

City OF TAKOMA PARK, MARYLAND

REGULAR MEETING OF THE CITY COUNCIL
June 11, 1990

City OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Hamilton	Acting City Clerk Jewell
Councilmember Leary	Personnel Officer Hobbs
Councilmember Prensky	Corporation Counsel Silber
Councilmember Moore	Public Works Director Giancola
Councilmember Sharp	Police Chief Fisher
Councilmember Elrich	Comm. Dev. Coordinator Vincola
	Recreation Director Ziegler
ABSENT: Mayor Del Giudice	Housing Services - Weiss

The City Council convened at 8:02 p.m. on Monday, June 11, 1990, in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, Mayor Pro Tem Sharp explained that Mayor Del Giudice was out of town for the week. Mr. Sharp then placed on the agenda three resolutions of appreciation for those helping with the Centennial celebration: Chairpersons of the Centennial Committee, Barbara Beelar and Nina Seavey, and City Staff persons, Jim Wilson, Belle Ziegler, Tony Giancola, and Valerie Johnson. The Resolution was moved by Councilmember Douglas and duly seconded by Councilmember Hamilton. Councilmembers Douglas and Hamilton made remarks of gratitude for everyone who helped, and not just those recognized tonight. Councilmember Moore added that the spirit of volunteerism was what helped the project and the City in general, and this comment was seconded by Councilmember Prensky. Mayor Pro Tem Sharp asked for a vote in favor of the resolutions, and the Council passed all the Resolutions by unanimous vote.

RESOLUTION #1990-62
RESOLUTION #1990-63
RESOLUTION #1990-64
(Attached)

Councilmember Prensky reminded the Council that he would be leaving for Santa Marta on June 12th for Santa Marta, El Salvador, Takoma Park's companion City. He said that he would be taking with him, 12 City pins and City flags to honor the visit and that three other people would be with him: the Reverend George Taylor from Takoma Park Presbyterian Church, Debbie Tyler, Co-Chair of the Companion Cities Project, and Reid Baron, the former newsletter editor of the Takoma Park Newsletter. Mr. Prensky noted that the stay would be for ten days, although they were already experiencing difficulties with the military in traveling around the country; the group was to return on June 21.

Mr. Sharp reminded the Council that they would not meet in session on June 18th because of the MML convention. The Council would convene next on June 25th for a regular meeting and public hearing.

ADDITIONAL AGENDA ITEMS

Mr. Wilson noted the deletion of Item #7 (A single reading ordinance awarding a contract for Street Drainage Improvements). This ordinance would be taken up on June 25. Mr. Wilson noted that there were no additions to the agenda.

CITIZENS' COMMENTS:

Gino Renne, Vice President of the United Food & Commercial Workers Union. said that he represented the police officers in Takoma Park and wanted to discuss items in the police budget. Mayor Pro Tem Sharp suggested that Mr. Renne comment during discussion of the appropriate budget amendment.

AGENDA ITEMS

1. Second Reading of Budget Ordinances.

Item 1(a), Ordinance Establishing Tax Rate for FY 1991.

Mayor Pro Tem Sharp asked Ms. Habada for an overview of each budget ordinance. Ms. Habada instructed the Council to look first at Item #1a, the Tax Rate Ordinance. Ms. Habada stated that the City Attorney had recommended an editorial change in the language. Councilmember Douglas moved all editorial amendments; duly seconded by Councilmember Hamilton and carried unanimously.

Item 1(b), Ordinance Establishing Ad Valorem Tax for Stormwater Management and Adopting Stormwater Management Budget for FY 1991.

Ms. Habada said that for Item #1b, the adoption of the Stormwater Fund Budget, on the last page of the Ordinance, new Section 6, involved the insertion of the word "capital"; and in the new Section 9, the same word insertion as well. The editorial amendments were moved by Councilmember Douglas and seconded by Councilmember Hamilton.

Corporation Counsel Silber suggested that the Council convene as the the Water and Sewer Board should and pass its own budget and tax rate. Ms. Silber said that after the Board had adjourned completing that, the City Council could convene to adopt and ratify the budget and tax rate.

Item 1(c), Ordinance Approving and Adopting a Budget for FY 1991.

Councilmember Douglas moved adoption of the Ordinance and it was duly seconded by Councilmember Hamilton. Ms. Habada noted that this Ordinance included some minor editorial amendments suggested by Corporation Counsel.

Gino Renne, Vice President of United Food and Commercial Workers (Police Union) said he was present on behalf of the police department and he requested reconsideration of several items in the police budget: the drug canine program, and the gas masks, helmets, and cruiser shields that were requested. He pointed out that these were not luxuries but basic safety tools, with a total cost of \$12,300. He thanked the Council for approving the department's renovation and the addition of a dispatcher position and salary enhancement of same, but insisted that including the items removed from the budget ought to be considered a good business decision that could even save lives.

Mr. Renne said that he understood the City recently was approved for a \$41,500 grant of Federal Funds. In light of this, the City no longer needed to come up with \$14,800, but needed only \$10,300 in matching funds to begin the program. In other jurisdictions, he explained, the canine program had helped to raise the amount of confiscated funds; i.e., Prince George's County received roughly \$500,000 in seized revenues and assets, and Prince George's County is a joint jurisdiction with Takoma Park.

Mr. Renne then summarized practices of some other jurisdictions. Greenbelt has three dogs; Hyattsville, two; Laurel, two; and, among others, Prince George's County has one. He said there would be a \$2,500 - \$3,000 expense for the dog per year for items such as vet bills, food, kennel, training, and attack equipment.

Mr. Wilson confirmed the reduction Mr. Renne mentioned in the budget and said that it involved a recalculation by the State office rather than any change in Takoma Park's budget itself. The start-up costs would be borne by the first year and the State; the ensuing year involved maintenance. Councilmember Hamilton noted that this particular budget reduction was before them for second reading, had been discussed during budget worksessions and he felt a number of these concerns were just being addressed now. Mr. Renne said he had not needed to bring them up until the Council voted to drop the items from the police budget. Councilmember Leary reminded Mr. Renne that they had known of the use of dogs elsewhere. Councilmember Douglas said that he understood from the Chief that the dog would be used from early to late evening, and only available then; used perhaps once or twice each night, and then not very much. The rest of the time the dog would be riding around with the officer assigned to it. If the force needs a new officer, then that is the issue, not the dog, he said, and then there was the problem of attrition for the rest of the officers if there were too many. He did not agree that it would be worth the cost for a small jurisdiction like Takoma Park.

Councilmember Prensky said that a \$4,000 potential savings now did not translate to great savings in future years. Chief Fisher did not suggest deleting a police officer instead of the one for the dog, but apparently Mr. Renne was proposing just that now, Councilmember Prensky said. He understood that it was possible to "borrow" a dog from other jurisdictions if necessary, and he said he had heard nothing to convince him otherwise. Councilmember Leary agreed and said that once a program begins, despite costs, it is difficult to end it. Start-up funding decisions therefore are critical.

Councilmember Moore said that he agreed with this, but felt that the safety equipment was important and should be included as an amendment, if support on the Council could be found for it. His motion was to request \$41,000 from the unappropriated reserves for the equipment but the motion failed for lack of a second. Councilmember Hamilton said that the Council had funded some things not asked for by the police, and that other items needed funding before the dog.

Transcriber's Note: Due to a malfunction of the audio and video system at this point, some discussions of the budget ordinances are omitted. The following summary was re-created using the Clerk's notes and actual votes on each item.

During discussions of the Budget Ordinance, Councilmember Leary made a motion; duly seconded by Councilmember Prensky, to take \$5,000 from the City Budget and \$2,000 from Project Open Space to provide for electrical lighting service for the Thomas Siegler property. The motion failed by a 3 to 2 vote with Councilmembers Hamilton, Douglas, and Moore voting NAY and Councilmembers Leary and Prensky voting AYE. A further amendment of the Budget, included a motion by Councilmember Hamilton and duly seconded by Councilmember Prensky to add the gravel path and fund \$6,120 out of reserves for the pedestrian path project behind City Hall. The motion carried.

Transcriber's Note: Audio and visual was restored at this point with Councilmembers making general comments on the Budget Ordinance.

Mayor Pro Tem Sharp commented that he thought it was alright to make the tax cut this year rather than another year. The tax raise would be because of the \$175,000, not the larger amount.

Councilmember Leary said he thought the budget was prudent. One of its virtues is to use the money available and to turn a small portion over to the citizens in the form of a slight reduction in

the tax rate - not a cut, but a reduction in the increase, really, an increase which has averaged 15% annually. He hoped the Council would be careful in approving additional expenditures in the course of the year in order to continue such a reduction.

At Mr. Sharp's request, Mr. Wilson explained that at the moment before the Council were Ordinances #1990-24, #1990-25, and #1990-26. Mr. Sharp asked for a roll call vote on these ordinances as amended and the ordinances were adopted by unanimous vote as follows: AYE: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, and Sharp; NAY: None; ABSTAINED: None, ABSENT: None.

TAX RATE ORDINANCE #1990-24
STORMWATER MANAGEMENT BUDGET ORDINANCE #1990-25
FY 1991 BUDGET ORDINANCE #1990-26
(Attached)

Item 1(d) Second Reading on Amendment to Personnel Classification Plan. Assistant City Administrator Habada asked for the junior code enforcement officer to be added as an amendment. This amendment was moved by Councilmember Douglas and seconded by Councilmember Hamilton and the ordinance as amended was adopted by roll call vote as follows: AYE: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, and Sharp; NAY: None; ABSTAINED: None, ABSENT: None.

ORDINANCE #1990-29
(Attached)

Item 1(e) Second Reading of FY '91 Employee and Executive Pay Plan The two ordinances were moved by Councilmember Hamilton and duly seconded by Councilmember Moore. Councilmember Douglas suggested substituting "City Council" for "Mayor and Council" wherever it occurred in the ordinances, as an editorial amendment, and this suggestion was agreed upon. The question was called and the ordinances were adopted by unanimous vote as follows: AYE: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, and Sharp; NAY: None; ABSTAINED: None, ABSENT: None.

ORDINANCE #1990-27
ORDINANCE #1990-28
(Attached)

2. Second Reading Ordinance Increasing Licensing and Inspection Fees. The ordinance was moved for adoption by Councilmember Douglas and seconded by Councilmember Prensky. Housing Services Director Sue Weiss explained that they were doing three things: 1) combining two fees into one joint fee; 2) increasing the combination licensing/fee to reflect more closely the number of inspections provided; and 3) providing a reduced fee for those properties in very good condition by revising their inspection and fee schedule, perhaps biannually.

Upon being questioned by Councilmember Douglas, Ms. Weiss replied that some properties took longer so that the \$8 fee would be inadequate. Ms. Weiss explained that there is no average cost per unit but that \$8 is a low assessment. Councilmember Prensky pointed out that despite allegations that the Council could be unfeeling, he felt the City had to charge more to cover its costs of inspection. Councilmember Douglas agreed and said that in response to notices of the increase advertised in the Newsletter, no one had come forward to testify against this, and he questioned if anyone now would.

David McSpadden, 111 Lee Avenue said that he thought the cost, virtually a tax, would be passed on to the tenants rather than the property providers and this was unfair. Both Montgomery and Prince George's Counties had no fees and did inspections upon request, and that was preferable; a tenant then had a right to request as many as he wanted.

Carlos Correia, 724 Maplewood Avenue said that he agreed with the ordinance on the table, saying he felt it would help clean up some of the apartments in the City.

Councilmember Elrich said he thought the Housing Department had in recent years become more aggressive and he felt that it had helped the tenants of the City. Montgomery County's program was not as good and that he did not like to place the burden of code enforcement on the tenant. Councilmember Hamilton also supported the ordinance, saying that he was a tenant himself, and the law was on behalf of both landlords and tenants alike. On the tenant's end, he cited language barriers and the fact that on-call complaints do not work because of language barriers and lack of knowledge. On the landlord's end, he said that the process allowed the landlord to have his property evaluated independently; many were absentee landlords. It created a system of checks and balances and the program should be maintained.

Councilmember Prensky said that, in light of the increased costs, it was not inappropriate for a suggestion to have the City subsidize costs of rental inspections. The question was called and the ordinance vote was adopted unanimously on second reading, by roll call vote as follows: AYE: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, and Sharp; NAY: None; ABSTAINED: None, ABSENT: None.

ORDINANCE #1990-30
(Attached)

3. Second Reading Ordinance Increasing Multi-Family Waste Collection Fees. The ordinance was moved for adoption by Councilmember Hamilton and duly seconded by Councilmember Leary. It was ascertained that there were over 800 of these units and that there was a lower rate of participation in the waste management process than in single-family homes. Ms. Weiss said they had done a cost analysis for the cost to the City to provide refuse and recycling services to every unit now being serviced in the City, both single- and multi-family units, and the cost was almost \$200 per unit. The fee increase now proposed, raising the fee to \$100, is still under the City's actual cost. Councilmember Moore said he thought private pick-up would cost more than what the City is asking, and the Director of Housing Services concurred and said that the fee is paid by individual tenants.

Mayor Pro Tem Sharp brought up some discrepancies in the numbering in the ordinance and asked specifically about language addressing the fees for rental properties with an excess of 11 units under Section (c). Ms. Weiss suggested an editorial amendment, but upon a motion made by Councilmember Douglas, duly seconded by Councilmember Hamilton, the ordinance was tabled to June 25th, with the suggestion made by Corporation Counsel that she re-draft that Section in consultation with City staff to clarify the fee rate for properties with units in excess of 11.

4. Second Reading Ordinance Setting Hearing Date for Condemnation of 801 Colby Avenue. Councilmember Hamilton moved adoption of the ordinance and it was duly seconded by Councilmember Elrich. It was noted that July 9, 1990, at 8:00 p.m. was the suggested date and time for the public hearing. There were no citizen comments. Councilmember Hamilton asked if a letter had been sent to the

property owner about the issue, and Acting City Clerk Jewell replied that after adoption of this ordinance, a certified letter would be sent. Ms. Weiss commented that the immediate family owning the house wished to view the videotape of the house's interior and would then decide whether or not to enter to remove any items. She confirmed that nothing had changed from the first reading two weeks ago. Mr. Sharp called the question and the ordinance was adopted by roll call vote: AYE: Douglas, Elrich, Hamilton, Moore, Prensky, and Sharp; NAY: None; ABSTAINED: None; ABSENT: Leary (for vote).

ORDINANCE #1990-23
(Attached)

5. Second Reading Ordinance Amending Cable TV Board Ordinance. Councilmember Douglas moved adoption of the Ordinance; duly seconded by Councilmember Moore. Mr. Wilson noted that the amendment to Section H is the result of worksession discussion to give the Administrator six weeks rather than a month after receipt of the Cable Board's report, and Section I is a new section showing Council action by March 1. Councilmember Hamilton stated that he would not vote since he was the Chair of the Cable Board. Mayor Pro Tem Sharp asked for a vote on all of the amendments and the amendments carried, with Councilmember Hamilton abstaining. Mr. Sharp suggested that, in new Section I, the language "shall nominate" be changed to "may recommend." The Council then voted on this specific change and the amendment carried as well.

Mr. Sharp then put the ordinance on the table noting that the ordinance was a "patch-up"; and that the Council was changing a structure, and presuming changes in the future, whether or not the ordinance seemed sensible at the moment. Councilmember Douglas said that he hoped that within the year, fundamental changes would be made; perhaps, however, the Cable Board might be the appropriate vehicle for recommending municipal and community programming. He also said that future changes might be recommended in regards to elections and appointments of Cable Board membership. The question was called and the ordinance was adopted on second reading as follows: AYE: Douglas, Elrich, Moore, Prensky; NAY: None; ABSTAINED: Hamilton, Sharp; ABSENT: Leary (for vote).

