent Stabilization Guideline for the coming year, including Consumer Price Index figures specified in Article 7 of the City Code, various rent figures, and Bureau of Labor Statistics wage figures for the D.C. area. She pointed out that those latter wage figures had been found to be incorrect, however, and the Bureau of Labor was presently unable to provide the correct data. In addition, she noted COLTA (the full commission) had met and considered

all the available data; their final decision was to support DHS's recommendation.

Responding to query from Councilmember Douglas, Ms. Weiss explained that regarding the information on wage figures from the Bureau of Labor Statistics, she had thought they were giving her a comparative rate of wages for the D.C. area; however, what they actually gave her were D.C. wages only compiled in 1988 but for 1987.

Councilmember Hamilton inquired whether it was not the responsibility of COLTA to gather their own information, review it, and come up with an independent recommendation, rather than simply reviewing that provided by DHS and supporting that department's recommendation. Ms. Weiss stated that COLTA's responsibility in the matter was specifically spelled out in Section 6-80.17(b) of the Code, i.e., to what extent it should independently review data and to what extent it should review data supplied by DHS. Mr. Hamilton noted that an important part of the information reviewed, i.e., people's wages -- with which they pay their rent -- was apparently incorrect. Ms. Weiss affirmed, responding to Mr. Hamilton, that she nonetheless supported a 5% guideline. Mr. Hamilton referred to the Bureau of Labor Statistics' definition of renters' costs, which included 4 items; he asked how those affected the 5% figure. Ms. Weiss said that only 2 of the indicators would appropriately be considered, i.e., residential rent (which, using CPI data, she had broken out to be 6.5%) and tenants' insurance (homeowners paid by the tenant individually to an insurance company and in addition to unit rent paid to a landlord). Mr. Hamilton referred to a memorandum from Ms. Weiss dated 3/13/89 in response to information Brint Dillingham had been seeking for some months; he said she had therein stated that in both 1987 and 1988, there had been 4 cases each of rent increases in excess of the 4% guideline; he asked the total number of landlords in Takoma Park. Ms. Weiss responded she did not have that information at hand.

Brint Dillingham: said that, according to the latest information he had gotten from DHS, there were a total of 362 rental properties in the city; in 1987, there probably around 350; so the total number of cases filed per year would involve approximately 1% of those properties.

Councilmember Elrich inquired whether there were any figures available that would reflect the percent of an individual's rent that goes toward mortgage service, toward utility payments, etc., also whether there was any way of knowing how many landlords had adjustable mortgages which might ratchet up during times of inflation versus those who had fixed mortgages. He said while it was possible some costs were going up for some landlords, it was also possible that a large portion of their expenditures were fixed. Ms. Weiss said that while DHS had expense data for a small number of rental properties, that would not necessarily reflect an accurate picture of the situation citywide; also, such an intricate analysis would require very extensive work to be done properly. She said she was not aware of any agency that would have such data. Councilmember d'Eustachio pointed out that the situation varied individually to such a degree that an average would be meaningless.

Gilbert Jones, 7777 Maple Avenue: said the Upper Maple Avenue Advisory Council (UMAAC), after consideration and review, recommended that the guideline remain at 4%. He said they based their recommendation on the fact that wages in the state, federal and county sector had not gone up more than 4%, the cost of maintenance had not gone up more than 3.5%, there was a decrease in the cost of energy. While the cost of living continued to rise, many employers were freezing cost of living wages. In addition, he said there had been poor services, no services, and/or reductions in services, particularly from maintenance personnel. Many buildings along the Maple Avenue corridor have numerous Code violations. For all those reasons, UMAAC recommended no increase in the rent cap. He distributed copies of printed material to the elected body.

Responding to query from Councilmember Elrich regarding the source of information for the referenced decrease in energy cost, a female member of UMAAC said the C.P.I. for 1989 gave such an indication.

Evelyn Meecham, 7710 Maple Avenue: pointed out there are many tenants who are retired and on fixed incomes; their salaries do not go up. She said there were many such people who were not present at the meeting to speak for themselves, and she would ask that the rent cap remain at 4%. She said those on fixed incomes could barely make ends meet; perhaps people still working were able to do somewhat better, but they lived in the same buildings, so if the rent were increased, it affected all.

