

CITY OF TAKOMA PARK (FINAL 3/18/92)

Regular Meeting of the City Council  
Monday, March 9, 1992

CITY OFFICIALS PRESENT:

Mayor Sharp	Dep. City Admin. Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Hamilton	Personnel Officer Hobbs
Councilmember Johnson	Police Chief Fisher
Councilmember Leary	Public Works Dir. Knauf
Councilmember Porter	DHCD Director Grimmer
Councilmember Prensky	Finance Supervisor McKenzie

The City Council convened at 8:35 p.m. on Monday, March 9, 1992, in the Council Chambers at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, the Council made the following remarks.

MAYOR/COUNCIL REMARKS

Mr. Sharp explained that the Council had just met in Executive Session from 7:00 pm until 8:30 pm to interview a candidate for the City Administrator's position.

Ms. Porter announced there would be a meeting on March 11, 1992 at 7:30 p.m. at Carole Highlands Elementary for parents and others to meet with the area superintendent of schools regarding proposed renovations of the school. Ms. Porter noted that the planning for the renovations are scheduled for next fiscal year.

Mr. Sharp announced there would be a South Of Sligo Citizens Association meeting at Grace Methodist Church on March 10, 1992 at 7:30 p.m. He said the meeting was part of the Council's efforts to talk with Citizens associations regarding the City's FY'93 budget.

Mr. Prensky announced that the Council would also be meeting with the Residents' Council of Takoma Towers on March 12, 1992 at 7:30 p.m. and that this meeting would be followed by a meeting with the S.S. Carroll Community Association at City Hall at 8:30 p.m.

Mr. Johnson announced that the Ward 6 town meeting would be held April 1, 1992 to deal to get citizens feedback on the budget priorities. Mr. Johnson also announced that on April 25th, the Christmas in April program would begin. He said this was a unified effort involving individuals from both Counties who join together to provide rehabilitation assistance to homeowners who are unable to maintain repair of their homes. Mr. Johnson said that last year in Montgomery County, 20 homes benefitted from this program and this year 50 homes and two shelters were scheduled for repairs.

Mr. Sharp presented a plaque to Elizabeth (Betty) Robinson who served the City for 18 years and retired from the Finance Division on March 28th. Mrs. Robinson thanked the Council and said that she had enjoyed working for the City for so long but she was glad to step down and let someone else have the job.

Mr. Sharp noted the presence of Belle Ziegler, the City's former Recreation Director, in the audience, and said that Ms. Ziegler was probably one of the few persons who worked for the City longer than Mrs. Robinson.

Deputy City Administrator Habada commented that "Mrs. Betty" had been of assistance to her for the past 8 years and been very supportive of the City's entire accounting function.

ADOPTION OF MINUTES

Mr. Sharp moved adoption of the Minutes from June 10, 1991 and June 24, 1991, and said that Ms. Porter had some suggestions to make on the February 24, 1992 Minutes; Mr. Hamilton seconded. The Minutes of June 10, 1991 and June 24, 1991 were unanimously adopted.

ADDITIONAL AGENDA ITEMS

Mr. Elrich asked that the Council consider a reiteration of their previous support for the closing of a section of Sligo Creek Parkway on Sundays. He said this issue was back before the Planning Board on March 16th and citizens associations were asking that the experiment be extended from one Sunday a month to all Sundays and the hours be extended as well. Mr. Sharp noted that this would be added prior to the Consent Agenda.

CITIZENS COMMENTS (those directed at items not on Council Agenda)

Margie Garey, 7018 Poplar Avenue, commented on the petition she has initiated to request that the non citizens voting issue be put to a binding referendum. She said the residents needed to know what they voted for--the wording in the Charter amendment would allow non U.S. citizens to be elected to the position of Mayor and Council in Takoma Park.

AGENDA

1. Amendment to Personnel Classification Ordinances. Moved by Mr. Hamilton; seconded by Mr. Leary. Personnel Officer Hobbs explained that the first Ordinance would amend the classification plan to reclassify the Police Administrative Clerk II position to an Administrative Specialist position, and to move the Deputy Chief of Police to Executive Level 3 from Executive Level 2. These amendments become effective retroactive to 7/1/91.

Mr. Hobbs explained that the second Ordinance would amend the classification plan to address changes in Department of Public Works to delete three Foreman positions (Tree Maintenance, Parks and Streets) and replace them with three Crew Leaders in a combined Streets and Parks Division. He said the amendment also adds a Tree Specialist position and deletes two Equipment Operator positions (I and II) and changes the Equipment Operator III title to Equipment Operator. Mr. Hobbs commented that the Ordinance had been submitted to AFSCME who had concurred with the proposed actions.

Mr. Prenskey said that with the creation of a Tree Maintenance Specialist position, it would be good to have someone on City staff who was familiar with the needs of the City in relation to its urban forest legislation.

Council Action: Both ordinances carried unanimously at first reading.

ORDINANCE #1992-5

ORDINANCE #1992-6

(Attached)

(Mayor Pro Tem Leary presiding)

2. Resolution Renewing \$4,000 Takoma Old Town Business Association (TOTBA) Loan Guarantee - Mr. Leary explained the purpose of the Resolution was to renew the City's guarantee for a \$4,000 loan for TOTBA with certain conditions attached.

Mr. Elrich said that TOTBA had made a positive contribution toward the revitalization of the Old Town area and that he fully supported the Resolution because it was a solution which gave TOTBA what it needed and provided assurances to the City of the safety of the City's signature of the loan.

Ms. Porter said that in general she supported the Resolution for the same reasons Mr. Elrich stated; however she expressed concerns

about the specific provisions in the Resolution because it was her recollection that after meeting with TOTBA at their annual business meeting last week, they had specifically stated that they did not want a provision requiring them to put together a CDA as a condition of the loan.

Mr. Prenskey confirmed that Ms. Porter's recollection was correct. He said that the Resolution, as worded, gave TOTBA a choice--to either form a CDA or have the individual business owners become co-signers on the loan.

Ms. Porter further pointed out that it was probably not realistic of the Council to expect TOTBA to have a CDA in place during the one year loan period.

The Council continued their discussions and expressed concerns about the proposed action, mainly that TOTBA was not interested in a provision requiring them to form a CDA and that although TOTBA knew in general what the terms of the Council's guaranteeing the loan would be, they had not seen the Resolution outlining those provisions and they were not present this evening.

Mr. Johnson said that he opposed the resolution; that it was poor public policy for the City to use taxpayers' money to guarantee loans for any organization; also noted no repayment in three years.

Council Action: Upon motion by Mr. Prenskey; seconded by Mr. Hamilton and unanimously passed, the Resolution was tabled. DHCD Staff was asked to bring this item back for Council consideration on March 23rd and to notify TOTBA when this item was scheduled to come back before the Council.

3. Resolution Adopting Fleet Replacement Policy. Moved by Mr. Hamilton; seconded by Ms. Porter. Mr. Sharp explained that the Resolution adopts a City Vehicle Fleet Replacement Policy Statement to provide guidelines for the procurement and maintenance of fleet equipment.

Ms. Porter noted that the final version of the Resolution contained two additional Resolved clauses; one of which dealt with the issue of damaged vehicles and how they would be treated vis-a-vis other vehicles. She said this satisfied her concern raised in Worksession last week.

Mr. Prenskey pointed out that one issue not addressed in the fleet policy was for alternatively fueled vehicles and the desirability of the City doing research on vehicles that are fueled by alternative means. Regarding fleet criteria for the lowest longevity for Police vehicles with less than 60 months and 70,000 miles, he said he felt these vehicles were still relatively young and questioned the need to dispose of them at such a young age.

Mr. Leary said that it had been agreed by all during Worksessions that the criteria were an effort to provide some objective standards for replacing vehicles and it was understood that these were guidelines and objectives; not rigid requirements or standards that the City was required to meet.

Council Action: The Resolution was passed unanimously.