ORDINANCE #1990-32
(Attached)

6. Single Reading Ordinance Awarding Landscape Architectural Services Contract. Councilmember Hamilton moved adoption of the ordinance and Councilmember Moore duly seconded it. Mr. Giancola said that one of his goals for the City was to have open-ended contracts, and specifically, with a landscape architect firm. This year the City has a project in Jeque Park, and that they have narrowed the selection down to one firm, with a price of \$3,265. Mr. Giancola said that tonight, he wanted the City's approval to enter into a contract with this consultant. Councilmember Douglas asked Mr. Giancola about the \$3,000 cap for consultant's fees, and Mr. Giancola replied that this was a negotiating guideline meant to alert consultants as to the amount the City wanted to spend, and that was the case with this particular amount. Councilmember Douglas then asked for the criteria for choosing this particular firm. Mr. Giancola listed the process, beginning with the firm's submitting a letter of intention outlining their qualifications, references are checked, and then the top three are chosen based on a numbering system used by a selection panel with the top three firms receiving interviews.

Councilmember Douglas asked how Mr. Giancola knew which ones were the least expensive. Mr. Giancola said they did not necessarily look for the cheapest, but those with the best qualifications. Once they choose a firm, he said, the fee negotiation begins. If the goals are not compatible, then the City can go to the second-ranked. Mr. Giancola stated that if, however, FSI Designs is chosen, the length of the contract is one year.

Councilmember Hamilton asked whether or not the City had a financial obligation once the contract was signed, if some part of the process fell through. Mr. Giancola responded that this was an unlikely outcome, given the power of negotiation. In response to another question by Councilmember Hamilton, Mr. Giancola said that the wording of the contract would not exclude expansion of the contract to include other than Open Space projects. The question was called, and the ordinance was adopted on single reading by roll call vote as follows: AYE: Douglas, Elrich, Hamilton, Moore, Sharp; NAY: None; ABSTAINED: None; ABSENT: Leary, Prensky (for vote).

ORDINANCE #1990-33
(Attached)

7. Resolution Appointing Representatives to CDBG CAC. Mayor Pro Tem Sharp then changed the order of the Council's agenda to consider the Resolution appointing representatives to the Community Development Block Grant Committee CAC. He noted seven names, and Ms. Vincola noted the addition of two others: Azizah Muhammad of the Cambridge Citizens Association was their primary candidate, and Ron Waldron of the Mutual Housing Association of Suburban Maryland is their primary candidate. In the past, Ms. VinCola said, the City Administrator could appoint nominees if they appeared after today and before July 4th. Mr. Sharp then called the question on the resolution to appoint those individuals, and the resolution carried unanimously.

RESOLUTION #1990-65
(Attached)

8. First Reading Ordinance Re: Code Amendments. The ordinance was moved by Councilmember Hamilton and duly seconded by Councilmember Elrich. Corporation Counsel Silber explained that the Code and Charter were out of "sync" and that this ordinance was an attempt to rewrite and make clear certain sections and intents. For instance, the Housing Director slot has to be changed to Housing and Community Development slot, to be consistent with the classification ordinance. Councilmember Douglas agreed with the assessment but wondered, when there were so many changes to be made, these specific ones took preference. Ms. Silber said that these involved legal uncertainties that required changing. Councilmember Douglas thought that in late summer and early fall more changes should be begun. Ms. Silber added that her suggested changes were not a policy change.

Mr. Sharp reminded the Council that this was a first reading and would be discussed further in worksession. An unidentified Councilmember posed the question, to be discussed at worksession, as to whether the paragraph at the top of the last page discussing senior executives included the City clerk. The question was called and the ordinance was accepted at first reading.

ORDINANCE #1990-34
(Attached)

(Mr. Sharp noted that original Item #7 regarding the Street Drainage Improvements Contract had been deleted from the evening's agenda, and that they were now on Item #9.)

9. First Reading Ordinance - FY '90 Budget Amendment #3. Councilmember Douglas moved acceptance of the ordinance at first reading and it was duly seconded by Councilmember Hamilton. Ms. Habada reminded the Council that there may be additions to the ordinance at second reading taking place on June 25, for example, special revenue budget amendments. Expenditure amendments can be discussed at the next worksession, she said. Councilmember Douglas noted that the Seventh Day Adventist building had a "for lease" sign on it, and Ms. Habada noted the possibility of taxing it if leased. Councilmember Douglas said that he did not find it acceptable public policy solution, to have a non-profit corporation be in a for-profit business, and he wanted to know what the City's options were regarding the use of the building. Councilmember Prensky asked whether the Seventh-Day Adventists were exempt from property tax even if they leased the building for non-religious purposes. Ms. Habada responded affirmatively, but said that the question of whether the City could sue was a legal one. Mr. Sharp said that he thought the issue was one of State law.

Discussion then followed on possible worksession dates and topics. Mr. Sharp then called for a motion to accept the ordinance at first reading and it was unanimously passed.

ORDINANCE #1990-35
(Attached)

10. Resolution-Participation in Local Government Health Benefits Pool. Mr. Wilson explained that the question was, could the City enter into a resolution that deferred or exempted it from annual appropriations, and the answer was yes, he said, under the amended State law originally creating the pool. The resolution was moved by Councilmember Moore and seconded by Councilmember Hamilton. Mr. Wilson noted that State law gives the Council the authority to create the Charter; Councilmember Douglas wondered if the authority extended to having provisions in the Charter different in State law. Mr. Sharp opined that State law could not be controverted. Mr. Sharp then called the question and the resolution carried unanimously.

RESOLUTION #1990-66
(Attached)

11. Resolution Establishing a Newsletter Editor Selection Committee. This resolution was moved by Councilmember Moore and seconded by Councilmember Hamilton. Councilmember Douglas suggested amending the resolution by deleting the second Resolved clause, skipping it altogether, and passing another resolution appointing the members of the committee. A vote was taken on this particular suggestion and the Resolved clause was deleted. Councilmember Prensky asked if a process was yet in place to appoint these four members. Some inconclusive discussion followed. The question was called on the resolution, as amended, and it carried unanimously.

RESOLUTION #1990-67
(Attached)

12. Resolution Appointing Richard Joy to a Three-Year Term on COLTA. Councilmember Hamilton moved passage of the resolution; duly seconded by Councilmember Elrich. Mr. Sharp asked for discussion on the resolution and receiving none, called the question and the resolution passed by unanimous vote.

RESOLUTION #1990-68
(Attached)

Upon motion duly made and seconded, the Council meeting adjourned at 10:53 p.m., to reconvene in Regular Session on June 25, 1990.

Introduced by: Mayor Pro Tem Sharp

RESOLUTION OF APPRECIATION
Resolution No. 1990-62

WHEREAS, During this year 1990, the City of Takoma Park marks its 100th Anniversary of incorporated status; AND

WHEREAS, in January of this year the Council appointed a 1990 City Centennial Committee to help plan a variety of events to mark the Centennial; AND

WHEREAS, Committee members worked long, hard hours in planning and carrying out successful events such as Centennial concerts, various contests, a 10K race, a Ceremonial Meeting, Earth Day weekend, tree plantings, and a number of other activities which coincided with some of the City's usual events; AND

WHEREAS, Without the diligent efforts of the Centennial Committee and especially the dedication of Co-Chair Barbara Beeler, this City's 100th Anniversary would not have been the success it has been.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby expresses sincere appreciation to Barbara Beeler for her hard work and dedication on behalf of the City's 100th Centennial Celebrations.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby instructed to spread a copy of this Resolution among the City's permanent records.

Dated this 11th day of June, 1990.

Edward F. Sharp

Edward F. Sharp
Mayor Pro Tem

ATTEST:

Paula S. Jewell

Paula S. Jewell
Acting City Clerk



Introduced by: Mayor Pro Tem Sharp

RESOLUTION OF APPRECIATION
Resolution No. 1990-63

WHEREAS, During this year 1990, the City of Takoma Park marks its 100th Anniversary of incorporated status; AND

WHEREAS, in January of this year the Council appointed a 1990 City Centennial Committee to help plan a variety of events to mark the Centennial; AND

WHEREAS, Committee members worked long, hard hours in planning and carrying out successful events such as Centennial concerts, various contests, a 10K race, a Ceremonial Meeting, Earth Day weekend, tree plantings, and a number of other activities which coincided with some of the City's usual events; AND

WHEREAS, Without the diligent efforts of the Centennial Committee and especially the dedication of Co-Chair Nina Seevey, this City's 100th Anniversary would not have been the success it has been.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby expresses sincere appreciation to Nina Seevey for her hard work and dedication on behalf of the City's 100th Centennial Celebrations.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby instructed to spread a copy of this Resolution among the City's permanent records.

Dated this 11th day of June, 1990.

Edward F. Sharp

Edward F. Sharp
Mayor Pro Tem

ATTEST:

Paula S. Jewell

Paula S. Jewell
Acting City Clerk



Introduced by: Mayor Pro Tem Sharp

RESOLUTION OF APPRECIATION
Resolution No. 1990-64

- WHEREAS,** During this year 1990, the City of Takoma Park marks its 100th Anniversary of incorporated status; AND
- WHEREAS,** in January of this year the Council appointed a 1990 City Centennial Committee to help plan a variety of events to mark the Centennial; AND
- WHEREAS,** Takoma Park City Staff were assigned to assist the Centennial Committee by providing Staff support where needed; AND
- WHEREAS,** These Staff members in addition to performing their regular day-to-day duties, have worked hard in assisting the Centennial Committee plan the various events that helped mark the 100th Anniversary.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby expresses sincere appreciation to City Staff members:

James S. Wilson, Jr., City Administrator
Anthony Giancola, Director, Public Works Department
Belle Ziegler, Director, Recreation Department
Valerie Johnson, Executive Secretary

for their hard work and diligent efforts in providing staff support to the 1990 Centennial Committee.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby instructed to spread a copy of this Resolution among the City's permanent records.

Dated this 11th day of June, 1990.

Edward F. Sharp

Edward F. Sharp
Mayor Pro Tem

ATTEST:

Paula S. Jewell
Paula S. Jewell
Acting City Clerk



Introduced by: Councilmember Douglas

1st Reading: May 29, 1990

2nd Reading: June 11, 1990

ORDINANCE NO. 1990-24

AN ORDINANCE TO ESTABLISH THE TAX RATE FOR THE FISCAL YEAR 1991 BEGINNING JULY 1, 1990 AND ENDING JUNE 30, 1991.

WHEREAS, in accordance with Section 6-303 of the Tax Property Article of the Annotated Code of Maryland, [of the City Charter,] the City Council is mandated to establish [a] the municipal corporation tax rate on or before the [last] first day of [June] July of each year; AND

WHEREAS, the Water and Sewer Board, by Ordinance 1990-25 set an ad valorem tax on property at 4 cents per \$100.00 assessed valuation for stormwater management.

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

SECTION 1. THAT the ad valorem tax on property at the rate of 4 cents per \$100.00 assessed valuation for stormwater management, as established by the Water and Sewer Board by Ordinance #1990-25, is hereby ratified.

SECTION [1] 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, 1990, 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 \$1.773 per \$100.00 assessed valuation, including an equivalent of 27.8 cents per \$100.00 assessed valuation for fire service reimbursement to Montgomery County and 4 cents per \$100.00 assessed valuation for stormwater management to be distributed to the [Washington Suburban Sanitary Commission] Storm Water Management Fund.

SECTION [2.] 3. THAT this Ordinance shall be effective July 1, 1990.

NOTE: In this ordinance, italics shall indicate language added by the Corporation Counsel after first reading and worksession discussions, and [brackets] shall indicate language removed.

Adopted this 11th day of June, 1989.

AYES: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, Sharp

NAYS: None

ABSTAIN: None

ABSENT: None

(Drafted by: P. Jewell, B. Habada)

Introduced by: Councilmember Douglas

1st Reading: May 29, 1990

2nd Reading: June 11, 1990

ORDINANCE NO. 1990-25

AN ORDINANCE ESTABLISHING AN AD VALOREM TAX FOR STORMWATER MANAGEMENT AND [TO] ADOPTING A STORMWATER MANAGEMENT BUDGET FOR FISCAL YEAR 91 BEGINNING JULY 1, 1990 AND ENDING JUNE 30, 1991.

WHEREAS, Article XII, Section 1201 of the Takoma Park City Charter states that the Council shall by ordinance, be designated the Water and Sewer Board with all the powers therein, AND;

WHEREAS, Ordinance 1990-19, adopted [this] the 29th day of May, 1990, established a Water and Sewer Board for the City of Takoma Park and thereby designated the Council as the Water and Sewer Board, AND;

WHEREAS, HB 971 Chapter 369, Acts of Maryland 1990 authorizes the levying of an ad valorem tax for stormwater management by the City, AND;

WHEREAS, Article XII, Section 1205 of the Takoma Park City Charter states that the Water and Sewer Board is empowered to provide by ordinance for an ad valorem tax on property in order to raise sufficient annual revenue to pay for stormwater management activities in the City; AND

WHEREAS, the [City Council] Water and Sewer Board desires to establish a Stormwater Management [Budget] Fund for the collection and payment of revenues and expenditures as it deems necessary to provide for the construction, maintenance, operations and repair of the stormwater drainage system in the City.

NOW THEREFORE BE IT ORDAINED BY THE [CITY COUNCIL OF] WATER AND SEWER BOARD FOR THE CITY OF TAKOMA PARK

SECTION 1. THAT for the 1990-91 fiscal year, an ad valorem tax on property of 4 cents per \$100.00 of assessed valuation to be used for stormwater management activities in the City is hereby established.

SECTION 2. THAT a Stormwater Management Fund is hereby established into which shall be deposited:

(a) All the receipts and revenues from ad valorem taxes, user charges, and utility fees levied by the City to pay for stormwater management;

(b) All fees, contributions, and reserve funds collected by the Washington Suburban Sanitary Commission (WSSC) before July 1, 1990 for stormwater management activities in the City of Takoma Park and transferred to the City of Takoma Park by WSSC; and

(c) All charges, fees, fees-in-lieu, and other contributions received from any person or governmental entity in connection with stormwater management activities or practices.

SECTION [1.] 3. THAT from and out of the monies known to be received from the 4 cent ad valorem tax established by Section 1 of this Ordinance and levied by Ordinance No. 1990-24, and from all monies to come into all funds during the twelve (12) month period ending June 30, 1991, there shall be, and hereby are appropriated Stormwater Management Fund revenues of NINETY THREE THOUSAND, THREE HUNDRED AND FORTY NINE DOLLARS (\$93,349) as follows:

Local Taxes	\$93,349
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SECTION [2.] 4. THAT there shall be, and hereby are appropriated the following sums for use for the support of storm water management activities during the 1990-91 Fiscal Year:

Stormwater Management Expenditures	[\$93,349] <u>70,012</u>
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SECTION [3.] 5. THAT the approved FY 91 budget document with account listings is to be incorporated as a part of this Ordinance by reference.

SECTION [4.] 6. THAT a Stormwater Management Capitol Reserve is hereby established and the City Administrator is [hereby] directed to [establish and] incorporate into the accounting system of the Stormwater Management Fund, a Stormwater Management Capital Reserve for storm water system capital improvement expenses that the Water and Sewer Board may approve from time to time.

SECTION [5.] 7. THAT from and out of the monies known to be received from the 4 cent ad valorem tax established by Section 1 of this Ordinance and levied by Ordinance No. 1990-24, the equivalent of one cent of the tax levy or \$23,337 shall be dedicated to [a] the Stormwater Management Reserve.

SECTION [6.] 8. THAT should any section of this Ordinance be determined to be invalid, such invalidity shall not affect any other sections.

SECTION [7.] 9. THAT this Ordinance shall become effective July 1, 1990.

NOTE: In this ordinance, underlining shall indicate language added after first reading and worksession discussions, italics shall indicate Corporation Counsel's amendments, and [brackets] shall indicate language removed.

Adopted this 11th day of June, 1990 by Roll Call Vote of the Water and Sewer Board for the City of Takoma Park:

AYES: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, Sharp
NAYS: None
ABSTAIN: None
ABSENT: None

1st Reading: May 29, 1990
2nd Reading: June 11, 1990

Introduced by: Councilmember Douglas

ORDINANCE NO. 1990-26

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 1990 AND ENDING JUNE 30, 1991.