Naomi Turner, 7667 Maple Avenue, Pres. of Parkview Tenants' Assn.: said the tenants in the city had not gotten a break either along the Maple Avenue corridor or anywhere else; she pointed out there were many such people as the previous speaker had described -- on fixed incomes, and some disabled -- as well as people with children to raise. She said her own daughter had moved out of Takoma Park to Germantown because of the continuing rent increases, and a lot of other good people had left and were leaving for the same reason. She said the rent cap should remain at 4%. Ms. Turner said Housing Services was taken over from the county and DHS created to help the tenants, and if that could not be done, then it should be dismantled.

Teresa De La Santa, landlord of 8204 & 8206 Houston Court: said she resides in her own buildings, maintains them at a high level of quality and has no outstanding Code violations. In response to Councilmember Elrich's earlier question, she said she had recently examined her own costs over the past year and had found the following: gas costs had increased 31% in one building, 27% in the other; electric costs had increased 71% in one, 88% in the other; water cost had remained the same; the cost of trash collection had remained low; maintenance costs had risen; her mortgage was adjustable rate. She said property taxes had increased 17% in the past year. She said it was increasingly difficult to maintain buildings well in the face of rising costs and with a 4% rent increase cap -- a 4% rent increase did little to cope with an 88% increase in the cost of electricity -- as well as a pending 2% increase in the mortgage costs. She said she heartily approved of any increase the elected body would make in the Rent Stabilization ceiling.

Responding to query from Councilmember Hamilton, Ms. De La Santa affirmed that she was aware she could petition COLTA for a rent increase in excess of 4%, however, said she had not done so. She said she worked -- was not a full-time landlord -- and could not afford to take personal leave from her job to do so. She said she would strongly suggest that the Council make a move to increase the rent cap by even 1%. She affirmed that the 17% property tax increase was for a one year period only. Councilmember Sharp remarked that he had been told by several different people in county offices that there was a 15% per year cap on the property tax increases. The Mayor said that was his understanding as well and suggested that Ms. De La Santa might wish to contact Lou D'Ovidio, a city resident/former councilmember who works for Montgomery County and might be able to assist her.

Gordon Pickering, 7710 Maple Avenue: said she was very happy with the building in which she resides, but concurred with the majority of those who had spoken that the rent cap should remain at 4%. She said diversity of the population in the city was a nice facet of life in Takoma Park and if the rent increase level remained at 4%, perhaps the diversity could be retained. Additionally, she said she would like to try to ensure that people could maintain lives in apartments rather than becoming homeless and having to live out on the streets -- and one thing that would help would be to keep the rent cap at 4%. She said she saw no reason for an increase in the figure.

Brint Dillingham, 7018 Carroll Avenue: referred to his testimony opposing an increase during last year's Rent Stabilization Guidelines hearing, at which time he had commented concerning the loss of diversity in the city's population due to increasing rents and the fact that those who would contribute to the diversity would not be able to move into the city for the same reason. He said that had become even more so, because in the interim period, the city had lost 115-150 housing units (according to county figures) due to the Phaseback Law. He said there was a need to do everything possible to avoid any more shrinkage of the city's housing stock and any more gentrification of