RESOLUTION #1992-14  
(Attached)

4. Ordinance Awarding Contract to Aspen for Temporary Services. Moved by Mr. Hamilton; seconded by Ms. Porter. Mr. Sharp explained that the Ordinance was to award a primary contract to Aspen Temporary Services, Inc. and to designate Barnett Business Services, Inc. as the alternate contractor to provide temporary personnel services to the City as needed.



Mr. Hamilton noted that he was glad to see a minority business in the community bid on the contract.

Mr. Prensky said he was glad they were a local business in Takoma Park, but he was disturbed that Aspen has continued to violate the City's sign legislation for the last year although they had been notified about this. He said when he addressed this issue in Worksession, he was assured that Aspen had committed themselves to following the laws of the City, but as recently as this evening, he noticed an Aspen sign posted illegally in Old Town. Mr. Prensky said he was willing to believe this might be an oversight of one sign being left up in the public right of way, but it was an affront to the laws and people of Takoma if they continued to advertise in this fashion. Mr. Prensky said he would vote against the City awarding the Contract to Aspen Temporary Services.

Mr. Sharp said that he had talked to the owners of Aspen and he was willing to give them the benefit of the doubt that this sign was an old one. Mr. Sharp said that Aspen was on notice and he would expect them, without fail, to abide by the Ordinance.

Ms. Habada noted that staff would be keeping abreast of this issue and it would be dealt with.

Council Action: The Ordinance was adopted on single reading by a vote of 6 to 1 (Nay: Prensky).

ORDINANCE #1992-7  
(Attached)

5. Ordinance Awarding Indefinite Quantities Contract. Moved by Mr. Hamilton; seconded by Mr. Elrich. Mr. Sharp explained that the Ordinance was to award a contract to NZI Construction Corporation for \$54,295.50 to provide street and drainage improvements throughout the City.

Mr. Elrich questioned whether the \$70,000 not being authorized would go into the reserves and not be spent on additional road work that could be done, and said he would rather see the City use the \$70,000 and fix more streets and sidewalks than to consider this a bargain and put the money into reserves.

Ms. Habada said there was a total of \$220,000 to spend--some money from last year was rolled over and there was \$125,000 allocated for this year, and this was the beginning of spending down that allocation for street work.

In response to Mr. Elrich's question, Mr. Knauf explained that his intention was to do approximately \$200,000 worth of road work between now and the end of the fiscal year. Mr. Knauf also said that the engineer was only partly responsible for the delays in getting the engineering work done; the primary burden rested with himself in not being able to get to these projects.

Ms. Habada commented that the only other project that the engineer was working on was the Westmoreland project and she did not think that would conflict with getting the other project done because they were two different types of work.

Mr. Hamilton questioned if the City used the same contractor who did the City's block grant construction on the City's streets and said he would like the City to look at using two different companies; one for completing block grant projects and another for the City's projects.

Mr. Knauf said that he will get the priority street listing to the Council to give an idea of what he is proposing to do. He said he will be consulting with the Council in the next week about how to expend \$200,000 for street work this fiscal year.

Council Action: The Ordinance was adopted unanimously on single reading.

ORDINANCE #1992-8  
(Attached)

6. Additional Agenda Item - Council Position on Closure of Sligo Creek Parkway To Vehicular Traffic on Sundays - Upon motion by Mr. Elrich; seconded by Mr. Hamilton, the Council unanimously accepted the motion to support the recommendation of Between the Creeks Neighborhood Association to close a section, from Maple Avenue to Piney Branch Road, of Sligo Creek Parkway to vehicular traffic on Sundays. The Council also urged the Maryland-National Capital Park & Planning Commission to work with other Takoma Park citizen associations adjoining sections of the Parkway who are currently exploring the possibility of closing other sections of the Parkway.

Council Action: The Motion was made as an amended Resolution and was passed unanimously.

RESOLUTION #1992-15  
(Attached)

Mr. Elrich asked that someone from staff attend the March 16, 1992 Park and Planning hearing.

7. Consent Agenda - The Consent Agenda was moved by Mr. Johnson; seconded by Ms. Porter and the following items were unanimously passed:

(a) Personnel Appeal Board Appointment - Resolution #1992-16 appointing Mr. Ed Longen of Holly Avenue to the City's Personnel Appeal Board for a limited term. STAFF to send a letter to Mr. Longen regarding his appointment.

(b) Open Space Committee Appointments - Resolution #1992-17 appointing Pat Walsh, Carolyn Mullett, Kathy Fackelmann, Julie Matthews, Kris Wernstedt and Farroll Hamer to the Citizens Open Space Committee that will assist the City in making acquisition and development decisions concerning open space and recreational facilities and develop a proposed open space plan. STAFF to send letters to the members notifying them of the appointments. The Council is still seeking additional members to this committee.

(c) Closure of Laurel Avenue for 1992 Farmers Market Season - Resolution #1992-18, authorizing the closing of Laurel Avenue between Eastern and Carroll for the operation of the Takoma Park Farmers Market on Sundays beginning April 26 to November 22, 1992, from 9:15 a.m. to 2:30 p.m. The Resolution also authorizes the City Administrator to establish and administer the 1992 Farmers Market.

Upon motion duly made and seconded, the meeting adjourned at 9:45 p.m., to reconvene in Worksession immediately following and in Regular Session on March 23, 1992.

Upon motion by Mr. Prenskey; duly seconded by Mr. Elrich, the Council reconvened into Special Session to take action on the following item.

ADDITIONAL ITEM

1. Americans With Disabilities Act - The Council discussed Planning Intern Ted Kowaluk's memo regarding a proposal to construct handicap accessibility modifications at 7009, 7005 and 7003 Carroll Avenue. These Old Town businesses had been chosen as a possible site for a video documentary on how public accommodations can easily be made accessible to the handicapped.

Phyllis Ward from Ward Associates and Barrier Free Environments' Architect Marcus Barnes were on hand to address questions from the Council.

Upon motion by Mr. Prenskey; duly seconded by Mr. Elrich, the Council reconvened into Session to consider a resolution supporting proposed handicap accessibility modifications to the Carroll Avenue properties as part of the promotional video for the Americans With Disabilities Act. It was noted that the Takoma Old Town Facade Ordinance does not prohibit modifications to improve handicap accessibility and the ADA would take precedence over the Facade Ordinance.

Council Action: Resolution #1992-19 was unanimously passed, as amended, supporting the efforts of the ADA to eliminate discrimination against disabled persons and supporting the modifications to the Carroll Avenue properties.

The Council also raised other issues regarding handicap accessibility and asked that the Director of Public Works look into the following issues: (a) concerns about whether the City's speed humps are too high for the newer vehicles that access wheelchairs; (b) in the Takoma Old Town area, whether signage or some other safety means could be posted alerting drivers that handicapped and elderly persons are in the area; (c) missing bricks located around utility holes make it impossible for wheelchair bound persons to use the sidewalks.

The Council adjourned out of Special Session and back into Worksession at 10:20 p.m.

Introduced by: Councilmember

1st Reading: 03/09/92

2nd Reading:

COUNCIL ORDINANCE NO. 1992-5

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; 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; Police Administrative  
Specialist;

- 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;
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- Executive 1: Deputy Public Works Director;
- Executive 2: Library Director; Recreation Director; [Police Captain (Deputy Chief)]; Director of Housing & Community Development;
- Executive 3: Assistant City Administrator; Police Captain (Deputy Chief);
- Executive 4: Police Chief; Public Works Director

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective retroactive to July 1, 1991.

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 day of by Roll Call Vote as follows:

AYE:  
NAY:  
ABSTAINED:  
ABSENT:



Introduced by: Councilmember

1st Reading: 03/09/92  
2nd Reading:

COUNCIL ORDINANCE NO. 1992-6

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; 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; Tree Maintenance  
Specialist;

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

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; Police Administrative  
Specialist;

- 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;
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- Executive 1: Deputy Public Works Director;
- Executive 2: Library Director; Recreation Director; Director of Housing & Community Development;
- Executive 3: Assistant City Administrator; Police Captain (Deputy Chief);
- Executive 4: Police Chief; Public Works Director

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective April 1, 1992.