WHEREAS, in accordance with Article IX of the Charter of the City of Takoma Park, it is the determination of the Mayor and City Council that the annual appropriation Ordinance should be enacted to budget and appropriate funds for the several objects and purposes for which the City must provide in the fiscal year beginning July 1, 1990 and ending June 30, 1991;

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

SECTION 1. THAT from and out of the monies and balances known to be in the General Fund of the City of Takoma Park, Maryland, and from all monies anticipated to come into all funds during the twelve (12) month period ending June 30, 1991, there shall be, and hereby are appropriated General Fund revenues of SEVEN MILLION, FIVE HUNDRED SEVENTY EIGHT THOUSAND AND FORTY FOUR DOLLARS (\$7,578,044) and a transfer of prior year surplus and/or Unappropriated Reserve balance to the FY 91 budget as follows:

Taxes-Local	\$ 4,141,430	
Taxes-State Shared	\$ 1,058,720	
License & Permits	\$ 12,300	
Revenue from other Agencies	\$ 1,659,944	
Service Charges	\$ 356,650	
Fines & Forfeitures	\$ 177,000	
Miscellaneous	\$ 172,000	
	<u>SUBTOTAL</u>	\$ 7,578,044
Prior year surplus/unappropriate reserve	\$ [576,406]	<u>587,026</u>
Equipment Replacement Reserve allocation	60,000	
	<u>TOTAL</u>	\$ [8,214,450] <u>8,225,070</u>

SECTION 2. THAT the City Administrator is hereby authorized to transfer funds to the FY 1990-91 budget from the prior year surplus and/or Unappropriated Reserve in the amount of \$[576,406] \$587,026.

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

Public Works	\$ 2,171,212	
Police Department	\$ 1,962,952	
Non-Departmental	\$ 1,526,555	
Government Administration	\$ [816,944]	<u>831,944</u>
Housing & Community Development	\$ 519,414	
Library	\$ 355,019	
Cable	\$ 67,749	
Recreation	\$ 325,681	
Debt Service	\$ 198,240	
General Fund Transfer to Special Revenue Fund	\$ [20,684]	<u>\$25,184</u>
TOTAL EXPENDITURES	\$ [7,964,450]	<u>7,983,950</u>
<u>Salary Lapse</u>		<u>(36,000)</u>
<u>AUTHORIZED FY 91 EXPENDITURES</u>		<u>7,947,950</u>

SECTION 4. THAT in accordance with Article IX of the City Charter, Section 903, there is included in the NonDepartmental Budget, a General Contingency Account appropriation of ONE HUNDRED FIFTY ONE THOUSAND, FIVE HUNDRED SIXTY ONE DOLLARS (\$151,561);

SECTION 5. THAT in accordance with Article IX of the City Charter, Section 904 (b) the City Administrator is hereby authorized to transfer the balance of the FY 90 Capital Reserve allocation in the amount of SIXTY-TWO THOUSAND, THREE HUNDRED AND ONE DOLLARS (\$62,301) and transfer ONE THOUSAND, ONE HUNDRED AND FORTY DOLLARS (\$1,140) from Unappropriated Reserve to the Equipment Replacement Reserve for a total FY 90-91 Equipment Replacement Reserve allocation of SIXTY THREE THOUSAND, FOUR HUNDRED AND FORTY ONE DOLLARS (\$63,441);

SECTION 6. THAT a Special Revenue Fund is authorized for receipt of and expenditure of Federal or State funded projects with Revenues of [SIX HUNDRED NINETY TWO THOUSAND AND FIFTY THREE DOLLARS (\$692,053)] SEVEN HUNDRED TEN THOUSAND AND FIFTY THREE DOLLARS inclusive of a General Fund Transfer of [TWENTY THOUSAND, SIX HUNDRED EIGHT FOUR DOLLARS (\$20,684)] TWENTY FIVE THOUSAND, ONE HUNDRED EIGHTY FOUR DOLLARS (\$25,184) and an Expenditure appropriation of [SIX HUNDRED NINETY TWO THOUSAND AND FIFTY THREE DOLLARS (\$692,053)] SEVEN HUNDRED TEN THOUSAND AND FIFTY THREE DOLLARS; AND

SECTION 7. THAT the City Administrator is hereby authorized to allocate \$60,000 to the FY 91 Budget from the Equipment Replacement Reserve for the purchase of a backhoe.

SECTION 8. THAT the City Council hereby authorizes the establishment of a Storm Water Management Reserve and directs the City Administrator to make an equity transfer of \$25,000 from excess funds in the General Fund Emergency Reserve to the Storm Water Management Fund Capital Reserve.

SECTION 9. THAT the FY 91 operating budget shall reflect a salary lapse of \$36,000; with \$15,000 of the salary lapse funds dedicated to the internship program funded in the Government Administration Budget.

SECTION [8] 10. THAT the approved FY [90] 91 [Approved] Budget Document is to be made a part of this Ordinance by reference.

SECTION [9] 11. THAT should any section of this Ordinance be determined to be invalid, such invalidity shall not effect any other sections.

SECTION [10] 12. THAT this Ordinance shall become effective July 1, 1990.

Adopted this 11th day of June, 1990, by Roll Call Vote:

AYES: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, Sharp
NAYS: None
ABSTAIN: None
ABSENT: None

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

[] indicates matter to be deleted from existing language

Introduced by: Councilmember Douglas

1st Reading: May 29, 1990

2nd Reading: June 11, 1990

COUNCIL ORDINANCE NO. 1990-29

An ordinance to amend the Personnel Classification System

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

SECTION 1. New position classes. The grade structure adopted by Ordinance No. 1986-53, Section 2, as amended, is amended, to add the following positions to the classification plan or change the following positions in the classification plan:

GRADE JOB CLASSES

GRADE 1 :

GRADE 2 : Custodian

GRADE 3 : Laborer; Clerk Typist I;

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

GRADE 5 : Recreation Aide; Tool Library Attendant; Equipment Operator I; Communications Dispatcher; Parking Enforcement Officer; Jr. Code Enforcement Officer;

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

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

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

GRADE 9 : Account Supervisor; Administrative Supervisor; Deputy City Clerk; Executive Secretary; Police Affairs Specialist; Police Corporal; Parks Foreman; Street Foreman; Master Mechanic; Housing Rehabilitation Construction Coordinator; Code Enforcement Officer II; Community Planner I; Youth Outreach Assistant;

GRADE 10: Librarian; Police Sergeant; Sanitation Supervisor;
Street-Parks Supervisor; Planner III; COLTA Executive
Director; Community Development Construction
Specialist;

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

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

Executive 1: Deputy Public Works Director; [Director of Economic
& Community Development];

Executive 2: Library Director; Recreation Director; [Housing
Services Director]; Police Captain (Deputy Chief);
Director of Housing & Community Development;

Executive 3: Assistant City Administrator;

Executive 4: Police Chief; Public Works Director

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective
July 1, 1990.

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

Double underlining indicates new matter to be added at second
reading.

[] indicates matter to be deleted from existing code
language

Adopted this 11th day of June, 1990 by Roll Call Vote as follows:

AYE: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, Sharp

NAY: None

ABSTAINED: None

ABSENT: None

Introduced by: Councilmember Hamilton

First Reading: May 29, 1990
Second Reading: June 11, 1990

ORDINANCE NO. 1990-27

Short Title: Pay scale for employees.

AN ORDINANCE TO:

(a) Amend the pay scale for employees for FY 91, 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 1991;

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

SECTION 1. PAY SCALE PLAN.

Ordinance No. 1989-24 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, 1990 and ending June 30, 1991. 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
	40,635	42,155	43,733	45,371	47,070	48,834
	G	H	I	J	K	
	50,664	52,565	54,541	56,587	58,737	

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

STEP	A	B	C	D	E	F
	<u>11,187</u>	<u>11,589</u>	<u>12,051</u>	<u>12,436</u>	<u>12,882</u>	<u>13,350</u>
	G	H	I	J	K	
	<u>13,831</u>	<u>14,334</u>	<u>14,852</u>	<u>15,393</u>	<u>15,978</u>	

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

STEP:	A	B	C
	<u>[3,636] \$9.09/hour</u>	<u>[3,927] \$9.82/hour</u>	<u>[4,241] \$10.61/hour</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 effective July 1, 1989, as it was adopted by Council pursuant to the provisions in Article 2 of Chapter 8B of the City Code.

Adopted this 11th day of June, 1990 by roll call vote as follows:

AYES: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, Sharp
NAYS: None
ABSTAIN: None
ABSENT: None

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

O-91PYP

FY 91 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	\$14,332.50	\$14,941.64	\$15,539.30	\$16,122.02	\$16,686.28	\$17,228.59	\$17,745.44	\$18,233.45	\$18,699.28	\$19,109.80	\$19,511.10
	Weekly	\$275.63	\$297.34	\$298.82	\$310.04	\$320.89	\$331.32	\$341.28	\$350.84	\$359.41	\$367.50	\$375.21
	Hourly	\$6.69	\$7.16	\$7.47	\$7.75	\$8.02	\$8.23	\$8.53	\$8.77	\$8.99	\$9.19	\$9.38
2	Annual	\$15,406.66	\$16,061.65	\$16,704.12	\$17,330.53	\$17,937.09	\$18,520.05	\$19,078.65	\$19,600.23	\$20,090.23	\$20,542.27	\$20,973.65
	Weekly	\$296.29	\$308.88	\$321.23	\$333.28	\$344.94	\$356.15	\$366.84	\$376.93	\$386.35	\$395.04	\$403.34
	Hourly	\$7.41	\$7.72	\$8.03	\$8.33	\$8.62	\$8.90	\$9.17	\$9.42	\$9.66	\$9.88	\$10.08
3	Annual	\$16,562.64	\$17,266.55	\$17,957.21	\$18,630.61	\$19,282.67	\$19,909.36	\$20,506.64	\$21,070.57	\$21,597.34	\$22,083.27	\$22,547.03
	Weekly	\$318.51	\$332.05	\$345.33	\$358.28	\$370.92	\$382.97	\$394.36	\$405.20	\$415.33	\$424.68	\$433.60
	Hourly	\$7.96	\$8.30	\$8.63	\$8.96	\$9.27	\$9.57	\$9.86	\$10.13	\$10.38	\$10.62	\$10.84
4	Annual	\$17,805.55	\$18,552.29	\$19,284.78	\$20,008.71	\$20,729.71	\$21,433.42	\$22,115.52	\$22,781.78	\$23,428.08	\$24,049.47	\$24,639.04
	Weekly	\$342.41	\$356.97	\$371.25	\$385.17	\$398.65	\$411.60	\$423.95	\$435.61	\$446.50	\$456.53	\$466.14
	Hourly	\$8.56	\$8.92	\$9.28	\$9.63	\$9.97	\$10.29	\$10.60	\$10.89	\$11.16	\$11.41	\$11.65
5	Annual	\$19,140.19	\$19,953.65	\$20,751.30	\$21,529.99	\$22,285.54	\$23,017.75	\$23,729.98	\$24,428.68	\$25,109.42	\$25,769.88	\$26,405.70
	Weekly	\$368.08	\$383.72	\$399.07	\$414.04	\$428.53	\$442.46	\$455.73	\$468.26	\$479.97	\$490.77	\$501.08
	Hourly	\$9.20	\$9.59	\$9.98	\$10.35	\$10.71	\$11.05	\$11.39	\$11.71	\$12.00	\$12.27	\$12.53
6	Annual	\$20,575.74	\$21,450.21	\$22,308.22	\$23,144.77	\$23,954.83	\$24,733.36	\$25,475.37	\$26,175.94	\$26,830.34	\$27,434.03	\$28,010.13
	Weekly	\$395.69	\$412.50	\$429.00	\$445.09	\$460.67	\$475.44	\$489.91	\$503.38	\$515.97	\$527.58	\$538.46
	Hourly	\$9.99	\$10.31	\$10.73	\$11.13	\$11.52	\$11.89	\$12.25	\$12.58	\$12.90	\$13.19	\$13.47
7	Annual	\$22,119.06	\$23,059.12	\$23,981.48	\$24,880.78	\$25,751.61	\$26,588.54	\$27,386.20	\$28,139.32	\$28,842.80	\$29,491.76	\$30,111.09
	Weekly	\$425.37	\$443.44	\$461.18	\$478.48	\$495.22	\$511.32	\$526.66	\$541.14	\$554.67	\$567.15	\$578.66
	Hourly	\$10.53	\$11.09	\$11.53	\$11.96	\$12.38	\$12.78	\$13.17	\$13.53	\$13.87	\$14.18	\$14.48
8	Annual	\$23,778.19	\$24,788.76	\$25,780.32	\$26,747.07	\$27,683.22	\$28,582.93	\$29,440.41	\$30,250.02	\$31,006.28	\$31,703.91	\$32,349.70
	Weekly	\$457.27	\$476.71	\$495.78	\$514.37	\$532.37	\$549.67	\$566.16	\$581.73	\$596.27	\$609.69	\$622.49
	Hourly	\$11.43	\$11.92	\$12.39	\$12.86	\$13.31	\$13.74	\$14.15	\$14.54	\$14.91	\$15.24	\$15.55
9	Annual	\$25,561.15	\$26,647.50	\$27,713.40	\$28,752.66	\$29,759.99	\$30,726.17	\$31,647.95	\$32,518.26	\$33,331.22	\$34,081.17	\$34,766.88
	Weekly	\$491.56	\$512.45	\$532.95	\$552.94	\$572.29	\$590.89	\$608.61	\$625.35	\$640.99	\$655.41	\$669.17
	Hourly	\$12.29	\$12.81	\$13.32	\$13.82	\$14.31	\$14.77	\$15.22	\$15.63	\$16.02	\$16.39	\$16.73
10	Annual	\$27,478.27	\$28,646.09	\$29,791.93	\$30,909.14	\$31,990.96	\$33,030.66	\$34,021.58	\$34,957.18	\$35,831.10	\$36,637.30	\$37,466.68
	Weekly	\$528.43	\$550.89	\$572.92	\$594.41	\$615.21	\$635.20	\$654.26	\$672.25	\$689.06	\$704.56	\$719.36
	Hourly	\$13.21	\$13.77	\$14.32	\$14.86	\$15.38	\$15.88	\$16.36	\$16.81	\$17.23	\$17.61	\$17.98
11	Annual	\$29,539.86	\$30,795.31	\$32,027.11	\$33,228.13	\$34,391.11	\$35,508.82	\$36,574.08	\$37,579.87	\$38,519.38	\$39,386.05	\$40,213.17
	Weekly	\$568.07	\$592.22	\$615.91	\$639.00	\$661.37	\$682.86	\$703.35	\$722.69	\$740.76	\$757.42	\$772.83
	Hourly	\$14.20	\$14.81	\$15.40	\$15.98	\$16.53	\$17.07	\$17.59	\$18.07	\$18.52	\$18.94	\$19.33
12	Annual	\$31,755.09	\$33,104.68	\$34,428.87	\$35,719.95	\$36,970.14	\$38,171.69	\$39,316.83	\$40,398.04	\$41,407.98	\$42,339.65	\$43,222.79
	Weekly	\$610.67	\$636.47	\$662.09	\$687.92	\$710.36	\$734.07	\$756.99	\$776.39	\$796.31	\$814.22	\$831.22
	Hourly	\$15.27	\$15.92	\$16.55	\$17.17	\$17.77	\$18.35	\$18.90	\$19.42	\$19.91	\$20.36	\$20.78

Introduced by: Councilmember Hamilton

1st Reading: May 29, 1990
2nd Reading: June 11, 1990
Effective: July 1, 1990

ORDINANCE NO. 1990-28

Short Title: An ordinance to amend the Executive Pay Plan

AN ORDINANCE TO:

- (a) Change the Executive Pay Plan to provide for a 4% adjustment to the Pay Plan for FY 91.