the city. He said that, according to DHS figures, there had been a total of 34 petitions from landlords over the past 5 years to exceed the rent increase cap; in the past 2 years, there had been only 4 each year; so apparently, the average number of such cases per year had gone down as the rent increase percentage cap had gone down from the earlier 5% to 4%. He said that might indicate that landlords were not finding it all that hard to deal with the 4%, and said he felt it certainly should not go up to 5%. Mr. Dillingham said that, as Ms. Weiss had candidly admitted, some of the data being given the elected body to make a decision affecting about 9,000 (or 60%) of the city's population was not only sometimes incorrect, but often inadequate -- the decision makers do not have a proper data base to make such a decision. He said he had finally learned, after months of questioning, that about 20% of the 362 rental properties in the city had not submitted (by March) a rent report that should have been submitted in October. When he checked about a week ago, about 20% of the rental properties were still in non-compliance vis-a-vis that reporting requirement. He said that was one illustration of the fact that the elected body did not have a sound data base for making decisions such as the one at hand, which were so important to so many people. In addition, there was no data base that would tell the Council, in a summary fashion, how many apartment units were in violation of the BOCA Code, which was something that should be known prior to making a decision to increase the rent cap. Before effecting any increase in the present 4% level, he said a decent data base should be gotten in place that would provide the sort of information the Council needs prior to making such a move. Mr. Dillingham referred to the elected officials having recently returned from the MML Annual Convention in Ocean City, which he said was paid for by MML, but said he would hope the Council would realize before making a decision to raise the rent ceiling, that each time they do so, it cuts away at the possibility of a significant people to take any vacation whatsoever either at Ocean City or anywhere at all. He said such a move also cuts away at those same people's ability to buy a needed new appliance and/or a number of other necessary things that involve expenditure of money. As Councilmember Hamilton had said last year, he remarked, many people in the city were only a paycheck away from being put out of their apartments, and if the rent cap were raised another 1%, it could push some of them over the edge. In closing, he referred to a letter he had received in May and quoted therefrom, particularly regarding rent inequity. He said the City had passed a law 6 years ago requiring COLTA to periodically examine rent inequities, and said COLTA had never done that, which contributed to the lack of an adequate data base. Quoting directly from the aforementioned letter, he read, confirming a conclusion he said had been established nationally, regionally and locally: "It has been shown repeatedly that current rents and prices of homes exceed the average and above-average person's ability to pay in this area." He said if the City of Takoma Park believed that conclusion, it had no moral right to raise rents even a penny. Mr. Dillingham said it would appear to him that the City did believe that statement because it was a direct quote from a letter written to him by City Administrator Wilson.

Councilmember Sharp pointed out that the City Council, per se, did not raise rents -- that decision was made by individual landlords. Mr. Dillingham, in responding, drew a parallel between a statement made last year during the hunger strike staged by people in protest of the Phaseback Law -- he said Rick Ferrara said the county was not evicting people from their homes, merely displacing them, and County Executive Kramer said that the county was not evicting people, that they were merely telling the landlords what they had to do in order to comply with the county law and the landlords would be doing the evicting. He said the City Council in dealing with the Rent Stabilization Guidelines were passing legislation that made the statement to landlords that they have a right to raise the rent, and landlords who are in the game for profit get the signal and will obviously do so in accordance with the permission that has been given. Councilmember Sharp remarked he felt that if there were no rent stabilization in the city, landlords would raise rents; he said he did not think they were misinterpreting the Rent Stabilization Guidelines as a signal to raise rents, which they would not otherwise do.

Responding to query from Councilmember Hamilton, Mr. Dillingham

affirmed that his statement that 20% of the landlords in the city were not in compliance with rent increase reporting requirements was based on information supplied to him by the Director of Housing Services; he said her communication to him had stated that 76 out of the 362 landlords in the city were either in violation or non-compliance with that requirement of the City law. Regarding the number in violation of the BOCA Code, he said he had been advised DHS did not have a tabulation of that.

Denise Kerns, 125 Lee Avenue: said she did not support the recommended increase in the rent cap. She said the elected body should take into consideration the neighborhoods that would be impacted by such a move; it would be lower income people, would send a signal that the City would as soon get rid of certain elements of the people and certain housing areas.

The Mayor thanked those who had attended and spoken; he said he anticipated the matter being on a worksession agenda in July, and that were any action taken, that would probably also occur in July. He encouraged that those wishing to follow the progress of the issue contact either Deputy City Clerk Jewell or Housing Services Director Weiss.

4. Resolution of Council Position on Proposed Zoning Text Amendment 89013 (Accessory Apartments).

Housing Services Director Weiss referred to a memorandum she had distributed to the elected body at the beginning of the meeting, along with an alternative draft resolution for their consideration. She said the resolution was designed to touch upon points brought up at the last meeting at which the proposed ZTA was discussed. She summarized the various sections and content of the document, and said the language had been toned down somewhat to conform with her perception of the Council's preference.