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 day of by Roll Call Vote as follows:

- AYE:
- NAY:
- ABSTAINED:
- ABSENT:

Introduced By: Councilmember Hamilton

Adopted: 3/9/92

Resolution 1992-14

Vehicle Fleet Replacement Policy Statement

- WHEREAS, the Council desires to establish a systematic and consistent vehicle fleet policy which provides guidelines for the quality of fleet equipment and guidelines for the procurement of fleet equipment; AND
- WHEREAS, it is desirable to provide City employees with reliable equipment to perform their assigned tasks; AND
- WHEREAS, a desire exists to minimize the time and cost associated with managing, operating and maintaining a fleet with the potential of having many vehicle types and manufacturers; AND
- WHEREAS, the storage of repair parts, quantity of repair parts and special tools and amount of training required of mechanics will be minimized by the standardization of equipment by manufacturer; AND
- WHEREAS, a vehicle standardization program through a three year proprietary procurement plan is considered to be a reasonable plan toward the best interests of the City; AND
- WHEREAS, recent fleet equipment procurements have consisted of predominantly Ford Motor Company products; AND
- WHEREAS, standardization of fleet equipment consistent with the newest acquisitions is considered to be a sound management policy; AND

NOW THEREFORE BE IT RESOLVED, that it will be the City's policy to strive to maintain the quality of its equipment fleet within the following fleet criteria guidelines:

Equipment Description

Fleet Criteria

1) Police Department Vehicles

Less than 60 months  
Less than 70,000 mi.

2) Departmental Administrative

Less than 84 months  
Less than 80,000 mi.

- |                                   |   |
|-----------------------------------|---|
| 3) Pickup Trucks/ Vans (Gasoline) | Less than 96 months<br>Less than 90,000 mi. |
| 4) Diesel Trucks                  | Less than 120 months                        |
| 5) Specialized Equipment          | Annual Assessment                           |

BE IT FURTHER RESOLVED, that in order to pursue this policy, the City Administrator will include, with each annual budget submission, for Council consideration, a list of fleet equipment which falls outside the fleet criteria guidelines, prioritized relative to new procurement recommendations; AND

BE IT FURTHER RESOLVED, that this prioritized list will be maintained and updated throughout the year to reflect additional vehicles as they fall outside the fleet criteria guidelines or as they are recommended for replacement as the consequence of unanticipated inordinate damage considered to be beyond economical repair; AND

BE IT FURTHER RESOLVED, that the City Administrator is Authorized to standardize the vehicle fleet by proprietary procurement from Ford Motor Company in FY-93, FY-94 and FY-95, consistent with existing law.

Adopted this 9th day of March, 1992.

A:FLEETREP.RES:dm:wp50



Introduced by: Councilmember Hamilton

Adopted: 03/09/92  
(Single Reading)

**Ordinance No. 1992-7**

**An Ordinance to Provide Temporary Personnel Services  
for City of Takoma Park Agencies**

- WHEREAS,** various City departments have a recurring need to employ temporary office and labor personnel to cover lengthy absences and to augment staff during peak periods; AND
- WHEREAS,** proposals were solicited from qualified providers by advertising in the Montgomery and Prince George's Journals and the Takoma Park Newsletter; AND
- WHEREAS,** a pre-bid conference was held on January 21, 1992 at 2:00 p.m. with 5 interested contractors present; AND
- WHEREAS,** proposals were received from 4 companies; AND
- WHEREAS,** Aspen Temporary Services, INC., has submitted the overall lowest proposed hourly rates and covers both clerical and labor services and which proposal is considered both responsive and responsible; AND
- WHEREAS,** Barnett Business Services, INC., has submitted the next overall lowest proposed hourly rates and covers both clerical and labor services and which proposal is also considered both responsive and responsible.

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

- THAT** the proposal received from Aspen Temporary Services, INC., is hereby accepted and designated as the primary provider, provided the required contract is duly executed; AND
- THAT** Barnett Business Services, INC., is designated as the alternate provider for those times, if any, when the primary vendor cannot provide required services within the required time period; AND
- THAT** funds to cover the cost of this contract are approved and appropriated in the City's operating budget.

Adopted this 9th day of March, 1992.

AYE: Sharp, Elrich, Hamilton, Johnson, Leary, Porter.

NAY: Prensky.

ABSTAIN: None.

ABSENT: None.

Introduced by: Councilmember Leary

Adopted: 3/9/92  
(Single Reading)

Ordinance No. 1992-8

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

WHEREAS, the Council authorized \$125,000.00 in the FY-92 Capital Budget for use on various street and drainage improvements throughout the City; AND

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

WHEREAS, a pre-bid conference was held on November 20, 1991 at 2:00 p.m. with 2 interested contractors present; AND

WHEREAS, bids were publicly opened at 2:00 p.m., November 27, 1991 with 6 bids received; AND

WHEREAS, NZI Construction Corporation has submitted the lowest bid of \$54,295.50 which is considered both responsive and responsible.

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

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

THAT funds under this procurement in the amount of FIFTY FOUR THOUSAND TWO HUNDRED NINETY FIVE DOLLARS AND FIFTY CENTS (\$54,295.50) be charged to the Capital Budget Account No. 9100-8001.

Adopted this 9th day of March, 1992.

AYE: Sharp, Elrich, Hamilton, Johnson, Leary, Porter, Prenskey

NAY: None

ABSTAIN: None

ABSENT: None

Introduced by: Councilmember Elrich

**RESOLUTION NO. 1992-15**

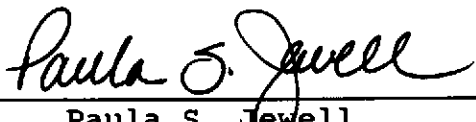
- WHEREAS,** Sligo Creek Park is an important recreational resource;  
AND;
- WHEREAS,** Sligo Creek Park is an important environmental resource  
in an increasingly urban environment; AND;
- WHEREAS,** automobile traffic contributes to the stress on the eco-  
system of the Sligo Creek Park; AND
- WHEREAS,** residents of the Between the Creeks Neighborhood  
Association have asked the M-NCPPC to close a section of  
the park, from Maple Avenue to Piney Branch Road, to  
automobile use on Sundays; AND
- WHEREAS,** other citizens associations have begun to explore the  
possibility of similar closures of other sections of the  
parkway, AND
- WHEREAS,** the City of Takoma Park believes that such closures of  
the Park would contribute to improved recreational usage  
while reducing the Park's exposure to environmental  
pollutants.

**NOW, THEREFORE BE IT RESOLVED, THAT** the City Council of Takoma Park  
supports the efforts of citizens to close a section of  
Sligo Creek Parkway to automobile traffic on Sundays; AND

**BE IT FURTHER RESOLVED THAT** the City Council of Takoma Park  
supports the recommendations of the residents of the  
Between the Creeks Neighborhood Association and urges the  
M-NCPPC to take the necessary steps to implement the  
Sunday closure of Sligo Creek Parkway, and that M-NCPPC  
work with other citizen associations adjoining other  
sections of the parkway who are currently exploring the  
possibility of closing those sections of the parkway

Dated this 9th day of March, 1992.

ATTEST:



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Paula S. Jewell  
City Clerk

Introduced By: Councilmember Johnson  
(Drafted By: P. Jewell)

RESOLUTION #1992-16  
APPOINTMENT TO THE PERSONNEL APPEAL BOARD

WHEREAS, Section 8B-181 of the Takoma Park City Code, establishes a Personnel Appeal Board composed of three members who are residents of the City, to hear non-union employee appeals; AND

WHEREAS, there is currently one vacancy on the Board; AND

WHEREAS, the Council has interviewed a Takoma Park resident who expressed an interest in serving on the Board for a limited period of time.