BE IT ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT THIS ORDINANCE amends the Executive Pay Plan as adopted by Ordinance 1989-25; this ordinance is to be effective July 1, 1990:

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 = [30,581 - 35,446]	<u>\$31,804 - \$36,864</u>
	2nd Quartile = [35,447 - 38,384]	<u>36,865 - 39,919</u>
	3rd Quartile = [38,385 - 41,321]	<u>39,920 - 42,974</u>
	4th Quartile = [41,322 - 44,256]	<u>42,975 - 46,026</u>
Executive 2:	1st Quartile = [32,765 - 38,094]	<u>34,075 - 39,618</u>
	2nd Quartile = [38,095 - 41,240]	<u>39,618 - 42,890</u>
	3rd Quartile = [41,241 - 44,385]	<u>42,891 - 46,160</u>
	4th Quartile = [44,386 - 47,529]	<u>46,161 - 49,430</u>
Executive 3:	1st Quartile = [36,020 - 40,950]	<u>37,461 - 42,588</u>
	2nd Quartile = [40,951 - 44,333]	<u>42,589 - 46,106</u>
	3rd Quartile = [44,334 - 47,714]	<u>46,107 - 49,623</u>
	4th Quartile = [47,715 - 51,095]	<u>49,624 - 53,139</u>
Executive 4:	1st Quartile = [39,050 - 44,024]	<u>40,612 - 45,785</u>
	2nd Quartile = [44,025 - 47,655]	<u>45,786 - 49,561</u>
	3rd Quartile = [47,656 - 51,291]	<u>49,561 - 53,343</u>
	4th Quartile = [51,292 - 54,928]	<u>53,344 - 57,125</u>

SECTION 5. COST OF LIVING ADJUSTMENTS

- (a) A cost of living adjustment is a percentage applied to Executive quartiles.
- (b) The City 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 City Council deem appropriate upon evaluation of said employee(s).

Page Four
Executive Pay Plan Ordinance

Adopted this 11th day of June 1990, to take effect July 1, 1990.

AYE: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, Sharp
NAY: None
ABSTAINED: None
ABSENT: None

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

Introduced by: Councilmember
(Drafted by S. Weiss)

1st Reading: 05/29/90
2nd Reading: 06/11/90
Effective : 01/01/91

ORDINANCE 1990 - 30

ORDINANCE TO AMEND THE 1972 TAKOMA PARK CODE, CHAPTER 6,
ARTICLE 9, SEC.6-107(a) (1), LICENSING AND INSPECTION FEES

WHEREAS Section 6-107 (a)(1) of the Takoma Park Code requires the payment of licensing fees in the amount of \$ 24.00 per rental unit and requires the payment of inspection fees in the amount of \$ 8.00 per unit, AND

WHEREAS The Accounting Division has never collected more than one inspection fee per unit, and all indications are that the collection of additional inspection fees, individualized to specific properties and based upon the number of inspections individual properties have received, would not be feasible in the near future, AND

WHEREAS The Department of Housing Services averages 3 inspections per property , which results in an average uncollected sum of \$ 16.00 per unit, AND

WHEREAS The fees established in Section 6-107 (a)(1) of the Takoma Park Code have been designed to offset actual City expenses related to licensing and inspection activities.

NOW THEREFORE, BE IT ORDAINED THAT the City shall replace the current fee structure for licensing and inspection with one combination fee; AND

BE IT FURTHER ORDAINED THAT the combination licensing and inspection fee shall be \$ 48.00 per licensing period; AND

BE IT FURTHER ORDAINED THAT Section 6-107 (a)(1) of the Takoma Park Code shall be amended as follows:

Sec. 6-107 Licensing and inspection fee[s].

(a) Each [application filed] rental property subject to licensing under this Article shall be [accompanied by] charged the following licensing and inspection fee[s]:

(1) One (1) or more units: [twenty-four dollars (\$ 24.) per unit for licensing and eight dollars (\$ 8.) per unit for inspection] forty-eight dollars (\$ 48.) per licensing term, where such term or duration is specified in Sec. 6-106 of the Code.

This Ordinance becomes effective January 1, 1991.

Adopted by the Council of the City of Takoma Park this 6th day of June, 1990, by roll call vote as follows:

AYE: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, Sharp
NAY: none
ABSTAINED: none
ABSENT: none

note: Deletions are bracketed ([]); additions are underlined.

Introduced by:
(Drafted by: P. Jewell)

1st Reading: 5/29/90
2nd Reading: TABLED TO 6/25
Effective :

ORDINANCE #1990-31

TO AMEND THE 1972 TAKOMA PARK CODE, CHAPTER 10, ARTICLE 3,
SECTION 10-15, MULTIFAMILY UNIT REFUSE FEE SCHEDULE

WHEREAS, Section 10-15 of the Takoma Park Code sets forth fees for collection and disposal of refuse for multiple-family dwellings; AND

WHEREAS, these fees are based on a sliding scale according to the number of units or families in each dwelling; AND

WHEREAS, of the multifamily dwellings in the City, the sliding scale applies to approximately 80% of the multifamily units having less than eleven units or families; AND

WHEREAS, due to the large number of small multifamily units, the sliding scale has not proven to be administratively or economically feasible; AND

WHEREAS, the City Council desires to establish a more efficient and economically feasible across the board fee schedule.

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

SECTION 1: THAT Chapter 10, Article 3, Sec. 10-15, Multifamily unit refuse fee schedule, of the 1972 Takoma Park Code is amended as follows:

SECTION 2: (a) There shall be no fee for the first unit in each multiple-family dwelling.

(b) Dwellings not in excess of [six (6)] eleven (11) units or families: [fifty-three dollars (\$53.)] one hundred dollars (\$100.) per year per family or unit for each of the first [five (5)] ten (10) units or families in excess of one (1) unit or family.

[(c) Dwellings not in excess of eleven (11) units or families: two hundred sixty-three dollars (\$263.) per year for the first five (5) units or families in excess of one (1) unit or family, plus thirty-eight dollars (\$38.) per unit or family for each of those in excess of six (6) units or families.]

(d) Dwellings in excess of eleven (11) units or families: [four hundred fifty dollars (\$450.)] ninety dollars (\$90.) per unit per year for the first ten (10) units or families in excess of one (1) unit or family[,]. [plus twenty-six dollars (\$26.) per year per unit or family for each of those in excess of eleven (11) units or families.]

SECTION 3: THAT in this ordinance, [brackets] shall denote language being deleted from the City Code and underlining shall denote language being added.

SECTION 4: THAT this ordinance shall become effective at the expiration of twenty (20) calendar days following adoption.

Adopted this _____ day of _____, 1990, by roll call vote as follows:

AYE:
NAY:
ABSTAINED:
ABSENT:

Introduced by: Councilmember Hamilton 1st Reading: May 29, 1990
Drafted by: Linda Perlman 2nd Reading: June 11, 1990
 Asst. Corp. Counsel

ORDINANCE NO. 1990-23

(Setting a hearing as to the condition of the building at 801 Colby Ave. to determine whether the building should be condemned as unfit for human habitation.)

WHEREAS, it has been reported to the Council by the Inspector of Buildings that the building located at 801 Colby Ave., Takoma Park (Prince George's County), Maryland (hereinafter "the building") is unfit for human habitation as it is so structurally unsound, dilapidated, unsanitary, and unsafe that it is a danger to public safety; and

WHEREAS, the City Code Enforcement Officer's exterior housing inspection report lists numerous housing code violations at 801 Colby Ave., Takoma Park, Maryland, as set forth in the inspection report, a copy of which is attached as Exhibit A; and

WHEREAS, a videotape of the building prepared by City staff indicates that the interior of the building is damaged, decayed and dilapidated, and lacks adequate illumination, ventilation and sanitary facilities, as shown on the videotape which is hereby made a part of the record of this matter; and

WHEREAS, the building is vacant and its condition presents a health and safety hazard to the neighborhood; and

WHEREAS, the Prince George's County Land Records show that 801 Colby Ave., Takoma Park, Maryland is owned 1/4 by Mamie Lewis Robinson, 1/8 by Fred Lee Lewis, 1/8 by Inez Lewis White, 1/8 by Samuel Edward Lewis, 1/8 by Evelyn Lewis Jones, 1/8 by Willie Lewis, and 1/8 by Albert Johns, all as tenants in common; and

WHEREAS, Mamie Lewis Robinson has informed City staff that she is the only surviving owner of record and that the other owners of record are deceased as follows: Fred Lee Lewis died on 1/30/85 in Takoma Park (Prince George's County), Md., Inez Lewis White died on 12/31/85 in Washington, D.C., Samuel Edward Lewis died on 6/16/84 in Washington, D.C., Evelyn Lewis Jones died on 2/11/81 in Washington, D.C., Willie Lewis died on 6/24/86 in Washington, D.C., and Albert Johns died on 6/27/82 in Takoma Park (Prince George's County), Md.; and

WHEREAS, the Office of the Register of Wills for Prince George's County, Maryland does not have records of any proceedings for administrative or judicial probate of an estate

or for appointment of a foreign personal representative for any of the estates of the deceased building owners of record.

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

SECTION 1. The Council has received information from the Inspector of Buildings that the building: (1) is so damaged, decayed, dilapidated, unsanitary and unsafe that it creates a serious hazard to the health or safety of the public; (2) lacks illumination, ventilation or sanitary facilities adequate to protect the health or safety of the public; and (3) because of its general condition is unsanitary or otherwise dangerous to the health or safety of the public.

SECTION 2. The building is located at 801 Colby Ave., Takoma Park, Md., and is more particularly described as Lot 7, Block 34, in the subdivision known as "B.F. Gilbert's Subdivision of Takoma Park", Prince George's County, within the City of Takoma Park, Maryland.

SECTION 3. Upon information and belief, Mamie Lewis Robinson, of 965 Randolph St., N.W., Apt. 1, Washington, D.C. 20011, is the only surviving building owner of record; the other building owners of record, Fred Lee Lewis, Inez Lewis White, Samuel Edward Lewis, Evelyn Lewis Jones, Willie Lewis, and Albert Johns, being deceased, and no estate administration proceedings (or foreign personal representative estates) having been instituted by the estate of any of the deceased building owners of record in Prince George's County, Maryland.

SECTION 4. The Council hereby initiates condemnation proceedings under Article 6, Chapter 6, Section 6-67 and Section 6-69 through 6-75 of the Takoma Park Code.

SECTION 5. The Council sets the date of July 9, 1990 at 8:00 p.m., in the Council Chambers at 7500 Maple Avenue, Takoma Park, Md. 20912 as the time and place for a hearing as to the condition of the building in order to determine whether or not the building should be condemned as unfit for human habitation.

SECTION 6. The City Administrator is directed to give notice of the hearing to the building owner of record, Mamie Lewis Robinson, or her agent and to the unknown heirs of the deceased owners of record in accordance with the provisions of Article 6, Chapter 6, Section 6-70 of the Takoma Park Code.

THIS ORDINANCE IS ADOPTED ON THE 11th DAY OF June, 1990 AND IS EFFECTIVE ON THE SAME DATE.

Adopted the 11th day of June, 1990 by roll call
vote as follows:

Aye: Douglas, Elrich, Hamilton, Moore, Prenskey, Sharp

Nay: None

Abstained: None

Absent: Leary

801colby.ord
corr70/cp

Introduced by: Councilmember Douglas

1st Reading: 5/29/90

2nd Reading: 6/11/90

Effective date:

ORDINANCE NO. 1990-32

(Cable Television Board - Removal of Board Members for Cause and Review of Municipal and Community Programming Operations)

WHEREAS, the Cable Television Board's selection of its Chairman is an internal Board matter which should not be subject to Council confirmation; and

WHEREAS, there is a need for a procedure by which the Council may remove Cable Television Board Members for cause; and

WHEREAS, prior to consideration of the fiscal year 1992 City budget, the Council intends to conduct a fundamental review of the appropriate roles of municipal and community programming and the best financing and administrative structure for any such programming; and

WHEREAS, during the remainder of fiscal year 1990, and for fiscal year 1991, pending the completion of such a review and the adoption of revised procedures, the Council intends that both the municipal and community programming functions be operated under the direction of the City Administrator.

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

SECTION 1. Chapter 2 (Administration), Article 6 (Boards and Commissions), Division 3 (Cable Television Board), of the Takoma Park Code is amended as follows:

Sec 2-147. Authority and responsibility.

* * * *

(c) [Determine all] Advise the City Administrator on policy relating to the production and presentation of public access programming appearing on the channel.

* * * *

(g) No later than December 1, 1990, forward to the Council and the City Administrator recommendations on whether municipal or community programming should continue, and if so, the best methods for operation of municipal and community programming, including the distinction between municipal and community programming, including the distinction between municipal and community functions, appropriate organizational structures and arrangements, appropriate methods for financing and staffing municipal and community programming, and the need for and the role of an advisory body on municipal or community programming.

(h) No later than [[December 31, 1990,]] January 15, 1991 the City Administrator shall forward to the Council a report and recommendations on whether municipal or community programming should continue, and if so, the best methods for operation of municipal and community programming, including the distinction between municipal and community functions, appropriate organizational structures and arrangements, appropriate methods for financing and staffing municipal and community programming, and the need for and the role of an advisory body on municipal or community programming.

(i) By March 1, 1991, the Council will consider the reports and recommendations of the Board and the City Administrator and initiate appropriate actions to address the issues covered by those reports and any other issues pertinent to municipal and community cable television organization, financing, operation, and programming

Sec. 2-148. Organization.

* * * *

(g) The Board shall select [its] a Chair[man] and such other officers as it deems necessary [, upon confirmation of the Council,] to serve for one (1) year.

(h) The Council may, by resolution, remove a member of the Cable Television Board before the member's term has expired if the Council determines that the member has:

- (1) ceased to reside in the City of Takoma Park;
- (2) become incapacitated;
- (3) engaged in misconduct; or
- (4) substantially failed to perform his or

her duties as a Cable Television Board member.

(i) [(h)] Upon the creation of any vacancy on the Board, the Board may recommend for the consideration of the [Mayor and] Council a person to fill the remaining term of the member being replaced. The [Mayor and] Council shall appoint qualified persons to fill all Board vacancies. Every effort shall be made in the appointment and nomination of members to the Board to

assure Board membership broadly representative of the City's population and knowledgeable about community service, fundraising and, [and] television production, and management.

(j) The Board shall cease to exist on November 5, 1991, and the terms of all Board members shall expire on that date.

Sec. 2-150. Use of municipal channel resources.

* * * *

(b) All qualified City residents, whose qualifications shall be determined by the City Administrator based on recommendations by the Board, shall have the right of reasonable use of:

(1) The City's video equipment package to produce public access programming for presentation on the channel.

(2) Air time on the channel to present technically acceptable public access programming.

(c) The right of use of the City's video equipment package and channel air time by City residents shall be subject to policies determined by the City Administrator based on recommendations by the Board that ensure the production and presentation of programming consistent with community standards.

Sec. 2-151. Funding.

All receipts associated with the operation of cable television shall be credited to the appropriate receipt line in the City's budget and all expenditures for cable television shall be shown as part of the City's operating budget.

SECTION 2. This Ordinance shall be effective upon adoption.

Adopted the 11th day of June, 1990, by roll call vote as follows:

Aye: Douglas, Elrich, Moore, Prensky

Nay: None

Abstained: Hamilton, Sharp

Absent: Leary

EXPLANATION:

* * * * indicates existing Code language not reproduced in this Ordinance.

Underlining indicates new Code language.

[Brackets] indicate language which is being deleted from the existing Code.