Mayor Pro Tem d'Eustachio suggested that the document be discussed section by section sequentially, trying particularly to get a general sense of the Council's position regarding the major issues addressed, e.g., lot sizes, hearing waivers, etc.

Regarding the general concept of the proposed legislation, Councilmember Douglas said it concerned him that the proposed resolution contained approximately 20 "Whereas" clauses, more than he felt were necessary. He said he appreciated Ms. Weiss' efforts to tone down some of the rhetoric, but thought the document should try more to address the policy issues and not take shots at the county. Regarding lot size, he said while that may not be the ultimate indicator, nothing had been suggested to take the place of that for criteria purposes. As important as housing stock is, and particularly this sort to provide a different kind of housing in the city, there were also other issues to consider, e.g., density and liveability. He said lacking any other indicator, he felt lot size should remain, but would certainly be willing to look at other sorts of criteria for measures that would get around lot size, e.g., off-street parking, yard size, setbacks, square footage of main and accessory living units, which would probably be better measures of liveability.

Councilmember Elrich commented that, having sat on County Councilmember Adams' committee that came up with the legislation, he obviously favored it. He said the other protections Mr. Douglas had mentioned were still present within the law -- there were checks for off-street parking, prevailing rules about how much of a lot could be paved over to provide off-street parking, criteria regarding density, and requirements that the accessory unit be a subsidiary to the main house unit. He said the committee's concern in dealing with the lot size issue was that over time, the definition of what comprised a lot had changed and it would be inappropriate to retain the lot size definition reflecting the current notions of zoning. He said it was felt that houses were built on what was considered to be an acceptable lot size and they should be able to have accessories providing they could meet the other criteria mentioned. He said what inclusion of the lot size requirement in the law had done was to serve as an automatic discouragement to people to apply for accessory apartments. He commented that the people who had worked on the committee included a very

broad representation of the makeup of the community; they were not only housing advocates, but people representing civic associations and those who had longstanding concerns about accessories.

Councilmember Douglas commented on a concern that density was one of the issues the City Council had not really addressed, that it had been handled as a discretionary matter and there was a tendency to go ahead, take the easier way, and approve applications on a case by case basis. He said he feared that a bunch of small decisions of that sort could end up with a larger picture that did not look right, whereas if there were a more standard policy, it would remove some of the discretion factor and make protecting neighborhoods easier.

Councilmember d'Eustachio remarked that, in general, he agreed with Mr. Elrich's view, i.e., that there were substantial other checks within the existing law, some discretionary and many non-discretionary. He said he agreed that the lot size requirements should be eliminated; that particular factor was relatively minor in the overall impact of a unit on a neighborhood; the major factors were clearly the number of units in a building (density), the quality of the units, the quality of the landlord, and those had a far more substantial impact on the surrounding area. He said he felt the proposed ZTA recognized Takoma Park and the way in which the lots are laid out in the city.

Councilmember Martin commented that in most neighborhoods, lots were generally of a similar size; where lots were smaller, there were smaller houses and greater density than those areas in which lots and houses were larger. She said by allowing accessory apartments in those areas where there were small houses and small lots, the density would be increased. She said she thought that should be kept in mind.

Ms. Weiss pointed out there were actually 2 issues regarding lot size, i.e., one having to do with accessory apartments in single-family homes and the other to do with accessory apartments in accessory structures/buildings.

The Mayor raised the question of the exclusion of non-traditional families from eligibility to own accessory apartments, which he said he assumed the county would address and which he also assumed the City Council would oppose. He said that provision would require that the residents of the principal dwelling be related through blood or marriage. Responding to query from Councilmember Douglas, Ms. Weiss said the City's Right of First Refusal Law, as well as the Personnel Ordinance, included "domestic partners" under the definition of families. Mr. Douglas said that would be the direction in which he would wish to see the legislation head, rather than simply eliminating all requirements in that specific area. Councilmember d'Eustachio said that while he could sympathize with domestic partners, his concern would be related to enforcement; i.e., if there were violations, how could one possibly document the relationship of people occupying a residence if it were not a legally binding and documented relationship such as blood or marriage. He said he thought the intent most likely was to reduce or restrict the number of unrelated individuals residing under one roof, and he felt perhaps the approach should be to state a specific number of such persons who could legally occupy a dwelling unit, which would allow for enforcement of the law.