NOW THEREFORE BE IT RESOLVED THAT the City Council hereby appoints to the Takoma Park Personnel Appeal Board:

<u>NAME</u>	<u>ADDRESS</u>	<u>TERM EXPIRES</u>
Ed Longen	7516 Holly Ave	(Upon Resignation)

Dated this 9th day of March, 1992



Introduced by: Councilmember Johnson  
(Drafted by: P. Jewell)

RESOLUTION #1992-17

APPOINTING MEMBERS TO THE 1992 CITIZENS OPEN SPACE COMMITTEE

**WHEREAS,** there is a need to develop a City Open Space Plan in order to assist the City in making acquisition and development decisions concerning open space and recreational facilities; AND

**WHEREAS,** the City Council desires to appoint a Citizens Open Space Committee to provide input for and assist in the development of the City's proposed Open Space Plan; AND

**WHEREAS,** several Takoma Park residents have expressed an interest in serving on this Citizens Open Space Committee; AND

**WHEREAS,** the Citizens Open Space Committee will be charged with carrying out the following duties:

- developing goals and objectives for City open space and recreational facilities, to be reviewed by the community and City Council
- preparing recommendations designed to accomplish the agreed upon goals and objectives
- preparing an inventory of public and private open space, including field observations, plat and tax record work, and mapping
- assessing community and neighborhood needs for active open space, passive open space, and recreational activities based on current facilities, City and neighborhood demographic characteristics (current and projected), and other relevant variables
- developing criteria for selecting sites to acquire and/or develop and applying those criteria to generate a prioritized list of open space acquisition possibilities
- researching park development and acquisition financing alternatives.

**NOW THEREFORE BE IT RESOLVED THAT** the City Council does hereby appoint the following members to the 1992 Citizens Open Space Committee:

	<u>Name</u>	<u>Address</u>
1.	Pat Walsh	8504 Flower Avenue
2.	Carolyn Mullett	516 Philadelphia Avenue
3.	Kathy Fackelmann	99 Elm Avenue
4.	Julie Matthews	605 Hudson Avenue #114
5.	Kris Wernstedt	7405 Birch Avenue
6.	Faroll Hamer	7418 Holly Avenue

**BE IT FURTHER RESOLVED THAT** the City Council may make additional appointments to this Committee as necessary, may amend and/or prioritize the duties as described above, and may set completion dates on certain tasks at a later date.

Dated this 9th day of March, 1992.

Introduced by: Councilmember Johnson

Adopted: 3/9/92

Drafted by: V. VinCola

**RESOLUTION NO. 1992-18**

**A RESOLUTION AUTHORIZING THE CLOSING OF LAUREL AVENUE BETWEEN EASTERN AVENUE AND CARROLL AVENUE FOR THE OPERATION OF THE TAKOMA PARK FARMERS MARKET ON SUNDAYS FROM APRIL 26 TO NOVEMBER 22, 1992, 9:15 A.M. TO 2:30 P.M., AND AUTHORIZING THE CITY ADMINISTRATOR TO ESTABLISH AND ADMINISTER THE 1992 FARMERS MARKET**

WHEREAS, the City of Takoma Park has sponsored the Takoma Park Farmers' Market (the "Market") on Laurel Avenue in the Takoma Old Town Business District for the past nine years; AND

WHEREAS, the Market has proven to be a tremendous success that benefits the Takoma Old Town economy and the Takoma Park community as a whole; AND

WHEREAS, the City Council of Takoma Park is therefore desirous of continuing to sponsor the Market on Laurel Avenue in the Takoma Old Town Business District; AND

WHEREAS, in order for the Market to operate in a safe and effective manner, Laurel Avenue must be closed between Carroll and Eastern Avenues to accommodate the participating producers, their stands and their customers; AND

WHEREAS, Section 11-24(a) of the Takoma Park Code requires the approval of the Mayor and Council prior to closing a street.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Administrator (or designee) is hereby authorized to establish and administer the 1992 Takoma Park Farmers Market.

BE IT FURTHER RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND THAT in order to promote the effective and efficient administration of the Market, the City Administrator (or designee) is hereby authorized and empowered to develop, adopt, and promulgate such guidelines and policies as may from time to time be necessary to administer the Market.

BE IT FURTHER RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND, THAT Laurel Avenue between Carroll and Eastern Avenues shall be closed to all through traffic on the following dates during the following times:

Every Sunday between (and including) 26 April 1992 -  
22 November 1992, from 9:15 a.m. (local time) to  
2:30 p.m. (local time)

BE IT FURTHER RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK,  
MARYLAND, THAT parking on Laurel Avenue between Carroll and  
Eastern Avenues shall be prohibited on the dates and  
during the times set forth above, except for officially  
permitted vendors participating in the Takoma Park  
Farmers Market.

BE IT FURTHER RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK,  
MARYLAND, THAT in the event that there are fewer than ten vendors  
participating in the Market on a given Sunday, the City  
Administrator (or designee) may, at his/her discretion,  
open the northbound lanes of Laurel Avenue to through  
traffic between Carroll and Eastern Avenues. In this  
event, parking shall be permitted in those spaces so  
designated along the northbound lanes of Laurel Avenue.

BE IT FURTHER RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK,  
MARYLAND, THAT the City Administrator (or designee) is hereby  
authorized to arrange for the physical closing of Laurel  
Avenue between Carroll and Eastern Avenues and the  
posting of appropriate signage.

ADOPTED THIS 9th DAY OF MARCH, 1992.

VV:HF/WP50/files/farmers.mkt/farmkt92.res



Introduced By: Councilmember Prenskey  
Drafted By: Theodore W. Kowaluk

RESOLUTION #1992-19

A RESOLUTION SUPPORTING THE PROPOSED HANDICAP ACCESSIBILITY MODIFICATIONS TO 7009, 7005, AND 7003 CARROLL AVENUE AS PART OF A PROMOTIONAL VIDEO FOR THE AMERICANS WITH DISABILITIES ACT

WHEREAS, the contractors hired by the U.S. Justice Department have chosen Takoma Old Town as the subject for a promotional video to help educate business owners and the general public about the Americans with Disabilities Act (ADA); AND

WHEREAS, the architectural firm, Barrier Free Environments through consultation with staff and business owners, has successfully developed a design concept which maintains the spirit of Ordinance No. 2592 -- Takoma Old Town Facade Ordinance; AND

WHEREAS, the Council supports the efforts of the ADA to eliminate discrimination against disabled persons in places of public accommodations; AND

WHEREAS, it is understood that the City will become the owner of the proposed handicapped ramp, and the abutting property owner will be responsible for short term maintenance matters such as snow and trash removal, and maintenance of the ramp surface.

NOW THEREFORE BE IT RESOLVED, THAT THE COUNCIL OF TAKOMA PARK, MARYLAND supports the proposed handicap accessibility modifications to 7003, 7005, and 7009 Carroll Avenue.

ADOPTED THIS 9th DAY OF March.

ATTEST:

  
Paula S. Jewell  
CMC/City Clerk

CITY OF TAKOMA PARK, MARYLAND (FINAL 4/1/92)

Regular Meeting of the City Council  
Monday, March 23, 1992

CITY OFFICIALS PRESENT:

Mayor Sharp

Councilmember Elrich

Councilmember Hamilton

Councilmember Johnson

Councilmember Leary

Councilmember Porter

ABSENT: Councilmember Prensky

Deputy City Admin. Habada

City Clerk Jewell

DHCD Director Grimmer

COLTA Ex. Dir. Tracey

The City Council convened on Monday, March 23, 1992, at 8:17 p.m., in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Mr. Sharp announced that the Council had just finished meeting earlier to conduct interviews for the Takoma Park Nuclear Free Committee.

Following the Pledge of Allegiance, the Council observed a moment of silence in memory of Takoma Park resident Juanita Nunn, who passed away on 3/19/92. The Mayor noted that the Council would be taking up a Resolution of Condolence as part of the evening's agenda.