[[double brackets]] indicate language deleted after first reading.

double underlining indicates language added after first reading.

cable.ord
corr71/cp

Introduced by: Councilmember Hamilton
(Drafted by A. R. Giancola)

Adopted: June 11, 1990
(Single Reading)

Ordinance No. 1990 - 33
AWARD OF LANDSCAPE ARCHITECTURAL SERVICES CONTRACT

WHEREAS, Various park projects have and will be funded through the Project Open Space program; and

WHEREAS, in March 1990 the City advertised for landscape architectural services in two newspapers and the city newsletter; and

WHEREAS, a selection board ranked the seven firms who submitted an intention of interest and upon approval by the City Administrator negotiations were undertaken with the highest ranked firm;

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

Section 1: THAT a one year indefinite quantity contract with FSI Design Group, Fort Washington be executed; and

Section 2: THAT the first task order for landscape improvement at Jequie Park in the amount of \$3,265 be approved; and

Section 3: THAT the City Administrator be authorized to negotiate and issue additional task orders under this contract during the contract period.

Adopted this 11th day of June, 1990 by Roll Call Vote as follows:

AYE: Douglas, Elrich, Hamilton, Moore, Sharp

NAY: None

ABSTAINED: None

ABSENT: Leary, Prenskey

TMG:A:ORDIN:5.0

Introduced By: Councilmember Elrich
Drafted By: V. VinCola

Resolution 1990-65

A resolution establishing a committee to review and evaluate proposals for the use of Community Development Block Grant (CDBG) funds received during Fiscal Year 1991-92, and to recommend CDBG funding proposals and priorities to the City Council.

WHEREAS, the City anticipates receiving federal Community Development Block Grant (CDBG) funds through Montgomery and Prince George's Counties for Fiscal Year 1991-92 to use for eligible projects; AND

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

WHEREAS, to achieve maximum citizen input, it is the practice of the City government to form each year a Community Development Block Grant Citizens' Advisory Committee (CAC) composed of representatives of all citizen, tenant, civic, neighborhood and business organizations and groups who submit the names of nominees to serve on the CAC for the purpose of reviewing and evaluating proposals for the use of available CDBG funds and to recommend proposals to the City 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 1991-92 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.
Azizah Muhammad (P)	Cambridge Tenant Association
Ron Waldron (P)	Mutual Housing Association
Pat Rumbaugh (P)	North Takoma Citizens Assoc.
Karen Mitchell (P)	Park Ritchie Tenants Assoc.
Dorothy E. Starke (P)	Ritchie Avenue Citizens Assoc.
Mildred Morrison (A)	Ritchie Avenue Citizens Assoc.
Bill Valdez (P)	Westmoreland Area Community Org.
Elliot Rosen (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 1991-92 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 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, 1990.

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 11th DAY OF June 1990.

CAC/CACNOM91.RES

Introduced by:

1st Reading: June 11, 1990

2nd Reading:

Effective Date:

ORDINANCE NO. 1990-34

(City Management -- City Administrator, Department Heads)

WHEREAS, the Charter, as amended, clarifies the role of the City Administrator as the chief administrative officer who is responsible for the management of the City; and

WHEREAS, the previous Charter had specified the direct involvement of the Mayor and Council in the hiring and firing of department heads but the current Charter rests that authority solely in the City Administrator; and

WHEREAS, the City's staff functions have been reorganized into five departments.

WHEREAS, the Council wishes to make consistent its actions with the Code and Charter.

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

SECTION ONE. Chapter 2, Administration, Article 3, City Officers, of the Takoma Park Code is repealed and re-enacted with amendments to read as follows:

CHAPTER 2. ADMINISTRATION.

ARTICLE 3. CITY MANAGEMENT.

Division 1. City Administrator.

Sec. 2-20. Appointment and Duties of the City Administrator.

The Council shall appoint a City Administrator, who shall be responsible for the proper administration of all day-to-day

affairs of the City. The City Administrator shall be vested with the powers and authority necessary to perform such duties, except where they may be inconsistent with other provisions of the Charter or this Code. The City Administrator shall have general administrative supervision of the several departments of the City through the department heads to direct the proper execution of the Charter, this Code, and such ordinances, resolutions, regulations and policies as the Council shall adopt. In addition, the City Administrator shall perform such other duties as the Council may lawfully require.

Division 2. Department Heads

Sec. 2-21. Power of Appointment.

The City Administrator shall have general administrative supervision of the departments of the City through the department heads, who shall serve at the sole and absolute pleasure of the City Administrator. The City Administrator shall have the power to appoint, suspend, and remove all department heads.

Section 2-22. Designation of Department Heads.

The City Administrator may appoint such department heads as the City Administrator deems necessary to manage the functions of the City government. The department heads may include:

(a) Library Director. The Library Director shall have overall responsibility for the general operation of the library and the cable television office. The Library Director shall plan, coordinate, and direct library services for the City and provide guidance to the Cable Television Coordinator.

(b) Public Works Director. The Public Works Director shall have general charge of all public works done in the City. The Public Works Director shall plan, direct, supervise, and coordinate activities in such areas as infrastructure, building and vehicle maintenance, construction, park[[s]] and street[[s,]] maintenance, refuse collection and disposal, recycling, trees and vegetation, and stormwater management. [[sanitation, and recycling.]]

(c) Police Chief. The Police Chief shall arrange all activities and programs of the Police Department and shall be responsible for law enforcement in the City.

(d) Director of Recreation. The Director of Recreation shall plan, promote and administer recreation programs for the City.

(e) Director of Housing and Community Development. The Director of Housing and Community Development shall manage the City's community and economic development and housing service functions. These functions include planning, historic preservation, development, enforcement of laws relating to landlord-tenant matters, housing code enforcement, and code enforcement generally.

SECTION TWO. Chapter 9, Police, of the Takoma Park Code is amended as follows:

[Sec. 9-1. Chief Police Officer; appointment and removal.

The City Council shall, by majority vote, appoint a Chief of Police who shall serve at its pleasure and who may be removed by

a majority vote of the City Council. The Chief shall report to the City Administrator.]

Sec. [9-2.] 9-1. Duties of Chief Police Officer generally.

(No change)

Sec. [9-3.] 9-2. Public inspection of rules.

(No change)

Sec. [9-4.] 9-3. Definitions.

(No change)

SECTION THREE. Chapter 1, General Provisions of the Takoma Park Code is amended as follows:

Sec. 1-2. Rules of construction and definitions.

(a) (No change)

* * * *

[(25) Title. The titles "Mayor," "Council," "City Administrator," "City Clerk," "City Treasurer," "Clerk-Treasurer," or "Chief of Police" or "Chief Police Officer," "Fire Chief," or "Chief of Fire Service," "Director of Public Works," "Municipal Librarian," "Director of Recreation," and "Inspector of Buildings," whether used alone or in conjunction with one another, shall be construed as if the words "Of Takoma Park, Maryland" followed.]

[(26)] (25) Vehicles shall include any conveyance or appliance moved over a highway.

[(27)] (26) Week shall be construed to mean seven (7) days.

[(28)] (27) Year shall mean a calendar year.

SECTION FOUR. Chapter 8B, Personnel Procedures, Article 1, Civil Service, Division 2, Definitions, of the Takoma Park Code is amended as follows:

Sec. 8B-108. Terms defined.

(a) (No change)

* * * *

(20.1) Senior executives. Employees who serve at the pleasure of the [Mayor and Council] City Administrator and the immediate deputies of these employees.

* * * *

SECTION FIVE. This Ordinance shall be effective immediately upon adoption.

Adopted this _____ day of _____, 1990 by roll call vote as follows:

Aye:

Nay:

Abstained:

Absent:

Explanation:

Underlining indicates additions to existing Code language.

[Brackets] indicate deletions from existing Code language.

* * * * indicates Code language not reproduced in this Ordinance.

Underlining indicates additions since 1st reading.

[[Double brackets]] indicates deletions since 1st reading.

managemt.ord
corr65/cp

First Reading: June 11, 1990
Second Reading:

Upon motion by Councilmember Douglas, duly seconded by Councilmember Hamilton, the following Ordinance was introduced.

**ORDINANCE #1990-35
FY 90 BUDGET AMENDMENT NO. 3**

AN ORDINANCE TO AMEND THE FISCAL YEAR 1990 BUDGET

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

SECTION 1. that the Fiscal Year 1990 Budget be amended as follows:

[REVENUE AMENDMENTS]

- [a.]
- [b.]
- [c.]
- [d.]

EXPENDITURE AMENDMENTS

- a. Transfer \$3,500 from Account 9000-7010, General Contingency, to Accounting Division, Account 1130-6205, Telephone expenses.
- b. Transfer [\$5,000] \$17,000 from Account 2100-4010, Police Salaries to Account 2100-4030, Overtime.
- c. Transfer [\$5,000] \$5,700 from Account 2100-4010, Police Salaries to Account 2100-7075, Abandoned Vehicles - Police Department.
- d. Transfer \$5,000 from Account 9000-7010, General Contingency, to Capital Expenditures, Account 9100-8001 for reconstruction of retaining wall, replacement of sidewalk, on Sheridan Avenue.
- e. Transfer \$20,000 from Account 9000-7010, General Contingency, to Public Works Streets Division, Account 3600-6713, Street Lights.

- f. Transfer \$3,000 from Account 5000-4010, Housing Salaries, to Account 5000-4030, Temporary Assistance.
- g. Increase appropriation for Account 9100-8001, Capital Expenditures by \$19,000 to reflect increase in infrastructure bond proceeds from the originally requested amount of \$502,000 to the final approved amount of \$521,000.
- h. Transfer \$2,700 from Account 2200-5230, Clothing Allowance (Police Department), to Account 2100-6215, Radio Service (Police Department).
- i. Transfer \$4,200 from Account 9000-7010, General Contingency, to Library Contingency, Account 7000-7005 to cover the costs of temporary move during Library renovation.
- j. Transfer \$3,500 from 9000-7010, General Contingency, to Mayor and Council Expense, Account 1110-7015.

CAPITAL BUDGET

- a. Reconstruction of a retaining wall, replacement of sidewalk and related work on Sheridan Avenue is approved as an additional street improvement project for FY 90.

SPECIAL REVENUE BUDGET

REVENUE AMENDMENTS

- a. Appropriate \$4,993 to Account 0010-3366, Prince George's County, 14th Year CDBG Revenue, to reflect receipt of FY 89 CDBG revenues in FY 90.

- b. Appropriate \$3,012 to Account 0010-3373, Program Open Space Development Revenue, to reflect receipt of FY 89 POS revenues for various parks in FY 90.

- c. Increase the POS FY 90 appropriation of Account 0010-3375, for Thomas Sieglar Garden project (75% match) from \$15,000 to \$19,500.

- d. Increase the Sieglar Garden Fund, Account 0010-3390 from \$5,000 to \$6,500.

- e. Appropriate and additional \$1,953 to Account 0010-3386, Montgomery County Cable TV Grant to reflect receipt of prior years revenue in FY 90.

SPECIAL REVENUE BUDGET

EXPENDITURE AMENDMENTS

- a. Appropriate \$2,840 to Account 0010-7190, Spring Park, to reflect carry over expenses into FY 90 from a FY 89 Program Open Space project.

- b. Appropriate an additional \$6,000 to Account 0010-7188, Thomas Sieglar Garden.

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:

CITY OF TAKOMA PARK

RESOLUTION NO. 1990-66

BY: THE COUNCIL OF CITY OF TAKOMA PARK

A RESOLUTION

ENTITLED

A RESOLUTION authorizing and empowering City of Takoma Park to participate in the Local Government Health Benefits Trust; approving, and authorizing and directing the execution and delivery of, the Local Government Health Benefits Trust Agreement dated as of July 1, 1990, by and among the Trust and those local governments participating in the Trust; pledging ~~the full faith and credit and unlimited taxing power of City~~ of Takoma Park to the prompt payment of all payment obligations under the Trust Agreement; authorizing and directing all officials, employees and agents of City of Takoma Park to take any and all action necessary or appropriate to effect the participation of City of Takoma Park in the Trust; making certain findings in connection with the participation of City of Takoma Park in the Trust; and generally relating to the participation of City of Takoma Park in the Local Government Health Benefits Trust.

RECITALS

1. Political subdivisions and municipal corporations of the State of Maryland (collectively, "Local Governments"), including City of Takoma Park, are authorized by Article 48A, Section 482B of the Annotated Code of Maryland (1986 Replacement Volume and 1989 Cumulative Supplement) (the "Act"), to pool together for the purpose of purchasing health insurance or self-insuring health risks.

2. Pursuant to the authority granted in the Act, certain Local Governments, including City of Takoma Park, have determined that it is necessary and desirable to pool together for the purpose of providing health benefits to public entities providing employees and retirees and their dependents cost containment and managed care advice to Participants, all for the public purpose of reducing the cost of providing health benefits to public entity employees and retirees and their dependents.

3. City of Takoma Park has determined that it is in the best interests of the citizens of City of Takoma Park for City of Takoma Park to participate in the Local Government Health Benefits Trust (the "Trust") and to adopt this resolution pursuant to the Act approving, and directing the execution and delivery of, the Local Government Health Benefits Trust Agreement to be dated as of July 1, 1990 (the "Trust Agreement").

4. UNDER THE TERMS OF THE ACT, ANY PAYMENT OBLIGATION OF CITY OF TAKOMA PARK UNDER THE TRUST AGREEMENT WILL BE A GENERAL

OBLIGATION OF CITY OF TAKOMA PARK TO WHICH ITS FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER IS PLEDGED AND WILL NOT BE SUBJECT TO ANNUAL APPROPRIATION BY CITY OF TAKOMA PARK.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF CITY OF TAKOMA PARK:

SECTION 1. The participation of City of Takoma Park in the Local Government Health Benefits Trust is hereby approved.

SECTION 2. The Trust Agreement, in substantially the form attached hereto as Exhibit A, is hereby approved, and the Mayor is hereby authorized and directed to execute and deliver to the Trust the Trust Agreement in substantially the form attached hereto as Exhibit A with such changes as the Mayor may approve, such approval to be evidenced conclusively by Mayor's execution and delivery of the Trust Agreement.

SECTION 3. PURSUANT TO THE ACT, ANY PAYMENT OBLIGATION OF CITY OF TAKOMA PARK UNDER THE TRUST AGREEMENT SHALL BE A GENERAL OBLIGATION OF CITY OF TAKOMA PARK TO WHICH ITS FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER IS PLEDGED AND MAY NOT BE SUBJECT TO ANNUAL APPROPRIATION BY CITY OF TAKOMA PARK.

SECTION 4. All officials, employees and agents of City of Takoma Park are hereby authorized and directed to take any and all action necessary or appropriate to effect the participation of City of Takoma Park in the Trust and to execute and deliver all documents, instruments, certificates, and opinions necessary or appropriate in connection therewith.

SECTION 5. The Recitals to this resolution are hereby declared to be, and shall at all times and for all purposes be deemed to be, the findings of City of Takoma Park in connection with its decision to participate in the Trust, to make premium payments, provided for in the Trust Agreement, and execute and deliver the Trust Agreement.

SECTION 6. This resolution shall become effective immediately upon its adoption.

CITY OF TAKOMA PARK

[SEAL]

Stephen J. Del Giudice
Mayor

Man R. [Signature]
Member

ATTEST:

James S. Wilson
Administrator/Secretary/
Clerk

Edward F. Gray
Member

William S. Leary
Member

[Signatures Continued on Next Page]

Michael D. Moore

Member

James C. [unclear]

Member

[unclear]

Member

[unclear]

Member

Date of Adoption:

June 11, 1990

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Introduced by: Councilmember Elrich

RESOLUTION NO. 1990-67

WHEREAS, Article III, Section 309 of the City Charter does empower the Council to appoint standing committees as the Council may determine are necessary; AND

WHEREAS, there is a need to select an editor for the City Newsletter; AND

WHEREAS, it is the determination of the City Council that a Special Committee is needed to select an editor.

NOW, THEREFORE, BE IT RESOLVED THAT the Newsletter Editor Selection Committee is hereby established with representation to be made up of one Councilmember and four citizen members.