The Mayor inquired of those who had participated on County Councilmember Adams' committee which drafted the legislation whether the target of that particular provision was a group home (in the conventional sense, not for some specific group of persons, e.g., handicapped) in the county which had a number of unrelated persons living in it and also had an accessory apartment. Ms. Weiss responded in the affirmative.

Councilmember Hamilton commented that he would have to abstain from participating in any decisionmaking on the matter; as a member of a county Fair Housing Group on Housing Discrimination he did not feel he should also be a part of making a decision on the issue at hand.

Councilmember Martin reminded she had raised the question at an earlier meeting regarding accessory apartments being built at the time of construction of new homes; she noted that matter had not been



The first part of the report deals with the general situation in the country. It is noted that the economy is still in a state of depression, and that the government has taken various measures to stabilize the situation. The report also mentions the progress of the reconstruction work, and the need for further assistance from the international community.

In the second part, the report discusses the social and cultural conditions. It is observed that the population is still suffering from the effects of the war, and that there is a need for social reforms. The report also mentions the progress of the educational system, and the need for further investment in education.

The third part of the report deals with the political situation. It is noted that the government has taken various measures to stabilize the political situation, and that there is a need for further reforms. The report also mentions the progress of the democratic process, and the need for further participation of the people.

In the fourth part, the report discusses the economic situation. It is observed that the economy is still in a state of depression, and that there is a need for further measures to stabilize the situation. The report also mentions the progress of the reconstruction work, and the need for further assistance from the international community.

The fifth part of the report deals with the social and cultural conditions. It is observed that the population is still suffering from the effects of the war, and that there is a need for social reforms. The report also mentions the progress of the educational system, and the need for further investment in education.

In the sixth part, the report discusses the political situation. It is noted that the government has taken various measures to stabilize the political situation, and that there is a need for further reforms. The report also mentions the progress of the democratic process, and the need for further participation of the people.

The seventh part of the report deals with the economic situation. It is observed that the economy is still in a state of depression, and that there is a need for further measures to stabilize the situation. The report also mentions the progress of the reconstruction work, and the need for further assistance from the international community.

In the eighth part, the report discusses the social and cultural conditions. It is observed that the population is still suffering from the effects of the war, and that there is a need for social reforms. The report also mentions the progress of the educational system, and the need for further investment in education.

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addressed in the draft resolution. She said she still had the question of, if the unit was registered, whether such a new house could be sold after a 3-year period, for instance, and the new owner assume the registered unit status. She said she understood a house had to be 5 years old in order to get approval for an accessory apartment. Ms. Weiss said it was her understanding that both the 5-year requirement for an accessory apartment and the 1-year ownership requirement remained constant, whether or not the unit previously existed as a registered unit. Ms. Martin said she did not have her copy of the county legislation at hand, but it had sounded to her as though they were trying to get rid of the 1-year requirement for pre-existing accessory apartments.

Councilmember Elrich commented he saw no harm in allowing a homeowner to apply for an accessory apartment in a house that was sold after 3 years because they would still have to meet all the other criteria and requirements, e.g., off-street parking, density, etc. Responding to query from Ms. Martin, Mr. Elrich said the original 5-year requirement was established in order to prevent people from building duplexes on single-family lots. Mr. d'Eustachio said he felt that intent was still valid, that if the Master Plan and zoning intended for that to occur, it should have been included in the Master Plan. He said what was being dealt with in the legislation at hand was changes after a building had already had its initial impact on a neighborhood. He said any new building in an established neighborhood had a substantial potential impact, and some time should be allowed to pass prior to consideration being given to addition of an accessory apartment. He said he was relatively comfortable with the 5-year requirement for accessory apartments. He said Mr. Douglas had just mentioned that the issue could trigger a super-majority because it was a zoning issue and did affect Takoma Park. The Mayor commented that the problem he saw was that there was such a variation in concerns; he said he did not foresee the elected body being able to reach a consensus on the issues at the present meeting regardless of the amount of time expended. Ms. Weiss commented that the City's comments had to be submitted to the county by the next day, June 27. Responding to Councilmember Douglas, she said the legislation was presently before the County Council, a public hearing was held 2 weeks earlier, and the record would be closed on June 27. She said the County Council was expected to vote on the matter sometime in July.