MAYOR/COUNCIL REMARKS

Mr. Sharp announced that House Bill 665, a proposed amendment to the State Law that would have prohibited municipalities from allowing non U.S. citizens to vote in local elections, was voted on unfavorably on 3/17/92 by the Constitution and Administrative Law Committee.

Mr. Johnson announced that Takoma Park resident, Archie Perkins, who was one of the original residents of the New Hampshire Gardens community, recently passed away. He said that Mr. Perkins, who was over 90 years old, was a quiet but well known figure in the community and he would be missed.

Mr. Hamilton announced that on 3/18/92, the tenants of 7611 Maple Avenue, after more than five years, finally went to settlement and were now property owners of their building. Mr. Hamilton noted that this was the first group of tenants to take advantage of the City's First Right of Refusal Legislation and the Tenant Awareness Program to accomplish their goal.

Mr. Sharp commented that this was a great accomplishment and said that the tenants deserved praise for their tenacity in bringing this through.

Mr. Sharp announced there would a public hearing on Tuesday, April 14th at 7:30 p.m., in Council Chambers, on the final design plans for the WSSC sewer reconstruction project and hiker/biker trail.

Ms. Porter noted that related to that public hearing, there would be an informational meeting sponsored by the WSSC Citizens Advisory Committee for citizens who are interested in getting information about the upcoming projects. Ms. Porter said that the informational meeting was scheduled for Tuesday, March 31st at 7:30 p.m.

Mr. Elrich announced that on Wednesday, March 25th at 7:30 p.m., the Montgomery County Council would be holding a public hearing relating to the budget for the school board. The public hearing would be at Richard Montgomery High School.

Chief Fisher introduced to the Council two new police employees, Mark Harmond and Brian Rich. Mr. Sharp then performed the swearing in ceremony for Mr. Harmond and Mr. Rich.

Mr. Sharp presented a plaque of recognition to Public Works employee, James Marr, who recently retired after 21 years of service with the City.

Mr. Marr thanked the Council for the plaque and said that he enjoyed working with the City for 21 years as well as for his supervisors--Deputy Public Works Director Tyrone Laster and Building Mechanic Abel Castillo who were in the audience.

#### AGENDA

##### 1. Resolution of Condolence In Memory of Juanita C. Nunn.

Mr. Hamilton introduced a Resolution of Condolence to the family of Juanita C. Nunn, Takoma Park activist who passed away on 3/19/92.

Mr. Sharp commented that it was a shock to hear of Juanita's passing and he expressed his condolences to the Nunn family. Mr. Sharp said that the loss to the City was a very great one.

Mr. Johnson said that Juanita Nunn left a legacy of love, a commitment to the City, and a legacy of intense caring and devotion for all those who knew and worked with her. He said if one wished to pay tribute to her legacy, they should try to live in their own lives, the kind of life that Juanita demonstrated.

Mr. Hamilton asked that the Council consider dedicating a Council Chamber seat to Ms. Nunn's memory. Mr. Sharp suggested that Mr. Hamilton talk with the Nunn family to determine which Chamber seat they'd like to have dedicated, and the Council could consider this action at an upcoming Council Meeting.

Mr. Elrich said that Juanita was an outspoken activist and an outstanding advocate for tenants in this City who worked long and hard and had made a lot of valuable contributions to this City in promoting the goals of decent and fair housing for everyone.

#### CITIZEN'S COMMENTS

Michael Clinansmith said that he had the opportunity to know Juanita for only a short period of time. He said she served as his campaign manager/treasurer in the 1991 Election, and she was an honest woman with tolerance and a remarkable love for the City, its people, and its government. He thanked the Council for their condolences.

Council Action: The Resolution passed unanimously.

RESOLUTION #1992-20  
(Attached)

#### ADOPTION OF MINUTES

Mr. Hamilton moved adoption; seconded by Ms. Porter, the Minutes of August 5, 1991, February 24, 1992 and March 9, 1992 were unanimously adopted.

#### CITIZENS COMMENTS (On Items Not on Council's Agenda)

Tom Anastasio, 32 Columbia Avenue said he was speaking for himself and William Brown regarding the proposal they had previously presented to the Council for changing the Council meeting opening statement. He said the proposal was brought forth as a Resolution when a letter they previously sent, never made it to the Council. He said he was told by Mr. Sharp that the Council would take up the matter at a Worksession. He said it appeared that the issue was discussed at the last Worksession but the proposal itself was not discussed. Mr. Anastasio said the proposal was a reasonable approach that accommodated all sides--most people wanted to say the Pledge and valued the tradition, but there were also many citizens

who did not want to say the Pledge and had valid, material reasons for not doing so. He said if the City wanted the Pledge, they should recognize valid and loyal objection as well, and it must be done each time the Pledge is called for. Mr. Anastasio asked the Council to consider the issue on a Worksession agenda after the FY'93 budget.

Mr. Sharp confirmed that last week's discussion was not a discussion of the substance of any proposal but a discussion as to whether the Council would schedule the item. He said the consensus was to not schedule the item at that time, but it could be scheduled at any point the Council wished to take it up.

#### AGENDA

##### 1. 2nd Reading Ordinances Amending Personnel Classification Ordinance

Moved by Mr. Hamilton; seconded by Mr. Johnson. Mr. Hamilton asked about the Council's consideration of an amendment to place the City Administrator's position into the general personnel classification plan. Mr. Sharp suggested that the Council first complete the City Administrator selection process and then they might want to look at how to address this.

Council Action: The Ordinance was passed unanimously at second reading. (Absent for vote: Elrich)

ORDINANCE #1992-5

ORDINANCE #1992-6

(Attached)

2. Resolution Regarding Accessory Apartment Special Exception at 8009 Sligo Creek Parkway. Moved by Mr. Johnson; seconded by Mr. Hamilton. Ms. Porter noted for the record that the Petitioners, Merrill and Michael Schwartz had appeared before the Council at the March 16, 1992 Worksession.

Mr. Sharp clarified that the Resolution also informed the County that the City was neutral on M-NCPPC's recommendation that the Special Exception be effective after one year past the purchase settlement date. Mr. Leary pointed out for the record that Staff had recommended that the one condition could be waived upon the showing of one hardship.

Council Action: The Resolution passed unanimously.

RESOLUTION #1992-21

(Attached)

3. Resolution Renewing \$4,000 Takoma Old Town Business Association Loan Guarantee. Moved by Mr. Leary; seconded by Ms. Porter.

Ms. Porter moved to amend the Resolution to delete in the Resolved Clause, condition #5 regarding TOTBA becoming co-signors of the loan. Ms. Porter said this was not a good idea because it was superfluous to the other conditions listed. She said that in her reading of the memorandum TOTBA presented to Council, it appeared that they had seen and agreed to all of the conditions except the one requiring the representatives to become co-signors. Ms. Porter noted that in the first Resolution, the condition was that TOTBA move towards forming a Commercial District Management Authority, or become co-signors of the loan. She said it seemed the Council was changing the rules of the game at the eleventh hour. Mr. Johnson seconded Ms. Porter's amendment.

Mr. Leary pointed out that if the TOTBA representatives felt that way, then he would consider and vote for Ms. Porter's amendment. However, he said it was his recollection from the Worksession where TOTBA representatives were in attendance, that they saw no problem with the condition. He said if that was the case, then he saw no

problem with the beneficiaries of this action, both organizationally and individually, becoming co-signors to the loan.

Charles Dukes, Chuck and Dave's Store, and Co-Chair of TOTBA said that the organizations' officers and the people most affected saw no problem with becoming co-signatures of the loan.

Ms. Porter noted that the TOTBA memo made no mention of this and she asked Mr. Dukes why.

Mr. Dukes explained that the decision was made at a hasty meeting and it was just an oversight.

Ms. Porter withdrew her motion and the amendment was withdrawn without objection.

Mr. Johnson repeated his earlier arguments in opposition to the proposal and said that it was bad public policy for the City to get involved in private ventures. Mr. Johnson reminded the Council of the issue of a loan to the tenants of 7611 Maple Avenue and said that although he had serious reservations, he supported that proposal because he was persuaded that the City would put the property on the tax rolls. Mr. Johnson said that those conditions were not present in this situation and he was not convinced that TOTBA did not make more efforts to meet their financial responsibility.