Adopted this 11th day of June, 1990

Introduced by: Councilmember Hamilton

RESOLUTION NO. 1990-68

APPOINTING MEMBER TO A 3-YEAR TERM ON COLTA

WHEREAS, On May 29, 1990 Richard Joy was appointed to serve out an unexpired term on COLTA; AND

WHEREAS, that unexpired term ends June 30, 1990; AND

WHEREAS, Richard Joy has expressed a desire to continue to serve on a three year term that begins July 1, 1990 and ends June 30, 1993, AND

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, does hereby appoint to the seat on the Takoma Park Commission on Landlord and Tenant Affairs:

Name	Address
Richard Joy	7002 Westmoreland Avenue Takoma Park, Maryland 20912

BE IT FURTHER RESOLVED, THAT this appointment is effective immediately and will expire on June 30, 1993.

Adopted this 11th day of June, 1989.

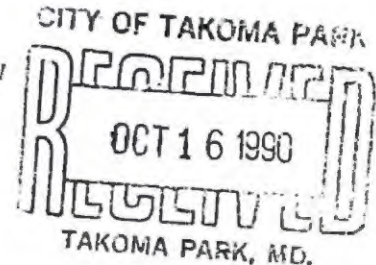


U.S. Department of Justice

Immigration and Naturalization Service

Office of the District Director

101 W. Lombard Street
Baltimore, Maryland 21201



October 10, 1990

The Honorable Stephan J. Del Guidice
Mayor of Takoma Park
7600 Maple Avenue
Takoma Park, Maryland 20912

Dear Mayor Del Guidice:

I am writing to you as the consequence of publicity surrounding recent enforcement actions undertaken by the Immigration and Naturalization Service (INS).

I am given to understand that the City of Takoma Park has been asked to provide sanctuary to undocumented day laborers who formerly congregated in an adjacent area, within Silver Spring, where our actions were taken. I am uncertain as to what form the "sanctuary" would take, or whether Takoma Park actually contemplates such assistance.

Perhaps it would be helpful for you, the city council, and your legal representatives, to know the position of INS with regard to this matter. At the outset, I want to make clear that we wish no confrontation with municipal officials. Having said this, however, I also must make clear that, should we deem further enforcement action necessary, our obligation will be to go forward.

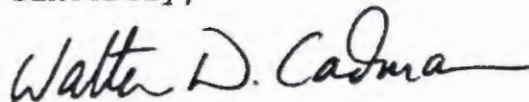
I am taking the liberty of forwarding, for your review, copies of two documents from members of the legal community concerning the issue of sanctuary. As you will note, federal law does not recognize the principle of sanctuary in the immigration context. See, for instance, U.S. v. Elder, 601 F.Supp. 1574 (D.C. Tex. 1985); U.S. v. Merkt, 764 F.2d 266 (5th Cir. 1985), rehearing denied 772 F.2d 904; and U.S. v. Aguilar, 883 F.2d 662 (9th Cir. 1989). In fact, actions taken to impede INS officers in performing their duties, or to harbor, shield or conceal undocumented aliens, could result in the filing of criminal charges under Titles 18 and 8 of the United States Code.

cc: Council
Chief Fisher
Nancy Brimmer

Additionally, I am concerned that sponsorship of any day labor staging area, under the auspices of Takoma Park, may be a disservice to employers in your community. By undertaking such an action, without concomitant screening of the laborers to determine their right to work in the United States, you may inadvertently encourage employers to hire unauthorized workers and thus subject these employers to fines and penalties under the immigration laws, specifically Section 274A of the Immigration and Nationality Act, 8 U.S.C. 1324A.

Should you, or other city officials, wish to meet with us for further discussion, we would welcome the opportunity. I may be contacted at the above address, or at telephone (301) 962-2010. Our district counsel, Ms. Janice Podolny, may be contacted at that address, or telephone (301) 962-0773.

Sincerely,



WALTER D. CADMAN
District Director

Enclosures

CC: Susan Silber, Esquire
Corporation Counsel
City of Takoma Park
7600 Maple Avenue
Takoma Park, Maryland 20912

Regular Meeting of the City Council
and Public Hearing
Monday, June 25, 1990

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Elrich	Asst. City Administrator Habada
Councilmember Hamilton	Acting City Clerk Jewell
Councilmember Leary	Personnel Officer Hobbs
Councilmember Moore	Corporation Counsel Silber
Councilmember Prensky	Public Works Director Giancola
Councilmember Sharp	Housing Services - Weiss
ABSENT: Councilmember Douglas	Deputy Pub. Works Dir. Laster
	Housing Services - Walker

The City Council convened at 7:45 p.m. on Monday, June 25, 1990, in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, the Mayor made note of a Linowes Commission meeting on July 5th and explained that the Linowes Commission was established by the Governor to discuss the Maryland tax rate and structure. He further stated that individuals from the Maryland Municipal League would be testifying. One of the Commission's recommendations was that the State law be amended to require that all counties go to a tax differential system, rather than use the rebate system. The Mayor suggested that the City go on record supporting this recommendation and encouraging the Linowes Commission to suggest the State change its law to institute the differential system. The Mayor said that he felt this was the more equitable system in that it more directly benefited citizens.

The Mayor then noted that he and the Council recently met with Mr. Glendening, County Executive of Prince George's County, to discuss outstanding City and County issues. One issue discussed was the possible extension of Ride-On buses, and the consensus was that a route should service the Prince George's side of Takoma Park, using a route on New Hampshire Avenue. Metro buses could also be used, connecting Langley Park along New Hampshire Avenue, to either Ethan Allen or Eastern Avenue, along Carroll Avenue to the subway line, and this could be implemented quickly once the route and buses was agreed upon. The Mayor asked the Council for direction and suggested a public hearing possibly in July or September.

Mayor Del Giudice then said that the Maryland Municipal League had presented to the City an Award for Excellence for its recycling program. He said he was happy to accept the award on behalf of the citizens and staff of the City and was especially pleased with the compliance rate by the City's citizens. The program had paid for itself sooner than had been realized at inception and the City had saved nearly \$50,000 in tipping fees. He spoke about the need for recycling plastic as a next step. He expressed appreciation to the Director of the Public Works Department and the Recycling Coordinator, as well as the sanitation workers, and suggested that the award be displayed at the Department of Public Works. The citizens of the Recycling Task Force were also to be commended.

Councilmember Prensky, having recently returned from El Salvador, was welcomed back by the Mayor. Councilmember Prensky reported to the Council on his trip to Santa Marta, El Salvador. He characterized the trip as successful and thought-provoking. He said that as a result of civil war, 75,000 people have died over the last 20 years. Santa Marta was completely bombed ten years ago to prevent popular support of insurgents fighting for peasant rights. Driven out by U.S.-supplied arms, the people went north to the Honduran border where many were killed and others spent years in U.N. refugee camps in Honduras. After seven years, over 1,000 of these refugees returned to repopulate the Santa Marta area. That was three years ago, at the same time that Takoma Park

established a companion-city relationship with Santa Marta. In the intervening three years, the citizens have evolved a grass-roots democracy which has wiped out starvation and homelessness. The community runs collectively, growing crops for the community and themselves, and sharing food. With the help of the Companion City Project, Santa Marta has established workshops for shoe-making, sheet-making, and carpentry, among others. However, medical supplies were woefully inadequate for the reason that no supplies in the past year have been allowed to reach the city due to the military command nearby.

Mr. Prenskey said that he delegation, with the support of Santa Marta, stopped to speak with Colonel Mohano, responsible for virtually all the activity around Santa Marta. They were able to discuss with him the possibility of allowing medical supplies to Santa Marta. He agreed to allow supplies for children and non-combat-related injuries and diseases. They were also able to meet with the U.S. Embassy.

Mr. Prenskey said that the people are surviving because of practical support, but also because of the actual physical presence of the delegation, and it had an immense effect and he felt it served to keep away unwanted military interference. As a result of the visit, Councilmember Prenskey, Mr. Baron, and Reverend Taylor are planning to publish a brief article for the newsletter. They also plan to produce longer articles and want to increase Takoma Park citizens' understanding through slide shows. Councilmember Prenskey thanked the Council for its support and for the support of the City's residents.

CITIZEN'S COMMENTS (On Items Not Listed on Agenda)

George Taylor, Takoma Park Presbyterian Church corroborated Councilmember Prenskey's account of the trip to El Salvador. He mentioned a boy, Miguelito, who was being adopted by a couple in Takoma Park. The relationship of Takoma Park and Santa Marta ought to be strengthened, he said, through trips and common projects. He thanked the Council and Councilmember Prenskey.

The Mayor stated that he understood Reverend Taylor was leaving the Takoma Park community, and regretted that.

Mr. Wilson asked that Agenda Item #3 be put off until the July 2 worksession, (awarding an equipment procurement contract), and the Mayor concurred.

COUNCIL AGENDA ITEMS

1. Second Reading of FY '90 Budget Amendment #3 Ms. Habada confirmed that there were no revenue amendments to be added this time. Before taking up the amendments, Councilmember Hamilton moved to adopt the Ordinance; and Councilmember Elrich seconded the budget amendment. The motion to amend was then moved and seconded. Councilmember Prenskey called the Council's attention to two items, the power source and moving the repeater station, and Ms. Habada explained that the above were now permanently located on top of the Washington Adventist Hospital building.

Councilmember Sharp questioned \$4,200 in the library budget and Ms. Habada responded that the fine-tuning of estimates entailed a slight increase, for work such as ceiling tile-washing. Councilmember Leary asked about \$25,500 for the Ziegler Garden. Ms. Habada replied that the actual total of \$26,000 corrected the original appropriation due to POS leveraging of State to City matching funds when the City received a contribution from the Friends of the Siegler Property.

The Mayor called for a vote and the budget Ordinance amending the FY'90 was adopted by roll call vote as follows: AYE: Elrich, Hamilton, Leary, Moore, Prenskey, Sharp. NAY: None; ABSTAINED: None; ABSENT: Douglas.

ORDINANCE NO.1990-35
(Attached)

2. Single Reading Ordinance Awarding Architect/Engineer Contract PW 90-7. (Moved and seconded) Mr. Giancola said that this was the first money to be spent for the modifications and that the purpose of this contract was to use Lipman-Davis for any projects that would come up. Councilmember Sharp (presiding as Mayor Pro Tem) asked for public comment and receiving none, asked for a vote on the adoption of an one-year indefinite delivery contract with Lipman-Davis Architects. The ordinance carried by roll call vote as follows: AYE: Elrich, Hamilton, Leary, Moore, Prensky, Sharp. NAY: None; ABSTAINED: None; ABSENT: Douglas.

ORDINANCE NO.1990-33
(Attached)

3. Second Reading Ordinance Re: Code Amendments. Councilmember Hamilton moved adoption and the motion was seconded by Councilmember Leary. Corporation Counsel Silber stated that the amendments were to clarify the duties of department heads. Councilmember Prensky noted that in the ordinance, it appeared the Library Director had supervisory powers over the cable coordinator, and asked for confirmation. Mr. Wilson agreed, and said that was appropriate language; however, the decision to define the City Clerk position as executive staff was still outstanding. A vote was taken in favor of the amendments and they carried. Mayor Pro Tem Sharp then asked for discussion on the ordinance itself, and hearing none, called for a vote. The Ordinance carried unanimously by roll call vote as follows: AYE: Elrich, Hamilton, Leary, Moore, Prensky, Sharp. NAY: None; ABSTAINED: None; ABSENT: Douglas.

ORDINANCE NO.1990-34
(Attached)

4. Second Reading Ordinance Multi-Family Unit Refuse Fee Schedule. After being moved and duly seconded, Councilmember Sharp noted that for units under ten, the fee almost doubles, although the increase still did not reflect the real cost of multi-unit waste collection. The vote was taken, and the ordinance carried by roll call vote: AYE: Elrich, Hamilton, Leary, Moore, Prensky, Sharp. NAY: None; ABSENT: Douglas.

ORDINANCE NO.1990-31
(Attached)

5. Public Hearing on Rent Stabilization. Councilmember Sharp stated that the first public hearing discussion was to be on the rent stabilization rate. The second discussion was to be a more general discussion about the goals and potential changes needed to accomplish those goals. He cautioned against a Council debate and suggested that instead, information should be elicited from the public.

CITIZEN'S COMMENTS

Mark Nelson, on behalf of Takoma Park Housing Providers Association, said his group, formed in 1989, recognizes special needs of housing providers, with 60 members and the purpose is generally educational. He introduced himself as a property manager and owner of rental property. He first questioned the relevance in the staff report--of mention of other communities for comparison with Takoma Park, and second, the relevance of the Montgomery County DHCD in the same report. He suggested focusing instead on surrounding Takoma Park markets, where rents are similar. He felt rent control helped the middle class, not the needy, since they would not likely vacate. He also said there was no incentive for affordable housing initiatives in Takoma Park because of the rent stabilization ceiling. He suggested the discontinuation of the rent stabilization ceiling, and instead, reallocating monies for

subsidies and creating affordable housing initiatives. Mr. Nelson stated that if the Council wanted to continue the ceiling, his group would suggest a 6.5% rate ceiling. Mr. Nelson referred to his handout to make his points, which showed major costs for housing providers in recent years. He also noted the increase in the number of rent increase petitions filed. Mr. Nelson said the increased interest rates directly affected housing providers in relation to general increased costs, from landfill costs to increased assessments to licencing fees. Mr. Nelson also said fair housing laws have also affected housing providers, they are now required to open all housing to families and handicapped people, and the costs of these changes need to be recognized. The drug crisis forced housing providers to do more extensive credit investigations and to add safety features. In addition, they experience greater liability and endure the market risk of having drugs in their buildings. He closed by saying the housing providers had the same goal as the City: to provide quality housing and stated that as housing providers they want to meet the needs of the customers. He encouraged the Council to adopt the stabilization ceiling of 6.5%, which he stated is generated through the landlord and tenant office and approved by the County.

Lou Dinarsky stated he is a small landlord; an owner of a 4-unit building on Houston Court and that he managed the building with his sister and mother on Roanoke Avenue. He said that he also believed 6.5% is a reasonable increase. He stated that he bought his building in 1985 because he was attracted to Takoma Park and was impressed with the diversity and liked the neighborhood, the City and the people whom he dealt with. Since 1985, his water costs were at \$1.96 per 1000 cubic feet but effective July 1, 1990, his water costs will be \$2.60 per 1000 cubic feet; a 30% increase over that time. Sewer costs have gone up in excess of 25%; his property taxes have increased in excess of 56.5% and in 1985 a plumber charged \$27.50 per hour; in 1990 his rate is \$45.00 per hour. In that time, the rent increase in 1985 was 5%. Mr. Dinarsky said if he had a major repair, the revenues of the building do not support it. His mortgage was not a fixed-rate mortgage; it was a variable rate mortgage and when he bought the building, there were tenants living there who had been living there for a long time and he didn't want to increase the rent. At the time when he bought the building, 4-unit buildings were not rent controlled, and he tried to increase the rents gradually. He said costs in Montgomery County and costs in the Takoma Park area differed and said they are decidedly different in Virginia or in the upper county area. From the Washington Post, he has highlighted ads where the landlords are giving tenants "freebies" in order to induce them to rent from them and he cited some examples. Mr. Dinarsky said he thinks that 6.5% was very reasonable and he urged the Council to adopt it.

Ruth Weiss said she managed a building in Takoma Park at 54 Elm and she cannot afford a management company; nor afford to process all the paperwork to apply for an increase in rent structure or a rent increase petition. Ms. Weiss said if the Council decided to keep the rent control, let it be at 6.5%. She stated the houses in her neighborhood were single-family houses; there are very few multi-family units and commercial property is totally tied into the rent structure, so it was gauged and accessed based on the rent structure and people were willing to buy in based on the rent structure and fixed cost, not like a private home. She said in 1988 to paint her property it cost \$375; in 1989 - \$400 and in 1990 - \$450. Plumbing cost \$40 per hour in 1988, \$45 in 1989, \$55 in 1990. Also legal fees have gone up correspondingly. The latest one being 10% 1988-89 and 20% in 1990.