The Mayor said while he thought the elected body could likely reach a level of agreement of sentiments about the proposed legislation, it should perhaps be deferred for the present and brought up at the earliest possible time for further examination and discussion. He said he did have a concern about the issue, shared some of the concerns raised regarding allowing the new hybrid kind of units without any public discussion. He said he thought that was an important issue and should be subjected to a public process; in certain circumstances, such a unit could result in problems in a community. Ms. Weiss suggested sending a general letter to the county advising that the City would be communicating further following closer examination and further deliberation. The Mayor said that the most that could be said in such a letter, in fairness to the full Council, would be that all of the elected body agree about the need to review the law and to undertake a very serious review, that there are some concerns about the issues that have been raised and the matter will be committed to further study. He said it should state that the City does have concern about the issues raised, further study will be done, and the City will communicate its sense of the proposed amendments and participate in the process as best it can. Councilmember Douglas said the Mayor's words should be taken very literally, that he would be very nervous about trying to walk a line on any particular issue regarding where the City stands at the present point in time.

Councilmember Sharp related that he had learned the previous day that a city resident, Damon Agro (known to his friends as Monte) would be going to the Soviet Union on an exchange program for several weeks. He said he would like to propose passage of a resolution he had drafted and which Mr. Agro could take with him. Mr. Sharp read the resolution verbatim and moved its passage, duly seconded by Council-

member Hamilton. The resolution was passed by unanimous vote.

RESOLUTION #1989-66  
(attached)

Upon motion, duly seconded, the meeting adjourned at 9:55 p.m., to reconvene in worksession, and thereafter in regular session at 8:00 p.m. on July 10, 1989.

Revised 6/22/89  
Revised 6/23/89

First Reading: June 12, 1989  
Second Reading: June 26, 1989

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

ORDINANCE #1989-26  
FY 89 BUDGET AMENDMENT NO. 3

AN ORDINANCE TO AMEND THE FISCAL YEAR 1989 BUDGET

SECTION 1. BE IT ORDAINED and enacted by the City Council of Takoma Park, Maryland that the Fiscal Year 1989 Budget be amended as follows:

REVENUE AMENDMENTS

- a. A revenue line item, Account 475 (Norton Project) is created with an appropriation of \$10,000.

EXPENDITURE AMENDMENTS

- a. Appropriate \$10,000 to Account 964, Norton Project (Debt Service) for pass-through payment of the State MICRF loan.
- b. Transfer \$10,000 from Account 510, Govt. Administration salaries to Account 510.1 Temporary Assistance .
- c. Transfer \$6,000 from Account 991, General Contingency, to Account 513, Interns.
- d. Transfer \$33,000 from Account 600, Police salaries, to Account 601, Police Overtime.
- e. Transfer \$24,000 from Account 977, Excess Liability to the following accounts:
  - o \$6,000 to Account 506, Engineering Services.
  - o \$18,000 to Account 971, General Liability (insurance) to cover overlapping insurance costs.

- f. Transfer \$40,800 from Account 980, Fire Service, to the following accounts:
  - o \$3,300 to Account 834, Government Buildings, Repair Parts
  - o \$4,200 to Account 836, Government Buildings, Subcontracts
  - o \$5,300 to Account 857, Repair Shop, Outside Parts & Labor
  - o \$3,000 to Account 887, Streets Division, Fringe Benefits
  - o \$5,000 to Account 895, Streets Division, Subcontracts
  - o \$20,000 to Account 995, Capital Expenditures to cover costs of the Municipal Gym renovation
- g. Transfer \$[25,437] 26,286 from Account 991, General Contingency to Account 1000, General Fund Transfer to cover nonreimbursable expenditures for Takoma Junction Construction and advanced funding to complete Forest Park.
- h. Transfer \$50,000 from Account 991, General Contingency to Account 1000, General Fund Transfer to cover nonreimbursable expenditures for the Takoma Junction Streetscape Construction for PEPCO pole relocation.