Mr. Leary said he agreed with the general proposition of discussing when and under what circumstances the City should give any degree of financial assistance or guarantee to private enterprises. He said that this is an area that needed to be examined by the Council. Mr. Leary said in reaffirming the City's guaranteeing of this loan, the Council had qualified it in every conceivable way to remove any risk to City taxpayers.

Mr. Elrich said he felt better about guaranteeing the loan to TOTBA, a group which had made a positive contribution to Old Town, than he did about the Council action taken a few weeks ago which gave money to Mr. Kessler to do work that he was responsible for and which the City had no obligation to pay for.

Mr. Hamilton asked Mr. Dukes what guarantee did the Council have that TOTBA would not be back in the same situation next year.

Mr. Dukes said that in their memo of 3/16/92, the Association had outlined their proposal to eradicate the \$4,000 debt within a year. He said at that point the City would no longer be in a position to guarantee the loan and TOTBA would assume the risk from that point on. He explained that their difficulties resulted from the professional that was hired to run the festival a few years ago. Mr. Dukes said that this year's festival was being handled by people presently associated with TOTBA: residents of the City, business owners, and those who had every interest in making the festivals a success and not putting TOTBA or the City in a position of owing money on the affair.

Rick Simmons, Takoma Traders Store and TOTBA Treasurer explained that this year they were structuring the festival differently for the sole purpose of repaying the loan. He said last year, the money was not there because of what they had to pay out in salaries. He said more volunteer work would be done this year and the festival coordinator was taking a cut in salary. Mr. Simmons said by time the festival begins, the loan would be down to \$2500, and they were confident that it would be paid back with the proceeds from the festival.

Mr. Sharp said that looking at the latest correspondence received from TOTBA made him feel more comfortable about guaranteeing the loan now. He said a few weeks ago, it seemed there was some lack

of concern on TOTBA's part, but that attitude had changed in the last few weeks. Mr. Sharp said that the latest memo from TOTBA showed that they were focusing on this issue as something that needed to be cleared up. Addressing Mr. Elrich's and Mr. Johnson's comments, Mr. Sharp said that they noted situations which were flawed in that there was no spelled out program that they were implementing. He said however, it was clear why the Council took action in each case. He said each situation had an aspect of inducement to it that facilitated individual goals that the City wanted to see accomplished--the assistance provided to the 7611 Maple Avenue tenants to help with the purchase of their building; the development of the commercial parking area in Takoma Junction, and encouragement to TOTBA towards the formation of a CDMA. He said that these all would provide concrete benefits to the City.

Council Action: The Resolution was passed by a 5 to 1 vote. (Nay: Johnson).

RESOLUTION #1992-22  
(Attached)

Upon motion by Mr. Hamilton and duly seconded, the Council adjourned at 9:05 p.m. to reconvene immediately following in Worksession and on April 13, 1992 in Regular Session.

Introduced by: Councilmember Hamilton

RESOLUTION OF CONDOLENCE

1992-20

**WHEREAS,** it was with great sorrow that the City Council learned of the passing on March 19, 1992, of **JUANITA C. NUNN;**  
**AND**

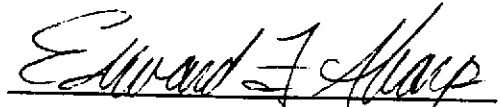
**WHEREAS,** Mrs. Nunn attended many Takoma Park City Council Meetings where she spoke out on City issues such as tenants' rights for fair and affordable housing; **AND**

**WHEREAS,** Mrs. Nunn had served as a volunteer for 4 years on the City's Commission on Landlord-Tenant Affairs, the 1986-87 Rental Housing Taskforce, and more recently on the City Administrator Selection Committee.

**NOW THEREFORE BE IT RESOLVED** by the City Council on behalf of the employees and officials of the City of Takoma Park, extend to the members of Juanita C. Nunn's family, this expression of heartfelt sympathy in the great loss that they have suffered; **AND**

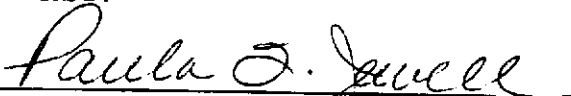
**BE IT FURTHER RESOLVED THAT** this Resolution be spread upon the permanent records of the City of Takoma Park and that a copy be prepared for the Nunn family.

Dated this 23rd day of March, 1992



Edward F. Sharp  
Mayor

ATTEST:

  
Paula S. Jewell, CMC  
City Clerk



Introduced by: Councilmember Hamilton

1st Reading: 03/09/92  
2nd Reading: 03/23/92

COUNCIL ORDINANCE NO. 1992-5

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; 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; Police Administrative  
Specialist;



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;

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Executive 1: Deputy Public Works Director;

Executive 2: Library Director; Recreation Director; Director of  
Housing & Community Development;

Executive 3: Assistant City Administrator; Police Captain (Deputy  
Chief);

Executive 4: Police Chief; Public Works Director

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective  
retroactive to July 1, 1991.

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 23rd day of March, 1992 by Roll Call Vote as follows:

AYE: Sharp, Elrich, Hamilton, Johnson, Leary, Porter.

NAY: None.

ABSTAINED: None.

ABSENT: Prensky.

Introduced by: Councilmember Hamilton

1st Reading: 03/09/92

2nd Reading: 03/23/92

COUNCIL ORDINANCE NO. 1992-6

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; Assistant Driver;  
Police Records Clerk;

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

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

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

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

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

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;

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Executive 1: Deputy Public Works Director;

Executive 2: Library Director; Recreation Director; Director of  
Housing & Community Development;

Executive 3: Assistant City Administrator; Police Captain (Deputy  
Chief);

Executive 4: Police Chief; Public Works Director

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective  
April 1, 1992.

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 23rd day of March, 1992 by Roll Call Vote as follows:

AYE: Sharp, Elrich, Hamilton, Johnson, Leary, Porter.

NAY: None.

ABSTAINED: None.

ABSENT: Prensky.

Introduced By: Councilmember Johnson  
Drafted By: Bradley Laning

Adopted:

Resolution No. 1992-21

Resolution regarding Special Exception application for 8009 Sligo Creek Parkway

WHEREAS, The petitioners, Merrill & Michael Schwartz, have submitted an application to the Montgomery County Board of Appeals for a Special Exception to allow an accessory apartment at 8009 Sligo Creek Parkway, Takoma Park, MD; AND

WHEREAS, this property is located in the City of Takoma Park and the application has been referred to the City for review; AND

WHEREAS, the application has been reviewed by City Staff, and Staff has recommended approval of the application on the basis of the property evaluation of February 3, 1992 and the Staff report dated March 13, 1992; AND


WHEREAS, the City Council has taken into consideration public comments received on the subject application;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the City Council SUPPORTS the subject exception and recommends APPROVAL of the subject application to the Montgomery County Board of Appeals.

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

ADOPTED THIS 23rd DAY OF March, 1992.

ATTEST:

  
Paula S. Jewell  
City clerk

Introduced by: Councilmember Leary

Revised: 3/19/92

Tabled: 3/9/92

Adopted: 3/23/92

**RESOLUTION 1992-22**

**A RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY, TO CO-SIGN AND GUARANTEE A PREVIOUSLY EXECUTED LOAN FROM SOVRAN BANK/MARYLAND TO THE TAKOMA OLD TOWN BUSINESS ASSOCIATION**

WHEREAS, the annual Takoma Old Town Street Festival was created by the City as a way of celebrating community, fostering the businesses of the City, and raising funds for nonprofit activities that benefit the community; AND

WHEREAS, the Takoma Old Town Business Association (TOTBA) has taken over from the City the sponsorship of the annual Street Festival, which has become a fund-raiser for their organization; AND

WHEREAS, in November 1989 TOTBA requested the assistance of the City to meet some of its financial obligations to 1989 Street Festival participants that were unmet due to unforeseen circumstances; AND

WHEREAS, pursuant to Resolution 1989-105, the Council authorized the City Administrator to co-sign a loan from Sovran Bank/Maryland to TOTBA; AND

WHEREAS, the loan became due and payable on December 28, 1991, and concurrently, the City's guarantee of the loan expired; AND

WHEREAS, TOTBA did not pay the loan in full when due and therefore is seeking renewal of the loan for another term; AND

WHEREAS, NationsBank/Maryland, formerly Sovran Bank/Maryland, will renew the loan only if the City will renew its guarantee of the loan.