Vincent Abel said he managed The Parkview Towers on Maple Avenue and the landlords in this city needed 6.5% if they were to maintain the buildings in a proper way, or otherwise, they just defer and put off things because they cannot afford to properly maintain them. In reference to the tax cut, Mr. Abel said the tax cut given to the City, is just less of an increase, and it doesn't come close

to covering the amount of the assessment increases on the buildings and houses in this City. Also, at the same time, the City Council is asking for landlords to control their expenditures, but have increased trash fees on multi-family units by 100% and increased licensing fees by 50%. Mr. Abel stated it was ironic that the City needed an increase over the stabilization guideline for the last 5-10 years of anywhere from 40-100% greater to run the City and to maintain the quality of life in this City.

Herbert Rothfeld stated that he was a small business man, who owned one property in Takoma Park; a 3-unit building on Houston Court. He complimented the City Administrator and the staff that were involved in the housing situation. Mr. Rothfeld said he went through the COLTA process, which he was grateful for; it gave him a lot of information and a lot of opportunity to do a lot of thinking about his units. He said he had papers that he had to submit as documentation as the owner of a 3-unit building before COLTA. The City of Takoma Park wants its units maintained as well as he does. He said this allowed for painting his 3-unit building every 3 years and there were no allowances given to him before the COLTA process for painting or maintaining the exterior of the building, which he asked for. Mr. Rothfeld said he had a small property management company which managed his properties. The question he presented to COLTA was can they obtain for him a firm to manage his property for \$1600 per year, because that's the rental for his 3-unit building. He said he had an apartment vacant last month, which he had to show nine times to get it rented. He said he had to do bookkeeping, and they have one person who works 20 hrs/week, along with his wife, who runs their property management business, for 8 properties. He said for \$1,600/year they cannot find a firm to do the work that they do and maintain their properties, take complaints, call plumbers, call electricians, line up painters, and hire cleaning people to clean these units.

Sakinah Shakur, 7777 Maple Avenue said she listened to a lot of housing providers about the increase they would like to be made in terms of rent stabilization. However, as a tenant, living in one of the most deplorable housing units in terms of the way it is maintained, she finds she can't accept a recommendation for any increase in rent. Ms. Shakur said she lives in a building where there is no maintenance, no security, and they had no heat during part of the winter; she said the tenants have written to the Council as well as to the City Administrator regarding some the problems they have experienced still have not received any responses from anyone. She said there wouldn't be any problem with a rent increase if the Department of Housing would do their job to assure tenants that the landlords would do their job. The rent providers that have testified regarding their property and wanting to go up on their rent, obviously must be doing a good job in terms of maintaining their building, however the tenants don't have that luxury at 7777 Maple Avenue. Ms. Shakur said that the ceiling should stay the same or be decreased.

David Tate said he has a 3-unit dwelling on Flower Avenue and in one of the apartments before the last tenant moved in, he put in new carpeting. He said according to his figures, it's going to take him 2-1/2 years of 4% increases before he gets his carpet money back. It has been his experience in real estate, that a single-family dwelling, when it is appraised, the assessed value, tax-wise is a factor involved, and one of the first things that he looks at is what his net income is going to be.

Gertrude Rothman said she was speaking on behalf of her mother and she questioned why there was rent stabilization. She said she understands that sometime in the past there must have been some reason for it but questioned whether there still was some strong consideration for not only raising the 6.5%, but also to keep it around at all. This country is based on freedom of choice. Citing an example of a tenant who lived in the building for 17 years and

outlived 4 or 5 landlords; Ms. Rothman said that this did not deny the landlord the right to make a living from the building he buys; the landlord made that choice and the tenant made the choice to stay there. The tenant was free to move and landlord was free to raise his rent (within a reasonable amount). Ms. Rothman said that regarding the lady who lives at 7777 Maple Avenue, she was sure her complaints were legitimate and something should be and must be done about that situation. The landlord and her mother who own small buildings on Maple Avenue should not have to pay bad landlords. She said her suggestion is to get rid of rent stabilization entirely, and take each case on an individual basis. She said it is the government's job to protect the people, but it's not government's job to tell people how to run their businesses, if those businesses are run within a reasonable manner.

Mr. Luckensing said he came to this country and bought his building 27 years ago and everyone knows Flower Oak Apartments was the best, clean-kept apartment in Takoma Park--as far as he knows. He said he likes to provide clean and comfortable apartments for his tenants. He felt rent control should be completely abolished. The tenants have a choice to move in or out whenever they please, and he cannot operate on 4%. He urged the Council to raise the ceiling to 6.5%.

John Young said he has been a small landlord in Takoma Park for several years, and he felt rent control was un-American and short-sighted. Mr. Young asked that rent control be discontinued.

Miss Beachum stated that she was speaking on behalf of citizens again, and as long as the government had a ceiling on Social Security of 4%, she did not feel that people who own apartment buildings should be able to raise their rent much more than what the government was doing. As long as the cost-of-living is not rising more than 4% on her meager income, she said she will ask the Council to keep it at 4%. Mrs. Beachum said she doesn't own anything, but the cost of living was going up, and social security checks are rising very slowly. Ms. Beachum said she heard the report from El Salvador, and at this rate Takoma Park will be like the situation in El Salvador if rents keep increasing.

David McSpadden, 111 Lee Avenue, Takoma Park said most of the people here this evening have been talking about an increase of one percent. It is his understanding the Council was supposed to certify there is an emergency shortage of housing in Takoma Park in order to comply with State law. He said he noticed that the staff report had been changed to an emergency shortage of affordable housing. First of all, the report used for its main arguments very little empirical data to support its recommendations. Mr. McSpadden said he didn't know what affordable meant and what was an emergency shortage of housing. He said he has not seen one or a definition tonight from the Council. If the Council was to declare an emergency without an appropriate definition, then it was not doing its job. Mr. McSpadden quoted from the staff report "despite a number of new rental units and the rise in vacancy rates, many households are unable to move into housing that they can afford". Mr. McSpadden said this was not data, it was rhetoric, and virtually, everyone who has studied rent control including pro tenant oriented people, concluded it's only a "band aid" solution. This can lead to the deterioration of neighborhoods and the result of neighborhood impact on the community and Takoma Park is not immune from these impacts. The City Council has in the past, repeatedly rubber-stamped the need for stabilization, because it lacked the courage and the will to find and implement ways to deal with the fact that there are a lot of poor people in the world. Mr. McSpadden said rent stabilization does not help poor people, it gives middle income renters a free ride at the expense of the truly poor. Eliminating the incentives to be a housing provider does not help the poor, it creates slums, blight and crime. Mr. McSpadden challenged the Council to back up its rhetoric on affordable housing by finding, creating and funding

programs that work.

Myra Silberstein, Eastern Gardens - 6833 Eastern Avenue, Takoma Park, said that rent control should be abolished, but in the event that it wasn't the Council should provide some kind of provision upon turnover, especially where units have been renovated and new apartments have been provided, energy-efficient heat pumps have been added and carpeting and painting has been done. This would allow the landlord to maintain quality property and a quality way of life to the tenant.

Mr. Nelson said that because of the rent stabilization ceiling in Takoma Park, the Park Ritchie Apartment was the only community that he managed in Takoma Park where a lower rate of increase for senior citizens is not granted.

Mr. Abel said that there are programs available to senior citizens, for example the State Rent Credit, Montgomery County Tenant Assistance programs for senior citizens which assist senior citizens up to \$100 per month on the rent if they need help.

Mr. Sharp encouraged members of the housing providers organization to join with the City and the Maryland Municipal League in its efforts to change the State law in regards to enforcement of municipal infractions. He said it has been a long-standing effort of MML to get the courts to recognize the importance of these types of housing infractions and to have a landlord group support this type of legislation would "wake the courts up". Mayor Del Giudice agreed with Mr. Sharp's recommendation and said the City of Takoma Park had taken a lead in sponsoring legislation to try to get the courts to treat municipal infractions with more dignity and vigor. He said also that he recognized the problems are with the landlords who don't run their properties correctly and when they're served with a summons they don't go to Court and therefore the Courts were reluctant to take action.

Mr. McSpadden said he believed there has been abuse by the municipal infraction process. The City has a very hostile housing department. The City is issuing illegal municipal infractions and he indicated that there is a fear among housing providers that cities may abuse the process as they have done in the past.

RENT STABILIZATION HEARING #2 - RE: Petition Process For Extraordinary Increases Above And Beyond the Rent Stabilization Guidelines

Mr. Abel said he filed a petition 6 months ago, and has received no decision yet. He said he needed the rent increase to meet operating expenses. He said also he is being denied due process, and there is a need to change the law from the time the petition is filed, a case can be heard within 60 days and a decision 30 days after the record is closed. He said if COLTA isn't competent to do this, the City should hire a professional Hearing Examiner to do it. Also, when a landlord files for an increase, he should be granted at least the stabilization guideline while he's waiting for a decision. The law needs to be established so that whatever the stabilization guideline is, one should be able to get that increase each month until COLTA decides. For example, he stated in his building, he has multiple units, basically identical and he has to advertise rents. Mr. Abel said he has different rents in different apartments, for example--\$500 per unit. The rent is \$500 for the first 100 days and that is the anniversary date. Then the rent goes to \$525 or \$545 depending on whether they get the rent increase. Mr. Abel said it becomes a marketing headache and hard to re-rent apartments. Otherwise, apartments are being rented below landlord's operating costs.

Councilmember Hamilton questioned Mr. Abel's suggestion and asked if he were to file a petition today for a 10% increase, was he asking to be able to take 4% of that 10% requested while the petition was being heard. Mr. Hamilton questioned what would happen if the landlord was denied his increase and what would happen to the tenant that had already paid over and above the rent increase at that particular time.

Mr. Nelson said he agreed that landlords need to be given the stabilization increase. He said that another factor that may help in the voluntary rent increase petition process is the skills that COLTA has in providing assistance as a bargaining power between tenants and landlords in discussing voluntary rent increase petitions. He said in addition to that, the rent increase process today is overburdened and the stabilization ceiling has encouraged that. Mr. Nelson said regarding equity, the present system works.

Councilmember Hamilton questioned Mr. Nelson about the voluntary rent increase and asked how he felt about the 60-70% rule--being that 60-70% of the tenants in the building would have to get together and support a voluntary rent increase versus the one-on-one voluntary increase.

Mr. Nelson responded that he felt both have merits--the voluntary rent increase provision is a workable tool and more applicable to individual situations. He further stated when a prospective tenant comes in and requests carpet in their apartment, he has no means of carpeting the apartment or giving them an additional monthly charge; that would be an example of a voluntary agreement. He said the 60-70% rule within a building is applicable if there's a reasonable bargaining group there.

Councilmember Leary asked Mr. Nelson what were his complaints about how the current system works to provide for extraordinary rent increases above and beyond the stabilization ceiling.

Mr. Nelson said the Rents Analyst and the COLTA Executive Director needed to have a technical background to make good business decisions and said the risks in the rental market are such that during one of the housing subcommittee meetings, a strong tenant advocate in the rent control process, suggested that he himself would not go into the business of owning rental property and look for a return of less than 20% on his equity.

Mr. McSpadden commented that most of the people who are landlords in Takoma Park are small business people who have gone into business hopefully with the incentive of making some money and an adequate incentive was needed; the present process was ill-defined. He said COLTA is an arbitrary and capricious body and it is using an arbitrary and capricious law on which to base its decisions for granting rent increases. What the City needs, he said is to provide an exact formula that the housing provider can use to calculate his return on his investment whether he has a cash flow or not. It needs to be taken to a professional person who understands the issues. He said that he would like to see a law that has a specific formula; if the current formula was applied straight across the board, it would be acceptable to most of the housing providers. If you allow a 12% return, the landlords would have an incentive. Mr. McSpadden also said he didn't like the deterioration he sees happening in Takoma Park, and if you use that formula and applied it without any "fluffy" language and make it a formula for professional people to analyze and rule on who could write a decision and get it out in a month, then you would be providing an incentive and it would reverse some of that deterioration that is seen.

Councilmember Sharp asked Mr. McSpadden if he favored rent control as a general matter in Takoma Park.

Mr. McSpadden responded he thought there were some beneficial aspects in rent control. If it was less of a hostile atmosphere or if it was more conceived as a process that was going to benefit the community and the housing providers. The benefit, he said was an improvement in the quality of housing in Takoma Park, an improvement in the incentive that housing providers would have to be in the business of providing housing.

Councilmember Sharp questioned how would rent control accomplish this better than no rent control.

Mr. McSpadden responded by saying rent control kept housing providers on their toes, in a way, more so if there were no rent control. He also said he didn't think the way it is practiced in Takoma Park was any good at all. He said he doesn't like seeing properties, and there are several highly visible ones, that are poorly run. A great deal of that is because the owners have no incentive to run it well. He questioned who was going to put \$100,000 into a building that they cannot back out of. He said he thinks there are aspects of rent control that improve the quality of life in Takoma Park. He also said that the way that it is practiced, the lack of fairness and incentive has been a disaster for Takoma Park. If you provide a system that has no questions in it for COLTA to be able to rule that it is in the best interest of the tenants of Takoma Park to set the rent at 8.8%, that it is a meaningless statement. More to the point would be for COLTA to rule that the law finds that a landlord is entitled to a 12% return on his investment as defined by this formula, after examining his expenses.

Mr. Hamilton questioned if Mr. McSpadden would support rent control if the vacancy rate was higher to protect existing tenants and if the vacancy rate was higher, how did he think that would affect the petition process.

Mr. McSpadden responded that he would support it. He went on to say that he thinks it would help the petition process and also would cut down on the petitions and that he doesn't know a single landlord who want to raise rents for existing tenants. He said they would much rather have the ability to raise rents on vacant units and protect their existing tenants.

Mr. Hamilton then asked the Housing Providers Association to respond to the same question. Mr. Nelson responded that if what was being talked about was a vacancy de-control, he would very strongly recommend that as a provision that would assist in alleviating the pressures on the present rent increase petition process. It would more fairly protect the tenant within the system and allow a better allocation of resources. Mr. Nelson said vacancy de-control as it is now in the pending legislation, negates any benefits for that.

Councilmember Sharp questioned if the socio-economic character of Takoma Park would change anyway in 5-7 years and at what difference and rate and cost.

Mr. Nelson responded that he did not think it would. He said he doesn't think it has been proven in many other applications in a drastic sense. Mr. Nelson said Takoma Park is such a small microcosm of the entire Washington/Metro area it is not going to be re-gentrified. If it is, the other areas in this Metropolitan area will develop to provide the same services that you are hoping to provide through rent control in Takoma Park.

Mr. Rothfeld said the process is very burdensome to those who only have a few small units. They cannot present the eloquent statistics and speeches that previous speakers have for their multi-hundreds of units. He said they represent a very small amount and without the help of DHCD's Gloria Walker, who walked them through the documents, they would have never gotten to the

COLTA process. He said the process is too burdensome for the small person to be able to do it with the all the work that is required. Mr. Rothfeld said the question was asked of him earlier about his rate of return on equity. According to the papers presented by COLTA, it is 4.83% on equity. Mr. Rothfeld said he could invest in AAA Maryland Tax-Free bonds and get 7% which would yield him over 10% return. He said his building is probably cited with as few violations as any in Takoma Park and he does not want to see any of his tenants living in filth or dirt or in ill-kept premises. He said rent control or de-control will not help it and there will always be a certain amount of business people who will bleed a property no matter what you do, no matter how many inspectors you have and no matter what goes on. A fair rate of return will encourage people to come to the community and own property because they can get a decent return and keep their property up and get a decent rate of appreciation. Mr. Rothfeld said his building was purchased in 1977 and has not gone up with the same rate of appreciation as other communities in the Washington-Metropolitan Area. He said his property was now valued at \$87,000. He indicated he paid \$60,000 for that property and it is a small rate of appreciation in the real estate market in this area.

Councilmember Sharp questioned Ms. Weiss and Corporation Counsel Sue Silber with regard to the equity return, did the calculation take into account the individual tax situation of the owner.