SPECIAL REVENUE BUDGET

REVENUE AMENDMENTS

- a. Increase General Fund Transfer, Account 3003.000 by \$[25,437] 76,286.
- b. Increase CDBG 12th Year, Account 3000.160 by \$[19,000] 19,491 for receipt of CDBG funds for Takoma Junction Streetscape Project.

EXPENDITURE AMENDMENTS

- a. Appropriate \$[33,437] 34,777 to Account 3500.403, Takoma Junction Construction-Capital Outlay to account for project completion.
- b. Increase appropriation for Forest Park, Account Number 3500.702 by \$11,000.
- c. Appropriate \$50,000 to Account 3500.403, Takoma Junction Construction - Capital Outlay to provide payment to PEPCO for pole relocation.

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

Upon motion by Councilmember d'Eustachio, duly seconded by Councilmember Hamilton, the ordinance was adopted by roll call vote as follows:

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

Introduced By: Councilmember Hamilton

Adopted: 6/26/89

Drafted By: V. VinCola

Resolution No. 1989 - 65

A resolution to nominate four additional members to the existing Washington Suburban Sanitary Commission (WSSC) Citizens Advisory Committee (CAC) for the Sligo Creek Trunk Sewer Reconstruction and Hiker/Biker Trail projects for the purpose of broadening the representation of the CAC.

WHEREAS, WSSC has established and maintained a CAC in connection with the Sligo Creek Trunk Sewer Reconstruction Project; AND

WHEREAS, WSSC has agreed to expand the existing CAC from six (6) members to ten (10) members in order to broaden its representation by including citizens further upstream and from Montgomery County; AND

WHEREAS, WSSC has agreed to allow the Mayor and Council to nominate four (4) individuals to fill the four (4) newly-created positions on the CAC; AND

WHEREAS, the purpose of the CAC is to provide citizen input on the WSSC Sligo Creek Trunk Sewer Reconstruction and the Sligo Creek Hiker/Biker Trail projects; AND

WHEREAS, the names of nominees to the CAC have been submitted by community associations and received by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the following individuals are hereby nominated to fill the four (4) vacant newly-created positions on the CAC relating to the WSSC Sligo Creek Trunk Sewer Reconstruction Project and the Hiker/Biker Trail Project:

<u>NAME</u>	<u>REPRESENTING</u>
Dan Robinson	S.S. Carroll Citizens' Association
Ramona Gross	Colby Avenue Citizens' Association
Drake Cutini	Between-the-Creeks Neighborhood Assn
Mary Thorpe	Ritchie Avenue Citizens' Association

ADOPTED THIS 26th DAY OF JUNE, 1989.

HB/Fourmore.Res

HF: Hiker/Biker Path: Sligo Creek

Introduced by: Councilmember Sharp

RESOLUTION NO. 1989-66

WHEREAS, Mr. David M. Agro, a resident of Takoma Park, has been selected to participate in the People to People Youth Science Exchange; AND

WHEREAS, the People to People Youth Science Exchange provides the opportunity for 300 high school students from the United States to travel to the Soviet Union and China and spend several weeks working under the direction of Scientists in that country on research projects of interest to them; AND

WHEREAS, Mr. Agro who will travel to Moscow and Leningrad, is the only resident of Takoma Park to participate in the Exchange Program and one of six students from Maryland.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park congratulates Mr. Agro on his selection for this program and expresses its pleasure at his participation; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council fully expects that Mr. Agro will be an excellent representative of Takoma Park and the United States; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council expresses its good wishes towards the People to People Youth Science Exchange and its hope for their continued success.

Dated this 26th day of June, 1989