NOW THEREFORE BE IT RESOLVED THAT the Takoma Park City Council authorizes the City Administrator or his designee to act on behalf of the City to execute co-signature and guarantee a loan from NationsBank/Maryland to the Takoma Old Town Business Association, conditioned upon the following:

1. that TOTBA take concrete steps toward the formation of a Commercial District Management Authority; AND

2. that a loan repayment schedule, which provides that the loan be repaid within one year, be incorporated in the loan documents; AND
3. the receipt of written assurance from NationsBank/Maryland, prior to execution of the loan documents, that any outstanding balance due at the end of the loan term may be renegotiated; AND
4. the execution of a repayment agreement between the City and TOTBA which shall specifically include a provision requiring TOTBA's repayment of the liability within one year, should the TOTBA default on the loan and the City be obligated to satisfy it; AND
5. that TOTBA business owners become co-signors of the loan.

Adopted this 23rd day of March, 1992.

VV:HD/files/TOTBA\$\$\$ .res

(FINAL 4/9/92)

CITY OF TAKOMA PARK, MARYLAND  
PUBLIC HEARING OF THE CITY COUNCIL  
RE: TAKOMA PARK FIRE SERVICE AGREEMENT AND  
PROPOSED NEWSLETTER GUIDELINES AND MISSION STATEMENT

Monday, March 30, 1992

PROPERTY OF  
TAKOMA PARK MD. LIBRARY

CITY OFFICIALS PRESENT:

Mayor Sharp  
Councilmember Johnson  
Councilmember Leary  
Councilmember Porter  
Councilmember Prensky  
ABSENT: Councilmember Elrich  
Councilmember Hamilton

City Administrator Wilson  
Deputy City Admin.  
City Clerk Jewell  
Corp. Counsel Silber  
Admin. Clerk Mitchell

The City Council convened on Monday, March 30, 1992 at 7:39 p.m. in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

1. PUBLIC HEARING REGARDING TAKOMA PARK FIRE SERVICE AGREEMENT

Mayor Sharp announced that the public hearing was to take citizen comments on the fire service agreement the City was currently negotiating with Montgomery and Prince George's Counties to replace an agreement that has been in place since 1986 and expired in a few months.

Mr. Wilson reviewed the history and background of the fire station which was organized in 1894. He said that the Takoma Park station was built in 1927 and had been a part of the integrated fire system--referred to as the Montgomery County consolidated fire district--since 1974. He said legislation was passed in 1973 that allowed volunteer fire departments to come into the system when their tax rates became equivalent to a specific amount.

Mr. Wilson said that the first fire agreement the City entered into was a product of negotiations which took place in 1985-86 which resulted in a document that secured first due fire and rescue service from the Carroll Avenue station for the entire City of Takoma Park. He said the City acts as a conduit by applying a fire tax rate equivalent to the Counties across the City and then pays the County for the City's service rendered from that station.

Mr. Wilson said that during the course of the agreement, two issues occurred that caused the City to be sensitive while they were going into negotiations. One had to do with routine fire prevention inspections which were discontinued in 1988 because of a misinterpretation on the part of the County as to what their responsibilities were to the City under the agreement. In addition to that, he said that last year, the City was struggling with the County's proposed budget changes that would have removed the City's ladder truck and relocated it to Burtonsville.

Mr. Wilson said the City attempted to establish a four year agreement that would run through June 30, 1996. He said the City tried to secure language that would ensure that the station would be located in Takoma Park at its current site. They also attempted to get more details regarding the types of services the City would get for the dollar, across the board. Mr. Wilson said that in addition to the primary services of an aerial ladder truck, ambulance and fire engine, the City would get specialty services--hazardous materials response, medic units, rescue squads, special evacuation, structural collapse, tanker companies and incident scene management originally to be provided across the board by Montgomery County. He said because of a concern expressed by Prince George's County, a clause had been inserted into the agreement which gave Prince George's County primary

responsibility for incident command in major emergencies only. He said the City would also get community service fire inspections, fire marshall services had been clarified, fire and that rescue service planning had been defined so that the entire City of Takoma Park would be the focus of any planning dealt with by Montgomery County. He said the changes in services clause had to do with a meet and confer provision which allowed the City to get notice from the County if they determined to make recommendations on major changes, i.e., to move equipment or manpower or permanent changes in the assignment of vehicles or the level of staffing.

Mr. Wilson noted that the default clause was still in negotiations and open to some discussion--the language added would give the City an opportunity to consider action in the event of default.

Mr. Wilson noted that the negotiating teams would be meeting on March 31st and they were expecting negotiations to be completed within the next week.

Mr. Wilson referenced a map and explained that it showed all of the fire trucks listed that were in the County. He noted that a concern of the City from the previous and current year was the manning of the pieces of the equipment and he showed on the map where the Takoma Park station was in relation to other stations in the Montgomery County area. He noted the closest Prince George's County truck in its proximity to the City but said that as the map showed, the Montgomery County trucks were scattered some distance from the City.

#### Council Discussion On the Agreement

Mr. Leary asked for confirmation on whether the County officials agreed to the proposed language regarding location. Mr. Wilson said they had not yet agreed. Mr. Leary said if the County agreed to this, they have in effect agreed not to move the station. Mr. Wilson confirmed that this was true.

Mr. Sharp referenced Section 3(e) and said that there was no time period assigned to the provision requiring Montgomery County to provide the City with written notice of any proposed major changes regarding how services under the agreement were being provided.

Mr. Wilson noted that the provision did not give a time for such notice, and said that this provision could be added. Mr. Sharp suggested that the City require at least 60 days notice.

Ms. Porter noted that in the course of the City's negotiations with the County, the City had made remarkable progress in getting the County to keep the fire station in the current location for the entire term of the agreement. She asked Mr. Wilson what the chances were of getting the last phrase struck from the agreement and said that it was important that the City have a firm agreement that the Station stay in its location during the entire time the agreement was in effect.

Mr. Wilson responded that he could not predict what would have to be negotiated in order to ensure that concern or keep that phrase out of the agreement. He said his argument was that with it in there, the City did not have a four year agreement, only an agreement up until the time someone declared a fiscal necessity and that was a breach of the original intent of the document.

Mr. Hamilton asked if the City left the default section in until at least payment was received, could that be used as a leverage.

Mr. Wilson responded that the City made payments the same way the County paid the City, and it would be difficult for anyone to substantiate doing anything within the first six months of the



fiscal year. He said the City was most vulnerable during the period of January thru March because in March, the County put a new budget on the table and that was the time which could be used to negotiate.

Audience Comments

Chief Charles West, Takoma Park Volunteer Fire Department (TPVFD) questioned the provision in the agreement which gave Montgomery County the sole authority for determining the day to day first due fire and rescue service in Takoma Park, and said that provision might give the County the option of telling the City which equipment to pull out in an emergency.

Mr. Wilson explained that the provision covered the engine, ambulance and the truck, but it also spoke to the definition of change in service. He said the City still had a means to address this with the County should it come about.

Chief West then questioned the provision allowing Prince George's County to come into the City where their officers would have authority regarding operations.

Mr. Wilson explained that this language was a result of Prince George's County concern about another jurisdiction invoking their rules, specifications, and procedures at a fire scene in Prince George's County.