Ms. Silber said that it definitely did not. Ms. Weiss also responded that it did not; that it is important to note when you are talking about assessed values of property, you are talking about two different things based upon where the property is located and the size of the property. Properties generally in single-family neighborhoods in Montgomery County referred to as R-60 and R-40 zones, are appraised like the single-family homes in that neighborhood based upon the market value of the property based in part upon assessments. Whereas the return on investment, is what is generally used for the larger properties that are in high-density zones.

Mr. Rothfeld commented that in the tax re-format the depreciation situation has changed--most of the benefit on that tax depreciation only went to larger properties.

Mr. Rothfeld said he has a 22 unit apartment building, and all were 2-bedroom units. Currently the tenants include 11 single professionals occupying 2-bedroom apartments with balconies. One of the consequences is that they have people who are being overhoused because they can pay for 2 bedrooms, less than what it cost them to rent a 1 bedroom in Silver Spring. He also said the mortgage bankers who finance the buildings provide only financing for the properties and as owners they provide some of the financing and have to come up with the deposit as well as provide the maintenance of the property, and should at least get the same return on their investment as the mortgage bankers.

Dino Fasce said he owns 3 units on Roanoke Avenue. He said on March 12, he submitted a petition for rent increase above the ceiling and it took about 3 months to get a Hearing. On June 20, after the Hearing, the Chairman informed him it would take 30-90 days for the decision. The system is inefficient and unfair to the tenant and the landlord. He also said he submitted his petition because he has a negative rate of return. He requested a 10% increase. At the Hearing the City had a high-power analyst, which disallowed his reserve; he said he used his escrow account as a reserve, which is a reserve for taxes to be paid in the following year, and if you take back all the disallowances the City made, and everything remains constant, and only added the 10% increase, he would have a 1.8 return after the decision is made. He went further to say he could get 9-10% on a mutual fund with no effort at all. He indicated he was at this hearing to ask the Council to consider discontinuing the rent control in its entirety,

and said it did not do anybody any good. If the Council insisted on continuing rent control, they will turn Takoma Park into a slum area and the City would have boarded up houses and crime like the District of Columbia and New York. He indicated he would like the City Council to consider changes to those rules.

Mayor Del Giudice said he shared the concern about the timeliness of this decision. He said it is not a problem that plagues the City's Commission on Landlord and Tenant Affairs exclusively. There was a Supreme Court decision where a claimant's group requested that the Supreme Court set a strict guideline that required a decision be made within 60 days after a Hearing and the Supreme Court ruled that each case was different and deserved to be heard and decided with a little less regulation. He said he did not agree with that decision, being a claimant's advocate. He said he does have some sympathy for that position, but it is one that has to be recognized even with paid Hearing examiners, and it was a very difficult task to turn around the case and get a decision in 30 days and that was highly unusual in the world of administrative proceeding.

Mr. McSpadden said he did not think that we should aspire to mediocrity and said it is a fact that decisions are rendered the same night the case is heard. The 3-member panels make their decision right after the case. They then spend the next 3 months getting that decision on to a printed page and out the door.

Mayor Del Giudice responded by saying he was not suggesting that the Council should accept mediocrity, but at the same time it should be recognized they are regulating the behavior of human beings and it should be recognized on all sides of the equation.

Mr. McSpadden commented that what was being discussed was not 60,000,000 people, but about 200 landlords total who are putting in a total of 5 petitions a month.

Mr. Abel said he thinks professional hearing examiners can get the job done; hearings are heard within 60 days in the District of Columbia and decisions rendered and the Council should hire professionals for COLTA.

Upon motion duly made and seconded, the Council meeting adjourned at 11:07 p.m., to reconvene in Regular Session on July 9, 1990.

Introduced by: Councilmember Sharp
(Drafted by A. R. Giancola)

Adopted: June 25, 1990
(Single Reading)

Ordinance No. 1990 - 33
AWARD OF INDEFINITE DELIVERY ARCHITECTURAL SERVICES CONTRACT

WHEREAS, Various Capital Projects have and will be funded by the city; and

WHEREAS, in March/April 1990 the City advertised for architectural services in two newspapers and the city newsletter; and

WHEREAS, a selection board ranked the eleven firms who submitted a Standard Form 254 and 255. Four firms were interviewed. Upon approval by the City Administrator on June 4, 1990 negotiations were undertaken with the highest ranked firm;

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

Section 1: THAT a one year indefinite delivery contract with Lipman-Davis Architects, Washington, D.C. be executed; and

Section 2: THAT the first task order for the municipal building modifications in the amount of \$23,355 be approved; and

Section 3: THAT the City Administrator be authorized to negotiate and issue additional task orders under this contract during the contract period.

Adopted this 25th day of June, 1990 by Roll Call Vote as follows:

AYE: Elrich, Hamilton, Leary, Moore, Prensky, Sharp

NAY: None

ABSTAINED: None

ABSENT: Douglas

TMG:A:ORDIN:5.0

Introduced by: Councilmember Hamilton 1st Reading: June 11, 1990
2nd Reading: June 25, 1990
Effective Date: June 25, 1990

ORDINANCE NO. 1990-34

(City Management -- City Administrator, Department Heads)

WHEREAS, the Charter, as amended, clarifies the role of the City Administrator as the chief administrative officer who is responsible for the management of the City; and

WHEREAS, the previous Charter had specified the direct involvement of the Mayor and Council in the hiring and firing of department heads but the current Charter rests that authority solely in the City Administrator; and

WHEREAS, the City's staff functions have been reorganized into five departments.

WHEREAS, the Council wishes to make consistent its actions with the Code and Charter.

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

SECTION ONE. Chapter 2, Administration, Article 3, City Officers, of the Takoma Park Code is repealed and re-enacted with amendments to read as follows:

CHAPTER 2. ADMINISTRATION.

ARTICLE 3. CITY MANAGEMENT.

Division 1. City Administrator.

Sec. 2-20. Appointment and Duties of the City Administrator.

The Council shall appoint a City Administrator, who shall be responsible for the proper administration of all day-to-day

affairs of the City. The City Administrator shall be vested with the powers and authority necessary to perform such duties, except where they may be inconsistent with other provisions of the Charter or this Code. The City Administrator shall have general administrative supervision of the several departments of the City through the department heads to direct the proper execution of the Charter, this Code, and such ordinances, resolutions, regulations and policies as the Council shall adopt. In addition, the City Administrator shall perform such other duties as the Council may lawfully require.

Division 2. Department Heads

Sec. 2-21. Power of Appointment.

The City Administrator shall have general administrative supervision of the departments of the City through the department heads, who shall serve at the sole and absolute pleasure of the City Administrator. The City Administrator shall have the power to appoint, suspend, and remove all department heads.

Section 2-22. Designation of Department Heads.

The City Administrator may appoint such department heads as the City Administrator deems necessary to manage the functions of the City government. The department heads may include:

(a) Library Director. The Library Director shall have overall responsibility for the general operation of the library and the cable television office. The Library Director shall plan, coordinate, and direct library services for the City and provide guidance to the Cable Television Coordinator.

(b) Public Works Director. The Public Works Director shall have general charge of all public works done in the City. The Public Works Director shall plan, direct, supervise, and coordinate activities in such areas as infrastructure, building and vehicle maintenance, construction, park[[s]] and street[[s,]] maintenance, refuse collection and disposal, recycling, trees and vegetation, and stormwater management. [[sanitation, and recycling.]]

(c) Police Chief. The Police Chief shall arrange all activities and programs of the Police Department and shall be responsible for law enforcement in the City.

(d) Director of Recreation. The Director of Recreation shall plan, promote and administer recreation programs for the City.

(e) Director of Housing and Community Development. The Director of Housing and Community Development shall manage the City's community and economic development and housing service functions. These functions include planning, historic preservation, development, enforcement of laws relating to landlord-tenant matters, housing code enforcement, and code enforcement generally.

SECTION TWO. Chapter 9, Police, of the Takoma Park Code is amended as follows:

{Sec. 9-1. Chief Police Officer; appointment and removal.

The City Council shall, by majority vote, appoint a Chief of Police who shall serve at its pleasure and who may be removed by

a majority vote of the City Council. The Chief shall report to the City Administrator.]

Sec. [9-2.] 9-1. Duties of Chief Police Officer generally.

(No change)

Sec. [9-3.] 9-2. Public inspection of rules.

(No change)

Sec. [9-4.] 9-3. Definitions.

(No change)

SECTION THREE. Chapter 1, General Provisions of the Takoma Park Code is amended as follows:

Sec. 1-2. Rules of construction and definitions.

(a) (No change)

* * * *

[(25) Title. The titles "Mayor," "Council," "City Administrator," "City Clerk," "City Treasurer," "Clerk-Treasurer," or "Chief of Police" or "Chief Police Officer," "Fire Chief," or "Chief of Fire Service," "Director of Public Works," "Municipal Librarian," "Director of Recreation," and "Inspector of Buildings," whether used alone or in conjunction with one another, shall be construed as if the words "Of Takoma Park, Maryland" followed.]

[(26)] (25) Vehicles shall include any conveyance or appliance moved over a highway.

[(27)] (26) Week shall be construed to mean seven (7) days.

[(28)] (27) Year shall mean a calendar year.

SECTION FOUR. Chapter 8B, Personnel Procedures, Article 1, Civil Service, Division 2, Definitions, of the Takoma Park Code is amended as follows:

Sec. 8B-108. Terms defined.

(a) (No change)

* * * *

(20.1) Senior executives. Employees who serve at the pleasure of the [Mayor and Council] City Administrator and the immediate deputies of these employees.

* * * *

SECTION FIVE. This Ordinance shall be effective immediately upon adoption.

Adopted this 25th day of June, 1990 by roll call vote as follows:

Aye: Elrich, Hamilton, Leary, Moore, Prensky, Sharp
Nay: None
Abstained: None
Absent: Douglas

Explanation:

Underlining indicates additions to existing Code language.
[Brackets] indicate deletions from existing Code language.
* * * * indicates Code language not reproduced in this Ordinance.

Underlining indicates additions since 1st reading.

[[Double brackets]] indicates deletions since 1st reading.

managemt.ord
corr65/cp

Introduced by:
Drafted by: P. Jewell
and L. Perlman

1st Reading: 5/29/90
2nd Reading: 6/25/90
Effective Date: 7/1/90

"REVISED"
ORDINANCE NO. 1990-31

(Revision of Multifamily Unit Refuse Fee Schedule)

WHEREAS, Section 10-15 of the Takoma Park Code sets forth fees for the collection and disposal of refuse for multifamily dwellings; and

WHEREAS, these fees are based on a sliding scale according to the number of units or families in each multifamily dwelling; and

WHEREAS, approximately 80% of the multifamily dwellings which use City refuse services have less than eleven units or families; and

WHEREAS, the cost of City refuse collection and disposal has risen; and

WHEREAS, the Council desires to establish a more economically feasible fee schedule for multifamily unit refuse collections and disposal.

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

SECTION 1: Chapter 10 (Refuse), Article 3 (Multifamily Unit Refuse Collection), Section 10-15 (Multifamily unit refuse fee schedule), of the Takoma Park Code is repealed and reenacted as follows:

CHAPTER 10. REFUSE.

ARTICLE 3. MULTIFAMILY UNIT REFUSE COLLECTION.

Sec. 10-15. Multifamily dwelling units --
refuse fee schedule.

The annual fees for collection and disposal of refuse placed for collection at ground level outside the multifamily dwelling in a position easily accessible to the refuse collector or at any point as may be designated by the Director of Public Works and not more than one hundred (100) feet distant from the side of the street or alley from which the collection is to be made not

more than twice each week shall be as follows:

(a) Multifamily dwellings with two (2) through ten (10) dwelling units: no fee for the first dwelling unit and one hundred dollars (\$100.00) for each additional dwelling unit.

(b) Multifamily dwellings with eleven (11) or more dwelling units: no fee for the first dwelling unit and ninety dollars (\$90.00) for each additional dwelling unit.

SECTION 2: This ordinance shall be effective on July 1, 1990.

Adopted this 25th day of June, 1990, by roll and call vote as follows:

Aye: Elrich, Hamilton, Leary, Moore, Prenskey, Sharp
Nay: None
Abstained: None
Absent: Douglas

EXPLANATION:

1. Underlining indicates additions to existing Code language.
2. Sec. 10-15, subsections (a), (b), (c), and (d) of the existing Code are being repealed. Therefore, the language of these subsections (which is being deleted by this ordinance) is not set forth in this ordinance.

refuse.mem
corr66/cp

First Reading: June 11, 1990
Second Reading: June 25, 1990

Upon motion by Councilmember Douglas, duly seconded by Councilmember Hamilton, the following Ordinance was introduced.

ORDINANCE #1990-35
FY 90 BUDGET AMENDMENT NO. 3

AN ORDINANCE TO AMEND THE FISCAL YEAR 1990 BUDGET

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

SECTION 1. that the Fiscal Year 1990 Budget be amended as follows:

[REVENUE AMENDMENTS]

[a.]

[b.]

[c.]

[d.]

EXPENDITURE AMENDMENTS

- a. Transfer \$3,500 from Account 9000-7010, General Contingency, to Accounting Division, Account 1130-6205, Telephone expenses.
- b. Transfer [\$5,000] \$17,000 from Account 2100-4010, Police Salaries to Account 2100-4030, Overtime.
- c. Transfer [\$5,000] \$5,700 from Account 2100-4010, Police Salaries to Account 2100-7075, Abandoned Vehicles - Police Department.
- d. Transfer \$5,000 from Account 9000-7010, General Contingency, to Capital Expenditures, Account 9100-8001 for reconstruction of retaining wall, replacement of sidewalk, on Sheridan Avenue.
- e. Transfer \$20,000 from Account 9000-7010, General Contingency, to Public Works Streets Division, Account 3600-6713, Street Lights.

- f. Transfer \$3,000 from Account 5000-4010, Housing Salaries, to Account 5000-4030, Temporary Assistance.
- g. Increase appropriation for Account 9100-8001, Capital Expenditures by \$19,000 to reflect increase in infrastructure bond proceeds from the originally requested amount of \$502,000 to the final approved amount of \$521,000.
- h. Transfer \$2,700 from Account 2200-5230, Clothing Allowance (Police Department), to Account 2100-6215, Radio Service (Police Department).
- i. Transfer \$4,200 from Account 9000-7010, General Contingency, to Library Contingency, Account 7000-7005 to cover the costs of temporary move during Library renovation.
- j. Transfer \$3,500 from 9000-7010, General Contingency, to Mayor and Council Expense, Account 1110-7015.

CAPITAL BUDGET

- a. Reconstruction of a retaining wall, replacement of sidewalk and related work on Sheridan Avenue is approved as an additional street improvement project for FY 90.

SPECIAL REVENUE BUDGET

REVENUE AMENDMENTS

- a. Appropriate \$4,993 to Account 0010-3366, Prince George's County, 14th Year CDBG Revenue, to reflect receipt of FY 89 CDBG revenues in FY 90.

- b. Appropriate \$3,012 to Account 0010-3373, Program Open Space Development Revenue, to reflect receipt of FY 89 POS revenues for various parks in FY 90.
- c. Increase the POS FY 90 appropriation of Account 0010-3375, for Thomas Siegler Garden project (75% match) from \$15,000 to \$19,500.
- d. Increase the Siegler Garden Fund, Account 0010-3390 from \$5,000 to \$6,500.
- e. Appropriate and additional \$1,953 to Account 0010-3386, Montgomery County Cable TV Grant to reflect receipt of prior years revenue in FY 90.

SPECIAL REVENUE BUDGET

EXPENDITURE AMENDMENTS

- a. Appropriate \$2,840 to Account 0010-7190, Spring Park, to reflect carry over expenses into FY 90 from a FY 89 Program Open Space project.
- b. Appropriate an additional \$6,000 to Account 0010-7188, Thomas Siegler Garden.

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

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

AYE: Elrich, Hamilton, Leary, Moore, Prensky, Sharp
NAY: None
ABSTAIN: None
ABSENT: Douglas