Deputy Chief Fiske expressed concern about Section 3 of the agreement, and asked who determined what was a major or minor fire. He said the chief officers of Takoma Park have always provided this service and it would be extremely confusing as to who was in charge when both a County officer and the Takoma Park fire chief were on the scene.

Mr. Wilson explained that this was a new provision in the agreement stemming from the mutual aid operational plan and agreement which defined a major incident as one requiring the local chief in charge to call in a County official. He said this was a determination made by the local chief on the site.

Bruce Allen, President TPVFD said that in several places throughout the document, it stated that Montgomery County retained the sole authority for determining services from Takoma Park. He said by reducing staffing from six people to five people, they were in the process of losing six people to man the apparatus. He said that three officers were slated in the budget to be removed and their subordinates, who were master fire fighters, would be removed too because they provided back up. Mr. Allen said that in place of this, they would get three new people to make the manning of five per shift and would probably end up with people who could not drive any of the apparatus to help man the units and get them on the street.

Mr. Allen also said if the City and County agreed to this, the County would be relying on Prince George's County for supplemental truck work, and said that the City needed to look into this.

Mr. Sharp said that it had to be realized that the new agreement was not as good as the current one. He said that Montgomery County was a lot less willing to concede anything on paper regarding the services they were going to provide. Mr. Sharp said the City had made an attempt to not have certain provisions in the agreement but this had been to no avail. Mr. Sharp also said that what probably would happen is that every year the City would have to fight the County budget to negotiate for certain issues.

Mr. Allen commented that the Council might want to consider clarifying in the Section regarding First Due Fire and Rescue

Services, a provision that defined that these services would be provided from Station 2 in Takoma Park.

Mr. Sharp said this issue was raised with the County and was in fact, the crux of an argument last year when they tried to remove the truck.

Jim Jarboe commented that the City had been getting quite a number of volunteers in and the volunteers were giving 100 percent to the community. He said they were hoping to maintain that volunteer level of service.

Kathy Breckbill said that the fire department was one of the most important services provided to the community, and that the citizens and the citizens associations would support the Council on their efforts. She commented that if more revenue needed to be raised, by raising taxes, etc., the home owners might support it since home insurance rates were lower because of the location of the fire station in Takoma Park.

Mr. Elrich commented that the fire station operated at a million dollar deficit which was essentially made up from taxpayers, with the rest from the County. He said that Prince George's County should free up some funding to subsidize the station, and it should not just be incumbent on Montgomery County.

Mr. Sharp said that Prince George's did subsidize the Takoma Park station; the County lowered its tax rate on that County's side of Takoma Park to not tax for fire services for those citizens. He said if one looked at the per capita contribution made by people on the Prince George's County side of Takoma Park, it was a few cents higher than the per capita contribution made by people on the Montgomery County side of Takoma Park. Mr. Sharp said that the station not only covered people in Takoma Park, but it also serviced half of its service area for people outside the City.

Mr. Leary commented that Mr. Elrich made a relevant point but there were six other tax districts which also showed a deficit, i.e., Silver Spring. He noted this in comparison with Gaithersburgh which showed over a 4 million dollar profit.

Mr. Prensky commented on the point raised by Deputy Chief Allen and said that the Council was well aware of the issue of sole authority over day to day operations. He said this was an imperfect trade off from Montgomery County's efforts to have sole authority over every level of staffing, equipment, etc. He said he agreed that this was not the best deal, but it appeared to be less damaging than the broadest terms the County originally proposed. He suggested adding to page 9, at the end of the default section, a time period provision for the County to refund funds to the City if the agreement was defaulted upon, and said that this would protect the City's position.

Mr. Sharp read from the summary of the fire and rescue services budget for FY'93, and said that the proposal was to reduce 4.2 work year savings of \$262,460; he also noted the County Executive's recommendation to reduce career staffing at the City's Fire Station at all times from six people to five.

Mr. Sharp said the County was stating that as a result of their proposal to reduce the staffing, the City would not be able to use all three pieces of equipment at the same time. Mr. Sharp said that the City's truck was used fourth or fifth most in the County, and one of the trucks the County was proposing to help cover us was used more than that. He said this type of option especially for people on the Prince George's County side-- particularly in Ward 6--was not a viable fire protection option. Mr. Sharp encouraged letter writing efforts by Takoma Park residents to the County Council, Takoma Park's County representative Derick Berlage, the at-large members, and to Ms. Krahnke, Chairperson of the Fire and Safety Committee, to

encourage them to not make reductions in Takoma Park.

Mr. Wilson commented that he did not know how the County could make a public printed statement that they were going to violate their own standard operating procedures and basic safety considerations. He said if the County was a participant in the Local Governments Insurance Trust pool, they would have to change that statement very quickly or watch their insurance premiums skyrocket.

Mr. Prenskey mentioned that although the public hearing turnout was small, the City Council had been to different community association meetings and heard many concerns expressed by citizens about the fire service agreement.

The public hearing on this issue was brought to a close at 8:35 p.m.

## 2. PROPOSED NEWSLETTER GUIDELINES AND MISSION STATEMENT.

Mr. Sharp noted that the guidelines and mission statement had been published in the March Newsletter. He said the Council had reviewed the proposals made by the last Newsletter Review Committee who had done an extensive job re-writing the guidelines, and the council spent several hours reviewing those proposals and had made some adjustments to them. He said the public hearing was to take citizen comments on the Council's proposals prior to the guidelines and the mission statement being ratified.

Mr. Leary pointed out the noteworthy changes from the existing official Newsletter guidelines: the Council had eliminated the specific word limit on letters to the editor; eliminated guaranteed access for City officials tried to be more specific in guiding the editor about dealing with the balance and coverage of controversial issues and guest opinion pieces; explicitly defined the chain of authority over the Newsletter to give the City Administrator oversight over the editor; the editor was responsible for enforcing the guidelines; and on an as needed basis, the City council would appoint a review committee to examine the performance of Newsletter.

### CITIZENS' COMMENTS

William Brown, Ward 3, questioned whether there would some appeal process to the City Administrator, regarding the provision that gave the editor the right to edit letters to the editor and opinion pieces, and gave the author no recourse but to withdraw the letter or opinion piece.

Rino Aldrighetti, 7213 Central Avenue asked if the Council was still encouraging additional applications for the Newsletter Editor position. He said the editorial guidelines were generally a good document which would require, like any document dealing with speech, a certain amount of good will which would be seen over time. He said when one looked at the coverage of controversial issues and guest opinion pieces in terms of a balanced objective manner, issues of interest to the community was a highly debatable point, and this would depend upon the spirit of the Council. Mr. Aldrighetti said he hoped this would be put into the hands of the City Administrator. He noted Section 2, regarding the rights and responsibilities of the editor, and said that the City ought to hire a full time editor if there were to be an appeal process or a back and forth situation between the editor and the writers. Mr. Aldrighetti said he was glad to see the provision regarding the coverage of controversial issues and said this was an important tool for the Newsletter if it was done well. He questioned the limitation of 500 words on guest opinion pieces and said it was not clear to him why this was necessary.

Reid Baron, former Editor of the Newsletter said it would be cumbersome to get involved in a long review process on any letter kicked back from the editor to the author. He suggested that the Council establish a one time re-write prerogative or some other limited process where the editor would re-write the piece once, and give it back to the author. If the author was not satisfied with the editor's version, he would have one time to re-write it.

Mr. Sharp asked Mr. Baron if he thought this stipulation would have to be drafted into the guidelines.

Mr. Baron said that the way the current language read, the only stipulated right of the author would be to withdraw the piece if he did not like what the editor had re-written. Mr. Baron commented that he was happy with the revised guidelines.

Mr. Brown said he did not think this issue was going to be a big problem, but if it wasn't stipulated in the guidelines, people would create their own appeal process; probably by appealing to their Councilmember.

The Council then agreed to take up the comments heard at the public hearing as the first item in Worksession immediately following the public hearing.

Mr. Sharp brought the public hearing to a close at 8:50 p.m.